



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Horton, Jamieson-Ball, Moore, Reid, Simpson-Laing (Vice-Chair), D'Agorne, Sue Galloway, B Watson, Firth, Cregan, Crisp, King, Bennett, Galvin and Hudson

**Date:** Thursday, 31 May 2007

**Time:** 4.30 pm

**Venue:** The Guildhall, York

### AGENDA

**Site visits for this meeting will commence at 12:30pm on Wednesday 30 May at Memorial Gardens**

#### **1. Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

#### **2. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

#### **3. Plans List**

This item invites Members to determine the following planning applications:

- a) **Home Farm Corban Lane Wigginton York YO32 2RD (07/00653/FULM)** (Pages 5 - 12)

Car boot sale on part of field 8330 on 20 Sundays a year, with entrance from Wigginton Road and exit to Corban Lane (resubmission) [Haxby & Wigginton Ward]

- b) **Language Centre University Road to Central Hall York (06/02705/FULM)** (Pages 13 - 24)

(Following demolition of language centre) Erection of humanities education and research centre with associated cycle parking and landscaping (Heslington Ward)

- c) **Barbican Centre Paragon Street York YO10 4AG** (Pages 25 - 40)

Revisions of design of approved refurbishment of auditorium comprising redesign of glazed curtain wall on frontage, revised enclosure of box office and enclosure of roof garden (Fishergate Ward)

- d) **Lowfield School Dijon Avenue York YO24 3DD (07/00529/GRG3)** (Pages 41 - 50)

Erection of two storey modular teaching block (temporary for two years) including additional cycle shelter and stands, 22 additional car parking spaces, and security fence and lighting (Westfield Ward)

- e) **Oaklands School Cornlands Road York YO24 3WZ (07/00515/GRG3)** (Pages 51 - 62)

Two storey and single storey extensions, external alterations, infilling of existing courtyard, new car park, alterations to entrance from Cornlands Road (Westfield Ward)

4. **Nestle South - Revised Draft Development Brief** (Pages 63 - 174)

The Nestle South Draft Development Brief was presented to Members in January 2007, where it was approved for consultation purposes. This report describes the consultation process carried

out between February and April 2007, and presents the revised Draft Development Brief for Nestle South.

**5. Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Sarah Kingston

Contact Details:

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
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Contact details are set out above.

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**PLANNING COMMITTEE – Thursday 31 May 2007****SITE VISITS****Wednesday 30 May 2007**

**Members of Committee should meet at Memorial Gardens at  
12:30 pm**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>12:45pm</b>	Language Centre University Road to Central Hall York (06/02705/FULM)	3a
<b>1:30 pm</b>	Oaklands School Cornlands Road York YO24 3WZ (07/00515/GRG3)	3e

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Haxby And Wigginton  
**Date:** 31 May 2007      **Parish:** Wigginton Parish Council

**Reference:** 07/00653/FULM  
**Application at:** Home Farm Corban Lane Wigginton York YO32 2RD  
**For:** Car boot sale on part of field 8330 on 20 Sundays a year, with entrance from Wigginton Road and exit to Corban Lane (resubmission)  
**By:** Mr K And Mrs A D Roberts  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 June 2007

**1.0 PROPOSAL**

1.1 Planning permission is sought to hold a car boot sale on 20 Sundays in a year at the above site.

1.2 The car boot sale currently operates 14 Sundays in the year under permitted development rights granted under Class B Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Class B Part 4 of the Order allows the operation of a Market on a piece of land on 14 occasions in any calendar year. The proposals is, in effect, to allow a further 6 car boot sales to operate from the site in any calendar year.

1.3 The site is located to the west side of Wigginton Road and extends to 5.1Ha, 1.34Ha of which is an overflow car park. Access to the land is via a Bridleway on Wigginton Road and the exit from the site is via the access road to the applicant's property Home Farm on to Corban Lane.

1.4 The application is supported by a traffic impact assessment which concludes: - 'Through impact assessments it has been determined that the accesses to the site and the Wigginton Road/Corban Lane junction will function within capacity with development traffic. The site can also be accessed by modes other than the private car. In conclusion, there are no substantive highway reasons why permission for the proposed development should not be granted.'

1.5 The proposal is also supported by a letter from the applicant which can be summarised as follows:-

- The applicants have been holding a car boot sale on Home farm for the last 15 years.
- 14 of the car boot sales have been on their own field and a further 11 on a neighbouring farmer's field for which rent was paid
- The numbers of car boot sales in total will be reduced although increase on our own field
- More difficult to make a living out of farming particularly with the sugar beet factory closure.

- Ann Mackintosh MP recommended that it was an ideal time to apply for planning permission as a solution to massive loss of income. Government supports diversification. The car boot sale is a ready made solution requiring no financial or other type of support from the Council
- The applicant's family has maintained the bridleway for the last 40 years and will continue to do so
- Less traffic impact because fewer car boot sales in total
- Over the years have built up a popular and friendly business
- Each week several stalls attend to raise money for charity. Visitors comment on how pleasant it is to be out in the countryside.
- people able to access the countryside who would not normally have the opportunity, along with preserving community ties and allowing local small businesses a forum and a chance to flourish

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

## **3.0 CONSULTATIONS**

Internal

Highways Network Management

The site is question can lawfully operate 14 car boot sales per year under permitted development rights, which is not in dispute, however the application is seeking use of the land for 20 occasions during the year for these purposes and this is what officers are required to consider.

Officers are led to believe that the site operates as a one-way system with access being taken from Wigginton Road and egress being taken onto Corban Lane.

The adjacent junction of Corban Lane/Wigginton Road operates well within theoretical capacity during the base situation (without development) and with the proposal is indicated to operate above capacity which will lead to queuing on a number of occasions. Whilst it is accepted that the site will currently create capacity issues at this junction without planning consent, the intensification of use of the land for the approval sought will increase the number of times that queuing will occur.

Such queuing will result in significant increases in driver frustration leading to motorists taking greater risks when leaving the junction, potentially increasing the risk of accidents occurring.

The access to the site from Wigginton Road is along a farm track which is a bridleway known as Wigginton No.7. The bridleway is currently maintained to a level commensurate with it's status/legal standing. It is officer view that the increased use

of the land for car boot sales involving the level of traffic predicted will lead to a deterioration in the surface of the route.

The deterioration in surface quality together with the increased frequency and level of usage is also likely to prove detrimental to the safety of users of the route particularly vulnerable users such as pedestrians and those on horseback. As such it is considered that the proposal is contrary to Local Plan Policy T2(a) and the hierarchy of highway users as set out in the same document.  
highways recommend two reasons for refusal based on the above comments

#### Environmental Health

No objections in principle subject to an hours restriction of 7.00 to 13.00 because of the proximity of the site to residential properties

#### External

##### Wigginton Parish Council

We object on the grounds that the adjacent highway layout has proved to be inadequate to cope with the amount of traffic generated by car boot sales at this location at the present time.

There are already two exceptionally busy junctions at (a) Mill Lane/B1363 and (b) Corban Lane/B1363. The car boot generated traffic in effect creates a third junction at the \_Bridleway/B1363, which is unsighted, uncontrolled and not signposted. On occasions the bridleway has been seen to be used as an exit as well as the recognised entrance. The bridleway itself; even if used as intended; can cause a conflict between incoming cars, in and outgoing pedestrians (inc. children and buggies) dog walkers and horseriders. There is no segregated footpath.

The residents living on Sutton Road opposite the entrance look forward to a reprieve on a Sunday from the continuous streams of traffic and standing traffic outside of their homes throughout the week. There is also the added difficulty of obtaining entrance and egress to their driveways. Added to this of course is the noise and pollution. The same applies to those people living near the Mill Lane/B1363 junction. Even as far back as the Walmer Carr junction emergence on to Mill Lane is severely restricted due to standing traffic.

The transport impact assessment is of little relevance as it is based on a Sunday in February. In summertime, in addition to the car boot traffic, there is holiday and seasonal traffic on what is a key route to the North Yorkshire moors and various caravan parks along the route. There is also now a recently agreed farmshop outlet at Sutton-on-Forest which will undoubtedly add to traffic flows.

We feel that an extension to the present 14 week car boot season at this particular location would be detrimental to the environs of Wigginton and increase the inherent dangers on the adjacent highway and further restrict movement at the two junctions. We suggest that a realistic assessment be made on a Sunday when the car boot sale is in operation.

There are 4 letters of objection have been received covering the following points:-

- disagree with the number of car boot sales that were held at the Corban lane site there were 4 in 2006, 8 in 2005 and 4 in 2004 is averages at between 5 and 6 per year and is half that referred to in the applicants letter. car levels would on average be increased not reduced on this basis.

- it is not made clear in the transport assessment whether the applicant has vehicular access rights on the public bridleway even if he does he has a legal duty to keep the public bridleway free from obstruction
- no mention in the traffic assessment of people queuing on the public bridleway itself and its unavailability
- seems very remiss that the traffic assessment does not show the close proximity of home Farm and Wigginton Grange driveways. The report makes no reference of the difficulties of access or egress from Wigginton Grange. In fact these manoeuvres are very difficult for both horses and vehicles
- Because of the bollards that have been erected in the central hatched area along with the new bus stop for the safety of children there will now be a back up of traffic from traffic approaching the site from the north (South bound traffic)
- The cumulative affect of the traffic difficulties should not be underestimated. It would be unbearable if these difficulties were to be borne on every Sunday morning for the five summer months.
- traffic assessment based on existing levels of traffic applicant suggests these levels will increase as the site grows more popular
- It is impossible for the horse riders from the local livery stables to use the bridleway on a car boot day.

There are six letters of support for the application which cover the following points:-

- farmers are continually urged to diversify and the car boot sale is an excellent way to do this with minimal disruption
- How can farmers improve their income if all their efforts are blocked
- the car boot sale brings economic benefits to other small businesses in the area
- extensive development near the junction of Wigginton Road with the outer ring road has been allowed, traffic levels here must be much higher through the week than at the application site surely there should be some fairness
- many of the arguments put forward about horses seem spurious, is this the only bridle path in the area\_ The bridleway is wide enough for two cars so is wide enough for a horse and a car
- There has never been any problems with the car boot sale running
- many people from Haxy and Wigginton take a Sunday walk to the car boot sale

#### **4.0 APPRAISAL**

4.1 The key issues raised by this proposal are:-

- The appropriateness of the use within green belt and the open countryside
- The impact on highway safety
- The impact on residential amenity

4.2 The application site is located in an area of open countryside and within the green belt. Paragraph 3.12 of PPG2 entitled green belt says ' The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.'

4.3 PPS 7 entitled 'Sustainable development in rural areas' supports countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside (Paragraph 16). In considering farm diversification specifically the PPS says at paragraph 30 that favourable consideration should be given to proposals for farm diversification in green belts where the development preserves the openness of the green belt and does not conflict with the purposes of including land within it.

4.4 Policy GB1 of the draft local plan is similar in its content to PPG2. Policy S11 relates only to permanent car boot sales and therefore is not relevant to this proposal

4.5 In officers opinion the use, which involves no permanent structures or features, would maintain openness of the green belt and would not conflict with the purposes of including land in the green belt. Therefore the proposal is not inappropriate development, accords with the thrust of PPG2 and PPS7 as well as local plan policies and can be supported in a policy context.

4.6 Members will have noted highway network managements conclusions that the application should be refused. Highways comment that the intensification of the use to 20 car boot sales will increase the dangers on Corban Lane and Wigginton road, they also conclude that the use of the bridleway as an access route is unacceptable because of the conflict caused between pedestrian and car traffic and because of the impact of the use on the surface of the bridleway. Policy T2a supports the highway stance; it says that developments which prevent the use of public rights of way or compromise their safety should not be supported. The transport assessment submitted with the application does not persuade highways that the application is acceptable.

4.7 The nearest properties to the site are the two cottages adjacent to the bridleway. These cottages are within the ownership of the applicant's family, nevertheless the 1.62ha field around the rear cartilage of the cottages will not be used for the car boot sale giving some separation between the properties and the proposed use.

4.8 The properties on the East side of Wigginton Road adjacent to the entrance to the car boot sale will in officers opinion experience some increase in noise and disturbance as a result of the development. The noise and disturbance will mostly be cause by the amount of traffic visiting the site during the car boot sale and the slowing and manoeuvring of vehicles to access the site via the bridleway. There may also be additional pedestrian movements to the site from Wigginton villagers accessing the site by foot. However in officers view the limited increase in the times of disturbance to a further 6 Sundays and the nature of the road which is a major route into the city means that the impact is not sufficient to warrant refusal of the application on the grounds of the impact on the residential amenity of these properties.

4.9 The Environmental health Officer is not raising objections to the proposals subject to the hours of the operation of the car boot sale being restricted to 7.00 hours to 13.00 hours ( This condition could only apply to the 6 car boot sales carried out after the 14 sales allowed by the General Permitted Development Order)

4.10 There is support for this application from users of the car boot sale and indeed the applicant has run the car boot sale for a considerable length of time. However Officers considered that the concerns of highways network management in terms of highway safety and the safety of other bridleway users cannot be ignored or overridden because of this support.

## 5.0 CONCLUSION

5.1 Officers are not objecting to the application on the basis of the impact of the car boots sale on the residential amenity of surrounding properties, however, highway network managements concerns about the junction of Corban Lane and Wigginton Road operating above capacity and concerns about the use of the bridleway are considered sufficient to refuse planning permission

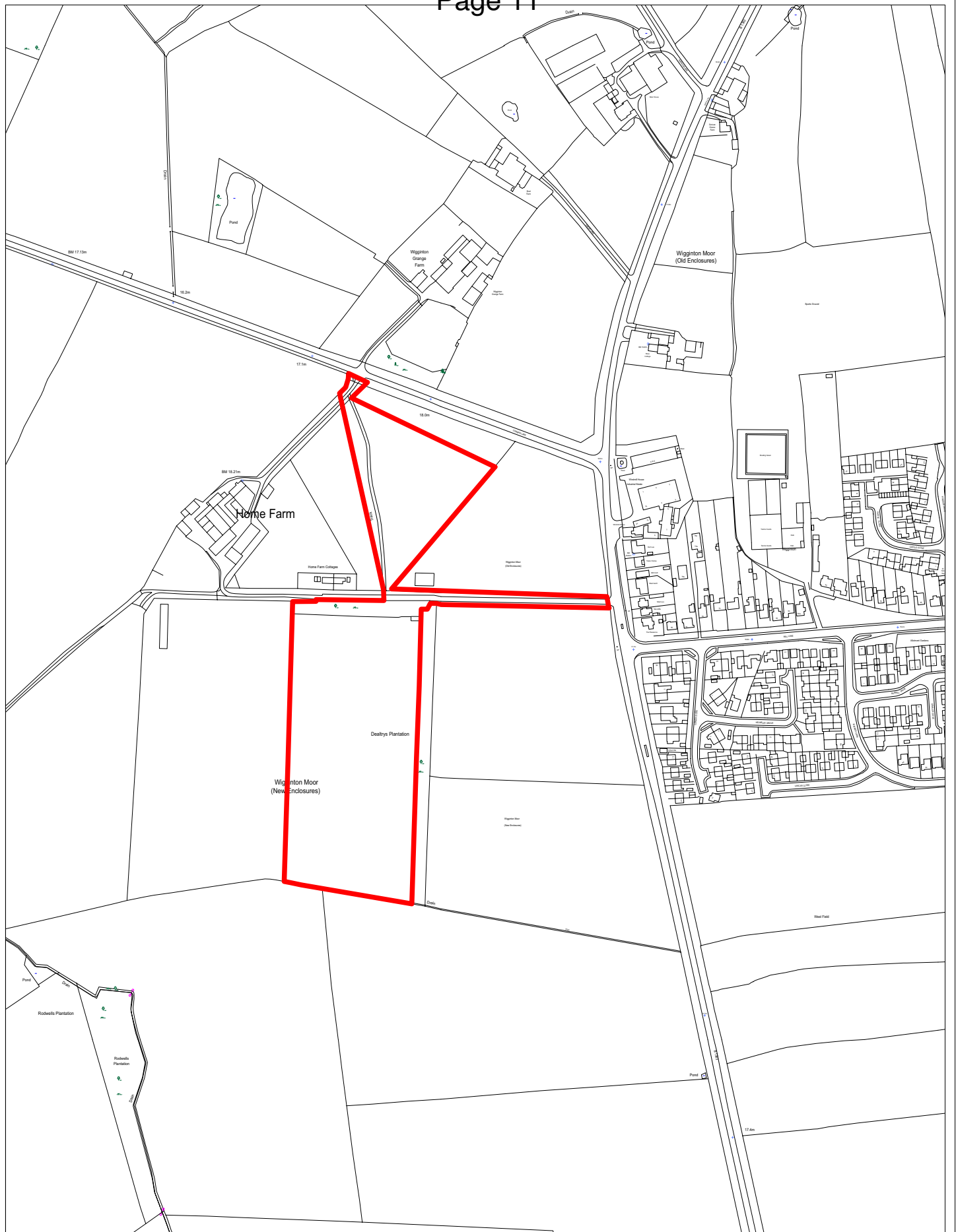
## 6.0 RECOMMENDATION: Refuse

- 1 Traffic generation information supplied within the Transport Assessment submitted in support of the application indicates that the proposal will result in the junction of Corban Lane/Wigginton Road operating above capacity. It is indicated that the traffic generated by the proposal will lead to significant queuing on Corban Lane as departing vehicles attempt to exit onto Wigginton Road. Wigginton Road is subject to national speed limit and due to the nature of the road traffic speeds are high. The intensification of use of the site will increase the occasions upon which queuing will occur. Such queuing is considered likely to result in driver frustration leading to motorists taking greater risks increasing the potential for accidents.
- 2 Access to the site is along a farm track which has the status of bridleway. The bridleway is known as Wigginton no.7 and is currently surfaced to a level commensurate with it`s use and status. The proposal will increase the frequency of use of this route by high levels of vehicular traffic which includes HGV`s. Such an increase in use will raise the potential for conflict between motorised and non-motorised traffic to the detriment of safety of bridleway users contrary to Local Plan Policy T2(a). Furthermore the increased frequency of usage of the route will also result in further deterioration of the surface which will be detrimental to both highway safety and amenity of users of the bridleway.


## 7.0 INFORMATIVES:

### Contact details:

**Author:** Diane Cragg Development Control Officer (Mon/Tues)  
**Tel No:** 01904 551657



9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

<b>Site Plan : Home Farm Corban Lane Wigginton York</b>		
SCALE 1:5000	DRAWN BY JB	DATE 21/5/2007
Originating Group	Project	Drawing No.
Organisation		SP

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Heslington  
**Date:** 31 May 2007      **Parish:** Heslington Parish Council

**Reference:** 06/02705/FULM  
**Application at:** Language Centre University Road To Central Hall York  
**For:** (Following demolition of language centre) Erection of humanities education and research centre with associated cycle parking and landscaping  
**By:** University Of York  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 9 March 2007

**1.0 PROPOSAL**

1.1 The proposal is for the demolition of the existing language centre building and replace it with a new 3 / 4 storey high Humanities and Education Research Centre. Existing language centre staff will be relocated within the campus, predominantly into Vanburgh College.

1.2 The building is predominately three storeys in height; however the slope of the site has been exploited to provide a further lower ground level in the southern half of the building and this space is to be used to provide self contained and separately accessed accommodation for the campus IT hub.

1.3 The building will provide occupancy space for a maximum of 500 people. In terms of its operation, the building will accommodate approximately 160 full time staff and postgraduate students. Lecture and seminar rooms provide further capacity to accommodate approximately 360 students and other visitors to the building who may be based on campus and elsewhere.

1.4 The site lies to the south of the Campus Central car park, adjacent to the eastern elevation of Vanburgh College and the southern elevation of the Careers and Counselling Centre. An established area of woodland known as Spring Wood lies to the east of the site. The site has views across the lake and the important Central Hall building stands approx. 30 metres to the south east of the proposed building.

1.5 The site slopes gently from north to south towards the University Lake. Several mature trees are located on the site, at the fringe of Spring Wood, and along the west side of the Language Centre. Of particular note, is a large mature Tulip Tree which occupies a central and highly prominent position along the eastern elevation of the Language Centre. A Buddha statue is situated adjacent to Tulip Tree. The site and its immediate environs are a mixture of mature woodland and attractive parkland.

1.6 There is a vehicular access road running along the western side of the site which provides servicing access to Central Hall and Vanburgh College. The site is

open to pedestrian access from the central campus to the north and west, and Central Hall and Spring Wood to the south and east. Spring Lane, a footpath which runs north to south through Spring Wood, is a public right of way. This PROW is not threatened by the proposal and will remain in the same place as it is currently. A covered pedestrian route through the campus runs east to west along the southern flank of the site.

1.7 According to the supporting statement accompanying the application the new building 'will engender collaboration between several key departments'. Departments to be represented within the proposed building will include History, History of Art, Languages and Educational Studies.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYED6  
University of York Heslington Campus

CYGB1  
Development within the Green Belt

CYGP1  
Design

CYGP4A  
Sustainability

CYNE1  
Trees, woodlands, hedgerows

CYNE6  
Species protected by law

## **3.0 CONSULTATIONS**

3.1 INTERNAL.

### 3.2 Highway Network Management

Site lies within an existing network of pedestrian and cycle routes which cross the campus and also provide links to other routes serving the City Centre and outlying residential areas. Good public transport is available close by with 10 minute frequency services linking the campus to the City Centre. The development includes the provision of 42 covered secure cycle parking spaces to accommodate the needs of staff, together with a further 36 covered spaces for student visitors.

Servicing arrangements for the new building will continue in the same manner as for the existing language centre building. There are to be no additional car parking spaces introduced, in line with the agreed policy which caps the total number of spaces on campus at 1520.

The University has a well developed Green Travel Plan already in place and information on sustainable modes of transport is provided to prospective students and visitors. There are no objections subject to 3 recommended conditions.

### 3.3 Landscape Officer.

Considers it paramount that the tree protection fencing can be erected before any works start on site, and can remain intact for the entire duration of the demolition, construction and external works. Requested a more thorough tree protection method statement; ideally before a decision is made to ensure that it is all feasible.

The method statement should include the following additional information

- a construction detail of protective fencing, phasing of works, location of site cabin, parking arrangements for site vehicles, locations for stored materials; construction details and existing and proposed levels where a change in surface material and/or levels are proposed within the canopy spread and likely root zone of a tree.

The method statement should also address the following concerns:

- Ensure there is sufficient working area between the proposed building and the tree protection fencing along the eastern elevation especially adjacent to the silver birch.
- Will there be a need for vehicles/machinery to access the front of the eastern elevation?
- Can demolition and the creation of formation levels and foundations be carried out from the west and the 'inside' of the proposed building.
- A method statement should also be submitted for the implementation of the bound gravel seating area, such that it is of a no-dig construction.
- Tree 270 will also need protective fencing around its roots, despite the trunk being located outside of the construction site boundary.
- It should be noted that the protective fencing shall be supported on scaffold poles so that it can not be moved.
- The landscape masterplan suggests that the mounding will encroach into the root protection area of tree 299, therefore the mounding may need changing slightly.

Also note that ten trees are being removed and only nine put back. It would be possible to plant an additional tree between 280 and 277, or plant an additional tree on the mounding to overcome this.

The above is being addressed by the agents. A verbal update will be provided at the committee meeting.

#### 3.4 Ecology Officer

Having looked at the building, do not consider it to be particularly suitable for bats and do not consider that a bat survey is required. However, its location adjacent to the lake and the wooded grounds do make the new building potentially of interest. Recommend therefore that including some roost habitat into the new building be considered. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards and bat boxes.

Since spoken to agents on this and agreed that the new design is incompatible with bats, being all glass and steel so has been agreed that bat boxes be placed in the adjacent woodland at suitable locations to provide new roosts in the area.

#### 3.5 Environmental Protection Unit.

No objections. In order to ensure that nearby student residents are not adversely affected by noise during any demolition, construction or refurbishment works and deliveries to / from the site recommend an hours of construction condition.

#### 3.6 City Development.

The site is recognised as ED6 (Existing University campus) allocation on the Draft Local Plan proposals map. The proposal is an overall net decrease in building footprint against the existing building.

#### 3.5 EXTERNAL.

#### 3.6 Heslington Parish Council.

The Parish Council wish to see the provision of commensurate student accommodation to meet the growth of students generated by this facility in line with the University commitments at the recent public inquiry. Accordingly the estimate of the additional number of students should be undertaken and provision made to accommodate these students on campus.

In light of the commitments made at the recent public inquiry, the Parish Council wish to be assured that provision of appropriate student accommodation is the principal basis or any future development on the existing campus.

This is in order to ameliorate the social impact of the University on the local housing stock and to curtail the considerable local effects of studentification. All parties at the Campus 3 Public Inquiry recognised that the ration of student accommodation has fallen comparative to the extensive development of other facilities on the present campus and that 25% of the present housing stock in Heslington is currently occupied by students. Parish Council therefore strongly wishes for this deterioration in on campus student accommodation to be halted so that there is no further pressure on conversion of houses to student occupation in Heslington.

### 3.7 Heslington Village Trust.

The Trust does not wish to comment on the architectural or planning issues of this application since it will have no impact on the village of Heslington.

However, it does give rise to a very important principle that does impact on the village, namely the relationship between development, increased number of students and on campus residential accommodation for them.

The development will provide 3420m<sup>2</sup> of floor space, accommodating 500 people (160 staff and approx. 360 students) but does not say what the net gain in students actually is.

The Trust therefore supports the Parish Council's view that any development on the existing campus that results in an increase in the number of students registered with the University must be accompanied by a commensurate increase in student accommodation on campus.

### 3.8 Foss Internal Drainage Board.

The site lies within the Board's District within an area that discharges into Low Moor drain.

The applicant suggests that the surface water is to be discharged into the existing pond. It is recommended that as this pond acts as a flow regulation system and as the discharge from the proposed development is to this existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES.

- Policy context.
- design and visual amenity.
- impact on trees and landscaping.
- Sustainability.

Policy Context.

4.2 In this case the Development Plan consists of the Regional Spatial Strategy for Yorkshire and the Humber to 2016 (December 2004). The emerging Regional Spatial Strategy "The Yorkshire and Humber Plan", the City of York Draft Local Plan (4th set of changes) and Development Brief for Future Expansion are also material considerations for this application although they are of varying weight.

4.3 The Regional Spatial Strategy highlights the importance of Education and educational infrastructure in promoting social inclusion, economic growth and regeneration. Considered in this context alone the HERC building will help to promote good quality educational infrastructure and given its central campus position the building will have benefits for the wider University in terms of the provision of high quality facilities for staff and students. In its draft form the emerging RSS also

promotes the growth of the York sub area economy through the further development and expansion York University although less weight can be attached to these draft policies.

4.4 The City of York Draft Local Plan (4th set of changes) and the adopted Development Brief for Future Expansion are material considerations of this application. Policy ED6 of the Draft Local Plan facilitates further development on the Heslington campus of the University providing that it is within one of three categories:

- a) small scale extensions to existing buildings; or
- b) redevelopment of existing buildings; or
- c) development on the specific sites highlighted in the development brief.

4.5 Whilst the proposal cannot be classed as a small scale extension to an existing building this proposal is considered to fall mostly within category ED6 (a) above as it represents redevelopment of an existing site in the Council's adopted Development Brief (1999).

4.6 The campus is within draft Green Belt, and PPG2 guidance states that education institutions are inappropriate development in Green Belt. However, the Draft Local Plan proposes the removal of the campus from the York Green Belt and as the proposed building is within the campus and its siting is considered to be of no more than local significance; officers are of the view that the proposals do not raise issues which require determination by the Secretary of State. The Sec. of State has ruled previously that applications of no more than local significance such as this need not be referred onto the Govt. Office.

4.7 The development brief also places a limit that the built footprint of the campus shall not exceed 20%. This development results in a net decrease in footprint and therefore is in line with this requirement.

Design and Visual amenity.

4.8 The proposed building will replace an existing single storey building, albeit on a reduced built footprint. The site is within the central area of the main campus north of the lake and the important and iconic Central Hall building. The proposed building will not be seen beyond the Heslington campus boundaries and therefore there will be no affect on properties adjoining the campus or on views from outside of the campus. Any design and appearance issues are all centred around views from within the campus.

4.9 In its local campus setting, one of the main issues is to ensure that there is limited impact on the important Central Hall building which stands projecting out into the lake. The proposed building will stand to the north of the Central Hall and will be clearly visible from the South through the gap between the Hall and the adjacent Vanburgh College. It is approx. the same height as the adjacent Vanburgh buildings, both of which will be lower than the Central Hall building. Whilst there is little doubt that it will alter the appearance of the campus at this point by the introduction of a larger, more dominant looking building, officers do not consider it will visually

dominate the Central Hall building. It is sufficiently set back from Central Hall for it to be viewed in its own context and setting and there is enough visual separation (approx.30 metres) for it to be seen and considered as a separate building. The new building also has a reasonable amount of good quality landscaping and tree cover (both existing and new) around it in order to soften this relationship. In line with one of the key requirements of the Development Brief, it will be below the height of the mature trees which predominantly stand to the north. Whilst views of these trees will be reduced from the lake and areas south of the Central Hall, these views are limited to within the campus and therefore officers do not consider this to be materially harmful. The building is of a good quality, contemporary design and is shown to utilise good quality modern materials and this compensates for the modest loss of openness within this part of the campus. As one walks down through the campus from north to south towards the Central Hall, the building will be set back from the pathways and some good quality landscaping is proposed at this point. Although the proposed building is higher than the existing language centre, its footprint will be further away from the pedestrian walkways to the west of the building which transport people down to the Central Hall. It will therefore still allow views through to the lake and the Central Hall building and consequently allow this to remain the dominant and iconic feature at this point. Officers, including the then Head of the Urban Design Team were involved in a pre-application consultation and no objections were raised at the time by them.

4.10 The site is situated west of an area of the open space related to the lake as defined with the campus Development Brief 1999. The development will not encroach into this area.

4.11 The design of the building is very contemporary and this is welcomed. External treatment to the building include zinc and timber cladding, pre cast concrete cladding and aluminium framed windows. Officers consider that this will result in an impressive looking building which will enhance the campus at this point and set a benchmark for future redevelopments in the central campus area. It is acknowledged that the building is quite large and officers have had some concerns about this in what is a relatively narrow site area but the building it is replacing is of no significant architectural merit and good quality modern architecture should be encouraged in this location where possible.

Impact on trees and landscaping.

4.12 The application site is in an attractively landscaped and treed part of the campus and a key issue is the impact the building will have on this. It is important that this remains as much as possible. The main group of trees known as Spring Wood stands to the north east of the proposed building and across the public right of way which runs adjacent to the site. None of the trees within Spring Wood are affected by the development. Six trees are shown to be lost as a result of the development and five of these are shown as replaced within the proposed landscaping scheme. It is hoped that all six can be replaced although the overall loss of one tree is not materially harmful to the setting of the building or the appearance of the site within the campus.

4.13 All the most mature trees will remain and in the case of the imposing (and perhaps most important tree on the site) Tulip tree, the scheme has been designed around it. Two pod-like "tree houses" (applicant's description) project from the main wing off the rear elevation on either side of the Tulip tree and towards the established trees of Spring Wood. Whilst the separation distance between the building and this tree is perhaps slightly less than what one would normally expect, in this case it is a feature of the design and the interaction of the trees to the building is deliberate. The existing building is as close to the tulip tree as the proposed building, although the proposed new building is higher. However, officers consider that the design works well and the relationship of the trees to the building is an impressive aspect of the proposal. Providing adequate tree protection can be supplied which allows full and proper access to the building in order to construct it properly without damaging the trees in question, then officers fully support the proposal. However, there remains some issues regarding this tree protection and a further, more robust tree protection plan has been submitted to officers for their consideration. Members will be updated on this issue verbally at the committee meeting. Subject to this issue however, officers are satisfied that the overall landscaping proposals are acceptable.

Sustainability.

4.14 The University have committed themselves to sustainable forms of development and the key sustainable components of this building are as follows (copied from the supporting statement accompanying the application):

The geometry of the building (i.e. relatively narrow plan) will allow most spaces to be naturally ventilated and good day lighting to penetrate into the depths of the building. Both of these measures should substantially reduce energy consumption.

- Strong passive solar approach to reduce heating demand and manage unwanted heat gains through façade design. (e.g. provision of brise soleil and increase thermal properties of the envelope to 10-20% beyond statutory requirements).
- Task driven lighting philosophy (i.e. relatively low levels of general lighting supplemented with local task and point lighting where appropriate).
- Solar thermal hot water generation.
- Extensive use of laptops rather than PCs (PCs produce more heat).
- The designers are investigating methods of using the waste heat produced by the IT facility.
- The current intention is to use ground coupled cooling (a low energy system) for the IT facility.
- Heating to the building will be provided via the University's existing combined heat and power (CHP) plant.
- Smart Metering is proposed. This is the visual representation (e.g. via computer screens) of the carbon emissions and water consumption broken down in a manner that allows individuals to understand their own impact.
- Appropriate materials selection and waste management, to improve the ecological footprint of the building.
- It is proposed that the roof area will be used for rainwater harvesting, with captured water used for irrigation or toilet flushing. Surplus surface water will drain into the adjacent lake.



4.15 All of the above is expected to achieve a 'very good' rating under the BREEAM assessment. The full report is currently with the Council's sustainability officer for assessment and members will be updated on this at the committee meeting.

4.16 With regard to the comments of Heslington Parish Council and the Heslington Village Trust, the University has attempted to address these. They have indicated to officers that there are no undergraduates associated with the building in question and therefore the development will not result in an increase of undergraduate students on the campus and consequently there will be no additional undergraduate demand for housing. The University have stressed that any increase in post-graduate students will be extremely limited but any living demand can be met by accommodation provided at Bleachfield campus. Many of the people studying and working in the building will transfer from other departments on the campus as part of the purpose of the building is the amalgamation of departments.

## 5.0 CONCLUSION

5.1 The proposal accords with local and regional planning policies with regard to the University campus. It also meets the aims, objectives and criteria of the University Development Brief.

5.2 The design of the building is contemporary and makes good use of modern, attractive materials. It will enhance the campus at this point. It integrates well with the extensive tree cover at this point and makes good use of the parkland setting which is symptomatic with much of the campus. It has been designed to interact with the mature trees on the site and officers consider that it does this successfully. Subject to the comments of the Landscape Officer on the amended tree protection details, officers have no objections to the proposal.

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 PLANS1
- 3 VISQ8
- 4 HWAY18
- 5 HWAY31

- 6 Prior to the commencement of any works, details must be agreed with the Local Planning Authority of the means of access to the site and the route to be taken by vehicles transporting construction materials and equipment to and from the site, and the hours during which this will be permitted.

Reason To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 7 ARCH2

- 8 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

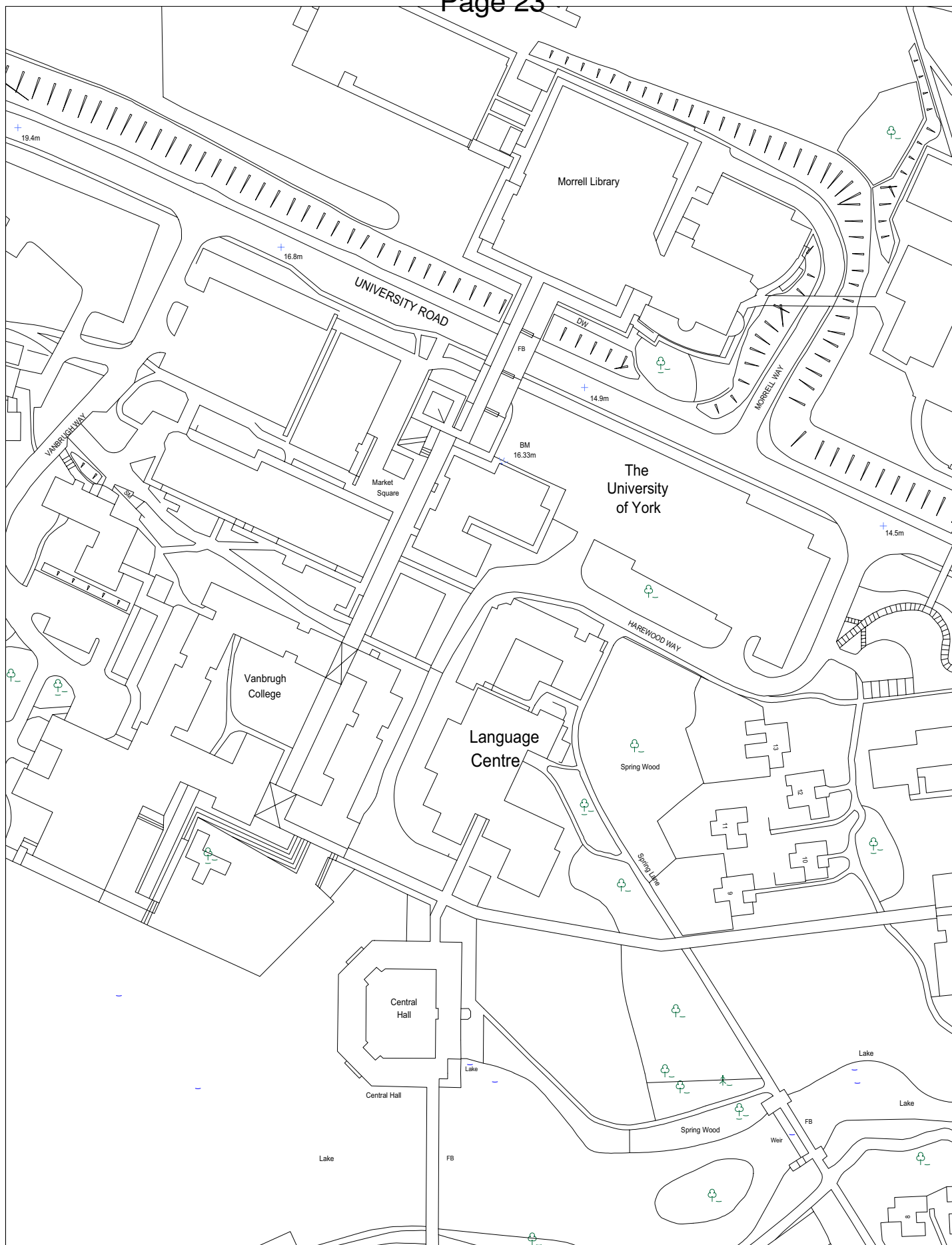
- 9 Prior to the commencement of development the method of foul and surface water drainage including the expected discharge rate in any receiving watercourse shall be submitted and agreed in writing by the Local Planning Authority.

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

## 7.0 INFORMATIVES:

### Contact details:

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**Tel No:** 01904 552405



CITY OF  
**YORK**  
COUNCIL

9, St. Leonards Place, York, YO1 2ET  
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## Site Plan : Replacement Language Centre

SCALE 1:1500

DRAWN BY JB

DATE 22/5/2007

Originating Group

Project

Drawing No.

Organisation

ME 1

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Fishergate  
**Date:** 31 May 2007      **Parish:** Fishergate Planning Panel

**Reference:** 06/02632/FUL  
**Application at:** Barbican Centre Paragon Street York YO10 4AG  
**For:** Revisions of design of approved refurbishment of auditorium including redesign of glazed curtain wall on frontage, revised enclosure of box office and enclosure of roof garden  
**By:** Absolute Leisure  
**Application Type:** Full Application  
**Target Date:** 9 February 2007

**1.0 PROPOSAL**

1.1 This application is for extensions, alterations and refurbishments at the Barbican Auditorium on Paragon Street. The details of the application refer only to the Auditorium and not to the remainder of the overall larger site, the approved scheme for which includes a new hotel and residential units. These details remain unchanged from those approved and are not part of this application. The red line accompanying the application includes only the existing Barbican building and the area around it. This is essentially therefore a 'stand alone' application referring to alterations and extensions to the Auditorium building only (all other issues should be disregarded in this instance) and if approved would result in a stand alone planning permission just for this building. It is important however to acknowledge previous approvals pertaining to this building and the details contained therein as the proposed plans submitted here need to be considered against those already with the benefit of Planning permission given that if this application were to be refused, then the details in the previous planning permissions could still be implemented. The differences between the previously approved details for this building and those submitted here are outlined below.

1.2 The proposed changes are as follows:

- A revised design of the front glazed extension facing Paragon Street.
- Glazed infilling of the existing reception area fronting Paragon Street. In the approved scheme this area was shown to be finished as the existing building arrangement. In this proposal the floorspace at ground floor level will be enlarged by 60sqm to show the ground floor internal arrangement up the rear face of the freestanding columns.
- Revised glazing and design details to the 'rotunda' fronting Paragon Street and to the approved roof terrace on the western side of the building.
- Enclosure of approved open roof terrace on east side of the building to mirror the approved details to the roof terrace on the west side of the building. In the approved

scheme this area was shown as a roof garden bar and eating area. It is now proposed that this will be enclosed with a glazed finish in the same style as that previously approved for the western terrace. The public link from the proposed new hotel is shown at ground floor level.

- Revised position of entrance on the rear elevation facing Kent Street.

- Internal alterations borne out largely from the alterations described above. These include a revised design to the spiral staircase inside the rotunda, a new staircase to serve the proposed east covered terrace area, the repositioning of the box office given the proposed additional ground floor area at this point and the rearrangement of the first floor offices to accommodate the new staircase. Other minor internal changes to room layouts and the overall layout of the building are shown although these could be carried out without the need for further Planning permission. The overall use of the building is the same as that approved in previous planning permissions.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYHE10  
Archaeology

CYHE2  
Development in historic locations

## **3.0 CONSULTATIONS**

3.1 INTERNAL.

3.2 Highway Network Management.

There are no highway implications for these revisions.

3.3 Archaeological Officer.

An archaeological evaluation of the Barbican site was carried out by On-Site Archaeology in 2003 to support Planning Application Numbers 03/04075/GRG4 and 03/04082/GRG4. The evaluation has demonstrated that there is complex preservation of archaeological deposits across the site.

In the area affected by this current application archaeological deposits are either preserved very sparsely or have been extensively destroyed by the 19th century cattle market. There should be an archaeological watching brief to record any

deposits which may have survived the construction of the cattle market. Consider that this application can be approved subject to the standard condition ARCH 2 to secure an archaeological watching brief on all groundworks.

#### 3.4 Environment, Conservation and Sustainable Development Officer.

States that the Barbican Centre is an unlisted building dating from the 1980s. It is situated just outside the Central Historic Core Conservation Area facing the City Walls, which mark the conservation area boundary. The building has an exceptionally large footprint and a variety of devices have been used to break down the massing: to either side of the forecourt are two linked subsidiary volumes, to the side the walls have been layered with steps and terraces, there is an interplay between solid walling and significant areas of glazing, and horizontal brick banding has been introduced. The building has a monumental character and it is important that the proposed revisions do not remove the devices which help to give articulation to the building form and which also help to break down its scale.

The Section objected to the first set of submitted plans with regard to the details of the internal spaces and glazing arrangements in the reception area / box office and the Rotunda office undermining the relationship between the line of glazing and the solid walls. Considered it important to exploit the depth of the façade to achieve a maximum shadow line and to avoid creating flatness in the elevations. Also considered it important to regularize the rhythm of the glazing panels so that they have a relationship with each other and also reinforce the building form eg avoid the rotunda becoming faceted with overlarge panels, also match panel sizes above and below the top band of brickwork. Amended plans have been submitted to address these comments.

Proposals for the revised glazing to the front were also of major concern. The plans submitted with the application showed a much larger squarer section of glass with a taller vertical front wall of glass with flat roof. Objected to these plans as they increased the scale of the building and moved the effective bulk of it outwards towards the city walls. The extent of glazing shown in these plans mostly obscured the existing solid walling, which would have been hardly visible from ground level. This was considered unsatisfactory and by removing the previously proposed inclined plane and the stepped section the frontage became "boxy" with little visual interest. This oversimplification of the massing and treatment of the façade was considered unacceptable on such a large building facing where breaking down the scale is important.

Amended plans have been submitted to address the above by returning to a design similar to the details shown in the approved scheme with an inclined plane but minus the stepped section half way up. Detailed comments will be reported but the section is verbally supportive of these alterations.

Similarly the canopy will also introduce a heavy band if it is to be retractable. Any canopy should be designed to be integral with the façade. Details of the canopy should be provided.

It is important to take account of ventilation, summertime shading, the integration of the canopy, rainwater disposal and signage in the detailed design of the substructure to the glazing at this stage.

3.5 Environmental Protection Unit.  
No objections.

### 3.6 EXTERNAL

#### 3.7 English Heritage

Does not wish to make any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of the Councils specialist conservation advice.

#### 3.8 Fishergate Planning Panel.

Object and include with their consultation a letter from the 'Save our Barbican' Group which they agree with the contents of.

- Addition of a glass roof to what was previously described as a 'roof garden' is a major departure from the original outline planning permission and as such should be refused until an Environmental Impact Assessment is carried out under the 1999 regulations.
- The magnifying effect of the glass roof will add considerably to light pollution.
- The outcome of a grant of planning permission will be to effectively add another floor to the already vast 'drinking' area licensed at these premises.
- The changes of design to the vast front drinking area and the roof 'garden' were not put to the Licensing Committee and permission should be refused until the Licensing Committee has considered the implications.
- Refer the Planning Committee to the recent House of Lords judgement in the case of *Barker v Bromley London Borough Council*.

#### 3.9 York Georgian Society.

The Society's interest in proposals for the Barbican centre is concerned with their impact on the City Walls as the boundary of the Central Historic Core Conservation area, and on their setting. Since the principle of development of the site has been approved, there is little to comment on in these revisions except for the following points.

- i) Do not object to the revised design of the glazed curtain wall to the entrance front though do question whether the new profile will be easier to maintain than that proposed originally. Plans show exterior seating beneath heated parasols to be installed beyond the line of the fabric canopy, presumably for smokers. Hope that these details will comply with the recommendations of the working group set up by the City of York Council to consider external facilities for smokers. Also ask that in view of the site's location by the city walls and the Central Historic Core conservation area, the design of the furniture, parasols, heaters and planters should be referred to the Conservation Advisory Panel for comment when they are available.
- ii) Do object to the increase of the proposed reception area by extending the glazing outwards to the line of the solid cube shaped wall above. This will



compromise the original architectural design concept quite significantly. To reconfigure the circular space of the ground floor as a square will remove from the exterior of the building an architectural component which contributes significantly to the sense of contrast and movement intrinsic to the original design. There appears to be no justification for tampering with a feature which is an essential element of the original design of the building.

### 3.10 Sport England.

This application does not affect any formal playing pitches and is associated with previous applications that were approved subject to the applicant fulfilling certain planning conditions and clauses of a Section 106 agreement. The current application does not affect Sport England's policy stance on the overall proposal. It is an application which alters aspects of the design only. The overall scheme will provide new and improved facilities for the wider community. No objection is therefore raised to the proposal.

### 3.11 Environment Agency.

No objections.

### 3.12 Yorkshire Water.

No objections.

### 3.13 Third Parties.

3 letters of objection were received making the following observations:

- Object to the enclosure of the roof garden. This effectively constitutes another storey which will be licensed for the sale of alcohol. As such a new environmental impact survey would need to be conducted, particularly with respect to the easement of light.
- Letter from 'Save our Barbican' Group - see para. 3.7 (Fishergate Planning Panel) above for details.
- Increasing the footprint into the forecourt will add to light pollution in this area. This and the enclosure of the roof terrace will cause further light and noise pollution.
- Assurances have been sought about the capacity of this venue. I am appalled that local opinion is once more being totally ignored.
- Do not want a mega nightclub/drinking venue/casino/rave venue in this residential area. This application increases the danger of this happening.
- Without doubt the proposed changes will affect the environment surrounding the Barbican Centre. Will have a magnifying effect on light pollution through the imposition of a new glass roof. A full Environmental Impact assessment under the 1999 regulations should be carried out.
- What are the evacuation procedures\_ Used to be onto the roof and onto the paved area to the front of the building, both of which will be enclosed in toughened safety glass. This is a recipe for disaster as it is possible that thousands of people will need to be evacuated by this route. If application passed, it would be yet another dereliction of duty by the City of York Council in their pursuit of this scheme.

## 4.0 APPRAISAL

4.1 The red line accompanying this application only encompasses the Barbican auditorium and its immediate environs and does not include the area of the site occupied by the approved hotel or housing. Therefore this is a stand alone application with reference to the refurbishment and re-use of the auditorium only and if approved would mean that work could commence on this part of the site without recourse to the remainder of the development, subject to the discharge of relevant conditions.

4.2 The alterations and extensions to the Barbican centre were approved as part of the original planning approval (03/04075/GRG4) and these remained unaltered in the subsequent Section 73 applications submitted to vary some of the original planning conditions so as to allow the development to be carried out in a phased manner. The use of the auditorium building as approved remains largely unaltered in this application. Therefore, whilst this application is essentially a separate application just for the Barbican auditorium the details of the approved scheme are a material consideration as that scheme could be implemented even if this application were to be refused. Therefore the key issue is whether the alterations proposed here are materially more harmful than the approved scheme with particular regard to design, the impact on the City Walls and the nearby Historic core Conservation Area and to the general amenity of local residents.

The alterations are discussed in more detail below.

#### 4.3 Revision to the reception area.

The reception area is on the northern side of the building projecting out towards Paragon Street and is effectively a wing off the main front elevation of the building. It is opposite and across the forecourt from the rotunda. The building has a square footprint with large columns at ground floor level in each corner with the first floor overhanging the ground floor. The current internal ground floor footprint is inset from these columns so you see the glazed entrance set back behind these columns. This internal area has a semi-circular form. The proposal as initially submitted showed the ground floor entrance details brought forward to stand flush with the front of the columns so creating flatness in these elevations. Objections were raised to this from the Council's Environment, Conservation and Sustainable Development Section (para. 3. 4) and from the York Georgian Society (para. 3.8) and amended plans have since been submitted showing the glazed walls of the reception area flush up to the rear of these columns so that the columns and first floor overhanging wall still remain forward of the new internal arrangement. Whilst the existing semi-circular entrance layout of the reception entrance area will be lost and replaced by a squarer form, by setting them back this detail is still seen behind the columns and first floor overhang so maintaining some shadow line and a visual break in the flatness of the elevation is welcomed. Officers consider that when compared to the existing layout and appearance of the building at this point (this was unaltered in the approved scheme) the amended plans for the reception area are acceptable. The York Georgian Society have been reconsulted on these amended plans following their initial objections - any further comments from them on this issue will be reported.

#### 4.4 Roof terrace on the eastern side of the building.

It is proposed to cover an existing open, first floor terrace on the Eastern side of the building. This was previously shown as an open, seated terrace 'garden' in the approved plans. The proposed enclosure will mirror the detail of the enclosed terrace on the western side of the building which was part of the approved plans. Whilst this will add further glazing details to an already heavily glazed area around this Paragon Street frontage, this particular feature will largely be obscured from public views by the proposed hotel building to its east and by the existing reception area building to its north. The height of this new roof is shown to be lower than the height of the reception area building and whilst it is acknowledged that there will be some public glimpses of this feature from Paragon Street from the north west (in particular the area around the rotunda building) and from the area in and around the gap between the proposed hotel and the auditorium, officers consider these to offer limited views which, given the context in which it will be seen (against a backdrop of adjacent much higher buildings - both existing and proposed), is not materially more harmful than the open terrace in the approved scheme. Concerns have been expressed about additional light pollution emanating upwards from this proposed new roof but this would not necessarily be any more significant than that from the open terrace which would have still required some form of lighting. Furthermore, set against its backdrop of the western and northern elevations of the proposed hotel and its close proximity to the remainder of the Barbican auditorium, officers do not consider this to be materially any more harmful than that associated with the approved scheme. The site stands in a heavily urbanised area which already has significant levels of lighting from street lights, house lights, cars etc etc. Given this and the fact that the proposed new hotel and flats will stand between the auditorium and the houses on Barbican Road and the central auditorium itself will obscure views of this new roof from Fawcett Street, then the amenities of nearby residents are unlikely to be materially affected by this new feature. Furthermore, any noise from this area is likely to be contained within the building rather than dissipating out from the building via an open terrace.

#### 4.5 Rotunda building.

The main alteration to the 'rotunda' building from that approved is the increase in the amount of glass visible in the new roof structure over the top of the rotunda. Currently the rotunda building is open sided apart from the columns and open roofed (there is currently a tree growing up through it) although the approved scheme does show this becoming enclosed in glass at ground floor and the construction of a new roof above the rotunda, also in glass. This increase in the amount of glass visible at roof level is because the current brick band around the top of the existing structure is being reduced in height from 2.7 metres to 1.3 metres. This has the subsequent impact of increasing the amount of roof glazing visible above the band and consequently the amount of glass visible from Paragon Street although this is offset by a much improved realignment of the glazing between the roof and the ground floor details.

#### 4.6 Glazed extension to the front elevation.

The most significant alteration in design terms was to the extension to the front elevation facing Paragon Street. This follows the line of the front curved section of the building and projects into the existing open courtyard between the reception building to the east and the rotunda building to the west. In the approved scheme this is shown with an inclined plane and stepped design back towards the auditorium

building. It was approved approx. 8.7 metres high from ground level with the highest 3.5 metres only extending across part of this elevation. In this scheme the plans were originally submitted showing an increased height of approx. 9.3 metres from ground level with the inclined plane and stepped design deleted to show a solid, square frontage wall projecting vertically up to the full height of 9.3 metres and then projecting back to the main building via a flat roof. Officers objected strongly to these on the basis of its size and scale which would have had a significant dominating effect on the building and its immediate environs. Amended plans have since being submitted to address these concerns and these delete the dominating, solid, flat roof and replaces it with a very similar design and size structure to that approved.

4.7 The height of this front extension is now the same as in the approved scheme and repeats the hipped roof design as shown in that scheme albeit without the 'step' feature half way up and the whole of the extension being almost the full width of the front facade as opposed to the top portion being only 3/4's of the width as shown in the approved scheme . However, officers do not consider this alteration to be visually significant and the design is now similar to that approved. It is considered much more acceptable than that shown in the first set of plans submitted with this application. The footprint of the extension is the same as that approved and the outside seating areas shown between this extension and Paragon Street also remain unchanged.

4.8 Officers do not consider that the revisions are materially harmful to the adjacent Conservation area nor the City Walls which stand across the other side of Paragon Street.

4.9 The only changes to the centre include a new entrance canopy over a rear entrance door facing Kent Street. This is an access into an area shown as Multi-functional halls and conference rooms. An almost identical entrance feature was shown on the approved plans but on the other side of the existing projection off the rear elevation. The change has come about due to a revision in the internal layout of this part of the building. This design detail is very minor and will have little or no impact on this elevation. It is also proposed to reposition an existing chiller unit within the area intonated on the plans as 'joint service yard for Barbican and Hotel' which takes its access off Kent Street. This will remain the same size as existing and the alteration will be barely noticeable visually. All other alterations are internal and are minor in detail. Planning permission would not normally be required for these anyway.

4.9 All other applications on and around this application site area were not deemed to require Environmental Impact Assessments. Even though the application area and design details in this case is limited to the alteration, extension and refurbishment of the Barbican Centre only, a further screening opinion was carried out as the scheme still constitutes Schedule 2 development under the Environmental Impact Assessments Regulations 1999. Officers have concluded that an Environmental Impact Assessment is not required in this instance.

4.10 This site and building were excluded from the signed Sec. 106 agreement for the overall site and therefore there are no implications with regard to the details of the Section 106 in this instance.

## 5.0 CONCLUSION

5.1 The extensions, alterations and refurbishments proposed to the existing Barbican Auditorium are considered acceptable in design terms and officers do not consider them to have a material impact on the adjacent Central Historic Core Conservation area or City Walls. Whilst it is acknowledged that this application has been submitted as an entirely separate, stand alone application for the existing Barbican Centre only and has been considered accordingly, weight should be attached to previous planning permissions on this building, keeping in mind that these can be implemented even if this application was to be refused. As part of the consideration of this application therefore officers have compared the details proposed with those shown in the previous schemes. Officers conclude that the proposals are acceptable, subject to the imposition of relevant conditions.

## 6.0 RECOMMENDATION: Approve

1 TIME2

2 PLANS1

3 VISQ8

4 ARCH2

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on any of the buildings that form part of each phase of the development and the works shall be carried out in accordance with the approved details.

- doors, glazing details, glazing and curtain walling joints.

Reason: So that the Local Planning Authority may be satisfied with these details.

6 Prior to the use of the building commencing details of any scheme of illumination of external areas shall be submitted to and approved in writing by the Local Planning Authority and those details shall subsequently be implemented on site within 2 months of the date of this permission.

Reason. To protect against unacceptable levels of light pollution in the area.

7 Details of any means of enclosure within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before construction work on any of the buildings hereby permitted commences and shall be provided before that phase of the development is occupied.

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

- 8 No construction work shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted;. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 9 None of the existing trees along the Paragon Street frontage shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged shall be replaced with trees of size and species as may be agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being in the interests of visual amenity in the area.

- 10 Before the commencement of and during building operations associated with the development, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works on each phase of the development.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

- 11 HWAY18

- 12 HWAY40

- 13 If during the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

- 14 All demolition and construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, shall be confined to the following hours:

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

Reason: To protect the amenity of local residents.

- 15 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, as shown on drawing 2087-02-004 rev E, shall be confined to the following hours:

Monday to Saturday                      08.00 to 21.00  
Sundays and Bank Holidays              9.00 to 18.00

Reason: To protect the amenity of local residents.

- 16 Details of all machinery, plant and equipment to be installed in or located on any building or land hereby permitted, which is audible at any residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L<sub>Amax(f)</sub>) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of local residents.

- 18 Details of the works and provision to facilitate disabled access and movement within the site and into the building permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within each phase of the development.

- 19 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority and no work shall commence until approval has been given to the works statement. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

- 20 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

- 21 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within each phase of the site and to maintain the free and safe passage of highway users.

- 22 No part of any development shall be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason. In the interests of good management of the highway and road safety.

- 23 Prior to the development coming into use highway visibility splays affecting the site area hereby approved shall be provided at the junction of the site and Kent Street and shall be kept free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

- 24 Prior to the new Barbican Auditorium being brought into use, a full staff travel plan, developed and implemented in accordance with national guidance and guidance published by the City of York Council, shall have been submitted and approved in writing by the local planning authority



Reason: To ensure that the development complies with national planning advice contained within Planning Policy Guidance Note 13: "Transport", and to encourage the use of modes of transport to and from the site other than the private car.

25 Prior to the first use of the development coming into use, a sustainability and energy statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include: -

i) The inclusion of a waste minimisation, disposal and recycling plan for the construction and its end use

ii) The inclusion of a pollution minimisation plan for any construction work undertaken, refurbishment, alterations and its end use

iii) Demonstration of the inclusion of microgeneration measures within the development

Thereafter the measures agreed shall be incorporated into the detailed design of the development, any demolition and construction works, and the subsequent management and operation of all buildings at the site.

Reason: To ensure that each phase of the development complies with national planning advice contained within Planning Policy Guidance Note 1: "Delivering Sustainable Development", and Policy GP4 a of the Council's Development Control Local Plan.

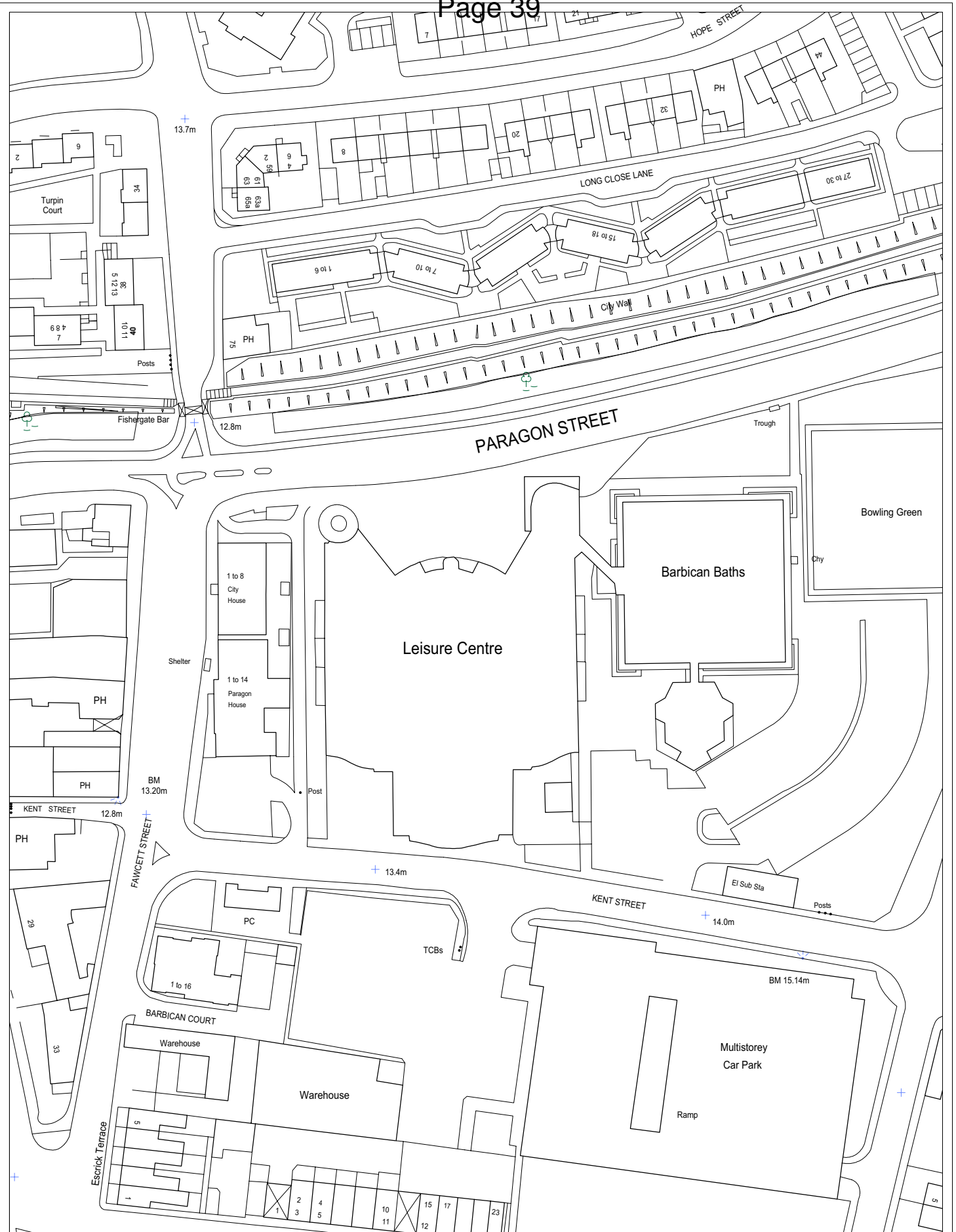
## 7.0 INFORMATIVES:

### Contact details:

**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405

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# Site Plan : Barbican Centre



SCALE 1:1250

DRAWN BY JB

DATE 22/5/2007

Originating Group

Project

Drawing No.

Organisation

ME 2

9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Westfield  
**Date:** 31 May 2007                      **Parish:** No Parish

**Reference:** 07/00529/GRG3  
**Application at:** Lowfield School Dijon Avenue York YO24 3DD  
**For:** Erection of two storey modular teaching block (temporary for two years) including additional cycle shelter and stands, 22 additional car parking spaces, and security fence and lighting  
**By:** Learning, Culture And Childrens Services  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 6 June 2007

**1.0 PROPOSAL**

1.1 The application relates to Lowfields School, which is soon to be amalgamated with Oaklands School to create "York High School". From the 1st September 2007 until December 2008, both schools will operate from the application site before returning to the renovated Oaklands Site on the 1st January 2009. When the school opens in September 2007 it will have approx. 1000 students and 120 staff (100 full time equivalents). The school will therefore be taking 580 additional students.

1.2 The character and appearance of this school is similar to the majority of secondary education establishments; dominated by a sporadic range of building heights, types and styles. The application site is predominantly bordered by residential dwellings and accessed from Dijon Avenue.

1.3 The applicant seeks planning approval to erect a two storey modular teaching block (temporary for two years) including additional cycle shelter and stands, 22 additional parking spaces and security fence and lighting.

1.4 The aforementioned two storey modular teaching blocks and cycle store will be located to the south of the school, within approx. 35 - 50 metres of the rear gardens of properties on Tudor Road. The additional parking and security fencing will be located between the northern elevation of the school and properties on Dijon Avenue.

1.5 The two storey modular teaching blocks measure 53 metres (length) x 12 metres (wide) x 6.8 metres (height) with a total floor area of 704 sq metres. The two storey toilet, which projects in a northerly direction from the western end of the northern elevation measures 6.14 metres in height. The ground floor teaching block will provide 7 classrooms, a behaviour management room, humanities room, an admin office and staff room. The first floor block also provides 7 class rooms and a range of meeting and storage rooms. On both floors the classrooms are accessed using a single corridor, which runs the length of the building.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Lowfield 0249

### 2.2 Policies:

CYED1  
Primary and Secondary Education

CYGP1  
Design

CYED11  
Protection of Playing Fields

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Urban Design and Conservation (Landscape Architect) - No Objections.

3.2 City Development (Policy) - No Objections.

3.3 Environmental Protection Unit - No Objections.

\* Lighting conditions and general informatives to be included.

Condition requires information on the following

- \* a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- \* the angle of the lights and details of the beam - whether asymmetric or otherwise;
- \* the height of the lighting stanchions; and
- \* the luminance level in lux in the vertical plane at the windows of the nearest residential properties

3.4 Highway Network Management - No Objections - Conditions Included.

EXTERNAL

3.5 Sport England - No Objections given the temporary nature of the proposals, subject to the permission being for two years - Informative Included.

3.6 Police Architectural Liaison Officer - No Objections - Security Informative Included.

3.7 No letters of objection have been received regarding the applicants' proposals.

#### **4.0 APPRAISAL**

4.1 Key Issues:-

- \* Policy Context
- \* Highway Issues
- \* Protection of Existing Trees
- \* Lighting
- \* Neighbouring Amenity
- \* Loss of Sports Provision

POLICY CONTEXT

4.2 Policy ED1: Primary and Secondary Education

Planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.3 Policy ED11: Protection of Playing Fields

The loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist. Where education establishments are due to close the development of associated playing fields, will not be permitted where they can be used to address deficiencies in the surrounding area.

4.4 Policy GP1: Design

Development proposals will be expected to :

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;

- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;
- g) provide and protect private, individual or communal amenity space for residential and commercial developments;
- h) provide individual or communal storage space for waste recycling and litter collection;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;
- j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;
- k) provide disabled toilets/parent baby changing facilities in public, non-residential buildings;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

## HIGHWAY ISSUES

4.5 The application is expected to result in some modest increases in vehicular traffic at the school start and finish times, due to staff transfer and the impact of the school run (the increase in school run traffic is indicated at 30 cars).

4.6 Traffic calming measures on Dijon Avenue, the inclusion of a crossing point on Gale Lane, improvements to the entrance and crossing points on Tudor Road and the widening of the main access road to 5 metres, are all considered adequate enough to deal with the increase in pedestrian and traffic movements for a period of 2 years.

4.7 The cycle parking provision has been increased to accommodate additional users.

4.8 22 additional parking spaces have been provided. Whilst the number of staff transferring from Oaklands is in excess of this provision, the applicant shows there to be "spare capacity" already existing within the site, which can easily accommodate the expected increase in traffic.

## PROTECTION OF EXISTING TREES



4.9 The Landscape Architect raised some initial concerns regarding the impact of the new car park upon existing trees. The applicant originally proposed to formalise the existing hard standing by removing two trees and introducing kerbing tight up the trunks of a Sycamore and Beech tree.

4.10 Following consultations with the applicant the parking configuration has been altered ensure tree retention and protection.

#### LIGHTING

4.11 No lighting details have yet been provided. Two conditions; one to prevent light pollution and one specifying a "turning off" time have been included to ensure that future lighting does not adversely affect any nearby residents.

#### NEIGHBOURING AMENITY

4.12 Approximate distances of 35 to 50 metres have been provided to the northern garden boundaries of properties on Tudor Road, with most of the gardens being approximately 30 metres in length. The aforementioned distances are considered sufficient enough to mitigate any significant impact upon the visual and residential amenity of neighbouring properties.

#### LOSS OF SPORTS PROVISION

4.13 The two storey "modular teaching block" will replace an area of sports field previously used for playing rounders (predominantly a summer sport), informatives have been included to draw the schools attention to the loss of this facility. Sport England did not object to the application on the basis that the proposal would be temporary pending the amalgamation with Oaklands School.

### 5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance and are therefore recommended for approval.

### 6.0 RECOMMENDATION: Approve

- 1 The building shall be removed by the 30th May 2009 and the land reinstated to its former condition unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

- 2 There shall be no illumination of the staff car park area between the hours of 23.00 hours and 07.00 hours the following day.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 3 Prior to the development hereby approved coming into use details of the illumination of the staff car park shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 4 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

0429/08 - Revised Plans and Elevations Portakabin Units.

0429/09 - Revised Site Plan as Proposed (Portakabin Units).

0429/05 - Site Plan as Proposed.

TS/SRS/07010028/ST - Lowfield/Oaklands Schools Improvements Overview - Short Term.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 5 HWAY19

- 6 NOISE7

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to highway issues and neighbouring amenity. As such the proposal complies with Policies ED1, GP1 and ED11 of the City of York Development Control Draft Local Plan.

2. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

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

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

### 3. Security Informative

The developer needs to be aware of the statutory requirements placed on the Police and the Local Authority under the Crime and Disorder Act 1998 to consider Crime and Disorder implications in exercising their various functions including planning matters.

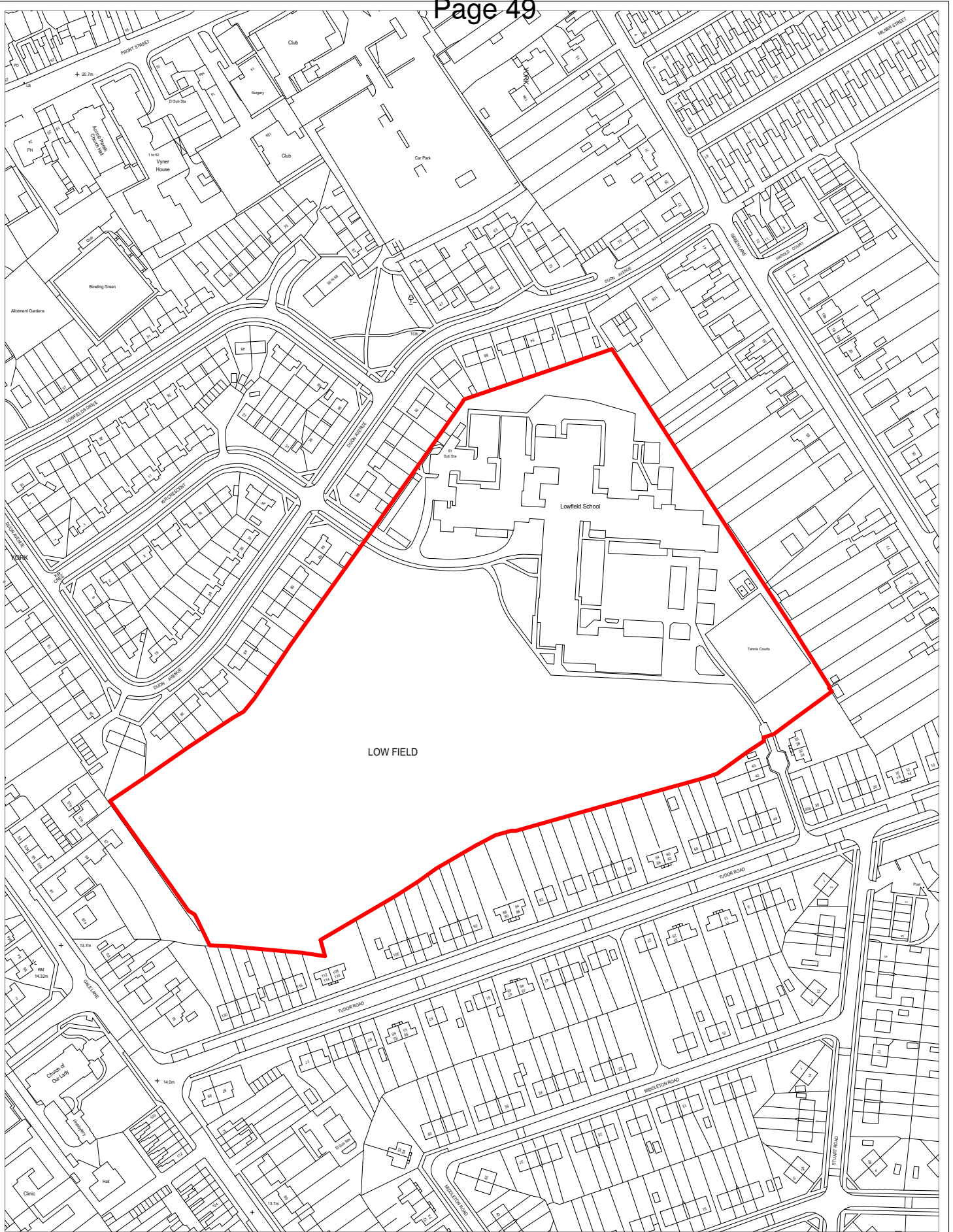
### 4. Sporting Informative

Provision for sporting activities affected by the erection of the two storey modular teaching blocks shall be made elsewhere within the Lowfield School Site.

### Contact details:

**Author:** Richard Mowat Development Control Officer  
**Tel No:** 01904 551416

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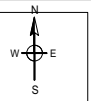
CITY OF  
**YORK**  
COUNCIL

**LOWFIELD SCHOOL, DIJON AVENUE - 07/00529/GRG3**

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 22/5/2007  
Drawing No.



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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Westfield  
**Date:** 31 May 2007                      **Parish:** No Parish

**Reference:** 07/00515/GRG3  
**Application at:** Oaklands School Cornlands Road York YO24 3WZ  
**For:** Two storey and single storey extensions, external alterations, infilling of existing courtyard, new car park, alterations to entrance from Cornlands Road  
**By:** Learning, Culture And Childrens Services  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 6 June 2007

**1.0 PROPOSAL**

1.1 The application relates to Oaklands School, which is soon to be amalgamated with Lowfields School to create "York High School". From the 1st September 2007 until December 2008, both schools will operate from the Lowfield site before returning to the renovated application site on the 1st January 2009. When the school opens in January 2009 it will accommodate approx. 1050 students and 120 staff (100 full time equivalents). The majority of students will live within the local area, however this will be enlarged by the traditional catchment area of Lowfields School.

1.2 The character and appearance of this school is similar to the majority of secondary education establishments; dominated by a sporadic range of building heights, types and styles. The application site is predominantly bordered by residential dwellings and accessed from Cornlands Road.

1.3 The applicant seeks planning approval to erect two storey and single storey extensions, make external alterations, infill an existing courtyard, create new car parking facilities and alter the entrance from Cornlands Road.

1.5 The two storey extensions and alterations to the existing courtyard will provide at ground and first floor level approx. 904.6 sq metres and 835 sq metres of additional learning space respectively, along with significant areas of communal space and improved fluidity in terms of pupil and staff movements.

1.6 144 parking spaces are to be provided for the school and sports centre and provision made for 260 cycle parking places.

1.7 The new school will be inclusive for pupils and the whole community. Requiring a welcoming environment focused on a reception area, which will be the hub of all facilities on the site. This space will help to raise the public's perception of the facility and encourage community ownership and responsibility. The site will be used as a showcase for the achievements of the community and as a main information point.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Oaklands 0252

### 2.2 Policies:

CYED1  
Primary and Secondary Education

CYGP1  
Design

CYED11  
Protection of Playing Fields

CYGP4A  
Sustainability

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 York Consultancy - No Objections

3.2 Urban Design and Conservation - Comments (currently being addressed)

3.3 Environmental Protection Unit - No Objections

Conditions and Informatives Included

3.4 City Development - No Objections

3.5 Highway Network Management - No Objections

### EXTERNAL



3.6 One letter of comment has been received regarding the applicants proposals. The letter raises the following points.

- \* The cover link to the sports centre is indicated as "future development", this must be incorporated in the new proposals
- \* No details regarding the requirements of the "future access road" indicated around the southern edge of the future swimming pool.
- \* The "new planting area for wildlife" is a token gesture and should be reconsidered.

## 4.0 APPRAISAL

### 4.1 Key Issues

- \* Planning Context
- \* Highway Issues
- \* Protection of Trees
- \* Neighbouring Amenity
- \* Design
- \* Lighting
- \* Sustainability
- \* Response to Received Comments

## POLICY CONTEXT

### 4.2 Policy ED1: Primary and Secondary Education

Planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

### 4.3 Policy ED11: Protection of Playing Fields

The loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist. Where education establishments are due to close the development of associated playing fields, will not be permitted where they can be used to address deficiencies in the surrounding area.

### 4.4 Policy GP1: Design

Development proposals will be expected to :

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;

- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;
- g) provide and protect private, individual or communal amenity space for residential and commercial developments;
- h) provide individual or communal storage space for waste recycling and litter collection;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;
- j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;
- k) provide disabled toilets/parent baby changing facilities in public, non-residential buildings;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

## HIGHWAY ISSUES

4.5 In line with the CYC City Development and Transport requirements, a traffic Impact Assessment was commissioned to report on all transport issues into and around the Oaklands site.

4.6 The application is expected to result in some modest increases in vehicular traffic at the school start and finish times, due to staff transfer and the impact of the school run.

4.7 Improved cycle/pedestrian links on Gale Lane and Cornlands Road, the inclusion of a crossing point on Gale Lane and Cornlands Road, improvements to the existing access points are all considered adequate enough to deal with the increase in pedestrian and traffic movements in and around the application site. All work to increase safety on local cycle and pedestrian routes to "York High School" will be carried out in accordance with Highway recommendations

4.8 The cycle parking provision has been increased to accommodate additional users.

4.9 By providing 144 parking spaces the applicants' proposals are in accordance with existing parking standards enabling it to accommodate the requirements of the

both "York High School" and the sports centre. No management plan has been provided, however a working group has been set up to agree details. Conditions will be included to ensure the management plan is submitted for the written approval of the Local Planning Authority.

4.10 All provisions for cycling, parking and pedestrians are detailed within a submitted Travel Plan and will be re-assessed annually.

#### PROTECTION OF TREES

4.11 The Landscape Architect has raised concerns regarding the removal of a Maple tree to the rear of the Cadet Hall and No.120 Gale Lane and the impact of the cycleway proposed along both sides of Cornlands Road.

4.12 In response to these concerns the applicant has been consulted and amended drawings sought.

4.13 The proposal will result in the loss of approximately 23 trees, however it must be noted that the majority of existing mature trees (located at the front of the building) will be retained. These will be replaced on a one for one basis with the mix, management and maintenance secured by condition LAND1.

#### NEIGHBOURING AMENITY

4.14 The eastern elevation of the new teaching block (two storey structure) is located approx. 110 metres from the rear elevations of the properties on Gale Lane. The nearest parking spaces although running parallel with the rear boundary fence of the aforementioned properties are located approx. 40 metres from these rear elevations. The aforementioned distances are considered sufficient enough to mitigate any significant impact upon the visual and residential amenity of these properties.

#### DESIGN

4.15 The design offers a welcoming environment focused on the refurbishment of the existing reception area, which is accessed using the new external Main Entrance Lobby.

4.16 The two storey "Teaching Block" is located on the main approach to the school and will be visible from the new car parking area. The building will be constructed using Terracotta Rainscreen cladding, powder coated aluminium windows and aluminium roofing. The new "Teaching Block" and the cosmetic improvements made to the approach façade are considered to be sympathetic in scale and appearance to existing school buildings, whilst also uplifting the unsightly appearance of this prominent elevation.

4.17 The benefits of enclosing the central courtyard are two fold, not only does it provide additional resource space, it also introduces an interesting design feature to this relatively mundane elevation. The slightly domed roof replicates that of the proposed "Teaching Block" sitting appropriately between the south facing gables of the humanities/math and science blocks. The domed roof will only be significantly

visible when viewed from the south (looking across the sports fields and all weather pitch).

## LIGHTING

4.18 No lighting details have yet been provided. Two conditions; one to prevent light pollution and one specifying a "turning off" time have been included to ensure that future lighting does not adversely affect any nearby residents.

## SUSTAINABILITY

4.19 Part 2 of the sustainability statement shows a clear commitment by the applicant to embrace sustainable principles.

4.20 The applicant is aiming to achieve a BREEAM rating of Excellent for the new build and Very Good for the refurbishment work. Conditions are included to ensure these ratings are achieved.

4.21 The aforementioned statement also considers the recycling /reusing of materials, sustainable energy, water use/natural drainage, site/waste management, contamination and the natural environment.

## RESPONSE TO RECEIVED COMMENTS

4.22 Please refer to paragraph 3.6. Elements on the plan described as "future" development can not be considered as part of this particular application.

4.23 The Landscape Architect has been consulted in response to the new planting area for wildlife being a "token gesture". Comments are currently awaited.

## 5.0 CONCLUSION

The applicants' proposals are considered to be acceptable in this instance and are therefore recommended for approval.

**6.0 RECOMMENDATION:** Approve

1 TIME2

- 2 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site, including the potential for the migration of landfill gas. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

reason: to protect the health & safety of workers and future occupants of the site.

- 3 .A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: the remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 4 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 5 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

- 6 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 7 Prior to the development hereby approved coming into use details of the illumination of the car parking area on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 8 There shall be no illumination of the staff car park area between the hours of 23.00 hours and 07.00 hours the following day.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

9 LAND1

10 VISQ8

11 HWAY19

12 The design of the hereby approved scheme shall be in accordance with the contents of the sustainability statement dated 5th March 2007 submitted by the applicants which will satisfy the requirements of policy GP4a.

Reason: In the interests of sustainable development

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity, highway issues and landscaping. As such the proposal complies with Policies ED1, ED11, GP4A and GP1 of the City of York Development Control Draft Local Plan.

2. The developer's is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

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

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion

engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

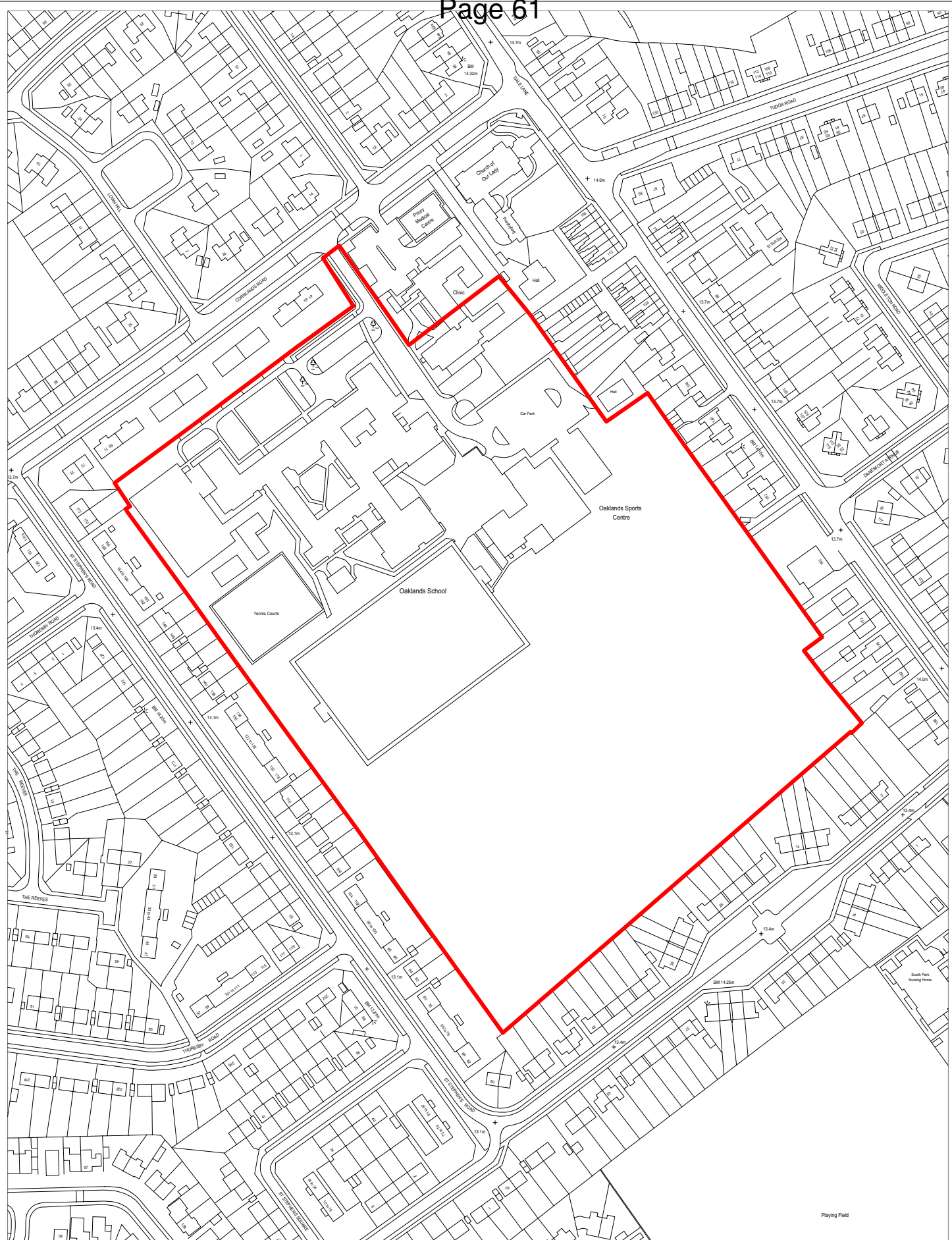
**Contact details:**

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CITY OF  
**YORK**  
COUNCIL

OAKLANDS SCHOOL, CORNLANDS ROAD - 07/00515/GRG3

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 22/5/2007  
Drawing No.



9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

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## Planning Committee

31st May 2007

Report of the Director of City Strategy

## Nestlé South – Revised Draft Development Brief

### Summary

1. The Nestlé South Draft Development Brief was presented to Members in January 2007, where it was approved for consultation purposes. The Draft Brief set out the Council's aspirations for the redevelopment of the Haxby Road site; highlighted the key planning issues for prospective developers to consider and identified opportunities for adopting sustainable development principles, good design, layout and links to surrounding areas.
2. This report describes the consultation process carried out between February and April 2007, and presents the revised Draft Development Brief for Nestlé South (Appendix 2), which has been compiled through a cross Directorate Project Team in response to concerns and suggestions received by various groups, organisations and individuals. The consultation representations received are set out, with Officer responses and recommendations, in Appendix 1 of this report.
3. Members are recommended to approve the attached revised Draft Development Brief as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan as a basis for negotiating an appropriate scheme to redevelop the site and for considering planning applications.

### Background

4. In September 2006 Nestlé Rowntree announced the loss of over 600 jobs from their 2,400 strong workforce. In order to remain in York, a massive capital investment is needed in order to upgrade and improve facilities on the more modern northern part of the site, allowing redevelopment opportunities on the older, southern part of the site closest to the city centre.
5. Whilst the site is not allocated in the City of York Development Control Local Plan (April 2005), Policy E3b - Existing and Proposed Employment Sites - states that sites currently or previously in employment use will be retained within their current use class. Planning permission for other uses will only be given where:

- there is a sufficient supply of employment land to meet both immediate and longer term requirements in both quantitative and qualitative terms; and
  - unacceptable environmental problems exist; or
  - the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
  - the use is ancillary to an employment use.
6. The site is therefore identified as an employment site, but consideration will be given to the wider benefits of an employment/ residential mixed use in terms of providing a re-investment opportunity for this major city employer, and its potential to add to the range and quality of employment use in York through redevelopment.
7. The site lies to the north of the City Centre on the edge of the built up area between Haxby Road and Wigginton Road. It is bounded to the south by the Sustrans cycle route, to the north by the existing Nestlé site – which will be modernised and upgraded – and, to the north of the factory, by the company sports fields which open out into Green Belt. The area subject of this planning brief covers approximately 40% of the Nestlé Rowntrees works (7.9 hectares/ 19.5 acres) and comprises the original factory buildings, which have been altered and extended in more recent years.

### **Consultation**

8. The Draft Development Brief was presented to Planning Committee and approved for consultation purposes in January 2007. The document was then put on deposit for 8 weeks of public and statutory consultation between February and April 2007. The comments are set out, with Officer responses and recommendations, in Appendix 1 of this report.
9. Copies of the Draft Brief were sent to a statutory list of consultees including Yorkshire Forward, the Environment Agency, CABI and English Heritage. Officers attended meetings for groups which had an interest in the document including Clifton Ward Committee, the Conservation Area Advisory Panel and the Environment Forum.
10. Press articles including details of the consultation on the draft brief featured in the York Press in February and March. Copies of the Draft Brief were made available in all local libraries, in the reception of 9 St Leonard's Place and on the Council's website. The Nestlé South webpage included details of how to submit comments on the Draft Brief and a downloadable response form. The Draft Brief also featured on the Council's online Consultation Finder, which allows members of the public to submit comments electronically.

### **Main Issues**

11. The main issues raised in the consultation on the Draft Brief have been in regard to potential development uses, traffic and design. Generally the

draft brief has been well received, and there has been broad support of the Vision and 19 Key Objectives.

12. The Nestlé Rowntrees factory site has played a key role in providing employment in York for over a century. The brief confirms that this role should continue and aim to meet current and future demand for employment uses that are central to the long-term success of the York economy. There is significant demand from both inward investors and indigenous businesses for premises for a range employment uses in the city. This includes creative and digital industries, manufacturing, artists' workspace, live/ work units, and accommodation for start-up companies.
13. A number of comments were received on the objective to create new employment opportunities, particularly for creative technology based industries. A number of consultees supported the provision of space for Small and Medium Enterprises (SMEs) in live/work units, creative clusters and studio space. Comments were also received which challenged the aim to replace the 625 jobs recently lost at the site. The creation of some 600+ new and safeguarded jobs is well within the capability of the redevelopment principles that are established in the brief.
14. English Heritage support the intention to examine the local area as a possible Conservation Area (comment 57). This is acknowledged and it is suggested that the brief is updated to explain the process of identifying and designating a Conservation Area.
15. There was broad support for the sustainable development objectives set out in the document. A number of respondents questioned whether the objective of providing energy from onsite sources should be higher than the proposed 10%. The figure of 10% is in accordance with regional economic and planning strategies, and also tested cases in other Local Authorities. The figure is a minimum and therefore allows for greater on-site energy provision.
16. A number of conflicting comments were received on the proposed through route between Haxby Road and Wigginton Road. Some respondents commented that Wigginton Road and Haxby Road would become more congested without a through route for private vehicles, whilst others felt that a route for private vehicles would reduce site security, detract from the site's community principles and only serve as a temporary fix until congestion returned to present levels.
17. The Revised Draft Brief states that the proposed route should be for the priority of pedestrians, cyclists and public transport users. It also states that should traffic modelling reveal that the Ratio to Flow Capacity (RFC) of the local network would exceed 0.90, or that there would be decrease in the quality of the local environment, then the proposed through route would be for pedestrians, cyclists and public transport users only. This approach is consistent with the Council's Local Transport Plan.

## Conclusions

18. The Revised Draft Brief for Nestlé South builds on the helpful comments received during the consultation period to provide an up-to-date document that will guide any future development options and proposals for the site. The amendments also aim to clarify the objectives, and policy requirements and wider aspirations of the Council, in terms of guiding good planning applications for the development of the land.

## Options

19. Option 1:

Approve the Development Brief, as proposed in this report, as the basis for negotiating a masterplanned approach to the redevelopment of the site and considering planning applications for the site.

20. Option 2:

Do not approve the Development Brief and request a new Development Brief is drafted with an alternative approach.

21. Option 3:

Do not approve the Development Brief and use the policies of the Development Plan (the Regional Spatial Strategy and the Structure Plan) and the Development Control Local Plan, 2005 as the basis for negotiation and considering applications.

## Analysis

22. In terms of the options set out above, approval of the Brief (Option 1) is recommended to Members. It would provide a clear and consistent basis for negotiating with potential developers, for progressing a comprehensive masterplan for the site and for considering planning applications.

23. It has been through a comprehensive and statutory consultation process, and has been compiled in accordance with national and regional guidance and good practice.

24. Option 2 is not recommended as the Brief follows previous Council decisions to progress strategic sites in York through public consultation, before any planning application. The vision, objectives and potential development uses set out in the Brief have been developed in the context of existing national, regional and local planning policy.

25. Option 3 is not recommended. The level of information contained in a Development Brief can better address the complexity of the site and respond more pertinently to the local constraints and opportunities. Further negotiation and detail progressed through planning applications can be consistently tested against the vision, objectives and detailed guidance set out in the approved Brief.

## **Corporate Priorities**

26. The redevelopment of the site at this time represents a major opportunity for the York economy and a significant opportunity to forward a number of the City's economic aims, including the Community Plan objective of a "Thriving City" and the Council's Corporate Aims which seek to "strengthen and diversify York's economy", provide "improved employment opportunities for residents", and improve "quality and sustainability, creating a clean and safe environment".
27. The Brief highlights the importance of sustainability and has a section dedicated to sustainable development. This seeks to further the Community Strategy Objective of a Sustainable City – that "York should be a model sustainable city with a quality built and natural environment and a modern, integrated transport system", together with the Corporate Aim to "Take pride in the city by improving quality and sustainability, creating a clean and safe environment".
28. Of the 13 priorities of the Corporate Strategy Objectives, the following are directly addressed within this brief:
  - Increasing the use of public and other environmentally friendly modes of transport
  - Improving the quality and availability of decent, affordable homes in the city

## **Implications**

29. Financial - The costs of printing the Brief and other incidental costs will be met from the existing internal budget.
30. Human Resources (HR) - No HR implications.
31. Equalities - Equalities considerations have been taken into account in the preparation of the Brief.
32. Legal - No Legal implications.
33. Crime and Disorder – The Safer York Partnership were consulted on the draft brief.
34. Information Technology (IT) – There are no IT implications.

## **Risk Management**

35. There are no known risks.

## Recommendation

36. It is recommended that Members approve the revised Draft Development Brief for Nestlé South as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan.

37. That the approved brief be used as a basis for masterplanning and negotiating an appropriate scheme to redevelop the site and for considering future planning applications.

38. Reason:

The redevelopment of the site is an opportunity to provide quality accommodation for a range of employment uses that will support the York economy and a Development Brief is considered the most appropriate approach for the Council to set out a clear and consistent vision, with objectives and clear guidance for a new sustainable live / work community.

## Contact Details

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Bill Woolley  
Director  
City Strategy

Report approved  Date

Report approved  Date 22/05/07

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Equalities: Leo Devlin, Equality Officer, Chief Executives 01904 551704

**For further information please contact the author of the report**

## Appendices

- Appendix 1 - Nestlé South Development Brief: Comments from Consultation
- Appendix 2 - The Nestlé South Revised Draft Development Brief, together with all appendices and plans.

All amendments to the Draft Brief have been highlighted with tracked changes. Amendments can be cross referenced to the relevant comment and officer comment from Appendix 1 of this report using a number within square brackets (e.g. [21] refers to comment 21 from Appendix 1). Other amendments to the Brief are general grammatical changes and updates.



**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
<b>General</b>					
1	NS005	Clifton Planning Panel	We find the report very well thought out and well written. This pre-planning is real planning and we can understand how to measure future plans against the vision of Council Officers.	Support noted	No change
2	NS006	English Heritage	On the whole, we consider that the document sets out a reasonably sound strategy for the future development of this part of the City.	Comment noted	No change
3	NS010	Member of the public	Broadly agree with the approach outlined in your document. York has pioneered planning ideas in the past and this site offers another similar opportunity.	Comment noted	No change
<b>Chapter 1: Vision and Key Objectives</b>					
4	NS007	CBRE	We agree with the Council's overall vision for the site re-development and support the 19 key objectives.	Support noted	No change
5	NS011	Cyclists' Touring Club	We support the overall vision of the site, and broadly the 19 key objectives.	Support noted	No change
6	NS012	Yorkshire Forward	Broadly support the overarching vision of the development brief, specifically the vision to 'create a new inclusive live/work community and cultural hub well integrated with surrounding areas'	Support noted	No change
7	NS015	Natural England	Supportive of the objectives of the Draft Development Brief and welcome the inclusion of opportunities to best enhance the biodiversity of the area.	Support noted	No change
8	NS007	CBRE	Para 1.11 There is a strong need for the planning and highways requirements to be integrated.	Agree	No change
9	NS011	Cyclists' Touring Club	Para 1.11 Support "planning and highway requirements being addressed at an	Comment noted	No change

**APPENDIX 1 - Nestlé South Development Brief  
Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			early stage” on the basis that the two are well integrated.		
10	NS006	English Heritage	Whilst we support the thrust of the proposed Vision for this area, it should include reference to the retention of the distinctive character of this part of the City.	Agreed	Amend site vision (para 1.17) to “High quality urban design which recognises the distinctive character of this part of the City, and safe and attractive pedestrian...”
11	NS012	Yorkshire Forward	We welcome the objectives outlined, in particular KO4, KO11 and KO12	Support noted	No change
12	NS008	Nestlé UK Ltd	KO1 We believe that the brief is correct in identifying the most significant buildings on the site as office block 67 and the Joseph Rowntree Memorial Library (Plan 4). All other buildings within the site will be demolished because their retention is not consistent with meeting other stated objectives of the Development Brief. The wording for this key objective should be changed to echo this balance of building retention and new build. A simple change of wording would suffice – “retain some factory buildings of agreed distinction and consider conversion to residential or employment use, as well as new-build development”.	English Heritage are currently making an assessment of the buildings on the site (see comment 55).  Whilst it should not be assumed that <u>all</u> other buildings within the site must be demolished rather than converted, the viability of the a site will influence development proposals.	Add new sentence to end of para 6.5 “Whilst it is recognised that historic buildings can form the basis of successful regeneration projects, it is acknowledged that the retention of buildings with no statutory protection should not jeopardise the overall viability of the site.”
13	NS011	Cyclists' Touring Club	Our preference would be that maximum use of the area for office or light industry/research ought to be the prime objective of development	The brief recognises the importance of providing new employment opportunities, but also suggests other uses which would complement this role whilst improving overall viability in order to re-invest in the main part of the Nestlé site.	No change

**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
14	NS006	English Heritage	Objective KO2 ought, in addition, to refer to the need to ensure that the redevelopment of this area safeguards the wider character and setting of the historic city. As currently worded, it merely addresses buildings within the site itself.	Agreed. This should be covered in the brief.	Add to end of Objective KO2 “and safeguards the wider character of the area and the setting of the historic City.”
15	NS008	Nestlé UK Ltd	KO5 Whilst Nestlé UK supports Science City, it cannot commit to expanding existing links. There are unlikely to be opportunities to increase research and development activity on the site.	Science City York is a key feature of the city's modernising agenda. Discussions are taking place with the company to see how Nestlé South can maximise benefit for Science City York related activity. The objective of creating a knowledge based hub should be retained in the brief, whether or not Nestlé are directly involved.	Reword KO5 “Creates a hub in the network of knowledge based industries, potentially through existing Science City links with Nestlé”
16	NS012	Yorkshire Forward	The commitment to provide at least 10% of the site's energy from on-site sources will complement the RES and policy ENV5 of draft Regional Spatial Strategy.	Comment noted	No change
17	NS007	CBRE	Wonder if the objective KO12 for on-site energy provision should be higher than the 10% proposed?	This might be possible on site but current policies in other Local Authorities put forward 10% and these have been tested at appeal. The 10% stated in Objective KO12 is a minimum, therefore more than 10% could be provided.	No change
18	NS011	Cyclists' Touring Club	KO12 It ought to be possible to improve on the anticipated 10% on-site energy provision.	See response to comment 17 above	No change
19	NS001	Helmsley Group	Nowhere in the brief is it stressed that this scheme must be financially viable.	Whilst it is recognised in the brief that capital investment is needed	No change

**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			Although the council's vision is laudable in many of its key objectives, they will affect the viability of the development significantly and if Nestlé do not secure the right figures for the site they will not continue trading in York. It is crucial that a developer is able to provide a development which works financially both for Nestlé and the developer and therefore is good for the city of York.	to reinvest in the northern part of the Haxby Road site, it is not the purpose of a development brief to establish economic viability. The vision and objectives in the brief provide a background from which development proposals can be drawn. It is the role of the developer to maximise viability within these parameters.	
<b>Chapter 3: Policy Context</b>					
20	NS015	Natural England	Should include Concept Statement to display how development at the site intends to contribute to the local authority's Local Development Framework and relate how objectives and policies within these documents apply to this site in order to deliver the best possible economic, social and environmental benefit.	The brief was produced ahead of the LDF programme in response to the announcement of job losses last year. As such it forms up-to-date, non statutory supplementary guidance to the Development Control Local Plan. It has been through comprehensive public consultation and will carry weight in assessing planning applications.	No change
21	NS017	Environment Agency	Para 3.2 Amend PPG25 to PPS25	Agree	Para 3.2 Amend PPG 25 to PPS 25
<b>Chapter 4: Sustainable Development</b>					
22	NS011	Cyclists' Touring Club	We support the principles for sustainable development	Support noted	No change
23	NS015	Natural England	Welcome the objectives relating to the sustainable design of the development	Comment noted	No change
24	NS006	English Heritage	National policy guidance makes it clear that the Government's commitment to sustainable development has particular relevance to the preservation of the historic environment, which is by its very	Agree	See recommended amendment for comment 26.

**APPENDIX 1 - Nestlé South Development Brief  
Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			nature irreplaceable. Thus, as part of the whole issue of sustainability, mention should be made of the fact that the re-use of the historic buildings on the site would contribute towards delivering sustainable development.		
25	NS012	Yorkshire Forward	Welcome the identification of a set standards for sustainable design and construction through the use of accreditation schemes such as BREEAM and EcoHomes 'very good' or 'excellent' standards.	Comment noted	No change
26	NS006	English Heritage	Para 4.10 bullet i In view of the embodied energy within the existing buildings on this site, the sustainability statement should not just be examining the re-use of demolition materials but, as a starting point, how the existing buildings on the site can be re-used or adapted. Only where this is not practicable or would prove a less sustainable option, should demolition and the re-use of the materials occur.	Agree	Add after first sentence of para 4.9 "As a starting point, consideration should be given to how the buildings onsite can be re-used or adapted. Only where this is not practicable or would prove a less sustainable option, should demolition occur (see also re-use of demolition materials, Paragraph 4.10, bullet i)."
27	NS012	Yorkshire Forward	Potential developers and Nestlé should consider the viability of utilising waste heat from the operational Nestlé factory located adjacent to the development at the earliest possible stage so as not to delay the development of the site.	Comment noted.	Add to end of first sentence in para 4.9 "(e.g. incorporating methods to use waste heat from the adjacent operating Nestlé factory)"
28	NS010	Member of the public	There is a large roof area, which could be used for solar power and rainwater collection	Comment noted. Prospective developers will need to investigate opportunities for passive solar gain and rain water collection at the detailed stage of planning applications.	No change

**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
				Sustainability statements will need to address this detail, as referred to in para 4.10 of the brief.	
29	NS012	Yorkshire Forward	The Development Brief could place an increased emphasis on maximising the recycling of waste on site. For example, any future developer could provide space and facilities for recycling and composting	These details are referred to in the minimum standards of the Sustainable Design and Construction SPG, which is referenced in paragraphs 4.8 and 4.9 of the brief.	No change
30	NS014	York Cycle Campaign	This could be a model development in terms of its sustainability in all aspects (including transport) along the lines of (for instance) the "BedZed" development (Beddington Zero Energy Development) in Surrey	Comment noted. A range of measures to maximise sustainable design solutions will be expected to be investigated (re. chapters 4 and 10 of the brief)	No change
<b>Chapter 5: Development Opportunities</b>					
31	NS008	Nestlé UK Ltd	We support the principle of mixed use development. An appropriate mix of activities will lead to a successful, integrated and viable redevelopment.	Comment noted	No change
32	NS014	York Cycle Campaign	We welcome the proposal for a mixed use development for this important site	Comment noted	No change
<b>Employment</b>					
33	NS007	CBRE	Agree that new development should seek new employment opportunities.	Support noted	No change
34	NS012	Yorkshire Forward	Broadly support the proposals to create a mixed use development incorporating residential, commercial and manufacturing uses on land made vacant through the restructuring of the Nestlé manufacturing site, which could potentially ameliorate recent job losses.	Comment noted	No change
35	NS008	Nestlé UK Ltd	We support the ambition to provide for the needs of modern business but	The potential of the existing buildings to be retained in	No change

**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			believe that this is best achieved in new build components of any development rather than in existing buildings.	employment use should continue to be explored. It might well be that some conversion potential exists alongside a new-build element and more detailed work is needed for the assessment to be made.	
36	NS012	Yorkshire Forward	Opportunities for the site to provide for further development of creative and technology based industries within York is welcomed, especially where these would complement the development and expansion of the Science City Initiative.	Comment noted and welcomed. Discussions with Nestlé regarding creative/technology business potential are ongoing.	No change
37	NS008	Nestlé UK Ltd	The range of employment uses to be considered is expressed widely (for instance, to include artisan and creative workshops) but we are confident that the latent demand in the City of York is for high quality office and studio accommodation. The Brief should echo this	As part of a mixed development scheme a variety of uses will be encouraged. The key will be to create a range of opportunity which will in turn create an employment community at this important site.	No change
38	NS012	Yorkshire Forward	Welcome the commitment to pay particular consideration in the food and drink cluster and technology industries through the provision of live/work units, creative workshops and studio space, to enable the establishment and development of SMEs in the city.	Comment noted and welcomed (see response 37 above).	No change
39	NS003	Member of the public	I hope that the Council should make every effort to ensure that any development of the Nestlé South site will welcome really small enterprises such as Bikerescue and other niche manufacturers who between them can add so much to quality of life in York and	Small enterprise development will be encouraged on this site (see response 37 above).	No change

**APPENDIX 1 - Nestlé South Development Brief  
Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			can so easy become the beginnings of larger and even more beneficial concerns in the future.		
40	NS008	Nestlé UK Ltd	We note the objective to create employment opportunities which offer the potential to replace jobs which have recently been lost. The Brief refers to 625 job losses. This is a combination of full time and part time posts and is not therefore a full time equivalent (FTE) total. The FTE figure should be highlighted in the Brief as the appropriate “benchmark” figure.	This site is identified for mixed use development which should replace those jobs lost. The creation of some 600+ jobs is well within the capability of the redevelopment principles which have been established in the brief. Jobs newly provided on site could be a mix of full with some part-time.	No change
41	NS008	Nestlé UK Ltd	The Brief should also highlight that new employment creation can take a variety of forms including: <ul style="list-style-type: none"> <li>• New employment linked directly to the business floorspace included in any new development</li> <li>• The FTE construction jobs associated with the development</li> <li>• Indirect employment generation resulting from economic activity on the development site and during construction</li> <li>• Employment created by Nestlé UK elsewhere in York, including on the neighbouring operational facility, as a consequence of development.</li> </ul>	A figure for new employment should be confined to the development area. However, any new development will create construction and supply chain job opportunity and this is welcomed here, particularly welcome are the new and safeguarded jobs on the remainder of the Nestlé site.	No change
42	NS011	Cyclists’ Touring Club	Live/work site principles are commendable for this site.	Comment noted	No change
<b>Residential</b>					
43	NS012	Yorkshire Forward	Welcome identification within the Brief of the need to provide a mix of housing	It is considered that the brief achieves a good balance of new	No change



**APPENDIX 1 - Nestlé South Development Brief**  
**Comments from consultation**

No.	Ref.	Consultee	Comment	Officer Response	Officer Recommendation
			types and sizes on the site, with a significant element of affordable housing. However we wish to emphasis the importance of retaining and providing sufficient employment land within the city of York to cater for anticipated future economic growth.	job generation and support for complimentary uses which help to improve viability and re-investment in the main part of the site.	
44	NS008	Nestlé UK Ltd	Support the aspiration of the Brief to deliver a diversity of house types but the fact that the housing will lead regeneration of the site must be expressed in a transparent way.	Provided that sufficient new employment space is provided, residential uses will be acceptable. This has been expressed in a transparent way throughout the brief, but in particular in the Vision, Objectives and Chapter 5.	No change
45	NS010	Member of the public	Schemes such as the Bedzed project (in Bedfordshire) and home zones should be considered possible models for housing on other parts of the site	Home zone residential layouts will be required (paras 6.12 and 11.8). Reference to the BedZed project can be specifically made.	Add reference to BedZed in paragraph 5.20
46	NS012	Yorkshire Forward	Generally supportive of the proposals to incorporate Home Zones into residential areas of the site	Comment noted	No change
<b>Other</b>					
47	NS008	Nestlé UK Ltd	Needs to recognise that there could be opportunities for the provision of hotel accommodation on the site.	Hotel use is not seen as a priority for the re-use of this site, both in locational and traffic generation terms. There are better sites in advanced discussions at Terry's and York Central. The priority for the site is for community uses and a range of employment uses. Hotel and leisure uses do not fall within B1/B2 and B8 employment use classes.	No change
48	NS009	Agent for	Para 5.21 should be amended in order to	See response to comment 47.	No change

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		hotel operator	accommodate a hotel within the overall mix of uses.		
49	NS010	Member of the public	If York City FC decides to relocate to part of this site (which the York Evening Press suggested is one of several options for the club's new stadium) it will have implications for the rest of the site including: the layout of footpaths, the location of the through route and the traffic implications of spectators	York City FC are looking at the potential to relocate from their existing site. One of the potential sites they are looking at is the area to the north of the main factory site. It will not affect proposals on this site, and match day traffic/pedestrian movement would not go through this site.	No change
50	NS013	Member of the public	Those long serving retired employees of Nestlé Rowntree deserve some special and reserved place in the Nestlé South development. The Groves WMC has closed and financial support from Nestlé for alternative venues for the main recreational activities of Nestlé Pensioners has ceased and further reductions in support are extremely likely in 2008. The activities are now displaced around the city, but still exist through the enthusiasm of the members and the dedication of volunteers.	Comments noted. Community uses are identified in Chapter 5 of the brief as potential complimentary uses and the use of planning obligations will be explored in order to support community uses directly related to new development. It is not the role of the brief, however, to address existing financial arrangements/obligations between Nestlé and their former employees.	No change
<b>Chapter 6: Design and Landscape Principles</b>					
51	NS006	English Heritage	Para 6.1 Fully endorse the need to understand the site and welcome the requirement for an urban design analysis along the lines proposed.	Support noted	No change
52	NS012	Yorkshire Forward	Welcome the approach towards high quality design, including contemporary design options to complement the existing historic buildings, through careful sitting, scale and use of materials	Comment noted	No change
53	NS006	English	Para 6.4 Support the principle that the	Support noted	No change

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		Heritage	significant buildings on the site should be retained in any development proposals.		
54	NS011	Cyclists' Touring Club	More areas are worthy of preservation or conservation, notably what is referred to colloquially as the "bearpit", an open office area, oak panelled with a surrounding balcony and glazed arch roof. An ideal use for this might be a history/interpretation zone for the factory, with a model from Rowntree days of factory rail network at its maximum extent	This building is one of the earlier ones to have been built on the site. It does have some merit and it has been altered and refurbished. It will be assessed by English Heritage as part of their Listing Assessment.	No change
55	NS006	English Heritage	Para 6.7 The unlisted buildings on the site are currently being assessed by English Heritage's Designation Team to ascertain whether they would meet the Criteria for Listing.	Comment noted.	Update paragraph 6.7 to explain current work being undertaken by English Heritage.
56	NS011	Cyclists' Touring Club	Para 6.7 The brief appears to be incorrect in reference to Block 67, which is not wholly offices, but principally a production area of five floors, known as New Cream Extension (NCX Block).	Comment noted	Amend reference in para 6.7 to "the office and production unit (block 67 on plan 4)"
57	NS006	English Heritage	Support the examination of this site as a possible Conservation Area. This assessment should be undertaken as a matter of urgency in order to inform the future development of this area. If this area is designated, the Appraisal should be accompanied by a Conservation Area Management Plan.	Comment noted. The process of identifying and designating a possible Conservation Area should be explained more fully in the brief.	Add new paragraph 6.9. "Areas can only be designated as Conservation Areas when they are of "special interest" in the local context, based on consistent criteria. Should Conservation Area designation be considered appropriate, the Council will carry out a full character appraisal, accompanied by a Conservation Area Management Plan. The appraisal will recommend a boundary for the Conservation

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					Area; assess the historical context and character of the site and surrounding area, and identify positive, neutral and negative factors. The process of designating a Conservation Area will involve public consultation and will be subject to Members' approval. The future development of the Nestlé South site would be informed by the character appraisal. Designation means that extra planning controls would apply to assist in the preservation or enhancement of the character and appearance of the area."
58	NS007 NS011	Various	We support the planned conservation status	Support noted	No change
59	NS006	English Heritage	Para 6.20 The second sentence is somewhat misleading and could be used to justify taller buildings on some parts of the site provided that, elsewhere, some smaller structures are included so that the "average" height overall is less than that of the existing buildings. It would be preferable to reword this sentence along the lines that the historic factory buildings should remain the dominant structures in any redevelopment proposals.	Agreed.	Omit second sentence of para 6.21 and replace with "The historic factory buildings should remain the dominant structure in any development proposals"
60	NS006	English Heritage	Para 6.21 If the heights of the buildings on the site are no higher than the existing factory buildings (Para 6.20) then there should be little likelihood of them threatening the dominance of the	Agreed	Replace para 6.22 with "It should be demonstrated that any new development would not adversely affect the character or setting of the historic city."

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			Minster. It might be better, therefore, to state that <i>“It should be demonstrated that any new development would not adversely affect the character or setting of the historic City”</i> .		
61	NS008	Nestlé UK Ltd	The height of new buildings should be allowed to reach that of existing tall buildings where both are opposing.	It is important that the special significance of the site is legible, and this is unlikely to be achieved by new buildings of the same height.	No change
62	NS008	Nestlé UK Ltd	We accept that there will be a variety of building height and mass across the site with a gradual reduction towards the boundary with the former railway cutting on the southern margin of the site. However, some of the new residential blocks nearest to the retained operation factory will exceed “2-4 storey” (para 6.20) and the Brief should be changed to reflect this	The reference quoted by the consultee specifically refers to 2-4 storey <u>houses</u> . The brief should be amended to recognise other housing types.	Amend last sentence of para 6.21 to read “2-4 storey houses, and higher mixed use and commercial buildings with no building...”
63	NS010	Member of the public	The existing six-storey building (especially blocks 1, 2 and 34) offers residents of my neighbourhood some protection from north winds so I would be happy if they were to remain and be converted to offices and flats	Comment noted. Detailed design issues and proposals will be addressed at the masterplanning and planning application stage, which will be subject to further public consultation.	No change
64	NS008	Nestlé UK Ltd	Para 6.24 The “community hub” along the Haxby Road frontage could be achieved through appropriate reuse of the Joseph Rowntree Library and public access to the surrounding gardens. This opportunity could be made more explicit in the brief.	The Council would not wish to prescribe the extent/significance of the community ‘hub’. This can be explored in the masterplanning stage.	No change
65	NS008	Nestlé UK Ltd	Para 6.27 We support the promotion of bio-climatic design and the recognition	Agree that the retention of existing buildings may affect	Continue sentence added from comment 59 “notwithstanding

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			that this will influence the design, massing and layout of buildings. With the exception of most significant existing buildings on the site, the retention of other existing buildings will severely curtail any opportunities to implement a bio-climate design.	bioclimatic opportunities. This point should be addressed in para 6.21 in relation to the massing of the scheme rather than para 6.27, which concerns the development of architectural expression in any new scheme.	the requirement to work with bioclimatic design principles as set out in paragraph 6.4”
<b>Links and Spaces</b>					
66	NS015	Natural England	We would welcome the integration of the site with key recreational routes including the Foss Walk and the Sustrans cycleway route, not just as a means to <i>link</i> greenspace and the wider countryside but as a means of providing and enhancing a green corridor from and to the city centre. This site provides an excellent opportunity to develop a green corridor from the centre of York through to the wider open greenspace on the urban edge.	Agree	Add after first sentence of para 6.17 “Every effort should be made to integrate new routes on and across the site with recreational routes including the Foss walkway, the Sustrans cycle route 66 and routes into the City. The opportunity to enhance these routes as green corridors must be taken.”
<b>Trees</b>					
67	NS007	CBRE	It is our view that an early schedule should be made of the trees and where appropriate Tree Preservation Orders issued.	As part of any application for development, the Council will require a full tree survey to be carried out. This is stated in paragraph 6.35 of the brief.	No change
68	NS016	Member of the public	Concerned over the thinning out of trees referred to in para 6.14. Need to ensure the increasing blending into nature in this area on the fringes of the city	Comment noted. The thinning out of trees referred to in paragraph 6.14 would have benefits, including maximising the existing woodland vegetation, creating a more open aspect with views through to the new development, and improving the perceived safety of this part of	No change

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				the site.	
<b>Chapter 7: Public Open Space, Recreation and Public Art</b>					
69	NS011	Cyclists' Touring Club	The provision of open space is supported and there needs to be good links with other adjacent areas of good landscape/nature conservation quality.	Comment noted	No change
70	NS016	Member of the public	Need a positive focus on creating green space and play areas/sports for older children, need to ensure easy access to facilities such as green park space as well as the current Nestlé facilities.	Comments noted. The brief addresses the need for on-site open space to be in different forms, be easily accessible and to link to pedestrian and cycle routes (re. paragraphs 7.2, 7.3, 7.5, 7.5, 7.7 and 7.8)	No change
71	NS008	Nestlé UK Ltd	The urban character, mix and intensity of development which is called for in the brief will exclude the possibility of accommodating all youth and adult sports provision on the site.	Paragraphs 7.9 & 7.10 state that provision for youth and adult sport may be acceptable off-site.	No change
72	NS008	Nestlé UK Ltd	It needs to be made clear that the option of improving off-site provision of facilities as a part of new development is an appropriate way forward. Following discussions with City of York Leisure Services representatives, future improvements for youth and adult sports provision will be directed onto the existing Nestlé sports fields.	Paragraphs 7.9 & 7.10 make it clear that off site sports contributions may be an acceptable way to deliver the community sports allocation.	No change
73	NS008	Nestlé UK Ltd	The Brief needs to accept that there will be a dual or multiple use of open space within any new development. In this sense, it is not appropriate to consider separate open spaces for residents, employees and the local community. The "requirements" for open space should be reconsidered to reflect the high level of	Comments noted. The brief sets out the requirements for the site based on Development Control Local Plan policy. The need for imaginative open space design is acknowledged in the brief, but there may be room for creative solutions to the requirement to	Add sentence to end of para. 7.8. "Careful consideration should be given to the design and layout of amenity space to identify the most appropriate methods of catering for the different users. Detailed discussions should be held with

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			shared use.	cater for a mix of users.	the Council's Parks and Open Spaces team prior to any planning application submission".
<b>Chapter 9: Archaeology</b>					
74	NS006	English Heritage	The archaeological strategy is fine. However, this proposal would appear to be an excellent opportunity for some community heritage work (such as oral history etc).	Agreed	Add new paragraph 9.8 "The development of the Nestlé South site may provide opportunities for community heritage work. Discussions with the Council's archaeologist are encouraged"
<b>Chapter 10: Sustainable Transport</b>					
75	NS015	Natural England	Welcome the emphasis within the Development Brief on the importance of walking and cycling routes.	Comment noted	No change
76	NS007	CBRE	We hope that the hierarchy of users will be strictly adhered to.	Comment noted	No change
77	NS011	Cyclists' Touring Club	We note reference in Section 10 to hierarchy of users, which may have recently been partly discounted in council schemes. We trust that it may be more closely regarded by planners/developers.	Comment noted	No change
78	NS014	York Cycle Campaign	Welcome the application of the "hierarchy of transport users" (para 10.1) and suggest that this is also given prominence in the sections on Highways and Parking and Environmental Issues. It should be emphasised that the hierarchy needs to be carried through to the detailed design of the site which will have most effect on users perceptions of modal priority.	Paragraph 10.1 states that the hierarchy of users is applicable when making land-use and transport decisions and implementing transport decisions.	No change
79	NS008	Nestlé UK Ltd	There are a variety of methods of reducing dependence on the private car. We feel the requirements in the Brief are	The brief suggests specific measures (e.g. car clubs) as well as other travel planning	No change



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			set out in a prescriptive way at present (para 10.13). It would be preferable to use the following wording for the second sentence of para 10.13: "These standards coupled with the provision of effective traffic planning measures delivered through a detailed site travel plan, will be sought as an effective way of reducing car dependency whilst maintaining residents' travel options."	measures. This approach is considered reasonable and appropriate, as it indicates potential measures, whilst also being flexible.	
80	NS012	Yorkshire Forward	A successful car club company currently operating within the city emphasizes the demand for such facilities, therefore, we suggest that any possible developer liaise with the City Council and car club operators at the earliest possible opportunity	Agree. Para 10.14 states that a comprehensive approach to the city car club should be taken.	Add new sentence to end of paragraph 10.14 'Early contact with the City's car club operator and City of York Highway Officers is encouraged.'
81	NS010	Member of the public	Para 10.6 Completion of Route 66 all the way through to York railway station has been for some time now an urgent infrastructure priority for the city as a whole. This would include a new pedestrian/cycle bridge (to replace the existing Scarborough footbridge over the River Ouse) leading to an approach path alongside the railway line behind the hotel to enter the station from the north.	Construction of a new bridge is outside the scope of the brief. CYC has obtained funding from the Department of Transport to provide new access into the north side of York railway station, but has encountered problems reaching agreement with Network Rail and GNER.	No change
82	NS010	Member of the public	Access to and through the site should serve the interests of residents of the site before those who would merely see it as a short cut. This is especially important in the matter of motor vehicle access.	The assessment of the flow/capacity submitted by the developer will determine if unrestricted or public transport only access will be provided. See response to comment 94.	No change
83	NS008	Nestlé UK Ltd	The requirement to provide travel plans should be directed at commercial	Residential travel plans are becoming more popular across	No change

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			organisations. Residential travel plans are difficult to administer and enforce.	the UK for use in development schemes. City of York Council would work with the applicant to develop a robust and enforceable residential travel plan to ensure that travel patterns are in accordance with policy.	
84	NS014	York Cycle Campaign	Para 10.15 We welcome the suggestion of mode use targets for the development and hope that these will include a target for cycling in line with what is achieved in Holland, Northern Germany and Denmark. That is in excess of double the level in York at the moment.	Modal split targets will be in line with current Local Transport Plan targets.	No change
85	NS014	York Cycle Campaign	The development should ensure that cycling (and walking) are the natural choices for short journeys. This means building convenient cycle storage into the dwellings - secure storage right next to each front door. It could also mean making car parking a little more difficult to access. As soon as a resident comes out of their house it should be obvious that walking or cycling are the easiest, most natural options and the design needs to ensure this.	Comment noted.	Add "secure, covered" to first sentence of paragraph 10.7
86	NS010	Member of the public	Houses should have cycle 'garages' included wherever possible.	Comment noted. See response and recommendation to comment 85.	No change
87	NS010	Member of the public	Nestlé site will cause an increase in heavy lorry and cycle traffic on Wigginton Road (the B1363) between the Nestlé site and Clifton Moor Gate. The former would result from the new Nestlé plant	A full and thorough assessment will be undertaken in support of any detailed proposal which will look at the transport implications by all forms of transport. See	No change

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			and the latter from residents of the new Nestlé South residential area travelling to Clifton Moor. I suggest that improvements should be made to this route in the form of 'shoulders' (or cycle lanes) alongside the road before the new Nestlé South development is completed. The verges are wide enough to accommodate this, and improvements to the level crossing should be considered, such as making the angle of approach to the railway tracks less oblique.	paragraph 11.2.	
<b>Chapter 11: Highways and Car Parking</b>					
88	NS016	Member of the public	Concerned over the increase in traffic on already congested roads - a dramatic increase in both private and business use of this site will add to this congestion - would want to see a better handle of this issue.	See response to comment 87.	No change
89	NS014	York Cycle Campaign	There is a rather brief mention (point (i) in 13.4) about the possibility of "a car free development or a 'low emission' development". These possibilities (along with others) should be given much greater priority throughout the document.	The detailed Transport Assessment will consider these possibilities.	No change
90	NS014	York Cycle Campaign	It might be useful to refer to the recently published Manual for Streets ( <a href="http://www.dft.gov.uk/pgr/sustainable/manforstreets/">http://www.dft.gov.uk/pgr/sustainable/manforstreets/</a> ) for detailed design considerations	Agree	Add reference to the Department for Transport's Manual for Streets in paragraph 11.6.
<b>Car Parking</b>					
91	NS001	Helmsley Group	Buyers and tenants will not take up office premises which provide only operational parking, making the scheme financially unviable.	It is considered appropriate to expect a reduced need for private car parking on this element of the scheme, when	No change

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				bearing in mind the location and both national and local transport and land use policy, which strives to maximise sustainable travel.	
92	NS008	Nestlé UK Ltd	For office development, in order to achieve an economically vibrant and viable proposal, parking should be provided in accordance with adopted standards, taking into account agreed measures in any travel plan which will seek to reduce commuting by car and encourage public transport use. We consider therefore that the first sentence of para 11.12(e) should be removed.	See response to comment 91. Paragraph 11.12a states that overall car parking provision will be agreed on the basis of analysis of its implications.	No change
93	NS008	Nestlé UK Ltd	A maximum overall car parking level for housing should be 100%.	This is not in accordance with national or local policy. The sustainable location of the site and the sustainable travel patterns that this scheme will have to deliver in order that the highway network can accommodate the additional demand are not compatible with a 100% parking provision.	No change
<b>Through Route</b>					
94	NS002	Member of the public	I can see no necessity for a through route, unless it includes cars. At the moment pedestrians and cycles can go from Haxby Road to Wigginton Road via several routes i.e. the existing cycle track, Hambleton Terrace, Rose Street, Vyner Street and Fountayne Street - surely enough routes for the number of pedestrians and cyclists needing this.	Use of the through route by private vehicles may simply move existing congestion to different locations on the network and may actually be detrimental overall. A through route for private vehicles may also make it more difficult for residents to access the development due to	No change

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				non-resident traffic. An assessment of the ratio of flow to capacity will be made and if this exceeds 0.90, or if it is deemed that there will be a reduction in the quality of the local environment, then the through route will be used solely by pedestrians, cyclists and public transport users.	
95	NS005	Clifton Planning Panel	It will be an opportunity lost if cars going from Clifton to Yearsley Baths, Haleys Terrace and Dodsworth Avenue cannot use a new road through the site. Wigginton Road will in future become more congested with the new hospital car park attracting more traffic and the roundabout on the ring road and Wigginton Road is always very busy.	See response to comment 94.	No change
96	NS007	CBRE	A through road for traffic would reduce site security and detract somewhat from community principles.	Agree. See response to comment 94.	No change
97	NS011	Cyclists' Touring Club	Any all-purpose traffic through road would be detrimental in terms of site security and might adversely affect community feel of the location.	Agree. See response to comment 94.	No change
98	NS010	Member of the public	A through route for cycling and walking between Haxby Road and Wigginton Road must be provided	Para 6.11 states that a walking/cycling spine connecting Wigginton Rd and Haxby Rd should be introduced.	No change
99	NS010	Member of the public	A through route for motor vehicles between Haxby Road and Wigginton Road is problematic. Although it would probably reduce the congestion at the junction further south where these two	Agree. See response to comment 94.	No change

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			roads converge, such relief would be merely a temporary fix and it would be only a matter of time before congestion returned to present levels.		
100	NS010	Member of the public	The provision of a bus route that runs between Haxby Road and Wigginton Road through the site may weaken the brief's case against other motor vehicles being permitted to use the same road.	Disagree. The number of buses using the through route would be significantly less than the number of private vehicles.	No change
101	NS014	York Cycle Campaign	The proposed route through the development should be restricted to pedestrians, cyclists and public transport (ideally we would prefer it to be pedestrians and cyclists only). Building a new road for general traffic will inevitably make it more convenient for existing car users and therefore risks generating extra traffic. This is at odds with Council efforts to restrain car use through the Local Transport Plan.	Agree. See response to comment 94.	No change
<b>Other</b>					
102	NS008	Nestlé UK Ltd	Para 11.3 The Brief confirms that Haxby Road and Wigginton Road regularly operate at capacity. To require that traffic generation from new development should not exceed capacity on the highway network is therefore unreasonable and, indeed, impossible to achieve. We consider that the first sentence of para 11.5 should be revised as follows: "It will be necessary to ensure that a strong emphasis on low levels of private car use is promoted."	It is a widely accepted approach that if the Transport Assessment indicates operational issues for the highway network as a result of development, then either one form of mitigation is agreed to resolve the issue, or increasingly the 'demand' is managed / restrained / reduced. It will be necessary (as set out in the brief) for the Transport Assessment and detailed modelling to fully assess the implications and any possible measures.	No change

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103	NS008	Nestlé UK Ltd	For reasons stated in comment 102 above, para 11.12(b) should be omitted from the Brief.	See response to comment 102.	No change
104	NS014	York Cycle Campaign	Para 11.4 and Plan 5c We welcome the possible changes to the Haxby Road roundabout (Haley's Terrace). These should incorporate high quality cycle facilities which are convenient for cyclists to use and in line with the hierarchy of transport users.	Comment noted. Any new junction arrangement should be safe to use for cyclists.	Add new sentence to end of para 11.4 "All junction proposals should give due consideration to the ease and safety of movement of pedestrians and cyclists ."
<b>Chapter 13: Environmental Issues</b>					
Flooding					
105	NS017	Environment Agency	Sustainable Drainage Systems (SuDS) should be considered in the first instance as a solution to the surface water drainage requirements of any redevelopment, provided ground conditions are suitable. A reference to SuDs should be added to paragraph 13.29	Agreed. Add reference to SUDS	Add new paragraph 13.30 "Sustainable Urban Drainage Systems (SUDS) should be considered as a solution to the surface water drainage requirements of any redevelopment, providing ground conditions are suitable."
106	NS004	Foss Internal Drainage Board	It is believed that the site generally discharges its existing surface water discharge into the River Foss downstream of the Board's District. It may, however have outfalls into the river within the Board's District. The Board would not like to see any detrimental effect on the watercourse environment as this could increase flood risk. It is therefore recommended that the developers are required to submit surface water discharge proposals in accordance with PPS 25 and, in particular, with reference to paragraph F6.	This will be addressed as part of the Flood Risk Assessment, which will have to be provided as part of a planning application in accordance with PPS 25 and paragraph 13.29 of the brief	No change

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107	NS004	Foss Internal Drainage Board	Should the existing site discharge into a Public Sewer, discharge from the Public Sewer should not be increased into the River due to the development on this site, should that be its final discharge point.	This will be addressed as part of the Flood Risk Assessment, which will have to be provided as part of a planning application in accordance with PPS 25 and paragraph 13.29 of the brief	No change
<b>Contaminated Land</b>					
108	NS015	Environment Agency	Depending on the information submitted with any planning application, the Agency are likely to request planning conditions to protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard	Comment noted. The involvement of the Environment Agency and the use of planning conditions to remediate land contamination is crucial, and is addressed in paragraph 13.16 of the brief.	No change
<b>Ecology</b>					
109	NS015	Natural England	Para 13.26 'checked' for bats should be replaced with 'surveyed' for bats.	Agree	Amend para 13.26 from 'checked for bats' to 'surveyed for bats'
<b>Chapter 15: Developing Proposals</b>					
<b>Affordable Housing</b>					
110	NS001	Helmsley Group	The costs of refurbishing the buildings on site to comply with the sustainable targets required in today's modern world means this scheme will not support 50% affordable housing.	Development Control Local Plan policy H2a and the City of York Council Affordable Housing Note ensures that a fair and consistent policy framework in York is established for the provision of affordable homes by setting a target of 50% affordable housing on all new schemes. The appropriate level on each site will be agreed through detailed, consistent negotiation. Developers are required to submit detailed assessments of viability if their submission is that	No change



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				50% cannot be achieved.	
111	NS008	Nestlé UK Ltd	It should be noted that the requirement set out in policy can be adjusted to reflect exceptional circumstances and to help realise other planning objectives	The affordable housing target may be negotiated below 50% but only in exceptional cases, and where abnormal site costs can be demonstrated. Planning related requirements, such as financial contributions towards local education and sports facilities, are known costs and therefore will not be delivered at the expense of affordable housing.	No change
112	NS008	Nestlé UK Ltd	There could be a case for the delivery of affordable housing on land in the near vicinity of the site as a complement to affordable housing on the site itself. This should be allowed for in the wording of the Brief.	The City of York Council will only support off-site provision for affordable housing in very exceptional circumstances. There appears to be no valid reason why segregation and off-siting of affordable housing should be considered here.	No change
113	NS001	Helmsley Group	Affordable housing does not all have to be subsidised rental housing. What happened to being able to sell houses at a lower price to those who need it, i.e. key workers etc. Why should housing associations have them all?	The Council's approved policy allows for both subsidised rent and discounted (off open market value) for sale. In accordance with national and local policy guidelines, the key is to relate provision to local assessment of need, which the Council has available.	No change
<b>Other</b>					
114	NS008	Nestlé UK Ltd	It needs to be made clear that, should an outline be submitted, it is appropriate to request a Design Code by way of condition as an intermediary between	Although detailed design issues could be considered at reserved matters stage, a design code setting out the key design	No change

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			outline planning permission and reserved matters applications.	principles for the site would be required as part of an outline application to enable proper consideration of the application.	
<b>Maps</b>					
115	NS002	Member of the public	Plan 5C The potential junction improvement and potential new access routes are marked by a green circle and a blue box, both of which appear to include White Cross Villa, 17 Haley's Terrace.	The location of potential junction improvements on plan 5C is purely indicative and not intended to imply that properties will be affected. Plan 5c should be revised accordingly	Amend Plan 5C to reduce scale of green circle and blue box at Haxby Rd/Haley's Terrace roundabout.

# Nestlé South Development Brief

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May 2007

City Development  
Directorate of City Strategy



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# 1. INTRODUCTION

## History

1.1 The site is historically associated with the manufacture of confectionary and cocoa, being the main production site for Nestlé Rowntree (and its previous companies in York) since 1890 when it was first developed by Joseph Rowntree as the “Cocoa Works”.

1.2 The works have progressively expanded from the south to the north over the last century, and this can be seen through the various building styles and materials. Appendix 1 summarises the history of Nestlé Rowntree from the 18<sup>th</sup> century.

1.3 The most intensive period of development at the site was between 1890 and 1940. This was characterised by the erection of large, multi storey blocks constructed in reinforced concrete or built in steel frames clad in brick and ashlar York stone dressings.

1.4 Between 1940 and 1970 development on the site slowed considerably, as Rowntrees sought to establish a global network of manufacturing bases. The company acquired UK and international companies and invested in new build factories around the UK, which were more ideally suited to automation and modern manufacturing techniques.

1.5 The next phase of major development occurred in the 1980's, particularly after the acquisition of Rowntree PLC by Nestlé in 1988. This period included the construction of new, large single storey production and warehousing buildings.

1.6 The area that is subject of this Development Brief contains the core of the original factory, built between 1890 and 1940, at the southern margin of the Nestlé Rowntree site.

## Why a Development Brief now ?

1.7 As part of the plans announced by Nestlé Rowntree in September 2006, there was a clear commitment to stay in York, to safeguard the long-term employment of the 1,800 remaining employees.

1.8 A massive capital investment is needed in order to upgrade and improve facilities on the more modern northern part of the site, leaving redevelopment opportunities on the older, southern part of the site closest to the city centre.

1.9 This southern area (referred to as Nestlé South in the rest of this Brief) represents around 40% (7.9 hectares/ 19.5 acres) of the overall site

plant and largely comprises outdated general offices, some older Kit-Kat production and other buildings / extensions. Together they absorb a substantial part (up to 80%) of the factory's maintenance budget and do not form the main part of Nestlé production.

1.10 A capital realisation of redevelopment in this area would allow re-investment in new facilities on the rest of the site, which would help to safeguard the future of employment on the remaining Nestlé site. It would also provide opportunities for new employment uses, as well as housing, new amenity and open spaces and better, safer links to surrounding areas as part of a mixed use development.

1.11 In order to progress a masterplan for the redevelopment of this part of the site it is essential that planning and highways requirements be addressed at an early stage, and overall objectives agreed through consideration by the local authority and through full consultation with the local community and other key stakeholders.

1.12 By setting out the policy requirements and wider aspirations for the site in this comprehensive Development Brief document, public representations can be received and responded to in a clear and accountable manner, well in advance of any planning application submission.

## **What is the purpose of the Development Brief ?**

1.13 The Brief aims to provide clear guidance on how the site should be developed, adding to the more general policies of the City of York Council Development Control Local Plan (April 2005) as well as regional and national policy and best practice guidance (see Chapter 3). The Brief is based on a comprehensive analysis of the site's planning context, site constraints and opportunities to improve the area through conservation and redevelopment.

1.15 The Brief puts forward the Council's vision, objectives, requirements and aspirations, introduces developers and urban designers to what the site has to offer, and is intended to inspire them to design and plan for the highest possible standards. It reinforces the call in the Government's Urban Task Force report 'Towards an Urban Renaissance' (1990), for earlier, greater and better-informed attention to urban design.

1.16 The Brief ~~will~~ has been subject to comprehensive consultation with the public and key organisations (statutory consultees) and prospective developers should, in progressing design solutions in this area, show how they have responded to the objectives and requirements set out in the Brief.

## What is the Council's *vision* for the site ?

1.17 The Council's overall vision for the redevelopment of this area is:

*To create a new, inclusive, live / work community and cultural hub well integrated with surrounding areas. It should accommodate a mix of uses and follow best practice guidance in order to achieve high standards of design, public space and sustainability. High quality urban design **which recognises the distinctive character of this part of the City, [10]** and safe and attractive pedestrian / cycle routes through and around the area will help to create a sense of place, and low car use principles must be embraced.*

## Key Objectives

1.18 To deliver this overall vision a number of specific objectives need to be met. Redevelopment of the site will be successful if it :-

- KO1** Retains factory buildings of agreed distinction and considers conversion to employment / residential, with some new build.
- KO2** Respects the character and fabric of factory buildings fronting Haxby Road, together with the library, theatre and Nuffield Hospital and safeguards the wider character of the area and the setting of the historic City. [14]
- KO3** Creates its own identity and sense of place, whilst respecting the history of the site.
- KO4** Provides new employment opportunities, particularly for the creative industries.
- KO5** Creates a hub in the network of knowledge based industries, potentially through existing Science City links with Nestlé. [15]  
~~Expands on existing Science City links with Nestlé to create a hub in the network of knowledge based industries.~~
- KO6** Provides smaller workshops, artisan studios and business premises.
- KO7** Provides live / work units.



- KO8 Takes full account of the Council's Housing Market Assessment in putting forward any housing proposals on site, especially in terms of providing 2/3 bedroom family houses.**
- KO9 Provides new affordable homes for local people as part of an inclusive development.**
- KO10 Develops an overall character and appearance through adoption of a low energy, community-focused approach.**
- KO11 Considers contemporary design options and ensures layout, design and build is exemplar in terms of sustainability and overall energy efficiency.**
- KO12 Incorporates on-site water management and recycling, and provides at least 10% of its energy from on-site sources.**
- KO13 Maximises connectivity and linkages between the site, the local area and wider services and facilities, including links to open spaces at Fossway and other recreation spaces such as the Nestlé-owned sports facilities and open space to the north.**
- KO14 Provides safe, secure and good quality provision for children's play, amenity open space and youth and adult sports facilities.**
- KO15 Makes the site easy to access and travel through by pedestrians and cyclists, and potentially by public transport users.**
- KO16 Is highly accessible from the city centre, but with low car use.**
- KO17 Improves the attractiveness and safety of the existing cycle path between the site and Hambleton Terrace.**
- KO18 Creates a greener environment than is there currently.**
- KO19 Protects and encourages wildlife.**

1.19 These nineteen key objectives are referred to throughout this Brief, and prospective developers of the site will be expected to demonstrate how each of these objectives have been addressed through a consultative masterplan and any subsequent planning applications for development of the site.

## 2. SITE AND SURROUNDINGS

### Nestlé Rowntree factory complex

2.1 The Nestlé Rowntree factory complex lies 2km to the north of the city centre on the urban / rural fringe (Plan 1). The site has 48 buildings, together with facilities for car and lorry parking.

2.2 The factory is bounded to the south by the Sustrans [Foss Island](#) cycle route [\(which connects to the National Cycle Network Route 66\)](#), the B1363 Wigginton Road to the west, and Haxby Road to the east. To the north of the site the company sports fields open out into Green Belt countryside. Access to the site is from both the B1363 Wigginton Road and Haxby Road.

2.3 There is a mixture of building types on the site, which reflect the long evolution of the factory. They are set in a distinct rectilinear pattern and are generally utilitarian, designed for production purposes. The earliest buildings are to the south of the site and the most recent development to the north, away from the city centre.

### Nestlé South

2.4 This part of the factory site occupies 7.9 hectares (19.5 acres), around 40% of the total site area (Plan 2). It comprises the older, prominent buildings fronting Haxby Road and Hambleton Terrace together with car parking areas, landscaping and other factory buildings from a range of periods.

2.5 The native and ornamental planting around the site boundary links the site to the surrounding areas. It creates a backdrop to the site and enhances the local area, in part through reducing the impact of the large factory buildings.

2.6 Mature trees immediately within the factory boundary give the impression of the factory in a landscaped setting. However, there is very little landscape or trees within the inner site and no trees are the subject of Tree Preservation Orders to protect them.

2.7 This neighbourhood of York would be completely dominated, visually, by the factory works if it were not as well screened by mature trees and hedgerows. The planting is well defined and provides a strong framework for any future development.

2.8 Travelling along Haxby Road (the eastern site boundary) the landscape is essentially mature ornamental planting. Behind the boundary fence there are areas of dense shrub planting with both deciduous and evergreen mature trees. The planting, being of a similar age and style and set behind a fence, mirrors the landscape of the former Rowntrees amenity

buildings on the opposite side of Haxby Road – the former Dining Block (now Nuffield Hospital), Joseph Rowntree Theatre, Yearsley swimming baths and sports fields.

2.9 The main visitor entrance is off Haxby Road, and this leads to the office block. Other entrances allow access to individual buildings, and are given a formal setting with ornamental planting. There are boundary railings and access points, which have a variety of structures, associated with them such as clocks and security points.

2.10 To the north of the Nestlé Rowntree factory complex there are playing fields and allotment gardens, which provide a transition between the urban environment and the open countryside.

2.11 Along the southern boundary of the site is a disused railway line, which now forms part of the Sustrans cycleway route. Trees and steep embankments on either side of the route separate the cycleway from the houses on Hambleton Terrace and from the site. There is currently no access to the site from the south.

2.12 The western boundary is marked by the B1363 Wigginton Road, an arterial route running from the city centre to the north. There are two access points to the site from this road (see Plan 2). The southernmost entrance provides general access and the northernmost access allows for lorries.

2.13 A link has been created to the cycleway from Wigginton Road, and trees planted formally on either side. On this boundary only the entrances to the site are formalised, with a clock and low shrubs backed by an evergreen hedge. Travelling along the length of the site boundary, planting becomes less formal and the plant species native – intermittent blackthorn hedge follows the perimeter of the site and mature deciduous trees surrounded by a chestnut pale fence act as a buffer between the road and the site.

## **Views from surrounding areas**

2.14 There are distinctive views of the Nestlé Rowntree works from the outer ring road, Haxby Road and Wigginton Road, and other surrounding streets. There is an iconic and historic attachment to the works, which is familiar and reminds people of York. The buildings and views of them need to be fully taken into account in developing a masterplan for the area. Through redevelopment, however, the opportunity does exist to bring some new and interesting views to this area, which would compliment rather than compromise the present setting.

## **Visual Impact**

2.15 As the site is well screened by the buffer of mature trees, many of the factory buildings remain unseen by residents and pedestrians in the immediate area.

2.16 To the south east of the site the 1900-1930's multi storey buildings are visible from Haxby Road. On the southern boundary the dense buffer of trees allows only occasional views of the Almond Blocks and Cream Blocks (Blocks 1 and 2 as shown on Plan 4). More general views of the factory are glimpsed through breaks in the trees and entrance points.

2.17 In the south west the Office Block (Block 30 on Plan 4) and the former Gum Department (Block 34 on Plan 4) are significantly higher than the tops of the trees and, again, views are glimpsed through breaks in the planting and at the entrance points into the complex.

## Local Context

### Bootham Stray

2.18 The western margin of the site falls within Bootham Stray which lies on both sides of Wigginton Road between the factory and the Bumper Castle pub. The stray includes narrow strips of land bordering Wigginton Road down to and including Clarence Gardens at the junction with Haxby Road and Clarence Street. Much of this has either been built over or is used as the front gardens of houses in this area.

### Farming and Woodland

2.19 Bootham Stray links into farmland to the north of the site. Although it is private land, it is accessible to the public in areas where public footpaths [and the recently built cycle link to New Earswick](#) occur. The farmland landscape contains a variety of habitats such as ponds, hedgerows and shelterbelts.

### Public Open Space

2.20 There are several areas of public open space within the vicinity of the site. The most immediate is Clarence Gardens, which lies to the south, at the junction of Haxby Road and Wigginton Road. These well used gardens contain three bowling greens, a main amenity area, a well-equipped children's play area and parking. It is managed through a partnership between Clarence Gardens Bowls Association and the City of York Council.

2.21 The open space areas are well linked. Clifton Ings, adjacent to the River Ouse, is the nearest, most significant Open Access Land and this area links to the National Cycle Network Route 65. Clifton Backies, a local nature reserve is within 1km of the Nestlé South site (see Plan 7).

### Private Open Space

2.22 Nestlé Rowntree manage and maintain the sports grounds and playing fields adjacent to the north of the factory site for the use of groups associated with the company. There are six football pitches, one rugby pitch, one hockey pitch, athletics facilities, a bowling green and four tennis courts. There is also a pavilion with four changing rooms for winter and summer sports.

### The Allotments

2.23 There are three Council-run allotments within the local area – Bootham Stray, Wigginton Road, and Wigginton Terrace. Bootham Stray is a particularly significant local amenity area, surrounded by stray land and open fields. Wigginton Road allotments are divided into three areas, situated either side of Crichton Avenue Bridge and Wigginton Terrace is located at the junction with Wigginton Road and Hambleton Terrace. A fourth allotment site, managed and maintained by Nestlé, is located adjacent to Mille Crux.

### Housing

2.24 To the south of the site are uniform rows of Victorian and Edwardian terraced housing with small, well maintained front gardens. To the west of Wigginton Road is a row of three storey Victorian / Edwardian terraced housing set back from the road; over Crichton Bridge is an estate of post-war semi detached Council housing; and to the east of Haxby Road is a mix of modern infill housing and larger, more established semi detached housing backing onto the River Foss.

### Transport Routes

2.25 In addition to the primary road corridors of Haxby Road and Wigginton Road. There are a number of other important transport corridors in the vicinity of the site. ~~The York and North Midlands Railway Line~~ It to the west of Wigginton Road connects York to Derby and, to the north east, is the York to Scarborough railway line.

2.26 The Foss Islands Route – National Cycle Network, follows the site boundary on two sides. It links New Earswick (and beyond) in the north, the city centre, Tang Hall and Osbaldwick in the east. The primary cycleway is supplemented with other designated routes, taking cyclists both into and out of the city centre (see Plan 5b).

### 3. POLICY CONTEXT

3.1 The vision set out in the introduction to this document, and the potential development uses set out in Chapter 5, are based on national, regional and local planning policy. This chapter highlights some of the key policies and guidance that informs the approach taken in the brief in terms of development principles, sustainability and transport. The lists of policies are in no way exhaustive and any proposals must demonstrate a comprehensive recognition of statutory and other relevant guidance.

#### National Planning Policy

3.2 National guidance exists in the form of Planning Policy Guidance (replaced by Planning Policy Statements). They explain statutory provisions and provide guidance on planning policy and the operation of the planning system. The development of the area should have particular regard to the following documents:

- PPS 1 – Delivering sustainable development
- PPS 3 – Housing
- PPG4 – Industrial, commercial development and small firms
- PPS 6 – Planning for town centres
- PPS 9 – Biodiversity and geological conservation
- PPG 13 – Transport
- PPG 15 – Planning and the historic environment
- PPG 16 – Archaeology and planning
- PPG 17 – Planning for open space, sport and recreation
- PPG 24 – Planning and noise
- [PPS 23 – Planning and pollution control](#)
- [PPG-PPS 25 – Flood Risk \[21\]](#)

#### Regional Planning Policy

##### Regional Spatial Strategy for Yorkshire and Humber (Selective Review of RPG 12) Dec 2004

3.3 This document provides a spatial framework to inform the preparation of local development documents, regional and sub-regional strategies and programmes that have a bearing on land use activities. It forms part of the statutory Development Plan for York and covers the period to 2016. Relevant policies include:

- S1: Applying sustainable development principles
- S3: Urban and rural renaissance
- S4: Urban and rural design
- S6: Sustainable use of physical resources

P1: Strategic patterns of development  
 E3: Planning the overall provision of employment land  
 H2: Sequential approach to allocation of housing land  
 H3: Managing the release of housing land  
 H4: Housing size, type and affordability  
 T1: Land use and transport integration  
 T2: Public transport accessibility  
 T3: Personal transport  
 SOC4: Open space, sport and recreation  
 N2: Historic and cultural resources  
 N3: Landscape character  
 R3: Water resources and drainage

### **Yorkshire and Humber Plan Regional Spatial Strategy (2005)**

3.4 The Selective Review of RPG12 will be replaced by a new Regional Spatial Strategy. The emerging Yorkshire and Humber Plan Regional Spatial Strategy 2005 was subject to ~~examination~~ Examination in Public in Autumn 2006 and is due to be adopted in Autumn 2007. It will cover the period to 2021. This Strategy has 'weight' as a planning document and will be given material consideration in planning decisions. Policies of relevance include:

YH1: Overall approach  
 YH2: Climate change and resource use  
 YH3: Key spatial priorities  
 YH5: Urban focus  
 YH8: Location of development  
 Y1: York sub area policy  
 H1: Provision of distribution of housing  
 H3: The provision of affordable housing  
 H4: Housing Mix  
 E1: Creating a successful and competitive regional economy  
 E2: Town centres and major facilities  
 E3: The supply of land and premises for economic development  
 E4: Support of regional priority sectors and clusters  
 E5: Safeguarding employment land  
 ENV5: Energy  
 ENV6: Forestry, trees and woodland  
 ENV8: Biodiversity  
 ENV9: Cultural heritage  
 ENV10: Landscape  
 T1: Personal travel and modal shift  
 T2: Parking policy  
 T3: Public transport

### **North Yorkshire County Structure Plan (Oct 1995)**

3.5 The adopted North Yorkshire County Structure Plan is the statutory policy document for the North Yorkshire. It covers the period 1991 to 2006. Relevant policies include:

- I5: Employment land
- I6: Industrial and commercial development
- I12: Provision for business use
- H4: Housing
- H8: Residential density
- T9: Car parking
- T10: Cycling
- T11: Transport for industry, commerce and other major development
- E4: Historic environment
- E5: Archaeology

### **Local Planning Policy**

#### **City of York Draft Local Plan incorporating Fourth Set of Changes (April 2005)**

3.6 The City of York draft Local Plan (referred to as the Development Control Local Plan) was approved by Members for development control purposes in April 2005. It represents the most advanced stage of Local Plan production, comprising the 1998 deposit draft amended up to and including the fourth set of changes. Although it is, in statutory terms, unadopted, the Development Control Local Plan represents the current planning position in York and reflects the approach advocated in up-to-date national and regional policy guidance. It will be used to determine any planning applications on this site.

3.7 Relevant Development Control Local Plan policies include:

#### Chapter 1 – Strategic Policies

- SP1: Key Sustainable Themes
- SP3: Safeguarding the Historic Character and Setting of York
- SP6: Location Strategy
- SP8: Reducing Dependence on the Car
- SP10: Strategic Windfalls

#### Chapter 2 – General Policies

- GP1: Design
- GP3: Planning against crime
- GP4a: Sustainability
- GP4b: Air quality
- GP5: Renewable energy
- GP6: Contaminated land



GP7: Open space  
GP9: Landscaping  
GP11: Accessibility  
GP13: Planning obligations  
GP21: Advertisements

#### Chapter 3 – Nature Conservation

NE1: Trees, woodland and hedgerows  
NE3: Water protection  
NE7: Habitat protection and creation  
NE8: Green corridors

#### Chapter 4 – Historic Environment

HE1: Designation of Conservation Areas  
HE2: Development in Historic Locations  
HE10: Archaeology  
HE11: Trees and landscape

#### Chapter 6 - Transport

T2a: Existing pedestrian /cycle networks  
T2b: Proposed pedestrian /cycle networks  
T4: Cycle parking standards  
T5: Traffic and pedestrian safety  
T7b: Making public transport more effective  
T7c: Access to public transport  
T13a: Travel plans and contributions  
T16: Private non-residential parking  
T17: Residents' parking schemes  
T18: Highways  
T20: Planning agreements

#### Chapter 7 – Housing

H2a: Affordable housing  
H3c: Mix of dwellings on housing sites  
H4a: Housing windfalls  
H5a: Residential density

#### Chapter 8 – Employment

E3b: Existing and proposed employment sites

#### Chapter 9 – Educational Establishments

ED4: Developer contributions towards educational facilities

#### Chapter 10 – Shopping

S8: Provision of shops in non-retail developments

#### Chapter 11 – Leisure and Recreation

L1a: Leisure development  
L1c: Provision of new open space in development

Chapter 13 – Community Facilities

C1: Community facilities

C6: Developer contributions towards community facilities

Chapter 14 – Minerals and Waste

MW7: Temporary storage for recyclable material

**City of York Local Development Framework**

3.8 Work on the Local Development Framework (LDF) for York has commenced and it is anticipated that the core strategy, allocations and Development Control Development Plan Documents (DPDs) will achieve statutory adoption by late 2009 / early 2010. The weight to be given to the emerging LDF Development Plan Documents (DPDs) will depend on the stage they have reached when a planning application is considered for the site, with the weight increasing as the DPD progresses through each stage and the nature and extent of any objections received.

3.9 Initial consultation on Issues and Options on the Core Strategy was undertaken during the summer of 2006. The Sustainability Appraisal Scoping Report has also been produced. This has been used to inform preparation of Issues and Options, and its methodology will be applied in appraising further stages of the Core Strategy and subsequent DPDs.

3.10 The Statement of Community Involvement ~~has reached Preferred Options stage, and will~~ was ~~be~~ submitted to Government Office in February 2007 for the final stage of formal public consultation.

## 4. SUSTAINABLE DEVELOPMENT

**Key Objectives being met : KO10, KO11, KO12, KO13, KO15, KO16, KO18, KO19**

4.1 The redevelopment of this site offers an outstanding opportunity to redevelop previously used land alongin accordance with sustainable development principles. A development that embodies the principles of sustainable development will reduce running costs for future users, and therefore improve marketability, improve the attractiveness of the area, and provide additional public open space. It can be referenced as a good example of sustainable development in the city.

4.2 Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It must enable people to enjoy a better quality of life now and in the future, through balancing social, economic and environmental needs and the prudent use of natural resources. It embraces not only local issues but also national and global matters, such as climate change.

4.3 These principles are underpinned by government policies such as PPS1 - Delivering Sustainable Development. At regional level, policy S1 - Applying Sustainable Development Principles of the adopted Regional Spatial Strategy for Yorkshire and Humber 2004 and policies YH2 Climate Change and ENV5 Energy of the emerging replacement Regional Spatial Strategy (2005) are relevant.

4.4 The York City Vision and Community strategy 2004-2024 outlines six themes for the development of the city. Sustainability is one of these themes with the objective that York should be a model sustainable city with a quality built and natural environment and modern, integrated transport network.

4.5 The main objective of the strategy is to reduce the Ecological Footprint of the city. This is a tool, which works out the amount of land needed to provide a population with all their resources and to absorb all their waste. This can be compared with the capacity of the earth to provide natural resources and to deal with the waste and pollution created. More information can be found at [www.york.gov.uk](http://www.york.gov.uk).

4.6 It is clear that any new development will increase the Ecological Footprint of the city. However, in doing so it will also have social and economic benefits. The purpose of using the Ecological Footprint as a success measure is to ensure that any new development reduces the negative impact on the environment – which will help to balance the social and economic benefits against reduced environmental impacts.

4.7 At a local policy level the promotion of sustainable development is a key objective of the Council and underpins the vision of the Development Control Local Plan. This is outlined in the Local Plan Strategy and in

Development Control Local Plan Policy GP4a – Sustainability. The policy requires the submission of a Sustainability Statement for all development proposals. It covers a wide number of issues, including the protection of irreplaceable environmental assets, promoting economic growth, sustainable design and layout of development, transport policy, re-use of previously developed land and materials, reduction in energy use and protection/promotion of public open space.

4.8 The above policy is supported by the Draft Supplementary Planning Guidance (SPG) on Sustainable Design and Construction. It has been approved by Planning Committee (November 2006), and consultation begins in January 2007. This document provides minimum standards that should be met by new development and advises how this should be demonstrated in the Sustainability Statement. ~~Although it is a consultation draft at the moment, it is intended to be approved for full use in April 2007.~~ Development proposals on the Nestlé South site will be required to meet the standards within the SPG.

4.9 Sustainable design and construction techniques are required to be incorporated at the earliest stage of development design (e.g. incorporating methods to use waste heat from the adjacent operating Nestlé factory) [27]. As a starting point, consideration should be given to how the buildings onsite can be re-used or adapted. Only where this is not practicable, or would prove a less sustainable option, should demolition occur (see also paragraph 4.10, bullet i), [26,24] and tThe minimum standards within the SPG mentioned above will be expected to be met. For a development of this size it will mean the achievement of a BREEAM (BRE Environmental Assessment Method) standard of at least 'very good'. This is in addition to other minimum standards relating to demolition, considerate constructors etc, and the draft SPG should be consulted for detail. Consideration is required to be given to the environmental impact of the proposals in all phases from construction, use and ultimately demolition.

4.10 The sustainability statement to accompany any subsequent proposals should address the following issues :

- a) Whole-life costs of any proposals and life cycle analysis of materials and identify its effect on York's Ecological Footprint;
- b) Bio-climatic design, including the orientation of building elements to maximise solar gain and the use of solar based energy generation and heating;
- c) High thermal mass for new buildings and the use of energy systems which are efficient and above that required by building control regulations, in order to provide enhanced thermal and cooling qualities;
- d) Retro-fitting of existing buildings to improve thermal efficiency and general environmental performance;
- e) Renewable energy generation such as ground source heat pumps, wind, biomass and combined heat and power;
- f) The efficient management of water on-site in order to reduce run off through building design and sustainable urban drainage systems;

- g) Building design that provides space for wildlife;
- h) Use of indigenous species and planting that has wildlife value;
- i) The re-use of demolition materials on-site as aggregate and, if this is not available, the use of aggregate from recycled materials, ideally from a local supplier;
- j) Different construction techniques and materials, such as timber frame and prefabricated building units
- k) The use of materials that are healthy, naturally occurring from renewable sources or recycled;
- l) Reduce waste generation on-site during construction and use. Design in space for waste separation;
- m) The use of local labour, contractors, products and suppliers;
- n) Training opportunities for local people during construction;
- o) Opportunities to improve public transport and links between different transport modes.

4.11 The above list is not intended to be exhaustive and prospective developers are advised to liaise with the Council's Sustainability Officer at an early stage in the formulation of their proposals. Further advice on sustainability issues is set out in the Council's 2006 Supplementary Planning Guidance – Sustainable Design and Construction, as referred to in paragraph 4.8 above.

## 5. DEVELOPMENT OPPORTUNITIES

**Key Objectives being met : KO1, KO2, KO4, KO5, KO6, KO7, KO8, KO9**

### Mix of Uses

5.1 The Nestlé Rowntree site has played a key role in providing employment in York for over a century. 625 jobs across a variety of skills have recently been lost from the 2,445 working on the site, and any new development proposals should aim to replace these with new employment opportunities. A mixed-use development, which, in employment terms, aims to replace what is currently being lost and seeks to redress this with new employment uses, would be acceptable.

5.2 The imperative in redeveloping this site will be to create a sustainable development with a strong sense of community and identity which, in true Rowntree tradition, can be referred to in future as an exemplar of its genre. There are opportunities in terms of community heating, innovative approaches to transport/ car parking, building design, and cycle/ pedestrian links to and from the site. The very name 'Rowntree' will potentially attract a lot of interest in any scheme to redevelop this area.

### Employment

5.3 The site is designated in the Development Control Local Plan for employment use. Sites currently or previously in employment use should be retained as such unless it can be demonstrated that there is a sufficient supply of employment land in the city and provided that either (a) unacceptable environmental benefits exist, (b) development of the site for other appropriate uses would lead to significant benefits to the local economy, or (c) the proposed use would be ancillary to an employment use.

5.4 Redevelopment of the Nestlé South site will be considered within the context of Nestlé's stated commitment to a long-term presence in York, with the capital receipt from disposal of this part of the site providing a re-investment opportunity for a major city employer.

5.5 In quantitative terms it is considered that the recent job losses announced by Nestlé could be replaced on site through a mixed-use development.

5.6 Early feasibility studies should explore the possibility and implications of retrofitting the older buildings which currently occupy the Nestlé South site, in order to improve thermal performance, accessibility, integration of communications and other IT equipment and services.

5.7 Redevelopment of the site provides a great opportunity to provide modern industry, either in an office context or as a manufacturing base. Opportunities for the creative and technology-based industries, including uses which compliment York's aspirations to develop and expand Science City, will be especially encouraged. Liaison with the Council's Economic Development Unit prior to developing proposals is essential in order to identify the potential to meet either Science City and/ or wider economic aims of the city.

5.8 A range of B1 Business uses which, in the Town and Country Planning Act Use Classes Order 2005, includes offices, research and development of products or processes, and light industry, should be catered for in order to encourage and achieve jobs back on this site. Particular consideration will be given to:-

- small / medium enterprises (SME's) in the food and drink sector;
- technology / modern economy;
- creative workshop space;
- quality studio space;
- artisan / manufacturing.

5.9 The uses above could be accommodated in offices, workshops and live/ work units. The opportunity exists to create a true community feel with a range of jobs for local people in a range of possible career paths, including smaller workshops and business premises.

5.10 The term 'live / work' effectively describes accommodation that is specifically designed to enable both residential and business use. Whilst many people work from home, the work use of their property is small scale and usually secondary to the domestic. Live / work accommodation is designed to have a higher intensity of business use, either through the amount of space devoted to the work use or that the work element is designed to accommodate more workers than just the resident and may be designed in a flexible form to encourage business expansion.

5.11 Live / work units can create sustainable communities ~~and mixed areas~~ and reduce the need to travel by car. They can also aid the development of small start up businesses and provide local investment. Further information on live / work units and sustainable communities can be found on the Department of Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)). Regional examples of flexible office / studio space include the Konflux Theatre in York (4 spaces for artists with kitchen facilities and internet access), Patrick Studios in Leeds (34 quality studio spaces) and Colburn Park in Richmondshire, North Yorkshire (16 offices for digital / media / creative business), all of which can be found on the Yorkshire Forward website ([www.digitallyorkshire.org.uk/business\\_accommodation/index.aspx](http://www.digitallyorkshire.org.uk/business_accommodation/index.aspx)).

5.12 Nestlé may be interested in developing new products out of its Research and Development labs on site and giving opportunities for staff to create their own businesses. The integration of hot-desking business support/ mentoring into the facilities would be sensible and could, should they wish to

be involved and enter into discussions, involve Business Link as the deliverer with Science City York Business Promoters in their technology business development role.

5.13 A portion of the existing employment blocks could be re-used to provide modern employment, embracing a number of segregated uses such as technology, light industry and accommodation for the creative industries.

5.14 Craft/ art studios/ workspace will be considered very positively, given the lack of this type of facility in York. This type of use is particularly suited to the re-use of historic buildings of character. Early contact with City [of York](#) Council Officers is encouraged in order to progress this for the benefit of York residents and artists.

## Housing

5.15 Provided that sufficient new employment space is provided, a significant part of the remaining site may be suitable for residential uses subject to amenity issues and with appropriate local facilities, [affordable housing](#) and open space provision. Housing redevelopment will help contribute to the vitality and viability of the mix of uses on the site, make good use of existing buildings of distinction, and help create a “sustainable community”.

5.16 Any proposed residential development of 15 or more dwellings or [on a site of](#) 0.3ha or more in size, will be required to include an appropriate element of affordable housing dispersed inclusively within any agreed housing area. This includes potential conversion of existing buildings to part or full residential use as well as new build. If the Policy H2a of the Development Control Local Plan applies, 50% of the total number of homes are required to be provided in partnership with a Registered Social Landlord, subject to overall viability.

5.17 Early discussion with Council Officers is encouraged in order to agree a plan for the inclusion of affordable housing. Chapter 16 of this Brief - Developing Proposals - refers to policy details on tenure mix, inclusiveness in terms of layout and design, and assessments of viability.

5.18 Any residential element must include an appropriate mix of house types and sizes in accordance with Development Control Local Plan Policy H3c – Mix of Dwellings on Housing Sites, ~~and~~ the 2006 York Housing Market Assessment [and the emerging 2007 Housing Market Assessment \(expected in Summer 2007\)\(HMA\)](#).

5.19 The [2006 draft](#) HMA concludes that there is a requirement for a range of house types and sizes in the city, but with a particular demand for houses (rather than flats). Recent completions have been dominated by one and two bed flatted schemes meaning that the demand for two and three bedroom family homes has not been met. It is accepted that the site lends itself to a relatively high density houses, and every effort should be made to



accommodate the housing needs of families as well as those of single people and childless and older couples.

5.20 Housing design and layout should be sympathetic to and inspired by existing site characteristics, include strong green landscape components and follow the principles of sustainable design and construction. An example of a sustainable mixed-use development is the Beddington Zero Energy Development (BedZED), the UK's largest carbon-neutral eco-community and the first of its kind in this country. [45] Development Control Local Plan policy GP4(a) and draft SPG on Sustainable Design and Construction provide detailed explanation of what is required in terms of sustainable development and sustainability statements to accompany planning applications (see Chapter 4 – Sustainable Development).

## Other Uses

5.21 Consideration will be given to complimentary and ancillary uses such as leisure facilities, entertainment, restaurant / bar, health and medical facilities and other community uses. As well as attention to design details, careful thought will also need to be put into how these uses integrate into the wider site development and community.

5.22 In order to provide new, or to improve existing, community facilities an assessment will need to be made of local facilities and the scale of new housing development proposed. If appropriate, a developer contribution may be requested which should be reasonably related in scale and kind to the proposed development.

## 6. DESIGN AND LANDSCAPE PRINCIPLES

**Key Objectives being met : KO1, KO2, KO3, KO10, KO11, KO13, KO15, KO18**

*“Good urban design is rarely brought about by a local authority prescribing physical solutions, or by setting rigid or empirical standards but by approaches which emphasise design objectives or principles.”*

(‘By Design’, DETR, CABE 2000).

### Understanding the Site

6.1 It is important to understand the unique potential of the site prior to formulating and advancing design proposals. To this end an Urban Design Analysis will be required which appraises the site in terms of geographical context and historical development. The analysis should take into account:

- 1) the location of the site on the sub-urban fringe of York and its proximity to countryside and the city centre;
- 2) the nature of the site and its surroundings in physical and functional terms;
- 3) connections and desire lines between the site and its surroundings, identifying possibilities for improving movement across the site for pedestrians and making functional connections;
- 4) site topography, hard and soft landscape and ecology; and
- 5) existing patterns of built form on the site and surrounding it, including heritage issues. The "Historic Buildings Assessment" is available as a supporting document.

6.2 At present the area is a production site, with physical barriers and security controls separating it off from the surrounding community. Although the north side of the site will continue in production, there is a proposal to integrate the area to the south with the surrounding area through a mixed-use development. Key to producing a successful scheme will be in ensuring that the inherent positive characteristics of the existing site are not lost during the course of transformation.

### Heritage

6.3 The site has developed over a hundred years and the earlier buildings have a strong physical presence in the surrounding area. They also figure in skyline views of York. The factory buildings themselves signify the importance of the Rowntree family (and their successors). The family were enlightened

entrepreneurs and pioneers of social reform with influence beyond York itself. The York factory complex was not only developed as an economic enterprise but as a social and philanthropic one, providing improved working conditions and amenities for employees including facilities for refreshment, health, leisure, entertainment and improved living conditions. The buildings themselves are a reminder of people, events and processes. They were designed to take advantage of sunlight, outlook, fresh air and natural ventilation. Their fabric also contains evidence of innovative construction techniques in concrete and steel.

6.4 The Rowntree family expressed their creativity and conscience on this site and their achievements should provide inspiration for the site's future development in the following ways:

- the most significant buildings and groupings of buildings and landscape along Haxby Road should, subject to further assessment, be retained. They reinforce the positive identity of York and their loss would seriously diminish the sense of place;
- the retained buildings should be given appropriate status within the overall design; and
- any new development should adopt high standards - using principles of bioclimatic design in massing and layout, adopting environmentally friendly materials and construction techniques from local sources where possible, with buildings and spaces designed to support full and healthy lifestyles.

6.5 The site and buildings have recognised historic value although currently they have no statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990 [\(see paragraph 6.8\)](#). [Whilst it is recognised that historic buildings can form the basis of successful regeneration projects, it is acknowledged that the retention of buildings with no statutory protection should not jeopardise the overall viability of the site.](#)  
[\[12\]](#)

6.6 A Historic Buildings Assessment report was prepared by Hall Grey Architects on behalf of Nestlé in August 2006. The report was commissioned to establish an understanding of the whole factory site, the buildings on it, adjacent buildings bounding the site, buildings owned or previously owned by Nestlé Rowntree, and external landscape. The report traces the development of the site as an integrated complex and shows how that context has changed. It identifies key buildings which have been altered, demolished or remain. These buildings are assessed in terms of their architectural and historic significance. In assessing significance of the fabric and location, buildings have been identified which should have a bearing on the future development of the complex. Judgements about options for future development, alteration or demolition should be informed by the contents of the report.

6.7 ~~Notwithstanding the report it is important that English Heritage carries~~ English Heritage are carrying [55] out a further assessment for statutory listing with a view to protecting significant buildings identified as having retained their integrity. These ~~are include~~ (refer to Plan 4): the office ~~and production unit [56] block~~ (Block 67 on Plan 4); the Joseph Rowntree Memorial Library by Fred Rowntree (the first architect for the site); and post office. Times have changed since the notable architectural academic Patrick Nuttgens stated, “the cocoa works site possesses no buildings of quality unlike the Terry’s Factory to the south of the city”.

6.8 The Council will be looking to designate the buildings and spaces either side of Haxby Road (between the bridge and the roundabout and extending part way along the former Foss branch line cutting) as a Conservation Area. Conservation Areas are “areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance” (PPG 15). Land to the east side of Haxby Road was acquired to provide improved amenities for the workers. The theatre is a listed building and the former catering block is now in use as a private hospital. The west side of the road contains some of the striking multi-storey factory buildings with their landscaped forecourts, clock and other structures. This area has retained the cohesive quality of its buildings and spaces and, being the most visually accessible part of the factory, is a well known landmark building.

6.9 Areas can only be designated as Conservation Areas when they are of “special interest” in the local context, based on consistent criteria. Should Conservation Area designation be considered appropriate, the Council will carry out a full Character Appraisal, accompanied by a Conservation Area Management Plan. The Appraisal will recommend a boundary for the Conservation Area; assess the historical context and character of the site and surrounding area, and identify positive, neutral and negative factors. The process of designating a Conservation Area will involve public consultation and will be subject to Members' approval. The future development of the Nestlé South site would be informed by the Character Appraisal. Designation means that extra planning controls would apply to assist in the preservation or enhancement of the character and appearance of the Area. [57]

## Links and Spaces

6.109 The site boundaries are well defined with mature trees and shrubbery giving the impression of a landscape setting for the factory complex. Within the site the earlier landscape has been eroded – the rose beds and bowling green have given way to further building and hard standing for lorries and car-parking. This harder industrial setting is most visible from the west where the complex is not screened by taller buildings. Here Bootham Stray maintains a softer edge to the site.

6.110 Transforming the site for mixed use will require a new framework for infrastructure and connectivity. The factory to the north will remain a barrier

but the introduction of new links (for pedestrians and cyclists) should enable the site to become a natural extension of the wider environment. New access points should be carefully considered in relation to existing movement patterns and the location of surrounding facilities (bus stops, schools, shops, swimming baths, River Foss etc). They should be designed to human scale, allowing landscape or buildings to provide enclosure at either side. Occupied buildings should overlook access points.

6.1<sup>24</sup> A new walking/ cycling spine should be introduced to facilitate east-west movement across the site connecting Wigginton and Haxby Road (see Plan 5c). This route should be reasonably direct and allow for diagonal connections of recognized desire lines, including a link to the cycleway in the cutting to the south. This route should be given prominence in the overall network by a variety of means which might include: associating open space activity with it, having buildings address it (gable ends with windows or frontages), developing its landscape quality, use of public art. The route must be convenient whilst being varied and interesting.

6.1<sup>32</sup> Please refer to Chapter 11 - Highways for details of the proposed link road between Haxby Road and Wigginton Road. Extensive areas of surface level car parking should be avoided. Pedestrians should have priority in the public realm. The creation of home zones will be required (see Chapter 11: Highways) and their design should negate the need for speed humps and straight runs. Instead suitable paving materials, pinch points and shared surfaces should be used. Highways design and landscape design should be integrated.

6.1<sup>43</sup> Retained structures to the east of the site may present a barrier to movement. Selective opening up at ground level could increase permeability. Some of the ancillary structures in this location could be used to mark points of entrance and the few remaining runs of early railings should be retained on site. Routes into the site should be co-ordinated with safe crossing points.

6.1<sup>54</sup> Trees alongside the Sustrans cycle route and along the top of the embankment forming the site's southern boundary enhance the route in a natural way and screen existing factory activities. A negative counterpart to this is that the tree density and shrubbery create quite a dark, confined corridor, and one could feel vulnerable in this space. The opportunity to manage the existing woodland vegetation should be taken; for example the multi-stemmed growth and saplings should be thinned out. Management of trees should create a lighter, more open aspect with views created through to the new development, whilst presenting an opportunity to increase the biodiversity value of this "natural" feature.

6.1<sup>65</sup> The steep bank between the cycle route and the southern boundary of the site varies in height from being level to approx 2m high. Therefore the terrain itself currently acts as a barrier between the route and the site. It is envisaged that the security fence running along the top of the embankment would be removed. In addition to visually opening up the track there may be advantage in physically reducing the embankment in places to make better

visual and physical relationships with the site. This can only occur where it would not cause detrimental impact on higher value trees. Where natural breaks occur, connectivity is desirable and site security would not be diminished.

6.176 It would be appropriate to concentrate areas of public open space adjacent to main pedestrian and cycle routes, thereby encouraging fluidity between the development and its environs. Every effort should be made to integrate new routes on and across the site with recreational routes including the Foss walkway, the Sustrans cycle route and routes into the City. The opportunity to enhance these routes as green corridors must be taken. [66] There is advantage and increased value in amalgamating open space as it capable of being used in different ways, and increased access provides natural surveillance and stimulates co-operation and community building. All children's play space and informal amenity space should be provided on site, and strategic options for the integration of public amenity space should be evaluated.

## Scale, Height, Massing and Character

6.187 The site originally developed on greenfield land to the north of the city. The larger Victorian houses over Wigginton Road to the west would have been in existence as would the two storey terrace houses to the South, separated by the former Foss branch line cutting.

6.198 The earliest buildings were one and two storey production sheds and offices. They were soon dramatically surpassed in stature by the multi-storey factory buildings located both within the site and on the fringes of the site. The height and massing of buildings on the southern boundary and eastern edge now screen the lower buildings and hide the clutter of the site that has built up over the last century. Trees around the site edges have a vital role in moderating the scale and softening the edge between the residential development and major roads.

6.2049 Buildings were utilitarian for their time and laid out in a rectilinear grid pattern. Predominant materials were brick with sandstone or concrete dressings. Their large bulk was articulated by expressing the brick cladding as strong vertical piers and the horizontal window banding introduced a quicker rhythm through the window mullions. There is some modelling of parapets to produce a more interesting skyline.

6.210 The massing and scale of new buildings should recognise the sub-urban context of the site. The historic factory buildings should remain the dominant structure in any development proposals, [59] notwithstanding the requirement to work with bioclimatic design principles as set out in paragraph 6.4 [65] Overall development should adopt a lower average height than the existing tall buildings. The layout and massing should provide a comfortable enclosing framework for an area, which will become occupied internally and externally throughout the day and night by a mixed community of people.

Within the site it is envisaged that a variety of heights will be used – including workshops, 2-4 storey houses, and higher mixed use and [62] commercial buildings, with no building higher than the existing factory.

~~6.224 It should be demonstrated that any new development would not adversely affect the character or setting of the historic city [60] It should be demonstrated that any new development would not adversely affect the dominance of the Minster on the city's skyline.~~

6.232 Generally it is expected that massing will rise to the north of the site to allow the rest of the site, including open areas, to benefit from the sun's orientation and to acknowledge the location of the city centre in aspect and prospect. Massing buildings towards the north boundary will shield the remaining site from the remaining factory complex. Additionally some of the daytime and non-residential uses might be placed in this location.

6.243 Bootham Stray to the west must be protected and enhanced. This edge suffers from lack of definition, and there is an opportunity to introduce an enclosing line of development behind the stray, which would address this. The nature of the road and the presence of the stray would suggest a stronger response in terms of massing and stature of buildings. The area is not urban though.

6.254 The eastern edge of the site would retain its existing characteristics. Part of its character and quality is derived from the landscape and from other structures associated with the factory such as the clock and some distinctive railings. It is anticipated that some of these structures would house public functions at ground level in order to form a community hub with buildings across the road. To facilitate access permeability at ground level should be increased.

6.265 Existing factory buildings to the south form an abrupt contrast with the two storey Victorian housing on Hambledon Terrace and contribute to the vulnerable feeling along the cycle route in this area. The height and mass of the multi-storey buildings makes them highly visible from further afield, and they make a distinctive contribution to the historic skyline of York. The extent to which this positive contribution is outweighed by the negative effect of their overshadowing the rest of the site must be further assessed through the use of sun path diagrams or programmes showing the effect of the buildings, dawn to dusk, at different times of year. These studies should inform proposals for further opening up the southern edge and would provide guidelines for new development.

6.27 Where architectural expression is developed in new development it should have meaning i.e. in celebrating entrance, community or individuality, shelter, enterprise etc. Dwellings should be capable of personalisation. Use of brick as a predominant material will offer continuity with the existing environment, although it is envisaged that other materials will be incorporated where textures and tones provide subtle contrast and where they can provide bio-climatic design benefits (e.g. glass). Roofs should be modelled to give

further clarity to the layout and interest on the skyline. Single monopitch flat roofs should be avoided over large areas.

6.28 New development is likely to be more varied, which will introduce a greater variety of form without losing the overall sense of belonging to this particular site. A controlling grid would be a useful starting point to help with the integration of existing buildings. The grid should be flexible, responding to significant uses, hierarchy of routes and spaces etc. A grid can be developed in different ways to suit different parts of the site and to accommodate different plot types. It is anticipated that most built development would define the outer edges to provide enclosure to the streets and spaces, and to protect private or semi-private areas in the centre. Defensible space along frontages should be allowed for where appropriate, and public spaces should have surveillance. A clear development framework will aid legibility.

## **Landscape Treatment**

6.29 Living boundaries between properties e.g. hedges, are preferable to railings and fences. They present a softer, attractive environment, exhibit seasonal variation, are potentially carbon neutral, and increase bio-diversity.

6.30 Tree planting should be utilised in order to reduce visual impact, noise pollution, and perceived proximity from the neighbouring factory.

6.31 The scheme should create a suitable landscape setting for the retained buildings; the scale, boldness, strength and simplicity of which should compliment the buildings and incorporate them into the new environment.

6.32 The landscape should aim to assist the relationship and presentation of the retained buildings to Haxby Road and convey its new image and use accordingly.

6.33 There should be a consistent approach to hard landscape in public areas/ routes, using a limited range of materials and street furniture. Materials should be fit for purpose and designed in scale with surroundings. Adjacent to buildings materials should compliment each other. Lighting should be integrated where possible, and consideration should be given to enriching the public realm with an integrated public art approach (refer also to paragraphs 7.11 to 7.15).

## **Trees**

6.34 Any proposed new development will need to integrate the existing belts of trees into the overall scheme as valuable, mature, attractive landscape features. They should remain predominantly in the public domain to ensure their full potential public amenity value and longevity is realised.



6.35 In accordance with British Standard 5837 a Tree Survey will need to be carried out, of all the trees within the site and along the southern boundary. The result of this Survey will inform any proposed development layout, such that the best of the trees are retained and adequately protected.

6.36 Existing trees are predominantly located on the site's southern boundary. Therefore the shading effects on any adjacent properties must be considered, such that there shall be no conflict between dwelling and/or garden use. Other factors to be taken into account include heavy seasonal fall, honeydew, sooty mould, perceived safety concerns – whole trees blowing over, and potential subsidence claims. Such conflicts can be overcome by designing generous and suitable distances between properties and trees.

## 7. OPEN SPACE, RECREATION AND PUBLIC ART

**Key Objectives being met : KO3, KO13, KO14**

### History

7.1 The Nestlé Rowntree factory has a significant history of providing facilities for sport, recreation, health and leisure activity. The existing sports pitches and facilities were designed as part of the original factory, as was Yearsley pool, which is still heated by steam from the factory. Also parts of the original factory were female and male gyms, which were in the canteen block. This provision was part of Joseph Rowntree's efforts to improve the quality of civil life for all through the provision of affordable, decent housing, recreational facilities and opportunities for self-improvement.

Provision for children's play, amenity open space and youth and adult sports facilities on this site should reflect this history and develop modern but compatible ways to enhance this provision.

### Open Space Requirements

7.2 In accordance with Development Control Local Plan policy L1c – Provision of New Open Space in Developments – developments for all housing sites or commercial proposals over 2,500m<sup>2</sup> gross floor space are required to make provision of the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

7.3 Discussions with the Council are encouraged at an early stage in the planning process to ensure that the open space provision is fully integrated into design proposals, and that it is well designed and safe to use.

7.4 Employment, retail and leisure development schemes of 2,500m<sup>2</sup> and above are required to provide informal amenity open space, principally for the use of staff. The level of open space provision will be dependant on the number of employees and will be required to be provided on-site and in addition to the required landscaping.

7.5 Residential developments are required to provide children's equipped play space, informal amenity open space and outdoor sports facilities. The level of provision required is dependant on the number of dwellings proposed in any new development and the number of bedrooms in each dwelling.

7.6 Developers will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of ten years.

## Children's Play Areas

7.7 Within residential development, provision for young children's equipped play areas must be on site and located appropriately to serve both new residents generated through any new development proposals and those from the nearby housing areas, which currently have limited access to play facilities. Provision for older children should be considered on site as a first priority.

## Amenity Space

7.8 For all residential schemes and commercial schemes of 2,500m<sup>2</sup> and above, amenity open space could be provided in a variety of forms on site. It may include formal gardens, green corridors, open or wooded areas. On-site open space should be designed to provide a network of green spaces and link to pedestrian and cycle routes. Whilst the majority of provision should be on-site, some off-site provision may be included - but should be used to address local need and improve access to amenity space. This may include broader community access to Nestlé's sports pitches or North Fields, allotment sites, new uses of the allotments, and improvements to the River Foss corridor. Careful consideration should be given to the design and layout of amenity space to identify the most appropriate methods of catering for the different users. Detailed discussions should be held with the Council's Parks and Open Spaces team prior to any planning application submission. [73]

## Youth and Adult Sports Provision

7.9 Within residential proposals, youth and adult sports provision may be accepted off site and reference should be made to the City Council's Sport & Active Leisure Partnership's North Zone Plan which sets out community sporting priorities in this area. Provision should build on the quality facilities made available by Nestlé and should specifically focus on increasing community participation in sport.

7.10 Detailed proposals for youth and adult sports provision should be discussed with the Council's Parks and Open Spaces and Sport and Active Leisure Teams prior to any planning application submission.

## Public Art

7.11 The site and surrounding area includes some buildings of significant historical and architectural quality. In assessing new proposals for the redevelopment of this area the Council will seek the highest quality of design in public art, which will enhance the distinctive character of this area and reflect the long history of chocolate manufacture on this site.

7.12 It is likely that the provision of public art will be sought as part of a Section 106 agreement and the Council should be consulted on the design and implementation of the works proposed.

7.13 The Council has a Public Arts Strategy (1998) which seeks to promote the use of public art provision within the city. People see public art as an important element in reinforcing a particular identity in an area and promoting its attractiveness and use.

7.14 The Council is looking for public art to be provided by prospective developers. It may be art that is integral to the design of the development e.g. the re-interpretation of the public realm/ landscape framework in relation to the preserved factory buildings, a designed entrance or as a separate work of art. There is also an opportunity here for works derived from the unique history of the area and its chocolate-making industrial heritage to be explored.

7.15 The artwork should be developed at an early stage in the formulation of proposals and be integral to the overall design concept. The artist/s should be appointed at the outset to work with architects, engineers and landscape designers. The Council will work with developers to produce the Public Art brief/s and ensure that the local community are involved in the development of public art proposals.

## 8. SAFETY AND SECURITY

### ***Key Objectives being met KO14, KO17***

8.1 PPS1 states that “developments should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.” Discussions on potential crime prevention aspects of development will need to be initiated at the outset of the design process in order to create places that are both well connected and secure.

8.2 In accordance with Development Control Local Plan policy GP3, development will be required to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing or proposed development, secure locations for any associated car and cycle parking and satisfactory lighting. Prospective developers will also need to enter into discussions at an early stage with Council Officers, the Safer York Partnership and North Yorkshire Police, with regards to the potential need to incorporate public and/or private CCTV coverage of the scheme and it's environs.

## 9. ARCHAEOLOGY

### **Key Objectives being met : KO3**

9.1 The Nestlé Rowntree factory site does not lie within an Area of Archaeological Importance (AAI) under the Ancient Monuments and Archaeological Areas Act 1979, but there remains a strong and clear policy background for assessing applications for development which would involve disturbance of existing ground levels within York.

9.2 Planning Policy Guidance (PPG) Note 16: Archaeology provides the national guidance, and this should be followed alongside City of York Council Development Control Local Plan Policy HE10: Archaeology.

9.3 There has been relatively little archaeological work in the vicinity of, or in the area occupied by, the Nestlé factory. Therefore, it will be necessary to carry out an Archaeological Desk-based Assessment of the factory site.

9.4 The Desk-based Assessment will need to address the following items:

- a) current land use (from a site walkover survey);
- b) historical land uses (including assessment of historic Plans of the site); geology, hydrology and hydrogeology of the site (in particular the extent to which the site may contain waterlogged deposits);
- c) assessment of how the topography of the site has changed and developed from prehistory to the present day;
- d) the locations and nature of listed buildings and scheduled ancient monuments within 500m of the site plus gazetteer;
- e) the locations and nature of archaeological interventions (excavations, evaluations, watching briefs etc) on the site and within 500m of the site plus gazetteer;
- f) a review of published documentary evidence and previous interpretations of the history and archaeology of the site;
- g) a review of any existing ground investigation data, borehole records etc;
- h) a deposit model for the site; and
- i) plans showing the site location and the proposed site layout.

9.5 This information should be drawn together to produce a Report and Deposit Model, which should describe and assess the evidence and potential impact that any proposed development might have on the site.

9.6 If necessary, the Report should suggest a programme for intrusive investigations (a Field Evaluation) on the site in order to answer specific questions on the character, date and importance of archaeological deposits, which might survive on the site. If a Field Evaluation is required this will need to be carried out in accordance with a written Scheme of Investigation prepared by or agreed with the City of York Council.

9.7 A Buildings Survey has been carried out of the main buildings. It may also be necessary to carry out a full recording exercise to a Scheme of Investigation agreed with the City of York Council on all the buildings and machinery prior to any demolitions or alterations taking place. This building record can be covered by an appropriate condition should consent be granted for development on this site.

9.8 The development of the Nestlé South site may provide opportunities for community heritage work. Discussions with the Council's Archaeologist are encouraged. [74]

9.98 Any proposed planning application for this site must include the following items:

- a Report on the Desk-based Assessment and the full Archaeological Evaluation;
- a copy of the Buildings Survey;
- an assessment of the impact new development will have on archaeological deposits; and
- a strategy for mitigating that impact.

## 10. SUSTAINABLE TRANSPORT

**Key Objectives being met : KO13, KO15, KO16, KO17**

10.1 At the heart of York's Local Transport Plan [2006-2011 \(LTP2\)](#) ~~2~~ lies the commitment to achieving the Government's [Policies \(Shared Priorities\)](#) for meeting transport needs more effectively [and sustainably](#). [The priorities set out to through](#) ~~reduc~~[ing](#) congestion and ~~impro~~[ing](#) accessibility, safety, [air quality](#) and quality of life. The Councils own 'hierarchy of transport users' underpins this. This is a priority listing applicable when making land-use and transport related decisions and implementing transport measures. The order of priority is as follows:

- 1) Pedestrians
- 2) People with mobility problems
- 3) Cyclists
- 4) Public transport users (includes rail, bus, coach & water)
- 5) Powered two wheelers
- 6) Commercial/business users (including deliveries & HGV)
- 7) Car borne shoppers and visitors
- 8) Car borne commuters

### Pedestrians and Cyclists

10.2 The scale and significance of potential development on this site demands that careful consideration is given to the provision of facilities for pedestrians, cyclists and public transport users. The site is ideally positioned to take advantage of the surrounding highway infrastructure, which allows for realistic travel to the city centre, and indeed many other parts of the authority area, without a high degree of dependence upon the private car. Proposals will need to take account of the needs of disabled people and pay particular attention to the Disability Discrimination Act 2005 (DDA) requirements (see Chapter 12: Accessibility).

10.3 A network of safe routes should be provided throughout the site for both pedestrians and cyclists. Pedestrian / cycle routes should be designed to make them convenient, comfortable, safe, direct and attractive. Careful consideration must be given to lighting, and pedestrian routes must be designed to be open [in aspect](#) to provide a feeling of safety. When designing road crossings, it should be noted that priority should be afforded to pedestrians and cyclists. In busy locations where there is potential for conflict between pedestrians and cyclists, consideration will need to be given to the provision of segregated facilities. Where it is appropriate and safe to do so, priority at junctions should be given to cyclists on cycle tracks.

10.4 A detailed and thorough Transport Assessment should evaluate all travel implications. The Transport Assessment must include a detailed review



of the likely routes to key facilities (such as schools, medical facilities, local shops, etc) either within the development or in the surrounding neighbourhoods wards, which the new community will use. The focus should be on the potential need to improve such routes or provide new routes, as a result of the additional demands created.

10.5 In addition to routes to local facilities, it is important to strengthen links with the city centre. Any new development in this area should aim to enhance access in the direction of the city centre, as it is envisaged that a substantial proportion of travel to and from this site would take place between the two. In particular focus should be directed to the strategic cycle links from the site to the city centre.

10.6 The Development Control Local Plan Proposals Map identifies a proposed cycle/ pedestrian route in the vicinity of the Nestlé site, running from the south west corner of the site, behind York District Hospital, towards the city centre. Prospective developers will be expected to either make a financial contribution towards the provision of this route, or to incorporate it into their development. (Development Control Local Plan policies T2a and T2b).

10.7 Prospective developers will be expected to provide the highest quality secure, covered [85] cycle parking facilities. The level of provision will be guided by the Council's parking standards in conjunction with the anticipated modal split targets for the site. It will be necessary to incorporate some means of promoting a cycle hire initiative on the site and also potentially provide new residents with vouchers to redeem for purchasing/hiring bicycles.

## Public Transport

10.8 As with walking and cycling, development of this site will provide a good opportunity to encourage journeys by bus. Convenient, regular, frequent and good-high quality bus services and infrastructure are essential for the advancement of this development as a scheme for reducing car dependency. The principle of seeking to maximise trips to and from the site by bus must be integral to the scheme and discussion with Council Officers and public transport operators, must take place from the earliest stages.

10.9 Negotiation should be entered into with public transport operators in order to ensure that any proposed development is adequately serviced by public transport from the outset. An evaluation of current bus services, running within 400m of the site, need to be considered in terms of whether they provide the optimum level and standard of service, which will be necessary to ensure that catching a bus is viewed as an attractive option by the community and also visitors.

10.10 Existing bus services are accommodated along Haxby Road and Wigginton Road (see Plan 5a attached to this brief), and it is envisaged that this provision will be enhanced, as appropriate. Any new development should provide an opportunity for bus services serving it to have better links to the

wider public transport network (e.g. York Railway Station). The opportunity to create a bus link between Haxby Road and Wigginton Road should be investigated.

10.11 Direct pedestrian links should be provided from the site to the existing public transport services on Haxby Road and Wigginton Road. Good quality seating, waiting and shelter facilities and proprietary bus-boarding kerbs should be provided at all bus stops around the site, together with up-to-date information facilities. The Council is continuing to develop real-time information and bus priority through BLISS (Bus Location Information Sub System). Bus stop and shelter facilities provided as part of the development of this site must accommodate real time information facilities. This should be coordinated through early dialogue between the prospective developer, the City of York Council, and bus operators.

## Reducing Private Car Dependency

10.12 In recognition of the present demands on the highway network and the planned additional development in this part of the city, together with the wider environmental reasons for controlling traffic growth in York, the Council will promote a low car ownership development. Opportunities exist within the development of this site to restrict car parking within identified areas, and prospective developers are advised to discuss options with officers at the earliest opportunity. Areas identified within the development for low-car ownership should be located with easy access to alternative travel options.

10.13 Maximum car parking standards (including a ~~%—percentage~~ of designated spaces for people with mobility problems) and minimum cycle parking standards, as set out in ~~the Development Control~~ Local Plan ~~policy~~ (Appendix E), apply to this site. These standards coupled with the provision of car clubs/ pool cars, community mini-buses and their associated infrastructure, as well as other effective travel planning measures delivered through a detailed site travel plan, will be sought as an effective way of reducing car dependency whilst maintaining residents' travel options.

10.14 A comprehensive approach to the car club should be taken to enable a reduced need for private car parking, and thus free-up space for other uses. The provision of parking bays and appropriate funding to pump-prime club provision will be sought by the Council. Car club parking areas will need to be conveniently located, as club cars will be utilised by a mixture of users, including people from the wider area, both throughout the daytime and evenings. Early contact with the City's car club operator and City of York Highway Officers is encouraged. [80]

## Travel Plans

10.15 Any proposed commercial development with more than 30 employees, or residential development of more than 20 units, is required to

submit a Travel Plan in accordance with Development Control Local Plan policy GP13a. The plan must include an analysis of the transportation impacts of the development, modal split targets, timescales monitoring methods, and full details of the proposed measures and outcomes. In addition it will need to include details of penalties/sanctions, which would apply in the event that targets are not achieved.

10.16 Any development of the Nestlé South site will require an ‘umbrella plan’<sup>1</sup> which focuses on both residential and non-residential elements. The provision of, for example an incentives package for public transport, could form part of the overall Travel Plan. Where a particular occupier is not identified at the planning stage, a condition will be imposed (or possibly an obligation through a Section 106 agreement) on any consent requiring any subsequent occupiers to submit and agree their Travel Plan within a specified time-frame (e.g. ~~within 6 months of occupation~~ 3 months before occupation).

10.17 In order to monitor the effectiveness of this initiative, planning conditions will be considered and enforced where necessary. Prospective developers will be encouraged to seek advice and other support from the Council for the production of the Travel Plan.

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<sup>1</sup> An ‘umbrella plan’ is a Travel Plan which overarches and draws together all the travel outcomes and targets that result from development. On a site such as Nestlé South, it will be necessary to employ an umbrella plan to ensure than the mix of uses on site contribute to the coherent management of traffic generated by the development.

## 11. HIGHWAYS AND CAR PARKING

**Key Objectives being met : KO13, KO15, KO16, KO17**

### Highways

11.1 There are several major development sites to the south/east of the Nestlé South site, known collectively as the Foss Basin area. This includes the Hungate mixed use city centre scheme and the former Transco site on Heworth Green. The travel implications have been assessed and a series of measures are proposed in order to mitigate the effects over the next 5-10 years. Whilst Nestlé South falls just beyond the area previously considered, the transport demands created by redevelopment will have some influence on parts of the network already assessed. Consideration of committed proposals by York Hospital will also need to be taken into account.

11.2 When preparing the Transport Assessment for Nestlé South, it will be necessary for the consultants to utilise both data / findings from the Foss basin plan, together with the latest traffic models (Saturn / Microsimulation) held by the Council's Transport Planning Unit. This approach will ensure a robust analysis of the implications arising from Nestlé South. Early discussions with the Council's Transport Planning and Network Management units will be required in order to agree any mitigation strategy. For any traffic modelling undertaken, the cumulative effect of all potential large scale developments, and this particular development's impact in relation to this, should be assessed.

11.3 Traffic will access Nestlé South via both Haxby Road and Wigginton Road. Both routes are part of the primary highway network, providing a key connection between the outer and inner ring roads. Presently, both routes carry significant volumes of traffic, particularly during the twice daily peak hours of 0800-0900 and 1700-1800. The physical design of both routes is restricted and towards the city centre they regularly operate at capacity. Queuing at and on the approaches to inter-connecting junctions is commonplace.

11.4 In order to achieve a satisfactory form of access from Haxby Road, it is considered likely that the existing ~~roundabout-junction~~ will require re-profiling. This will need to be sympathetic to the historic character of this part of the site. Access from Wigginton Road will require careful consideration and some form of management (traffic signals) is a probable option. All junction proposals should give due consideration to the ease and safety of movement of pedestrians and cyclists. [104]

11.5 It will be necessary to ensure that traffic generation associated with any redevelopment of the site does not exceed capacity on the surrounding highway network, and a strong emphasis on low levels of private car use must be promoted. A full Transport Assessment will be undertaken and, in doing

so, it is essential that the analysis presents the current (and committed development) scenario in an objective way. This will require the presentation of observational traffic patterns, in addition to software modelling. It is crucial that the scope of the assessment is agreed beforehand, and guidance should be sought from the Council's Network Management and Transport Planning units at the earliest opportunity.

## Layout and Design

11.6 Changes to the internal site layout are likely to necessitate alteration to the existing highway and creation of new highways. New highways should be designed and constructed to an adoptable standard. Developers should refer to City of York Council's Highway Design Guide, [the Department for Transport's Manual for Streets \[90\]](#) and make early contact with the Council's Network Management section for further details.

11.7 In terms of the internal layout of the Nestlé South site, it is proposed that a link between Wigginton Road and Haxby Road is incorporated. The Council's Local Transport Plan places particular emphasis on pedestrians, cyclists and public transport in its Hierarchy of Road Users (see paragraph 10.1), and the priority of the proposed route should be for these users. Traffic modelling should be carried out ~~which-to~~ investigates the impact of a through route for all road users (including the private car) on traffic volumes both within the development and on the surrounding network, ~~and~~ in particular at the junction of Haxby Road and Wigginton Road. Should there be a resulting increase in traffic such that the Ratio of Flow to Capacity (RFC) in the development or on the local network exceeds 0.90, or there is a diminishing in the quality of the local environment, then the proposed through route will be restricted to a highway for pedestrians, cyclists and public transport.

11.8 The ~~opportunity to~~ use of Home Zone principles in the design and layout of the residential element of a mixed use scheme will be required. Home Zones provide improvements for local residential environments through a mixture of traffic calming measures, speed restrictions and other highway changes. The prioritisation of the social and environmental functions of the street, above its function as a highway, will reinforce sustainable travel choices and create safer play environments. Further guidance on Home Zones can be found in paragraph 6.191 of the York Local Transport Plan 2 and in the Council's Highway Design Guide ([www.york.gov.uk](http://www.york.gov.uk)).

11.9 As mentioned in Chapter 8: Safety & Security, it will be necessary to consider appropriate levels of CCTV coverage for the site. In terms of managing the highway network, it is probable that new cameras will be required on both the Wigginton Road and Haxby Road frontages.

## Car Parking Provision

11.10 A key means of achieving a more sustainable approach to development, as set out above, is to control the amount of new car parking and to encourage and facilitate, largely through appropriate developer contributions, better access to this site by walking, cycling and use of public transport.

11.11 The negotiation of very low car parking provision (in the region of 60%) has been achieved in new housing schemes across the city (e.g. Hungate, Heworth Croft, Lawrence Street, Hull Road), and house builders and agents have reported back positively in terms of marketing and sales. The opportunity exists here to again demonstrate in York that low car ownership can be achieved without detriment to the commercial viability of developments.

11.12 The key principles the Council will adopt in considering car parking provision within the Nestlé South redevelopment area are :-

- a) overall car parking provision to be agreed on the basis of a detailed transport impact analysis (including modelling the effects of development generated traffic and subsequent mitigation measures on the city's transport network).
- b) this will apply to both residential and commercial/ business uses. The objective to be achieved is that the adjacent highway network<sup>2</sup> in the peak hours does not exceed a ratio of flow to capacity (RFC) of 0.9 at any point or junction as a consequence of the net development traffic (i.e. after making allowances for existing movements removed from the network as a consequence of new development);
- c) encouragement to schemes with low car parking provision allied with better public transport and improved cycling and walking facilities;
- d) large areas of surface car parking within the scheme will not be acceptable;
- e) for office development, the focus should be to provide only operational parking. The Council expects walking, cycling, and the use of public transport to play a key role in the travel requirements of future employees/ visitors;
- f) for residential development, parking should reflect the nature of dwelling unit, proximity to the city centre and availability of other forms of transport; and
- g) York has an operational car club and integration of an appropriate level of club cars will be necessary. Any developer of the Nestlé South site will be expected to provide the necessary finance and areas of land to support this initiative. The latest research indicates that one car club car replaces up to 7 private cars, which dramatically reduces the space/ land take required for traditional

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<sup>2</sup> The area of the city which extends from the junction of Lord Mayors Walk/ Gillygate to the junctions of the A1237 with Haxby Road, Wigginton Road and Shipton Road.

parking – aside from the reduced congestion and environmental benefits that car clubs achieve.

11.13 Early discussion with Council Officers will be expected in order to agree measures to prevent displacement of car parking elsewhere within the site and to the surrounding areas.

## 12. ACCESSIBILITY

### ***Key Objectives being met : KO8, KO9, KO10***

12.1 The inclusive design of provision for disabled people must be carefully considered at an early stage and discussions with the Council are encouraged. Development proposals should consider internal spaces and facilities, the spaces between and around buildings, links to other areas and routes within, through and surrounding the area. A Disability Audit or Impact Assessment should form part of the design proposals as they are developed, and be clearly expressed in the Design and Access Statement.

12.2 All public spaces and buildings should be fully accessible to disabled people. Further requirements should be obtained from the Disability Discrimination Act (2005) and Part M of the Building Regulations 2004. These requirements represent the minimum standards acceptable for development. There will be a requirement to achieve imaginative and flexible solutions to create higher levels of accessibility. The Gateshead Access Panels' "Designing to Enable" Guide is recommended to be followed, as is "Designing for Accessibility", a joint publication by CABI and RIBA Enterprises.



## 13. ENVIRONMENTAL ISSUES

**Key Objectives being met : KO11, KO12, KO18, KO19**

### Air Quality

13.1 The site is located approximately 250m north of the current Air Quality Management Area (AQMA).

13.2 Results from the nearest nitrogen dioxide diffusion tube monitoring sites show that only one exceedence of the 40ug/m<sup>3</sup> annual average nitrogen dioxide objective has been observed in this area in the last 6 years (although data for 2000 and 2001 is limited). There is also some evidence of a general reduction in concentrations over the six-year period, although there are some exceptions to this.

13.3 The Council has not undertaken any monitoring outside the proposed redevelopment area, as it does not currently constitute a 'relevant location' for the purpose of local air quality management. A 'relevant location' will be created if housing is developed on the site.

13.4 There are a number of measures that could be adopted in relation to this scheme to reduce its traffic impact on local air quality.

- i) Keep car parking to an absolute minimum – the possibility of a car free development or a 'low emission' development should be given due consideration;
- ii) A car club should be incorporated;
- iii) Good walking and cycling access should be created and ample cycle parking provided;
- iv) The site should have good access to public transport links – the creation of a bus route through the site would aid this
- v) Consideration must be given to providing incentives to encourage sustainable travel to and from the site. Ideas might include provision of cycles, provision of bus passes, journey-planning service etc.
- vi) Buildings should be as energy efficient as possible to reduce domestic emissions - opportunities to use waste heat from factory site should be looked at as a means of heating potential homes along with sustainable onsite production of energy.

13.5 To protect the health of new residents the following design features should be considered:

- a) Setting back of residential properties from roads by distance of 10m or more.
- b) Avoiding the creation of courtyard car parks between buildings
- c) Placing non-habitable e.g. bathrooms, kitchens etc on roadside facing facades

- d) Discouraging the use of balconies etc on facades located close to major roads

13.6 To ensure that the air quality implications of development on this site are fully understood in terms of traffic generation, details of the likely traffic generation to and from the site should be made available to the Council before any formal planning decisions are taken on the future of the site:

13.7 This should include information about the predicted change in annual average daily traffic (AADT) flows as well as peak hour flows. It should also provide an indication of the types of vehicle movements that will be generated in terms of vehicle class e.g. bus, lorry, car etc. The latter is particularly important if a public transport route is to be provided through the site. The geographical extent of the Transport Assessment should be great enough to ensure that information about changes to traffic flows within the nearby AQMA are provided. Particular attention should be paid to Gillygate and Lord Mayor's Walk which both currently show exceedences of the annual average nitrogen dioxide air quality objective.

13.8 If the Traffic Assessment suggests that any of the following situations are likely to occur then a full air quality impact assessment relating to traffic emissions will be required.

- There is likely to be an increase in current AADT flows of greater than 5% on any road in the vicinity of the site where there are 'relevant' locations.
- There is likely to be any road where flows of HGVs and/or buses are likely to exceed more than 20% of the total flow and the number of HGVs / buses will exceed 2000 per day. Although this is considered unlikely it should be checked in relation to any proposed public transport route through the site.

13.9 The detail of air quality modelling required for any Air Quality Impact Assessment will be dependant on the magnitude of the predicted changes in traffic flow. It is recommended that the Council air quality staff be consulted on the scope and methodology for any Air Quality Assessment prior to commencement. Where modelling work is undertaken it will need to be verified as far as possible against local monitoring data. Emissions of both NO<sub>x</sub> and PM<sub>10</sub> should be considered.

13.10 Other pollutant sources, which will need to be considered in relation to this development, include the Nestlé boiler plant (and possibly other large boiler plant in surrounding area e.g. York Hospital and Yearsley swimming pool) and construction sources.

13.11 Particular attention should be paid to the dispersion of pollutants from the existing Nestlé boiler plant to ensure that occupants of any dwellings in elevated locations on the site (for example in the existing buildings) are not adversely affected. It is likely that to provide adequate information detailed

dispersion modelling of the stack will be required for a number of different meteorological conditions. Where modelling work is undertaken it must be verified as far as possible against local monitoring data. Emissions of both NO<sub>x</sub> and PM<sub>10</sub> should be considered. It is recommended that any proposals for modelling stack emissions be discussed with air quality staff at the City Council prior to commencement.

13.12 If initial studies indicate that both stack and traffic emissions are likely to be significant in relation to the development then a cumulative Air Quality Study considering the impact from both sources will be required using an advanced air pollution dispersion modelling tool such as ADMS-urban. It may be considered more cost effective to undertake this approach from the outset rather than undertaking separate scoping studies for traffic and stack emissions.

13.13 To minimise the air quality impacts from construction on the site the preparation of a Construction Management Brief should be encouraged. As a minimum this should include measures for controlling dust from the site and minimising tail pipe emissions from construction vehicles.

13.14 The possibility of a financial contribution towards ongoing air quality monitoring or air quality action planning initiatives in the area should be explored. Full details of the current Air Quality Action Plan are available in Annex U of the second Local Transport Plan (LTP2).

## **Contaminated Land**

13.15 The Nestlé site has a long commercial history. Land contamination could have resulted from a number of sources, such as fuel and chemical spillages, underground storage tanks, leaking underground supply pipes and areas of made ground.

13.16 As a result, the full extent of any land contamination will need to be established. Desk study and site investigation work will be required, in order to assess the impacts on all receptors, as detailed in Part IIA of the Environmental Protection Act 1990 and in accordance with PPS23. The development area and any associated play space, open space etc. will need to be shown to be safe or made safe for the proposed use and future occupants, and any impacts on controlled waters and the wider environment will need to be appropriately mitigated. Details will be required as to how any contamination can be successfully remediated and this should be included within the EIA. Developers should contact the council's Contaminated Land Officer and also the Environment Agency to discuss a suitable strategy for site assessments and remediation; if this is not conducted and agreed in advance, this work will be conditioned through any planning permission.

## Noise and other amenity issues

13.17 As this is the redevelopment of part of the working factory site and is likely to involve a phased approach to the development, there are a number of issues to be considered including:

- the impact of the remaining Nestlé activity on future occupants;
- the impact of the ongoing development on occupiers of the first phases of development;
- the impact on the proposed mixed use of the site on the future occupiers; and
- the impact of the redevelopment as a whole on the surrounding existing residential areas.

13.18 The existing noise climate should be established for the proposed redevelopment area. PPG24 states that wherever practicable noise-sensitive developments are to be separated from major sources of noise, such as road, rail, and certain industrial sites and that such sources are sited away from noise sensitive premises. To determine the best position for noise sensitive development on the site, a Noise Assessment should be included in the Environmental Impact Assessment determining the levels from the existing noise sources, both during the day and at night.

13.19 The remaining factory use of the northern part of the site could impact on the development site. There is a potential for impact from noise, odour, fumes and other emissions, dust and intrusive lighting from the factory activities, which are currently shielded from the nearby residential units by the existing buildings on the southern boundary of the site.

13.20 As development progresses it is likely that the first phases will be occupied whilst the remainder of the site is under development. This development of the site has the potential to result in noise and dust issues for example noise and dust from construction and demolition activities as the proposed developed takes shape or construction traffic noise from the development impacting upon existing residents.

13.21 There are potential conflicts between employment uses and residential areas. These may include:

- i) Existing traffic noise from the Haxby Road and Wigginton Road upon future occupants of the development;
- ii) Noise from commercial activities upon future occupants and existing residents;
- iii) Noise from deliveries and waste removal to and from the employment use;
- iv) Noise from any fixed plant and machinery that forms part of the main factory site upon future residents;
- v) Cooking smells and other impacts of ventilation and extraction systems from any Use Class Order A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food take-aways) uses;

- vi) Noise and odour from the occupiers of small workshops/work units on nearby residential units where the occupier of the unit is not the resident of the nearby property.
- vii) The employment uses proposed on the site may impact on the existing residential premises on Haxby Road, Wigginton Road and Hambleton Terrace in the same way as raised in point 3 above.

13.22 The above issues must be addressed as part of the design process and be included within the Environmental Impact Assessment and any submitted application. The following are key to ensuring these issues are successfully designed out:

- a) Use of appropriate demolition and construction techniques throughout (e.g. piling methods and dust suppression) and sensitive phasing of the development to take advantage of screening of buildings;
- b) Careful consideration of site layout and orientation of buildings (e.g. delivery yards);
- c) Careful consideration of neighbouring uses to avoid conflicts of interest between commercial and residential units;
- d) Internal layouts of residential and commercial premises, to minimise conflict;
- e) Noise insulation between uses through agreed construction methods and materials;
- f) Careful specification and positioning of fixed plant and machinery; and;
- g) The correct specification and positioning of extraction units from commercial use units (low level discharge units are not recommended).

## Ecology

13.23 Whilst the present extent of interest is likely to be limited, an Evaluation of the overall wildlife value and potential of the site will need to be provided in order to see how development can best enhance the biodiversity of the area.

13.24 Any new development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and promote public awareness and enjoyment of them.

13.25 The value of existing buildings and trees as habitats must be evaluated, and appropriate measures provided for protection and enhancement of the habitat agreed in consultation with the Council, including a Bat Survey.

13.26 Any prospective developers are advised to have existing buildings that are proposed for conversion to be ~~checked~~surveyed [109] for bats by a properly licensed and qualified person. Any trees to be felled should also be checked for bats.

13.27 The provision of landscaping and open space in and around the site provides an excellent opportunity to support the principles of the York Biodiversity Action Plan. Further guidance is also given in Section 6 of this Brief - Design and Landscape Principles.

13.28 To ensure protection of existing habitats, wildlife survey work should be carried out in consultation with the Council's Countryside Officer.

## **Flood Risk**

13.29 The Nestlé South site lies within Flood Zone 1 as defined by the Environment Agency. This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). All uses are appropriate in this zone, although as the site is larger than 1 hectare, a Flood Risk Assessment will be required to investigate the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off (PPS 25, 2006).

13.30 Sustainable Urban Drainage Systems (SUDS) should be considered as a solution to the surface water drainage requirements of any redevelopment, providing ground conditions are suitable. [105]

## 14. SERVICES / PUBLIC UTILITIES

### ***Key Objectives being met : KO10, KO11, KO12, KO13***

14.1 The site is serviced by electricity, gas, telecommunications and water utilities along its periphery. Up-to-date confirmation of appropriate levels of service with regard to gas, electricity, telecommunications and water supply, will need to be agreed with the relevant statutory undertakers prior to planning application submission.

14.2 Through liaison with telecommunication companies, opportunities should be maximised for the early provision of high quality information technology infrastructure to the businesses, live/work units and homes on the site. Appropriate agreement should also be entered into for the phasing and safety considerations in the carrying out of works, which may affect existing or proposed service infrastructure.

14.3 In developing the site every opportunity should be taken to co-ordinate and share trenches and other conduits with undertakers of highways and landscaping works. Therefore, all these issues should be resolved prior to the commencement of any construction as part of the planning process.

14.4 Service infrastructure should be provided to the commercial, business, housing and community areas as the development proceeds, and standard conditions (eg. wheel wash facility) will be applied to ensure the minimum of disturbance to existing residents when services are being laid.

## 15. DEVELOPING PROPOSALS

### **Key Objectives being met : KO1 - 19**

#### **Public Consultation on the Draft Brief**

15.1 ~~This The Nestlé South~~ Draft Development Brief has been prepared by the City of York Council, through contributions from a cross-directorate group of Officers. Guidance from relevant organisations such as English Heritage and CABE ~~have has~~ been researched in order to prompt best practice.

15.2 ~~The A~~ Draft Brief ~~has was been~~ approved by elected Members of the Council's Planning Committee in January 2007 as a basis for consultation with the public, statutory organisations and other interested groups. It ~~will bewas~~ put on deposit for ~~a minimum of 8 weeks~~ between February and April 2007, ~~and every effort will be made to accommodate representations from individuals and groups who would wish to be given more time for a response.~~

15.3 Presentations ~~will bewere~~ made by the CYC Project Team to the ~~Open Planning Forum and~~ Clifton Ward Committee, the Conservation Area Action Panel and the Environment Forum in order to highlight the contents and main issues of the Brief.

15.4 Representations received ~~will bewere~~ considered by ~~sent out to~~ relevant Officers and departments within the Council ~~in order to consider the issues and suggestions raised~~. All comments ~~will have beenbe~~ summarised and, together with Officer comments and final recommendations, are set out in Appendix 1 of the Committee Report (31<sup>st</sup> May 2007) ~~will be reported back to the Council's Planning Committee for Members' consideration.~~

#### **Public Consultation on Development Proposals**

15.5 Consultants for Nestlé will be expected to work with the CYC Project Team in order to progress development proposals in line with the requirements, vision and objectives of the approved Development Brief.

15.6 When bringing forward proposals prospective developers will be expected to refer closely to this Development Brief and work with the local planning authority in order to :

- carry out a clear appraisal to determine the nature and extent of community consultation;
- carry out a community consultation exercise; and
- clearly demonstrate that the local community have been extensively involved with any planning application and have taken their views into account.



- Ensure that proposals meet the requirements of the Statement of Community Involvement

## Masterplanning

15.7 Due to the size of the site, the importance of its history and the need to integrate proposals into the wider city strategies, a developer masterplan will be required prior to any formal planning application for development.

15.8 Detailed studies which should be carried out in order to inform the masterplan will need to be agreed with the Council and will include:

- a survey of existing trees and hedgerows;
- an ecological appraisal;
- an urban design analysis; and
- an analysis of key views into and out of the site.

15.9 In then advancing options and solutions to design and layout, developer proposals should be presented in the form of a Design and Access Statement with accompanying masterplan and supporting assessments as detailed in this Brief. This will help to ensure coordination and comprehensive delivery of the Council's vision and objectives.

15.10 The masterplan should follow the good practice guidelines set out in the 2004 CABE document *'Creating Successful Masterplans'* and, in particular, should:

- i) show how the streets, squares and open spaces of a neighbourhood are to be connected;
- ii) define the heights, massing and bulk of buildings;
- iii) set out suggested relationships between buildings and public spaces;
- iv) determine the distribution of activities/ uses that will be allowed;
- v) identify the network of movement patterns for people moving by foot, cycle, car or public transport, service and refuse vehicles;
- vi) set out the basis for provision of other infrastructure elements such as public utilities;
- vii) relate physical form to the socio-economic and cultural context and stakeholder interests;
- viii) allow an understanding of how well a new, urban neighbourhood will integrate with the surrounding urban context and natural environment;
- ix) identify as a far as possible individual development sites and potential phasing.

## Planning Applications and Conditions

15.11 An outline application for the redevelopment of this site will be acceptable to the Council as Local Planning Authority provided it meets the

objectives of this Brief and is accompanied by a detailed Design and Access Statement and Design Code. It will be checked by the Council to ensure all the required information has been submitted before going out for public consultation.

15.12 Consultation with the public will include letters sent out to local residents and business uses, together with a list of statutory consultees. Individuals and organisations will be given a minimum of 3 weeks to respond to the application, and all comments received will be brought to the attention of elected Council Members through the Officers' report to Planning Committee. This will be a public meeting, and objectors / supporters can register to speak at the meeting in order to reinforce their representations.

15.13 Applicants will need to demonstrate how their proposals accord with the vision and objectives of this Development Brief, as well as other material considerations such as the Development Control Local Plan (2005), national and regional policy guidance.

15.14 Conditions may be legitimately attached to any planning approval in order to ensure that schemes are built out to the satisfaction of the local authority, having regard to local, regional and national planning policy.

15.15 Subsequent details with respect to highways and detailed building design, elevation treatment, landscaping etc will be subject to Reserved Matters applications. These submissions will go through the same consultation process as the outline application, and will need to accord with the provisions of the Development Control Local Plan (2005), as well as this Development Brief and other material considerations such as national and regional planning guidance.

## Planning Obligations

15.16 Policy GP13 of the Development Control Local Plan states that, where appropriate, the Council will enter into Section 106 legal agreements with developers. On this site the themes set out below will need to be considered in terms of developer financial contributions. The list is not meant to be exhaustive, and there may be other issues, which arise through the consideration of detailed proposals.

- a) Amenity, open space, public realm improvements and landscaping;
- b) Maintenance of amenity areas, open space, public realm and landscaping;
- c) Sustainable travel measures and infrastructure improvements (e.g. ~~Green~~–Travel Plan, Car Club, Bicycle Club, resident Bus Pass vouchers, resident cycle hire/purchase vouchers, new/ improved bus services and stops);
- d) Improvements to cycle / pedestrian route between southern edge of site and Hambleton Terrace;
- e) Public safety and security measures, including CCTV;

- f) Lighting schemes in accordance with York Lighting Strategy
- g) Public art;
- h) Recycling facilities;
- i) Renewable energy initiatives;
- j) Air quality improvement measures;
- k) Measures for the protection of wildlife;
- l) Archaeology investigation, research, interpretation, and display of material found during investigation;
- m) Skills training for local people/ use of local labour in construction;
- n) Education provision;
- o) Affordable housing.

### Affordable Housing

15.17 The Council will expect affordable housing to be provided on site, in accordance with Development Control Local Plan policy H2a and the Affordable Housing Advice Note (July 2005).

15.18 The required tenure split is 45% affordable rent, 5% discount sale of the total number of homes. Built homes will be transferred to a Registered Social Landlord (RSL) in accordance with planning policy. Affordable rents will refer to Housing Corporation benchmarks and appropriate discounts agreed with the Council having regard to the City of York Housing Needs Study 2002-2007, York draft Housing Market Assessment 2006, and emerging York Housing Market Assessment 2007.

15.19 Affordable homes are required to:

1. match pro-rata the size of the privately owned homes;
2. match pro-rata the car parking provision of the privately owned homes;
3. match the quality of the privately owned homes;
4. be visually indistinguishable from the privately owned homes;
5. achieve eco excellent / very good status, as with other homes on site; and
6. be satisfactorily 'pepper-potted' within the scheme.

15.20 For further information please refer to Development Control Local Plan policy H2a and the Council's Affordable Housing Advice Note. Early discussions with the Council are encouraged.

### Education Provision

15.21 Financial contributions towards local education provision will be evaluated and agreed with reference to the Council's adopted supplementary guidance '*Developer Contributions to Educational Facilities, May 2002*' in order to ensure that appropriate facilities are created or improved in the local

area in order to accommodate the requirements of newly forming school age children.

### Open Space Provision

15.22 Local Plan policy L1c requires children's play areas, informal amenity space and youth and adult sports provision to be provided on all housing sites and all commercial development above 2,500m<sup>2</sup> floor area. Further advice is given in Chapter 7.

## **Environmental Impact Assessment**

15.23 The Nestlé South site is not in a sensitive area as defined by the 1999 EIA Regulations. However, there is a potential need to remediate contaminated ground and the site is located within landscapes of historical, cultural and archaeological significance. It also lies within areas of heavy concentrations of population and in close relation to areas of poor air quality.

15.24 It is further considered that a development of a site of this size for the uses promoted by this brief is likely to have effects of more than local importance.

15.25 Given the size and location of the site, and in accordance with the *Town and Country Planning (Environmental Impact Assessment) Regulations, 1999*, comprehensive development (or cumulative phased or incremental development) of this land is likely to warrant the submission of an assessment of the likely significant environmental effects of development, known as an Environmental Statement. It is likely to be required to consider the following issues :

- i) Sustainability;
- ii) Traffic and transport impact;
- iii) Historic and cultural heritage;
- iv) Ecology and wildlife;
- v) Archaeology;
- vi) Visual impact;
- vii) Hydrology;
- viii) Noise and vibration;
- ix) Air quality;
- x) Contaminated land.

15.26 Council Officers are available to give advice on the expected scope, content and detail of the Environmental Statement, and early contact is encouraged.

## **APPENDIX 1**

### **SUMMARY OF THE HISTORY OF NESTLÉ ROWNTREE**

- **1725** - A Quaker, Mary Tuke opens shop in Walmgate, York.
- **1775** - Wm. Tuke and Sons take over shop.
- **1785** - They start selling cocoa.
- **1862** - Henry Isaac Rowntree acquires cocoa side of business.
- **1864** - Tanner's Moat, York, receive ingredients via Hull Docks.
- **1869** - Henry Isaac's brother, Joseph, becomes a partner in the business. They manufacture a range of cocoas.
- **1881** - Rowntrees Fruit Pastilles are introduced.
- **1893** - Rowntrees Fruit Gums are introduced.
- **1883** - Joseph Rowntree is left in sole control following Henry Isaac's death.
- **1887** - Rowntree's famous Elect Cocoa is introduced.
- **1889** - Joseph's son, Benjamin Seebohm Rowntree, joins the business.
- **1890** - The "Cocoa Works", at Haxby Road, are built.
- **1897** - Rowntree & Co becomes Limited, with Joseph Rowntree as Chairman.
- **1901** - Rowntree's Table Jellies are introduced.
- **1906** - A pension scheme is introduced. The site moves to Haxby Road.
- **1909** - Yearsley swimming baths are presented by the company to the city of York.
- **1910** - The Walnut Whip is introduced.
- **1913** - School rooms and a gymnasium are opened, and dining facilities for 3,000 employees are completed.
- **1918** - An annual week's holiday with full pay is introduced.
- **1919** - A Central Works Council is formed for employees.
- **1921** - Rowntree Park is presented by the Company. Unemployment scheme introduced.
- **1923** - Seebohm Rowntree succeeds his father, Joseph, as chairman.
- **1925** - Joseph Rowntree dies.
- **1928** - The Joseph Rowntree Memorial
- **1933** - Black Magic chocolates are introduced.
- **1935** - Chocolate Crisp (Kit Kat) is introduced. The Joseph Rowntree Theatre opens.
- **1935** - Aero is introduced.
- **1936** - Dairybox is introduced.
- **1936** - Blue Riband is introduced.
- **1936** - Quality Street are introduced.
- **1937** - Chocolate Crisp changes its name to Kit Kat.
- **1937** - Rolos are introduced.
- **1937** - Smarties are introduced.
- **1941** - George Harris succeeds Seebohm.
- **1948** - Polo Mints are introduced.
- **1953** - Polo Fruits are introduced.

- **1954** - Seebohm Rowntree dies.
- **1957** - Munchies are introduced.
- **1958** - Fawdon factory, Newcastle, opens.
- **1959** - Caramac is introduced.
- **1962** - After Eight is introduced.
- **1963** - Toffee Crisp is introduced.
- **1963** - Tooty Frooties are introduced.
- **1965** - Jellytots are introduced.
- **1967** - Golden Cup is introduced.
- **1968** - Matchmakers are introduced.
- **1969** - Rowntree & Co Ltd and John Mackintosh & Sons Ltd become Rowntree Mackintosh Ltd.
- **1970** - Breakaway is introduced.
- **1972** - Wins Queen's Award for Export.
- **1976** - Yorkie is introduced.
- **1976** - Lion Bar is introduced.
- **1980** - Drifter is introduced.
- **1982** - Aero Countline is introduced.
- **1985** - Automated Warehouse is opened in York.
- **1986** - A £16 million Kit Kat 4 factory plant is opened in York.
- **1987** - The company name is changed to Rowntree plc.
- **1988** - Nestlé SA buys Rowntree plc.
- **1989** - Rowntree Mackintosh receives its fourth Queen's Award for Export Achievement. Nestlé shares are quoted on the London Stock Exchange.
- **1991** - The Lord Mayor of York opens the £14million Cocoa Processing Plant. Helmut Maucher, Nestlé SA Chairman and Managing Director, opens the £6 million Yorkreco Pilot Plant. Vice Versas are introduced.
- **1992** - Ramon Masip, Executive Vice President of Nestlé SA, opens the £15.5 million Polo Mint plant in York.
- **1993** – The Lord Mayor of York opens the £18 million chocolate making plant in York. The new plant can produce four tonnes of milk chocolate an hour.
- **1997** - Maverick is launched.
- **1999** - Kit Kat Chunky is launched.
- **2000** - Rolo biscuit is launched
- **2002** - Double Cream chocolate bar is launched.
- **2003** - Kit Kat Kubes are launched.
- **2004** - Fruity Smarties, Kit Kat Editions and Baci are introduced.

*Sourced from [www.nestle.co.uk](http://www.nestle.co.uk)*

## APPENDIX 2

### LIST OF DOCUMENTS

- City of York Council Economic Development Annual Reports
- City of York Draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005)
- City of York Council Affordable Housing Advice Note (July 2005)
- City of York Council Draft SPG on Sustainable Design and Construction
- City of York Council 2002 Housing Needs Study (2002-07)
- York Housing Market Assessment - Draft (July 2006)
- City of York Council Corporate Strategy (2006-2009)
- City of York Council 'Developer Contributions to Educational Facilities' (May 2002)
- *'By Design. Urban Design in the planning system: towards better practice'* DETR & CABE (2000)
- City of York Local Transport Plan 2 (2006-2011)
- City of York Council Highway Design Guide
- *'Safer Places: The Planning System and Crime Prevention'* ODPM (2004)
- *'Designing for Accessibility'* Commission for Accessible Environments 7 RIBA Enterprises (2004)
- *'Designing to Enable'* Gateshead Access Panel

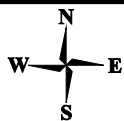
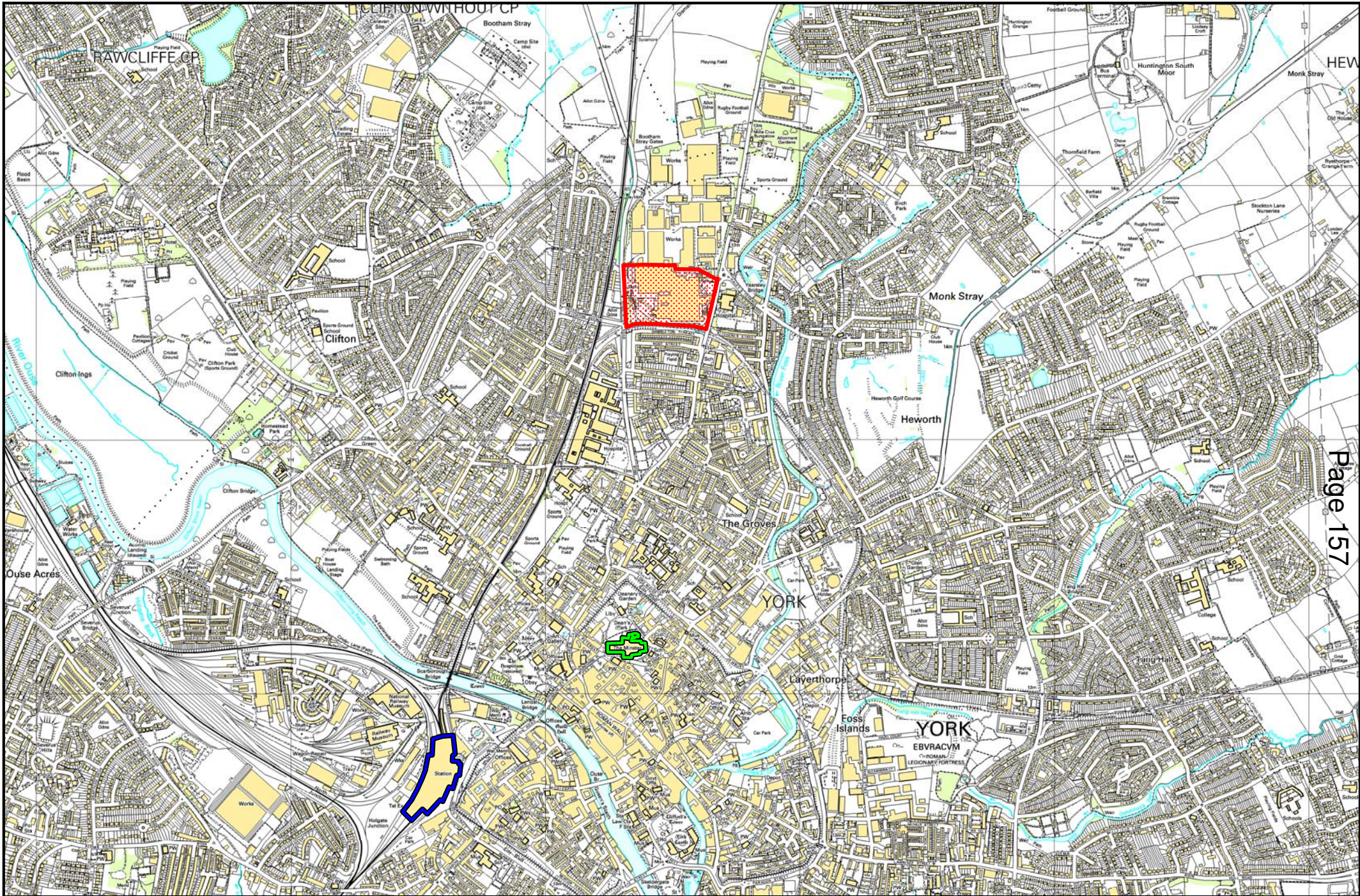
## APPENDIX 3 CITY OF YORK COUNCIL CONTACTS

As at May 2006

01904 55 + Extension

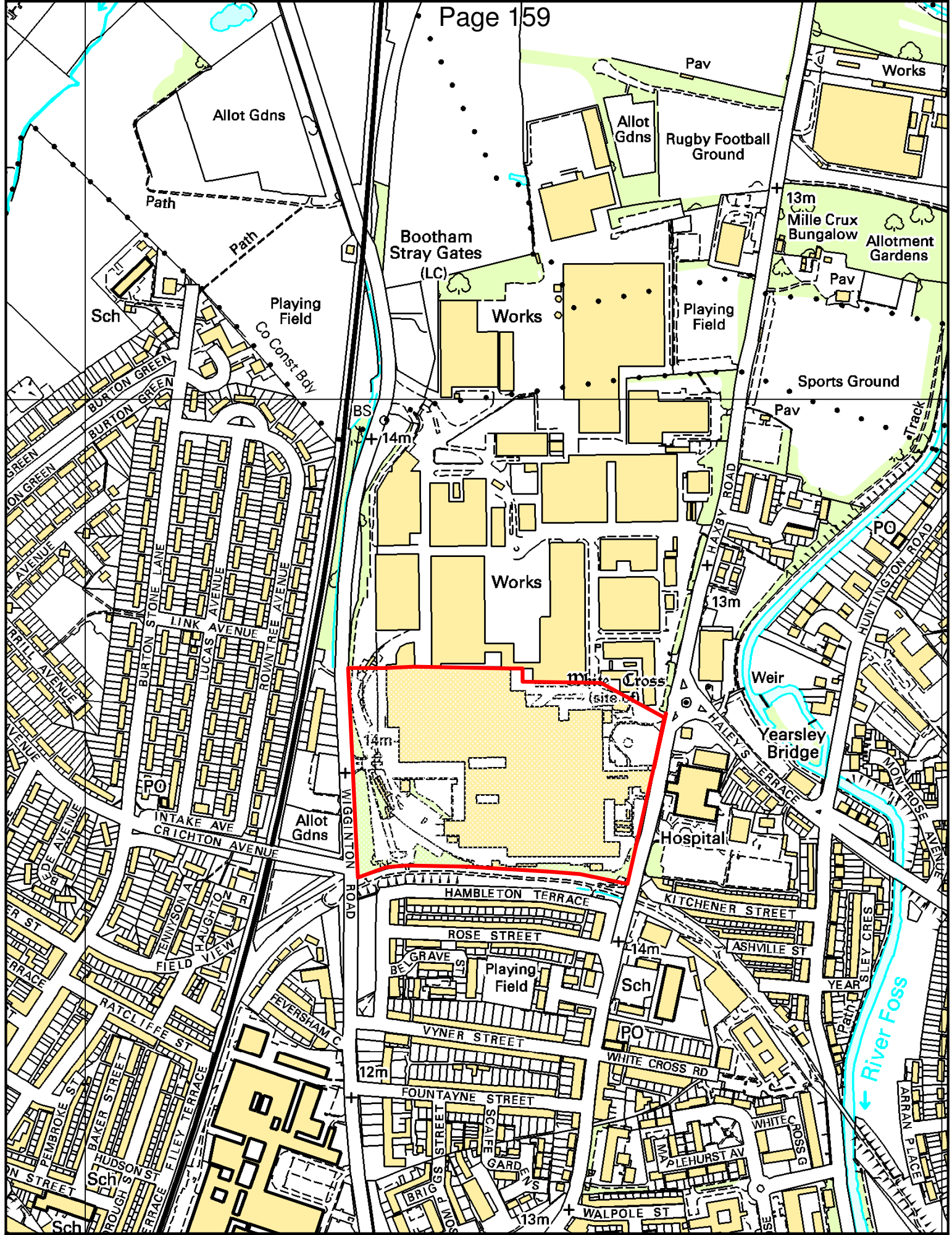
Please contact Derek Gauld in the first instance Derek Gauld, Principal City Development Officer	1470
Roger Armistead, Development Area team Leader	1320
Martin Grainger, Principal Development Officer (Planning Policy)	1667
John Oxley, Archaeologist	1346
Janine Riley, Conservation Architect	1305
Esther Priestley, Landscape Architect	1341
Bob Missin, Countryside Officer	1662
Kristina Peat, Sustainability Officer	1666
Richard Bogg, Divisional Head, Network Management	1332
Ian Stokes, Principal Transport Planner	1429
Bryn Jones, Head of Economic Development	4418
Helen Howlett, Senior Environmental Protection Officer	1567
Graham Tissiman, Housing Development Coordinator	4153
Jake Wood, Policy Officer, Learning, Culture & Children's Services	4673
Vicky Japes, Senior Active Leisure Officer	3382
Gill Cooper, Head of Arts and Culture	4671
Leo Devlin, Equality Officer, Chief Executives	1704





# Plan 1: Location Map

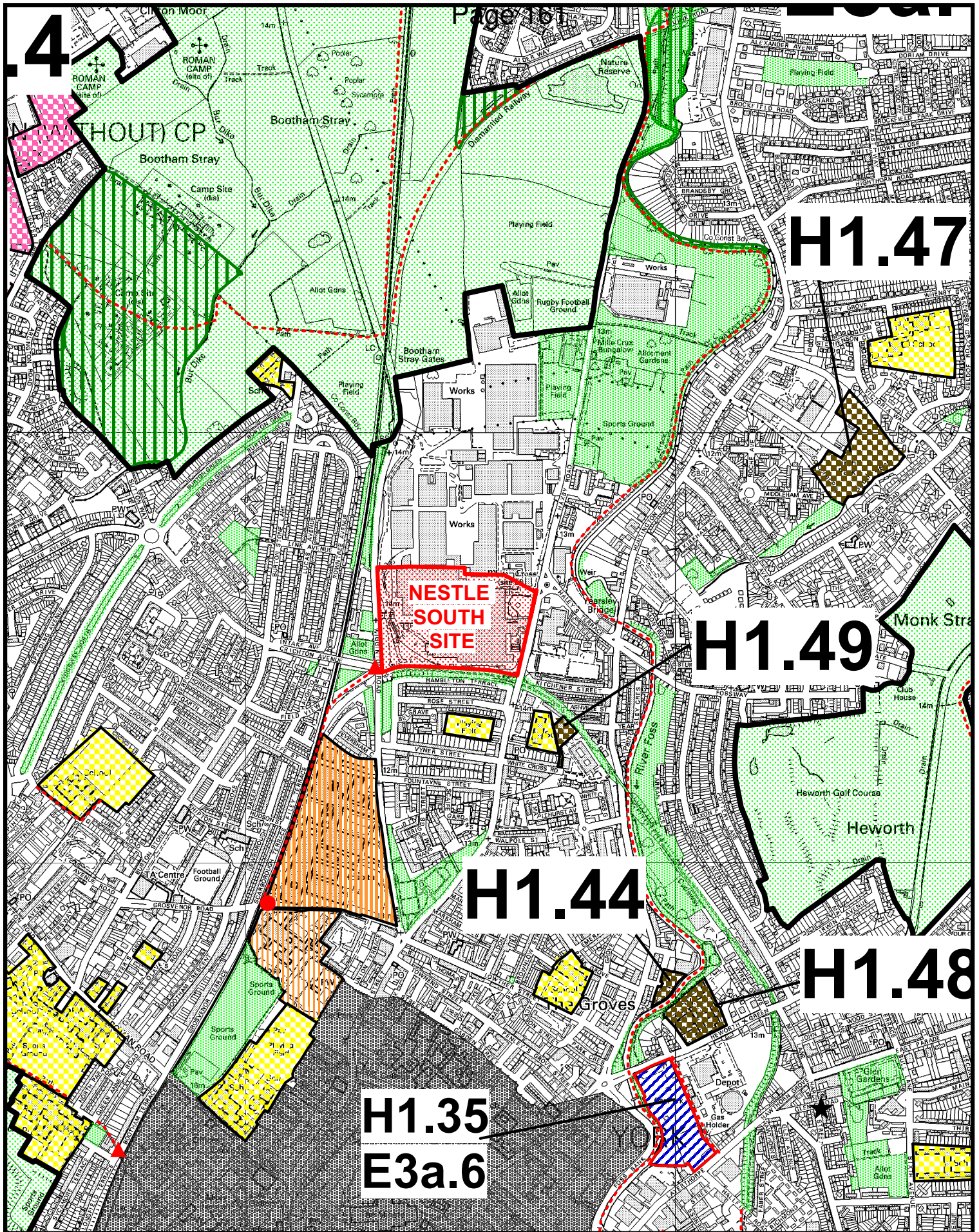
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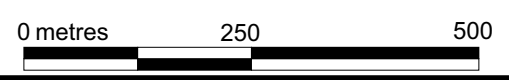
# Plan 2: The Site

Drawn by City Development  
 Tel (01904) 551486. Email: citydevelopment@york.gov.uk  
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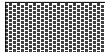
**Plan 3:  
City of York Local Plan Proposals Map  
Extract**



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Based upon the Ordnance Survey with the permission of the Controller of  
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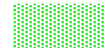
**KEY**

 Local Plan Boundary


 City Centre Inset Boundary


**LOCAL PLAN STRATEGY (CHAPTER 1)**


 Action Area (SP9)  
**GENERAL PLANNING POLICIES (CHAPTER 2)**

 Open Space (GP7)


**NATURAL ENVIRONMENT (CHAPTER 3)**

 Site of Special Scientific Interest (NE4a)


 RAMSAR Sites (NE4a)


 Special Protection Area (NE4a)

 Special Area of Conservation (NE4a)

 Non Statutory Nature Conservation Site (NE5a)

**HISTORIC ENVIRONMENT (CHAPTER 4)**

 Conservation Area (HE3)  
(see appendices)

 Area of Archaeological Importance (HE10)  
(see appendices)


 Historic Park / Garden (HE12)

 Reserved Land (GP24a)

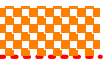
**GREEN BELT (CHAPTER 5)**

 Green Belt (SP2)

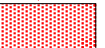
 Defined Settlement Limit

 Major developed site in the Green Belt (GB10a)


**TRANSPORT (CHAPTER 6)**


 Pedestrian Priority Zone - Footstreets (T1)  
Proposed Cycle / Pedestrian Network (T2) - Indicative Locations

 Proposed Cycle/Pedestrian Bridge (T3a)

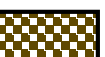
 Park and Ride Allocation (T6)

 Railway Station site (T8a)

 Highway Improvement Scheme (T19a)


 Potential Park and Ride (T6) - Indicative Locations

**HOUSING (CHAPTER 7)**

 Housing Allocation (H1.6, H1.24, H1.31 to H1.37  
H1.39 to H1.41, H1.43 to H1.46)


**EMPLOYMENT (CHAPTER 8)**


 Premier Employment Allocation (E12a to E12d and E12f)

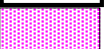
 Standard Employment Allocation (E3a.1 to E3a.10)

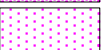
**EDUCATION (CHAPTER 9)**

 Educational Establishments (ED1 and ED5)

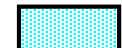
 St Barnabas Centre (ED2)

 Existing University of York Heslington Campus (ED6)

 New University Campus (Phase 2) Indicative Boundaries (ED9)

 New University Campus (Phase 1) Indicative Boundaries (ED9)

**SHOPPING (CHAPTER 10)**

 Shopping Sites (S1a)


 District Centres


**LEISURE AND RECREATION (CHAPTER 11)**

 Recreational Opportunity Areas (L1d)


 Recreational Opportunity Areas (L1d)

**COMMUNITY FACILITIES (CHAPTER 13)**

 York District Hospital (C4)

 Bootham Park Hospital (C5)

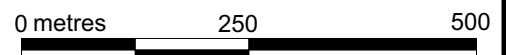
**MINERALS AND WASTE (CHAPTER 14)**

 Area of search for minerals (MW1)

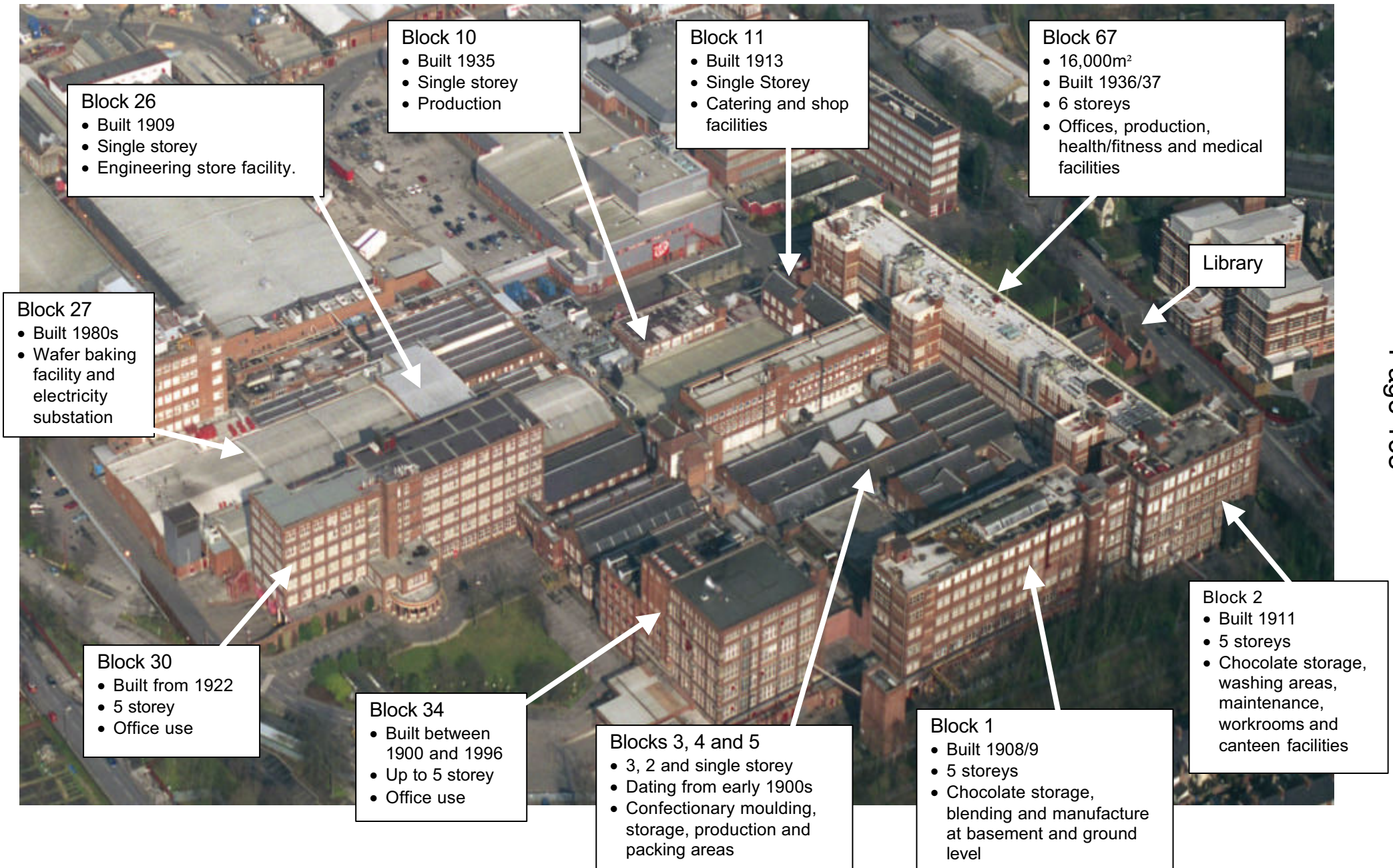
 Mixed Use Site

**Nestle South Site Boundary**















# PLAN 4: NESTLE SOUTH SITE – EXISTING BUILDINGS

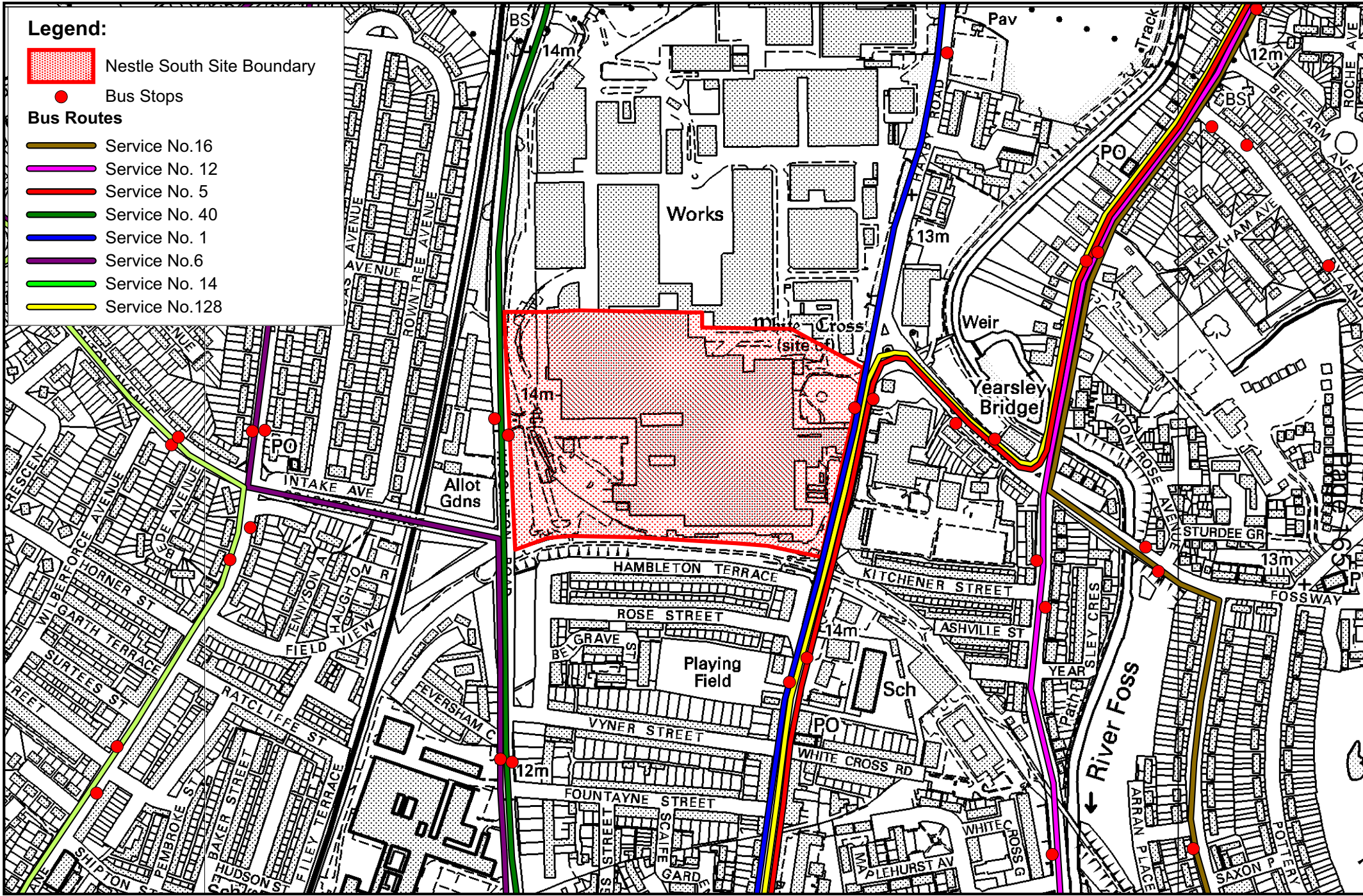


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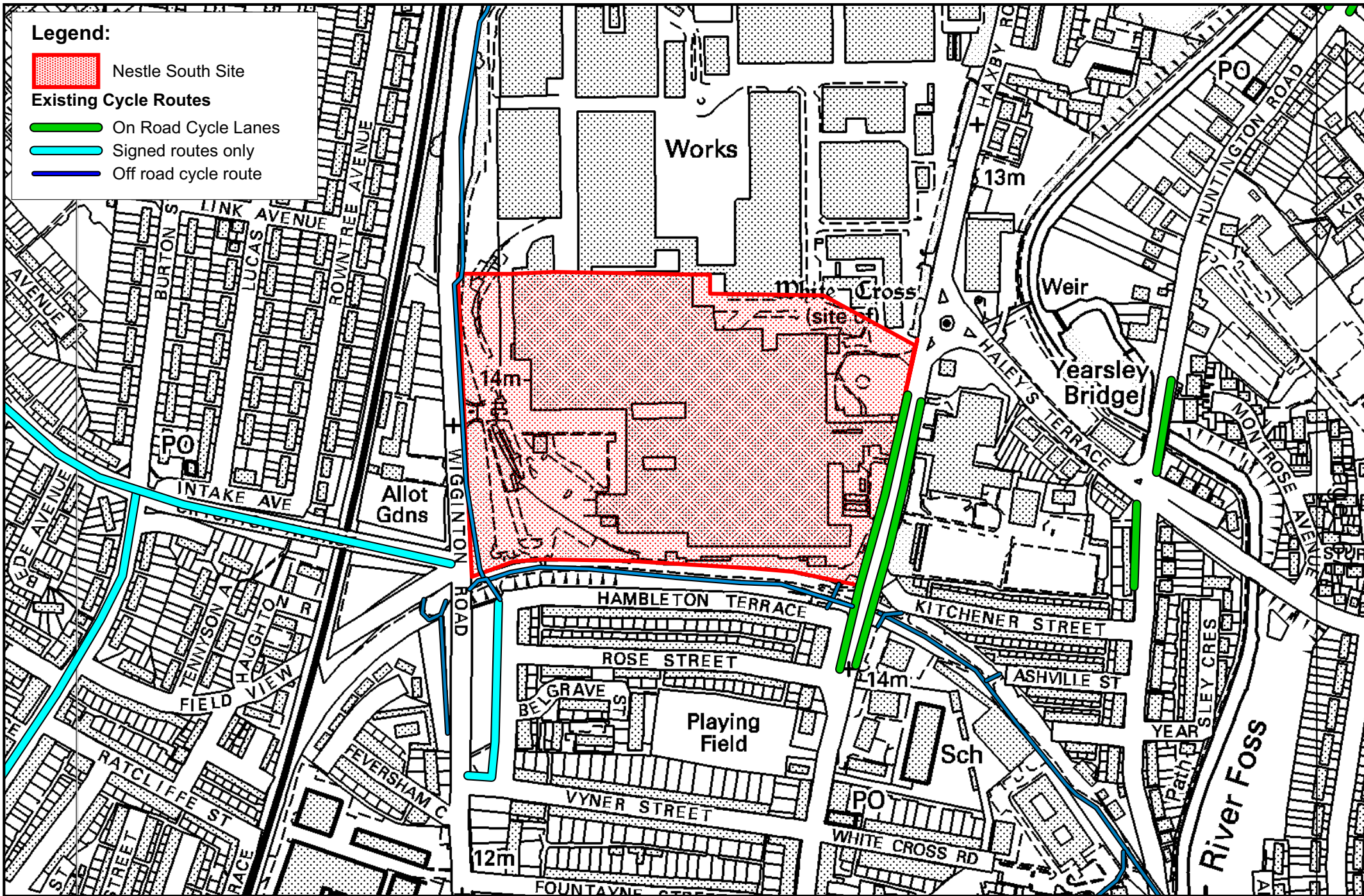
-  Nestle South Site Boundary
-  Bus Stops
- Bus Routes**
-  Service No. 16
-  Service No. 12
-  Service No. 5
-  Service No. 40
-  Service No. 1
-  Service No. 6
-  Service No. 14
-  Service No. 128



# Plan 5a: Existing Transport Infrastructure






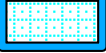
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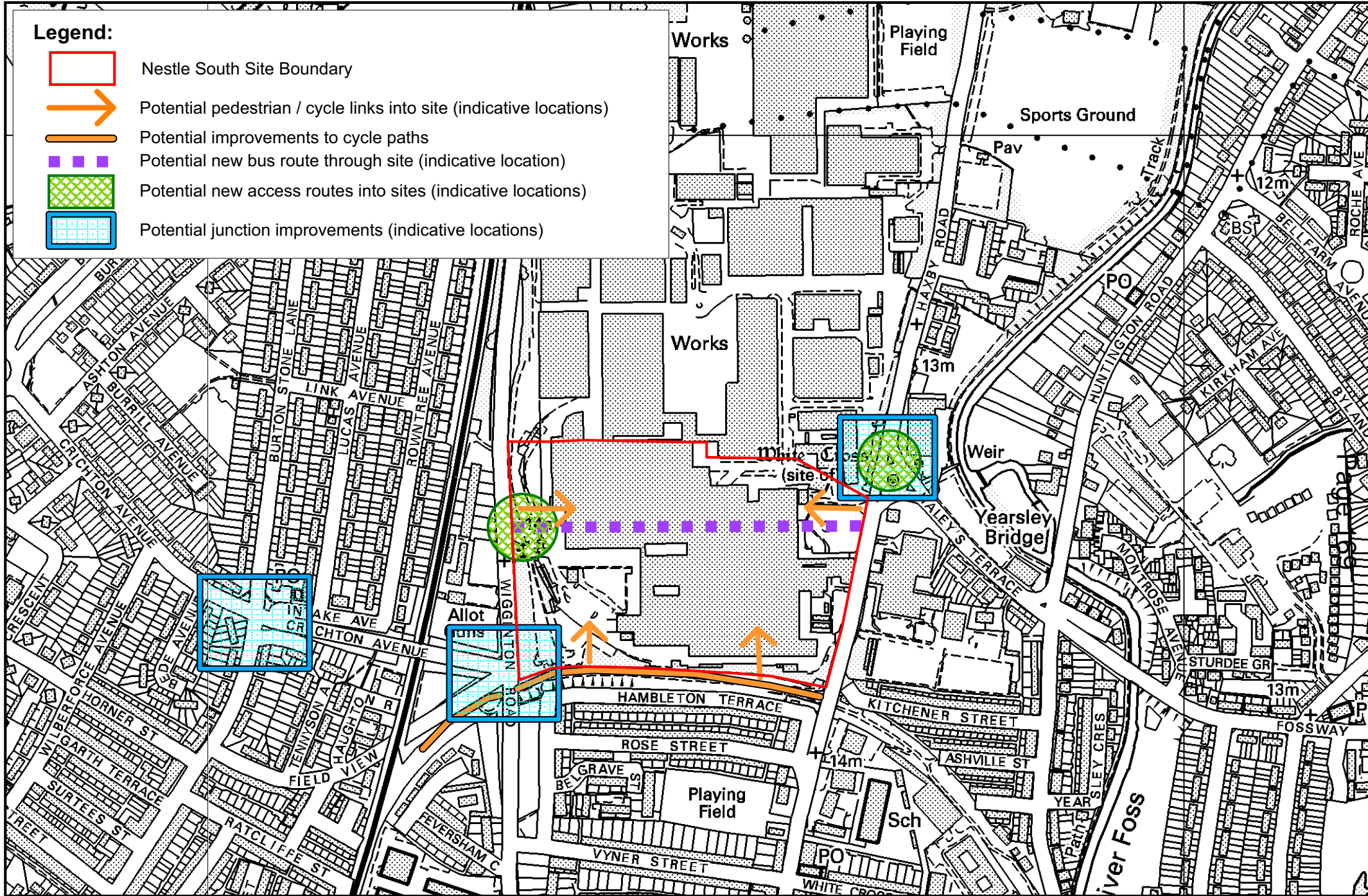
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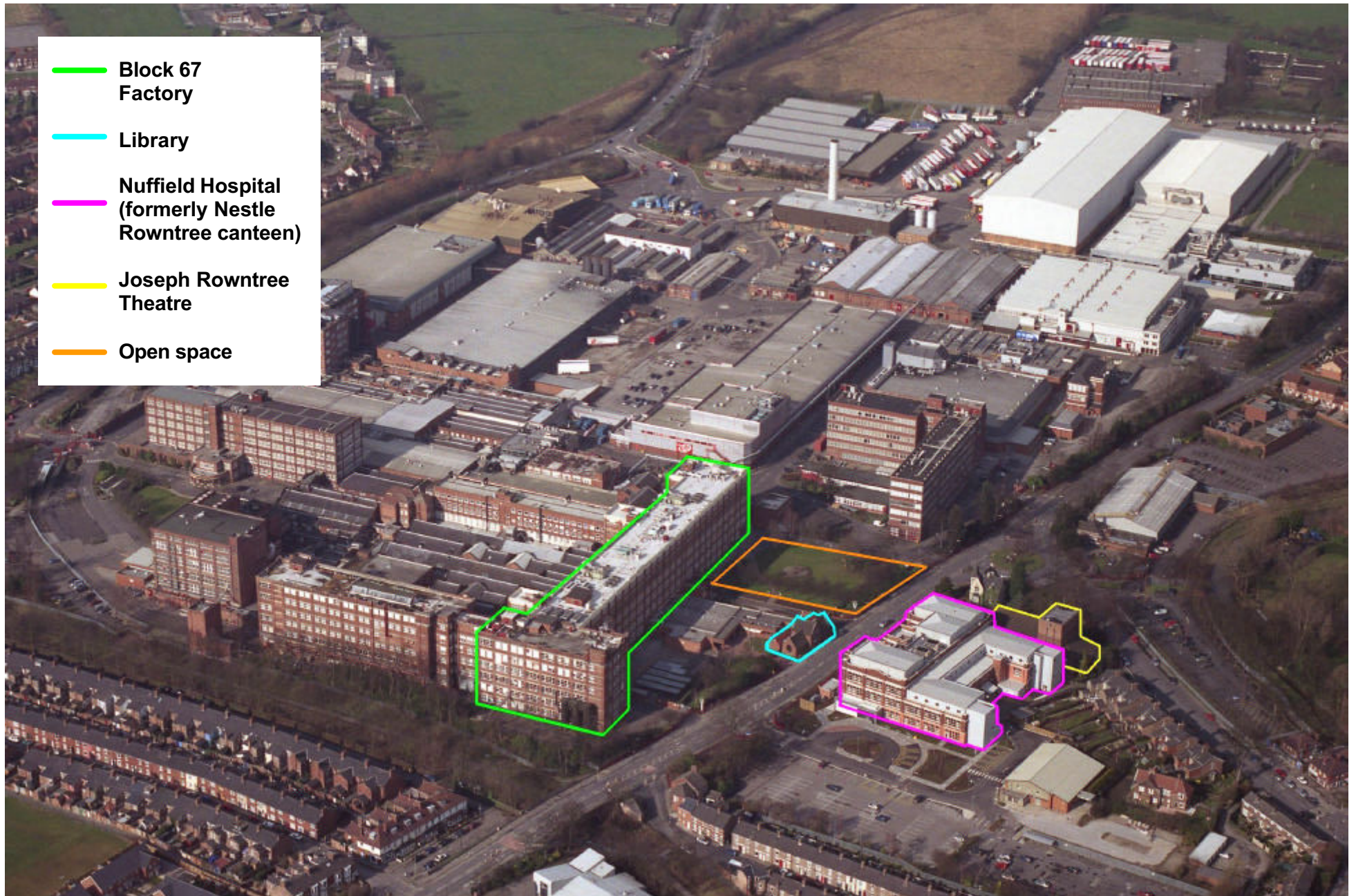
-  Nestle South Site Boundary
-  Potential pedestrian / cycle links into site (indicative locations)
-  Potential improvements to cycle paths
-  Potential new bus route through site (indicative location)
-  Potential new access routes into sites (indicative locations)
-  Potential junction improvements (indicative locations)



**Plan 5c: Potential Transport Infrastructure Improvements**

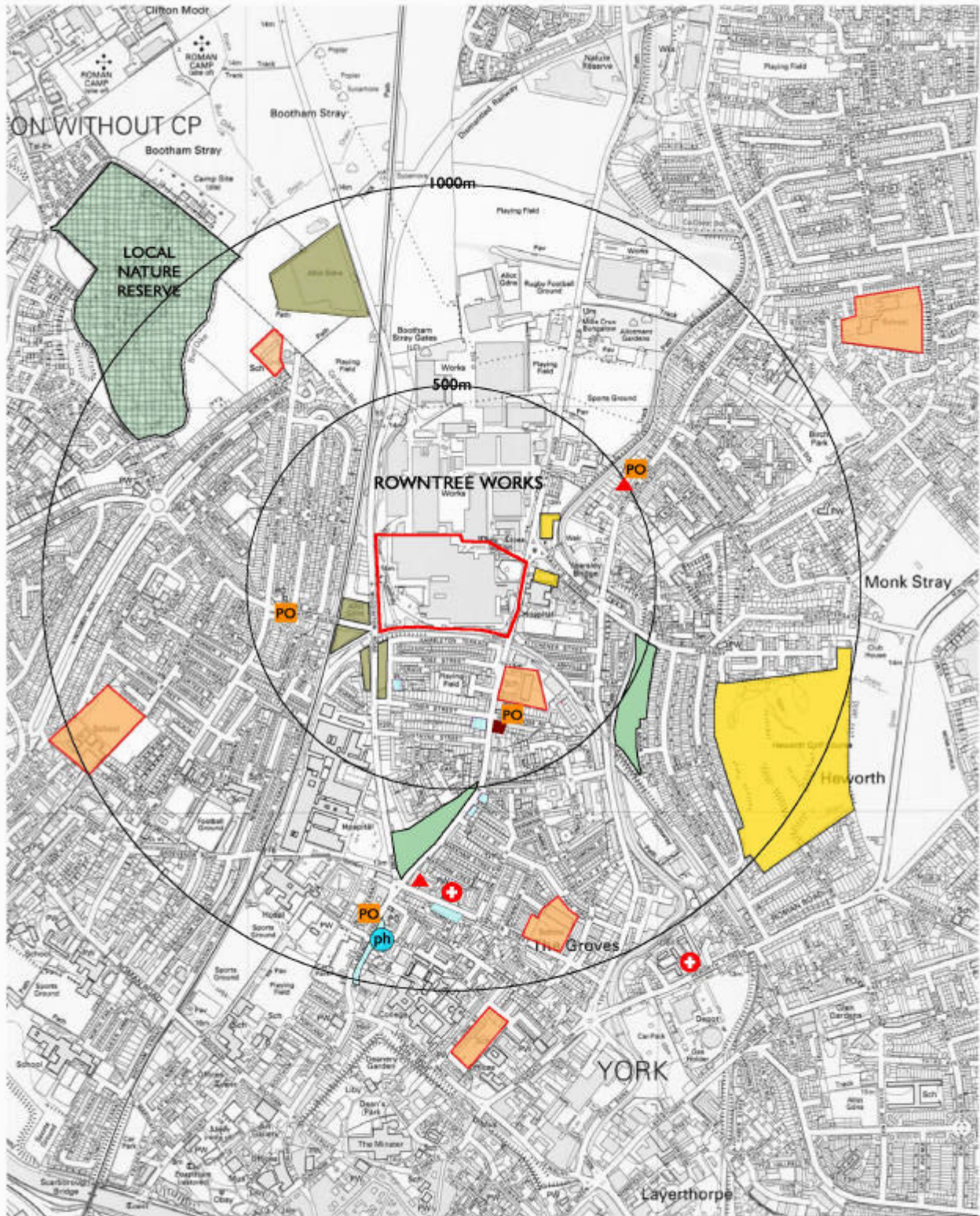
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# PLAN 6: BUILDINGS / SPACES OF SPECIAL CHARACTER



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**Key**

	Pharmacy	Local Nature Reserve	Leisure facilities
Scale 1:12,500 @ A4	Public house	Formal Amenity space	Convenience shopping
	Post Office	Allotments	Bank
	Health centre		Primary School

**PLAN 7 – LOCAL SERVICE PROVISION**

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