



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Ayre, Boyce, D'Agorne, Firth, Funnell, Galvin, Horton, Hyman, Merrett (Vice-Chair), Moore, Morley, Reid, Simpson-Laing, B Watson and Wiseman

**Date:** Thursday, 20 January 2011

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visits will commence at 12.30pm on  
Wednesday 19 January 2010 meeting at the Memorial Gardens**

### AGENDA

#### 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. **Minutes** (Pages 5 - 10)

To approve and sign the minutes of the last meeting of the Planning Committee held on 16 December 2010.

#### 3. **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 **5.00pm on Wednesday 19 January 2010**. 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.

#### 4. Plans List

This item invites Members to determine the following planning applications:

**a) Proposed Development at Nestle South, Haxby Road, York (10/01955/OUTM) (Pages 11 - 58)**

Outline proposal for a mixed use development including residential, live/work, residential student accommodation, offices, retail, café, assisted living, community centre, gymnasium, crèche and associated car parking, landscaping, highway infrastructure and other ancillary works [*Clifton Ward*] **[Site Visit]**

**b) Proposed Development at Nestle South, Haxby Road, York (10/01960/FULM) (Pages 59 - 86)**

Conversion and alteration of retained buildings within Nestle South, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, residential student accommodation, office, retail, café, and associated landscaping, roads and car parking [*Clifton Ward*] **[Site Visit]**

**c) Nestle Rowntree, Haxby Road, York YO31 8XY (10/02157/LBC) (Pages 87 - 94)**

Demolition of buildings 51 and 52 and reinstatement of the building fabric of buildings 66-67 and 76 (Joseph Rowntree Library) [*Clifton Ward*] **[Site Visit]**

**d) Infinity Ltd, 88-96 Walmgate, York YO1 9TL (10/02542/FULM) (Pages 95 - 110)**

Erection of a 4 storey building to form a 102 bedroom hotel [*Guildhall*] **[Site Visit]**

**e) Infinity Ltd, 88-96 Walmgate, York YO1 9TL (10/02543/CAC) (Pages 111 - 116)**

Demolition of building in the conservation area in connection with the proposed redevelopment of the site [*Guildhall Ward*] **[Site Visit]**

**f) Hungate Development Site, Hungate, York (10/02646/FULM)**  
(Pages 117 - 126)

Conversion of 7 no. townhouses (unit numbers 22, 23, 24, 25, 26, 47, and 48) to 14 no. duplex apartments within Phase 1 of the Hungate redevelopment scheme [*Guildhall Ward*]

**g) Harewood Whin Landfill Site, Tinker Lane, Rufforth, York YO23 3RR (07/02914/FULM)** (Pages 127 - 156)

Construction of 2 no. concrete pads totalling 25,800 m<sup>2</sup>, site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility [*Rural West York Ward*].

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@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
- Copies of reports

Contact details are set out above.

This page is intentionally left blank

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- 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);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোআবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) 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

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

**PLANNING COMMITTEE**

**SITE VISITS**

**WEDNESDAY 19 JANUARY 2011**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
12.30pm	Bus leaves Memorial Gardens	
12.40pm	88-96 Walmgate, York (10/02542/FULM & 10/02543/CAC)	4d and 4e
13.15pm	Nestle South, Haxby Road, York (meeting at the Wigginton Road entrance to the site) (10/01955/OUTM & 10/01960/FULM & 10/02157/LBC)	4a, 4b and 4c

This page is intentionally left blank



City of York Council

Committee Minutes

---

MEETING	PLANNING COMMITTEE
DATE	16 DECEMBER 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, D'AGORNE, FIRTH, GALVIN, HORTON, MERRETT (VICE-CHAIR), MOORE, MORLEY, REID, SIMPSON-LAING, B WATSON, WISEMAN, WAUDBY (SUB FOR CLLR HYMAN) AND LOOKER (SUB FOR CLLR FUNNELL)
APOLOGIES	COUNCILLORS FUNNELL AND HYMAN

---

**22. INSPECTION OF SITE**

Site	Reason for Visit	Members Attended
Proposed University Campus Lying between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (Heat and power energy centre)	To enable Members to view the proposed site in relation to the campus and adjacent residential area in view of objections received.	Cllrs R Watson, Horton, Merrett, Morley and Reid.

**23. DECLARATIONS OF INTEREST**

Members were invited to declare, at this point in the meeting, any personal or prejudicial interests they might have in the business on the agenda.

Councillor Morley declared a personal non prejudicial interest in relation to Plans item 4a (Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (10/01825/REMM)) as a member of the Heslington East Community Forum.

**24. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 25 November 2010 be approved and signed by the Chair as a correct record.

**25. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**26. PLANS LIST**

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of the consultees and officers.

**26a Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (10/01825/REMM)**

The Committee considered a major reserved matters application, received from the University of York, for the erection of a heat and power energy centre.

Officers updated the Committee with the following information:

- Following publication of the agenda revised plans had been received which provided improved landscaping between the energy centre and the bus interchange and removal of the vents on the external walls and their incorporation in cowls on the roof. Officers confirmed that these changes addressed their earlier concerns.
- Amendment of Condition 1, to include details of the plans for approval.
- Cllr Merrett had asked Officers to examine how the conditions could be strengthened to ensure that the university was committed to using sustainable sources. Confirmation that officers had re-examined the proposed conditions and proposed the inclusion of an additional condition to ensure that only biomass material was consumed at the heat and energy centre.

The applicant's agent circulated the following plans for member's information:

- Details of the landscaping proposed for the site area.
- North elevation of the building, detailing materials, ventilation louvers and cowls and the lowered flue and cowls.
- Photomontages of four site viewpoints.
- Sections through the site showing the revised flue heights and building sections.
- Six proposed landscape cross sections of the site.

Representations in support of the proposals were received from the applicant's agent. She confirmed that the development formed part of the university's renewable energy strategy, which included a 10% reduction of its carbon emissions by 2010 and ensured that 10% of the energy demand would be from renewable resources. She went on to explain the landscaping proposals for the surrounding area.

Representations in objection were received from a representative of the Badger Hill Residents Group. He stated that they considered this a new application on which local residents should have been consulted at an earlier stage. He referred to possible issues of siting, noise, air quality and emissions and to concerns over the use of recycled timber or other fuels.

Representations in objection were also received from a resident of Field Lane. She confirmed that she supported green technologies but had grave concerns in relation to this application. She pointed out the close proximity of the adjacent residential area and to the height of the proposed chimney. As this was a new technology she confirmed that there was little information regarding possible emissions. She also questioned details of the fuel source and number of deliveries proposed to site.

Members questioned a number of points in relation to the application including:

- The diameter of the chimney. It was confirmed that this would be no more than 1 metre in diameter.
- Confirmation that the Secretary of State had included a specific condition in relation to noise when outline permission for the university campus had been granted. That no vibration issues had been identified in relation to the application and that existing university development was in closer proximity so it was in the applicant's own interest to ensure that there were no such issues.
- Confirmation that the Environment Agency had specified that the biomass should be from a clean fuel source and that an Environmental Permit would regulate emissions.
- Details of the number of fuel deliveries, its storage and the proposed routing of vehicles.
- Confirmation that emissions from the chimney would not be affected by the landscaping when the trees reached maturity.

Following further discussion it was

RESOLVED: i) That the application be approved subject to the conditions set out in the report and the following amended and additional conditions:

**Amended Condition 1:** The development hereby permitted shall be carried out only in accordance with the following plans: 30080-P-356/J, D040.L.205/G, D1861-T-27-A, D-1861-T-20, D-1861-T-21, D-1861-T-22 D-1861-T-23/A, D-1861-T-24-B, D-1861-T-25/A, D-1861-T-26/C, 30080-13-P-0000-001, 30080-13-P-0000-02, 30080-13-P-0000-003, D040.L.206/F, D040.L.207/B, D040.L.208/B, D040.L.209, D040.L.211, D040.L.212 and D040.L.214G.

**Additional Condition:** The energy centre hereby approved shall consume, for the purposes of energy generation, only biomass material, unless otherwise agreed in writing by the Local Planning Authority.

- ii) That the Chair, Vice Chair and Assistant Director (Planning and Sustainable Development) be delegated authority to agree the diameter of the plant's chimney flue.<sup>1</sup>

REASON: i) In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of

acknowledged importance, with particular reference to the principle of the use, scale and appearance of the building, renewable energy, landscaping, neighbour amenity, transport, sustainability and drainage. As such the proposal complies with policies ED9, GP1, GP4a, GP5, GP9 and GP15A of the City of York Local Plan Deposit Draft.

- ii) To ensure that the chimney diameter is within reasonable limits and in the interests of visual amenity.

Action Required

1. To agree the diameter of the chimney flue in consultation with the Chair and Vice Chair.

MS

**27. DRAFT SUPPLEMENTARY PLANNING DOCUMENT FOR THE FORMER BRITISH SUGAR/MANOR SCHOOL SITE**

Consideration was given to a report, which provided Members with an overview of the draft Supplementary Planning Document (SPD) for the former British Sugar/Manor School sites and the consultation planned.

The Local Development Framework Working Group had in October considered a report, which updated on progress on the York Northwest Planning Framework, which included the draft Supplementary Planning Document. At that time Members had agreed an amended boundary for the development site and suggested a number of changes, which had now been made. At the Executive meeting in November approval had been given for the SPD document to go out for public consultation.

It was reported that the owners of the site, Associated British Foods had started master planning for the site earlier in the summer and that it was anticipated that a planning application would be submitted in May 2011.

Officers circulated copies of the following documents:

- Aerial view of the former British Sugar site.
- Plan of land use around the site.
- Plan of the York Northwest development sites.
- Plan of the vehicular access options.

Members then made the following comments in relation to the planning guidance document:

- Concern that Ward Members had not received copies of the consultation draft document prior to the commencement of public consultation.
- Need for the use of plain English in the document.
- Fig.14 – Existing green infrastructure on the former British Sugar site, this plan required the addition of the existing road network and amendment of the key colours to clarify detail.

- Concern that to ensure viability the tram/train stop should be well sited close to the development.
- Concerns that sports facilities/playing fields were proposed off site and that school facilities should also be available for use by the wider community.

Following further discussion it was

RESOLVED: That the content of the report be noted together with the various issues raised.<sup>1</sup>

REASON: So that members can be informed of the emerging planning guidance being prepared for the former British Sugar/Manor School site.

Action Required

1. Incorporate members comments in the consultation results.

SH, AW

**28. APPEALS PERFORMANCE AND DECISIONS SUMMARY**

The Committee considered a report, which provided them with details of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 October 2010. The report also provided a summary of the salient points from appeals determined in that period and list of outstanding appeals.

Officers updated Members with the following amended figures in relation to paragraph 5 of the report:

'For the 12 months up to 31 October 2010, CYC performance was 25.45% allowed, a slightly lower percentage than the previously reported 12 month period of 25.92%, and still below the national average.'

In answer to Members questions, Officers confirmed that:

- The special planning guidance in relation to the sub division of family housing in the city still formed part of Officers work programme but with limited resources it was unfortunately not a priority.
- Details of the site of the proposed telecommunications mast (outstanding appeal – Ref No: 10/00045/REF) would be emailed to Members.<sup>1</sup>
- In future it would also be possible to provide the information in Fig 1 of the Officer report for East and West and City Centre for the 12 month period and the outstanding appeals listed by Ward rather than Officer.<sup>2</sup>

Following further discussion it was

RESOLVED: That the report be received and noted.

REASON: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Action Required

- |  |    |
|--|----|
| 1. Email site details to Planning Committee members.             | JC |
| 2. Include additional information in future performance reports. | JC |

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 5.50 pm].

**COMMITTEE REPORT**

**Date:** 20 January 2011      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Planning Panel  
Team

**Reference:** 10/01955/OUTM  
**Application at:** Proposed Development At Nestle South Haxby Road York  
**For:** Outline proposal for a mixed use development including residential, live/work, residential student accommodation, offices, retail, cafe, assisted living, community centre, gymnasium, creche, and associated car parking, landscaping, highway infrastructure and other ancillary works  
**By:** Nestle UK Limited  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 15 December 2010  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL****BACKGROUND**

1.1 The site is historically associated with the manufacture of confectionary and cocoa and was first developed in 1890, with works progressively expanding from the south to the north over the last century. The application site once contained the core of the original factory buildings, developed between 1890 and 1940 at the southern margin of the Nestle Site.

1.2 In September 2006, Nestle Rowntree announced that they wished to upgrade and improve facilities in the more modern northern part of the site leaving redevelopment opportunities on the older southern part of the site. The redevelopment is proposed to provide a capital investment in order to facilitate upgrading works and safeguard the long term employment of the remaining 1800 employees.

1.3 As a result of this announcement a Development Brief was produced and adopted by the Council in May 2007. The aim is to put forward the Council's vision, objectives, requirements and aspirations. The Development Brief builds on the policies of the Development Control Local Plan (DCLP) and provides a context for assessing any applications for this site. As a reminder, the Council's vision for the site 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, 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.'

1.4 In addition the brief sets out 19 key objectives which are analysed in relation to the proposed application later in the report.

**APPLICATION SITE**

1.5 The application site has become known as Nestle South, the application boundary represents the southerly side of the Nestle factory site. The site area is approximately

7.41 ha in total which represents around 40% of the overall factory area. All buildings which were on the site have now been demolished, except for those which are within the Conservation Area.

1.6 The Joseph Rowntree Memorial Library which was built in 1927 and is Grade II listed represents the eastern site boundary. To the west is a block of buildings which consist of the Almond Block Extension (labelled as building 2 on the submitted drawings) which was built in 1911 and fronts Hambleton Terrace, and the adjoining Cream Block and Cream Block Extension to the north (labelled as buildings 67 and 66 respectively) which were erected between 1936 and 1938. All buildings are within the 'Conservation Area 35: The Nestle/Rowntree Factory' boundary and have been retained for redevelopment as part of this application.

1.7 To the north of the site is the remaining Nestle factory site which has been re-organised and partially redeveloped to accommodate the additional capacity which was lost as a result of the factory buildings within Nestle South. Beyond the Nestle factory buildings are sports pitches and Bootham Stray which is within the Green Belt. New Earswick is a little more than a kilometre north of the application site.

1.8 Immediately to the east is Haxby Road, Nuffield Hospital and the Joseph Rowntree Theatre. Beyond this is a built up urban area consisting predominantly of residential uses.

1.9 To the south of the site is a Sustrans cycle path which locally connects the areas of Rawcliffe, Clifton Without and Clifton with Heworth and Heworth Without. The path which can also be used by pedestrians is an important off road link within the city. Beyond this is Hambleton Terrace and a number of traditional terraced streets which separate the site from the City Centre which is just over 1km to the south.

1.10 To the west is Wigginton Road and the residential area of Clifton. The western edge of the site is within Bootham Stray which lies on both sides of Wigginton Road.

1.11 There is some green landscaping to the east, south and west boundaries of the site with the northern boundary being bounded by the remaining Nestle site. No trees within the application site are subject to tree preservation orders.

## **PROPOSAL**

1.12 This application seeks outline planning consent with access being considered, details of appearance, landscaping, layout, and scale are reserved for future applications. Within the outline application is the conversion of the Almond Block Extension, the Cream Block and Cream Block Extension as well as the Joseph Rowntree Memorial Library. In addition the principle of development of the remainder of the site is sought with an indicative amount of development proposed. Within the converted buildings is proposed:

### **RESIDENTIAL**

46 two bedroom flats;  
8 live work units; and  
28 student flats creating 100 bedrooms in total

### **COMMERCIAL**

Office 4116 sq m  
Retail 974 sq m



1.13 The Joseph Rowntree Memorial Library is proposed to be converted into a community cafe.

1.14 The remainder of the site only includes an indicative number and layout of units. However, they help to give a context to the scale of development which may be accommodated on this site, the following units are proposed:

**RESIDENTIAL**

74 two bedroom houses;  
74 three bedroom houses;  
18 four bedroom houses; and  
55 assisted living bedrooms contained within one building.

**COMMERCIAL**

Office block of 5884 sq m; and  
1335 sq m community centre, gym and creche.

1.15 Access is to be determined within this outline application. It is proposed that there would be two vehicular access points. The existing access onto Wigginton Road is to be upgraded and used to serve the western part of the development with a new access road created onto Haxby Road, around 40m south of the Haley's Terrace roundabout, to serve the eastern part of the site. A single road would connect the two junctions with a number of local access points coming off this spine road. However, it would not be possible to enter the site at one access point and leave via another. Intelligent bollards would be used along the spine road to ensure that only buses and emergency vehicles can pass through the site.

1.16 The Wigginton Road access would serve the proposed houses, assisted living accommodation and the community centre. The Haxby Road access would serve the converted building incorporating flats, student accommodation and retail units, and the proposed purpose built office space.

**OTHER APPLICATIONS AT THIS SITE**

1.17 In addition to this outline planning application, a full planning application has been submitted for the conversion of the retained building (10/01960/FULM). A full application was submitted in addition to the outline application as change of use proposals cannot be submitted solely in outline. The retained buildings also form part of the conservation area.

1.18 A listed building application (10/02157/LBC) is also to be determined in relation to the demolition of buildings which link Joseph Rowntree Memorial Library with the Cream Blocks. This demolition work requires listed building consent as the buildings are linked to the Grade II listed Joseph Rowntree Memorial Library.

1.19 A Conservation Area Consent application (10/02159/CAC) was recently approved for the demolition of cycle storage enclosures to the east of the Cream Block. The cycle enclosures are described as being of detriment to the character and appearance of the area within the Conservation Area Appraisal and their removal was considered to be beneficial.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Nestle Rowntree CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Listed Buildings GMS Constraints: Grade 2; Joseph Rowntree Memorial Library  
Haxby Road

Schools GMS Constraints: Haxby Road Primary 0198

### 2.2 Policies:

CYGP3

Planning against crime

CYGP4A

Sustainability

CGP15A

Development and Flood Risk

CYNE1

Trees, woodlands, hedgerows

CYNE7

Habitat protection and creation

CYS8

Provision of shops in non-retail devts

CYS10

New local and village shops

CYE4

Employment devt on unallocated land

CYED10

Student Housing

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A  
Residential Density

CYH2A  
Affordable Housing

CYHE3  
Conservation Areas

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### **HIGHWAY NETWORK MANAGEMENT**

3.1 No objections subject to suggested conditions and the contributions/measures as set out in the draft S106 Agreement.

3.2 The application proposes a number of sustainable travel initiatives and is in a sustainable location. The site is located within walking distance of the city centre and local facilities. The site is served by high frequency public transport services along both it's western and eastern boundaries with no proposed dwellings or place of work being greater than 200m from a bus stop. Pedestrian and cycle facilities in the locality are good with footways to the appropriate standards benefiting from street lighting and crossing points; there are an additional two new pedestrian refuges being provided by the scheme on Haxby Road and Wiggington Road.

3.3 A Travel Plan (TP) for the site would be produced, this would incorporate both the residential and commercial aspects of the development. The commercial TP, at this time, would be secured through a Framework TP given that the development is speculative. The Framework TP would co-ordinate all individual occupiers TP's through a TP Coordinator post, which would likely to be the site management company. The TP Coordinator would then liaise with the authority to ensure that the proposed measures and targets are met.

3.4 Car parking levels for the site have been derived following interrogation of the authorities Modal Assessment Trip Tool (MATT). The MATT tool is based upon journey to work and census data so can be considered to be representative of existing travel patterns. Car parking levels within the development are being restricted to low levels, which are more stringent than those permitted under local maximum standards. To prevent the displacement of car parking into adjacent streets, contributions have been secured towards a package of Traffic Regulation Orders.

3.5 High quality cycle parking is to be incorporated within the scheme for residents, employees and visitors to the site. Such parking is to be in convenient locations, covered and secure with high levels of natural surveillance.

3.6 The internal layout will be designed using principles set out in Manual for Streets in order to manage and minimise the areas available for on-street parking. Local and

national policy advises that the greatest influence on peoples choice of mode of travel is the availability of car parking. As part of the package of measures proposed it is considered that the scheme would be very effective in minimising vehicular trips associated with the site.

3.7 Consideration from an early stage was given to whether or not the link road through the site should be open to all traffic or restricted to authorised users. Following detailed modelling it was demonstrated that the creation of a full vehicular link in this part of the city would have a serious detrimental impact on large parts of the authorities network, including a number of residential areas.

3.8 The vehicular impact of the scheme has been reduced and mitigated against as far as is possible. The surrounding highway network is already heavily congested and this will continue to grow irrespective of whether the proposed development goes ahead or not. Traffic associated with the development would add to this existing congestion, however such increases would not significantly deteriorate the conditions already seen at a number of junctions and links in the surrounding area. The traffic expected to be generated by the development would have a negligible impact on the surrounding highway network.

3.9 At officers request the application has been supported by a Road Safety Audit (RSA). The RSA was carried out by independent auditors, who are separate to the authority, the applicant and their highway consultants. This audit identified a number of issues, the majority of which have been resolved through modifications to the design prior to the application being brought to committee. The interaction between the proposed site access on Haxby Road and the adjacent Haleys Terrace/Haxby Rd junction has been raised as a potential issue and considered by both officers and the applicants highway consultants. The proposed junction would operate within capacity and the intervisibility between traffic at the two junctions is in accordance with national guidance contained within Manual for Streets. This ensures that should a vehicle pull out of the site access, traffic travelling from the Hayleys Terrace junction will have sufficient time to identify the conflict and take appropriate action in time to avoid collision.

## ENVIRONMENT AND CONSERVATION

### Design and Conservation

3.10 The revised proposals would enable the majority of key objectives KO1, KO2, KO3, KO4, KO7, KO8, KO10, KO11, KO13, KO14, KO15, KO16, KO17, KO18, KO19 (urban design, uses & landscape) to be met at reserved matters stage. The Parameters Plan and the Design Code (as revised) illustrate key concepts for the site and show how the project vision could be brought to life, through reuse of existing historic buildings, enhancement of surrounding open spaces and links through new development. The application fully demonstrates the site's potential to contribute to the economic and social development of the city whilst contributing to the local distinctiveness of the area.

### Landscape

3.11 The master plan is only indicative but the following comments should be noted since the details are expressed within the design code.

3.12 The boulevard is a long, strong feature. The design of the open spaces incorporated in to its length will play a major part in its success.

3.13 The location of the 'Garden green gym' is fine since it directly relates to the proposed assisted living development. Whether this contributes to the public open space requirements will depend on how available it is to the public.

3.14 The location of the junior and toddler play areas may not be suitable due to the proximity to neighbouring dwellings. It may be more fitting, certainly for the 'mother and toddler's play area', to be included in Open space 1 in association with the Community Building. There are also other public space options such as the communal garden and community allotment/orchard. Long front gardens, whilst not contributing to public open space, can provide a sense of openness and greenery. The precise use and layout of the open spaces should evolve (potentially with community input) as the built side of the reserved matters development transpires, to result in informed, mutually beneficial spaces. Hence the proposed illustrative landscapes should be read as just that. Nonetheless it should be noted that the fundamental principle of a sequence of functional spaces along a tree-lined, pedestrian/cyclist boulevard is supported and that the quantity of open space should certainly not be less than illustrated.

3.15 A tree survey has been submitted with the application. The trees along the southern boundary of the application site are shown as being retained. This intention is also stated within the design code. Detailed cross sections have not been provided to show that the parking adjacent to the trees and associated levels can be achieved without damage to trees. But if this is achievable the design presents a good solution in that the buildings are set back from the trees and overlook the perimeter of the site and the Sustrans route in a similar manner to Hambleton Terrace.

3.16 The indicative masterplan is somewhat misleading in that the front 'gardens' of properties would not be as green as shown and possibly not that long due to parking requirements. Space for street trees would also be very restricted. Illustrative photographs are also misleading in that the proposed unit widths would result in integral garages and front door taking up the full width of the individual elevations. Nonetheless options for alternative residential blocks are included within the Design Code. There is little flexibility to apply home-zone principles in the shorter, north-south streets, but the most southerly, west-east street has the potential for a more elaborate treatment.

### Sustainability

3.17 Raise no objections subject to conditions. The proposal meets the minimum standards set out in the Sustainable Design and Construction local planning guidance although opportunities remain to enhance the sustainability of the proposal.

### Ecology/Countryside

3.18 Raise no objections, opportunity to enhance the wildlife value of the site through conditions.

### ENVIRONMENTAL PROTECTION UNIT

3.19 Proposal meets standards, conditions proposed to ensure compliance.

3.20 Background Noise - Results of ambient noise monitoring and predictions carried out in accordance with PPG24 found that the majority of the site falls within NEC A. Conditions should be imposed to provide protection against noise in areas of the site which experience higher noise levels.

3.21 New noise sources within the site - It is not possible to assess the likely impacts of the proposals as the application is in outline only. As a result each reserved matters application will need to be assessed on a case by case basis with noise being one of the material considerations.

3.22 Noise, Dust and Vibration during construction - It is essential that these matters are suitably managed in order to prevent the loss of amenity to nearby properties. As the development progresses new sensitive receptors may be produced, i.e. newly occupied residential dwellings, which will need to be protected.

3.23 Odour - Odour from the proposed development has the potential to cause loss of amenity and EPU suggest a condition to mitigate against this.

3.24 Air Quality - Changes in pollutant concentrations with the additional traffic is considered to be 'small' or 'imperceptible' (depending on location) and of 'negligible' significance at all modelled receptors for nitrogen dioxide and particulates. It is not considered that the changes in traffic flows would result in significant changes in air quality in the study area.

3.25 Contaminated Land - The submitted Environmental Statement identifies the potential for land contamination at the site. Ground investigations undertaken at the site identify the presence of two contamination hotspots. EPU recommend a condition to ensure these contamination hotspots are mitigated against.

## LEISURE

3.26 The open space requirements are:

Children Play Space - 552 people x 7m = 3,864 sq m

Amenity Open Space - 653 people x 9m = 5,877 sq m

Sports Pitches - 653 people x 17m = 11,101 sq m

An exact provision should be agreed at reserved matters stage when numbers are known. There needs to be confidence at this stage that sufficient space is available on the site to provide the required children play space and amenity open space. Amenity open space should be functional and not just narrow screening. Any development should be well linked to local pedestrian and cycle routes so that the development assists peoples mobility, fitness and health. There are concerns about the design and ongoing maintenance of the proposed water feature. The developer needs to consider water depth, surrounding surface treatment, effects of ice and bad weather, water levels and water quality.

3.27 It is accepted that there would be no on site sports provision, off site provision is required instead. The principle of the proposed Community Use Agreement in respect of using the Nestle owned sports pitches to the north of the factory site is acceptable in principle. Discussions are ongoing regarding the requirement for an additional commuted sum to upgrade existing facilities and the scope of any Community Use Agreement, an update will be provided at Committee in this regard.

## CITY DEVELOPMENT

3.28 The proposal is in line with the Development Brief and relevant local and national planning policies.

3.29 A Development Brief for the site was approved in May 2007, the document expands on the policies of the Development Control Local Plan. A key objective for the site is to retain an employment use, a 10,000 sq m B1 office floor space and 9 live/work units are proposed. This meets the objective of the Development Brief. The site is considered suitable for residential development and in total 213 residential units are proposed. The mix is considered suitable providing a 60/40 split of houses to flats and the proposal responds to the needs of the Strategic Housing Market Assessment by providing two and three bedroom family housing. Affordable housing has been agreed at 25 per cent in accordance with the findings of York's Affordable Housing Viability Study (2010). The assisted living units should be conditioned so that its use is restricted to C2, otherwise it should contribute to the affordable housing provision. The applicant is required to identify a need for the development of student accommodation and give consideration to accessibility to educational establishments by means other than the car. If student accommodation is considered appropriate then a condition should be attached to ensure this element of the development remains occupied in perpetuity by students only. The applicant has identified a gap in local shopping provision. The scale of the proposed retail unit as part of this mixed use development means that it would provide for accessible day to day shopping for the local population and employees without impacting negatively on existing shopping centres. It is reasonable to set the maximum retail floor space and to ensure that it is used for convenience goods with only an ancillary amount of comparison goods.

## DRAINAGE

3.30 The application site is in Flood Zone 1 and should not suffer from river flooding. Based on the information submitted there are no objections subject to conditions.

## EDUCATION

3.31 There are currently a number of surplus places available in preschool, primary and secondary education providers in the local area. However, current forecasts show that these surplus places will likely disappear over the next 3-5 years as a result of rising birth rates and occupation of other extant planning permissions in the area. As such, there is agreement with the owners of the site to base the final education commuted sum on the level of surplus spaces available immediately prior to occupation of the first completed unit on the site. Performing an assessment of need for S106 calculation purposes at a later date means that the ultimate education S106 amount will be based on a more accurate picture of infrastructure requirements, rather than an estimated position. By way of a guide, the level of surplus places available and the price-per-pupil cost multiplier values at October 2010 would indicate a contribution of £384,543. However, this is likely to increase as the level of places available decrease over time.

## ARTS AND CULTURE

3.32 There needs to be a recognition of the councils policy of 1% of the developers costs being allocated to public art provision, The budget should be stated and it has to be integral to the design of the scheme so should be received at the same time as the

full planning application for the site. The proposed timescale is unacceptable for the submission of a Public Art Scheme and its implementation.

#### HOUSING STRATEGY AND ENABLING TEAM

3.33 The application fully complies with City of York Council's new affordable housing targets and thresholds which were approved by the Executive on 14 December 2010, following the adoption of the Affordable Housing Viability Study as a Local Development Framework evidence base. These adopted targets and thresholds are a material consideration that need to be complied with when determining planning applications and supersede the existing targets in the Local Plan H2a Policy .

3.34 The affordable housing provision agreed is 25% of the total housing. This figure is be linked to the council's annual affordable housing target which is to be set each July through a Dynamic Viability approach. The target would increase or decrease dependent on prevailing market conditions. The actual percentage of affordable housing provision for each phase is only to be determined by the actual affordable housing target at Reserve Matters stage.

3.35 At Reserve Matters the mix, size, and tenure of the affordable housing would also be determined. The affordable housing will represent a 60:40 split between social rent and Discount Sale, be a pro rata mix of the total housing offer, and be pepper-potted throughout the site with no more than two affordable homes together. All of the above may be amended if it allows an improved overall affordable housing offer based on evidence in the most recent Strategic Housing Market Assessment. These details - and further issues such as the pro rata provision of car parking, phasing etc, - must be agreed with officers at Reserved Matters.

3.36 In terms of the retained building which is to be refurbished the affordable housing provision for this part of the development will be set at 25%. However, this percentage will be time limited for three years and if construction has not begun within this period then the target will change to what is applicable at that time. It is however important that the affordable housing provision is seen in the context of the Nestle South development as a whole, and officers may work with the applicant to amend the provision in the retained building if it benefits the total affordable housing offer.

3.37 The Housing Strategy and Enabling Team fully support the application which fully complies with City of York Council's affordable housing policy and would provide much-needed quality new affordable homes in a mixed and sustainable community.

#### YORK ENTERPRISE

3.38 This application has been discussed with the Head of Economic Development and Science City York. Overall there is a satisfaction at the quality of the proposal. The offices proposed in the middle of the residential/student accommodation, may be better sited to the north side of the building on floors above the large retail unit. It needs to be considered how much interest would be generated for offices within the current design. A marketing plan should be devised at an early stage, assistance can be provided by York Enterprise if required. Conditions should be put in place to ensure the workspace remains for its intended purpose within the live/work units.

3.39 A programme of training and skills development would be expected to accompany detailed planning applications in order to facilitate training opportunities



and provide educational opportunities. Economic benefits to the local community should be maximised in the development of the site. This would involve education and skills development during construction and in training opportunities of the sustainable design of the development once completed. Higher York, a partnership between higher education providers (including universities and colleges) and the Council have been working to promote a 'Construction Skills Academy' within York.

## **EXTERNAL**

### **CLIFTON WITHOUT PARISH COUNCIL**

3.40 No objections.

### **CLIFTON WARD PLANNING PANEL**

3.41 There are concerns about traffic implications from the proposed development, this is particularly relevant now that funding for the Park and Ride has been lost. The current traffic situation in the town centre is dire and any potential exacerbation of this problem should be mitigated against.

### **HUNTINGTON PARISH COUNCIL**

3.42 No objections.

### **HEWORTH PLANNING PANEL**

3.43 The layout of the proposed housing would give rise to a 'rat run' situation which would harm residents security. There is insufficient provision for parked cars, whatever the aspirations of the Council for reducing car use, in reality there will be as many cars as people, if not more. The public lawns are remote from the housing and thus are unlikely to be used by resident children. It is considered that the proposal doesn't go far enough in sustainability terms and that the roofs of houses should be exploited for solar power providing a greater level of self-sufficiency, simply achieving the Council's minimal 10% renewable energy standard is not enough. It is considered overall that the proposed development represents an overdevelopment of the site and is unsustainable.

### **YORKSHIRE FORWARD**

3.44 The essence of York as a place in terms of its streets, neighbourhoods and architectural character could have been reflected more fully within the Design and Access Statement. There should also be more information on the architectural approach reflecting the distinctive character of York. It would be useful for the project to be referred to the Yorkshire and Humber Regional Design Review Panel.

### **YORKSHIRE AND HUMBER DESIGN REVIEW SERVICE**

3.45 There is a requirement to uphold exceptionally high standards for this site as it forms a significant episode in York's history, heritage and culture.

3.46 The strongest part of the scheme is the central pedestrian and cycle spine that runs from Haxby Road through the retained building and through to Wigginton Road. Integral garages should be reconsidered and there should be an aim of going beyond Lifetime Homes standards to create Lifetime Neighbourhoods. A higher level of environmental performance should be sought. The broken vehicular route should be reconsidered and buildings facing onto it look quite contrived. Little consideration appears to have been taken to accommodate additional parking, this may encourage

bad habits as people choose to park on the kerb. The scheme would benefit overall from recognising the ethics of Joseph Rowntree's legacy.

#### CONSERVATION AREA ADVISORY PANEL

3.47 The originally submitted Design Code lacks sufficient detail to be approved.

3.48 CAAP have been re-consulted on the revised plans, an update will be provided at Committee.

#### YORK CIVIC TRUST

3.49 All proposed uses are appropriate to this location. The scale of the buildings contrast well with the existing building being retained. The proposed houses reflect the housing areas to the south and the layout allows defensible open space which is supported. A palette of materials should tie all buildings together and give it a cohesive appearance, materials should be conditioned. The community pavilion would provide a number of quasi-public uses which should be for the benefit of residents of this development but also those living in the surrounding area. A noise limiter should be conditioned to ensure that the amenity of nearby residents is not affected by this structure. The overall appearance and therefore success will be determined by the landscaping infrastructure, this should be conditioned. The York Civic Trust welcomes the idea of a 'Property Management Strategy' which would protect and maintain the gardens, public spaces and general appearance.

#### NATURAL ENGLAND

3.50 The City of York Council has access to its own ecological expertise who are able to interpret and assess the ecological information provided and determine whether this fulfils the requirements provided by Natural England guidance.

#### YORK NATURAL ENVIRONMENT PANEL

3.51 Would like to see the eastern entrance relocated to prevent the loss of trees. Consideration shouldn't be confined to the immediate locale of the development site, but should aim to integrate the proposals by also improving the peripheral area. There should be an integrated landscape network flowing through the built proposals connecting through to Bootham Stray to the north by enhancing the existing green space along Wigginton Road. Advocate a modified design to reduce the amount of tarmac at the west entrance to the site. Query how a cyclist could turn right onto Haxby Road. The Western end of the central boulevard should have southern spur.

#### NORTH YORKSHIRE POLICE

3.52 No objections, there have been some positive changes to the design and layout of the development since previous comments were made. Consideration should be given to the points raised below and where concerns remain they should be addressed in any future reserved matters applications to further improve the proposals in terms of designing out crime.

- The revised Design and Access Statement has a specific section on Community Safety, reflecting the seven attributes of safe, sustainable places as set out in The Planning System and Crime Prevention (A companion guide to Planning Policy Statement 1). The Design and Access Statement now complies with CABI guidance and advice set out in the Communities and Local Government publication: Guidance on Information Requirements and Validation.

- The changes in respect of the town house street block layout 'designs out' all rear access alleyways. This was one of the main crime concerns in respect of the original development proposals.
- Reducing the number of access points onto the Sustrans cycle path to one, helps to make the site more secure. This coupled with a secure boundary gives a degree of protection to car parking areas along the south facing aspect. The single access point should be gated to allow for closure during darkness hours.
- The existing industrial palisade fencing alongside the Sustrans track is unsightly. Support is given to the proposal to plant hedging along this boundary and to eventually remove the palisade fence when the landscaping has become established.
- Welcome the proposal to thin out/clear overgrown shrubbery alongside the Sustrans path. This would allow for better surveillance of the path from the development.
- Welcome the fact that there would be no blank gables overlooking the public realm with windows being provided at first floor level and above.
- The proximity of the proposed communal play area to the gables of houses off the main pedestrian boulevard still needs to be addressed in order to reduce complaints of noise, nuisance, ball games, etc.
- Concerns about the isolated nature of the proposed cycle parking stands next to the north lawn and retail/student unit have been eased by the re-assurance that they are only designed for short stay parking.
- It is pleasing to hear that town houses on the western edge of the site, facing Wigginton Road, now have proposed a clear 4m wide landscaped buffer zone to separate the dwellings from the proposed communal amenity space. However, there are still other areas of the site that require similar buffer zone treatment, e.g. properties running alongside or fronting the main pedestrian boulevard.

#### ENVIRONMENT AGENCY

3.53 The proposal is acceptable subject to conditions controlling contamination, remediation, surface water drainage, and oil and petrol separators.

#### YORKSHIRE WATER

3.54 The submitted Flood Risk Assessment and Drainage Report is satisfactory. The report confirms that surface water run-off from the site will discharge to a watercourse, via storage with a restricted discharge rate. The size of the impermeable area would reduce by 30% as a result of the proposed development. It is recommended that no obstruction encroaches within 3m on either side of the mains sewer. The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should continue to discharge to the public sewer. Foul water from kitchens and food preparation areas must pass through a fat and grease trap prior to discharge to a public sewer. The use of SUDs is encouraged. Surface water runoff from large expanses of hard-standing must pass through an oil, petrol, and grit interceptor. Six conditions were recommended to be included with any approval.

#### FOSS INTERNAL DRAINAGE BOARD

3.55 The site lies within the Drainage Board's area. The Board seek for the current discharge rates to the Foss to be reduced, the area is almost entirely hard standing at present. Softer/landscaped areas are to be created and the use of Sustainable Urban Drainage (SUD's) as well as main sewer and existing watercourse drainage should help ensure discharge rates are reduced. Three conditions are recommended to be

added to any approval regarding discharge rates, SUD's, and suitability of the existing watercourse to accept flows.

#### SUSTRANS

3.56 The submitted plans show stepped access onto the Sustrans route, this should be ramped to allow access for people with disabilities, people with pushchairs and cyclists. Trees and artwork could be added to the Sustrans cycle route to make it more attractive and encourage its use, the developers should fund this. Adequate secure and enclosed cycle parking is required for all users of the site.

#### MEMBERS OF THE PUBLIC

3.57 Four pieces of correspondence were received from interested members of the public, the comments made are summarised below:

- the intelligent bollards should not be like those on Stonebow which are timed as this would create a 'rat run' and increase the level of traffic flow for local residents. Light pollution should be considered within any proposals. Surrounding areas are already congested with parked cars, the proposed development should provide enough car parking spaces for all users of that development.

- there should be a relief road for public use between Wigginton Road and Haxby Road, this is a golden opportunity to improve traffic flows and to ease snarl ups which frequently occur outside the hospital and at the junction of Crichton Avenue. If the traffic can be kept moving it is beneficial to everyone, at present the only alternative road is around the outer ring-road which is already busy. Alternative forms of traffic should not be prioritised at the expense of efficient motorised traffic flows. It is perfectly possible to incorporate a relief road without detrimentally affecting the redevelopment by having this road at the northern edge of the redevelopment site with access points off into cul-de-sacs serving the various new buildings.

- good to see the Nestle building being put to new uses, however the mix of uses seems incompatible, for example a mixture of students with assisted living accommodation would not work. Object to more student accommodation on this side of town, there are 'to let' signs in empty properties in this area, is more student accommodation needed? Local residents are sick of the mess and noise students make, local landlords do not care for or maintain existing properties and they are seen as nothing more than cash cows. Hard working local residents in this area feel there are enough students and the area needs a facelift not the introduction of more people who don't care about the quality of the area.

- traffic has already massively increased in the area in the last few years and the junction of Haxby Road and Wigginton Road is beyond capacity. Emergency vehicles accessing the hospital use Wigginton Road and the proposed development would bring even more cars to the area. There have already been problems with blocked drains in the area and the proposal would only make this worse.

#### **4.0 APPRAISAL**

4.1 This application is in outline, with access being considered. Details of appearance, landscaping, layout, and scale, are to be considered as part of any reserved matters applications. Outline applications are used to set the principles and

framework for future detailed applications relating to the redevelopment of this site. Therefore, the key issues are considered to be:

- Principle of Development
- Transport and Parking
- Design and Visual Amenity
- Sustainability
- Flood Risk and Drainage
- Open Space
- Crime Prevention
- Ecology
- Residential Amenity
- Land Contamination

### **PRINCIPLE OF DEVELOPMENT**

4.2 The application site, known as Nestle South, is around 1km north of the city centre. The site is 'white land' on the Local Plan Proposals map meaning that it has no allocation and is within the built up settlement limits of the city. The east part of the site, incorporating the retained buildings are within the Nestle / Rowntree Factory Conservation Area.

4.3 In 2007, a Nestle South Development Brief was produced and adopted. The purpose was to set a framework for any future development proposals on this site. This Development Brief is a material consideration in the determination of this planning application and should be considered alongside the Development Control Local Plan (DCLP) and supplementary guidance notes, and policies contained within national planning documents.

#### Mix of Uses

4.4 Indicative layouts of the site have been submitted alongside a schedule of accommodation. These details, if approved, would be used as a starting point within any future reserved matters application. The proposal is for a mixed use development incorporating:-

- Office Space including 4116 sq m of converted space and 5884 sq m of additional purpose built office space;
- 28 student flats incorporating 100 bedrooms within the retained buildings;
- 46 two bedroom residential flats within the retained buildings
- 166 new build residential houses, of which 74 would be two bedroom in size, 74 three bedroom, and 18 four bedroom;
- 8 live/work units containing 14 bedrooms in total;
- 5612 sq m of purpose built assisted living accommodation;
- 974 sq m of retail floor space within the retained buildings;
- 1335 sq m community centre, gym, and crèche;
- 140 sq m café within the Joseph Rowntree Memorial Library; and
- Infrastructure and public open space

#### RESIDENTIAL - Numbers and Mix

4.5 Policy Framework - Key Objective (KO) 8 of the Development Brief states that any proposal should take full account of the Council's 2007 Housing Market Assessment in putting forward any housing proposals on site, especially in terms of providing 2/3 bedroom family houses. Development Control Local Plan Policy H3c encourages a mix of house types and sizes within new residential developments. Policy H4a

requires housing developments to be in an urban area on vacant or underused land, with good accessibility to services by non-car modes, and be of an appropriate scale and density and not have a detrimental impact on existing landscape features. Policy H5a requires the development to achieve a density of 40 dwellings per hectare.

4.6 The current proposal includes 166 new family houses which represents a density of around 40 dwellings per hectare (dph) which is in line with local targets and makes efficient use of previously developed land in an urban area. The density increases significantly if the apartments and live/work units proposed for the retained buildings are included in the calculations. In terms of the mix of dwellings, the proposal is for 46 two bedroom apartments, 74 two bedroom houses, 74 three bedroom houses, and 18 four bedroom houses. It is considered that the proposal takes account of the Council's 2007 Housing Market Assessment in terms of providing predominantly two and three bedroom family houses. The proposal provides significantly more housing than flats which is in accordance with local need. The mix is enhanced by the introduction of a smaller number of four bedroom units.

#### Affordable housing

4.7 Policy Framework - KO9 of the Development Brief states that new affordable homes for local people should be provided as part of an inclusive development. Development Control Local Plan Policy H2a states that developments of 15 dwellings or more should seek to provide 50% affordable housing, unless a financial viability assessment shows that this is not feasible. The Affordable Housing Advice Note gives more weight and background to this requirement. However, at the time of writing this report a new affordable housing policy is being devised to reduce the affordable housing requirement on sites which are considered to be previously developed, such as Nestle South, to 25%. This figure is backed up by up-to-date financial viability assessments produced for the Council.

4.8 The applicants have agreed to provide 25% affordable housing provision on the site. This is consistent with the new affordable housing target of 25% for brownfield sites, which was approved by the Executive on 14 December 2010. It is proposed within the Draft S106 that the percentage of affordable housing to be provided is linked to the Council's annual affordable housing target which is based on an annual Affordable Housing Viability Study. Therefore, the level of affordable housing provided would be based on the most up to date Affordable Housing Viability Study at the time of the reserved matters applications. The Housing Strategy and Enabling Team support this approach. The affordable housing would represent a 60:40 split between social rent and Discount Sale, be a pro rata mix of the total housing offer, and be pepper-potted throughout the site with no more than two affordable homes together.

#### ASSISTED LIVING ACCOMMODATION

4.9 Policy Framework - The approved Development Brief does not state a desire for assisted living accommodation to be created on the site. However, Policy KO4 does seek to generate new employment opportunities. Development Control Local Plan Policy H17 states that residential institutions will only be deemed acceptable if the concentration of such uses does not harm residential amenity and is positively located close to local facilities and public transport.

4.10 The proposed assisted living accommodation represents a relatively modest level of development on the application site. The assisted living unit would sit within a

mixed use development site with uses which are compatible to an assisted living facility. The proposed building sits close to the proposed office development and the mixed use conversion of the retained buildings; the assisted living accommodation therefore provides a useful transitional use between the pure employment based uses and the main residential area. Assisted living accommodation has the potential to create a significant number of new jobs, in line with Key Objective 4 of the Development Brief.

4.11 It is not considered that there is such a density of assisted living accommodation in the area to state that the proposal would harm neighbouring amenity. As discussed previously the site has good access to services, both within the proposed Nestle South site and connections to surrounding local facilities.

#### STUDENT ACCOMMODATION

4.12 POLICY FRAMEWORK - The Development Brief does not make reference to student accommodation. Development Control Local Plan Policy ED10 seeks for student accommodation to be located on the campuses of or land within the ownership of York St John College or The University of York. Where a development is off campus, the following criteria must be met: there is an identified need; and there is good accessibility to educational institutions and local facilities; and the location and scale of development is appropriate; and the development would not be detrimental to the amenity of nearby residents; and car parking would be satisfactorily managed.

4.13 A needs assessment has been submitted by the applicants. This shows that in 2009/2010 there were 20,070 students at York St John and The University of York. Students from the College of York were excluded from the assessment because of the distance between the two sites. Information provided by the Universities states that they currently have 17,500 bed spaces which leaves a significant number of students who live in non-university operated accommodation. The applicants state that two potential end users have come forward who believe that the premises is financially viable as student accommodation. Given the issues which have arisen with the conversion of family housing to student accommodation in various parts of the city, this represents a good opportunity to ease some of that pressure by creating bespoke accommodation for students. The level of student accommodation proposed is a relatively small part of a substantial mixed use redevelopment. The site is in a sustainable urban location with good links by non-car modes to the Universities.

#### OFFICE ACCOMMODATION AND LIVE/WORK UNITS

4.14 Policy Framework - Four of the key objectives of the Development Brief seek to provide employment opportunities on the site in order to replace any loss of jobs as a result of the closure of a number of Nestle buildings. Key Objective 4 states that any proposal should provide new employment opportunities, particularly for the creative industries. KO5 seeks to create a hub in the network of knowledge based industries, potentially through existing Science City links with Nestlé. KO6 seeks to provide smaller workshops, artisan studios and business premises. Finally, KO7 looks to secure the provision of live / work units. Within the Local Plan, Policy E4 states that within development limits planning permission will be granted for employment uses where the scale and design is appropriate to the locality and the site is vacant or underused and the proposal involves infilling or conversion of existing buildings.

4.15 The application contains two elements of office accommodation, 4116 sq m within the retained buildings, and 5884 sq m of new build office space. In addition eight live/work units are proposed within the ground floor of the retained building. The proposed live/work units are proposed directly in accordance with the Development Brief and also give the opportunity for creative industry employment as promoted in Key Objective 4. The live/work units are modest in scale and may provide opportunities for a cluster of workshops and artisan studios. The proposed office space could also be used for the creative industries. No end user for the proposed office space is known, however, office space typically provides a high level of employment per sq m and around 10,000 sq m is proposed in total. It is estimated that the current application proposal would generate approximately 585 full time equivalent jobs. The site is clearly well linked to Nestle, but also to the rest of the City. York Enterprise are supportive of the proposals and recommended the creation of a learning environment during the construction process of the site. The ability of the site to have successful close links with existing businesses and to create well used artisan studios is dependent on how the site is marketed to any end users. This is to an extent not within the remit of planning, but it is possible to include a clause within the S106 agreement whereby a marketing programme is agreed. This would ensure that the site is marketed with the aim of creating a hub of knowledge based industries whilst also promoting artisan studios as promoted within the Development Brief.

#### RETAIL

4.16 Policy Framework - Retail development is not an identified preferred use in the Development Brief. Local Plan policy S8 recognises that it may be appropriate to provide some retail within major new developments in order to provide for day-to-day shopping needs. Policy S10 states that new local shops may be appropriate as long as the proposal is within a defined settlement limit, would serve a local need and the scale is appropriate, and finally that there would be no adverse effect on the amenity of neighbours or the character of the area. As the application site is considered out of centre, Local Plan Policy SP7a states that a sequential and retail impact assessment are required.

4.17 The application states that the objective of the retail space is to provide a convenience store at a scale which would primarily meet the top up shopping needs of the local neighbourhood and workforce. The applicants highlight that the York Retail Study 2008 shows a strong pull by larger, out of town supermarkets for top up shopping and argue that, alongside walk distances to existing local shopping provision, this demonstrates a case for improving locally based convenience shopping. The applicants accept that there may be some impact in the form of trade diversion from other stores but argue that this would be from less accessible locations such as the out of town supermarkets and given the distance from the nearest district centre at Haxby the proposed store is unlikely to have an impact on existing centres. It is concluded that whilst it might be possible to locate the retail unit on a sequentially preferable site, this would not achieve the benefits of meeting local needs at and around the site.

4.18 The applicant has demonstrated a gap in local shopping provision to serve the Nestle South development. The scale of the unit proposed as part of this mixed use development means that it would provide for accessible day to day shopping for the local population and employees without impacting negatively on existing centres.



## COMMUNITY FACILITIES

4.19 Policy Framework - Whilst no key objectives specifically deals with community facilities, the Development Brief clearly encourages the creation of ancillary community facilities where they are well integrated into the local area and take account of surrounding facilities and local need. Local Plan Policy C1 states that planning permission would be granted for new social and community facilities where there is a recognised need and the development is of a scale appropriate to the area. Policy C7 states that new children's nurseries should have adequate internal and external play space, should not harm neighbouring amenity, and the site is well served by footpaths, cycle ways and public transport routes.

4.20 This application contains a proposed community cafe within the retained Joseph Rowntree Memorial Library and a new build community centre, gym, and creche. The JR Memorial Library is modest in scale and sits on the Haxby Road frontage of the site, adjacent to the main open space/play area. It is important that a viable long term use is found for the library as it is a vacant listed building. The use of this building as a cafe appears to compliment the surrounding residential and employment uses within both the Nestle South site and the surrounding area.

4.21 The residential development contained within the Nestle South application would result in a significant demand for additional community facilities. The application is in outline only and therefore the precise use of any new community use is not known. It is considered that a new community facility within the D1 use class is appropriate within this mixed use development site. A community centre could provide a central hub for the development and be a versatile space for providing a high number of community activities.

4.22 Overall, it is considered that the proposed principle of uses is acceptable in line with relevant policies.

## HIGHWAYS, ACCESS AND PARKING

4.23 The proposed development has two vehicular access points. The existing Nestle factory access point on Wigginton Road is proposed to be retained and upgraded. A new access is proposed on Haxby Road. The two access points are to be linked by a single road which runs east to west across the site. The location of the Wigginton Road access is fixed given it is existing and crosses stray land. The choice of potential new access locations onto Haxby Road were very restricted given that the retained buildings take up a significant amount of the frontage of the site.

4.24 In order to assess the impact of the proposed redevelopment of the Nestle South site across the wider highway network, the authority used a number of strategic modelling tools. The impact of the road between Haxby Road and Wigginton Road was assessed with two difference scenario's, these were:

- i) as an all purpose vehicular link (open to all traffic); and
- ii) as a restricted link allowing only public transport, emergency vehicles and servicing traffic to pass through, together with pedestrians and cyclists

Under scenario i), the link road is forecast to carry traffic flows in the region of 1200 - 1400 vehicles in the AM (08:00-09:00) and PM (17:00-18:00) peak hours. These flows do include Nestle South traffic but these only represent a small proportion of vehicles on the link. The majority of traffic using the link is that which has diverted from other routes on the network.

4.25 These expected link flows are similar to those that can currently be seen on Foss Islands Road or Clifton Bridge during the peak periods. The impact of the use of the link under scenario i) would be seen both locally and in other wards/sectors of the city, such as Huntington Road, Crichton Avenue and Kingsway.

4.26 National design and technical guidance on highway capacity identifies that a carriageway of the width and nature proposed can accommodate maximum peak hour flows of 1400 vehicles. The link would therefore be operating to its theoretical capacity from the first day of opening. The flows along the link assume that the junctions at either end of the link would operate satisfactorily without queuing or delay, which would not be a realistic expectation. As there are existing high vehicular flows on Haxby Road and Wigginton Road, it is likely that in reality, traffic would queue along the link road, potentially from one end to the other in the peak hours.

4.27 The creation of a new all vehicular link in this part of the city creates an attractive route for drivers wanting to go across the city. The link would draw traffic from the outer ring road onto routes closer to the city centre. This impact is clearly seen in the modelling, with traffic travelling east to west ceasing to use the outer ring road and diverting to routes such as Huntington Road to access the new link. The principle of creating such traffic patterns is considered to be totally contrary to the city transport policy and would undermine significant efforts to manage traffic in an effective manner.

4.28 Adjacent streets in the vicinity of the proposed link have been historically closed by the authority, namely Vyner Street and Fountayne Street in order to prevent through traffic between Wigginton Road and Haxby Road. The provision of a new vehicular link just north of these streets would undermine this work.

4.29 The movement of traffic to adjacent routes as traffic patterns change would lead to a deterioration in traffic and air quality conditions along these corridors. Many of these routes are predominantly more residential in nature and carry public transport. The increase in traffic in these areas has the potential to impact on public transport services. In addition, a through road could create significant severance between the residential units to the north of the road and the developments to the south. This was considered to go against the principles of the development which is to provide a permeable environment which encourages travel by non-car modes. Therefore from an early stage Highways Officers recommended that the through movement along the entire link be restricted to authorised users such as public transport, emergency vehicles and servicing traffic.

4.30 Therefore, within the current application proposal it is not possible for vehicles to travel through the site from one access point to the other. Both access points would allow inward and outbound traffic. Each of the two access points serve a section of the development. In broad terms the Wigginton Road access provides vehicular access to the houses, assisted living accommodation, and the community hall/gym/creche. The Haxby Road access would serve the uses within the retained buildings and the new office development.

## CAR PARKING

4.31 Car parking for the uses within the retained Cream and Almond Blocks is assessed within application 10/01960/FULM. The proposal meets required maximum car parking standards and generally the spaces relate well to the uses.

4.32 The rest of the site is in outline and detailed car parking arrangements have not been formulated. These would be approved within subsequent reserved matters applications. As a guide it is proposed to create 98 car parking spaces for the new build office block and 19 spaces for the assisted living accommodation. Full details of car parking would be approved within subsequent reserved matters applications when the requirements of any potential end users are known. Given the accessible location of the site by non-car modes, and the sustainable transport measures to be implemented (as discussed below) there will be a desire from the LPA for the level of car parking spaces to be below the maximum standards to encourage alternative modes of travel.

4.33 Car parking for the residential houses would be agreed at reserved matters stage. The Design Code proposes a number of alternative car parking arrangements with the potential use of garages, driveways, and on-street parking. Car parking levels would be required to not exceed the Council's adopted maximum standards, and where suitable to adopt the low car use principles outlined within the Development Brief. The Design Code states that any garages created would be 3m by 6m in size to ensure that they can accommodate a family sized car to encourage their use. Careful consideration will be required within any future applications to encourage low car ownership whilst also not allowing indiscriminate parking on the site and in the wider area. The draft S106 proposes a commuted sum towards off-site highway works to prevent spill over parking.

## PROMOTING SUSTAINABLE TRANSPORT CHOICE

4.34 Key Objective 16 of the Development Brief requires any development on this site to be highly accessible from the city centre, but with low car use.

4.35 A number of measures are proposed to encourage people to travel using other modes of transport than the private car. Some of these are:-

- A commuted sum of £168 per dwelling to be paid by the developer to fund a city car club so that residents can have access to a car without the need to own their own vehicle;
- To provide the first occupier of each dwelling either a travel pass which would allow free bus travel within the district of York for 6 months or to reimburse the first occupier for the cost of a bicycle up to the value of £160;
- To fund the pump prime of a bus route through the development;
- To provide two bus stops on Wigginton Road with kassel kerbs, bus shelters and BLISS;
- To pay the Council £24,000 relating to the relocation and upgrading of the two existing bus stops on Haxby Road, bus stops to have kassel kerbs, bus shelters and BLISS;
- The submission of a Travel Plan to include the appointment of a Travel Plan Co-ordinator, the implementation of a car sharing club, promotion of the city car club, the installation of showers, lockers and changing rooms within larger commercial buildings, modal split targets and systems to be implemented to measure the success of the initiatives.

4.36 Currently there is a north and south bound bus stop on Haxby Road. Due to their location close to the proposed new vehicular access onto Haxby Road, it is proposed that both of these bus stops would be moved further south. These stops would be adjacent to the main community open space area and be easily accessible from the main central pedestrian boulevard.

4.37 Key Objective 15 of the development brief seeks to make the site easy to access by pedestrians, cyclists and public transport users. The development is built around the pedestrian and cycle spine which runs horizontally across the site and links Haxby Road and Wigginton Road. This enables the safe passage of people within the site and encourages people to travel by non-car modes of transport.

#### CYCLING

4.38 There are existing on road cycle lanes on both Wigginton Road and Haxby Road which allow cycle access to the wider area. Key Objective 17 of the Development Brief requires the developer to improve the attractiveness and safety of the existing cycle path between the site and Hambleton Terrace.

4.39 There is an existing link from Wigginton Road close to the access point to the site, onto the Sustrans cycle route to the south. However, this requires going onto the road and is therefore not the ideal solution, particularly for less confident bicycle users. Therefore, a new access point from the site directly onto the Sustrans cycle path is proposed. An indicative new access point from the south side of the site is shown on the submitted plans. Details of this have not been finalised as the application is in outline. However, works seem to be at a preliminary stage in terms of discussions with landowners about gaining permissions to connect onto the cycle path. This is disappointing given the importance of connecting the site to the existing cycle network. A condition is proposed to be added to any approval to ensure that full details of the connection between the site and the Sustrans cycle path are submitted at the same time as the first reserved matters application.

4.40 The applicants have agreed to enter into discussion with Sustrans regarding the possibility of providing a commuted sum to improve the Sustrans cycle path immediately to the south of the site and its immediate surroundings. This could be in the form of some of the following; surface works, public art, lighting, and thinning out of existing trees around the path. This area of the Sustrans route has become overgrown and is in need of some works in order to improve the user experience thereby encouraging its use. The requirements of KO17 should be met through an agreed S106 contribution in accordance with the requirements of Sustrans. Negotiations are on-going in this regard.

#### CYCLE PARKING

4.41 Cycle parking for the development within the retained buildings is discussed within the full application reference number 10/01960/FULM and is not repeated here. In summary the details are considered acceptable and are in line with local standards. Conditions are recommended to be added to any approval to ensure their installation.

4.42 Cycle parking for each house would be either within the garage (if applicable) or within a purpose built structure within the rear gardens. Details of cycle parking for the community centre and new build office development are not yet known. The schedule

of accommodation within the submitted Design and Access Statement states that there would be 98 covered cycle parking spaces related to the office use and 45 for users of the community centre. These are broadly in line with local standards and provide an expectation of provision within any future development proposals. Full details of cycle parking numbers and locations would be approved within any subsequent reserved matters applications.

#### **DESIGN AND VISUAL AMENITY**

4.43 The application under consideration is in outline only with appearance, landscaping, layout, and scale, to be considered as part of any reserved matters application. A Design Code has been submitted with the application which identifies the opportunities and constraints of the site and sets a framework of design principles which are to be used by designers in formulating detailed reserved matters applications in the future. The Design Code aims to explain the principles of the masterplan, giving a greater understanding of its formulation and outlining the vision for the development of the site. Core principles are brought forward which should create a sense of unity across the development, set high standards in design, demonstrate that the site and the individual uses can work effectively in a spatial context, and also provide an opportunity for architectural flexibility where appropriate.

4.44 The vision for the Nestle South former factory site is set out in the Design and Access Statement, the Parameters Plan and the revised Design Code. It accords with the Vision Statement within paragraph 1.17 of the Development Brief which is highlighted in paragraph 1.3 of this report. The Design and Landscape Principles set out in chapter 6 of the Development Brief have been followed through within the application submissions. Within the revised plans and details the over-arching concepts behind the spatial strategy have been retained and strengthened, whilst detailed changes to individual elements have been made to address earlier concerns.

4.45 The main concepts behind the development approach are:-

- i) To provide an outward focused mixed use district 'hub' to the east of the site, reusing empty multi-storey factory buildings, incorporating public facilities, and creating a landscape garden fore-court for on site amenity and as a resource for the wider community;
- ii) Redeveloping the west of the site to create a new low rise sustainable residential neighbourhood (taking advantage of the openness and sunlight gained by removing the tall factory buildings on the southern edge);
- iii) The pedestrian spine route connecting the two distinct parts of the site through the factory building with a broad landscape promenade off which semi-public open space would be developed to provide outdoor facilities for enjoyment and community creation.

4.46 The revised Design Code includes an illustrative masterplan as a base-line option showing how the blocks, spaces and links could be set out. Recent revisions to the code illustrate how its detailed development could be designed to accord with best practice in urban design as described in CABE documents such as 'By Design' and 'Better Places to Live (PPS3 companion guide)'.

4.47 Concerns outlined by Urban Design and Conservation Officers within the Council have been addressed within revised submissions. These revisions include:

- Lack of defensible space - All properties are shown with a margin of defensible space whilst rear alley-ways have been omitted from all documents. Illustrations show how the perimeters of the site would create a balance between connection with their surroundings and protection of territory and property, in particular next to the Sustrans cycle route where a new mixed boundary has been reintroduced and only one indicative link has been shown. The scheme shows increased natural surveillance of vulnerable areas and a suitable lighting scheme should be developed at reserved matters stage.
- Scale, Height and Massing - A transition zone of live/work units has been introduced between the factory car-park and the housing area. The block would have a stepped section of 4 to 3 floors. The overall massing of the site accords with the development brief in retaining the dominance of the factory buildings. Housing should be protected by this new intermediate zone.
- The setting of the grade II listed Joseph Rowntree Memorial library building - Distinctive curved low railings will be reset at either side of the building to re-establish a formal setting to this domestic scaled symmetrical building. More recent structures attached to the rear would be removed. The overall setting of the building is to be improved.
- Links and legibility - The framework of vehicular routes has been revised to show all the streets relating to the urban housing blocks being equally connected. This will reinforce the sense of ownership of adjacent territory. All secondary streets would adopt Manual for Street principles which reinforce the role of the street as public realm where building forms and their uses influence the layout and materials of the street and pedestrians and cyclists have priority. Most of the terraces are short and pedestrian desire lines feed into the central spine route. This landscaped boulevard is a key component of the scheme. To ensure its vitality it is essential that there are direct and well designed connections for pedestrians onto the area from the secondary streets.
- Mixed Use Area - The office footprint has been represented within the Design Code so that British Council for Offices Standards can be met. Imagery within the Design Code indicates how the building could be both be designed to relate to the historic factory buildings whilst achieving contemporary expression.
- Housing area - Buildings for Life Standards have been emphasised in the Design Code. A number of housing block plans have been illustrated. These demonstrate alternative approaches to the relationship between individual houses and the street. They show how parking would be integrated. There remains some discrepancy between the photographic examples shown and the narrow plot frontages indicated in the Nestle outline scheme; however the alternative block plans in the Design Code show that there would be flexibility on site to achieve streets which would accord with principles set out in 'Manual for Streets'.

4.48 Whilst much of the design details will be agreed at reserved matters stage, the submitted documents with this application give a framework for their future development and evolution. It is considered that the submitted Design Code follows good practice guidance and has been revised to reflect the desires of the Council's Urban Design and Conservation Officers.

## LANDSCAPING

4.49 Key Objective 18 of the Development Brief is to create a greener environment than is there currently. At present there is little green planting within the application site with the exception of the east, south, and western edges of the site. It is proposed

that these green areas would be maintained and supplemented with additional planting where appropriate. The majority of the site is in outline only with landscaping reserved for consideration within future applications. However, the submitted Design Code gives a framework for the future design of the site. The Design Code contains a number of alternative design principles, all of which could accommodate significant green planting areas. The northern boundary of the site is proposed to contain a planting strip in order to improve the visual amenity of the area for local residents and also to provide a clear visual buffer between the Nestle South site and the remaining Nestle factory site.

## **PUBLIC ART**

4.50 Key objective 3 of the Development Brief states that any proposal should look to create its own identity and sense of place, whilst respecting the history of the site. Public art is one way of helping to achieve this identity whilst reminding users of the site history. In the main text of the Development Brief it states that proposals should seek the highest quality of design in public art which would enhance the distinctive character of the area and reflect the long history of chocolate manufacture on this site. The Brief states that the purpose of any public art would be to reinforce the identity of the area and promote its attractiveness and use. The Brief looks for artwork to be integral to the overall design concept and that a 'Public Art Brief' should be prepared which ensures that the local community are involved in the development of public art proposals.

4.51 The submitted revised Design Code states that public art would be provided through bespoke landscape features forming accessible public art installations. An idea suggested in the code is the development of a public art installation which runs along the pedestrian boulevard from Haxby Road to Wigginton Road. The proposed double height opening through the existing factory building is a particular opportunity and art works in this area could be used to record the history of the site from green field through to confectionary production to a mixed use development. Industrial artefacts from the former factory buildings could be incorporated. It is proposed that exact details of the public art provision would be formulated at the detail design phase which is considered reasonable.

4.52 The draft S106 originally proposed that a public art scheme be submitted for approval prior to the occupation of the 50th market house and that prior to the occupation of 90% of the market housing the public art would be provided in accordance with the approved Public Art Scheme. These timescales conflict with the Development Brief and submitted Design Code. The public art should be integral to the development and design of the scheme, it should not be something which is added in later. Therefore, it is recommended that the S106 should be altered to ensure that a Public Art Scheme is submitted for approval concurrently with the first reserved matters application. The works should be provided earlier than the occupation of 90% of the market housing to ensure that the distinctiveness of the area and the development is reflected from the start.

4.53 Comments made by the Arts and Culture Department are consistent with those in the above paragraph with the exception that they seek a commitment that 1% of total development costs would be contributed to public art provision. The figure of 1% is an aspiration and is not written in any local or national planning policy. Given that much of the public art may come from industrial artefacts which are in essence 'free', it

is not considered reasonable to object to this application on the basis of not providing 1% of development costs to public art provision. However, negotiations are ongoing regarding a commuted sum and this would need to be finalised in collaboration with the Arts and Culture Departments before the S106 agreement could be signed and a decision notice issued. Any future developer of this site needs to be aware of the need for public art to be integral to the design of the site when a reserved matters application is submitted and that this should create a significant and positive benefit to the distinctiveness of the site and serve as a reminder of the history of the site. The success of the double height opening to be created within the Cream Block as a pleasant and well used pedestrian thoroughfare is dependent on the creation of interest and interactivity with users. Public art, including lighting, could significantly enhance this space.

## **SUSTAINABILITY**

4.54 The Development Brief contains a number of Key Objectives relating to sustainability. KO10 seeks that the proposal develops an overall character and appearance through adoption of a low energy, community-focused approach. KO11 asks developers to consider contemporary design options and ensures layout, design and build is exemplar in terms of sustainability and overall energy efficiency. KO12 states that proposals should incorporate on-site water management and recycling, and provide at least 10% of its energy from on-site sources.

4.55 Planning Policy Statement 1 requires LPA's to consider sustainability when determining planning applications. Development Control Local Plan Policy GP4a is consistent with this approach and requires a sustainability statement to be submitted with all applications. Additional local guidance is given within the Sustainable Design and Construction Interim Planning Statement (approved for Development Control Purposes in 2007). This sets specific sustainability standards which developments shall achieve. These standards are briefly explained below.

- Large scale new build residential developments, such as the houses proposed, shall achieve at least Code for Sustainable Homes Level 3 star, that 10 per cent of expected energy demand will be provided for through on site renewable generation for heat and/or electricity, space is provided for recycling facilities and rainwater harvesting systems and Sustainable Urban Drainage Systems (SUDS) are considered.
- Residential conversions or changes of use, share the standards required for new build residential developments except that Eco-homes standard of at least 'Very Good' should be achieved rather than Code for Sustainable Homes. In addition, the developer is expected to sign up to 'Considerate Constructors' scheme, produce a 'Site Waste Management Plan', and demonstrate how pollution is to be minimised.
- Large scale commercial developments are expected to achieve a BREEAM assessment of at least 'Very Good'. In addition, the developer is expected to sign up to 'Considerate Constructors' scheme, produce a Site Waste Management Plan, and demonstrate how pollution is to be minimised. The sustainability statement must demonstrate that at least 10% of the expected energy demand for the development will be provided for through on site renewable generation for heat and/or electricity.

4.56 Accompanying the planning application is an Environmental Statement and Supplementary Environmental Information document. These documents include a full sustainability statement which covers the criteria outlined in Policy GP4a as well as addressing the required criteria in the Sustainable Design and Construction IPS. It is stated that the proposal:



- is in a sustainable urban location close to public transport routes and provides good accessibility to the wider area on foot and bicycle;
- is pedestrian friendly encouraging people to walk to local facilities;
- would produce a financially viable mixed use development creating long term employment in the city;
- promotes high quality design potentially attracting new investment into the city;
- would seek to provide wider economic benefits by using local construction workers and sourcing materials from the area;
- conserves local character, heritage, and distinctiveness through the re-use of existing buildings, providing a link to the history of the site;
- would minimise the use of non-renewable resources where possible;
- gives a commitment to providing 10 per cent of expected energy demand through on-site renewable energy generation;
- reduces energy demand through passive solar gain, natural ventilation, natural shading, orientation of windows to reduce the need for lighting, and the use of energy efficient technologies and fittings;
- ensures that building contractors will sign up to the 'Considerate Construction Scheme';
- will incorporate water minimisation designs and grey water harvesting for garden and community landscaped areas;
- incorporate Sustainable Urban Drainage (SUDs) principles (this is discussed in more detail in the drainage section);
- minimise use of building materials and source raw materials locally;
- will specify the use of FSC accredited timber and prohibit the use of materials containing CFCs and HCFCs;
- will restrict light pollution through use of landscaping and appropriate lighting, particularly in order to protect the rural fringe of the site; and
- will provide suitable green planting to enhance the biodiversity of the area (this is discussed further in the Ecology part of this report).

4.57 Whilst falling short of key objective 11 of the Development Brief by not being an exemplar in terms of sustainability and overall energy efficiency, it is considered that the proposed development meets at least the minimum sustainability standard identified within the local plan and IPS. An option for enhancing the sustainability of the scheme is through providing a combined heat and power (CHP) system. The Environmental Statement suggests that the site could benefit from the possible extension of the Nestle site gas-fired CHP system. This system generates power with the spare heat being used to provide hot water and building heating. This spare heat could be used to significantly reduce the carbon emissions of the development by providing hot water to some parts of the site. Unfortunately, further investigation into the feasibility of using this community heating system within the proposed development site have not been sufficiently explored. No commitment has been made to using this system, it is stated as an option to be explored in the future. It is recommended that the potential of 'tapping in' to this system is investigated in order to help achieve the required renewable energy target.

## **FLOOD RISK AND DRAINAGE**

4.58 Development Control Local Plan Policy GP15a states that discharge rates should be less than the level of pre-development run-off and new development should not exceed the capacity of receiving watercourses. The use of sustainable drainage systems to mimic natural drainage is encouraged to reduce run-off.

4.59 Within the Environmental Statement and the appendices is an analysis of the flood risk to the site from all sources and an assessment of the effect of the development on flood risk, both within the development site and elsewhere. The potential impacts of climate change on these flood risks over the lifetime of the development are also assessed.

4.60 The whole of the application site lies within Flood Zone 1 which is the lowest flood risk classification given by the Environment Agency. The proposal would decrease the impermeable area within the site from 6.3 ha to approximately 4.53 ha. The site has six onsite catchments that drain offsite via separate outfalls before ultimately draining into the River Foss.

4.61 Modelling software was used to calculate the amount of storage required for a 1 in 100 year storm event based on a total offsite discharge rate of 617 l/s, which includes an allowance for climate change. Using SUDS, a total of 749 cu m of above and underground storage is required to store sufficient water and ensure that it discharges at restricted rates to the River Foss via existing outfalls. This helps to prevent the level of the River Foss rising at an uncontrolled level and therefore reduces flood risk.

4.62 The proposed drainage system would ensure that the proposal does not result in an increased flood risk within the receiving drains or the watercourse. As can be seen within the consultation responses of the Council's drainage engineer, Yorkshire Water, The Environment Agency, and the Foss Internal Drainage Board, there were no objections to the application subject to the implementation of suitable conditions ensuring that the works are carried out in accordance with the submitted information.

## **OPEN SPACE**

### **COMMUNITY OPEN SPACE/PLAY AREA**

4.63 Key objective 14 of the Development Brief requires the development to provide safe, secure and good quality provision for children's play, amenity open space and youth and adult sports facilities. DCLP Policy L1c requires the provision of new open space within developments. The policy states that proposals must make provision for the open space needs of future occupiers.

4.64 This application is in outline only with indicative layout plans supplied. However, it is important to ensure that there is scope within the site for an adequate provision of public open space and play areas to be provided within the development when the reserved matters applications are submitted. The illustrative masterplan includes approximately 0.4 ha of potential amenity open space on the site frontage with Wigginton Road. There is an area of open space measuring approximately 0.12ha to the rear of the proposed community building. In addition, there are two smaller open space/play areas located to the north of the proposed pedestrian/cycle boulevard which measure approximately 0.1 ha in total. Between the Cream Block and Haxby Road it is proposed to create the main open space area which would include seating, landscaped lawns, a play area, and a water feature. This space is approximately 0.7 ha in size.

4.65 In terms of location, the proposed open space / play areas are generally clustered around the main pedestrian spine which runs horizontally through the site. The main

community space to the east of the Cream Block provides the most usable and adaptable area given its size, relationship to community facilities and public transport services, and the fact that this area is less sensitive than many others in terms of protecting future residential amenity.

4.66 The amenity open space to the west of the site adjacent to Wigginton Road is likely to be informal given its shape and location. The revised indicative plans show a buffer between this space and the residential dwellings in order to maintain amenity and provide some private defensible space. The three other open space areas along the main pedestrian spine are well located in terms of accessibility. However, work would be required within the reserved matters applications to create usable spaces which are appropriate to their surroundings. Further detailed work would be required to make sure the spaces are overlooked whilst not being a potential nuisance and harming future residential amenity. The exact position, size, and use of these potential open space areas would be considered within subsequent reserved matters applications.

4.67 Based on the indicative proposed level of development there is a requirement for approximately 0.39 ha of children's play space and 0.59 ha of amenity open space. The indicative masterplan demonstrates that the site could accommodate the required level of children's play space and amenity open space.

4.68 The requirement for sports pitches would be met through off-site provision, it is not considered desirable to create sports pitches within this development site. The applicants have offered to enter into a Community Use Agreement which would allow the general public access to sports grounds owned and managed by Nestle. These are located to the north of the existing factory buildings, between Haxby Road and Wigginton Road. The requirement for a Community Use Agreement is addressed in the draft S106 Agreement. The applicants have also offered to pay a commuted sum in order to develop and improve the sports pitches and the associated facilities. Discussions are on-going regarding what this sum should be, it is anticipated that an update will be given at Planning Committee.

4.69 The Parks and Open Space team are happy with the concept of a Community Use Agreement to cover the provision of sports pitches. However, little information has been brought forward from the applicants regarding the time period it would cover or which facilities would be included. It is recommended that the S106 agreement is not signed until further details of the Community Use Agreement have been submitted to provide comfort that it would significantly benefit future residents and users of the Nestle South site.

4.70 The current draft S106 also commits the developers to produce an 'Open Space and Woodland Construction Management and Maintenance Plan'. This document would set out proposals for the construction and future management and maintenance of the open space, the woodland works and the children's play facilities. This would ensure that the facilities are maintained in an attractive and usable condition.

## **CRIME PREVENTION**

4.71 Development Control Local Plan Policy GP3 states that developments are required to incorporate crime prevention measures in order to achieve natural

surveillance of public spaces, secure locations for car and cycle parking, satisfactory lighting, and the provision of CCTV where considered necessary.

4.72 The application in its original form raised some concerns from the Police Architectural Liaison Officer. Issues were raised about the use of rear alleyways, access points onto the Sustrans Cycle Path, a lack of defensible space around some houses, blank gables with no natural surveillance of some public areas, and the general permeability of the site. As a response to these comments, significant work has been carried out by the applicants in order to overcome potential crime and safety issues.

4.73 All rear alleyways have been removed from the Design Code. They are no longer presented as a suitable option for the future development of this site. The number of potential access points onto the Sustrans Cycle Path have been reduced from two to one. It is proposed that this would limit the number of escape routes and also mean that the single access point is well used, thereby deterring criminal activity in this area. The exact details of the Sustrans connection would be agreed at the reserved matters stage along with a management plan to ensure that if any problems are created, that measures are put in place to resolve them. Indicative curtilage boundaries have been placed around the houses fronting onto Wigginton Road to ensure that there is a buffer between the houses and community open space. The revised Design Code now states that there would be no blank gable ends where they front onto a public space. This is to ensure that there is a degree of natural surveillance.

4.74 The design options presented within the Design Code allow the site to remain highly permeable in order to encourage people to walk and cycle. In addition it is hoped that the emphasis on pedestrian permeability would help to create a sense of community and encourage the use of the on site open space and play areas by local residents. It is considered that the details contained within the Design Code and Indicative Masterplan documents strikes a reasonable balance between permeability and satisfying previous concerns raised by the Police Architectural Liaison Officer. The outline plans submitted are indicative only and set a framework for future development, the Council would be looking for the existing good practice measures to be built upon within the development of a detailed reserved matters application.

## **ECOLOGY**

4.75 Key objective 19 of the Development Brief requires the proposal to protect and encourage wildlife. DCLP Policy NE1 seeks to protect trees and hedgerows which are of amenity, landscape, or nature conservation value from being removed. Policy NE7 also seeks to retain habitats but in addition encourages the inclusion of measures within developments to establish new habitats.

4.76 The redevelopment of this site presents opportunities for enhancement work to benefit a range of wildlife species, such as through the landscaping of the site and through the incorporation of habitat features to accommodate bat and bird species.

4.77 A proposed landscaping scheme has been submitted with the planning application. This plan is illustrative but highlights a number of areas which could accommodate green landscaping within the site. New planting is proposed across all sections of the site. At present the site has very little landscaping other than mature

trees towards the boundaries and some small areas of shrub planting along Haxby Road. The proposed landscaping helps to further increase the overall biodiversity value of the site, and create more foraging and nesting habitat. A tree line is proposed along the northern boundary of the site, which would also be potentially beneficial as a new commuting link and wildlife corridor. The use of suitable British native species would provide the most benefit. Full landscaping details are to be considered as part of any future reserved matters application on this site, however, the illustrative plans show that there is significant scope for additional planting to enhance the biodiversity of the area and create new habitats.

4.78 Survey work has shown no evidence of roosting bats within the site. However, there is potential foraging habitat around the periphery of the site. The tree line along the southern boundary adjacent to the Sustrans cycle path acts as a wildlife corridor and provides foraging habitat for bats. The trees within this corridor are proposed to be retained, additional planting to strengthen this habitat would be encouraged at the reserved matters stage. A condition is recommended to be included with any approval to ensure suitable habitat creation measures are utilised. The southern boundary of the site requires careful consideration at reserved matters stage. This boundary would benefit from some carefully selected landscaping cutback to improve overlooking of the cycle path and also to create a new access point.

## **RESIDENTIAL AMENITY**

4.79 Whilst most criteria which are used to measure residential amenity are more readily assessed at reserved matters stage; it is important within this outline application to ensure that it is feasible for the proposed number of dwelling to be accommodated on site without harming residential amenity.

4.80 The proposed density for the new build housing part of the re-development is approximately 40 dph. This is considered to be medium to high density. The indicative layout plans make efficient use of land through the development of blocks of terraced housing in a grid system. This is reflective of much of the housing in the surrounding area which are traditional terraced streets. There are numerous examples around the city of developments of terraced housing with a density of 40 dph or higher which provide a reasonable level of amenity through outlook, privacy and the natural light. It is considered reasonable based on the proposed level of development and the type and location of alternative land uses on the site, that a scheme can be developed which maintains the residential amenity of future residential occupiers.

4.81 Issues which can be assessed in more detail at this stage, such as noise, odour and air quality, are assessed below.

4.82 Results of ambient noise monitoring and predictions carried out found that the majority of the site falls within Noise Exposure Category (NEC) A. PPG24 states 'noise need not be considered as a determining factor in granting planning permission' where a NEC A level is established. However, parts of the site have higher levels of background noise. Facades to the east and west boundaries fall within NEC B, the northern and southern boundaries fall within NEC B during the night time. The southeast corner of the development is predicted to fall within NEC B during the daytime and NEC C during the night time. Therefore appropriate conditions should be applied to any approval to ensure that a suitable method of sound attenuation is implemented to protect residential amenity. This would include an acoustic fence

along the northern boundary of the site, where the application site joins the remaining Nestle factory site.

4.83 As this application is in outline only no details are available on the number, location, noise level or type of plant or equipment which is required. As a result each reserved matters application would need to be assessed on a case by case basis with noise being one of the material planning considerations.

4.84 There is the potential for noise, dust and vibration to arise during the construction and demolition phases of the proposed development, it is essential that these matters are suitably managed in order to prevent the loss of amenity to local residents. As the development progresses, new sensitive receptors may be produced, i.e. newly occupied residential dwellings within the site, which would need to be protected. A condition is recommended to be added to any approval to ensure that a suitable Construction Environmental Management Plan is agreed with each subsequent reserved matters application.

4.85 Odour from the proposed development has the potential to cause the loss of amenity and a condition is suggested to be added to any approval to mitigate against this.

4.86 The air quality impact of the increases in road traffic associated with the proposed development have been modelled and assessed. Changes in pollutant concentrations as a result of the additional traffic is considered to be 'small' or 'imperceptible' (depending on location) and of 'negligible' significance at all modelled receptors for nitrogen dioxide and particulates. The applicants have provided predicted traffic flow information for 2016, both with and without the proposed major schemes (such as Park and Ride) in place. No significant changes in air quality are anticipated with or without the major schemes in place. The developer has agreed to pay a commuted sum towards the supply and installation of diffusion tubes for the analysis of air quality in the vicinity of the development and the collection and analysis of data.

#### **LAND CONTAMINATION**

4.87 The Environmental Statement submitted with the planning application identifies the potential for land contamination at the site. Ground investigations undertaken at the site identify the presence of two contamination hotspots. Therefore, a condition is recommended to be added to any approval to ensure that these hotspots have been adequately mitigated against in order to protect public safety.

#### **5.0 CONCLUSION**

5.1 The reuse and partial redevelopment of the Nestle south site (7.4ha) for a mix of commercial, residential and community uses represents a regeneration opportunity of strategic importance in the city. In addition, the redevelopment proposal assists Nestle to fund further investment in the northern part of the site, securing future employment in the city.

5.2 This outline application seeks planning permission for the principle of a mixed-use redevelopment of the site and the details of site access. This report concludes that the

mix of uses proposed is appropriate and accords with the Council's key aims and objectives for the site as outlined in the approved Development Brief.

5.3 The level of proposed development is appropriate for the site and indicative plans show that the quality of the environment can be enhanced through the creation of formal and informal open space areas. There is scope to improve the ecological and visual value of the site through suitable green landscaping.

5.4 The Design Code and indicative plans give a broad framework for the development. They set good principles for the future development of the site whilst allowing scope for a developer to further enhance the scheme at reserved matters stage.

5.5 A package of sustainable travel measures is proposed within the application to help reduce the potential impact on the local highway network and also to improve access to sustainable transport choices. The site is well located in terms of access to local services and facilities without the need to use the private car.

5.6 Issues surrounding environmental protection and drainage have been adequately resolved and conditions would ensure that the site is developed to meet these standards.

5.7 The proposed development achieves the required local standard in terms of environmental sustainability.

5.8 For the reasons summarised above and outlined within this report, the application is recommended for approval subject to conditions and completion of a Section 106 agreement to secure:

- i) Affordable Housing at 25% to be linked to the Council's viability assessment
- ii) A contribution towards education provision, sum to be calculated prior to occupation of the first residential unit
- iii) A Community Use Agreement and sum towards off-site sports pitch provision/upgrading
- iv) A commuted sum to upgrade/improve the Sustrans cycle path
- v) A commuted sum towards Public Art
- vi) Recording and analysis of Air Quality
- vii) Open Space and Woodland Construction Management and Maintenance Plan
- viii) Sustainable transport contributions

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

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

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

2 Prior to the commencement of building works , reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

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

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

Revised Design Code received by CYC

Revised Parameters Plan 5541 AL(OP)200 A received by CYC 31/12/10

Revised Illustrative Landscape Layout 930/08 Rev L received by CYC 24/12/10

Revised Illustrative Sections for Buffer Planting Along Northern Boundary 0930-14 received by CYC 24/12/10

Revised Illustrative Landscape Central Boulevard received by CYC 24/12/10

Revised Site Sections B,B - 5541 AL(OP)202 D, Sections C, D - AL(OP)203 D, Sections E, F - AL(OP)204 D, and G, H - AL(OP)205 C all received by CYC 07/12/10

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

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

3 Prior to or concurrently with the first reserved matters application, a scheme detailing the sequential phasing of all aspects of the development shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall be carried out in accordance with the agreed phasing.

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

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

- a) Details of existing and proposed ground levels and finished floor levels for each building.
- b) Details of position, design and materials of all means of enclosure.
- c) Details of the design and materials of roads, footpaths, and hard landscaped areas.
- d) Samples of all external materials
- e) Details of all street furniture including lighting
- f) Details of refuse and recycling stores including appearance and materials

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

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

5 Any reserved matters applications regarding landscaping and layout shall



include a survey, schedule and plan of all trees on the site and immediately adjacent to it in accordance with British Standard 5837. It will identify those trees to be retained and those to be felled. Where a tree is proposed for removal reasons shall be given. The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, east, south and west direction, and the recommended root protection area (RPA). The plans will also include details of the following where they occur near existing trees to be retained: existing and proposed levels; existing and proposed surfacing; locations of existing and proposed underground and overhead service runs. The reserved matters application shall ensure that the requirements of the root protection area of trees to be retained can be respected at all times before and during all development operations, and that the trees can be retained within a sustainable situation.

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

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

Two bedroom houses - 74 units

Three bedroom houses - 74 units

Four bedroom houses - 18 units

Two bedroom apartments - 46 units

Live/work units - 8 units

Net retail floorspace - 974 sq m

Assisted living - 55 units

Student Accommodation - 28 units - 100 bedrooms

Community Cafe - 140 sq m

Community Centre - 1335 sq m

Office (refurbished) - 4116 sq m

Office (new build) - 5884 sq m

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

7 The amount of comparison goods sales floorspace shall be limited to no more than 15% of the net floorspace granted permission.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

8 The student accommodation shown on the approved plans and contained within the Accommodation Schedule within the Design and Access Statement, shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in

writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Local Planning Authority retain control over the future occupancy of the development.

9 All construction works associated with the carrying out of the development, including ancillary operations such as deliveries to and despatch from the site, shall be confined to the hours of 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

10 The assisted living accommodation shall be limited to developments within the C2 'Residential Institutions' Use Class within the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In order for the Local Planning Authority to restrict the use of the building so that the development is not within the C3 use class without contributing to the affordable housing provision.

11 The building envelope of all residential accommodation (including student accommodation and assisted living units) shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LMax inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These levels shall take full account of any adjoining non-residential use within the site, whether in existence or proposed using a worst case scenario. The noise levels shall be observed with all windows shut and other means of acoustic ventilation provided. The works required to achieve the above level shall be submitted to and approved in writing by the Local Planning Authority. No residential accommodation shall be occupied until the approved attenuation works, if required, have been installed in complete accordance with the approved details.

Reason: To safeguard the amenity of occupants of residential premises in accordance with the aims of PPG24.

12 Details of all machinery, plant and equipment to be installed in or located within the site, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LMax(f)) and average sound levels (LAeq), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of residential premises in accordance with the aims of PPG24.

13 The hours of delivery to and dispatch from any premises within Use Class

A1Retail, A3 Restaurants and Cafe. B1 Business,C2 Residential Institutions, and D1 Non-Residential Institutions, shall be confined to the following times, unless otherwise approved in writing by the Local Planning Authority:

Monday - Friday 08:00 to 18:00

Saturday, Sunday & Bank Holidays 09:00 to18:00

Reason: To protect the amenities of adjacent residents

14 The hours of operation for each Class A1, A3. B1, and D1 premises shall be approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

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

Reason: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

16 Full details of the method, dates, times and duration of piling operations to be carried out shall be submitted to and approved in writing by the Local Planning Authority before any piling operations for all stages of the development take place. Piling operations shall take place in accordance with the approved details.

Reason: To protect the amenities of adjacent residents

17 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any commercial uses of the site. The facilities provided shall ensure that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval and prior to the first use of the commercial premises the plant or machinery shall be fully operational and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents

18 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

#### b. Submission of Remediation Scheme

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

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

19 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

20 Prior to, or concurrently with each reserved matters application, details shall be submitted to and approved in writing by the Local Planning Authority as to what measures are to be provided within the design of the new buildings/conversion work to accommodate wildlife, such as bats, House Martin and Swift. The works shall be carried out in complete accordance with the approved details prior to first occupation or use of the building(s). Features suitable for incorporation include the use of special tiles, bricks, soffit boards, and bat boxes.

Reason: To enhance the habitat of local wildlife.

21 Prior to, or concurrently with each reserved matters application, details of foul and surface water drainage for that section of the site shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted to include:

- Calculations and invert levels of the existing surface water system together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed;
- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties;
- Details shall be provided for the future management / maintenance of the proposed drainage scheme; and
- Existing and proposed surfacing shall be specified.

In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume

calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

The works shall be carried out in complete accordance with the approved details prior to the first occupation or use of the building(s) to which the application applies.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk)

22 There shall be no piped discharge of water from the site prior to the completion of the approved surface water drainage works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water is not discharged from the site until proper provision has been made for its disposal.

23 Prior to, or concurrently with each reserved matters application, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme and timescale to install oil and petrol separators. The works shall be carried out in complete accordance with the approved details.

Reason: To minimise the risk of pollution.

24 Unless otherwise agreed in writing by the Local Planning Authority, no building or other physical structure shall be located over or within 3 metres of the centre of a water mains pipe within the site.

Reason: In order to allow sufficient access for maintenance and repair of the water pipe.

25 The live work units shall be limited to developments within the C3 'Dwelling Houses' and B1 'Business' Use Classes within the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order. The designated workspace of each live work unit shall at no time be less than 25% and no more than 40% of the total floor area of the unit.

Reason: To ensure that the live work units do not become purely residential or commercial in the future and to protect the amenities of local residents.

26 The live work units shall not be subdivided and the occupation of the associated residential accommodation for each unit, shall include a person solely or mainly employed in the business occupying the linked workspace within the unit, or spouse,

partner, widow or widower of such a person, or any resident dependents.

Reason: To maintain the live work principle and prevent separation of the units.

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

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

28 A formal BREEAM assessment for the Design and Procurement stages for all appropriate buildings in the whole Nestle South development, a Code for Sustainable Homes assessment for new build residential development. All assessments shall be followed by a Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. Both assessments shall confirm the minimum 'Very Good' rating under BREEAM and Level 3 under Code for Sustainable Homes has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development.

29 Prior to commencement of development of each phase, full details of a renewable energy strategy for each building/phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate (i) the whole site's expected energy usage (ii) the phase/buildings contribution towards meeting the sites 10% on-site renewable energy target (iii) measures to reduce energy demand for the buildings (iv) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction.

#### INFORMATIVE

Part of the renewable energy target could be achieved by utilising the existing combined heat and power system which operates within the factory site as outlined in the Environmental Statement and Supplementary Environmental Information. The feasibility of utilising this system should be investigated.

30 The development of the Nestle South site shall include the provision of on-site children's play space (including equipment) and amenity open space at a level of at least that outlined within Development Control Local Plan Policy L1c 'Provision of New Open Space in Development' and to a standard and specification described within the 'Open Space Advice Note: Commuted Sum Payments in New Developments' or the relevant local standards at the time of submission of the first reserved matters

application. The timescale for the completion of the children's play space and amenity open space shall be agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in complete accordance with the agreed details and timescale for completion.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan by providing sufficient high quality open space facilities for local residents and users of the site.

For information, based on the current proposed level of development, the requirement for children play space would be 3,864 sq m and amenity open space of 5,877 sq m.

31 HWAY7 Const of Roads & Footways prior to occup

32 HWAY14 Access to be approved, details reqd

33 Prior to the development of each phase commencing details of the car and cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the car and cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details.

Reason: To promote use of cycles and to ensure that car parking provision is in line with local standards.

34 The development hereby permitted shall not come into use until the pedestrian refuge on Wiggington Road including associated build outs and right turn ghost island have been carried out in accordance with drwg EU00431\_SK12 rev E.

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

35 HWAY40 Dilapidation survey

36 A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site. A timescale for the submission of stages 2 and 3 of the safety audit shall be approved in writing by the Local Planning Authority at the same time as the submission of stage 1.

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

37 The operation and management of the car parking for commercial development on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The approved scheme shall not be revised without the prior approval of the LPA.

Reason: To ensure that the management of car parking is in accordance with Council policy to reduce dependence on the private car and promote sustainable forms of



travel.

38 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information;

- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents

39 The development hereby approved shall include a formal direct pedestrian and cycle access from the site onto the Sustrans cycle path to the south unless otherwise agreed in writing by the Local Planning Authority. Full details of this connection including location, gradient, surfacing, lighting, loss of trees and replacement planting, and any security measures shall be submitted to and approved in writing prior to or concurrently with the first reserved matters application. The cycle and pedestrian path shall be provided in complete accordance with the approved details prior to occupation of the first residential unit and thereafter maintained.

Reason: To promote walking and cycling thus reducing dependance on the private car.

## **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:-

- Principle of Development
- Transport and Parking
- Design and Visual Amenity
- Sustainability
- Flood Risk and Drainage
- Open Space
- Crime Prevention
- Ecology
- Residential Amenity
- Land Contamination

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

2. INFORMATIVE:

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

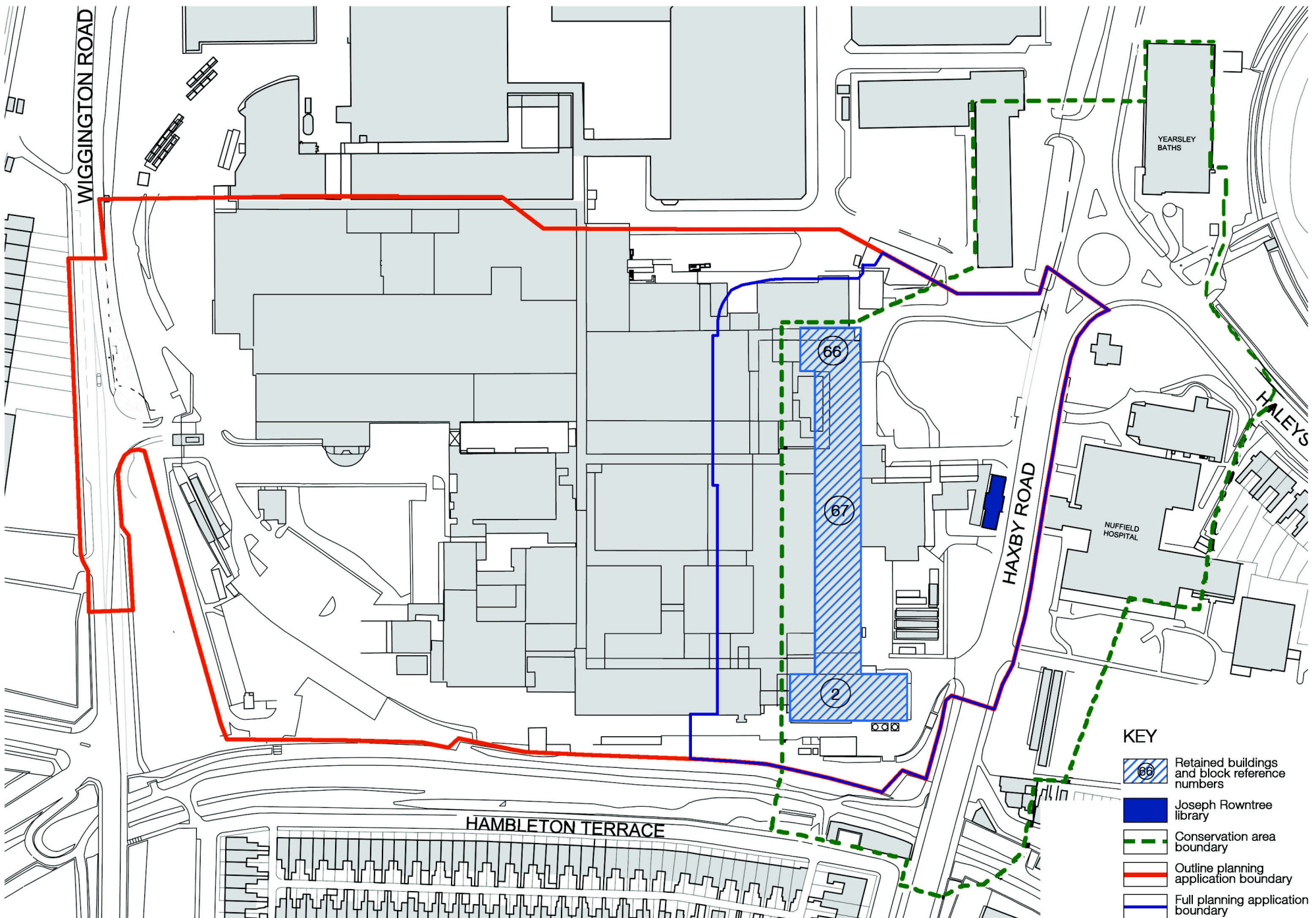
Section 38 (new roads) and Section 278 (modifications to existing highway) - Michael Kitchen 01904 551336

3. INFORMATIVE:






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

**Contact details:**

**Author:** Michael Jones Development Management Officer  
**Tel No:** 01904 551339



**NESTLE SOUTH: The Development Sites, Retained Buildings, the Conservation Area Boundary and the Listed Joseph Rowntree Library**

- KEY**
-  Retained buildings and block reference numbers
  -  Joseph Rowntree library
  -  Conservation area boundary
  -  Outline planning application boundary
  -  Full planning application boundary

This page is intentionally left blank



This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 20 January 2011                      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Planning Panel  
Team

**Reference:** 10/01960/FULM  
**Application at:** Proposed Development At Nestle South Haxby Road York  
**For:** Conversion and alteration of retained buildings within Nestle South, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, residential student accommodation, office, retail, café, and associated landscaping, roads and car parking  
**By:** Nestle UK Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 15 December 2010  
**Recommendation:** Approve

**1.0 PROPOSAL****BACKGROUND**

1.1 This report should be read alongside the outline planning application for this site. The context and background of the site is set out in the committee report reference number 10/01955/OUTM.

**APPLICATION SITE**

1.2 The application site consists of the retained buildings within the Nestle South site and some of the space around these buildings. The retained buildings consist of the Almond Block extension (1911) which faces due south fronting the Sustrans Cycle Path. This is labelled as building 2 on a number of the submitted plans. Connected to this building and stretching to the north adjacent to Haxby Road is the Cream Block(1936) and its later extension(1938). These buildings are labelled 66 and 67. Fronting Haxby Road is the Joseph Rowntree Memorial Library (1927) which is labelled as building number 76. The numbers used are a reference given by Nestle to identify the buildings within the site.

1.3 The Almond Block Extension and Cream Block and Extension are six storeys in height. The Joseph Rowntree Memorial Library is two storeys in height and was listed grade II in 2007. A separate listed building application is under consideration, reference number 10/02157/LBC.

1.4 The eastern boundary of the site is Haxby Road, the northern boundary is broadly the northern edge of the development site following round the Haxby Road site entrance. The car parking area to the west of the Cream Block is included within the application, the boundary is the western edge of the car parking access road. The Sustrans Cycle Path runs parallel to the southern boundary of the site.

1.5 Running adjacent to Haxby Road, to the east of the Cream Block, is a former garden used by employees of the factory. In recent years this area has become overgrown and unmanaged as some of the surrounding factory buildings have been

demolished and the Almond and Cream Blocks have become redundant. There have been physical additions to this former garden area in the form of building extensions and cycle storage facilities which have given this area of land a more built-up appearance.

## **PROPOSAL**

1.6 This application seeks full planning permission for the conversion of the retained buildings including external works, the creation of a recreational open space/play area to the east, and associated highway and infrastructure works. Within the converted Almond Block extension is proposed to be six storeys of residential apartments. It is proposed to add a glazed extension to the roof to create an additional storey of residential accommodation. 46 apartments would be created in total, each being two bedroom in size. These flats would be accessed from a lobby area to the south of the Cream Block. Cycle storage is provided on each floor within a central storage and servicing facility.

1.7 The original Cream Block building is proposed to be converted to a mixed use development. On the ground and first floor are 8 live work units which incorporate 14 bedrooms in total. Above this on floors two to five is office accommodation totalling 4116 sq m in size. The office accommodation is served by the shared residential/office entrance lobby to the south of the building. Between the entrance lobby and the live/work units on the ground floor is a double height cycle storage facility to be used by workers within the office accommodation.

1.8 At ground and first floor level it is proposed to create an opening roughly in the centre of the Cream Block to create pedestrian and cycle access through to the rest of the site to the west.

1.9 To the north of this, in what was the Cream Block extension, it is proposed to create double height retail units measuring around 974 sq m in total. The retail units consist of one store with a shop floor of around 688 sq m and two modest retail units of 68 and 48 sq m. Above this on floors two to five it is proposed to create student residential accommodation. There are 28 student blocks of accommodation proposed consisting in total of 100 bedrooms. Cycle parking for the student accommodation is on the ground floor between retail units. The student accommodation is accessed from the rear of the building through a separate purpose built entrance lobby.

1.10 The Joseph Rowntree Memorial Library (listed grade II) is proposed to be converted into a cafe serving local residents, workers, and the wider community. Alterations to demolish the attached buildings are under consideration as part of application 10/02157/LBC. No other external alterations are proposed to the library building at present as no end user is known. A separate listed building application may be needed to physically convert the building into a cafe, the application under consideration only seeks consent for the change to an A3 use class.

1.11 To the west of the Cream Block and south of the Almond Block it is proposed to create the car parking and access and servicing facilities for this part of the Nestle South development. Landscaping to the south adjacent to the Sustrans Cycle Path is to be generally retained.



1.12 To the east of the Cream Block it is proposed to create a community open space/play area. This consists of a central plaza which could be used for a variety of purposes including outdoor seating for the proposed cafe. North of this is a water feature/pond linking through to an area of grassland to the north. A buffer strip of planting is proposed immediately to the south of the Haxby Road access road. To the south of the central plaza it is proposed to create a more formal children's play area set within a larger green amenity space. The whole community open space/play area is proposed to be permeable to allow and encourage use by the surrounding local community.

### **OTHER APPLICATIONS AT THIS SITE**

1.13 In addition to this full planning application, an outline planning application has been submitted for the whole Nestle South site. The boundaries of this full application are also within the red line boundary of the outline planning permission. A full application was requested for the development proposed as it involves physical alterations to buildings within the Nestle / Rowntree Factory Conservation Area. The outline application covers the principle of the development of the whole site and the access arrangements, its reference number is 10/01955/OUTM.

1.14 A listed building application (10/02157/LBC) is also to be determined in relation to the demolition of a building which was erected to link Joseph Rowntree Memorial Library with the Cream Block. This requires listed building consent as it is linked to the Grade II listed Joseph Rowntree Memorial Library.

1.15 A Conservation Area Consent application (10/02159/CAC) was recently approved for the demolition of cycle storage enclosures to the east of the Cream Block. The cycle enclosures are described as being of detriment to the character and appearance of the area within the Conservation Area Appraisal and their removal was considered to be beneficial.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Nestle Rowntree CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Listed Buildings GMS Constraints: Grade 2; Joseph Rowntree Memorial Library  
Haxby Road

Schools GMS Constraints: Haxby Road Primary 0198

## **3.0 CONSULTATIONS**

### **INTERNAL**

## HIGHWAY NETWORK MANAGEMENT

3.1 No objections subject to conditions and the S106 obligations.

## ENVIRONMENT AND CONSERVATION

### 3.2 Design and Conservation

The scheme fulfils the objectives of the development brief in retaining and reusing the most significant grouping of factory buildings for mixed use. New elements would not undermine the size, scale and strength of character of the existing buildings. The restoration of open space at the heart of the conservation area, for public use and play, represents an enhancement of the character and appearance of the area. Retained buildings would be given appropriate status within the wider scheme design and the setting of these buildings, especially of the memorial library building, would be significantly improved.

### 3.3 Landscape

The detailed landscape scheme for the Haxby Road frontage presents a new, versatile urban park of an appropriate scale and treatment for the converted factory building, whilst providing a suitable setting for the library. It includes a number of features, plus an area designated for play, the details of which are to be provided under condition. The scheme retains the line of Lime trees within the north lawn and aims to retain a number of trees along the Haxby Road frontage. A number of trees would have to be removed to accommodate the design, most regrettably one Oak to accommodate the access road. Overall, given the coherent nature of the proposals, and the number of sizeable trees that are proposed, it is considered that these removals are acceptable. A significant area of shrubbery would be removed and replaced in the proposed arrangement. This will open up the site and make it a more welcoming space from Haxby Road. The clock towers and railings are retained/relocated.

### 3.4 Sustainability

Raise no objections subject to conditions. The proposal meets the minimum standards set out in the Sustainable Design and Construction local planning guidance although opportunities remain to enhance the sustainability of the proposal.

### 3.5 Ecology

Raise no objections, proposal represents an opportunity to enhance the wildlife value of the site.

## ENVIRONMENTAL PROTECTION UNIT

3.6 Proposal meets standards, conditions proposed to ensure compliance.

## LEISURE

3.7 No objections, however there are concerns about the design and ongoing maintenance of the proposed water feature. The developer needs to consider water depth, surrounding surface treatment, effects of ice and bad weather, water levels and water quality.

## HOUSING STRATEGY AND ENABLING TEAM

3.8 The affordable housing provision for this part of the development will be set at 25%. However, this percentage will be time limited for three years and if construction has not begun within this period then the target will change to what is applicable at that time. It is however important that the affordable housing provision is seen in the

context of the Nestle South development as a whole, and officers may work with the applicant to amend the provision in the retained building if it benefits the total affordable housing offer. The Housing Strategy and Enabling Team fully support the application which fully complies with City of York Council's affordable housing policy and would provide much-needed quality new affordable homes in a mixed and sustainable community.

#### CITY DEVELOPMENT

3.9 The proposal is in line with the Development Brief and relevant local and national planning policies.

#### DRAINAGE

3.10 The application site is in Flood Zone 1 and should not suffer from river flooding. Based on the information submitted there are no objections subject to conditions.

#### EDUCATION

3.11 No objections.

#### EXTERNAL

##### CLIFTON WITHOUT PARISH COUNCIL

3.12 No objections.

##### CLIFTON WARD PLANNING PANEL

3.13 There are concerns about traffic implications from the proposed development, this is particularly relevant now that funding for the Park and Ride has been lost. The current traffic situation in the town centre is dire and any potential exacerbation of this problem should be mitigated against.

##### HUNTINGTON PARISH COUNCIL

3.14 No objections.

##### HEWORTH PLANNING PANEL

3.15 There is insufficient provision for parked cars, whatever the aspirations of the Council for reducing car use, in reality there will be as many cars as people, if not more. The public lawns are remote from the housing and thus are unlikely to be used by resident children. It is considered that the proposal doesn't go far enough in sustainability terms, simply achieving the Council's minimal 10% renewable energy standard is not enough. It is considered overall that the proposed development represents an overdevelopment of the site and is unsustainable.

##### CONSERVATION AREA ADVISORY PANEL

3.16 Generally supportive of the uses proposed for the existing building. Not happy with the introduction of the extensive glazing within the existing building because it not only destroyed the existing appearance of the building both at ground and roof level, it also did not reflect the internal use. The proposed café use for the library is not appropriate and the alterations required to the building to achieve this would damage the fixtures and fittings to a large part of the listed building. The historical railings around the library and elsewhere on the site should be retained.

YORK CIVIC TRUST

3.17 Support the application. The retained buildings serve as a reminder of the Rowntree factory and maintain the character of the conservation area. The proposed cafe within the library building is welcome, but its success will depend on the extent of any future alterations required. The mix of uses proposed and the landscaped open space are welcome and it is positive to see that the fenestration of the main building is being improved where inappropriate changes have been made in the past. The Live/Work units will need conditioning to ensure that the activity does not affect the amenity of the flats adjacent. The rear of the building will need careful patching and it is pleasing to see that materials retrieved from the demolished buildings will be re-used. The proposed roof-top extension should be set back from the parapets to ensure that it is not visually dominant as the building is visually prominent. The materials and design of this extension is critical to the visual success of this scheme.

NATURAL ENGLAND

3.18 The City of York Council has access to its own ecological expertise who are able to interpret and assess the ecological information provided and determine whether this fulfils the requirements provided by Natural England guidance.

YORK NATURAL ENVIRONMENT PANEL

3.19 Would like to see the eastern entrance relocated to prevent the loss of trees. Consideration shouldn't be confined to the immediate locale of the development site, but should aim to integrate the proposals by also improving the peripheral area. Query how a cyclist could turn right onto Haxby Road.

ENVIRONMENT AGENCY

3.20 The proposal is acceptable subject to conditions controlling contamination, remediation, surface water drainage, and oil and petrol separators.

YORKSHIRE WATER

3.21 The submitted Flood Risk Assessment and Drainage Report is satisfactory. The report confirms that surface water run-off from the site will discharge to a watercourse, via storage with a restricted discharge rate. The size of the impermeable area would reduce by 30% as a result of the proposed development. It is recommended that no obstruction encroaches within 3m on either side of the mains sewer. The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should continue to discharge to the public sewer. Foul water from kitchens and food preparation areas must pass through a fat and grease trap prior to discharge to a public sewer. The use of SUDs is encouraged. Surface water runoff from large expanses of hardstanding must pass through an oil, petrol, and grit interceptor. Six conditions were recommended to be included with any approval.

FOSS INTERNAL DRAINAGE BOARD

3.22 The site lies within the Drainage Board's area. The Board seek for the current discharge rates to the Foss to be reduced, the area is almost entirely hard standing at present. Softer/landscaped areas are to be created and the use of Sustainable Urban Drainage (SUD's) as well as main sewer and existing watercourse drainage should help ensure discharge rates are reduced. Three conditions are recommended to be added to any approval regarding discharge rates, SUD's, and suitability of the existing watercourse to accept flows.

## MEMBERS OF THE PUBLIC

3.23 Four letters of correspondence were received, much of the comments are more applicable to the outline application. The following comments were made:

- the intelligent bollards should not be like those on Stonebow which are timed as this would create a 'rat run' and increase the level of traffic flow for local residents;
- light pollution should be considered;
- surrounding areas are already congested with parked cars, the proposed development should provide enough car parking spaces for all users of that development;

- there should be a relief road for public use between Wigginton Road and Haxby Road, this is a golden opportunity to improve traffic flows and to ease snarl ups which frequently occur outside the hospital and at the junction of Crichton Avenue. If the traffic can be kept moving it is beneficial to everyone, at present the only alternative road is around the outer ring road which is already busy. Alternative forms of traffic should not be prioritised at the expense of efficient motorised traffic flows. It is perfectly possible to incorporate a relief road without detrimentally affecting the redevelopment by having this road at the northern edge of the redevelopment site with access points off into cul-de-sacs serving the various new buildings.

- good to see the Nestle building being put to new uses, however the mix of uses seems incompatible, for example a mixture of students with assisted living accommodation would not work. Object to more student accommodation on this side of town, there are 'to let' signs in empty properties in this area, is more student accommodation needed? Local residents are sick of the mess and noise students make, local landlords do not care for or maintain existing properties and they are seen as nothing more than cash cows. Hard working local residents in this area feel there are enough students and the area needs a facelift not the introduction of more people who don't care about the quality of the area.

- traffic has already massively increased in the area in the last few years and the junction of Haxby Road and Wigginton Road is beyond capacity. Emergency vehicles accessing the hospital use Wigginton Road and the proposed development would bring even more cars to the area. There have already been problems with blocked drains in the area and the proposal would only make this worse.

## 4.0 APPRAISAL

4.1 A number of the issues affecting this site and the application proposal are assessed within the outline application committee report for the whole Nestle South site as well as this report. The application site within this full application is also contained within the outline planning application. Therefore, this report should be read in conjunction with committee report 10/01955/OUTM.

4.2 The key issues in the determination of this application are:

- Principle of Development
- Design and Impact on the Conservation Area
- Community Open Space/Play Area
- Car and Cycle Parking
- Highway Network

- Sustainability
- Flood Risk and Drainage
- Crime Prevention
- Ecology

### **PRINCIPLE OF DEVELOPMENT**

4.3 The mix of uses proposed is discussed within the report for application 10/01955/OUTM. It considers that the principle of development is acceptable, the points raised and conclusion made within that report apply here as there is an overlap of the two application sites.

### **DESIGN AND IMPACT ON THE CONSERVATION AREA**

4.4 Key objective 1 of the Development Brief is that the factory buildings of agreed distinction are retained and are converted to employment / residential uses with physical alterations created where required to make these uses compatible. Key objective 2 requests that any development proposals respect the character and fabric of factory buildings fronting Haxby Road, together with the library, theatre and Nuffield Hospital and the proposal safeguards the wider character of the area and the setting of the historic City. Development Control Local Plan (DCLP) Policy HE3 'Conservation Areas' requires proposals to have no adverse impact on the character and appearance of the area. DCLP Policy HE6 states that planning permission shall only be granted for new shop fronts within conservation areas where the proposed design preserves or enhances the character of the area and building. DCLP Policy HE4 states that when listed buildings are the subject to a proposed change of use that there must be no adverse effect on the character, appearance, or setting of the building.

4.5 This application seeks to create a new role for the east side of the development site. Proposals would provide an outward focused mixed use district hub which would compliment existing public facilities (theatre and swimming pool) located to the east of Haxby Road. The empty factory buildings would be converted for reuse as residential, live/work, student residential, office accommodation and a small scale retail facility. The Memorial Library is proposed for use as a cafe.

4.6 An open fore-court would be recreated in front of the factory buildings by removing later structures of low significance (please see 10/02157LBC). The new landscape scheme would respond to the scale of the factory building and would be designed to accommodate a range of interactions, including children's play. This amenity space would create a distinctive place as well as being a resource for the wider community.

4.7 A major pedestrian route would be formed through the retained Cream Block building to connect this semi-public space with the broad landscape promenade forming the central spine route running through the residential area being proposed to the west.

4.8 The new opening through the Cream Block is a vital component of the overall scheme. It is very important that a high quality of detailed design and finish is achieved which works for both day and night-time conditions. The Design Code makes suggestions for this area. However its detailed development would be subject to conditions.

4.9 The majority of the existing external fabric of the factory building would remain or be restored on the public elevations (south and east). Render panels would only be introduced where the building envelope has lost its original façade. The extent of proposed render has been reduced and it would be coloured to blend in with brickwork.

4.10 The number of new interventions into the existing façade has been reduced to highlight only areas of change i.e. retail facility, main entrance areas, cycle stores. The quality and size of signs and graphics would be subject to condition.

4.11 The number of new window and door types has been reduced and there is a consistent approach to how each type would be used to assist with legibility of functions in the building.

4.12 The extent of the proposed additional floor has been significantly reduced from the original plans. The glazed element over the long Cream Block has been omitted so there is no conflict with the distinctive deep rendered frieze. Its removal also allows sufficient space for roof-top plant to be sited within the centre of the roof-plan to minimise its visual impact. Elevation drawings show the plant to be below parapet height so that there would be no impact on the character and appearance of the Conservation Area. The extent of plant and its detailed design and screening would be subject to conditions.

4.13 Four pent-house flats are proposed over the Almond Block extension. They would be set back from the inside of the existing parapet by approximately 2m and the new perimeter wall would be mostly glazed. The previous exaggerated eaves detail has been omitted and revised drawings show a more sympathetic connection with the existing corner tower.

4.14 This new element remains rather diagrammatic in design and a condition is recommended to be added to any approval to ensure that the detailed design and specifications are appropriate to a building of this significance within the Conservation Area. These details would include a large scale section showing the exact relationship between the roof extension, the parapet and the tower. The conservation area appraisal draws attention to the distinctive parapet and corner tower and it is critical that the height and architectural expression of the new extension maintains subservience to the factory building and its roofscape. Subject to achieving the required quality of design and materials through conditions, it is considered that this proposed extension would maintain the character and appearance of the Conservation Area.

4.15 Throughout the course of the application a number of revision were made to the proposals in order to ensure that the character and appearance of the conservation area is protected and enhanced where possible. Some of these changes were:-  
- Internal layouts of the retained factory building were revised to overcome problems of access, inter-connection, lack of light and lack of defensible space. Entrances have been highlighted and external canopies have been provided at shared entrance points. Canopies have been reduced in scale and integrated with the bay framework of the building, though at present there is insufficient detail to show their quality; so a condition would be required to cover their detailed design. The shared entrance foyer has been remodelled internally.

- The layout of the live-work units has been revised to provide an internal connection and front elevations have been restored to create more privacy for living areas which face the communal amenity space.
- Defensible space on the ground floor of the apartment block has been introduced by creating an external buffer zone between the building and the parking bays and by raising internal floor heights.

4.16 The plans brought before committee have been subject to significant scrutiny by the Councils Conservation and Design Officers and revisions have been made in response to previous concerns. Subject to conditions regarding materials and large scale design details it is considered that the proposed development is acceptable in respect of maintaining and enhancing the character and appearance of the Conservation Area.

#### **COMMUNITY OPEN SPACE/PLAY AREA**

4.17 Key objective 14 of the Development Brief requires the development to provide safe, secure and good quality provision for children's play, amenity open space and youth and adult sports facilities. DCLP Policy L1c requires the provision of new open space within developments. The policy states that proposals must make provision for the open space needs of future occupiers.

4.18 An analysis of the quantity and potential positioning of new open space and play area provision within the site is assessed within the outline planning application committee report. This is not repeated here. This report focuses on the type, quality, and layout of the open space which is included within the full planning application. An area of community open space is provided to the east of the retained Cream Block building. This space is approximately 0.7 ha in size, is between the Cream Block and Haxby Road and reaches from the proposed Haxby Road access point to the Almond Block.

4.19 The open area in front of the factory buildings was originally developed as ornamental gardens for use by workers. In intervening years this area has mostly been filled in. A variety of open spaces including gardens would be restored to the area as both on site amenity and as a facility for the wider community. This space contains children's play facilities, lawns, planting, a water feature, as well as a hard landscaped central plaza which could be used for a variety of community uses, including as an outdoor seating area for use with the community café. It is considered that the proposed open space area would attract a number and variety of users from the Nestle South site and the wider community.

4.20 The original scheme showed the site to be completely opened up. The new boundary conditions have been the subject of extensive scrutiny, not only to address issues of defensible space but also to find a balance between preserving the existing private character of the factory site and meeting the desire to make the area more inviting to the wider community.

4.21 Older railings adjacent to Haxby Road would be retained with minor opening up around entrance areas to signal the more public role of the site and to make the spaces more welcoming. Modern security railings to the south east would be removed and replaced with ones to a compatible design.



4.22 The special low boundary wall and railings of the library building would be retained and the detached and matching element to the north would be dismantled and rebuilt to the south of the library, thereby restoring the setting of this modest symmetrical building.

4.23 Conditions are recommended to cover the retention and placement of the clocks, oak lamp-posts and other special artefacts which remain in this area.

### **CAR AND CYCLE PARKING**

4.24 Residential apartments.

All car parking for the private residential apartments is to the south of the Almond Block. There are 39 car parking spaces proposed, these would serve a total of 46 two bedroom flats. Adjacent to these car parking spaces are four visitor spaces. The proposed location of the car parking spaces relates well to the apartments which they are proposed to serve. The number of spaces proposed is in line with local car parking standards of a maximum of one space per two bedroom unit.

4.25 It is proposed to create a cycle parking storage area on each floor of the proposed apartments. Off the central lobby area is proposed to be a storage room containing seven racks with space for fourteen bicycles to be stored. This is one space per bedroom proposed ensuring that all residents have a space to secure a bicycle. The advantage of this type of storage is that bicycles are stored close to where people live, giving a greater sense of security. The practicality of this as a storage solution is dependant on the ability of people to be able to move their bicycles internally without spreading excess mud, not conflicting with other users, and that the bicycles can be accommodated within the lifts. There are some reservations about residents taking bicycles into the building, especially given that this access would serve the office development as well as the flat. It is recommended that should the application be approved, that details of the internal dimensions of the lifts are submitted and approved to ensure that residents would physically be able to use the cycle storage areas. A condition is also proposed for the internal layout of the lobby to be considered further and details be submitted to an approved in writing by the LPA. It is important that measures are put in place so that people using bicycles do not restrict movement significantly for fellow users and that there is the capacity for bicycles to be wheeled in and out and around the building without creating undue wear and tear and without muddying up the lobby area. The highways team have no objections to the cycle or car parking arrangements for the private residential apartments.

4.26 Live/Work Units

One car parking space is proposed for each live/work unit and this is positioned directly behind the unit, this would give a sense of ownership to the car parking spaces. Each live/work unit would have its own car parking space. Cycle parking is proposed within the workshop of the units. This is considered acceptable given the small scale of the residential aspect of the live/work units and the size of the workshop area. It is considered that a bicycle could be accommodated in this space without significantly affecting the ability of a person to create a usable workshop environment.

4.27 Office Accommodation

69 car parking spaces are proposed, with seven of these being for carshare users only. The local standard for car parking spaces is one space per 45 sq m which based on the proposed amount of office floorspace equates to around 91 car parking spaces.

The application site is in a sustainable urban location and is well served by public transport and can easily be reached on foot or bicycle from a significant proportion of the city. The report for the outline planning application outlines the raft of measures which are proposed to encourage travel by non-private car mode. It is therefore considered that a car parking level below the maximum standard is acceptable in this case.

4.28 In order to try and help promote the use of bicycles as a way of travelling to and from work, a secure and enclosed cycle parking area is proposed solely for use by office workers within the retained factory building. Space would be provided for 64 bicycles to be stored securely. This equates to one space per 64 sq m which is above the minimum standard of one space per 60 sq m. In addition, a changing room, showers, and lockers would be provided to help encourage people to cycle to work.

#### 4.29 Retail

Eleven car parking spaces are proposed for use by staff and customers of the retail units. Again this is within maximum car parking standards of one space per 100 sq m for staff and one space per 30 sq m for customers. Local standards would allow a total of 41 car parking spaces for the amount of retail space proposed. However, given that the retail units are proposed primarily for local use as a convenience 'top-up' facility it is not considered that the proposed level of car parking would be inadequate. The Development Brief for Nestle South clearly outlines the intent for this development to be low car use. Some of the car parking spaces are to disability standards and a separate lay-by is proposed to service the retail units.

4.30 Cycle parking is to the front of the shops. This cycle parking area is communal for people visiting the retail units and also for people using the public space or cafe. 57 bicycles are capable of being stored in this area. The prominent location of the cycle racks is considered to encourage their use and the location close to the retail units and the open space/play area ensures that they are both convenient for end users and also overlooked from a security point of view. These bicycle racks are not proposed to be covered due to the negative impact that such a large amount of bicycle storage shelters may have on the character and appearance of the conservation area. Whilst it is regrettable in some respects that these bicycle racks are not covered, it is considered acceptable due to the short stay nature of their likely use.

#### 4.31 Student Accommodation

Car parking for the student accommodation has been reduced to a level which it is proposed would encourage sustainable transport choice. However, it is important that there are some car parking spaces available for students when they are moving in and out of the premises and also to allow those who need a car to have one. Eight car parking spaces and one visitor space are proposed. It would require careful management by the letting company to ensure that this low level of car parking does not cause problems with cars being parked indiscriminately in the wider area. A condition is suggested to be included with any approval whereby the end user has to submit a management plan to clarify how it would ensure that no more than eight student residents own a car at any one time and how these spaces would be managed when students are moving in and out of the premises. To encourage bicycle use 96 secure and enclosed spaces are to be provided. This is considered suitable and is likely to meet the need of the 100 student residents which is the maximum capacity of the proposed accommodation.

#### 4.32 Car Club

Two city car club spaces are proposed in this area. These car spaces sit prominently within the site and are part of the overall policy for reducing private car use. A contribution has been agreed for the developer to fund the car club facilities so that any local residents and those living or using the application site would be able to have access to a car if needed, thereby reducing the need for private ownership in some cases.

### **HIGHWAY NETWORK**

4.33 The choice of potential new access locations onto Haxby Road is very restricted. The retention of the substantial former factory building on the site means that the access point can only be to the north of the site. It would not be advantageous to the scheme for the access road to cross the proposed community open space/play areas fronting Haxby Road. The access cannot connect to the roundabout adjacent to Haley's Terrace as the land in question is not part of the application site. However, a full assessment has been carried out of the proposed access and it is considered to be suitable. A Road Safety Audit was carried out by independent auditors, who are separate to the authority, the applicant and their highway consultants. The interaction between the proposed site access on Haxby Road and the adjacent Haley's Terrace/Haxby Road junction was assessed. The proposed junction would operate within capacity and the intervisibility between traffic at the two junctions is in accordance with national guidance contained within Manual for Streets. This ensures that should a vehicle pull out of the site access, traffic travelling from the Hayleys Terrace junction would have sufficient time to identify the conflict and take appropriate action in time to avoid collision.

4.34 The vehicular impact of the scheme has been reduced and mitigated against as far as is possible. The surrounding highway network is already heavily congested and this would continue to grow irrespective of whether the proposed development goes ahead or not. Traffic associated with the development would add to this existing congestion, however such increases would not significantly deteriorate the conditions already seen at a number of junctions and links in the surrounding area. The traffic expected to be generated by the development would have a negligible impact on the surrounding highway network.

### **SUSTAINABILITY**

4.35 Accompanying the planning application is an Environmental Statement and a Supplementary Environmental Information document. These documents include a full sustainability statement which covers the criteria outlined in Policy GP4a as well as addressing the required criteria in the Sustainable Design and Construction IPS. It is stated that the proposal:

- is in a sustainable urban location close to public transport routes and provides good accessibility to the wider area on foot and bicycle;
- is pedestrian friendly encouraging people to walk to local facilities;
- would produce a financially viable mixed use development creating long term employment in the city;
- promotes high quality design potentially attracting new investment into the city;
- would seek to provide wider economic benefits by using local construction workers and sourcing materials from the area;

- conserves local character, heritage, and distinctiveness through the re-use of existing buildings, providing a link to the history of the site;
- would minimise the use of non-renewable resources where possible;
- gives a commitment to providing 10 per cent of expected energy demand through on-site renewable energy generation;
- reduces energy demand through passive solar gain, natural ventilation, natural shading, orientation of windows to reduce the need for lighting, and the use of energy efficient technologies and fittings;
- ensures that building contractors will sign up to the 'Considerate Construction Scheme';
- will incorporate water minimisation designs and grey water harvesting for garden and community landscaped areas;
- incorporate Sustainable Urban Drainage (SUDs) principles (this is discussed in more detail in the drainage section);
- minimise use of building materials and source raw materials locally;
- will specify the use of FSC accredited timber and prohibit the use of materials containing CFCs and HCFCs;
- will restrict light pollution through use of landscaping and appropriate lighting, particularly in order to protect the rural fringe of the site; and
- will provide suitable green planting to enhance the biodiversity of the area (this is discussed further in the Ecology part of this report).

4.36 Whilst falling short of key objective 11 of the Development Brief by not being an exemplar in terms of sustainability and overall energy efficiency, it is considered that the proposed development meets at least the minimum sustainability standard identified within the local plan and IPS.

#### **FLOOD RISK AND DRAINAGE**

4.37 Within the Environmental Statement and the appendices is an analysis of the flood risk to the site from all sources and an assessment of the effect of the development on flood risk, both within the development site and elsewhere. The potential impacts of climate change on these flood risks over the lifetime of the development are also assessed.

4.38 The whole of the application site lies within Flood Zone 1 which is the lowest flood risk classification given by the Environment Agency. The site six onsite catchments that drain offsite via separate outfalls before ultimately draining into the River Foss.

4.39 The proposed drainage system would ensure that the proposal does not result in an increased flood risk within the receiving drains or the watercourse. As can be seen within the consultation responses of the Council's drainage engineer, Yorkshire Water, The Environment Agency, and the Foss Internal Drainage Board, there were no objections to the application subject to the implementation of suitable conditions ensuring that the works are carried out in accordance with the submitted information.

#### **CRIME PREVENTION**

4.40 Crime prevention comments were received by the Police Architectural Liaison Officer regarding the proposed Nestle South development. Much of the comments made referred to the design principles and ideas contained within the housing element of the outline application. No concerns were raised regarding the full application.

4.41 It is officer opinion that areas within the full application which require particular attention in terms of crime and anti-social behaviour are the car parking areas, pedestrian and cycle passageway which will run through the proposed retained building, and the open space area fronting Haxby Road. The proposed car parking and open space areas are very well overlooked by the proposed retained former factory buildings. The car parking spaces are well related to the users they would serve and the impermeability of the south part of the site will help to reduce car related incidents. The open space area has been designed to attract a wide range of users and its location at the end of the main pedestrian and cycle entrance point on the eastern side of the site should help to ensure the area remains well used. The proposed retail area also provides activity at ground level to encourage use in and around the area.

4.42 The proposed passageway through the retained Cream Block building is substantial in size measuring around 8m in width and over 7m in height. Its length from one side to the other is only around 18m. The Design Code makes reference to enhancing this area through lighting and public art, a condition is recommended to be added to any approval for these details to be agreed. It is considered that given suitable treatment and interest in its design and finish, the passageway would not appear to be enclosed or intimidating for users. Given the size of the development that it would serve it is considered that the passageway would be well used further reducing the potential for crime and disorder in this area.

## **ECOLOGY**

4.43 The redevelopment of this site presents opportunities for enhancement work to benefit a range of wildlife species, such as through the landscaping of the site and through the incorporation of habitat features to accommodate bat and bird species. A condition is recommended to be included with any approval to ensure suitable habitat creation measures are utilised.

## **5.0 CONCLUSION**

5.1 In summary, this application is considered to comply with relevant local and national planning guidance. The proposed plans respect the character and appearance of the Conservation Area. The conversion of the Almond and Cream Blocks is proposed in a way which retains the character and important features of this landmark building. The proposed development of an open space area would provide both a usable and attractive recreational space for users of the site and local residents whilst providing benefits to the character and appearance of the conservation area through the opening up and landscaping of this space.

5.2 The proposed uses of the buildings in question are considered suitable for this site, given its location and the aims of the Development Brief.

5.3 The traffic impact has been assessed and is considered to be acceptable. The proposal promotes low car use, which is considered achievable within this urban location. Cycle parking is to be provided which would be both secure and enclosed and meet local standards in terms of numbers. Car parking spaces are limited where suitable to help encourage sustainable transport choice and to minimise the impact on the local highway network.

5.4 The site would provide a quality mixed use environment which would provide a suitable level of amenity for future residents.

5.5 For the reasons summarised above and outlined within this report, the application is recommended for approval subject to conditions and completion of a Section 106 agreement to secure:

- i) Affordable Housing at 25% to be linked to the Council's viability assessment
- ii) A contribution towards education provision, sum to be calculated prior to occupation of the first residential unit
- iii) A Community Use Agreement and sum towards off-site sports pitch provision/upgrading
- iv) A commuted sum to upgrade/improve the Sustrans cycle path
- v) A commuted sum towards Public Art
- vi) Recording and analysis of Air Quality
- vii) Open Space and Woodland Construction Management and Maintenance Plan
- viii) Sustainable transport contributions

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Revised Proposed Elevations Building 66-67-2 plan number AL(CA)209 F received by CYC 31/12/10

Revised Proposed Plans Building 66-67-2 Ground + First plan number AL(CA)206 E received by CYC 31/12/10

Revised Proposed Plans Building 66-67-2 Floors 2-5 Floor 6 plan number AL(CA)207 D received by CYC 31/12/10

Detailed Design for Haxby Road Frontage plan number 930-23A received by CYC 24/12/10

Sections....

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

3 Prior to the commencement of development, full details of the following items shall be submitted to and approved in writing by the Local Planning Authority:-

- pond construction and specification for fountains including means of maintenance and housing of operational mechanisms.

- design and layout of the play facility

- specification of all the street furniture including benches, railings, bollards, and any lighting

- material sample for brick walls to be constructed

The development shall be carried out in accordance with the approved details prior to the first occupation or use of the building(s).

Reason: To ensure a high quality environment which meets the needs of users and protects the character and appearance of the Conservation Area.

4 Prior to the commencement of development, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of site compound and marketing cabin. It is particularly important that the following details are included within the method statement: construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the recommended root protection area according to BS 5837.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of the area and development.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants, seed mixes, and details of ground preparation and tree supports. 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 practical 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site because the landscape scheme is integral to the amenity of the development and the appearance of the conservation area

6 The total net retail floorspace shall not exceed 974 sq m in total with the amount of comparison goods sales floorspace being limited to no more than 15% of the net floorspace.

Reason: To ensure the retail element caters for the identified local need only and does not compete with York City Centre retail outlets selling the same goods.

7 The student accommodation shown on the approved plans and contained within the Accommodation Schedule within the Design and Access Statement ,shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in

writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Local Planning Authority retain control over the future occupancy of the development.

8 All construction works associated with the carrying out of the development, including ancillary operations such as deliveries to and despatch from the site, shall be confined to the hours of 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

9 The building envelope of all residential accommodation (including student accommodation) shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm<sub>ax</sub> inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These levels shall take full account of any adjoining non-residential use within the site, whether in existence or proposed using a worst case scenario. The noise levels shall be observed with all windows shut and other means of acoustic ventilation provided. The works required to achieve the above level shall be submitted to and approved in writing by the Local Planning Authority. No residential accommodation shall be occupied until the approved attenuation works, if required, have been installed in complete accordance with the approved details. No alterations shall be carried out to any required sound attenuation works without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenity of occupants of residential premises in accordance with the aims of PPG24.

10 Details of all machinery, plant and equipment to be installed in or located within the site, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LAm<sub>ax</sub>(f)) and average sound levels (LAeq), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of residential premises in accordance with the aims of PPG24.

11 The hours of delivery to and dispatch from any premises within Use Class A1 Retail, A3 Restaurants and Cafes. and B1 Business shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 to 18:00  
Saturday, Sunday & Bank Holidays 09:00 to 18:00

Reason: To protect the amenities of adjacent residents



12 The hours of operation for each Class A1 Retail, A3 Restaurants and Cafes. and B1 Business premises shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

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

Reason: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

14 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any commercial uses of the site. The facilities provided shall ensure that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval and prior to the first use of the commercial premises the plant or machinery shall be fully operational and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents

15 Details shall be submitted to and approved in writing by the Local Planning Authority as to what measures are to be provided within the design of the conversion work to accommodate wildlife, such as bats, House Martin and Swift. The works shall be carried out in complete accordance with the approved details prior to first occupation or use of the building(s).. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, and bat boxes.

Reason: To enhance the habitat of local wildlife.

16 Details of foul and surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted to include:

- Calculations and invert levels of the existing surface water system together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed;

- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall

not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties;

- Details shall be provided for the future management / maintenance of the proposed drainage scheme; and
- Existing and proposed surfacing shall be specified.

In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

The works shall be carried out in complete accordance with the approved details prior to the first occupation or use of the building(s).

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk)

17 There shall be no piped discharge of water from the site prior to the completion of the approved surface water drainage works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water is not discharged from the site until proper provision has been made for its disposal.

18 Details shall be submitted to and approved in writing by the Local Planning Authority of a scheme for the installation of oil and petrol separators. The works shall be carried out in complete accordance with the approved details prior to first use or occupation of the building(s).

Reason: To minimise the risk of pollution.

19 The live work units shall be limited to developments within the C3 'Dwelling Houses' and B1 'Business' Use Classes within the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order. The designated workspace of each live work unit shall at no time be less than 25% and no more than 40% of the total floor area of the unit.

Reason: To ensure that the live work units do not become purely residential or commercial in the future and to protect the amenities of local residents.

20 The live work units shall not be subdivided and the occupation of the associated residential accommodation for each unit, shall include a person solely or mainly employed in the business occupying the linked workspace within the unit, or spouse, partner, widow or widower of such a person, or any resident dependents.

Reason: To maintain the live work principle and prevent separation of the units.

21 Prior to the commencement of each respective phase of the development, full details of all external storage buildings i.e. refuse/recycling stores, including elevations and a schedule of materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the approved details.

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

22 Prior to commencement of development of each phase, full details of a renewable energy strategy for each building/phase shall be submitted to and approved in writing by the local planning authority. The strategy shall demonstrate (i) the whole site's expected energy usage (ii) the phase/buildings contribution towards meeting the sites 10% on-site renewable energy target (iii) measures to reduce energy demand for the buildings (iv) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction.

#### INFORMATIVE

Part of the renewable energy target could be achieved by utilising the existing combined heat and power system which operates within the factory site as outlined in the Environmental Statement and Supplementary Environmental Information. The feasibility of utilising this system should be investigated.

23 A formal BREEAM assessment for the Design and Procurement stage shall be submitted to and approved in writing by the local planning authority. The assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. Both assessments shall confirm that the proposal meets a minimum 'Very Good' rating.

Reason: To ensure that the proposal complies with the principles of sustainable development.

24 HWAY1 Details roads, footpaths, open spaces req.

25 HWAY7 Const of Roads & Footways prior to occup

26 HWAY14 Access to be approved, details reqd

27 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking

areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

in accordance with in accordance with drwgs; AL(CA)206 rev E and AL(CA)207 rev D

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

28 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the drawing AL(CA)206 rev C & EU00431\_SK14 rev A, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

29 The development hereby permitted shall not come into use until the pedestrian refuge on Haxby Road and right turn ghost island have been carried out in accordance with drwg EU00431\_SK12 rev E

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

30 HWAY40 Dilapidation survey

31 The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The approved scheme shall not be revised without the prior approval of the LPA.

Reason: To ensure that the management of car parking is in accordance with Council policy to reduce dependence on the private car and promote sustainable forms of travel.

32 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information;

- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents

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

shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

34 Prior to the commencement of development, details of the fixing of the relocated railings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the character and appearance of the Conservation Area.

35 Prior to the commencement of development, large scale details (1:20 or 1:5) of the following shall be submitted to and approved in writing by the Local Planning Authority:

a. new roof-top floor over the former factory building, including plans, elevations and sections showing the new element in the context of the existing parapet and corner tower. Drawings should be annotated with materials. 1:5 drawings should show critical junctions and design details

b. glazing systems

c. entrance canopies and threshold details at canopy positions. Drawings should include information showing them in context.

d. typical windows and doors for each area, including details of any changes to window or door surrounds. A schedule and key to locations should also be provided. Any replacement windows required to upgrade performance standards should match the original windows as closely as possible (this excludes the library building where existing windows must be retained).

e. plan, section and elevation details of new framing detail around large ground floor windows

f. full details of design and finishes for the newly created passageway through the former factory building. Details should include lighting. An imaginative approach will be expected in line with expectations in the Design Code

g. external services, including roof top and ground level plant and its screening

h. drawings and specifications for 'blocking in', temporary protection, or opening up of window areas, including fixing details where appropriate. Temporary fixings should be made into joint positions to avoid damage to brickwork

j. lighting and signage attached to the building, annotated with materials and showing it in context. Please note that further applications for illuminated signage might be required in the conservation area.

k. details of any grills, louvres or other openings required in the external elevations of the factory building

I. any other external enclosures such as required for and waste/recycling, bicycles

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

Reason: To preserve and enhance the character and appearance of the conservation area.

36 An audit shall be carried out to assess features contained within the application site which may be of architectural, visual, or historic interest, such oak lamp posts, litter bins, seating, clock towers, and railings. The audit shall be submitted to the Local Planning Authority prior to the commencement of development. Accompanying the audit shall be details of the re-use, relocation, or removal of such features. The development shall be carried out in accordance with details agreed with the LPA following the submission of the audit and assessment documents.

Reason: To preserve the character and appearance of the Conservation Area and to protect articles of architectural, visual, or historic interest within the site.

## **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:-

- Principle of Development
- Design and Impact on the Conservation Area
- Community Open Space/Play Area
- Highways
- Sustainability
- Flood Risk and Drainage
- Crime Prevention
- Ecology
- Noise
- Air Quality

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

### 2. Informative

The Joseph Rowntree Memorial Library is listed at grade II. The library is an intact and an unaltered example of an inter-war Arts and Crafts inspired library and it retains a large number of original fittings and fixtures of high quality. A listed building consent application will be required for any works to the interior or exterior of the library.

3. INFORMATIVE:

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

Section 38 (new roads) and Section 278 (modifications to existing highway) - Michael Kitchen 01904 551336

4. INFORMATIVE:

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

**Contact details:**

**Author:** Michael Jones Development Management Officer  
**Tel No:** 01904 551339

This page is intentionally left blank

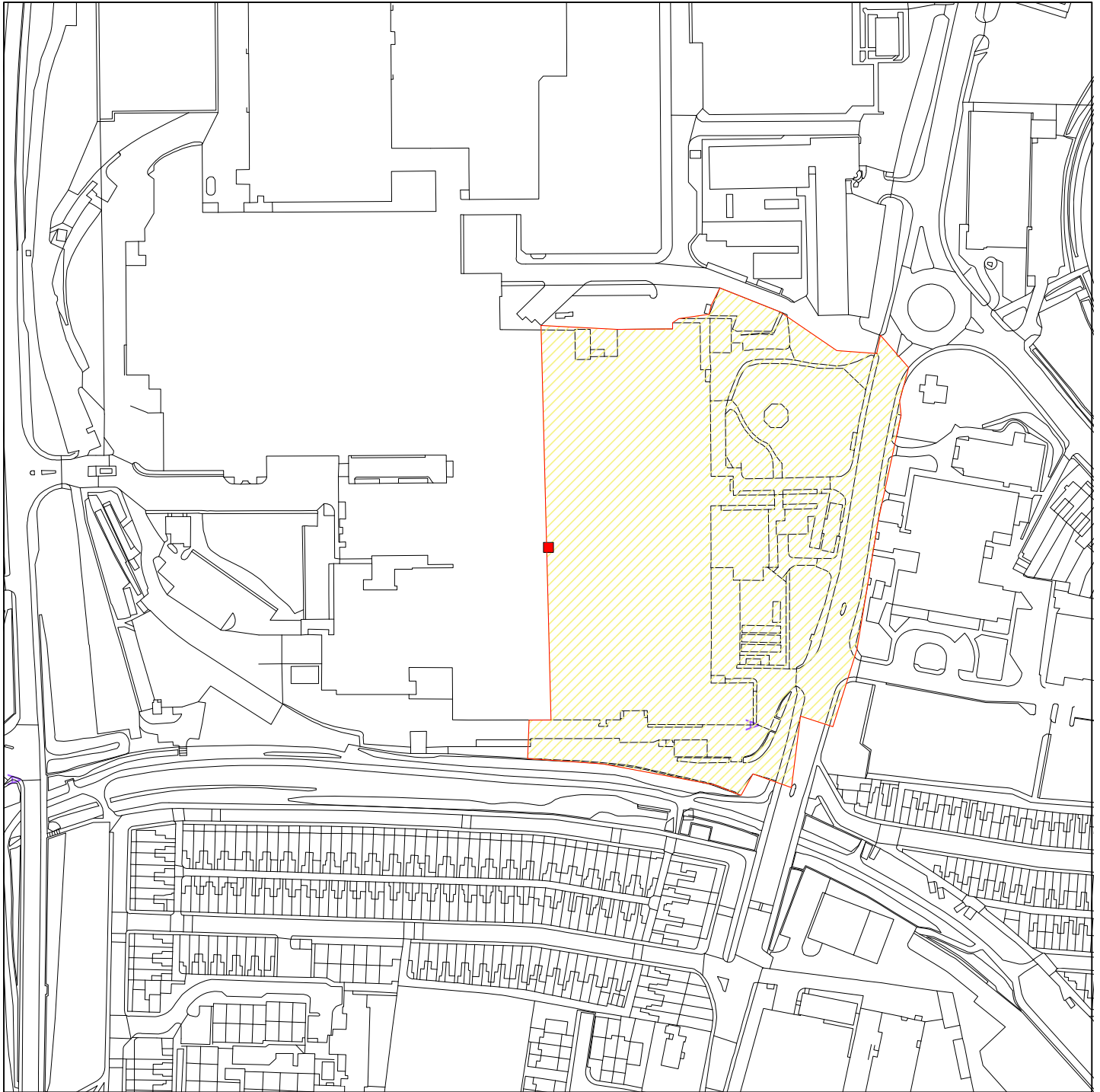


# Nestle South, Haxby Road

10/01960/FULM



GIS by ESRI (UK)



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 20 January 2011                      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Planning Panel  
Team

**Reference:** 10/02157/LBC  
**Application at:** Nestle Rowntree Haxby Road York YO31 8XY  
**For:** Demolition of buildings 51 and 52 and reinstatement of the building fabric of buildings 66-67 and 76 (Joseph Rowntree Library)  
**By:** Nestle UK Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 9 December 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

## APPLICATION SITE

1.1 The Joseph Rowntree Memorial Library, designed by Frederick Rowntree, was erected in around 1927 to commemorate the life of Joseph Rowntree. The building is brick built with a slate roof designed in the Arts and Crafts style. To the rear a door provides access to a covered underpath which leads beneath the library building and Haxby Road to the Nuffield Hospital site which was a former dining room for the Rowntree's factory. The building was Listed Grade II in 2007 as a building of special architectural and historic interest and is currently unused although its internal fittings remain. The whole of the application site is within the Nestle / Rowntree Factory Conservation Area.

1.2 To the rear of the library building is the six storey Cream Block which is proposed to be converted for mixed use development as part of applications 10/01955/OUTM and 10/01960/FULM which are also under consideration at this committee.

1.3 A pitched roof building sits to the rear of the library building and provides cover over the underpass which connects both sides of Haxby Road, although this is no longer in use. In the late 1970's early 1980's, single storey flat roof buildings were erected between the rear of the library building and the Cream Block. These buildings are labelled as buildings 51 and 52 on the submitted plans.

## PROPOSAL

1.4 This application seeks listed building consent to demolish all buildings between the Joseph Rowntree Memorial Library and the Cream Block. These buildings are not listed in their own right but are connected to the library building hence the need for listed building consent. The connection to the underpass is to be capped.

1.5 The Joseph Rowntree Memorial Library is to be considered for a change of use to a community cafe as part of the major redevelopment of the Nestle South site (see application 10/01955/OUTM). However, the potential use is not a consideration within this application and should any internal works be required to the library building at a later stage to enable a change of use, a new listed building application would be

required. Following any demolition works, both the library building and Cream Block would be secured prior to any potential change of use in the future.

1.6 The purpose of the demolition works is to facilitate the proposed redevelopment of the Nestle South site. The current buildings 51 and 52 separate the north and south side of the community space which is to be provided as part of the formal gardens between the Cream Block and Haxby Road.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Nestle Rowntree CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Listed Buildings GMS Constraints: Grade 2; Joseph Rowntree Memorial Library Haxby Road

2.2 Policies:

CYHE4

Listed Buildings

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Conservation - No objections subject to conditions covering: a method statement for demolition works; a method statement for securing the library pending its future use; large scale drawings of the simulated windows within the Cream Block; large scale details and specification showing restoration works to the rear of the library; samples of materials used in the restoration of the building; and a specification for capping off details for the ground level works.

3.2 Landscape - No objections subject to a condition controlling the protection of retained trees.

### EXTERNAL

3.3 Clifton Planning Panel - No objections.

3.4 English Heritage - The application should be determined in accordance with national and local policy guidance, and on the basis of internal conservation advice.

3.5 20th Century Society - No correspondence received.

3.6 The Georgian Group - No correspondence received.

3.7 Ancient Monuments Society - No correspondence received.

3.8 Council for British Archaeology - No correspondence received.

3.9 The Victorian Society - No correspondence received.

3.10 Society for the Protection of Ancient Buildings - No correspondence received.

3.11 Third Parties - No correspondence received.

#### **4.0 APPRAISAL**

4.1 The key issue is the impact on the character, appearance, and setting of the listed building.

4.2 Development Control Local Plan Policy HE4 states that consent will only be granted for demolition and external alterations to a listed building where there would be no adverse effect on the character, appearance, or setting of the building.

4.3 Buildings 51 and 52 are single storey flat roof buildings erected to provide a bank and other amenities on site. They attach to the Cream Block façade immediately to the south of the projecting main entrance porch. Buildings 51 and 52 are late introductions into the site. They are of no special architectural merit and are unlike the historic structures on site in spite of being constructed in brick. They intrude into the centre of the open area in front of the main factory buildings, dividing the former garden in two. The buildings are considered to be of negative value to the area in the conservation area appraisal.

4.4 Removing the buildings from site would reinstate the former open setting of the Cream Block and would allow restoration of the rear elevation of the listed library building.

4.5 Submitted application drawings show the intention to expose the original ground floor elevation of the Cream Block, although the windows would not be reinstated at this stage. Instead the blocked openings would receive temporary coverings painted to match existing windows. The nature of the restoration of the rear wall of the library is unspecified. Conditions are recommended to be included with any approval to ensure that the works carried out to the Cream Block and library building maintain the character and appearance of the buildings. In accordance with the aims of Planning Policy Statement 5 'Planning for the Historic Environment', and Local Plan Policy HE4, it is considered that the removal of the modern linked buildings, 51 and 52, would vastly improve the setting of both the Cream Block and Joseph Rowntree Memorial Library.

4.6 There are a number of trees in the vicinity of the buildings which it is proposed to fell. It is integral to the visual amenity of the area and the future success of any redevelopment of Nestle South that tree's are protected during demolition works.

Therefore, a condition is proposed to ensure that tree's would be sufficiently protected at this time.

## 5.0 CONCLUSION

5.1 It is considered that the proposed works, subject to suitable conditions, would not harm the character, appearance or setting of the listed library building.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

- Proposed Front Elevation 02 Rev a
  - Existing and Proposed Ground Floor Plans 03
  - Existing and Proposed Site Plans 04
  - Proposed Site Plan Building 76 06
- All received by The CYC on 13/10/10

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

3 Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of:

- the demolition works, including measures for the protection of structures to be retained;
- the tree protection measures; and
- the measures to be used to secure the library building pending any future re-use.

The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention of important retained structures and trees.

4 Prior to the commencement of development, a timescale for the submission of large scale details shall be agreed in writing by the Local Planning Authority. Following this, large scale details and/or specifications of the items listed below shall be submitted in accordance with the agreed timescale and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- Simulated windows to be added to the Cream Block including their fixing details.
- Restoration works to the rear of the library.

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

5 Prior to the commencement of development, details of the ground level works for the capping off of the underpass, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure an acceptable finished appearance of the works.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of any supplementary materials required for the library restoration shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

## **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 the character, appearance, and setting of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339

This page is intentionally left blank

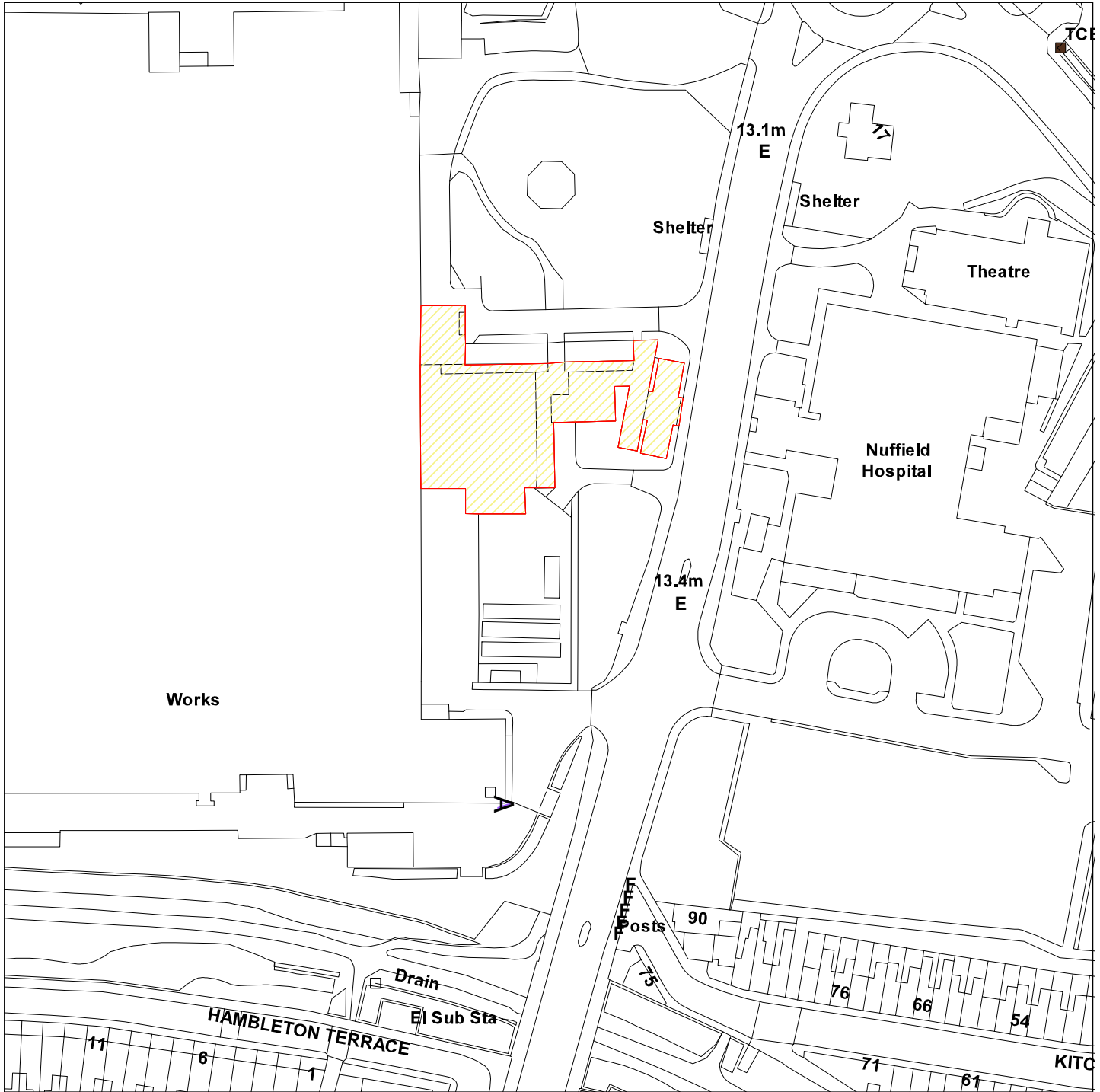


# Nestle South, Haxby Road

10/02157/LBC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank



CYT4            Cycle parking standards

### **3.0 CONSULTATIONS**

#### City Development

3.1 No objection. Advise that the loss of retail and proposed hotel use does not conflict with national and local policy. Consider the scheme would be suitably located in terms of transport links and that the sustainable construction measures exceed policy requirements.

#### Design, Conservation and Sustainable Development

3.2 Officers support the scheme, considering it complies with PPS5: Planning and the Historic Environment in that it would contribute positively to the economic viability of the conservation area and enhance the character and appearance, by virtue of scale, height, massing and overall design.

3.3 Walmgate is a long street and its character, of mainly small scale plots of three storey domestic elements, begins to break down south eastwards shortly after St Deny's Church. Large scale buildings have been introduced into the street with varying degrees of success. The existing building onsite is a late C20th structure and although it is quite low onto Walmgate, situated opposite the (grade 2 listed) modest two storey timber framed buildings at nos. 75-77 Walmgate, its appearance and use does not contribute to the special character of the area. In addition the wide external display area and canopy to the side of Hurst's Yard erode the enclosure of the street.

3.4 Although the proposed building would be more massive than the smaller scale buildings which mainly characterise the other side of the street, it is considered that the hierarchy of openings, the bay rhythm, and the deep-set elements would create several layers of interest at different scales and these would help to integrate the building into the streetscape. The building would be highly articulated, with windows deeply set and broken into bays, made in brickwork with a pantile roof and deep overhanging eaves. Except for the large area of glazing to the front, modern materials would be used in small areas as cladding and framing materials. It is considered that the hotel would repair the enclosure of the surrounding streets. The eaves line and rhythm would sit comfortably within the buildings immediately to each side. In addition, the hotel would repair the enclosure of the surrounding streets and would not have a detrimental impact on St Margaret's church tower (grade 1 listed) as it would be over 50m away, with a mature tree line intervening.

3.5 An issue with the scheme is the extensive length of glazing at ground floor which is relatively lacking in content for Walmgate and would be uncharacteristic of the area. The building appears ungrounded. The preferred option would be to sub-divide this area to produce rhythm onto the street and develop the glazing pattern decoratively.

### Countryside Officer

3.6 The existing building due to its design is unsuitable for bat habitat. However the site is located close to good foraging habitat for bats (the River Foss to the north, mature trees within the grounds of St Margaret's Church adjacent, and the city wall embankments to the east, which also provides a commuting link to further habitat elsewhere). As such re-development of this site provides an opportunity to deliver further roosting habitat for bats and other species which use buildings. These features can be integrated into the design of the building, examples include special tiles, bricks and bat boxes.

### Archaeology

3.7 The development will include piled foundations and associated ground-beams, lift-pits and a surface water storage tank. All these elements may have an impact on the archaeology of the site. Officers consider that the impact on the archaeological deposits on this site will be acceptable provided that:

- a) the impact of the piled foundations and ground-beams is less than 5%
- b) that there is an archaeological watching brief on all ground works
- c) that significant 19th century and earlier deposits located within the areas designated for the lift-pits and attenuation tanks are excavated archaeologically.

### Highway Network Management

3.8 Officers ask that cycle parking facilities be provided and that the applicants agree to fund the procedure for amending the traffic regulation order, to enable servicing, otherwise the scheme is supported. The following is advised:

- No car parking is proposed for the development however the site is located within nationally recognised walking/cycling distances of the city centre and high frequency public transport. The site is therefore in a very sustainable location and officers have no concerns over the lack of dedicated car parking for the hotel. The Transport Statement submitted included a parking survey for the adjacent Peel St. council car park. This survey highlighted that sufficient car parking is available for the use of guests to the hotel if required. This is also in addition to on-street parking which is available after 18:00 on an evening. The hotel will therefore be able to promote sustainable travel given the location but can also accommodate the expected level of parking required without being to the detriment of the adjacent highway network. This is similar to the existing approach used for many other city centre hotels.
- The surrounding public highway is covered by a number of waiting restrictions which will prevent indiscriminate parking. Any traffic generated by the site (including servicing traffic) will be negligible and will not have a material impact on the adjacent network.

### Drainage

3.9 Officers ask that proposed floor levels onsite and to the neighbouring areas are shown, alongside drainage details, to ensure that neighbouring sites are not affected from surface water run-off.

Environment Protection Unit

3.10 Due to the proximity of the site to surrounding buildings in residential use ask for conditions to cover construction management, times of delivery, details of noise from plant and kitchen extraction. In the interests of the amenity of users of the proposed hotel, ask that the window glazing be to the specification recommended by the applicants, to prevent noise disturbance. Because the site has formerly been used as a motorcycle garage officers consider there is potential for site contamination. A condition requiring site investigation and any necessary remediation be carried out is suggested

Guildhall Planning Panel

3.11 Support the application.

Conservation Areas Advisory Panel

3.12 Considered the scale and massing of the proposed hotel was inappropriate and out of character in a street which is predominantly small scale. Also the panel questioned how vehicular access and servicing would occur.

English Heritage

3.13 Broadly support the proposals however there is some concern over the design approach to the ground floor frontage. Consider this area is too modest in its detailing and there is too much glazing. It was suggested this area be made more robust to anchor a building of this scale.

Safer York Partnership / Police Architectural liaison Officer

3.14 No objection. Advise the scheme has been developed with secure by design principles in mind.

Environment Agency

3.15 No objection.

Publicity

3.16 Two letters have been received. Comments:

- The area is predominantly residential and the proposed use would have an unacceptable impact on residential amenity, in particular in the evening.
- The development, in addition to the student accommodation on Percy's Lane, have a lack of open space, and constitute over-development of the area.
- No parking is proposed. This will encourage people to park on-street, which will increase congestion.
- It is asked whether buses parked (when picking up/dropping off passengers) on Walmgate will impede traffic.

- The overall, and continuous uniform height of the building would be out of character with the street.
- Support for the scheme as there is disturbance caused by the exiting use, noise from motorcycle engines has been cited.

#### **4.0 APPRAISAL**

4.1 The key issues regarding this planning application are deemed to be:

- Whether a hotel on this site fits with planning policy.
- The impact of the proposed building on its surroundings, including the character and appearance of the Central Historic Core conservation area.
- Amenity of surrounding occupants.
- Sustainable design and construction.
- Highway network management.
- Drainage and flood risk.
- Archaeology.

#### Principle of the proposed use

4.2 A hotel on the site would be consistent with national policy in PPS4: Planning For Sustainable Economic Growth, which sets a preference for such uses to be located within the city centre in order to achieve sustainable economic growth, and the sequential approach to development established in PPS4 and policies SP7, V1 and V3 of the Local Plan (LP). The loss of retail space would not conflict with policy, as Walmgate is not identified as a primary shopping street in the LP and as potentially the development would enhance the vitality and viability of the area, in accordance with the strategy for the city centre economy, as established in the LP.

#### Design of the proposed building and its impact on the setting

4.3 PPS5: Planning for the Historic Environment advises that LPA's should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.4 Part of the valued character of Walmgate is established through buildings of variable heights, typically 2 or 3-storey, which accommodate narrow plots and have a vertical emphasis. However between St Deny's Road and Walmgate Bar there are examples of building blocks with a wider footprint.

4.5 The proposed building would have an eaves level which would be in-between the eaves heights of nos. 98 and 100-102. The ridge height would be somewhat taller than neighbouring buildings (around 1.5m taller than the Press building and nos. 100-102). Viewed from Walmgate at street level the building's height and roof form would add to the character of the street, continuing the variation in building heights, rather than create a building that appeared unduly out of place. From distant views, the building would be seen in context, sitting comfortably alongside the Press building, the Ward's warehouse and the student accommodation on Grey's Wharf.

4.6 The detailing on the building has been arranged and modelled to break down the mass of the building and give it a vertical emphasis, typical of this part of the central historic core conservation area. The predominant materials will be brick and pantile roof tiles, which would be in-keeping with the area. On the Walmgate elevation the aluminium window surrounds would be setback from the main wall, with windows recessed further. This modelling will lead to a good quality, interesting elevation (rather than a flat fascade) which would make a positive contribution to the street scene, both in relation to the existing building but also in its own right.

4.7 There were initial concerns regarding the openness and lack of detail of the ground floor area on the front elevation, where a large area of glazing was originally proposed. This would be out of character with the more intimate scale of buildings which are a positive element of the conservation area. Revised plans will be supplied which sub-divide this area into 3 parts (as has been achieved on the upper floors) by introducing two brick columns behind the down pipes. This change would reduce the perceived scale of the building, and enable it to integrate into the street. In addition decorative railings have been added in front of the glazing. These would add interest and create a more attractive frontage.

4.8 On the side and rear elevations the building would introduce an active frontage, and repair the streetscape by adding this directly against the pavement. As with the front elevation the detailing will break down the mass of the building and give it a vertical emphasis. There would be a significant improvement to the character and appearance of the conservation area in this respect.

4.9 The chimneys are functional, to be used for extraction and for the air-sourced heat pumps. The extraction chimneys (adjacent the public house) have been reduced in scale (in the amended plans) and are not prominent. Despite the size of the air sourced heat pump chimneys, due to their location, they would not appear unduly dominant in views along Walmgate.

#### Amenity of surrounding occupants.

4.10 Due to the height and shape of the building and the separation distance between it and Hurst's Yard, Percy's Lane and Walmgate, the surrounding buildings on these sides would not suffer an undue loss of light. In addition the houses on Walmgate are also to the south of the proposed building so sunlight would not be blocked.

4.11 Part of the proposed building would be 3-storey and project some 4m beyond the rear building line of the Spread Eagle public house. This part of the building would be set 1.5m to 1m away from the shared boundary and the rear elevation of the public house faces predominantly to the north. As such a loss of light would not occur. There would be adequate outlook away from the proposed building (to the north and east) retained and the proposed building would not appear overdominant. Much of the rear yard area of the public house, apart from at the far north end, is covered with outbuildings and any loss of light or overshadowing would not detract from the amenity of that site.



4.12 Overlooking, between guest rooms in the proposed building and living and bedrooms in residential buildings on the south side of Walmgate would occur. There would be some 13m between windows, 14.5m in the case of the dormer windows at roof level. This is deemed to be reasonable for a city centre location.

4.13 The hotel would be a 24 hour operation, and any noise associated with guests coming and going, is to be expected on a main route within the city centre (as defined in the LP). The ancillary bar/restaurant would be controlled via the premises licence, although through a planning condition the specification of the glazing at the front of the building can be controlled, to minimise noise breakout so it would be to World Health Organisation requirements. A condition will also be necessary to control the noise from plant and machinery, some of which would be external (in the yard and on the kitchen roof) to prevent this not causing undue disturbance.

#### Sustainable design and construction.

4.14 The council's interim planning document on sustainable design and construction (IPD) asks that commercial developments of over 500 sq m floorspace achieve a BREEAM rating of at least 'Very Good' and that at least 10% of the projected energy demand be supplied by on-site renewable sources. It is proposed that the building includes air-sourced heat pumps, which can acquire up to 36% of the buildings expected energy demand. In addition the building will be built to modern standards in terms of energy and water use and insulation. It is expected the required BREEAM rating can be achieved, and the amount of energy that would be generated would exceed local policy standards.

#### Highway network management.

4.15 Policy SP8 of the LP seeks to reduce dependence upon the car. It is suggested this occurs through locating large scale development close to bus routes and pedestrian and cycle networks and through the provision of cycle parking. The objectives of the LP and PPG13: Transport (national planning policy) are to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel, especially by car. Policy T4 of the LP requires appropriate cycle parking provision, T5 asks that developments do not have an adverse effect on road safety and T13a requires developments to adopt a travel plan when over 30 employees are likely to be employed.

4.16 As no car parking spaces are proposed, customers and employees will be discouraged from using a private car to travel, having to rely on public car parks nearby if necessary (which have capacity). By virtue of the location of the proposed hotel there are realistic alternatives to private car use due to the proximity and availability of public transport alternatives. 12 secure and covered cycle parking spaces will be provided on-site, in excess of the minimum requirements established in the LP (which is 1 space per 10 guest-rooms). The applicants also propose to implement a green travel plan that would be an ongoing requirement to encourage sustainable travel.

4.17 Policy V1 of the LP also requires that hotel developments have adequate servicing arrangements. It is proposed to service the site from Percy's Lane, and the

layout is configured to accommodate such. Traffic regulations will be altered to provide a space for vehicles servicing the site during typical delivery hours - between 08.00 and 18.00. It is not proposed to make any special arrangements for coach or taxi drop off points. This would have to occur on-street, either on Walmgate or Percy's Lane, and could do so on Walmgate as there is no parking allowed outside the site and due to the road width coaches could stop off without impeding traffic flows.

Drainage and flood risk.

4.18 Policy GP15a of the LP advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate. It is proposed to use attenuation measures that will enable surface water run-off to be reduced by 30% in relation to the existing rate. This is in line with CYC's typical requirement and subsequently acceptable. Foul sewage would connect to the existing system, administered by Yorkshire Water who have confirmed the applicants approach is acceptable. Final details of drainage will be required as a condition, to ensure surface water run-off does not affect neighbouring land.

Archaeology.

4.19 The site is within the city centre area of archaeological importance. Policy HE10 of the LP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works. In excess of 5% of deposits may be affected as groundworks are necessary for piling, the pits to the lift shafts and a storage tank to control surface water run-off. However it is proposed to locate the storage tank to the north of the site, where archaeology investigation carried out to date indicates remains will be deeper below the surface and thus unaffected. The impact on archaeology can be acceptably mitigated, as required by policy HE10, by requiring investigation and subsequent extraction of archaeology if found.

**5.0 CONCLUSION**

5.1 In principle the scheme is welcomed. The proposed building will be highly efficient, exceeding York's sustainability requirements, and it will enhance the character and appearance of this part of the conservation area, and the vitality and viability of the street. The development can, by imposing conditions, have an acceptable affect on archaeology and highway safety, flood risk elsewhere would be reduced (by controlling surface water run-off from the site) and there would be no undue affect on the amenity of surrounding occupants. Overall the scheme accords with policy and approval is recommended.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

D-103 site layout

Floor plans

D-201 - ground floor plan

202 - 1st floor

203 - 2nd floor

204 - 3rd floor

205 - roof

Large scale elevations D-301, 302

Elevation drawings D-401, 402, 403, 404

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

3 Prior to occupation of the building hereby approved a formal BREEAM assessment or equivalent, for the design and procurement stages for the building and a post construction review shall be submitted to and approved in writing by the Local Planning Authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and the development implemented accordingly.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 At least 10% of the predicted energy requirements for the development hereby approved shall be obtained from on-site renewable resources. This shall be achieved using the measures proposed in the Ashmount renewable energy and BREEAM statement dated 23.9.2010 unless and alternative approach is formally submitted to, and approved by the Local Planning Authority

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

5 VISQ8 Samples of exterior materials to be approved

6 VISQ7 Sample panel ext materials to be approved

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

- a) Windows and window surrounds (including dormers).
- b) External doors and surrounds.
- c) Rain water goods pipes.

- d) Eaves and verge details.
- e) Extract chimneys.
- f) Lift enclosures (on roof).
- g) Elevations to cycle store.
- h) Perimeter railings, walls and gates.
- i) Any external plant and associated screening.
- j) Any external lighting.
- k) Any external CCTV.

Reason: In the interests of the appearance of the building and its contribution to the conservation area setting.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme (to include any changes to the highway/pavement along Hurst's Yard, Percy's Lane and Walmgate outside the application site). This scheme shall be implemented prior to 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: In the interests of the appearance of the conservation area and setting of the proposed building.

9 Adequate covered space for at least 12 cycles shall be provided on-site prior to first use of the building, and retained thereafter, using Sheffield type stands or similar, spaced at 1m intervals (minimum).

Reason: To provide adequate secure and covered cycle parking facilities, as required in the Local Plan and in accordance with the thrust of PPG13: Transport.

10 The use hereby permitted shall not occur until the measures to allow servicing of the building from Percy's Lane, identified in section 4 of the AECOM transport assessment dated 19.10.2010, have been implemented.

Reasons: In the interests of highway safety.

11 The site shall not be occupied until a travel plan, developed and implemented in line with local and national guidelines, has been submitted and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York deposit Draft Local Plan.

12 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority and the development carried out accordingly. The statement shall include at least the following information;

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

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

13 Construction of the development hereby permitted shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out accordingly thereafter.

The details shall provide the following:

- Topographical details of the site (as proposed) and neighbouring land.
- Peak surface water run-off attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, for run-off shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To prevent flood risk.

14 Prior to construction of the building hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of measures to be provided within the design of the development to accommodate bats (such as the use of special tiles, bricks, soffit boards and bat boxes). The development shall be completed in accordance with the approved details.

Reason: To enhance wildlife habitats in accordance with policy NE7 of the Local Plan.

15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the application site, shall be submitted to the local planning authority for written approval. These details shall include maximum ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery,

plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents and businesses.

16 Details of all glazing to the ground floor public area shall be submitted to the local planning authority for written approval. These details shall include measures to prevent noise from the building hereby permitted affecting outside areas and nearby noise sensitive facades. The development shall be implemented in accordance with the approved measures and retained as such thereafter.

Reason: To protect the amenity of local residents and businesses and the character of the conservation area.

17 Prior to occupation of the building hereby approved, the following works shall be submitted to, approved in writing by the Local Planning Authority and carried out accordingly:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works. Following completion of

measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to, and approved by the Local Planning Authority.

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

18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, and approved in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority in accordance with the previous condition.

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

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

Reason: To protect the amenity of local residents and businesses

20 No development shall commence until the applicant has submitted a method statement detailing piling methodology and ground beam construction which limits the impact of these elements to affecting less than 5% of archaeological deposits within the area within the redline boundary of the site, and a methodology for identifying and dealing with obstructions to piles. Such details shall be submitted to and approved in writing by the Local Planning Authority and the works carried out accordingly.

Reason: As the site lies within an Area of Archaeological Importance and this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to less than 5% in accordance with policy HE10 of the Local Plan.

21 ARCH1 Programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit)

22 ARCH2 Watching brief required

**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 the setting of nearby listed buildings, the character and appearance of the conservation area, amenity, highway safety, archaeology and flood risk.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE3, HE10, T4, E3B and V3 of the City of York Development Control Local Plan.

2. HIGHWAYS INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980.

It is proposed to amend the waiting restrictions on Percy's Lane to enable servicing to take place for the hotel. The changes to the Traffic Regulation Orders will need to be advertised and local residents/businesses will be consulted. The funding of these changes to the waiting restrictions will be met by the hotel applicants and are expected to cost in the region of £2k.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

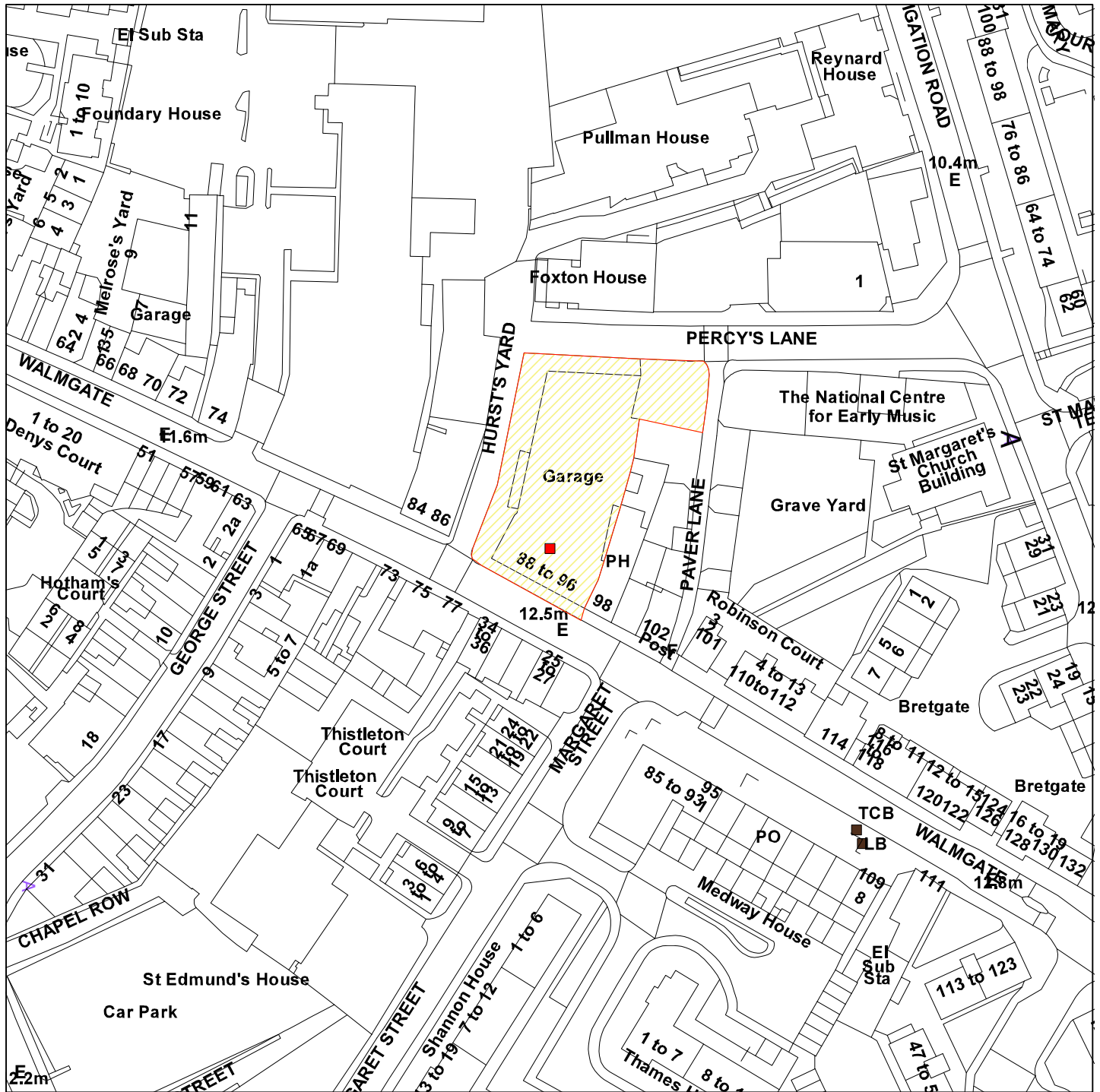


# 88 - 96 Walmgate, YO1 9TL

10/02542/FULM



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank



local distinctiveness and overall the building is harmful to the character and appearance of the conservation area.

#### Guildhall Planning Panel

3.2 Support the application.

#### Publicity

3.3 Two letters received to date. Comments:

- A full archaeological report should be required.
- Support for the scheme which would improve the appearance of the area.

### **4.0 APPRAISAL**

#### Key issues

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 advises that the material consideration is the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

#### Policy

4.2 National policy PPS5 advises that proposed development requires justification that the benefits would outweigh any identified harm. In decision making LPA's should identify and assess the particular significance of any element of the historic environment affected. Factors to consider are whether to sustain and enhance heritage assets and the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment, considering scale, height, massing, alignment, materials and use.

4.3 Of the Draft Local Plan (LP) policy HE5 relates to demolition in conservation areas. The background text advises that demolition of buildings which do not positively contribute to the character or appearance of the area will be acceptable, provided the replacement development proposed benefits the area. It is noted that to avoid sites being left vacant, demolition should not occur until re-development is to commence.

#### Assessment

4.4 The existing building is 2-storey with a flat roof fronting Walmgate and single storey at the rear. The building appears out of place in the street, being out of keeping with the typical building form of narrower buildings with pitched roofs, directly against the street, given a strong vertical emphasis by virtue of their window shape and arrangement. Consequently demolition of the building(s) is supported, provided the means of restoration is acceptable.

4.5 The proposed replacement building (detailed in companion application 10/02542/FULM) would respect its historic context by virtue of its footprint, massing, shape, detailing and materials, and enhance the street scene along Hurst's Yard and

Percy's Lane through immediately fronting onto the street with an active frontage. In addition to its visual impact, the scheme would achieve one of the further heritage benefits identified by English Heritage (see companion guide to PPS5) in that the hotel proposed would, due to the activity it would generate, make a positive contribution to the economic vitality of the area. Overall there would be an enhancement to the character and appearance of the conservation area.

## 5.0 CONCLUSION

5.1 The existing building(s) do not make a positive contribution to the character and appearance of the area, whilst the proposed replacement would re-enforce the distinctive character of Walmgate and its arterial lanes and yards. It is therefore recommended consent be granted on the condition that demolition may not occur until a restoration scheme has been approved and the timeframe for implementation agreed to.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 Prior to the demolition hereby granted consent, a suitable scheme for either landscaping of the site, or redevelopment of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within a timescale which shall also be agreed to in writing by the Local Planning Authority prior to demolition.

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

## 7.0 INFORMATIVES:

### 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 the character and appearance of the conservation area. As such the proposal complies with PPS5: Planning for the historic Environment and Policy HE5 of the City of York Development Control Local Plan.

### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

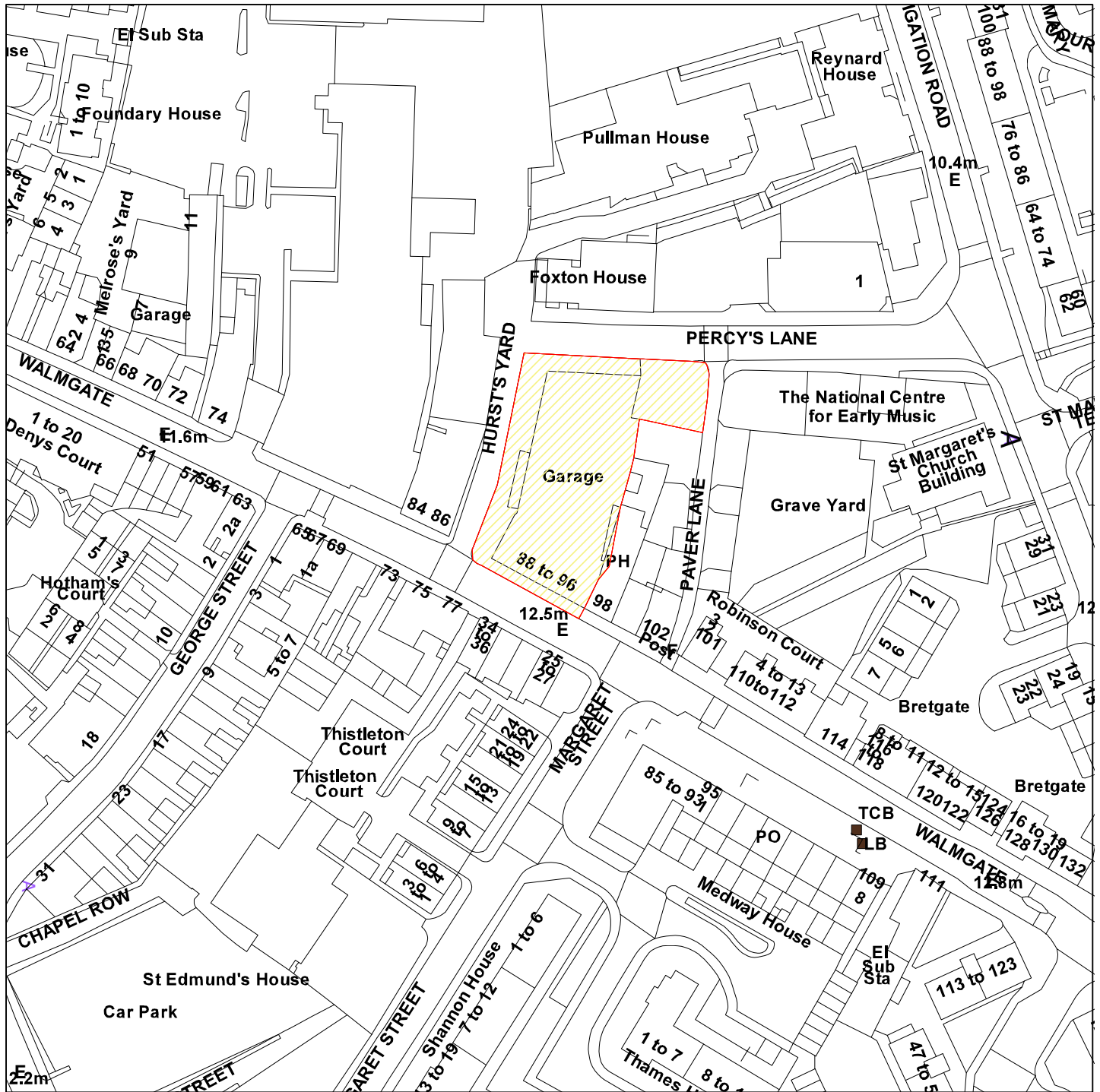
This page is intentionally left blank

# 88 - 96 Walmgate, YO1 9TL

10/02543/CAC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank





52 No. one bed flats  
67 No. two bed houses  
11 No. three bed flats  
33 No. four bed houses  
= 163 units

1.5 The outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the S106 contributions for affordable housing, highways, education and leisure provision. Therefore the increase in the number of units approved in Phase 1 was only considered to be acceptable on the basis that this would not lead to an increased number of units in the scheme overall.

## THE PROPOSAL

1.6 This application seeks permission to convert 7 of the existing townhouse units to form 14 No. duplex apartments. The number of units in Phase 1 would therefore total 170. The agent confirms that whilst there is an increase in numbers, the overall scheme content of 720 units and the associated agreed affordable housing provision for the site as a whole will remain in place courtesy of the outline planning permission and numbers will be regularised as subsequent phases of the scheme are progressed.

## OTHER CURRENT HUNGATE PLANNING APPLICATIONS

1.7 In addition to this proposal, there are 2 current planning applications relating to Hungate. The first is an application to vary the conditions of the Phase 2 Reserved Matters approval to allow revisions to the elevations, to increase the number of residential units from 154 to 175 and to reduce the amount of commercial floorspace. The second application relates to the outline permission and seeks to revise the approved plans and documents to allow the above revisions to the Phase 2 building. It is anticipated that these applications will be considered by the Members at the February meeting.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYH3C

Mix of Dwellings on Housing Site

CYGP1  
Design

CYHE2  
Development in historic locations

### **3.0 CONSULTATIONS**

#### **Internal**

##### Highway Network Management

3.1 The townhouses, as approved, have 2 car spaces each assigned to them. This is in line with CYC Annex E maximum standards. The proposed duplex apartments only require 1 car space each so the creation of 14 apartments instead of 7 townhouses will result in 1 car space per apartment being provided.

3.2 Therefore the proposals will not lead to any change in the highway layout/traffic generated by the site, over that previously considered and approved. No highway objections.

##### Environmental Protection Unit

3.3 Discussions with the applicants representatives have established that the floor/ceiling construction shall be of the same acoustical properties as to the other apartments already occupied within Phase 1, and therefore Officers do not foresee any future problems as a result of noise. The EPU have no objections to this application.

##### Design, Conservation and Sustainable Development / Renaissance Team

3.4 No objections with the intentions to convert to duplexes or the way it is proposed to achieve it. As a minor point, two of the townhouses have missing spandrel glazing hatch on the second floor. This can be conditioned.

##### Parks and Open Spaces

3.5 On the basis that there appears to be no change in the number of bedrooms, no comment.

#### **External**

##### Environment Agency

3.6 No objections

##### Guildhall Planning Panel

3.7 Object. We believed at the time that Hungate was already an over development, the current proposed amendments would further lead to an increase in density.

## Publicity

3.8 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 5.1.2011. No written representations have been made.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of loss of townhouses and replacement with duplex apartments
- Design and external appearance
- Vehicular / cycle parking

## PROPOSAL

4.2 Phase 1 of the Hungate development was completed and available for sale in July 2009. The development comprises a mix of 1, 2 and 3 bedroom apartments together with a number of 4 bedroomed townhouses. As a result of the townhouse units which front onto Palmer Street and Foss View proving difficult to sell, permission is sought to convert seven of the properties into 14 No. two bedroomed duplex apartments.

4.3 Two no. apartments would be provided within the existing shell of each 4 storey townhouse proposed for conversion. The position and proportion of all external openings would remain as existing, however at first floor level, whilst the approved scheme details two identical juliet balconies side by side, the proposed scheme replaces one of the double door set with a window unit so as to accommodate a bathroom. The top half of the new window unit would match the glazing geometry of the existing door and the lower half would be formed out of a glass faced opaque spandrel panel to match the glazing. This principle applies in the same way at second floor level to the same window position in order to accommodate a kitchen space to the top duplex apartment.

4.4 Access into the apartments is via a communal entrance with one per apartment block and 1 shared entrance lobby per 2 duplex apartments. Each of the townhouse units proposed for conversion has a private rear deck/patio of 3 x 5 metres in size defined by low level railings and has balconies to front and rear at first floor. These private external spaces would be available for the occupants of the ground/first floor duplex. The occupants of the second/third floor duplex would have access to the semi private communal courtyard, which has controlled access via two gated entrance points per courtyard.

4.5 The parking strategy would not be affected as a result of the proposal. There are currently 2 No. parking spaces allocated to each townhouse property within the basement. Each duplex apartment would have the use of 1 No. parking space.

## JUSTIFICATION FOR THE PROPOSAL

4.6 The applicant has provided the following background information to explain the reasons for this application:

- 28 No. townhouses were launched for sale in September 2007. One unit was sold from plan. Built and completed in June 2009, seven have been sold in an 18 month period. Pricing was initially from £500,000 and is now from £400,000.
- The townhouses have been advertised regularly (at least 3 adverts per month) in the York Press and the Yorkshire Post. The houses are advertised nationally in the Sunday Times and Telegraph. Regional media has been tested on numerous occasions such as Yorkshire Life and free local publications. The townhouses are advertised on property portals such as RightMove, Prime Location, Find a property. Two local agents have been instructed, Your Move and Carter Jonas on the townhouses in addition to having a marketing suite on site which is open daily. There are 2 showhomes on site to demonstrate the properties. One by the river and one on the boulevard. Part exchange is offered; one party has used this facility.
- The agent states that the reason the properties have not been popular is that parties who are looking to purchase a house in this market segment require larger rooms. Whilst the properties offer a large amount of square footage - average 1800 sq foot - this is spread over 4 floors. Parties feel that the kitchen and living rooms are not large enough. The agent states that they are flexible and will change layouts; for instance it has been demonstrated in the showhomes that the kitchens can be upstairs or downstairs.
- The apartments have been popular and there is a demand for apartments in the city. Whilst the living room/ kitchen sizes are considered small for a townhouse they are generous for an apartment and therefore would be received better by this sector of the market. The last sale was in September 2010

#### NUMBER OF UNITS, MIX OF HOUSE TYPES AND AFFORDABLE HOUSING

4.7 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

#### Housing mix

4.8 Although Officers welcomed the number of larger units as proposed in the outline and reserved matters schemes in terms of addressing the range of demands for different types of houses within the overall strategic target, the difficulties of selling such large units, with little private amenity space in this location are accepted. The background information provided by the applicant, detailed above, indicates the widespread marketing undertaken and the reasons behind the lack of sales. With the proposed conversion of the townhouses to two bedroomed units, the proposal could be argued to respond to the 2007 Strategic Housing Market Assessment (HMA) which highlights a demand for 2 bedroomed dwellings.

4.9 The 21 No. affordable homes agreed for Phase 1 (five of which are 4 bed townhouses) would not be affected as a result of this proposal.

Number of units

4.10 As detailed in paragraphs 1.3 to 1.6, the number of units provided in Phase 1 increased by 41 between the outline and reserved matters application, from 122 units to 163 units. This proposal represents a further increase in the number of units to 170.

4.11 Officers raise no objection to the proposed increase in the number of units in phase one. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

4.12 Although this is a stand alone application, Officers acknowledge that it forms a part of a larger scheme, a scheme which was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. On the basis of the agents confirmation that the overall scheme content of 720 units will remain in place and numbers will be regularised as subsequent phases of the scheme are progressed, Officers are not seeking additional financial contributions through this application. However, it is recommended that as part of this planning approval, the planning obligation for the Hungate site be updated to reflect this stand alone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

DESIGN IMPLICATIONS

4.13 Consideration should be given to the requirements of Draft Local Plan Policy GP1 (Design), which states that development proposals will be expected to be of a scale, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials. Draft Local Plan policy HE2 states that in areas adjoining conservation areas, development proposals would be expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.14 The Hungate Design Statement submitted with the outline application, proposed a number of character areas for the Hungate development with particular design options provided for each area. The design statement described the design concept for the townhouses to be reflective of the grandeur of regency terraces such as St. Leonard's Place, which have a consistency and elegance based on a harmonious composition of horizontal and vertical elements. The characteristics of the town houses would include a building line set back behind railings, a continuous eaves line, gables to create visual interest against sky line, a higher storey introduced as a "book end" element, balconies at first floor to create horizontal emphasis, repetition of components such as windows and doors and an emphasis on end and middle elements.

4.15 The visual impact of converting each of the 7 No. townhouses would be relatively minor with changes to the external elevations limited to alterations to the door and window treatment. Officers consider that the proposed alterations sit comfortably with the Hungate Design Statement.

## CAR AND CYCLE PARKING

4.16 On the basis that the townhouses, as approved, have 2 No. car spaces each assigned to them and the proposed duplex apartments require one car space each, the proposal to create 14 No. apartments instead of 7 No. townhouses, would have no implications on the highway layout or the traffic generated by the site. With reference to cycle parking within Phase , 122 resident cycle spaces are provided in the basement car park with a further 20 cycle spaces located at ground level for the use of visitors. Although 7 No. additional cycle spaces would be required as a result of this proposal, officers are satisfied that these can be provided within the basement and recommend a condition requiring further details.

## 5.0 CONCLUSION

5.1 Officers raise no objection to the proposed conversion of seven of the properties into 14 No. two bedroomed apartments in phase one. It is accepted that there have been difficulties in selling such large units with little private amenity space in this location and acknowledge that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

5.2 There are no other planning objections as the conversion of the townhouses would not affect visual or residential amenity, highway safety or the appearance of the conservation area and nearby listed buildings.

5.3 It is recommended that the application be approved and that the planning obligation for the Hungate site be updated to reflect this stand alone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Dwg No's 010164\_112, 010164\_113, 010164\_210, 010164\_290, 010164\_291, 010164\_292, 010164\_293, , 010164\_294, 010164\_295, 010164\_296 received 12 November 2010

Design and Access Statement November 2010

Flood Risk assessment dated October 2006 (Revision AO1)

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

3 HWAY18 Cycle parking details to be agreed

**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 of the development
- mix of house types /number of units
- parking provision

As such the proposal complies with Policies GP1, HE2 and H3C of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

**Tel No:** 01904 551610

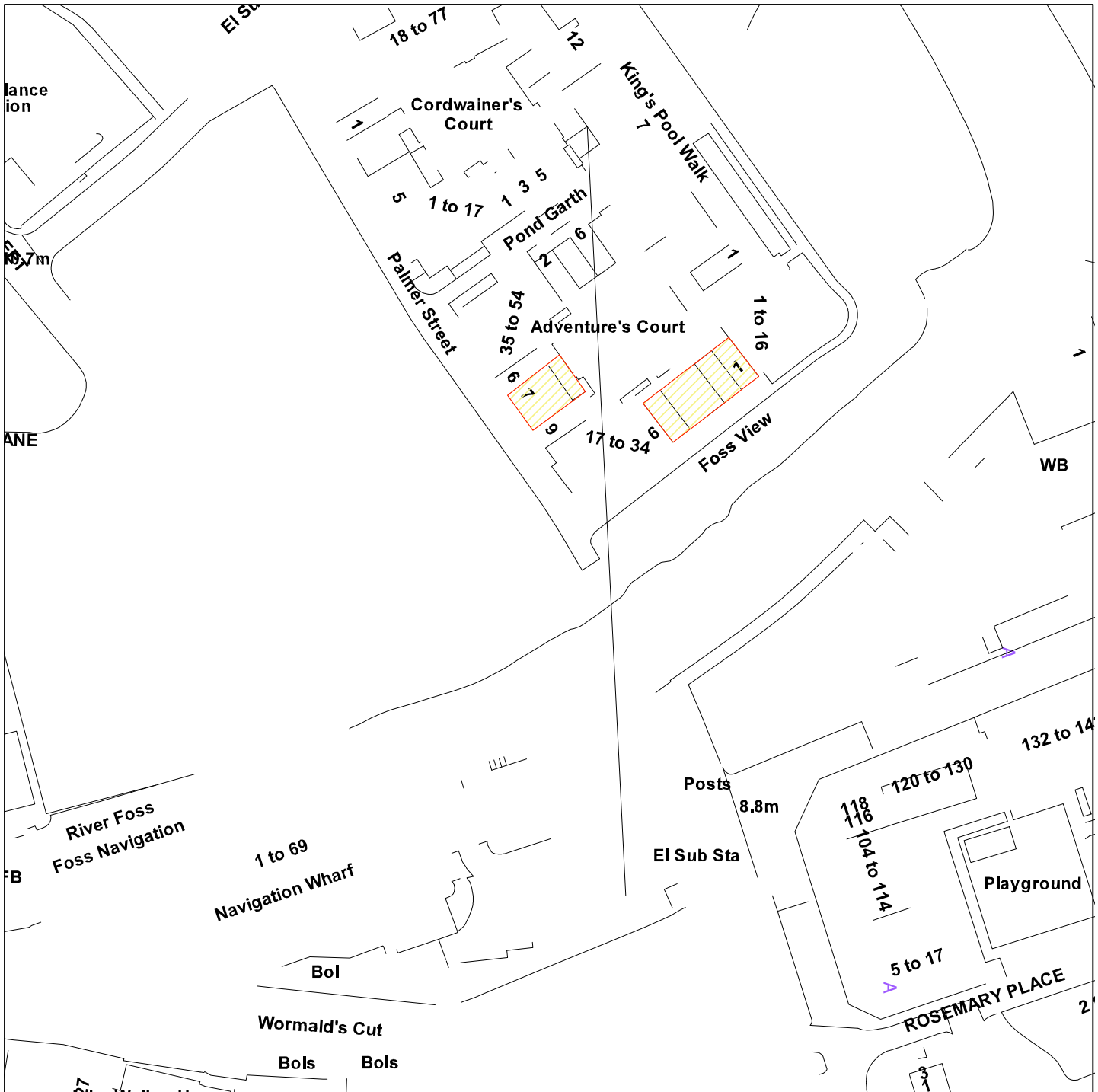


# Hungate Development Site, York

10/02646/FULM



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 20 January 2011      **Ward:** Rural West York  
**Team:** West/Centre Area      **Parish:** Parish Of Rufforth With Knapton

**Reference:** 07/02914/FULM  
**Application at:** Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR  
**For:** Construction of 2no. concrete pads totalling 25,800 m<sup>2</sup>, site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility  
**By:** Yorwaste Ltd  
**Application Type:** Full Application  
**Target Date:** 5 February 2008  
**Recommendation:** Approve following Sec of State Decision

**1.0 PROPOSAL**

## The Development

1.1 The Harewood Whin Landfill Site has been in use for the treatment and disposal of waste arising in the York area since July 1988. Activities carried out at the site include land filling, waste recycling and liquid waste treatment. Since March 2000 green waste has been composted at Harewood Whin and waste wood and timber have been shredded in an attempt to reduce the amount of waste going to landfill.

1.2 Currently the green waste and wood recycling activities are restricted to a relatively small area of land to the north-west of a Materials Recycling Facility (MRF) building in the centre of the Harewood Whin site. The quantities of green waste and wood suitable for recycling has risen significantly over the last few years which has resulted in the existing facility becoming much too small for its purpose. This proposal seeks to provide a larger, replacement facility capable of treating the quantities of waste expected to arise over the next 10-15 years. This application does not involve the treatment of any new waste types at Harewood Whin but the relocation of existing operations.

1.3 Space within the application site is limited by the size, scale and requirements of existing practices, therefore opportunities to expand the recycling facilities within the site are limited. The only remaining option is to relocate the activities in an area sufficiently close to the landfill site in order that full use can be made of the site's control facilities. This application proposes to develop an area of land currently in agricultural use lying between the landfill area and the B1224 road for green waste composting and waste wood recycling.

1.4 The application area extends to 12.92 hectares and can be accessed directly from the Harewood Whin site without any need to establish a new access onto the B1224. The proposed operational site is well screened by existing hedgerows and trees and is well over 300m away from the nearest residential property.

1.5 The application is accompanied by an Environmental Impact Assessment which, among other matters, has considered the development's potential impact in respect of visual impact, noise, bio aerosols and wildlife.

#### The Site

1.6 The application relates to a site roughly rectangular in shape and comprises mainly agricultural land crossed by small watercourses. The eastern part of the site (making up about 2/3rds of the site area) consists of a single field bounded on three sides by watercourses and on the fourth by the B1224 road; the remaining 1/3rd of the site area forms part of a larger agricultural field bounded by the road to the south, a watercourse to the east and passing directly into further agricultural land to the west. The land occupied by the fields is generally flat.

1.7 Along its northern boundary the application area abuts the perimeter road which serves the landfill site; the site wheel wash together with the liquid waste and leachate treatment facilities are also situated in this area. Along its northern edge the site is characterised by maturing tree planting which serves as a visual screen for views towards the rising landfill feature from the south and south-east. A surface watercourse which forms part of the agricultural drainage system also runs through this part of the site.

1.8 The site's southern boundary is marked by a roadside hedgerow to the south-east and a similar hedgerow backed by maturing trees in the south-west. An overhead power supply line runs approximately west-east across the southern part of the field. Although the application area boundary has been drawn to include the existing roadside tree belt so that a condition could be placed on any grant of permission requiring its future management, the proposed operational area would be set back from this.

1.9 The Foss Dike runs close to the eastern limit of the site; this flows towards the north draining into the River Ouse to the north-west of York. There is a narrow flood plain associated with the Foss Dike in this area and although the application area includes part of this land, the operational area will again be set back from this sensitive boundary so as to allow proper control by planning condition and so as not to reduce the existing flood capacity of the site. More open agricultural land lies to the east of the Foss Dike.

1.10 Other than the B1224 road there are no public rights of way in the immediate vicinity of the proposed facility. A public bridleway does run along the first 200m or so of the main site access road which is also shared by users of a gun club grounds to the north-west of the main landfill site.

1.11 Two residential properties (Little Garth and Rufforth Garth) are located to the south of the B1224 a little to the east of the main site access. The nearest residential property is situated approximately 350m away from the closest point of the proposed development area. A playing field and sports facilities are also situated south of the road more or less opposite the site access with the associated tennis courts and playground being over 500m away from the development area.

AMENDED SCHEME:-

1.12 Members may recall that the 28th February 2008 Main Planning Committee resolved to grant planning permission subject to the satisfactory resolution of the outstanding Environment Agency objection to the proposal on the grounds of the potential impact of bio aerosols on vulnerable premises within 250 metres of the site and the Secretary of State not wishing to call in the application for his own determination in line with the requirements of the Town and Country Planning (Green Belt) Direction. Yorwaste subsequently explored in detail the means to have the objection from the Environment Agency lifted. As a consequence they have now come forward with an amended scheme incorporating a 15,500 sq m concrete composting pad together with a 10,300 sq m compost maturation pad and a fully contained site drainage system incorporating underground storage tanks and associated roadways. The location of the composting activities would be relocated 100 metres further into the site with the wood shredding and sweeper waste pads deleted from the scheme. Waste wood is intended to be circulated to the approved biomass power station instead and road sweeper waste would be treated via the overall site leachate treatment plant. The proposed landscaped area to the south and east of the application site would also be broadly as before.

1.13 The application is referred back to Committee because of the length of time elapsing since its initial consideration together with the nature and extent of the proposed amendments.

## **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

Flood zone 2 Flood Zone 2 CONF

Flood zone 3 Flood Zone 3

### 2.2 Policies:

CYSP2

The York Green Belt

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP4A

Sustainability

CYGB1

Development within the Green Belt

CYGP14  
Agricultural land

CYMW5  
Landfill/land raising - considered on merits

CYMW1  
Areas of search for sand and gravel

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Marston Moor Internal Drainage Board - No Objections - Conditions/Informatives Included.

3.2 York Consultancy (Drainage) - No Objections

"the development is in low risk Flood Zone 1 and should not suffer from river flooding"

3.3 Highway Network Management - No Objections - Comments Received. No objections are raised to the scheme as amended.

3.4 Design Conservation and Sustainable Development (Countryside) - No Objections.

3.5 Environmental Protection Unit - No Objections - Conditions Included. No objections are raised to the amended scheme subject to detailed conditions covering odour management being appended to any permission.

#### EXTERNAL

3.6 Rufforth and Knapton Parish Council - Objections

- \* The proposals constitute an industrial process in the Green Belt.
- \* The proposals are only part of a greater development plan.
- \* Village amenity affected by smell, noise and traffic movements.
- \* Contrary to previous assurances that there will be no further increase in the working area or lifespan.
- \* Tree screening has not been provided in advance of proposed works.
- \* Land at the north eastern side of the site has not been considered for use.

Should the application be recommended for approval, the Parish Council would like the following issues to be taken into consideration.

- \* Visual - the site should not be visible from the B1224.
- \* Noise - all equipment must be effectively silenced in particular penetrating reversing alarms.
- \* Smells - from this aerobic process will not cause a nuisance.
- \* Traffic - no increase in traffic shall result from the proposals.
- \* Working Hours - Monday to Friday - 0800 to 1700, Saturday - 0900 to 12 noon, Sundays and Bank Holidays - No working.

- \* Source of Green Waste Material - green waste should be from York and its environs.
- \* Drainage - concerns about leachate drainage, run off and the impact of culverting upon the local flora and fauna and global warming.
- \* Cycle Track - the proposals shall not obstruct a cycle track project currently being negotiated with CYC and Sustrans.
- \* Existing Composting Zone - seek assurances that this area will be reinstated without delay and trees planted to replace those that have died.
- \* Site Management - must comply with mitigation measures-site practices set out in Section 13 of the Application Statement.

The Parish Council raise no objection in principle to the scheme as amended but express concern in respect of:

- \* The location of the leachate tanks which should be located closer to the site leachate treatment plant;
- \* The anticipated volume of green waste to be treated should be clearly stated in the application;
- \* Existing hedgerows around the application site should be retained;
- \* Vehicles accessing and leaving the site continuing to travel through Rufforth village contrary to previous assurances;
- \* Noise assessments should be rigorously carried out irrespective of the location of the noise generating machinery; and
- \* The proposed landscape planting should be undertaken at the outset in order that a substantial landscape fringe can become established early on in the development.

3.7 One letter of objection has been received. The letter raises the following concerns.

- \* Concerned about the increase in traffic, noise and smell, by virtue of their close locality.

3.8 The Environment Agency raise no objection to the scheme as amended subject to the imposition of a condition covering surface water drainage works on any permission.

#### **4.0 APPRAISAL**

- \* Policy Context.
- \* Principle of the Development.
- \* Composting Operations.
- \* Mitigation Measures - Site Practices.
- \* Environmental/Ecological Impacts.
- \* Landscaping and Visual Impact.
- \* Restoration and Aftercare (following the completion of works in 2021)
- \* Highway Issues.
- \* Drainage.
- \* Amended Scheme.

#### **POLICY CONTEXT**

4.1 Policy guidance for the development of waste management facilities is contained within Planning Policy Statements (PPSs) at the national level, and in the City of

York Local Plan and Regional Spatial Strategy at the local level. The Municipal Waste Management Strategy for the City of York and North Yorkshire also provides background guidance as does the emerging City of York Local Development Framework.

#### National Policy

4.2 PPS2 Green Belts (1995) - sets out government policy on Green Belts. Almost the whole of the City of York area outside of the urban area itself together with the larger villages is currently designated as Green Belt.

4.3 In outlining the intentions behind the policy contained within PPS2 it is stated at paragraph 1.4:-

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development."

4.4 At paragraph 1.5 PPS2 states:-

"There are five purposes of including land in Green Belts:

- \* to check the unrestricted sprawl of large built-up areas;
- \* to prevent neighbouring towns from merging into one another;
- \* to assist in safeguarding the countryside from encroachment;
- \* to preserve the setting and special character of historic towns; and
- \* to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

4.5 In relation to the control of development within the Green Belt PPS2 states at paragraph 3.1:-

"The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances."

4.6 PPS10 Planning for Sustainable Waste Management (July 2005) sets out the overall objectives of government policy on waste; they state:-

"The overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste



management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed"; and,

"Positive planning has an important role in delivering sustainable waste management:

- through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and,
- by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time."

4.7 The PPS goes on to identify key planning objectives as follows:-

"Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

- \* help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
- \* provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- \* help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
- \* help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- \* reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- \* protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission;
- \* ensure the design and layout of new development supports sustainable waste management."

4.8 In identifying government policy in respect of decision making principles PPS10 states:

"Waste planning authorities should adhere to the following principles in determining planning applications:

- \* controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;
- \* work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;
- \* in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in

this PPS as material considerations which may supersede the policies in their development plan."

4.9 PPS10 also presents guidance which Waste Planning Authorities should adopt when determining planning applications in situations where the development plan has not yet been updated to reflect the provisions of the guidance (as is the case here). It states:-

"Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- (i) the policies in this PPS,
- (ii) the waste planning authority's core strategy."

4.10 Companion Guide to PPS10 (June 2006) - Published in June 2006 gives advice in respect of the implementation of PPS10.

4.11 At paragraph 8.14 the guide states:

"There may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunity that was not anticipated. These windfall developments, planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a DPD as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The key test is their consistency with PPS10 and the waste planning authority's core strategy. Where they are consistent they should be considered favourably."

4.12 Paragraph 8.17 offers guidance in respect of site development in green belts stating:

"If the proposal relates to a site in a green belt, it is also likely to be inappropriate development. Criteria-based policies in LDDs need not, however, impose a total, blanket ban on the establishment of such sites in Green Belts. It may still be appropriate to grant planning permission if the applicant is able to demonstrate that very special circumstances exist that clearly outweigh the harm caused by the proposed site being developed in the Green Belt, and any other harm. Each case should be considered on its merits in accordance with the development plan and any other material considerations. But 'very special circumstances' means just that. The decision-maker must be able to point to circumstances which, viewed objectively, are reasonably capable of being described as 'very special'."

#### Regional Policy

4.13 Regional Spatial Strategy (December 2004)- for the Yorkshire and Humber Region was issued in December 2004 but has recently been revoked in its entirety. It is therefore no longer relevant in considering this application.

City of York Planning Policy

4.14 Until the Local Development Framework (LDF) supersedes it the Development Control Local Plan (approved April 2005) forms the principal source of local policy guidance. The LDF is currently at a very early stage and to date there are no LDF policies available to qualify the Local Plan Guidance.

4.15 Policy SP2 of the local plan relates to the York Green Belt and it states:-

"The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map."

4.16 Policy SP3 goes into more detail into the matters to be considered in determining planning applications so that the historic character and setting of York referred to in SP2 is protected; these include:-

- a) The protection of key historic townscape features, particularly in the City Centre, that contribute to the unique historic character and setting of the City.
- b) The protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape.
- c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended. They also include areas of open countryside, which provide an impression of a historic city, such as locations which allow good views of the Minster or an urban edge including a Conservation area, and views into the City from a number of main transport routes.
- d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required."

4.17 GP4a "Sustainability" Policy GP4a states that proposals for all development should have regard to the principles of sustainable development. Those relevant to the proposed development area:

"Development should:

- b) contribute toward meeting the social needs of communities ;
- f) minimise pollution, including that relating to air, water, land, light and noise;
- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;
- h) maximise the use of renewable resources".

4.18 GB1 - Development in the Green Belt - states that planning permission within the Green Belt will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and

- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York

AND it is for one of the following purposes:

- \* agriculture and forestry; or
- \* essential facilities for outdoor sport and outdoor recreation; or
- \* cemeteries; or
- \* limited extension, alteration or replacement of existing dwellings; or
- \* limited infilling in existing settlements; or
- \* limited affordable housing for proven local needs; or
- \* limited infilling or redevelopment of existing major developed sites; or
- \* minerals extraction, provided high environmental standards are attainable;
- \* or highway works or other essential operations including waste disposal;
- \* or park and ride facilities; or
- \* reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.19 Policy GP14 relates to agricultural land and it states:-

"Planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere."

4.20 The justification for this policy recognises that, like the Green Belt, much of the rural area of York comprises best and most versatile land stating at paragraph 2.41:-

"Of the land in agricultural use in the City of York, the majority is classified as either grades 1, 2 or 3a. It is inevitable, therefore, that proposals will come forward over time for development on agricultural land that will have an impact on this quality. The fact that there may be limited alternative locations for the proposal will be taken into account when assessing applications involving grades 1, 2 or 3a agricultural land. All development proposals involving agricultural land must be accompanied by a site survey, illustrating the quality of agricultural land affected by the development."

4.21 Chapter 14 of the local plan relates to minerals and waste; the objectives identified here include:

- \* "To minimise waste disposal; and
- \* To maximise potential opportunities for the recovery, transfer, treatment and recycling of waste;"

4.22 Paragraph 14.1 of the accompanying commentary goes on to say:-

"The Local Plan objective is to manage waste in a sustainable way by selecting the Best Practical Environmental Option (BPEO). This approach works in conjunction with a waste hierarchy, which prioritises the relative sustainability of each waste

management option. The higher the ranking the more sustainable the option may be. The waste hierarchy is set out below.

- \* Reduction
- \* Reuse
- \* Recovery (Recycling, Composting, Waste-to-Energy)
- \* Disposal

4.23 Policy MW5 "Waste Management Facilities"; states:-

"Development of waste management facilities will be considered on the individual merits and the characteristics of particular sites, taking into account:

- a) the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal;
- b) the proximity principle whereby waste is disposed as close as possible to where it is produced;
- c) the mode of transport to be utilised for carrying waste to the site;
- d) proposed measures for eliminating leakage and gas emissions;
- e) measures to be taken to protect natural water resources;
- f) any adverse effects on important landscape, ecological, historic or archaeological features;
- g) proposed measures to minimise the environmental impact of visual intrusion, noise, dust, odour and wind-blown material;
- h) or landfill arrangements for the site's phased restoration to an acceptable use."

4.24 Policy MW1 identifies the application area has being located at the southern end of an Area of Search for the extraction of sand and gravel.

4.25 York Local Development Framework (June 2006) - is still at an early stage and the Core Strategy is currently being drawn up. As part of this process it has identified key issues and options which were the subject of a public consultation exercise in 2006. Although these cannot at this stage be considered as comprising part of the development plan they do give an indication of the direction in which local policy guidance is likely to move.

4.26 In the 2006 consultation exercise Key Issue 11 relates to waste and minerals and here it proposes that the overall objective of waste policy should be to protect public health and the environment by producing less waste, and by using it as a resource wherever possible.

4.27 In respect of waste the key aim of the LDF is to help meet the national target requirements identified for:

- a. Land filled biodegradable municipal waste (bmw)
- b. Recycled or composted household waste.
- c. Recovered municipal waste.

It goes on to say that in addition, the LDF Core Strategy needs to ensure sustainable waste management. To achieve this, a policy approach could be developed based on the following:

- \* Maximising the potential contribution to waste minimisation, re-use and recycling;
- \* Providing sufficient waste sites so that the City can maximise its contribution to sustainable waste management;
- \* Identifying the location of new facilities and waste policies.

4.28 In September 2007 an Issues and Options 2 consultative document was published. This noted that responses made as part of the 2006 consultation exercise suggested that a key aim of the Core Strategy should be to help meet the national target requirements identified for land filling biodegradable municipal waste, the recycling or composting of household waste, and the recovery of municipal waste; respondents also suggested that York should aim to exceed national targets for recycling.

#### City of York Non-Planning Policy

4.29 Municipal Waste Management Strategy(May 2006) - was produced by the York and North Yorkshire Waste Partnership and it provides the strategic vision for managing wastes and improving resource recovery in York and North Yorkshire. It contains the policies, aims, objectives, and targets for the partnership area and relates to the period of 2006 - 2026.

4.30 The Partnership has identified the following strategic objectives:

- \* "To reduce the amount of waste produced in York and North Yorkshire so as to make us one of the best performing areas in the country by 2013 - (currently York and North Yorkshire residents produce more waste per person than in most other areas). By 2008, we aim to produce less per person than the average for England and Wales
- \* To promote the value of waste as a natural and viable resource, by:
  - \* Re-using, recycling and composting the maximum practicable amount of household waste
  - \* Maximising opportunities for re-use of unwanted items and waste by working closely with community and other groups
  - \* Maximising the recovery of materials and/or energy from waste that is not re-used, recycled or composted so as to further reduce the amount of waste sent to landfill"

4.31 The MWMS states that recent studies have shown that a higher level of recycling is the most cost effective long term solution to delivering the Partnership's obligations and those high levels of recycling are also essential for reasons of environmental protection, delivering sustainable solutions and satisfying public expectation.

4.32 Consequently the Partnership aims to achieve the following targets as a minimum:

- \* Recycle or compost 40% of household waste by 2010
- \* Recycle or compost 45% of household waste by 2013
- \* Recycle or compost 50% of household waste by 2020

4.33 Although not comprising planning policy guidance the City of York's contract specification for waste treatment and disposal stipulates that Delivery Points for

waste should be located within 10 miles of the City of York (taken be to Micklegate Post Office). This is in order to accord with the Authority's proximity principle.

#### PRINCIPLE OF THE DEVELOPMENT

4.34 The proposal is considered to constitute inappropriate development in the Green Belt. National, Regional and Local policy requires that in such circumstances "very special circumstances" are demonstrated to justify development proposals.

4.35 Since outdoor composting operations should normally be located over 250m from a residential property or workplace the development of Disposal Points within the Green Belt is almost inevitable if the proximity principle contained within policy MW5 is to be achieved. Furthermore the nature of the production process gives rise to issues of smell and the generation of bio-aerosols and to deal with these issues effectively means that within the Authority's area the development must be located within the Green Belt.

4.36 There is a recognised need to provide such a facility in sustainability terms and also to respond to Central Government targets. The proposed development would have a very close, almost symbiotic relationship with the existing waste disposal activities taking place at the site and to locate the proposal on a non-Green Belt site which would in practise be a significant distance away would give rise to significant issues of traffic generation and associated difficulties in the locality.

4.37 It is considered that these factors do constitute the "very special circumstances" required by PPG2 and policy GB1. The location adjacent to the existing Harewood Whin facility is also considered to be appropriate in land-use planning terms.

#### COMPOSTING OPERATIONS

4.38 The majority of the green waste to be composted on the site will originate from the York City area, importing green waste from site beyond the York City boundary is considered to be unsustainable by virtue of the high costs associated with road transport.

#### Composting Operations and Equipment

4.39 The largest of the concrete pads would be used for green waste composting operations. This pad is This position is furthest away from, and down prevailing wind of, the nearest residential property and from the eastern edge of Rufforth village, therefore mitigating the perceived harm from the proposed operations.

4.40 Green waste delivered to the site will be stockpiled to a height of no more than 4m after which it would be fed through a shredder reducing the particle size down to a maximum of 75mm. Following shredding the waste would be placed into windrows where the composting process would take place.

4.41 In order that the composting process can proceed effectively without the risk of a significant odour nuisance the windrows are constructed (approx. 3.5m high) to allow maximum air flow through them to ensure aerobic decomposition of the waste.

4.42 The composting process depends upon the material being composted being kept under oxygen-rich (aerobic) conditions; should oxygen levels fall and the waste become anaerobic then odour problems can occur. The shredding of the waste and the spacing of the windrows establish the correct conditions for aerobic composting; these conditions are maintained by the regular turning of the compost within the windrows.

4.43 In order for composting to proceed efficiently in all weather conditions the moisture content of the windrows is regularly monitored. The construction and layout of the concrete pad and associated drainage system would ensure that any excessive water caused by heavy rainfall drains away from the compost quickly and is effectively managed. During extended periods of dry, warm weather it may be necessary to 'top up' moisture levels by applying a fine water spray to the windrows; this is carried out by a machine travelling between the rows.

4.44 As the composting process progresses the height of the windrows would slowly reduce and the waste assume more the appearance of compost rather than green waste, on average this takes between 6 and 12 weeks and throughout the aerobic conditions are maintained and the composting process was proceeding satisfactorily.

4.45 On completion composted material will (during the summer months when turnover is high) be transported immediately off site for final use. During the colder months when compost usage may not keep pace with compost generation, the composted material will be stored in the maturation area where its allowed to settle as it awaits transportation off-site. The maturation heaps will also not exceed 4m in height.

4.46 The following equipment would be used in support of the composting operation:

- \* Mobile shredder 3860 Beast (20 tonnes per hour capacity);
- \* Front-end Loader;
- \* Dump truck;
- \* Water bowser/spray;
- \* 3600 excavator.

4.47 Compost exported from the site would meet a nationally recognised standard set by The British Standards Institute. This standard ensures that the compost product is fit for its stated use.

4.48 Compost products have a wide range of uses in the public and commercial markets; however some will be used in the restoration of the main Harewood Whin site. End users would be located in the City of York area; thus completing the virtuous circle of the waste producing authority recycling the waste close to its point of origin and accepting the recyclate back to fulfil a useful role. All compost will be transported away from the site as bulk loads; there will be no retail sales from the site and no direct sales to members of the public.

#### Wood & Timber Recycling and Equipment

4.49 Waste wood and timber together with road sweeper waste would be treated elsewhere within the wider site, as part of the approved biomass power plant and as part of the established leachate treatment process contrary to the arrangements



originally envisaged where they would have been treated as part of the composting scheme.

#### Waste Reception and Transport

4.50 All vehicles delivering green waste and waste wood and timber, together with road sweeper vehicles would first stop at the main weighbridge and waste reception area at Harewood Whin for processing. On completion of the necessary formalities, drivers continue to the appropriate waste treatment area and the loads discharged onto the appropriate concrete pad where they would be inspected by site staff.

#### MITIGATION MEASURES - SITE PRACTICES

##### Operating Hours

4.51 The proposed operating hours (07.30 to 17.00 Mondays to Sundays, 7 days per week) replicate those conditioned in approval 00/02689/FUL for the existing landfill and green waste activities within Harewood Whin.

4.52 Large waste management sites like Harewood Whin which serve large concentrations of population respond to waste arisings whenever they arise. Household Waste Recycling centres are generally busier at weekends and don't often have the capacity to store a full weekend's arisings, therefore it is considered essential to continue the operations as existing. As no extension to the aforementioned times are proposed the overall impacts are considered to be negligible.

##### Noise

4.53 Potential noise impacts associated with the proposal have been assessed by independent specialists (Section 12.0 of the Environmental Statement ); in consultation with the City of York Council. Measurements of typical daytime ambient noise levels at selected receptors have been taken, for use in assessment of predicted noise impacts of the proposal. The study concluded that suitable noise mitigation measures have been provided for, namely a screening bund, which would reduce noise levels in the long term, mitigating any perceived nuisance. The study also concluded that noise levels predicted during the construction phase for Little Garth and Rufforth Garth will be well below the criterion level that could give rise to nuisance. This is also the case at Wellgarth House to the west in Rufforth village, and Woodstock to the south-east.

##### Dust

4.54 The main sources of "fugitive dust" will arise from the passage of vehicles along the access road and across the concrete pads, if these are not maintained free of mud and debris and from loads of waste wood and timber discharged onto the concrete pads. Fugitive dust generally arises in dry, windy conditions.

4.55 It will be the responsibility of the site manager to maintain the full length of the access in a clean condition using sweepers and water bowsers as necessary to clean the road and prevent dust from arising. The assessment of weather conditions

monitoring together with routine daily inspections will ensure that any need for sweeping or water sprinkling is identified and necessary action take. The applicants' have placed an emphasis on anticipating potential dust hazards rather than waiting for them to arise before taking action. Water sprays will be available to treat any loads being discharged onto the concrete pads should the potential for nuisance arise.

#### Vermin

4.56 As no putrescible waste is treated on site, vermin is unlikely to be attracted by the proposed processes. However, as the application site is located close to the landfill site and open farmland, any issues arising (e.g. insect infestation/gulls) will be addressed as part of normal site management operations. These matters will be controlled through the Waste Management Licence.

#### Litter

4.57 Litter is not perceived to be a problem. However, it is recognised that some paper or card could be attached to the wood waste and some of the lighter elements of the green waste could be subject to wind blow albeit over limited distances.

4.58 Any windblown waste will be collected on a daily basis and confined within a closed skip pending its transport to the adjacent landfill site. The applicant has stated that no windblown waste will be allowed to accumulate in nearby hedgerows or trees or collect in the vicinity of the Foss Dike.

#### Odour

4.59 As the proposals involve the provision of increased space for composting operations. This increased space facilitates improved handling of material, namely smaller more spread out windrows that are easier to turn regularly. The regular turning of windrows maintains aerobic conditions that significantly reduce the potential for odours, which are usually associated with anaerobic decomposition. The potential emissions to air have been assessed in the Environmental Statement. All emissions to air and odour will be monitored and managed appropriately should any nuisance arise.

### ENVIRONMENTAL/ECOLOGICAL IMPACTS

#### Water Environment

4.60 The potential impact of the development on the water environment is dealt with in the accompanying Environmental Statement. Reference is made to the fact that the site is currently crossed by two surface water courses and that the adjoining agricultural land is equipped with a sub-surface drainage system. In addition Foss Dike runs close to the site on its eastern side. Measures will be incorporated (condition included) into the site construction to ensure that no materials handled there will be able to spread onto adjacent land or any leachates from the waste handled at the site contaminate any water feature.

4.61 The full extent of the applicants' mitigation measures are included in the Environmental Statement; and would include the culverting of the water courses that cross the site, the effective sealing of a disused well located on the site, the provision of spill remediation equipment on the site, the retention of all leachate draining from the site in sealed collection tanks and the maintenance of a 15m standoff from the Foss Dike to the east of the site.

4.62 The operatives of Harewood Whin will be responsible for the periodic monitoring of the site and its surroundings to ensure that all pollution control mechanisms are fully functional and that all waste is being handled in accordance with correct procedures. The effectiveness of the agricultural drainage systems on adjoining land will also be monitored regularly as would the condition of the Foss Dike and the strip of land separating it from the operational area. No liquid wastes are to be dealt with at the site, therefore the likelihood of water pollution arising from imported waste is considered to be limited.

### Ecology

4.63 With respect to protected species, no records of badger, water vole, bats and reptiles were made during recent surveys, although suitable habitats for water vole, reptile and bats have been identified. The freshwater invertebrate survey of existing watercourses showed there to be little diversity. Other interesting habitats identified were broadleaved woodland, mature trees and species-rich grassland. The arable land within the site has some ornithological interest.

4.64 Disruption to some existing habitats is inevitable as part of the construction phase, however the applicant has shown a willingness to introduce mitigation measures wherever possible. Where adverse impacts cannot be avoided, the nature conservation value of the site will be enhanced through the creation of compensatory habitats appropriate to the locality.

4.65 Conditions will be included, requiring the applicant to provide information in relation to the protection, mitigation and replacement measures of the following features and species; unnamed ditches, broadleaved woodland, broadleaved plantation, hedgerows, mature trees, grassland, bats and breeding birds.

### LANDSCAPE AND VISUAL IMPACT

4.66 The following factors are key components in the assessment of the proposals overall visual impact:-

- \* Site construction - including soil stripping works.
- \* The removal of vegetation.
- \* The use of mobile plant operating at ground level (loading shovel, shredder, dump truck); and
- \* The demolition of the facility following expiration of its use and the movement of soil to produce the final post-restoration landform.

4.67 Key receptors in this instance are considered to be neighbouring residential properties (Little Garth and Rufforth Garth), public rights of way, users of the Rufforth Airfield and the B1224 road.

4.68 The proposals will require the removal of 20 metres of existing hedgerows and field trees; some thinning works to the adjoining landfills planting and the direct loss of 11.5 hectares of agricultural land. On opening approx. 5 hectares (the western half of the site) will be available for pastoral use and all soils will be stored on site for reuse.

4.69 A soil bund (using stripped soil from the site) is to be created as part of the first phase of works in order to provide screening between the B1224 and the development. The mound will be seeded and planted with hedgerow and woodland species; the maturation of which will ultimately screen and soften the visual impact of the site on the main receptors.

4.70 Although resulting in the direct loss of agricultural land and some of the existing vegetation, a comprehensive restoration and aftercare programme is proposed, following the completion of works in 2021.

#### RESTORATION AND AFTERCARE

4.71 This application seeks to maintain the proposed facility so long as the associated MRF and landfill site are operational; it is therefore a long-term development. Nevertheless it is assumed that at some juncture the facility will cease to be operational at which point (unless otherwise agreed with the planning authority) it would be removed and the site restored.

4.72 Restoration would involve a number of elements namely:-

- \* clearance from the site of all moveable installations and equipment;
- \* the breaking out and demolition of the concrete pads;
- \* the removal of the leachate storage tanks;
- \* the removal of all culverts and the re-instatement of open surface water drains;
- \* the removal of all services including water and electricity supplies (unless required for subsequent use);
- \* the removal from the site of all debris resulting from the above works;
- \* the grading and cross-ripping of the exposed restoration surface; and
- \* the spreading of the soils stored in the perimeter screening mound.

4.73 The after use of the site will almost certainly be determined by circumstances at the time however the main aim is to restore the site to its current condition and use as agricultural land. Approval of a detailed restoration scheme will be required; to be implemented on the cessation of operations allowing the site to be restored in a manner and to standards appropriate at the time.

4.74 An aftercare scheme will be submitted for the approval of the planning authority either at the same time as the detailed restoration scheme is submitted or shortly after the approval of such restoration scheme. The aftercare scheme will include details of the steps to be taken to ensure that the specified restoration (whether agriculture, amenity or woodland) is developed and maintained in a good condition commensurate with the after use.

## HIGHWAY ISSUES

4.75 The existing green waste composting and waste wood treatment operations at Harewood Whin would cease as soon as the proposed facility came into use with all existing traffic diverted to the new recycling facility. Other than this minor change to on-site vehicle movements there would therefore be no change to the existing vehicle movement pattern.

4.76 Currently there are approximately 205 daily vehicle movements associated with the existing Harewood Whin facility. 190 of these movements comprise heavy goods traffic including fixed 3-axle vehicles, skip wagons, articulated wagons, pick-ups etc. The balance of 15 movements relate to staff at the site. The 190 HGV movements equates to approximately 21 loads per hour.

4.77 The recycling activity for green waste and waste wood is estimated to peak in 2-3 years time, resulting in an increase of approximately 12 additional loads per day delivering green waste. Overall this increase is considered to have a negligible impact upon the B1224 and the amenities of neighbouring receptors and should alleviate relevant concerns raised in objection letters.

4.78 Vehicles involved in the delivery of waste to the site will continue to include articulated lorries, fixed 3-axle wagons, rear end loaders and pick-ups; articulated lorries of 42 tonnes gross weight would be used to transport compost and treated wood waste away from the site. Vehicle loads will be sheeted or suitably enclosed to avoid any potential impact from fallen debris.

4.79 Much of the green waste and waste wood delivered to the site at the moment originates in the York City area and this will continue for the duration of the operation.

4.80 Rufforth with Knapton Parish Council raised concerns regarding the routing and potential impact of the vehicles associated with the site. The applicants' have confirmed that all vehicles will access and exit the site from and towards York and have therefore pre-empted the concerns of the Parish Council.

## DRAINAGE ISSUES

### Surface Water Management

4.81 Although no part of the development will take place within an area subject to flooding as defined on the Environment Agency's published flood maps, two small surface watercourses cross the site and the Foss Dike runs close to its eastern boundary. In addition the two agricultural fields affected by the proposal are equipped with an agricultural drainage system discharging into the surface watercourses.

4.82 The development will involve the interruption of the agricultural drainage system and will also include the construction of three joined concrete pads on which rainwater will collect where they are not adequately drained. It is therefore necessary to provide for the drainage of the operational area during its use, and also to ensure that the surrounding land is appropriately drained.

## Drainage of Operational Land

4.83 For the purposes of drainage the operational area is taken to comprise the three concrete pads, the new internal access road and all associated hard standings together with land upon which any operations (including vehicle parking) will take place.

4.84 The whole of the operational area will be equipped with an integral, sealed drainage system. This will collect all water accumulating on the site (including run-off from the compost), its interim storage in a number of underground leachate storage tanks and its movement to the nearby leachate treatment facility.

4.85 The construction of the composting pad and the adjoining wood shredding pad will provide for surface falls leading to a perimeter drain. Leachate collecting on the pads will flow towards and into the perimeter drain from where it will pass by gravity flow into one or more of the underground storage tanks which act as holding reservoirs until liquid levels in the tanks rise to a point where automatically activated pumps transfer the leachate to the nearby leachate treatment plant.

4.86 An abandoned well is located towards the centre of the operational area and prior to the construction of the concrete pads this will be sealed so that no surface water or leachate could percolate down the well and pose a potential threat to groundwater resources. The sealing of the well will take place in accordance with a scheme to be agreed with the planning authority and the Environment Agency.

## Adjoining Land Drainage

4.87 The application area is crossed by two linked drains which serve the existing agricultural land within the application area and also agricultural land extending to the west. The land to the west would continue in agricultural use during the operation of the site and is considered necessary to ensure the continued effectiveness of the drainage system serving this area. This will be achieved by installing a cut off drain along the eastern edge of the remaining agricultural area to collect uncontaminated rainwater.

4.88 To the east of the composting pad there will be a minimum 15m standoff to the nearby Foss Dike and with the intervening land being subject to periodic flooding it will be necessary to ensure that the flood capacity of that area is not prejudiced.

4.89 To the south of the operational area it is proposed to erect a screening mound, this will take up much of the space between the edge of the concrete pads and the highway hedgerow. The mound itself is self-draining, however it will be necessary to ensure that there are no adverse drainage consequences resulting from the presence of the mound both in terms of possible ingress of floodwater onto the concrete pad and the flood capacity of the Foss Dike flood plain.

4.90 The eastern limit of the composting pad will abut, but not overlap with, the area liable to intermittent flooding shown on the Environment Agency's flood map. The development itself will not therefore lead to any reduction in the area's flood retention capacity. No operations will be carried out on the area liable to flood and no obstructions are to be positioned in this area.

THE AMENDED SCHEME:-

4.91 The scheme as amended envisages the construction of a 15,500 sq m concrete compost pad together with a 10,300 sq m concrete compost maturation pad. The scheme as originally submitted envisaged a significantly greater developed area with the wood shredding and sweeper waste pads added in. This would result in a more physically compact form of development more readily associated with existing activities taking place at the site. Drainage from the site would be fed to the site's leachate treatment plant via a network of sub-surface storage tanks. An existing ditch running along the northern side of the site would be culverted to run beneath the proposed concrete pads and landscaped area. The operation of the composting area, with the material shredded into a particle size no greater than 75mm and stored in windrows of no greater than 4 metres, would be broadly as previously applied for. The compost maturation area would in line with the latest practise be a formalised concrete pad where the material would be stored for a period of three to six months prior to despatch from the site depending upon market conditions. The proposed area of landscaping would be broadly as before.

4.92 By adopting a more physically compact form of development with the operational areas further removed from the B1224 Wetherby Road and nearby properties any impact upon the openness of the Green Belt would thereby be significantly lessened. Concerns in respect of impacts from noise, smells and specifically bio aerosols would thereby also be successfully addressed. The surface water drainage of the site has been modified slightly from that originally proposed with a watercourse culverted beneath the northern edge of the proposed concrete pad. Subject to the imposition of a condition requiring prior approval of a surface water drainage scheme for the wider site then the proposals are considered acceptable.

## 5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance for the following reasons:-

5.2 The application involves waste treatment activities that are already being carried out on the existing Harewood Whin Landfill Site but for which insufficient space is available to allow for increasing amounts of green waste.

5.3 The green waste, to be handled at the new facility would continue to be delivered to the site via the existing access and weighbridge checkpoint.

5.4 The potential environmental effects of the proposal have been evaluated by an Environmental Impact Assessment which has found that, providing suitable mitigating measures are put in place, the development would have a minimal impact upon the environment or the amenity of neighbouring properties and villages. Any identified impacts would be further lessened by the proposed amendments to the scheme as previously supported.

5.5 The proposals are consistent with national and local waste planning policies and guidance and the applicant has demonstrated that "very special circumstances" exist to justify the proposal in terms of its location within the Green Belt.

5.6 If permitted the proposal would have the following benefits:-

- \* It would assist in reducing the amount of waste being disposed of to landfill;
- \* It would increase the amount of waste being recycled;
- \* It would enable the City of York to treat the relevant components of its own waste arisings within the Authority area in accordance with the proximity principle;
- \* It would take advantage of the existing infrastructure at Harewood Whin thus obviating any need to replicate those facilities elsewhere.
- \* It is sustainable in that any impacts on the environment can be easily mitigated and following site restoration the site's landscape and biodiversity values would be enhanced.

**6.0 RECOMMENDATION:** Approve following Sec of State Decision

1 TIME2 Development start within three years

2 This permission shall be limited to a period of 15 years from the date of commencement of the development (the date of which shall be notified in writing to the local planning authority) after which time, or if the use ceases prior to the expiration of 15 years, the site shall be restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority the scheme shall include details of the number, species, height and position of all trees and hedging and shall be implemented during the first planting season following the ceasing of operations unless otherwise approved in writing by the local planning authority. The approved scheme shall include details of maintenance and aftercare for a period of five years following the completion of the restoration scheme.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenity of residents and as need for a waste disposal facility for this period of time has been proven.

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

- HW2 - Application Area.
- HW3 - Site Layout and Planting Proposals
- HW4 - Proposed Cross Sections
- HW5 - Final Restoration and Landscape

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.

4 Prior to the commencement of development on site, a detailed landscaping plan, showing the number, species, height and position of all trees and hedging, shall be submitted to an approved 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.

5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:-

- \* Details of watercourse loss due to culverting;
- \* Details of habitat loss due to culverting;
- \* Details of compensatory drainage proposed;
- \* Surface water discharge to be regulated to the green field run-off rate from a 1 in 1 year storm with the on-site drainage system able to accommodate the storm water from a 1 in 100 event without harming neighbouring properties.

Such scheme shall be implemented before the construction of impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6 Notwithstanding the provisions of Part 4 and (where relevant) 21 24 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order);

(a) no fixed plant or machinery, building, structures and erections, or private ways shall be erected, extended, installed, or replaced within the site without the prior approval in writing of the Local Planning Authority;

(b) no additional lights or fences shall be installed or erected at the site unless details of them have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that uncontrolled development does not harm the openness of character and appearance of the Green Belt or the amenity of residents

7 No waste vehicle shall enter or leave the site and no working shall take place except between the hours of 07.30 and 17.00 Mondays to Sundays. There shall be no working on Christmas Day, Boxing Day and New Years Day. No shredding of material shall take place on any Sunday.

Reason: In the interest of the amenity of residents.

8 No waste other than those waste materials defined in the application shall enter the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: Waste materials outside these categories raise environmental and amenity issues which may require consideration afresh

9 All access to and egress from the site shall be via the existing site access. No other access shall be used by traffic entering or leaving the site.

Reason: In the interests of highway safety

10 Prior to commencement of the development a sign shall be erected and thereafter maintained at the site exit, advising drivers of vehicle routes agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of local residents.

11 Prior to the commencement of development a scheme to ensure that all vehicles leaving the site are in such conditions as not to emit dust or deposit mud, slurry or other debris on the highway shall be submitted to and approved in writing by the Local Planning Authority. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

12 No development shall be commenced until a scheme to minimise the emission of dust from the development hereby authorised (including measures to monitor emissions) has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include (the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather), and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the Local Planning Authority to a variation.

Reason: To protect the amenities of local residents

13 Prior to the commencement of the development hereby permitted a Noise Management Protocol scheme for the management and minimisation of noise shall be submitted to and approved in writing by the Local Planning Authority. The approved Protocol shall include:

1. A protocol for the regular monitoring of noise levels from the site by site operators to ensure compliance with these conditions and/or other statutory noise limits.
2. A protocol for the use of audible reversing alarms and their alternatives.
3. Proposals for the siting, silencing, enclosure and screening of fixed plant and machinery.
4. A protocol for the use of portable acoustic screens around temporary plant.
5. A protocol for the use of quieter plant and machinery nearer to noise sensitive locations.

6. A protocol for the recording, investigation and reporting of noise complaints to City of York Council.

Reason: To minimise noise in the interest of the amenity of residents and the area generally.

14 Prior to the commencement of the development a scheme for the erection of acoustic screening and earth bunds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in place prior to the commencement of any operations and shall remain in place

thereafter in accordance with the approved scheme.

Reason: To minimise noise in the interest of the amenity of residents and the area generally.

15 No development shall take place until (a) the applicant has secured the implementation of an agreed programme of archaeological work (archaeological evaluation to include geophysical survey and trial trenching) which has been agreed in writing by the LPA and submitted a report on the evaluation to the LPA and these have been agreed in writing by the LPA and (b) the applicant has secured the implementation of an agreed programme of archaeological mitigation measures (such measures to record any archaeological features and deposits which will be destroyed or damaged by the approved development) which has been agreed in writing by the LPA.

Reason: This development may have an effect on archaeological deposits which may be preserved within the site and this effect must be kept to a minimum.

16 Before the development hereby permitted is commenced details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated. The submitted details shall be "dark sky" compliant.

Reason: In the interest of the appearance of the site.

17 All drainage routes through the site shall be maintained both during the works on site and after completion of the works. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development.

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

#### Informative

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

18 No deliveries of imported bulk construction materials to the site shall be from the B1224 via the village of Rufforth.

Reason: In the interest of the amenities of the residents of Rufforth and highway safety.

19 Prior to the commencement of any development on the site a management

plan for the routing of vehicles delivering and removing green waste, wood waste and compost shall be submitted to and approved in writing by the local planning authority. No vehicles shall access or leave the site via the village of Rufforth and the plan shall detail matters such as instructions to drivers, signage and measures to ensure adherence to the approved plan.

Reason: In the interest of the amenities of the residents of Rufforth and in the interests of highway safety.

20 An odour management scheme shall be submitted to the Local Planning Authority for written approval prior to development. The requirements contained in the approved odour management scheme shall be fully implemented prior to the use hereby permitted.

Reason: For the protection of the amenity of local residents from odour.

21 The noise management scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the noise management scheme to the local planning authority for written approval.

Reason: For the protection of the amenity of local residents from noise.

22 The odour management scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the odour management scheme to the local planning authority for written approval.

Reason: For the protection of the amenity of local residents from odour.

23 No hedgerow shall be removed between 1 March and 31 August in any year unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of habitat protection in accordance with policy NE6 and NE7 of the Development Control Local Plan

## **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 the designated green belt, environmental issues, drainage and traffic. As such the proposal complies with PPG2, PPS7, PPS10 and Policies SP2, SP3, GP4a, GB1, GB14, MW5 and MW1 of the City of York Development Control Draft Local Plan.

### 2. CONSENT - GENERAL

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

### 3. RIPARIAN MAINTENANCE RESPONSIBILITY

Any watercourse adjacent to/within the site and/or affected by this development is not maintained by the Board.

The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

### 4. MAINTENANCE RESPONSIBILITY - GENERAL

The proposed development is within the Board's area and is adjacent to the Foss Beck, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991.

However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner

### 5. Demolition and Construction - Informative

The developer's attention should also be 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 attached to any planning approval:

1. 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".
2. 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.
3. 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.
4. 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.
5. There shall be no bonfires on the site.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer  
**Tel No:** 01904 551416

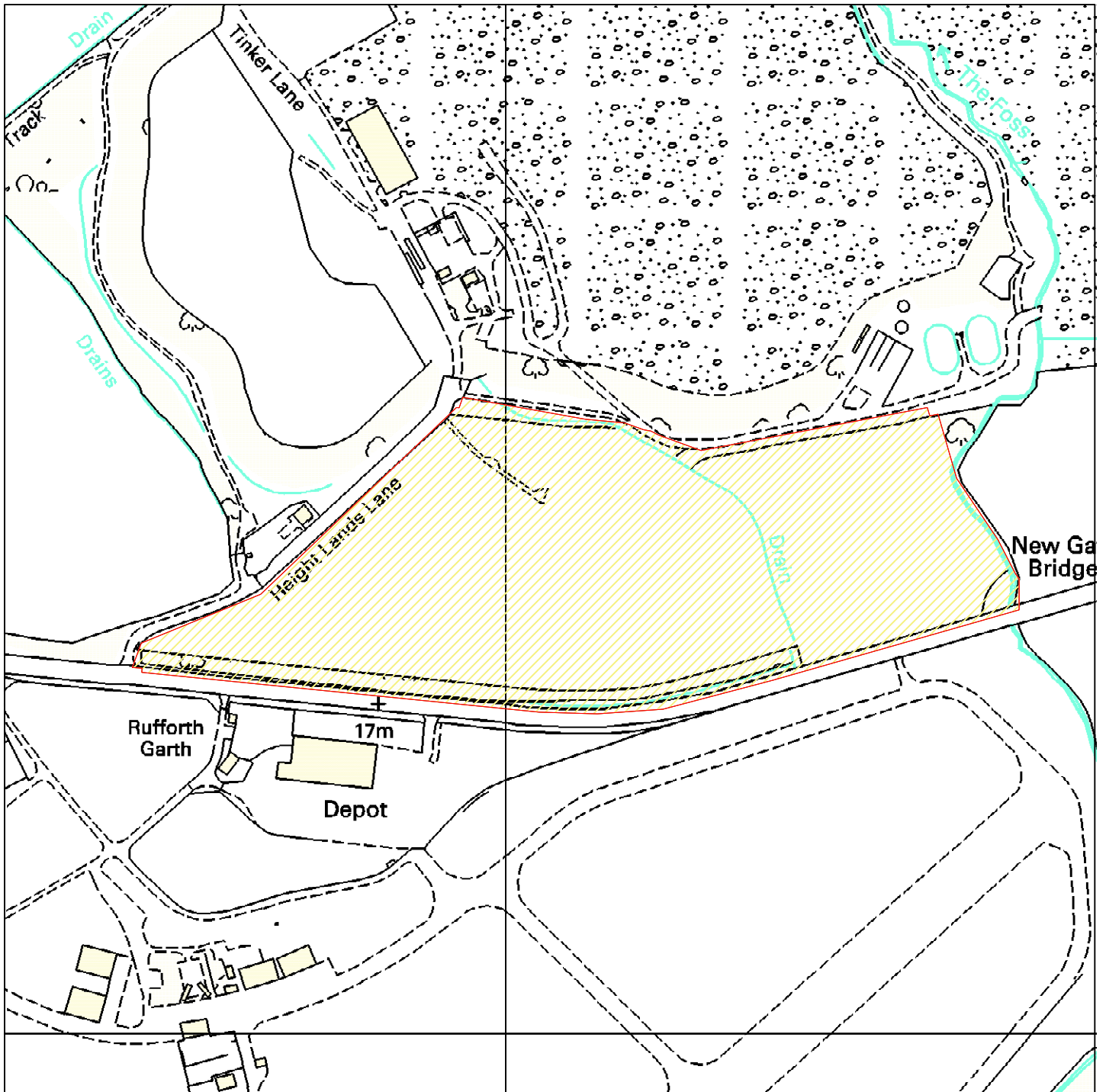
This page is intentionally left blank

# Harewood Whin Landfill Site

07/02914/FULM



GIS by ESRI (UK)



Scale : 1:5000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	10 January 2011
<b>SLA Number</b>	Not set

This page is intentionally left blank



Officer Update – Nestle SouthSection 106 for both the outline and full applications

Since the committee reports were published on-going discussions have taken place regarding various aspects of the draft Section 106 agreement. The following issues have been agreed between Nestle and the relevant Officers within the Council. This forms part of the proposal under consideration.

- a) *Public Art* - A sum of £80,000 is to be provided for a Public Art Scheme. Details of the Public Art Scheme will be agreed with the Local Planning Authority prior to the commencement of development. Features to be included within such a scheme may include some or all of the following, lighting, street furniture, landscaping, and specialist design features in communal areas. Within the agreed Public Art Scheme document will be a timescale for the installation/implementation of the works. The sum to be provided and the arrangements for its delivery have been agreed with Gill Cooper, The Head of Arts and Culture.
- b) *Sport and Recreation* - The sports pitches/facilities on both sides of Haxby Road, to the north of the Nestle factory site, are to be leased to the Council for at least 25 years at a sum of £1 per year. In addition, a one off fee of £50,000 would be paid to the Council for the maintenance of the site and for ground improvement. The facilities are to be leased to the Council on the understanding that the existing users continued use of the site and their involvement in its future development is guaranteed. The facilities are to be leased to the Council on the understanding that no existing users would be affected by the change. These details have been agreed with Vicky Japes, Senior Sport and Active Leisure Officer. A more detailed analysis of what is proposed, produced by Vicky Japes, is appended to the end of this update for information.
- c) *Sustrans Path* – Following discussions with Sustrans, a list of proposed improvement works was presented to Nestle. Agreement has been reached that the developer would carry out the following works:-
- To create a pedestrian and cycle friendly link between the south of the site and the Sustrans path. Location and details to be agreed with the Local Planning Authority.
  - The submission of a landscaping plan to be agreed with the Local Planning Authority. The plan shall include details of the thinning out of some areas of green landscaping to the south of Nestle South in order to create a more open and light environment for users and to facilitate a greater level of natural surveillance of the path. Low maintenance additional planting would be provided where appropriate in order to improve the appearance and quality of the path thus encouraging its use.
  - To install a bench on/next to the Sustrans path which shall be the same specification as those used within the Nestle South site in order to ‘tie’ the areas together.
  - To agree a lighting scheme so that the access point from the Sustrans path to the Nestle South site is sufficiently illuminated to encourage use.

For clarity, as an update to the heads of terms of the S106 presented within the Committee Reports, agreement has been reached with the applicants that the current proposals for a finalised S106 consist of:

- i) Affordable Housing at 25% to be linked to the Council's viability assessment
- ii) A contribution towards education provision, sum to be calculated prior to occupation of the first residential unit
- iii) A Community Use Agreement and lease for the sports pitches to the north of the factory site along both sides of Haxby Road and a one off £50,000 sum towards off-site sports pitch/facilities upgrading
- iv) An agreement to connect the site to the Sustrans path to the south, to thin out existing overgrown landscaping and to plant new low maintenance landscaping where appropriate, to illuminate the new access route, and to provide seating adjacent to the Sustrans track which would match the seating provided within the Nestle South site.
- v) A commuted sum of £80,000 towards Public Art
- vi) Recording and analysis of Air Quality
- vii) Open Space and Woodland Construction Management and Maintenance Plan
- viii) Assisted Living management plan
- ix) A marketing plan to promote the site to knowledge based industries
- x) Sustainable transport contributions including:
  - a) The choice of either a free cycle or 6-month bus pass to first occupiers of the residential units.
  - b) Contribution towards the provision of a car club on the site, including drive time and membership for residents
  - c) Contribution towards the provision of CCTV in the vicinity of the site access junctions on Haxby Road and Wiggington Road
  - d) Contribution towards the provision and/or improvement of bus stops on Haxby Rd/Wiggington Rd and within the site. The stops are to include kassel kerbs, shelters and real time (BLISS) displays
  - e) Contribution towards the provision of an intelligent bollard within the site to restrict traffic travelling through the site
  - f) Funding to pump prime the provision of a bus route through the development
  - g) A Travel Plan.
- xi) Traffic Regulation Orders such as a contribution towards the promotion/amendment of waiting restrictions in the vicinity of the site, the creation of a residents parking scheme on the site, and further restrictions to ensure that surrounding residential areas and highways are not disadvantaged by on-street parking

### Environmental Impact Assessment

An Environmental Statement has been submitted which assesses the potential environmental impacts of the proposals. These have been fully considered by Officers within the development of the Committee Reports and subsequent recommendations to ensure that necessary mitigation measures and environmental improvements are carried forward by conditions and planning obligations. For this reason, it is recommended that 'Environmental Issues' is added to the list of considerations within the draft 'Reasons for Approval' of both 10/01955/OUTM and 10/01960/FULM applications.

Third Party Correspondence

An additional letter has been received from a member of the public. The letter has been received from a resident of 3 Bowling Green Croft and the following points are made.

- oppose the building of a new development as the objectors house backs onto Haxby Road opposite the site entrance.
- The traffic is already very busy on Haxby and Wigginton Road, both of which are arterial roads to York Hospital, extra traffic could cause problems.
- There are known drainage problems in the area, there have been 5 pipe blockages in the last year and the objector has had to pay for them to be serviced, the proposal may create more drainage problems.
- The proposal would destroy the Conservation Area.

It is Officer opinion that the above points have been considered within the Committee Reports and there is nothing further to add.

Outline Application – 10/01955/OUTM

Update – Paragraph 3.48 on page 22. CAAP have been appraised of the revisions to the proposal and have raised no new issues. In terms of the external appearance of the retained cream and almond block and the library building the revisions meet their concerns. However the revised Design Code was not available to comment on.

Following further discussions and consideration, a number of amendments to the suggested conditions are recommended.

Condition 2, page 44 – There have been a number of revisions to the plans listed within this condition. The published list should be replaced with this up-to-date list of documents:

- Revised Design Code received by CYC 18/01/11
- Revised Parameters Plan 5541 AL(OP)200 A received by CYC 31/12/10
- Revised Illustrative Landscape Layout 930/08 Rev L received by CYC 24/12/10
- Revised Illustrative Sections for Buffer Planting Along Northern Boundary 0930-14 received by CYC 24/12/10
- Revised Illustrative Landscape Central Boulevard received by CYC 24/12/10
  - Revised Site Sections B,B - 5541 AL(OP)202 D, Sections C, D - AL(OP)203 D, Sections E, F - AL(OP)204 D, and G, H - AL(OP)205 C all received by CYC 07/12/10

Condition 11, page 46 – The wording has been re-drafted so as to be more precise.

*The internal noise level within all residential accommodation (including student accommodation and assisted living units) shall not exceed 30 dB LAeq (8 hour) and 45dB LAmx inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). Should any works be required to achieve the required maximum noise levels, details of the attenuation works shall be submitted to and approved in writing by the Local Planning Authority.*

*These noise levels stated shall be observed with all windows shut and any means of artificial ventilation in operation. No residential accommodation shall be occupied until the approved attenuation works, if required, have been installed in complete accordance with the approved details.*

Reason: To safeguard the amenity of occupants of residential premises in accordance with the aims of PPG24.

Condition 37, page 52 - The wording has been re-drafted so as to be more precise. *The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:*

- *how many spaces are allocated to the use*
- *how car parking spaces within that use would be allocated*
- *where the car parking spaces are located*
- *how the car parking would be managed and enforced*
- *the procedures to be put in place as students move in and out of the premises*

*The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure that the management of car parking is in accordance with Council policy to reduce dependence on the private car and promote sustainable forms of travel.*

Condition 39, page 53 - This condition regarding connection to the Sustrans path is recommended to be removed as this is covered within the Draft S106 agreement as outlined at the start of this update.

In addition to the above re-drafting of conditions, the following additional conditions are recommended.

The applicants stated that washing and changing facilities would be provided within the office space to be provided within the retained building. It is considered that in order to promote cycle use and therefore discourage dependence on the private car, that all office accommodation shall provide washing and changing facilities for staff. Therefore the following condition is recommended:

*Washing and changing facilities shall be provided within all B1 Office Accommodation, these facilities shall be accessible by all persons employed within the premises. Details shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided in accordance with the approved details prior to first use of the office accommodation and thereafter retained.*

*Reason: In the interests of promoting bicycle use thereby reducing dependence on the private car.*

A condition proposed within the full application regarding the creation of a pedestrian refuge for people crossing Haxby Road is also suggested to be included within any outline planning permission.

*The development hereby permitted shall not come into use until the pedestrian refuge on Haxby Road has been carried out in accordance with drawing EU00431\_SK12 rev E.*

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

Full Application – 10/01960/FULM

The recommendation at the top of page 59 of the agenda document should read ‘Approve subject to Section 106 Agreement’ and not simply Approve.

A number of amendments to proposed conditions are recommended below.

Condition 2, page 74 - There have been a number of revisions to the plans listed within this condition. The published list should be replaced with this up-to-date list of documents:

- Revised Proposed Elevations Building 66-67-2 plan number AL(CA)209 G received by CYC 14/01/11
- Revised Proposed Elevations Building 66-67-2 The New Elements plan number AL(CA)214 B received by CYC 14/01/11
- Revised Proposed Masterplan plan number AL(CA)201 D received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Ground + First plan number AL(CA)206 F received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Floors 2-5 Floor 6 plan number AL(CA)207 E received by CYC 14/01/11
- Detailed Design for Haxby Road Frontage plan number 930-23A received by CYC 24/12/10
- Revised Proposed Sections Building 66-67-2 Section A plan number AL(CA)210 F, Section B plan Number AL(CA)211 F, and Section C plan number AL(CA)212 E all received by CYC 14/01/11.

Condition 31, page 80 – This condition has been redrafted so as to be more precise.

*The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:*

- *how many spaces are allocated to the use*
- *how car parking spaces within that use would be allocated*
- *where the car parking spaces are located*
- *how the car parking would be managed and enforced*
- *the procedures to be put in place as students move in and out of the premises*

*The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure that the management of car parking is in accordance with Council policy to reduce dependence on the private car and promote sustainable forms of travel.*

Two additional conditions are recommended for inclusion within any approval of this full application.

Similarly to the suggested condition for the outline application, an additional condition is proposed to ensure that washing and changing facilities are provided within the office accommodation.

*Details shall be submitted to and approved in writing by the Local Planning Authority of the washing and changing facilities to be provided within the B1 Office Accommodation hereby approved. The washing and changing facilities shall be accessible by all persons employed within the premises and shall be provided in accordance with the approved details prior to first use of the office accommodation and thereafter retained.*

*Reason: In the interests of promoting bicycle use thereby reducing dependence on the private car.*

Paragraph 4.25 on page 69 of the Committee Agenda suggests that a condition be added to any approval to control the internal dimensions of the passenger lifts. The reason for this is that the lifts have to be able to accommodate people with bicycles as storage is provided on each floor of the residential accommodation. Unfortunately, this suggested condition is not included within the report. Therefore, it is recommended that the following condition be added to any approval.

*Details shall be submitted to and approved in writing by the Local Planning Authority of the design and dimensions of the passenger lifts to be installed. The lifts shall be suitable for use by people with bicycles. The lifts shall be installed in accordance with the approved details prior to the first occupation of the residential accommodation.*

*Reason: To ensure that residents can access the secure cycle parking provided thereby encouraging their use and reducing dependence on the private car.*

**Nestle Sports Contribution (Comments of Vicky Japes)**

The recommendation is that the Section 106 agreement includes:

**Outdoor sport:**

To ensure increased public access to sports facilities; prior to commencement of development, the sports pitches and ancillary facilities owned by Nestle on both sides of Haxby Road to the north of the Nestle site would be leased to the Council (or any third party, sports organisation agreed by the Council and Nestle) for no less than 25 years at a sum of £1 per year. In addition, upon completion of 50% of the residential elements of the development a one off fee of £50,000 would be paid to the Council to contribute to maintenance of the site and for ground improvement.

Council officers have had a number of discussions with Nestle representatives about how this development can improve sporting opportunities in the city. From early in the pre-application process the Council was keen to increase the community use of and access to the existing sports fields, rather than creating new facilities, which would be costly, and at some distance from the development.

The sports facilities on the Mille Crux and North Field areas of the Nestle south are of mixed quality and level of use and maintenance. The Mille Crux site has a high quality cricket pitch and 3 grass team pitches (Football Rugby Union and Hockey) in addition to disused tennis courts and athletics facilities and a changing pavilion. The North field site has space for a minimum of 5 full size grass pitch as well as a training area. These are not all currently being used. To use the site teams must have a link to the Nestle factory and must book pitches through them. The number of eligible teams and members has obviously dropped in recent years as the employee numbers at the factory have dropped. Understandably there is very little work done by Nestle to encourage increased use of the facilities despite the fact they continue to maintain them well.

Council officers will work with the existing on site clubs to develop a sustainable multi use community sport site, including safeguarding the site for their continued use, developing their clubs and expanding their membership. The site will also have capacity to attract other clubs who need access to facilities, in addition to accommodating the new sports participants from the Nestle South development. Because of the length of the lease, the leaseholder will be eligible for funding from external bodies, such as Sport England and will therefore be able to develop long-term facility and club development plans.

Using the figures in the Council's "guide to open space in developments" document and the anticipated number of bedrooms set out in the outline application, the off site contribution from the development for outdoor sport would be £137,000. At current prices this would be enough to develop less than 2 grass pitches (approx £80,000 per pitch) excluding land acquisition costs.

This page is intentionally left blank



## **07/02914/FULM Harwood Whin Landfill Site Construction of Concrete Composting Pads**

### **Context**

Members will be aware that the application has been approved by Committee subject to removal of the Environment Agency's objection to the proximity within 250 metres of vulnerable premises. The distance of 350 metres now provided has resulted in removal of the objection, and the amended scheme has reduced the area of the pads from 26,900 sq. metres to 25,800 sq metres. No other relevant site or policy circumstances have changed in relation to this proposal since the previous Committee resolution.

### **Committee Update: -**

- i)** The number of recent developments at the site and the perceived lack of an overall strategy have been raised as an issue both by Barry Otley and by Julian Sturdy MP. Arrangements are being made to meet with Yorwaste at a high level to remedy this situation.
- ii)** Concern has also been expressed in relation to the potential impact of the proposal on the local surface water drainage pattern. The scheme would be connected to the existing surface water drainage system supplying the site and the applicant has confirmed to the satisfaction of the Local Planning Authority that this may be achieved without significant flood or pollution risk to the locality.
- iii)** Concern has also been expressed in relation to the lack of provision for renewable energy generation in relation to the proposal. The application in the first instance relates to an engineering rather than a building operation within the terms of the adopted guidance on sustainable construction. The site in any case has an operational energy from landfill gas operation together, with an extant permission for the construction of a biomass plant using waste wood delivered to the site, which would adequately cover the energy needs of the site.
- iv)** Coun D'Agorne has specifically raised concerns and queries in respect of the use of recycled aggregate and the amount of embedded energy used in the construction process. The applicant has indicated that this is a matter for the detailed design stage of the construction process but that the issues would be given clear consideration when the contract for the work is drawn up and issued.
- v)** Concern has been raised specifically in the letter from Julian Sturdy MP that the scheme could lead to increase in compostable material over and above the existing situation. The current proposal is to provide a purpose built replacement for the existing situation and not to act as additional capacity.
- vi)** Concern has been reiterated in respect of the impact of the proposal upon the openness of the Green Belt. It is felt that the very close relationship of the proposal to the existing operations at the site together with the difficulty of dealing with the issue of bio aerosols necessitate its location in this area. It is felt that the landscaping proposals submitted as part of the scheme effectively deal with any impact upon openness of the Green Belt.

- vii)** The issue of matters outstanding in relation to public rights of way from the Section 106 Agreement to the original operating permission 00/02689/FUL has been raised. It is felt that the current application is not the appropriate venue for pursuing these matters.
- viii)** It is recommended that an informative be added to condition 20 to read” The odour management scheme should be developed in line with the DEFRA guidance document Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities Appendix C”.
- ix)** Condition 21 should be amended to read “noise management protocol scheme”.
- x)** Condition 4 to be amended to include ”including semi-mature specimens wherever practicable.
- xi)** The Parish Council letter circulated this morning relates to a separate application for an extension to the waste recovery building to be considered by the West and Centre Sub Committee