

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 to 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 Reserved Matters stage.

3.35 At Reserved 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 CABI 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 LAm_{ax} 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 (LAm_{ax}(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

A1 Retail, 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 to 18:00

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:

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