

## COMMITTEE REPORT

**Date:** 22 October 2015      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 15/01624/LBC  
**Application at:** Former Terrys Offices Bishopthorpe Road York YO23 1DE  
**For:** Internal and external alterations in connection with conversion of  
former headquarters building to care home with rooftop extension  
**By:** Springfield Healthcare Group & Henry Boot Developments Ltd...  
**Application Type:** Listed Building Consent  
**Target Date:** 30 October 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The Terry's Headquarters Building comprises a Grade II Listed brick and stone built former office block to the east of the former entrance to the Terry's chocolate manufacturing complex dating to the early 1920s. The site also lies within the Terrys/Racecourse Conservation Area. The premises have been vacant and deteriorating since 2011 when after chocolate manufacture at the site ceased, the subsequent office tenant vacated the premises. Listed Building Consent is now sought for internal and external works to facilitate conversion of the premises into an 82 bed care home with 8 extra care apartments. The proposal includes a single storey roof level mansard extension.

### 2.0 POLICY CONTEXT

2.1 Draft 2005 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Head Offices  
Bishopthorpe Road

2.2 Policies:

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Planning and Environmental Management raise no objection in principle stating an exceptionally high degree of detailed information has been provided which removes much of the uncertainty from a conversion of this type. The new use inevitably places increased pressure on the building and its environment and the information demonstrates how the impact has been mitigated to a level compatible with the conservation of the building. A number of conditions requiring sample materials, large scale details of elements of the development and a repair scheme are recommended.

#### **EXTERNAL:-**

3.2 Micklegate Planning Panel raises no objection to the proposal.

3.3 Historic England raises no objection to the proposal subject to the architecturally important internal finishes being safeguarded.

3.4 The Twentieth Century Society whilst supporting the proposed internal works, object to the design of the proposed roof level extension which it is felt would seriously erode the character and design intent of the office building and would equate to substantial harm to its significance as defined by paragraphs 132 and 133 of the National Planning Policy Framework. It is felt that the public benefit of arresting the physical decline of the building and returning it to a viable use would not outweigh the degree of harm and that the previously permitted roof level extensions to the former Time Office and Multi-Storey Factory do not constitute a precedent because of their fundamentally different purpose and design intent. The applicant has subsequently responded to these concerns in some detail.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 Key considerations include:-

- Impact upon the historic character and integrity of the Listed Building.
- Whether the proposed works to the listed building would preserve or enhance the character or appearance of the Terrys/Racecourse Conservation Area.

### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### PLANNING POLICY CONTEXT

#### IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.3:- Sections 16 and 66 of the Planning(Listed Buildings and Conservation Areas) Act 1990 indicate that in considering whether to grant listed building consent for works the Local Planning Authority must have special regard to the desirability of preserving the Listed Building or its setting or any special historic or architectural features it possesses. Section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged). As these sections impose a statutory duty, it must be given considerable importance and weight when carrying out the balancing exercise. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.4 In addition to the statutory duty, Central Government Planning Policy as outlined in section 12 of the National Planning Policy Framework is also to be applied. The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF, notably paragraphs 132 to 134. The NPPF classifies listed buildings and Conservation Areas as “designated heritage assets”. The NPPF advises on heritage assets as follows:

-Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

-Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

-Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

## IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

**4.5 BUILDING SIGNIFICANCE:-** The Terry's Headquarters Building is one of a group of five architecturally co-ordinated purpose-built factory buildings constructed between 1924 & 1930 to the designs of architects J G Davies and L E Wade. The buildings were listed individually at Grade II following closure of the complex in 2006. The architecture of the Headquarters Building is of an early C20th classical revival style with art deco influence, using red brick with stone detailing particularly prominent around the entrance area. The building was designed with a hierarchy of offices and board rooms at the site frontage on Bishopthorpe Road with distinctive and highly decorative wooden panelled interiors and a grand centrally placed staircase with a glazed atrium above. In the centre of the building lay an innovatively designed full height north lit typing pool with laboratories arranged around the remaining three sides of the building. Overall with the exception of a doorway formerly giving access to a second floor 1970s bridge extension to the rear the building gives an appearance of a symmetrically planned early 20th Century Neo-Georgian structure cleverly concealing its industrial purpose to the rear.

**4.5 THE PROPOSAL:-** It is proposed to convert the building into a mix of 82 single and twin care bed rooms with 8 extra care apartments predominantly within a single storey roof level mansard extension. The principal communal rooms and administrative functions associated with the proposed use would be located towards the site frontage and accessed from the main Bishopthorpe Road entrance. The central typing pool would be converted into a large indoor amenity space with artificial plants with a series of spaces designed for residents to entertain visitors and to engage in therapeutic and craft activities around its fringe. Some of the ornate panelled rooms at the site frontage would be subdivided in order to form the care suites. A series of lifts would be provided through the building to enable staff and resident access through the various levels. The roof level extension would give access to a roof terrace on the Bishopthorpe Road frontage of the site, that would form an amenity area enabling residents to take part in communal and therapeutic activities securely out of doors.

4.6 ASSESSMENT OF IMPACT:-The building's proposed conversion to a care home use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the hierarchy of panelled office and board rooms along the Bishopthorpe Road frontage would to an extent be lost through the proposed works of sub-division to allow for the formation of the care suites and new communal and administrative functions.

4.7 Alterations to the character of a listed building require clear and convincing justification. In this instance justification for the extent of alterations required for the care home use has been provided by the outcome of the marketing exercise which has concluded that there is no current developer interest in the building for the office use for which it was designed or other uses potentially less damaging to the interior such as a hotel with associated restaurant. The unusual and very process and period-specific internal layout and its current condition have also been seen as significant negative factors in attracting development at this time. Although the alterations proposed would be regarded as causing less than substantial harm to the interior of the building, they do not lead to unacceptable loss of significance overall. The public benefit of having the heritage asset in active use as care home accommodation is regarded as outweighing the less than substantial harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community.

4.8 Notwithstanding the broad support for the proposal several detailed design concerns remain which the applicant has agreed to address. Concern and consultee objection has also been highlighted in respect of the proposed roof level extension and the appropriateness of its design. The proposed roof level extension is seen as necessary to secure the effective operational management of the care home and also to secure its viability. The design of the roof top extension has been the subject of significant negotiation and amendment to secure the most appropriate format to fit the design of the building, the adopted architectural metaphor and also the requirements of the end user. The relationship of the frontage of the extension to the roofscape of the building and the principal views from Bishopthorpe Road has been a subject of especial concern in terms of the design development. As such the adopted format has been recessed away from the site frontage in order to minimise visual impact whilst at the same time creating adequate space for an external amenity area. The proposal envisages the use of a mansard roof which is characteristic of buildings using a Neo Classical architectural metaphor. As such it is felt to safeguard the wider significance of the building. It will however give rise to some material harm to the significance of the central typing pool section of the building. This harm is however felt to be less than substantial and more than outweighed by the public benefit of arresting the physical decline of the building and safeguarding its future in a viable economic use. The proposed window design incorporating metal frames and fibreglass cheeks is however a subject of some concern. This may however be effectively addressed by a revised scheme secured

by condition as part of any approval and the design and the principle of the roof level extension remains acceptable.

4.9 Some concern has also been highlighted in respect of the proposed internal works notably the need for and location of plant and services within the building and any potential harm resulting to its significance. The applicant has agreed to address this and the recommended solution will be reported to the Meeting. The proposed treatment of the glazed rotunda above the central stairway is also a subject of concern; a stainless steel treatment is specified although a treated finish to resemble lead would be more appropriate. This could be secured by condition attached to any permission along with the detail of any replacement door furniture which should match the brass finish of the existing. In terms of fenestration for the existing building internal screens should be provided rather than frosted glass for the external windows of bathrooms and secondary double glazing in place of double glazed sashes in vulnerable areas. The applicant has agreed to explore these issues further and an update will be reported at the Committee meeting.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty any harm to the conservation area must be afforded considerable weight and importance when considering the planning balance and this is outlined below. Where any harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.11 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation.

4.12 The complex of preserved early 20th Century Industrial buildings together with the adjacent racecourse complex along with its landscape setting is designated as a Conservation Area in view of its significant contribution to the wider townscape and visual character of the City. The seriously deteriorating structural state of the various buildings particularly when seen against the context of the racecourse to the north west has harmed the appearance of the Conservation Area. The proposal seeks to bring the second principal building of the complex back into a beneficial use which would have the effect of arresting any further decline. The proposed roof level extension as amended would also be visible to a modest extent within views of the wider Conservation Area. It is felt that the proposed works taken together do not cause any harm to the Conservation Area, and would secure its preservation and

enhancement in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

## **5.0 CONCLUSION**

5.1 The Headquarters Building the subject of this application has been partially vacant for 10 years and vacant in its entirety since 2011 and its condition has deteriorated substantially giving rise to serious concern. In this context it is important to secure the optimum viable use compatible with the building's conservation to ensure its survival for future generations. The proposed conversion for care home use would sustain the historic, aesthetic and communal significance of the building.

5.2 The evidential significance illustrated by the design and layout of the principal offices and boardrooms, its environment and finishes, would to an extent be lost and this could be regarded as less than substantial harm within the terms of paragraph 134 of the National Planning Policy Framework. Although the internal alterations proposed would be regarded as giving rise to less than substantial harm they do not lead to unacceptable loss of significance of the building overall. Providing the remaining issues of detail are addressed as indicated by the applicant the formation of the proposed care home would out-weigh the identified less than substantial harm, even when attaching considerable importance and weight to that harm.

5.3 Notwithstanding the less than substantial harm identified it is felt that the public benefit arising from the proposal would ensure that the terms of Section 16, 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act would be complied with, in respect of securing the character of the Conservation Area and the Listed Building and approval is therefore recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:    Approve**

1        TIMEL2        Development start within three years (LBC)

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

Drawing Refs:- A03 10 01; A03 10 02; A03 10 03; A03 10 04; A03 10 05; A03 10 06; A03 10 07; A03 10 08 ; A03 10 09; A03 10 10; A03 10 11; A03 10 12; A03 10 13 ; A03 10 14; A03 10 15; A03 10 16; A03 10 17; A03 10 18; A03 10 19; A03 10 20; A03 10 21; A03 10 22; A03 10 23; A03 10 24; A03 10 25; A03 10 26; A03 10 27; A03 10 28; A10 00 01; A10 00 02; A20 00 01; A20 00 02; A20 00 03; A20 00 99; A20 01 01; A20 01 02; A20 01 03; A20 01 04; A20 01 99; A20 02 01; A20 02 02; A20 02 03; A20 02 99; A20 03 01; A30 00 01; A30 00 02; A30 00 03; A30 00 04;

Application Reference Number: 15/01624/LBC

Item No: 4c

A30 00 05; A30 00 06; A31 00 01; A31 00 02; A31 00 03; A31 00 04; A31 02 02;  
A32 00 00; A32 00 02; A32 00 03; A32 00 04; A32 00 05; A33 00 01; A33 00 02;  
A90 00 01; A90 00 02; A92 00 01; A92 00 01; A92 00 02; A92 00 03; A92 00 04;  
A92 00 05; A92 00 06; A92 00 07; A92 00 08; A92 00 09; A92 00 10; A92 00 11;  
A92 00 12; A92 00 13; A92 00 14; A92 00 15; A92 00 15 16; A92 00 20; A92 01 01.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

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

At 1:20 & 1:5 as appropriate of the following elements:

- i) Dormer windows in the mansard (revised to show a capping, and using terne coated stainless steel or slates on the cheeks). Windows should be of the sliding sash type (not top-openers).
- ii) The outer wall of the curved drum over the lantern (terne coated stainless steel to be used and elevations revised to accord with plan).
- iii) Location and design of any vents in the external wall (to be avoided if possible).
- iv) Details of roof top access, gangways, safety measures, lift over-run and roof lights above the general roof line.
- v) Details of privacy measures in windows to bathrooms on outer wall.
- vi) Details of automatic doors and associated push-plates as they affect the



exterior of the building.

vii) External lighting of building and terraces.

viii) Details of new and replacement internal door and window furniture.

ix) Details of the landscape shall be provided including planters and borders of hard and soft landscape, balustrades and walls, seating and other furniture and any lighting integrated with the schemes.

x) Details of safety lamination to glass soffit over atrium and to glass walls around corridors and in former “over-seer’s office” if required.

xi) Notwithstanding submitted details, revised details of kitchen and bathroom pods showing the introduction of a recessed separating strip scribed to existing details at abutments.

xii) Oak floors to be retained and made good in the suites.

xiii) Ceramic tiled floor in the hall must be retained and repaired as shown. Details of any overlays or other measures to increase slip resistance should be provided.

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

5 Prior to the commencement of internal conversion works full details of all externally mounted plant including locations, design and any guarding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the approved care home being first occupied.

Reason: To safeguard the historic character and integrity of the Listed Building.

6 Prior to the commencement of internal conversion works full details of the proposed internal services including locations, ducting and associated suspended ceilings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the approved care home being first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

7 Prior to the commencement of internal conversion works full details of the proposed external paint colours shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved details prior to the approved care home being first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

8. Prior to the commencement of internal conversion works a full schedule of internal and external repairs to the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved before the care home is first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

9. Details of any further adaptations of existing features or fabric in the entrance hall required to address safety or fire issues shall be submitted to and approved in writing by the Local Planning Authority prior to implementation and shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the historic character and integrity of the Listed Building.

10. Notwithstanding the door schedule submitted, there shall be a review of ironmongery on the varnished doors to retain special handles and matching plates. The final schedule shall be submitted and agreed in writing by the Local Planning Authority and thereafter adhered to.

Reason: To safeguard the historic character and integrity of the Listed Building.

## **7.0 INFORMATIVES:**

### **Contact details:**

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