



**Notice of meeting of
Planning Committee**

To: Councillors R Watson (Chair), Bartlett, Blanchard, Cuthbertson, Hill, Horton, Hyman, Jamieson-Ball, Macdonald, Moore, Reid, Simpson-Laing, Smallwood, I Waudby and Wilde

Date: Tuesday, 27 June 2006

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 12.30 pm on Monday 26 June 2006 at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes

(Pages 3 -
20)

To approve and sign the minutes of the meetings of the Planning Committee held on 16th May 2006 and 24th May 2006.

3. Public Participation

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

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

4. Plans List

This item invites Members to determine the following planning applications:

- a) **Royal Masonic Benevolent Institute Homes, (Pages 21 -
Connaught Court, St Oswald's Road 52)
(05/02546/OUT)**

Outline application for the erection of sheltered accommodation, an extension to the Elderly Mentally Frail unit, residential development, relocation of the existing bowling green and provision of a new access road and car parking.

- b) **Site Covered By Properties 1 To 7 And 15 To (Pages 53 -
22, Bleachfield, Heslington (06/00826/FULM) 70)**

Demolition of university staff houses and erection of six student residences, comprising 3 x three storey and 3 x four storey blocks with associated utility building, parking and landscaping.

5. **Revised Development Brief for the Terry's (Pages 71 -
Factory Site 156)**

This report describes the consultation process carried out on the draft development brief for the Terry's Factory Site, presents a revised brief which had been compiled in response to the concerns and suggestions raised and seeks its approval as draft supplementary planning guidance to the Development Control Local Plan.

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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PLANNING COMMITTEE – 27 JUNE 2006

SITE VISITS

MONDAY 26 JUNE 2006

Coach leaves War Memorial Gardens (Station Avenue) at 12.30pm

- 12.50 pm Site covered by properties 1 to 7 and 15 to 22 Bleachfield,
Heslington, York
- 06/00826/FULM
Demolition of university staff houses and erection of six student residences, comprising 3 x three storey and 3 x four storey blocks with associated utility building, parking and landscaping.
- 1.30 pm Royal Masonic Benevolent Institute Homes, Connaught Court,
St Oswald's Road, York
- 05/02546/OUT
Outline application for the erection of sheltered accommodation, extension to Elderly Mentally Frail unit, residential development, relocation of existing bowling green and provision of new access road and car parking.

(Return approx. 2.30 pm)

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	16 MAY 2006
PRESENT	COUNCILLORS R WATSON (in the Chair), BARTLETT, CUTHBERTSON, HOPTON, HORTON, HYMAN, JAMIESON-BALL (as substitute for MORLEY) MACDONALD, MERRETT (as substitute for POTTER), MOORE, REID, SMALLWOOD, B WATSON (as substitute for SIMPSON-LAING) and I WAUDBY
APOLOGIES	COUNCILLORS HILL, MORLEY, POTTER and SIMPSON-LAING

PART A – MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

64. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they might have in the business on the agenda.

No interests were declared.

65. MINUTES

RESOLVED: That the Minutes of the meeting held on 27 April 2006 be approved and signed by the Chair as a correct record subject to the following amendments

- In minute 63a. (Bus Depot, Navigation Road, York) the deletion of the words “within the vicinity of the site” in section a) of the resolution and its replacement with “as close to the site as possible”.
- In minute 63a. (Bus Depot, Navigation Road, York) the addition of the following condition

Additional Condition re travel
plan/controlling movement of vehicles

66. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

67. PLANS LIST

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

67a. CAR PARK, HEWORTH GREEN, YORK

Members considered a major full application, submitted by Heworth Green Venture, for the erection of a 4 storey office building, including a medical general practice surgery and pharmacy on the ground floor and associated parking (ref: 05/02694/FULM).

Officers updated that the application had been deferred at the last meeting to allow negotiations to take place with the applicant regard a design more worthy of its landmark site. An updated Officers report was circulated which detailed changes made to the design and the Section 106 Agreement and set out additional conditions which would be required in an approval. The applicants also circulated copies of their Heworth Green Design Statement and a photo montage of the proposed building.

Officers reported that no objections had been received from the Environmental Protection Unit and City Development and that two emails had been received, after reconsultation, from local residents but that their objections related mainly to the overall development of the whole Foss Basin Area.

Representations were received, in objection to the application, from a local resident, who confirmed that residents had not seen a plan for the development of the whole site to assess the adequacy of the access to this development. She confirmed that residents were concerned at possible increases in traffic levels in the Layerthorpe/East Parade area and requested a landscaping scheme which included the use of native species. Residents also questioned whether the Section 106 Agreement would cover the provision of double yellow lines on roads, where necessary.

Representations were received from the applicant and the architect who confirmed that the buildings design had now been modified in accordance with Members and Officers comments to break up the facade into proportioned blocks fronting onto the link road. He also confirmed that Highway and EPU's concerns had been alleviated and that a modified Section 106 agreement was being drawn up to include a requirement for a Highway contribution towards the Foss Basin

Transport Plan. In answer to questions he confirmed that final details of materials had yet to be agreed.

Members questioned and commented on the proposals as follows

- Requested details of the proposed landscaping scheme in relation to the frontage to the link road
- Arrangements for and details of numbers of car parking spaces in the basement and for the doctors/pharmacy.
- Comparative figures for employment relating to the doctors/pharmacy as compared with office accommodation
- Were other uses permitted for the doctors/pharmacy premises without the need to apply for change of use?
- That the Highway Authority had powers, independent of the Section 106 agreement, to provide yellow lines where necessary.

Following a brief recess, Officers outlined details of two additional conditions relating to proposed restrictions on the use of the Pharmacy and Doctors Surgery and the need for a parking management plan for the site. They also requested the inclusion of additional landscaping conditions but confirmed that the schemes Architect was aware that the Authority required a quality landscaping scheme at this landmark site.

RESOLVED: That the application be approved subject to the following conditions

1. The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

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

As Revised 15/05/06

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

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

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 the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

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

5. The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

6. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

7. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8. No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

9. Prior to the development coming into use 4.5m x 75m highway visibility splays shall be provided at the junction of the internal access road with the James street link, free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

10. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

Reason: In the interests of the safety and good management of the public highway.

12. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 17.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

13. All buildings to be erected on this site shall have a finished floor level not lower than 10.58m Above Ordnance Datum and these levels shall be indicated on the drawings to be submitted and approved in writing by the Local Planning Authority before development commences.

Reason: So that the Local Planning Authority may be satisfied that adequate protection against flooding is achieved.

14. Any piling operations shall be carried out using the quietest practicable method available and local residents shall be notified in advance of the dates, times, likely duration and works to be undertaken.

Reason:- To protect residential amenity.

15. A scheme to prevent a dust nuisance arising as a result of works on the site must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason;- In order to protect residential amenity.

16. Details of all machinery, plant and equipment to be installed in or located on the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{max}(f)) and average (LA_{eq}) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant, and equipment shall not be used on site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational prior to occupation and appropriately maintained thereafter.

Reason;- To protect the amenity of occupants.

17. All works and ancillary operations, including deliveries to the site, shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and never on Sundays/Bank Holidays.

Reason:- To protect residential amenity.

18. Before construction work commences a noise management scheme shall be submitted and agreed in writing with the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site in accordance with BS 5228:Part 1 Code of Practice for Basic Information and Procedures for Noise and Vibration Control on Construction and Open sites.

Reason;- To protect residential amenity.

19. Before the use hereby permitted commences a scheme of ventilation to the offices must be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated ventilation ouveres to provide trickle ventilation. Where the external noise levels are such that occupants could be exposed to NEC B, or C if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to the external walls.

Reason;- To protect the amenity of occupants.

20. The building envelope of all buildings with a façade onto Heworth Green, the new link road, Foss Bank, or Layerthorpe, shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut and other means of ventilation provided. A scheme of sound insulation must be submitted and approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is constructed.

Reason:- To protect the amenity of occupants.

21. Construction work approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason:- To protect Controlled Waters by ensuring that the piling method minimises the likelihood of contamination of groundwater in the underlying aquifer via pathways created during piling.

22. If during development, further contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason:- To ensure that the development complies with the approved details in the interests of protection of controlled waters.

23. A full validation report of the remedial works following completion of the groundwater monitoring scheme, shall be undertaken and submitted to and approved by the Local Planning Authority.

Reason:- In the interests of public safety.

24. Notwithstanding the provisions of the Use Classes Order 2005, the proposed Pharmacy shall not be used for any other use without the prior written agreement of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

25. Notwithstanding the Town and Country Planning Act (Use Classes Order) 2005, the proposed Doctors surgery shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

26. The floor area of the proposed pharmacy shall only be as shown on the approved Drawing no. 1502-22-002-rev D accompanying the application and any increase in size must be agreed in writing by the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of an extension to retail floor area.

27. Prior to first occupation of the site by any employer, a full travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local, national guidelines and the travel plan framework submitted with the application. Within 12 months of occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

28. Prior to commencement of development a car park management plan shall be submitted to and approved in writing by the LPA. Such plan shall clearly demonstrate how car spaces are to be allocated to individual site users (including signage/lining details) and measures to be undertaken to control the use of parking facilities in accordance with the travel plan.

Reason: To ensure effective management of the car parking facilities in order to prevent the displacement of car parking onto the adjacent public highway.

29. The Local Planning Authority shall be informed in writing of the expected date that the approved landscape scheme submitted under condition 4 above will be completed on site, to allow the opportunity for the approved landscape scheme to be inspected both at completion and over subsequent five year periods

Reason:- To ensure the landscaping is provided and maintained to satisfaction of the local Planning Authority, in the interests of visual amenity of the locality.

30. Implementation of the landscape works, as shown on the approved landscape plan and associated documents, shall be overseen by a

chartered landscape architect. Before works start on site, the name and address of the appointed Landscape Architect shall be supplied to the Local Authority.

Reason:- To ensure quality control and full compliance with the approved Landscape scheme.

1. 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).

INF1 S38

INF1 S278

2. INFORMATIVE: Further information relating to the development of the Travel Plan in accordance with local and national guidelines can be obtained from the Council's Travel Plan Officer.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character of the local area and the overall townscape of the City of York. The scheme is considered to enhance a landmark plot and as such the proposal complies with Policies GP1, GP4a, E3b, C1, S10 and T18 of the City of York Deposit Draft Local Plan as well as overriding Policy Guidance in the form of PPS1 Delivering Sustainable Development.

COUNCILLOR R WATSON,
In the Chair

The meeting began at 4.30 pm and ended at 6.10 pm.

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MEETING	PLANNING COMMITTEE
DATE	24 MAY 2006
PRESENT	COUNCILLORS R WATSON* (in the Chair), BARTLETT*, CUTHBERTSON, HILL, HOLVEY (as substitute for HYMAN), HOPTON*, HORTON*, MACDONALD, MERRETT (as substitute for POTTER), MOORE, REID*, SIMPSON-LAING, B WATSON (as substitute for SMALLWOOD) and I WAUDBY
APOLOGIES	COUNCILLORS HYMAN, MORLEY, POTTER, SMALLWOOD and WILDE

*attended site visits

PART A – MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

68. INSPECTION OF SITES

Site	Reason for visit
Land Adjacent to Frog Hall Public House, 87 Layerthorpe, York	To see the context of the site in relation to existing and new development in the area, and site contamination issues.

69. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they might have in the business on the agenda.

No interests were declared.

70. MINUTES

It was reported that the minutes of the Planning Committee meeting held on 16 May 2006 were not yet finalised and would therefore be considered for approval and signing by the Chair at the next meeting.

71. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

72. PLANS LIST

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

72a. LAND ADJACENT TO FROG HALL PUBLIC HOUSE, 87 LAYERTHORPE, YORK

Members considered a full application, submitted by Tiger Developments Ltd., for the erection of 158 flats (97 x 1 bed and 61 x 2 bed) in six blocks with associated car and cycle parking, open space with riverside walkway, and construction of a highway from Layerthorpe to the northern boundary of the site (ref: 04/01745/FUL).

A copy of the Case Officer's update was circulated to Members. It included the following proposed amendments to conditions:

- Condition 5 – to restrict the heights of blocks A-D to 27.5m AOD and blocks E-F to 25.0m AOD, thereby linking them to the OS benchmark of 12.11m AOD that had been found on the Layerthorpe frontage of the site;
- Condition 29 – to reflect that the acoustic barrier to protect the open space at the rear of blocks E-F needed to be a brick wall to improve the visual appearance of the site boundary at this prominent location, fronting Layerthorpe.

Written representations from Councillors Ruth Potter and Viv Kind, who represented Heworth Ward, had been circulated to Members for consideration and the Case Officer's update responded to the objections raised.

Representations were received in support of the application from the applicant's agent.

Members expressed a number of concerns regarding the refuse storage area, including its distance from some blocks of flats, its proximity to disabled parking spaces and the risk that cars may be damaged during collections, its height and the risk that larger bins may damage the roof, and the need for adequate space to be provided for recycling facilities. They requested that a condition be added requiring the submission of revised refuse storage arrangements to address these issues.

Some Members expressed concerns regarding the level of affordable housing provision on the site and the lack of family homes, in terms of

the absence of three bed flats and the split between 1 bed and 2 bed flats.

Members requested that condition 6 (LAND1) be amended to extend, beyond five years, the period in which the replacement of trees that died would be required. Members also requested that this condition required the provision of semi-mature and appropriate planting at an early stage, using species that would flourish in areas which were overshadowed by buildings. Some concern was expressed that the children's play area would not receive adequate sunlight during the winter months.

Members requested the addition of informatives suggesting that the applicant discuss the use of sustainable energy on the site with the Council's Sustainability Officer and that the provision of externally accessible letterboxes be considered. They also highlighted the need to ensure public access to the riverside walkway through the Section 106 Agreement.

RESOLVED: That the application be approved, subject to:

- a) A Section 106 Agreement, as outlined in paragraph 5.7 of the report, including arrangements for public access to the riverside walkway;
- b) The conditions listed in the report, with the following amendments:
 - (i) Condition 5 – “Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 27.5 metres A.O.D (blocks A,B,C,D.) and 25.0 metres A.O.D. (blocks E,F.) as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.”

- (ii) Condition 6 - “No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This shall include semi mature tree planting on both sides of the link road and on the riverside. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- (iii) Condition 29 – “Before the use hereby permitted comes into use, an acoustic barrier shall be constructed to protect the outdoor amenity area to the east of blocks E and F from noise. Details of the acoustic barrier shall be submitted to the local planning authority for approval, which shall include the position, length, height and location of the barrier, together with a description of its construction. The barrier shall be installed in accordance with the details as approved by the local planning authority and shall appropriately maintained thereafter.

Reason: To ensure the amenity area is suitably protected from noise.”

And the following additional conditions and informatives:

- (i) Condition – “Amended details of the location of and access to the undercroft bin stores shall be submitted to and approved in writing by the local planning authority before the start of construction work onsite. These details shall include provision for the storage of recyclable materials for collection, in accordance with the Council's household recycling provisions at the time.

Reason: To ensure convenient access to the stores, and their adequate internal storage capacity in accordance with current waste and recycling collection practice.”

- (ii) Informative – “The local planning authority supports the introduction of sustainable energy measures within new developments. Therefore the developer is asked to discuss with the Council's sustainable development officer measures which could be introduced in the construction and subsequent residential occupation of the development to promote sustainable development. Please contact kristina.peat@york.gov.uk tel. 01904 551666.”

- (iii) Informative – “The developer is asked to consider the details of access and security measures at the entrances to the residential apartments to facilitate the delivery of material to residents - accessible letterboxes.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character of the local area, the overall townscape of the City of York, and removal of

contaminated materials on site.. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP3, GP4b, GP6, GP7, GP9, GP15a, T14a, H1, H5a. of the City of York Local Plan 4th set of changes, as well as overriding policy guidance in PPS1, PPG's 3, 23 and 24.

[Note: Councillor Merrett requested that his vote against approval of the application be recorded.]

73. KNAPTON VILLAGE DESIGN STATEMENT FOR APPROVAL

Members received a report which presented the Village Design Statement for Knapton and proposed that it be adopted as draft Supplementary Planning Guidance to the draft Local Plan (as amended), with the inclusion of a number of amendments resulting from the consultation process.

An amended version of the Village Design Statement (VDS) was attached as Appendix 1 of the report. Amendments following the consultation exercise had been incorporated, to clarify some points in the document and strengthen others. A schedule of responses received from the consultation, together with the VDS group's and officer's responses were set out in Appendix 2. Page 2 of the VDS explained that the document represented the views of local villagers and included some aspirations that were outside the control of current planning regulations.

A representative of the VDS Group attended the meeting to speak in support of the document and to answer Members' questions.

RESOLVED: That the Knapton Village Design Statement be approved as draft Supplementary Planning Guidance to the draft Local Plan (as amended), for use as a material planning consideration, with the following corrections:

- a) To the fourth paragraph of page 8 to refer to Poppleton Ousebank Primary School;
- b) To the list on page 14 to refer to farm buildings in New House Farm.

REASON: To ensure that new development in the area fits its surroundings and is in keeping with local character and distinctiveness.

74. OPEN SPACE IN NEW DEVELOPMENTS – A GUIDE FOR DEVELOPERS

Members considered a report which sought their approval of the draft Supplementary Planning Guidance (SPG) 'Open Space in New Developments: A Guide for Developers' following public consultation.

Consultation representations, together with officers' comments and recommendations, were attached as Appendix A of the report and the draft SPG, incorporating the suggested amendments, was attached as Appendix B.

Members expressed concern regarding the proposed increase in maximum walking distance for outdoor sports facilities from 1,600m to 3,500m. They noted that whilst this approach was consistent with the Sport and Active Leisure Strategy, it was inconsistent with the approach taken in the draft Local Plan. It was argued that this change would result in a lack of provision in the central urban areas of the city, including for city centre schools, and an increase in car use, which would also impact on the city centre residents where car ownership was lower. It was suggested that further information needed to be provided about the type of facility that may be available at 3,500m and that a further category of smaller, formal facilities may be required at 1,600m. It was agreed to refer these issues relating to accessibility to a meeting of the Local Development Framework Working Group, to which the Executive Member for Leisure and Culture and Advisory Panel would also be invited.

Members also agreed a number of amendments to the draft SPG, as set out below.

RESOLVED: (i) That the following amendments be agreed to the draft SPG, attached at Appendix B of the report:

- a) To paragraph 2.1 and Table 1, to clarify whether the distances given were "recommended", "maximum" or "approximate";
- b) To paragraph 3.1, to refer to dog proofing of sites;
- c) To section 4, to require developers to fund local studies of the areas surrounding larger sites to assess the adequacy of facilities nearby;
- d) To paragraph 4.4, to remove reference to "the size of the site being deemed un/suitable for use", to provide reference to the minimum acceptable sizes listed in paragraph 4.6 and to add the words

“normally the Council would require on site provision where possible”;

- e) To paragraph 4.6, to rephrase the end of the second sentence to read, “unless the developer is to provide a fully operable facility which meets the standards for size set down by national sports governing bodies”;
 - f) To paragraph 5.1, to indicate that provision of open space for employment and retail sites should be seen in the context of the demand from nearby residential areas;
 - g) To paragraph 5.2, to replace the word “encouraged” with “required”;
 - h) To paragraph 6.1, to clarify how maintenance would be carried out after 10 years;
 - i) To paragraph 6.3, to indicate that costs shown in Table 3 would increase over future years;
 - j) To paragraph 6.4, to rephrase the first sentence and to clarify how maintenance would be carried out after 10 years;
- (ii) That a meeting of the Local Development Framework Working Group consider the issues raised relating to accessibility and that the Executive Member for Leisure and Culture and Advisory Panel be invited to this meeting.

REASON: To allow further consideration of the issues relating to accessibility of open space.

COUNCILLOR R WATSON,
In the Chair

The meeting began at 4.30 pm and ended at 7.10 pm.

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fulford
Date: 27 June 2006 **Parish:** Fulford Parish Council

Reference: 05/0022/OUT
Application at: Royal Masonic Benevolent Institute Homes Connaught Court St
Oswalds Road York YO10 4QA
For: Outline application for erection of sheltered accommodation, extension
to Elderly Mentally Frail unit, residential development, relocation of
existing bowling green and provision of new access road and car
parking (revised scheme)
By: Royal Masonic Benevolent Institution
Application Type: Outline Application

1.0 PROPOSAL**SITE:**

1.1 The Connaught Court site lies between Main Street, St.Oswalds Road, Atcherley Close, Fulford Park and Fulford Ings, in Fulford. The main vehicular access is off St. Oswalds Road, with a pedestrian access also found onto the Main Street frontage. The main building on the site is a large 2 and 3 storey reasonably modern care home, with associated smaller associated buildings and dwellings grouped around it. The buildings are primarily grouped towards St. Oswalds Road and Atcherley Close, with the remainder of the site consisting of private open space and a bowling green. The site contains substantial numbers of protected trees, in particular in the part of the site nearest Main Street.

1.2 Levels drop on the west side of the site towards the Ings and the River Ouse beyond. This part of the site lies in the flood plain of the river, whilst the adjacent Ings is a SSSI and lies within the York Green Belt. The frontage of the site onto Main Street lies within Fulford Conservation Area. The St. Oswalds Road frontage does not lie in a conservation area, though properties on the opposite side of this road lie within Fulford Road Conservation Area

PROPOSAL:

1.3 The proposal in summary involves the redevelopment of parts of the Connaught Court site for self contained 'special care' sheltered apartment accommodation, an extension to the existing mentally frail unit on the site, private (general market housing) residential development, the relocation of the bowling green and associated facilities, and car parking spaces for the use of an adjacent health centre, to the south of the site.

1.4 The application is made in outline form. Access forms part of the application. A new vehicular access into the site would be formed off Fulford Road, and the existing vehicular access off St. Oswalds Road would also be utilised.

1.5 A planning statement incorporating a tree survey, landscape strategy, flood risk and drainage assessment, traffic impact assessment, archaeological desktop study were submitted when the application was received.

1.6 During the course of the application, siting of the following was also made formally part of the application, in order for the principle of the development to be properly assessed in relation to the impact on protected trees on the site and the two conservation areas:

- extra care apartments
- mentally frail unit
- access roads, emergency link and parking spaces for the health centre
- bowling green, bowls clubhouse and parking
- proposed dwellings on part of the site fronting St. Oswald's Road

- open space to be retained on site and children's play space.

1.7 Issues of design, external appearance and landscaping remain reserved matters, as does siting of dwellings in proposed residential areas to the south of Atcherley Close and to the north of Fulford Park.

1.8 The following additional information and amendments were made during the course of the application:

- changes to the layout to show protective tree fencing lines, alteration to the siting of the - extra care sheltered accommodation to retain a tree, increased retention of a raised bed for beech tree.
- detailed drawings of the site access junctions and supplementary highways issues information
- a report on the archaeological evaluation
- a design statement for the St. Oswalds Road area of the site
- a design brief for site security
- supplementary flood risk assessment information
- supplementary open space issues information
- changes to play space provision
- site sections in relation to bowling green and access road from Main Street.
- proposed land use plan to confirm the uses proposed in each part of the site.
- bat survey
- financial appraisal on affordable housing issues

1.9 All relevant consultees were consulted on further information and amendments made during the course of the application. Local residents and the Parish Council were consulted on all further information (excluding the financial appraisal) and amendments made. The development as proposed is detailed as follows:

1.10 The areas behind the Main Street frontage would comprise open space areas on either side of the new access road. This would include the relocated bowling green on the north side of the new access road with clubhouse. The bowling green is currently in the area of the site to the south of Atcherley Close, where private residential development is proposed. A small children's play area is proposed on the open space to the south of the new access road. Nineteen car parking spaces are proposed along this new access road, six of which would be for use by the health centre, connected by a footpath link. A further three would be shared with the bowling green, with ten for sole use for the bowling green.

1.11 The new extra care apartments building would be sited behind (west of) of the bowling green. The building would be L shaped, with the new access road terminating in front, with associated car parking. A courtyard of bungalows would have to be demolished to make way for the building. The footprint area of this building would be approximately 2000 sq m.

1.12 The L shaped extension to the mentally frail unit would be sited on the north side of the Connaught Court buildings, abutting the rear boundary of the Sir John J Hunt Memorial Cottage Homes. Car parking would be shared with the reconfigured car parking for the existing Connaught Court building, providing a total of 40 spaces and cycle parking.

1.13 Three areas of private residential development are proposed, all of which would be serviced via the existing St.Oswalds Road access. The area adjacent St. Oswalds Road would provide 6 detached and 2 semi detached dwellings, incorporating a small 'green' feature and a separate footpath link to St. Oswalds Road. The dwellings would be orientated into the site, and be of 2 or 2½ storey height.

1.14 The remaining two residential areas would be to the south of Atcherley Close and to the north of Fulford Park. The existing internal access road would be extended to the west and then to south of the existing Connaught Court building to serve these parts of the development. Indicatively, the area to the south of Atcherley Park is shown to provide 27 apartments in 2 and 3 storey blocks, and the area to the north of Fulford Park is shown to provide 10 detached dwellings, though siting of these dwellings does not form part of the application. The part of the site to west of these areas, and down to the site boundary with the Ings, would be open space. The second children's playspace is proposed between these two areas of new residential development.

1.15 Neither the private residential development, nor the extra care sheltered accommodation would provide affordable housing. The applicant's justification for this is discussed in 4.4.

Site History:

1.16 The existing care home has being subject over a number of approvals for extensions over the years. The site frontage onto St. Oswalds Road received an outline permission in the mid 80s for four dwellings. More recently, an outline application for 40-50 extra care units in part of the site adjacent to Fulford Park, and accessed off Fulford Park, was withdrawn following a recommendation to refuse on the grounds of inadequate information in relation to trees, conservation area, SSSI, Green Belt, access and affordable housing (ref: 03/00698/OUT). During this course of the application, a Tree Preservation Order was served on the majority of trees on the site.

1.17 Two of the protected beech trees have being subject to recent tree works applications. A first application (ref: 03/03285/TPO) was made in October 2003 to remove these trees, but was refused on the grounds the trees appeared in reasonable condition and inadequate arboricultural reasons were given for their removal. A further application (ref: 04/01838/TPO) was submitted in May 2004 to fell the two beech trees, following a more detailed inspection and an associated report, including replacement planting with a woodland species of similar stature. Permission was consequently given for the removal of the trees, and they have subsequently being removed.

1.18 A similar development to that now proposed under this application, but subsequently withdrawn was proposed in 2004(ref: 04/002546/OUT). The main differences are the current application proposes also the extension to the mentally frail unit and the car parking for Fulford Surgery, and the siting details provided as part of the current planning application and more detailed supporting information.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

DC Area Teams East Area (1) 0003

City Boundary York City Boundary 0001

2.2 City of York Deposit Draft Local Plan (1998) as amended by 1st and 2nd set of Changes Policies:

SP2 The York Green Belt

SP6 Location Strategy

GP1 Design

GP3 Planning Out Crime

GP4 Environmental Sustainability
GP9 Landscaping
GP15 Protection from Flooding
NE1 Trees, Woodland and Hedgerows
NE6 Species Protected by Law
HE2 Development in Historic Locations
HE3 Conservation Areas
HE10 Archaeology
HE11 Trees and Landscape
T4 Cycle Parking Standards
T13 Car Parking Standards
H2 Affordable Housing
H4 Housing Development in Existing Settlements
H5 Residential Density
H17 Residential Institutions
L1 Provision of Open Space in New Developments
C6 Developer Contributions Towards Community Facilities

3.0 CONSULTATIONS

Internal

3.1 City Development

3.1.1 The proposal aims to make effective use of land for housing. It is borderline in terms of meeting minimum density requirements, but the landscaped setting of the site must be acknowledged. The parkland character and formal gardens have been retained. The proposal includes open space provision linked to the new housing in accordance with local plan policy. It is noted the bowling green will be relocated between the care home and the Main Street frontage.

3.1.2 It is disappointing to note the lack of affordable housing. The Local Plan and Affordable Housing Advice Note 2000 are clear in their support for affordable housing, and it is considered the site performs well in terms of access to services and facilities, including public transport. There is a clear and identified need for affordable housing in York in general and this area specifically. The 2002 Housing Needs Survey indicates a need for 950 new affordable homes per annum to 2007 to meet need. The applicant's supporting statement accepts the affordable housing policy, but attempts to justify the non provision by referring to abnormal site costs and the realisation of other policy objectives.

3.1.3 The applicant has submitted a table of costs associated with the removal of asbestos and the upgrading of services, rooms and windows, general repair and the maintenance and construction of an extension. In line with the Housing Advice Note 2000, it is considered these costs are known rather than abnormal. They should be accounted for in land appraisal sales, and it is considered that open market sales within the scheme will comfortably off set the on-site costs.

3.1.4 The second justification for the lack of affordable housing refers to the charity status of the applicants and states that any surplus resulting from the development will be used to upgrade and improve facilities. Circular 6/98 clarifies the situation on suitability of sites for affordable. Suitable housing includes "special needs housing which is not affordable simply because it caters for a particular group", going on to state that "local assessments of needs for affordable housing may show there are elderly households who cannot afford sheltered housing provided by the market". There have been no submissions to suggest that the sheltered housing would be affordable to local elderly people in need, and it is considered appropriate to include a suitable element of affordable sheltered housing within the scheme.

3.1.5 Cannot see any reason why the proposed private housing should be exempt from the established policy to integrate affordable housing within private housing schemes.

3.1.6 On submission of a financial appraisal on affordable housing issues, reiterates the site size and numbers are well above affordable housing thresholds, the agents assertions that extra care accommodation is sui generis and should not be subject to affordable housing requirements, and that affordable housing should not be provided within the private market for sale homes as it would compromise the Royal Masonic Benevolent Institute's (RMBI) programme of investment as a charity.

3.1.7 The financial appraisal treats the refurbishment and extension to Connaught Court as abnormal costs, that it to say there is an expectation these costs will be discounted from the gross development value and affordable housing therefore will not be required. There are very limited details on the extent of refurbishment and materials, construction methods and management. Similarly, a substantial financial contribution is extracted from the total gross development value in order to contribute to the RMBIs national build programme

3.1.8 Reiterates Circular 06/98 advice that special needs housing is not affordable simply because it caters to a particular group. The 2002 Housing Needs Survey shows there are elderly households in York who cannot afford sheltered housing provided by the market. The Council's Affordable Housing Note is clear and consistent in its approach, stating that known development costs should be accounted for in negotiating realistic land values. Planning related requirements such as affordable housing will be seen as known costs, and the onus will be on developers to offset these requirements through market sale and realistic land acquisition. This accords with Circular 06/98, which sets out the need to take any particular costs of development into account.

3.1.9 In this application, the land is already in the ownership of the RMBI and the surplus is sought to finance the extension and improvements to Connaught Court. Any surplus available (which is quite substantial) is proposed to contribute to the national programme of improvements and rebuilding/extension of RMBI homes across the country.

3.1.10 This is not agreed with in principle. It is not consistent with national or local policy and will not contribute to affordable housing provision in York. The RMBI's charity status does not allow entry to all people, or even to elderly people in affordable housing need in York or indeed to any elderly people in York, unless part of the RMBI. It is not related to any particular Council strategy, unlike affordable housing need in York. In this way and with reference to Circular 06/98, the provision of affordable housing within the scheme cannot be said to prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

3.2 Highways Network Management

3.2.1 On-site parking to serve residents needs is capable of being provided within the curtilage of the houses themselves. Parking for owners of the apartments would take place off the highway within allotted areas. It will be important to ensure when the reserved matters application is submitted, that parking levels are in accordance with Local Plan standards, to ensure no displacement of demand into neighbouring residential streets. Whilst the existing parking area for the current care home would be lost by the development proposals, there would be a replacement area of 40 spaces, sited to the north and west of the building. New covered and secure cycle storage facilities are also to be provided.

3.2.2 The current bowling green is to be re-sited towards the Main Street frontage of the site where a new clubhouse is also to be provided. Although there appears to be currently no dedicated parking are provided for the players, the proposals would create 10 spaces alongside the green accessed via a new junction off Main Street. The opportunity has been

taken to provide an additional 6 parking spaces for patients at the nearby Health Centre also served via this new cul-de-sac. This is a welcome addition since on-street parking can currently cause congestion around the Fulford Park junction.

3.2.3 The 19 parking spaces for the extra care apartments would be largely associated with staff and visitors since actual car ownership levels are predicted to be very low. Given the total number of residential units on the site, an emergency link has been sought between the two access roads which would take a line avoiding the mature trees on the site. This link would also serve as a route for pedestrians and cyclists wishing to reach Main Street and Fulford village rather than having to undertake the long detour via St. Oswalds Road. The internal access roads would in future become part of the adopted highway network and therefore conditions need to be attached to any approval requiring them to be constructed to adoptable standards.

3.2.4 The applicant is seeking permission to introduce a lower standard of visibility splay than would normally be required at the Main Street junction. This is because of difficulties associated with the setting back of the boundary wall and the impact this might have on the health of existing mature trees. Given the special circumstances, and the generally light traffic movements predicted, it is considered that the standards could be relaxed in this instance.

3.2.5 The site is situated in a sustainable location with buses passing on a 10 minute frequency into the City, throughout the working day. At the western end of St. Oswalds Road, the recently constructed off-road pedestrian/cycle route alongside the river provides a safer alternative to the Fulford Road radial for journeys into the City Centre. With the construction of the Millenium Bridge, safer routes to South Bank and Acomb are also now available for cyclists. Signalised crossing facilities for pedestrians are provided at the Fulford Road/Heslington Lane and Fulford Road/Broadway junctions. These pedestrian facilities already provide safe crossings between the development site and local facilities.

3.2.6 Objectors to the application have pointed out that traffic emerging from St. Oswalds Road into Main Street already face difficulties due to the restricted visibility of on-coming traffic particularly in the direction of the City. This is largely due to on-street parking which takes place along the frontage of the adjacent terrace properties. If Members are minded to approve the application, monies (£5,500) should be sought from the developer through s106 agreement to carry out improvements at this junction by way of a build out at this point and the marking of a right-turn lane at the junction, bearing in mind the extra traffic predicted.

3.2.7 The additional trips generated by the development on the adjacent highway network are predicted to be in the order of 40 to 50 vehicles in each of the two peak hours. The percentage increase in vehicle movements along Fulford Road is predicted to be significantly below the 5% threshold whereby a material change in traffic conditions can be said to have occurred.

3.2.8 An examination of the of the future operation of the existing site access junction on St. Oswalds Road, the junction of St. Oswalds Road/Fulford Road and the new site access on Main Street are all shown by the applicant's transport consultant to be operating well within their capacity and with only minimal increases in queue length in the post development situation.

3.2.9 In conclusion therefore there are no highway objections to the application. This is subject to a section 106 agreement covering the funding of highway safety improvements at the St. Oswalds Road/Fulford Road junction and highway conditions in relation to protecting vehicular visibility splays, adoptable road layout to be agreed, no mud on highway during construction, dilapidation survey, method of works statement and road safety audit.

3.3 Urban Design and Conservation – Trees/Landscape

3.3.1 On the submitted application, considered the main concern as this is an outline in ensuring the full requirements of British Standards are met in protecting trees. There would be definite significant loss of trees, and whilst a number are of limited significance individually, the potential accumulative loss could have a significant impact on the amenity and character of the area.

3.3.2 The units as originally proposed were incompatible with verge trees on St. Oswalds Road, impacting on the tree roots and causing loss of light. Accepts the amendments and further information submitted is an improvement, and that the arrangement of proposed dwellings on St. Oswalds Road should allow for the for scaffolding without the need to trim trees back, and that they will not now shade the properties from direct sunlight. The courtyard arrangement also avoids having to create several access points off St. Oswalds Road. There must be sufficient garden space with a southerly aspect, and there would be less conflict if the ends face the trees, though this may not provide the best aesthetics to St. Oswalds Road.

3.3.3 However, the aesthetically critical part of the scheme that is threatened, is the old parkland that contains the majority of the mature trees as viewed from Fulford Main Street. The mature trees in particular are of interest due to their age and species mix and their amenity value as part of a recognisable landscape setting and in several cases as individual specimens. The site is within the ‘village envelope’ of Fulford. It is not public open space and has no designation according to the local plan. However the open nature of the site, with its many mature trees, is an integral element of the character of the conservation area as publicly viewed from Fulford Main Street. This character is also appreciated from Love Lane and by the residents in Fulford Park. This open landscape feature marks an important break between the outskirts of the city centre along Fulford Road and Fulford village.

3.3.4 The earthworks and ditch for the new bowling green will result in the unacceptable loss of one protected lime and a number of category A trees (most desirable for retention) are threatened due to levels changes. They contribute to the amenity of the vicinity, providing layers of greenery and provide depth from views for the conservation. The accumulative loss would have a detrimental loss on the amenity of the site and views from Main Street and Fulford Park, having a detrimental impact on the character and amenity of the conservation area. There may be conflict with existing trees and the bowling green due to shading and the fall of leaves.

3.3.5 It is noted that the latest proposals aim to retain the lime. The detailed proposals for the edge of the bowling green tight up against the trunk of the Lime tree (including an in-situ concrete ring) is not good practice; it also involves raising the ground levels over the rooting zone of the tree, thereby altering conditions for the tree, that would be to its detriment. This would be exacerbated by the old age of the tree, which generally renders it less able to cope with changes in conditions. In addition to this, the parking bays and footway are proposed within the recommended protection area (RPA) for this tree, as well as the RPA for all three of the category A trees within group 5 of the TPO (257, 276, 277). The ditch and earthworks also intrude into the root protection area for the large Beech (275). This tree has exceptionally high amenity value and is also over-mature, which places greater importance on attaining adequate protection.

3.3.6 The proposed location of the single play area was impractical as play equipment would have been in the tree protection zones, and trees in question are prone to dropping limbs. This location would have threatened the trees’ longevity due to the risk they would pose in relation to the play space. The smaller play space now proposed in this area extends into the

root protection areas of the mature trees. It also falls below the required play area size for a LEAP standard, with the remainder provided at the other end of the site.

3.3.7 The health centre car parking would detract from the parkland character, and would be exacerbated with lighting columns and signage the turning head interferes with tree protection. Indicative housing plot 3 is too close to Poplars on Fulford Park outside the site, though it is understood the siting of dwelling in this part of the site is indicative.

3.3.8 In summary, the main criteria for this site are i) to retain an open swathe/parkland setting onto Main Street ii) protect the views/amenity from Fulford Ings and iii) retain the trees that are subject to a TPO. As this is an outline application the main concern is to ensure that British Standards are met in protecting trees As such the scheme presents a high risk of loss of trees, the extent of which is unacceptable due to the impact this would have on amenity and character. The development is still contrary to policies NE1 and HE11 because of the proposed loss and further likely loss of trees that are subject to a TPO due to development. That is not to say substantial development is not feasible on this site, but not in the current format.

3.4 Urban Design and Conservation – Built Conservation

3.4.1 On the submitted application, considered the further details needed to be submitted with the application in relation to layout, scale and mass of the St. Oswalds Road area of the site, as a significant level of development is proposed in this part of the site.

3.4.2 On submission of the layout and design statement for the St.Oswalds Road, raise no objection. The design statement satisfactorily describes the context of the conservation area and neighbouring development, establishes the informal recessed layout of development here, whilst remaining open to the different design possibilities that exist. The potential impact on the setting of the Fulford Road Conservation Area is lessened by the informal, recessed layout. Considering this plan and the above design statement there is sufficient information to adequately assess the impact of the outline proposal on the Fulford Road conservation area.

3.4.3 The proposed Main Street area layout is acceptable. The principle issue here is retention of the trees. It is desirable that the wall remains at its present height but lowering it by a few courses would not be viewed as being particularly harmful to the character of the conservation area.

3.5 Urban Design and Conservation – Archaeology

3.5.1 There are a number of archaeological finds from the Fulford area recorded in the Sites and Monuments record, therefore the applicants were advised to carry out an assessment and field evaluation of the site. This revealed a substantial possibly late prehistoric ditch running parallel to St. Oswalds Road and a range of ditches, pots and postholes all of Romano-British date. They are not of national importance, so they do not need to be preserved in situ, but they are of local/regional importance and must be recorded through an excavation in the area adjacent to St. Oswalds Road before development takes place. There must also be an archaeological watching brief on all other groundworks.

3.6 Urban Design and Conservation - Ecology

3.6.1 Raised concerns to the original submission due to the potential impact of the siting of the extra care facility on a fungi bed. The amended plans showing the changed building layout is better, with the area been for removal at the far end of the building. How much impact this would have will depend on the underground mycelium, and it would be imperative the retaining wall is built first. There needs to be an approved post development management plan. There also habitat creation opportunities for the open space, because of

the adjacent SSSI. Whilst this is a detailed consideration for a later stage, the applicant should be made aware at the outline stage.

3.6.2 There would be reasonable width left between the existing building and new development to allow for a foraging corridor for bats. On contact by local residents, and in visiting the site, there may be a bat roost within the site. The suitable trees are in close proximity to the single play area and bowling green, which is a concern. The revised plans showing the of splitting the play area is better from the point of view of bats. The splitting and relocation of the play areas takes them away from the main points of possible conflict and retains a corridor link to the Ings. Still feel there is insufficient area of interest for the fungi but accept it will be difficult to achieve anything further.

3.7 Community Services/Housing and Adult Services

3.7.1 Request that the provision of affordable housing is established as a planning condition or as part of the s106. This to preserve the requirement, as the site could easily be divided to avoid the minimum site size or number of units. To accord with the affordable housing requirements at the time the application was submitted, there will be a 25% affordable housing requirement. It is requested that an affordable housing plan be a requirement for the totality of the site and an integral part of the s106 for the whole site.

3.7.2 There are a number of concerns regarding the application at this stage and support cannot be offered until these issues have been satisfactorily addressed. Discussions with the applicants have not been resolved to the principles or nor the detail of affordable housing. Discussions have been centred around the RMBI's aim to a maximise capital receipts from the site and how this conflicts with the council's affordable housing policies. The applicant's use of data from the housing needs survey is taken out of context, and does not accord with the survey's final conclusions. The south east sector of the survey, which includes this site, shows the highest backlog of need.

3.7.3 The applicant has not attempted to assess the specific benefits to York – they state that only 70% of the occupants of the care would be from Yorkshire, with the balance of any surplus allocated to a new home in Durham. None of these statements give any comfort to housing need in York. No indication of the management or care charges were given, and it was indicated the Registered Social Landlord (RSL) will be charged with the exclusively charge of provision for masons and their partners. This offer in case has been withdrawn.

3.7.4 The mix of affordable housing should match pro rata that of the private element proposed on the whole site. The provision for the whole site should comprise 70% rented and 30% discounted for sale. The affordable homes should be of a size and quality that equates to that of the private and to be visually indistinguishable. The location of the affordable housing must be satisfactorily pepper potted, and the prices of the discounted sale dwellings needs to be agreed in advance of the Committee. Car/cycle parking should match pro-rata that of the private element. The homes should be provided through partnership with a RSL approved by the Council that provides the normal nomination system.

3.8 Lifelong Leisure and Learning

3.8.1 In relation to sport pitch provision, the recognition through the supporting statement that an off site contribution to be provided through a section 106 agreement is welcomed. On the original submission, stated that the location of the playspace should be confirmed and requested further information on the 'allotments' on site. The play area should be built to National Playing Fields Associated LEAP standards. Given the site is in private maintenance, it should be confirmed the RMBI will continue to maintain the on site open space. Would prefer to see maintenance of on site children's play area and opens space remains with the developer/management company.

3.8.2 The relocation of the bowls facilities is welcomed, but would wish the new green to be built before the closure of the old green, to ensure continuation of use. A path would be needed on all four sides of the bowling green. On Council run bowling greens, try to avoid trees near bowling greens as the shade they cast is detrimental to the grass and the trees also draw essential moisture away from the green, although a good irrigation system would sort that out. Also suggest a cycle link is made into Fulford Park, to provide a through link to St. Oswalds Road and down to the riverside path.

3.8.3 On submission of supplementary open space information, notes the allotments were used as kitchen garden for the care home and have not been used as a formal allotment, and the applicant will set up a management company to maintain on site open space. On submission of details of the siting of play area and that it would be built to LEAP standard, confirms this is acceptable. On subsequent submission of further details providing alternative provision through the two smaller playspaces to try to limit the impact on protected trees, state this is now not satisfactory. The play areas no longer meet NPFA standards which has a minimum size of 0.04ha. The City is judged on how it meets this standard so it would be a mistake to agree to build substandard playspace provision on the site.

3.9 Education

3.9.1 Local levels of surplus are such that contributions will only be sought for foundation and secondary stage education, dependant on the number of family dwellings as defined under the education SPG any dwellings of 2 or more bedrooms. Full breakdown of the accommodation schedule is not available, so a final figure cannot be arrived at. Any contribution will be based on £3398 per place required for foundation and £10,391 per place required for secondary. Further analysis will be undertaken upon receipt of a more detailed application.

3.10 Structures and Drainage

3.10.1 The Flood Risk Assessment appears to satisfactorily address all relevant issues in connection with flood risk and drainage, but the approval of the Environment Agency should be sought.

3.11 Environmental Protection

3.11.1 No objections to the principle of the development. There will be considerable noise during the construction phase of the development, that has the potential to affect the amenity of existing residents and neighbouring properties. A condition is felt appropriate to restrict the hours of work. There is also the issue of permanent plant/machinery which may be fitted as part of the final scheme. Although not a statutory noise nuisance, it may give rise to a lack of amenity. A condition is needed to require the approval of any noisy plant/machinery.

3.11.2 The site lies within 250m of a landfill site. There is the potential for mitigating gases that could present a health risk if development were to go ahead and suitable gas protection measures were not incorporated. A condition is recommended that requires the developer to undertake an assessment of the situation that will involve a minimum of 3 months gas monitoring.

External

3.12 Environment Agency

3.12.1 The Flood Risk Assessment submitted expands on the conclusions given the previously submitted planning statement with application 04/002546/OUT to which the Agency objected. The Agency has been in discussion with the applicant's agents and have agreed some changes, including the flood levels used, though these are not given the Flood Risk Assessment. There is a small discrepancy between the modelled levels held by the

Agency and the assumed levels held by the agents. The consideration of climate change should also be built into the mitigation, due to the vulnerability of the potential occupants. The Agency ask for this matter to be clarified before the principle of development is established, and therefore maintain an objection.

3.12.2 On submission of the supplementary flood risk information and plans referred to in this information, confirm this does now reflect the previous statements and discussions and therefore the Agency now raises no objection in principle to the application. This is subject to conditions in relation the details of surface water drainage works, no new buildings or raised ground levels within 2m of the 9.84m AOD contour, floor levels to be set at least 600mm above the 1 in 100 year flood plain plus climate change level at 10.22 and no storage of materials within the part of the site identified which is liable to flood.

3.12.3 The Agency supports the use of sustainable drainage systems in line with advice in PPG25, and the use of source control. For any drainage system to be fully sustainable, it must consider the state of the watercourse, type of rain storm events that may effect both the watercourse and drainage systems. It is questionable whether restricting the run off from the site to the Ouse will be of benefit, because in the case of a watercourse like the Ouse, with a large catchment, the effect of storms on the drainage systems and adjacent watercourses will be very different.

3.12.4 When the Ouse however is in flood for several days the issue of flood locking of the drainage system is something the applicant should include in the details of surface water drainage works. When the Ouse levels are high, the drainage system will be unable to discharge by gravity, and therefore it would be expected that additional storage would be available in the system to avoid causing problems in the site.

3.13 English Nature

3.13.1 No objection to the principle of the development. The site is adjacent to the Fulford Ings SSSI and it must be ensured that surface water run off does not compromise the SSSI. It is noted that a large number of trees are likely to be felled. Trees may contain suitable bat roosts and nesting sites for birds. Bats and their roosts are protected by the Wildlife and Countryside Act 1981, as are birds, nests and their eggs. Tree works can lead to the destruction of roost and nest sites. Advise that the applicant and the Local Planning Authority satisfy themselves that bats and their roosts and nesting birds are not present and will not be affected by the proposals.

3.14 Yorkshire Water

3.14.1 A water supply can be provided. Development should take place with separate foul and surface water systems. Foul water may discharge into sewers in Fulford Ings or St. Oswald's Road. There are no public surface water sewers available in the vicinity to accept any surface water from this site. Advise contact with the Environment Agency/Drainage Board to establish a suitable watercourse – the River Ouse is to the west of the site. An off site foul and surface water drain may be required – these may be provided by the developer. Land drainage must not discharge to the public sewer network. Recommend conditions in relation to separate foul/surface water systems, no discharge of surface water until a satisfactory outfall has being completed, proposed means of foul/surface water drainage and no piped discharge of surface water until completion of approved surface water drainage works.

3.15 Internal Drainage Board

3.15.1 Would like the opportunity to comment on the drainage design when more detailed drawings are available, in relation to the proposed floor levels relative to maximum river levels. Are also partially interested in existing foul and surface water culverts been replaced

to reduce the load on the existing foul pumping station in St. Oswald's Rd. Recommend soakaways are not used in this location.

3.16 Police Liaison Officer/Safer York Partnership

3.16.1 On the submitted application, commented that the elderly residents of Connaught Court currently enjoy an extremely safe and secure environment, with restricted public access. Raises concerns this would change by opening up the site, this amenity would be lost. Crime, noise nuisance and anti social behaviour, which is currently absent, would be generated. The Police Community Sergeant has concerns the site will be used as a short cut from the Millennium Bridge to Fulford Road. All routes to and from the Millennium Bridge are subject to anti social behaviour. Also concerned about the open plan nature of the development and the lack of defensible space.

3.16.2 On the subsequent submission of the 'Design Brief for Security', stated that the design brief fully reflects each of the safe, sustainable places introduced in the ODPM document 'Safer Places – The Planning System and Crime Prevention'. This is an excellent example to others to follow. No other comments to make.

3.17 Yorkshire Natural Environment Trust

3.17.1 The Council's Ecologist has identified 33 species of fungi under one of the removed beech trees, 5 of which are rare in Yorkshire. It is an infrequent opportunity to protect the 5 species which the panel would encourage. As there is one confirmed bat roost adjacent the site, the Council's Ecologist has asked for a survey of the bat feeding corridor in the area leading down to the river. YNET would resist loss of opens space that allows views into and over the site.

3.17.2 The bowling green will fail because the green and trees are too close together and both would suffer. The proximity of the trees will cause a fungal infection to the grass, leaving a patchy uneven surface, with the tree roots causing subsidence, making for a very uneven surface, the seasonal leaf fall would also make for difficult management of the green. The attractive open view to the river would also be spoilt by the location of play equipment.

Elected Representatives, Local Organisations and Residents

3.18 Parish Council

3.18.1 Object to the application on the following grounds:

- Loss of visual amenity for many of the residents of the city. The site is the last sizeable area of parkland with open grass and magnificent mature trees, visible from the A19 between the by pass and the city centre, and borders the Ouse with magnificent views. The development would also have an enormous impact on the feel of the village, and on a visitor's impression of York.
- It will be difficult to turn right into the new road from the A19, thus tailbacks would occur. Yellow lines would probably have to put near the new road forcing cars, including those associated with church function, to park nearby where there is little space. Parked buses associated with bus stops on either side of the road would create narrow sightlines, creating the potential for an accident.
- 2000 floodwater came to the edge of the Connaught Court bowling green, and St. Oswald's Road was badly flooded. The apartment blocks are on the very edge of the flood plain and would cause or exacerbate flooding problems. The raising of building levels due to flood risk would be out of keeping with the existing buildings, as would apartment buildings in this part of the city.
- This edge of a conservation area retains much of its original character as an open country lane, with low level low density housing set back from St. Oswald's Rd with open grassed

areas. Housing density and additional traffic would create unacceptable damage to this. It also affords access to the riverside area for recreation users, and cyclists would be endangered. The applicant's claim that housing in St. Oswald's Rd is 3 storey is disingenuous. The proposal to build 3 storey opposite is inappropriate. They would also reduce light for people living opposite and users of St. Oswald's Rd.

- The junction of St. Oswald's Rd with Fulford Rd is not adequate to accommodate any increase in traffic, has poor visibility and already has tailbacks. St. Oswald's Road itself is too narrow to take significant increases in traffic volume, and will no longer act as a buffer between the cycle path and the A19.
- The flats would be inappropriate, and mean that several houses will be overshadowed and lose their privacy in Atcherley Close .
- The development would be intrusive for Connaught Court residents, reduce their quality of life and be counter productive to its purpose, likewise for residents of Sir John Hunt Memorial Homes. Residents will have to put up with a building site for two years. Residents will cease to benefit from their semi rural environment, views of the Ings and beyond and loss of parkland. The residents in the bungalows would be temporarily homeless, and do not wish to be moved away from their families and friends.
- The reason given for the removal of the copper beeches was that they blocked light to the bungalows, that now are proposed to be demolished. The Council's ecologist has recommended that one of the beeches be retained due to rare fungi. A variety of animals and birds would lose their habitat on site and on the Ings, due to disturbance. Bats use Connaught Court for foraging and as a route to their feeding grounds. The raised levels of buildings will affect noise levels, environment and amenity for Ings users.
- No provision for low cost housing.
- The proposed access road would involve demolishing a great deal of the front wall, and the road will run nearer to the buildings causing safety implications for future residents. It would also be in close proximity to the traffic light system with increased traffic from the provision of car parking for the doctor's surgery.
- The play area will be very near the access road, parking area and major thoroughfare, which is very undesirable. Questions whether there is the need for an additional play area to the one provided by the Parish on School Lane. A solution may be for the developer to make a contribution to the Parish to update equipment, rather than a new park been provided,
- The bowling green is of insufficient size, that trees will have to be removed because of roots and leaf coverage interfering with grass growth and maintenance.

3.18.2 Do not consider amended plans and further information overcome their objections. In addition, object on the grounds that

- extra car parking spaces will mean the loss of more green space, more vehicles and more harm to the conservation area
- perimeter path around the bowling green is inadequate
- more stress, leading to decay and felling of trees
- no affordable housing
- raise concerns relating to the presentation made to Members by the applicants, which the public can attend but cannot give their views. Do not consider a three minute slot to speak at Committee adequate.

3.19 Local Member

3.19.1 Asks for his objection on the following grounds to be reported to Committee-

- the traffic and access implications of the development onto the already busy Main Street, Fulford Road, St. Oswalds Road and surrounding roads, given the future potential level of high scale development in the area.
- whether the development would actually meet the care needs of elderly people in York, given that Connaught Court could 'import' residents from outside this area. To add to this, it should be noted that the developers are putting forward a zero element of affordable housing.

- the negative impact on the quality of life of local residents and current residents of Connaught Court.
- implications for the nearby nature conservation area at Fulford Ings.

3.20 John Grogan, MP

3.20.1 Objects on the grounds the development does not counter objections in relation to the extra pressure it is likely to create on local roads and the inappropriate nature of the style and intensity of the development, particularly given the existence of the conservation area in St. Oswald's Road. Re-iterated objections during the course of the application.

3.21 York Green Party

3.21.1 Whilst this application has reduced the number of dwellings, it would still have a serious detrimental effect on the residents of Connaught Court and those living in surrounding houses. The increase in run off so close to the flood plain, and is also likely to seriously affect properties on Atcherley Close and those on the flood plain. The location of housing, bowling green and access road will jeopardise the wildlife and viability of existing mature trees, destroying the secluded parkland nature of this area which separates Fulford and the City of York, and have a serious impact on the conservation area. It is also a green corridor linking the riverside Ings to grounds and gardens in Fulford and on to Walmgate Stray. The impact of additional traffic on St. Oswalds Road, which is well used for cycling and walking, will add to congestion and traffic movements at the junctions of St. Oswalds Road and Fulford Road, and junctions along Fulford Road, and add to peak traffic congestion. Reiterate objections to the amended plans/further information submitted during the course of the application.

3.22 Fulford Friends (Residents Group)

3.22.1 Commissioned a tree report from a qualified tree consultant. This concludes that more than half the individually protected trees at Connaught Court will be lost or threatened by the development. The scheme will change the views for the residents from a parkland to an urban setting. The access onto main Street will compromise a magnificent beech tree. The green corridor is a narrow strip which does not constitute a significant landscape feature when compared to a park. The tree survey presented in the RMBI's supportive planning statement cannot be accepted to be accurate or authoritative and not in accordance with BS5837. A further tree survey should be submitted by a fully qualified person, accurately plotting all the trees on the site in accordance with BS5837, to tell whether any future scheme would be viable. Without this, planning permission cannot seriously be considered.

3.22.2 Submitted a further tree report from a qualified arboriculturalist, which considered there was insufficient information to identify conflict and risk, and the development will not meet British standards. Concludes the development could only be undertaken with significant alteration to design and adequate information.

3.22.3 Also raised concerns raised over the impact of raising levels on the landscape and whether the site can be adequately drained and serviced, and query whether ecological survey/bat report, safety audit of road junctions and whether the plans are accurate. Also consider the applicant is financially capable of providing affordable housing given its reserves, and that the proceeds will be spent elsewhere at the expense of vulnerable residents whilst providing little benefit to the non Masonic population. Connaught Court, which has a waiting list, will loose accommodation and this will not be compensated by the extra care apartments managed by a separate organisation.

3.22.4 The bowling green does not appear to fit in its relocated position. Consider the bowling green provision inadequate in terms of size, disabled access, lack of full perimeter footpath and trees would cause leaf fall and overhanging. The development will harm Fulford Conservation Area, result in loss of the wildlife corridor through the site and do not consider

the bat survey adequate. Existing Connaught Court residents will be adversely affected through noise and disturbance, loss of privacy and security.

3.23 Public Consultation

3.23.1 Neighbouring properties were consulted by letter. Site notices and press notices were posted. 165 representations were received which raised objections to the original submission, with a further 87 objections received to the further information and amended plans submitted during the course of the application, on the following grounds:-

3.23.2 Highways issues:

- Unacceptable increase in traffic onto Fulford Road and Main Street. There has already been significant increases in traffic. The combined effect with other large residential developments on the Germany Beck site, the University, development at the petrol filling station and the Gymcrack, and development at Danesmead School needs to be evaluated prior to any additional trafficking access off Fulford Road. The combined effect would be unacceptable in traffic congestion terms.
- The new access onto Main Street will create a hazard for pedestrians, and result in an essential loss of on street car parking, particularly for the church and funerals. Also conflict with bus stops and trees. Could increase safety risks for pedestrians, including schoolchildren, the elderly and those using the surgery. Significant increase in traffic flow.
- St. Oswalds Road is not wide enough for two vehicles to pass and is in poor state. Increased traffic will conflict with cyclists. The entrance to Connaught Court is unsatisfactory and will need redesigning. Increase in traffic at St. Oswald Road/Fulford Rd junction. Ghost island and safety audit on this junction required.
- Inadequate on site car parking for development, leading to parking on street, reducing parking opportunities for residents. The creation of additional car parking for the health centre would be of a little benefit as housing developments continue to expand. May also further disrupt trees. Length of the cul de sac exceeds normal Council standards.
- Significantly increase associated noise and pollution levels. Would result in a reduction in air quality with traffic fumes and loss of green space.
- Using the Main Street access to more of the site may alleviate problems in using St. Oswald's Road. Car access could be taken from Fulford Park.

3.23.3 Effect on Green Space and Trees:

- The site contains mature trees, historic parkland and hedgelines. This application removes more mature trees, open parkland and green space than the previous application, and would lose the green corridor and aspect through the site.
- There will be little green spaces left in this area due to the number of developments. The site is the last vestige between the city and Fulford village.
- The applicants and agents have shown scant regard for the tree protection order. Their plans show another 20 trees at risk of felling. The plans show buildings where the protected copper beech trees which have been felled have to be replaced. Still object strongly to the removal of the copper beech trees. Car parking is now proposed where the copper beeches were once.
- The site cannot be considered to be brownfield.
- Any development must provide for new large trees to grow unhindered. Query whether trees on the St. Oswald's Road frontage are protected.
- Loss of bowling green will be detrimental to the effect of the health and well being of the people who use it.

3.23.4 Effect on Conservation Areas/Visual Amenity

- St. Oswald's Road is one of York's historic and attractive streets, with almost all 2 storey properties (not 3, as proposed), with Georgian, Victorian and Edwardian styles.
- The building of properties adjacent to St. Oswald's Road properties and associated traffic flow is not in accordance with the requirements of the Conservation Area.

- The proposed two and three storey houses, that would probably be of modern styling, will detract from the conservation area.
- If new buildings are allowed, it is essential they are two storey, of sympathetic design and sufficiently far back from the road to preserve the sense of space.
- The character of the village has already been changed by the number of new developments on Fulford Road/Main Street and the surrounding area. The length of Fulford Road/Main Street would become a continuous ribbon of development.
- The number of new developments in the Fulford/Fishergate area, including Germany Beck and numerous apartment blocks would put further pressure on facilities and schools in this area.
- The 3 storey apartments are not in keeping with their surroundings – there is no precedent for such buildings alongside the river. The design with the elevated roof makes the building 4 storey, which combined with raises for flood protection, gives the equivalent of a five storey block.
- The sheltered apartment block will dominate the Sir John Hunt Memorial Homes which are single storey and will be highly visible from Main Street
- The effect of building in the vicinity of the river would be detrimental to its visual amenity and views across it.
- Over development. The density of development is too high

3.23.5 Ecological Implications

- There is a risk of run off causing damage to its ecosystem during construction and from the development itself, causing additional damage and risk of pollution to the Fulford Ings SSSI.
- The trees on the site are a habitat for numerous pheasants, birds, owls, hedgehogs and bats. Tree felling would reduce wildlife on site and accessing the Ings.

3.23.6 Amenity of local residents

- The scale of the development is too great adjacent to the two storey Atcherley Close and would significantly overlook these properties, and use of rear gardens.
- Visually dominate Fulford Park and may cause ground disturbance, and causing overlooking.
- The proximity of the extra care apartments and the extension to Fred Crossland House would affect the privacy and amenity garden space on properties on Sir John J. Hunt Memorial Cottage Homes.
- No windows should be inserted into the end elevation of the proposed housing nearest St. Oswalds Road facing into the Sir John J. Hunt Memorial Cottage Homes.
- Additional properties of a similar height or higher will reduce the open aspect across the site for residents.
- The development will reduce the ample green recreational space for residents. The elderly people in Connaught Court should not be subject to such upheaval at this time of their life, that would be created by the noise, traffic and increase in population.
- The development will add to the light and noise pollution to the area around it.
- The proximity of car parking for the flats would cause noise and disturbance for Atcherley Close residents.
- Proposed car parking will result in headlights directly reflecting into houses, causing light pollution.
- Any fencing would restrict light.

3.23.7 Affordable Housing:

- Lack of affordable housing provision
- The restriction of provision for the mentally frail and the sheltered housing to freemasons and their dependants across the north of England would not help the people of York.
- Affordable housing should be limited to persons supporting activities on the site, and should not become cheap investment opportunities.
- The proposed housing is of no help to young couples and first time buyers.

3.23.8 Drainage and Flooding:

- the lower section of the site slopes towards the floodplain and the bottom of the site forms part of the flood plain.
- The Government has been critical of Planning Authorities who allow development on/near floodplains.
- Higher levels of floods are likely in the future, and this must form an important consideration, particularly in high risk flood areas like York, especially with climate change.
- A 1:100 year flood risk is not considered acceptable, and is not considered acceptable by Insurers, rather a 1:200.
- In order to build properties at the lower section of the site, the ground level will need to be raised considerably, resulting in substantial civil engineering work, reducing the area which floods and raising the land which floods, which, with run off, would increase the likelihood of flooding of adjacent properties.
- Run off needs to be restricted to better at present, and figures need to be presented how the storage has been sized. Provision needs to be made to ensure stored water does not pond without localised flooding.
- Would also cause sewerage and water supply problems.
- Surface water drains are not able to cope with current downpours.

3.23.9 General:

- York has no adopted Local Plan or Green Belt.
- A new access will reduce security, particularly for the elderly residents.
- The existing arrangements for cyclists and pedestrians are already adequate, and do not need further encroachment into the site.
- No indication of fencing or landscaping is proposed.
- The plans are inaccurate as they do not show extensions on all the properties on Atcherley Close, and are therefore closer than shown. This may also be the case with Fulford Park.
- There will be no independent living facilities left on site with the demolishing of the independent living bungalows.
- More modest, sensitively expanded development, achieved with the agreement of all stakeholders and with regard for the environmentally sensitive nature of the site could be achieved.
- The amount of time the disruption would occur would cause substantial disruption to the elderly residents of Connaught Court and the St. John Hunt Homes.
- Contractor's plant accessing Fulford Road will add congestion and create additional dangers for schoolchildren and the elderly.
- Presentation to Members by the applicant's agents was undemocratic and unfair.

4.0 APPRAISAL

4.1 The main planning issues associated with this planning application are considered to be:

- principle of the development
- affordable housing
- effect on trees on the site
- effect on Fulford Conservation Area and Fulford Road Conservation Area
- recreation and open space
- highways considerations
- flood risk and drainage
- ecology
- education provision
- residential amenity
- crime prevention
- archaeology

4.2 National, Regional and Structure Plan Policy

The following PPGs and PPSs are considered of most relevance to this application:-

PPS1: Delivering Sustainable Development - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

PPG2: Green Belts – advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt, which although they would not prejudice the purposes of including land within the Green Belt, might be visually detrimental by reason of their siting, materials or design.

PPG3: Housing – requires Local Planning Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of existing infrastructure to absorb development, ability to build communities and environmental and physical constraints. Identifies the need for affordable housing as a material planning consideration, and is supplemented on this issue by Circular 06/98 Planning and Affordable Housing.

PPS9: Biodiversity and Geological Conservation – states that the aim of planning decisions should be to prevent harm to biodiversity. It also highlights that many wildlife species receive statutory protection, and that Authorities should ensure species are protected from the adverse effects of development. The companion Circular 06/2005 advises the necessity of establishing the presence or otherwise of such species prior to permission been granted. Developers should not be required to undertake surveys unless there is a reasonable likelihood of the species been present and affected by the development. This advice replaced PPG9 during the course of the application.

PPG13: Transport - seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially by the car in new developments.

PPG15: Planning and the Historic Environment - emphasises that new buildings should be carefully designed where they stand along side areas of special townscape, including the setting of conservation areas. States the desirability of preserving or enhancing a conservation area should also be a consideration when considering proposals which are outside the conservation area and affect its setting, or views in and out of the conservation area.

PPG16: Planning and Archaeology - offers guidance on the handling of remains and the weight to be attached to them in planning decisions

PPG17: Sport and Recreation - includes advice to adopt a strategic approach to the provision of sport and recreation facilities, to protect open space for the community, to resist the loss of such provision, unless an equivalent provision or better is proposed.

PPS23: Planning and Pollution Control - gives guidance on the relevance of pollution controls to the exercise of planning functions, including contaminated land and air quality. Advises it is not the role of local planning authorities to duplicate controls which are the statutory responsibility of other bodies.

PPG25: Development and Flood Risk - sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

Revised Spatial Strategy for Yorkshire and the Humber (2004) based on a Selective Review of RPG12 provides a framework for strategic planning in the region to 2016. It sets out locational principles for development and encourages development to be located within urban areas. It reiterates the sequential approach to housing development, and provides policy advice on, amongst other planning issues, affordable housing, design, transport, historic and cultural resources, biodiversity, and development and flood risk

The North Yorkshire County Structure Plan (Alteration no. 3 Adopted 1995) forms the statutory development plan with the Regional Spatial Strategy. The following Structure Plan policies are considered of most relevance to this application:

Housing - H1 sets out housing requirement figures; H8 provides advice on density issues; H9 allows for the provision of residential use, particularly in and around the historic core through permitting suitable new developments.

Transport - T9 and T10 state that new developments will be required to provide car and cycle parking.

Environment - E4 and E5 seek to protect areas of townscape, architectural or historic interests and sites of archaeological importance. E6 aims to protect areas of nature conservation interest.

Relevant City of York Draft Local Plan policies are listed in section 2.2 of the report and are made reference to in the paragraphs below. The application was submitted prior to the 4th Set of Changes been approved by the Council.

4.3 Principle of the development on the site

4.3.1 The site does lie in close proximity to local shops and services. It also lies close to regular bus routes along Fulford Road and close to the cycleway which runs along the east side of the river up to the city centre, and thus would also allow for journeys to be made using sustainable means of transport to facilities, services and employment in other parts of the city. The site is considered to be a sustainable location.

4.3.2 The site lies within the urban area and settlement limits of the city, and whilst it does clear contain significant amounts of open space, the site would be defined as previously developed land under PPG3. The definition of previously developed land includes both buildings and the curtilage of such buildings. The site in question does form the curtilage of Connaught Court. There site does contain a significant amount of open areas and is well maintained, though is no public access to the site without permission and the site is not allocated as open space under the Local Plan. The site would be classified in planning terms as a windfall site and it is considered the principle of housing development on the site, per se would accord with the PPG3 objectives of using previously developed land for housing.

4.3.3 The site does however have significant visual amenity value and derives much of its character from to the amount of open space, landscaping and trees on site, providing a green edge to Fulford from the Ings. The density of the housing development is consequently low at under the 30 to the hectare thresholds applied by the Local Plan policy at the time the application was submitted and PPG3, though in terms of the impact this may have on the visual amenities and character of the site, this also needs to be considered in light of cumulative impact of the development as a whole, as significant parts of the open areas on the site would be lost to new development. The trees and open space on the

eastern part of the site nearest to the Main Street frontage also contribute significantly to the setting of Fulford Conservation Area. It is important that such characteristics are reasonably maintained as part of any development of the site. The likely effects on the trees and conservation areas are discussed in 4.5 and 4.6.

4.3.4 The nearest part of the site to the boundary with the Green Belt along the river corridor would be an open space area, with nearest area to be developed the area indicatively shown to be developed as 2 and 3 storey apartments. This part of the site itself is located in between built areas at Atcherley Close to the north and Fulford Park to the south, which abut the Green Belt boundary. The built development as proposed would not be any closer to Green Belt than existing development in Fulford. It is not considered the development would prejudice the visual amenities of the Green Belt.

4.4 Affordable Housing

4.4.1 Under Deposit Draft Local Plan policy H2, and Supplementary Planning Guidance- Planning and Housing Advice Note (October 2000) there is a requirement for affordable housing to be provided on sites of 1.5ha or 40 dwellings, thresholds which this development exceeds. The applicant does not contest that the provision affordable housing would normally be a requirement for a housing development of this size and with its good proximity to local services and facilities. The applicant does contends however in this case, there is justification for no affordable housing to be provided for the general market housing or the special care apartments.

4.4.2 Circular 06/98 Planning and Affordable Housing advises as relevant to the contentions made by the applicant, that in assessing the suitability of the site for affordable housing, the following needs to be considered:

- particular development costs (known as abnormal costs) associated the site and;
- whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

4.4.3 The applicant contends the provision of affordable housing within the general market housing would compromise the ability of the applicant, the Royal Masonic Benevolent Institute (RMBI), to realise the value of their assets, i.e. the sale value of their land, and thus their ability as a charity to improve or extend their care facilities at Connaught Court and at other RMBI sites. The financial appraisal submitted is in support of this contention, though limited details have been submitted in terms of the extent of refurbishment, materials, construction methods and management. A significant development contribution from the sale of the land would contribute to the RMBI's national build programme, rather than just this site. The RMBI also considers improvements to Connaught Court would relieve pressure on other local care providers, including the Council, to provide care to people in need. They also consider the low density of housing development proposed, provision of open space and limited developable areas of the site are also mitigating factors.

4.4.4 Whether the need for the RMBI to improve their existing facilities through fully realising the value of their assets is a planning objective that needs to be a priority over and above affordable housing objectives, needs to be balanced against the need for affordable housing in the city. This is evidenced through the 2002 Study of Housing Needs illustrating a significant need for affordable housing of 950 units per annum up to 2007, the Council's housing waiting list, and by Draft Local Plan policy and affordable housing advice note which seek the provision of affordable housing on sites of this size. The benefit to York in terms of improvements to Connaught Court is also limited by that the RMBI's status does not allow entry to elderly people from York, unless a Masonic connection can be demonstrated.

4.4.5 It is also difficult in truth to see how improving care facilities at Connaught Court or the development costs, in relation to site characteristics and planning requirements, considered to constitute abnormal development costs. These costs are known from the offset, and there is potential for sale value of the land to offset these costs, especially as some monies from the sale of the land would in part be diverted to other RMBI sites. The RMBI has offered to ring-fence a proportion of these funds to the site, though monies would still be lost to sites outside of York at the potential expense of affordable housing provision.

4.4.6 The applicants contend that the special care apartments are a sui generis use, rather than Use Class C3 dwelling or sheltered housing use, and thus should not be subject to the Council's affordable housing policy. The applicants state these apartments would provide independent living for elderly occupants, allowing them to be provided with a range of care facilities, how and when they need it. The applicants consider this goes beyond sheltered housing, though not convalescent type care, as is provided at the Connaught Court home itself. Rather they see it as providing a type of accommodation in between the two.

4.4.7 However Circular 06/98 does state that it covers to all types of new housing development. It states this includes, for example, special needs housing which is not affordable simply because it caters for a particular group. Thus, it is not considered there is substantive reason why the extra care apartments in principle should not be subject to affordable housing, especially as the intention of such accommodation appears to be to provide independent living for elderly persons for as long as possible, rather than a more institutionalised/convalescent type accommodation.

4.4.8 The extra care apartments would be run by the York Masonic Housing Trust, whom the applicant state intends to set itself up as Registered Social Landlord. The operation of the Trust would be unlikely to accord with the Council's normal affordable housing provider requirements. There would be the restriction of nominations to people with Masonic connections, with no nomination rights available to the Council. The properties would be offered for sale, shared equity and rent, though the sale and rental levels will be set at market value, not according with normal affordable housing requirements. Whilst it is acknowledged any surplus would be reinvested, again this would not be limited to York. Whilst the provision of such accommodation may be laudable, it is not considered this is a priority over the provision of affordable housing, especially as the 2002 Housing Needs Survey also shows a need for affordable accommodation for elderly people in York.

4.4.9 It is acknowledged that in some appeal cases the practicalities of providing affordable and non affordable together in sheltered type accommodation, has been a determining factor, though in other appeals this has not been accepted by Planning Inspectors. PPG3:Housing itself does promote mixed communities. There is not sufficient planning reason why the two forms of housing cannot co-exist.

4.4.10 In summary, it is considered the general market housing areas and the extra care sheltered apartments should be subject to normal affordable housing policies, and this is not outweighed by either abnormal development costs or the realisation of other planning objectives that would outweigh the need to provide affordable housing.

4.5 Effect on trees on the site

4.5.1 Many of the trees on the site which contribute to the site's character and visual amenity qualities lie on the part of the site nearest to the Main Street frontage, and are subject to tree preservation orders. The supporting information submitted with the application only considers there would be loss of nine trees, six of which are adjacent to the existing bowling green at the rear of the site, and are not protected. Three further trees are shown on the plans to be lost towards the Main Street part of the site. It is also likely however there will be

further loss of trees in this part of the site, over and above those which have been identified by the supporting information submitted, which have been identified by the Council's Landscape Architect. An independent tree survey has been carried out on behalf of the Council to assess the health and welfare of the trees on the sit, which has also identified further trees on the site which may be worthy of retention.

4.5.2 Works associated with the new bowling green would also be likely to impact on a lime, chestnut, silver birch, maple and beech trees. The applicant has made some alterations during the course of the application, though it is still considered the proximity and associated works relating to the bowling green would be likely to compromise the future well being of these trees, with elements of this part of the development within recommended protection areas for trees. These trees have a good long term potential and are considered to contribute to amenity of the site, being visible from Main Street. Associated footways, and parking for the bowling green and the health centre, by been within tree protection zones, would compromise the trees in this part of the site.

4.5.3 Amendments have been made to the siting of this play area during the course of the application, to try to overcome concerns over the proximity to chestnut trees that would have threatened the longevity of these trees due to safety issues. It would still extend within the root protection areas of three mature trees, and thus is considered this would compromise the future well being of these trees.

4.5.4 The effect on trees in the rest of the site is more limited, and the layout of development in the St. Oswalds Road area of the site would now be likely to have an acceptable effect on protected trees in this part of the site.

4.5.5 Nevertheless, with the amount of development proposed on the site, there would be likely accumulative loss of trees that are subject to tree protection order, both in terms of trees the applicant's have identified and also further resultant tree loss. As these trees are considered worthy of retention, the detrimental impact is considered significant. No specific details of proposed tree replacement has been submitted, other than indicatively dotted through the site. It is not considered replacement tree planting would in any case be an acceptable alternative to the trees lost, or likely to be lost in the future as a result of the development, due to health and well being of these trees which are worthy of retention.

4.6 Effect on Conservation Areas

4.6.1 The development that would take place in Fulford Conservation Area itself relates to the creation of the new access onto Main Street. The relocated bowling green and clubhouse, internal access, car parking, associated footways and play area are located close to this conservation area, as to an extent would be the extra care apartments.

4.6.2 As stated in 4.5, the development would be likely to result in the loss of protected trees in this part of the site just beyond the conservation area boundary. These trees do contribute towards the overall open, green, spacious and attractive backdrop this part of the Connaught Court site, which substantially contributes towards the setting of Fulford Conservation Area, and views in and out of the conservation area. The trees also extend some way into the site from Main Street, adding some depth to this attractive setting to the conservation area. A reduction in the tree cover would also make other parts of the built development much more visible, in particular car parking and the extra care accommodation building, further detracting from the attractive setting the trees provide for this conservation area. The likely loss of trees is considered to significantly detract from the setting of the conservation area. There are significant pleasing views out of the conservation area from Main street into the site. Views into the conservation area are more limited, though there are some views from Fulford Park across the site to the conservation area.

4.6.3 The Fulford Road Conservation Area on St. Oswalds Road presents a more built up form and pattern of development, with existing residential properties both outside and within the Connaught Court site close to where residential development that is proposed in this part of the site. The existing Connaught Court vehicular access is also found in this part of the site. There are also far fewer protected trees on this part of the site.

4.6.4 The proposed layout of this part of the site sets the proposed dwellings in from the St. Oswalds Road frontage. The grassed areas in between the dwellings and the St. Oswalds Road frontage used as private gardens, with existing mature trees also retained on St/Oswalds Road. This would present a reasonably 'soft edge' from the development to St. Oswalds Road. The use of detached and semi detached dwellings and the spacing of the dwellings reflects the existing development on St. Oswalds Road. The scale and massing is now identified as two storey development to eaves, with potential use of roofspace through rooflights or sensitively designed dormers, which is considered acceptable. The siting and the design statement would allow for a form of development to occur that would have an acceptable effect on the setting of Fulford Road Conservation Area.

4.7 Recreation and open space issues

4.7.1 Policy L1 of the Deposit Draft Local Plan divides the provision of open space for development into amenity open space, children's playspace and outdoor sports provision, to be provided to National Playing Fields Standards (NPFA). 'Sheltered housing' is only required to contribute towards amenity open space under Local Plan policy. It also sets the amount of open space for each category that should be provided per 1000 of population.

4.7.2 The amenity open space provides the majority of the open space on the site space. The amount provided would be in excess of the 0.4-0.9 hectares of amenity open space per 1000 population (pro rata). It consists of the land towards the front of the site, and land adjacent the lngs on the west side of the site. The aim of amenity open space is to provide a more informal recreation function than either the children's play space or outdoor sports, and it is considered these areas would adequately carry out this functions. Amenity open space use is compatible with the protected trees located in these parts of the site. The applicant has offered to pass amenity open space land at the Main Street frontage of the site over to the Parish Council.

4.7.3 The outdoor sports provision required under policy L1 is additional requirement to the relocation of the bowling green. In order to provide a useable area of outdoor sport, and in accordance with the Sport and Active Leisure Strategy, which support a more strategic approach to sports pitch provision, this would be most appropriately be provided off site through a commuted sum through Section 106 Agreement in the south zone of Strategy. Based on the proposals equate to approximately £10,400 though the precise amount would be determined through reserved matters, in the event of an approval. The applicant is agreeable to this.

4.7.4 The amount of residential development proposed is though significant enough to require on site playspace provision. The justification for requiring playspace provision primarily relates to the needs of the people living on the development. There is an existing playspace on School Lane approximately 400m from the site. However, the playspace would be aimed at young children, and to access the School Lane site would require the crossing of A19 Fulford Road and possibly Heslington Lane.

4.7.5 There were concerns over the compatibility over the location of the single childrens playspace as originally proposed, in relation to proximity to protected trees and associated potential bat roosts towards the Main Street part of the site. This playspace would have been

provided to a Locally Equipped Area for Play. The agents now propose the two smaller playspaces, one in the same part of the site, and the other between the proposed residential areas adjacent Atcherley Close and Fulford Park.

4.7.6 Whilst both playspaces would be accessible for future occupiers and local residents living close to the site, splitting the provision does result in playspace that would no longer meet NPFA standards. This has a minimum size of 0.04ha for a Locally Equipped Area for Play, and both playspaces would be below this in size. The total area size of playspace provision has also been reduced, and in all likelihood this would not be sufficient in size for the residential development proposed. The proposed playspace arrangements are thus not considered satisfactory. There would be scope for providing a playspace of sufficient size on the site, given the overall size of the site and because there are areas of the site that are free from protected trees.

4.7.7 The site does contain what has been termed on plans as a 'market garden', but in reality this a private facility which is used as a garden for the kitchen of the home, and would not in itself be afforded any special planning protection.

4.7.8 Planning policy advice aims that leisure facilities should not be lost to new development, thus the proposal to relocate of the bowling green. Central Government planning guidance in PPG17 also aims that replacement provision should be of the same equivalent standard or better, and highlights issues of usefulness and quality. The size of the green area itself is the same, and the relocation also involves a replacement bowling pavilion, and provision of dedicated car parking, which the current bowling green does not have. The replacement green however would not be commensurate in terms of usefulness and quality.

4.7.9 Unlike the existing bowling green however, it would not have a footpath running around its entire perimeter, due to the proximity to the boundary of the site and trees. This would limit access. It is also far closer to trees, causing potential shading and leaf fall issues. The Council's leisure officers advise that they do look for a perimeter footpath and try to avoid proximity to trees on Council facilities wherever possible. As the existing bowling green does not suffer from these potential problems, it is considered the replacement bowling green would not be of equivalent standard or better. The provision of car parking for the relocated bowling green is not considered offset these more direct concerns with its usefulness and quality.

4.8 Highways considerations

4.8.1 Vehicular access to the development would take the form of two separate accesses from St.Oswalds Road and Main Street servicing distinct areas of the site. Most traffic generation would take place from the St. Oswalds Road access, though traffic from both accesses would ultimately join onto Main Street. The information provided in the Transport Assessment, which has been assessed by the Council's Highways Officers, states that the additional trips generated during peak hours would be 40-50 per hour, with percentage increases in traffic between 1-2% on the nearest Main Street junctions. This level of change in traffic conditions would not be considered to be material. The junctions are also shown to be operating within their capacity, when the development is in beneficial use. The comparatively low levels of traffic increase are considered acceptable in traffic generation terms.

4.8.2 In relation to highways safety issues, there are some difficulties in visibility at the St.Oswalds Road/Main Street junction, primarily due to on street car parking along the frontage of adjacent terrace properties to the north of the junction. In the event of a planning approval, a commuted sum of £5,500 would be sought through a section 106 agreement for

improvements at this junction. This would cover a build out of the junction and the marking of a right hand turn lane on Main Street into St. Oswalds Road.

4.8.3 The proposed visibility splay at the Main Street junction would be at 2.4m x 90m, which is a lower standard than would normally be required at 4.8m. This is to reduce the setting back and realignment of the frontage boundary wall, or the need to lower its height. It is considered that as the traffic movements at the proposed Main Street junction are predicted to be low, that the proposed visibility splay at the Main Street would in this case be acceptable in highways terms. This bears in mind that more substantial alterations on the boundary wall would be likely to further impact on Fulford Conservation Area and possibly on the well being of other mature trees.

4.8.4 Nineteen car parking spaces are proposed for the extra care apartments, which is considered sufficient for residents and visitors, as actual car ownership levels would be expected to be low for such a use. No resident warden is proposed for the extra care apartments. Car parking standards for the 'sheltered housing', under the Council's Parking Guidelines, is one space per 4 units for residents. This level of car parking is considered acceptable.

4.8.5 The six car parking spaces provided on site with associated footpath link for the adjacent medical centre is considered of some benefit, as it would take some parking for the medical centre off Main Street and Fulford Park, to the south. The spaces also have the potential for dual use with the bowling green, due to their proximity on the opposite side of the access road, in addition to the ten dedicated car parking spaces for the bowling green. In addition, three for dual use are proposed.

4.8.6 Commensurate car and cycle parking can be provided for the general market housing areas within the site. Replacement adequate car parking for the existing Connaught Court home that would be lost by the development proposals would be provided to the north and west of the building and new covered and secure cycle parking facilities would also be provided.

4.8.7 The accessible location of the site would encourage the use of sustainable modes of transport. Fulford Road is serviced by regular bus services to the city centre, and the nearest city centre bound bus stop is found outside the adjacent medical centre. The location is within walking distance of services in Fulford, and a cycleway links the west end of St. Oswalds Road along the river to the Millenium Bridge and the city centre. An emergency link is proposed between the two access roads within the development. This also would serve as direct link for through the site into Fulford for pedestrians. There is scope for adequate levels of secure cycle parking to be provided throughout the development, which could be dealt with through condition in the event of approval been granted.

4.9 Flood risk and drainage

4.9.1 Policy GP15 of the Local Plan requires account to be taken of increased risk of flooding that development may cause. This is consistent with PPG25 advice. Approximately 30m of the site adjacent the Ings lies within the flood plain of the Ouse.

4.9.2 The Flood Risk Assessment as supplemented by further information during the course of the application has precisely defined where the flood plain lies in relation to the site, following advice from the Environment Agency. The land use proposed in that part of the site where the flood plain is found is open space, which is in accordance with advice in PPG25 that it may be possible to utilise parts of previously developed sites that are at a higher risk of flooding for open space. Adjacent proposed residential areas abut, but now lie outside the precise boundary line of the flood plain.

4.9.3 The Environment Agency recommend that no buildings or raising of ground levels takes place within 2m of the flood plain. This takes into account future modelled changes associated with climate change. This does not infringe onto these proposed residential areas. This is considered acceptable however because dwellings could easily be sited within these areas so as to avoid this constraint, with areas within 2m of the flood plain remaining free from buildings or raised ground levels. Siting of the dwellings that are proposed in these parts of the site does not form part of this application. Floor levels would be required to set 600mm the adjusted flood plain level.

4.9.4 The Flood Risk Assessment recommends that surface water is discharged via an outfall to the Ouse, which is acceptable to drainage consultees. On the advice of the Environment Agency, the means of surface water discharge would include the provision of storage on site that would be used when the Ouse is in flood, to prevent 'flood locking' of the drainage system caused by high levels of the river in the time of flood. This has been incorporated into the Flood Risk Assessment. Foul water would discharge to existing foul sewers in the area. Full details of the surface and foul water drainage works would form a condition in the event of planning consent being granted.

4.10 Ecology

4.10.1 The main ecological issues on the site relate to fungi, the adjacent SSSI and bats.

4.10.2 Rare (in regional terms) fungi have been found on the site on a raised bed under a removed beech tree, close to where it is proposed to site the extra care sheltered apartments. The building layout has been altered in relation to area of interest for the fungi, primarily by moving associated car parking further away from this area. An area of the raised bed would still be removed, but this is part where no fruiting species have been found. A new retaining wall for the raised bed and measures to protect the bed during construction would be required, as well as a post development management plan.

4.10.3 The nearest part of the development to the SSSI is proposed as public open space, and the development is not likely to have a significant effect on the SSSI. There is scope for habitat creation and management on the site to take account of the SSSI.

4.10.4 A bat survey has been submitted during the course of the application. The bat interest in the site relates to use of the site as a foraging corridor, from Main Street across the site down towards the river, and whether there is a bat roost on the site. The development does propose to retain such a foraging corridor for bats, running through open space and trees at the front of the site and between the existing Connaught Court building and proposed housing to the south and west, and towards the river. It is considered this corridor is of a reasonable width for such a purpose.

4.10.5 There are trees on the site which potentially have been or could contain bat roosts. These trees are primarily located in the area of the site near to the play area proposed towards the Main Street area of the site. The reduction in size of the play area in this part of the site has taken the play area further away from these trees, the main point of conflict between the development and bat roost issues. The layout as now proposed is considered acceptable as regards bat issues.

4.11 Education provision

4.11.1 The development would generate additional school children that need to be catered for within schools in the area. Education have identified that there is a surplus of primary school places in the area resulting from the St. Oswalds replacement primary school, though

there is a deficit of places at Fulford secondary school and at foundation stage facilities. Thus related financial contributions would be required, through section 106 agreement. The applicant is agreeable to this.

4.11.2 Using Local Plan policy C6 and the Developer Contributions to Education Facilities Supplementary Planning Guidance, this is calculated to be £81,347 for secondary school places and £45,192 for foundation places (total £125,539) based on the 45 units, and the assumption all would be 2 bed or more, The exact amount would ultimately be determined through the detail of the reserved matters, in the event of an approval.

4.12 Residential amenity

4.12.1 The siting of the proposed dwellings nearest St. Oswalds Road is fixed under this application, as discussed. The dwellings would be set back 10m from the St. Oswalds Road frontage, and a similar distance away from the site boundary with properties to the west on St. Oswalds Road. The nearest dwellings themselves are the four existing dwellings within the site, though these would be separated from these new dwellings by the existing access road. In relation to amenity issues relating to exact heights and massing of these new dwellings, this would be determined through the detail of reserved matters, in the event of an approval. The design statements provides for these dwellings to be up to 2/2½ storeys high, and with the distances to adjacent dwellings to the site, the likely impact of the amenities of these properties would be acceptable.

4.12.2 The siting of other proposed dwellings (excluding the extra care apartments) in the remainder of the site does not form part of this application. However, the provision of dwellings in the parts of the site identified for these dwellings could be achieved through reserved matters with normal amenity standards met, in terms of the impact on residents in Atcherley Close and Fulford Park. The indicative siting of the apartments and car parking nearest Atcherley Close shown have may raise amenity concerns, if these details formed part of the application. Any reserved matters would have to address this issue.

4.12.3 The access roads would be a reasonable distance away from neighbouring residential properties. The play areas are separated from the nearest properties. The relocated bowling green is next to the boundary with the private outdoor amenity space on Sir John Hunt Homes but given the nature of this use and the boundary enclosure, the effect on the amenities of these properties, which are set 16m from the boundary at this point, would be acceptable.

4.12.4 The siting of the extra care sheltered apartments does show that this building would have a significantly sized footprint. The supporting information also indicates it would be mainly two storey. This building would be to the south of the nearest neighbouring properties, the Sir John Hunt Homes. However the main part of the proposed building would be a significant distance at 15-17m in from this boundary, and 25-27m from the dwellings on this adjoining site itself. There is a further ancillary side projection, though this could be conditioned to be single storey in the event of an approval, as is indicated on sketch drawings provided. It is considered the effect on the amenities of the Sir John Hunt Homes would be acceptable.

4.12.5 The extension to the mentally frail unit would be sited 6m in from the boundary of the site. However the appellant has confirmed the extension would be single storey. Also having regard to the 2.5m wall on the nearest part of the site boundary, this would have an acceptable effect on the amenities of neighbouring properties.

4.12.6 The development would significantly reduce the amount of open space been left around the remaining Connaught Court building that residents enjoy. However they would

still gain benefit the proximity of the public open space to be provided on site, as well private open space areas left around the Connaught Court building. A reasonable level of amenity would also be provided for future occupiers of the general market housing areas on the site. The applicant has stated the occupiers of the three bungalows to be demolished to make way for the extra care sheltered apartments will not just be evicted, through this is an issue between the applicant and the individuals concerned, rather than a planning issue.

4.13 Crime prevention

4.13.1 The existing Connaught Court building is set within its own reasonably secure and defined grounds, which provides security for its residents. With the introduction of further access and development into the site, there is potential for the erosion of this security. In order to address this the 'Design Brief for Security' has been submitted which is based on ODPM document "Safer Places – The Planning System and Crime Prevention":

4.13.2 The access route through the site are well defined from the two access points, with a linking footpath, allowing direct access and natural surveillance from the proposed development on both sides, and would focus movements on this access route. The natural surveillance is more limited on the Main Street side of the site, caused by the number of protected trees. A further access point to the health centre car parking would not be accessible, other than through the grounds of the health centre itself. The applicant is reluctant to provide a further access directly down to the river through Fulford Ings and direct from Fulford Park from an existing locked gate to the proposed play area, as this may compromise the design brief. Access from outside of the site can still be achieved relatively easily to these parts of the site, via St. Oswalds Road/Love Lane and Main Street, respectfully.

4.13.3 The uses themselves are predominantly various forms of residential and recreation, and are considered compatible, in particular with PPG3: Housing aims to encourage mixed communities. Enclosure will also be important internally to contribute to the security of the site. The brief does identify the importance of planting to achieve this on this site, given its visual amenity and open character, as well as fencing and railings in appropriate locations. The brief also states that the development will meet 'Secured by Design' standards. The Police Architectural Liaison Officer is fully supportive of the crime prevention approach the applicant has taken through the brief.

4.14 Archaeology

4.14.1 An archaeological evaluation was required to be submitted during the course of the application, because a number of important archaeological finds in the Fulford area. The evaluation revealed evidence for Romano-British and possibly late prehistoric activity, primarily in the St. Oswalds Road area. They are of local and regional importance, and would be required to be recorded through an excavation prior to a development taking place, whilst an archaeological watching brief would be required on all other groundworks.

5.0 CONCLUSION

5.1 The development proposed is substantial and consists of number of different proposed buildings and uses on the site. The development consisting of general market residential development, extra care apartments, an extension to the mentally frail unit, the relocated bowling green and pavilion, a new access off Main Street, car parking for the adjacent health centre to the site, two childrens play areas, as well as associate facilities, such as internal access roads and car parking.

5.2 The site is found in a sustainable location and would constitute previously developed land and in this respect the principle of some development on the site may be acceptable. A significant part of the proposals does relate to housing which exceeds thresholds where the Authority would expect affordable housing to be provided. The arguments put forward by the applicants to justify why no affordable housing have been considered. It is not though considered there will be particular costs associated with the development of site that would make it acceptable not to provide affordable housing, nor that other planning objectives exist that need to be given priority in the development of the site over the need to provide affordable housing. The lack of affordable housing provision would thus be contrary to PPG3, Circular 06/98, Draft Local Plan policy H2 and associated supplementary planning guidance.

5.3 The site does have significant visual amenity value, and any significant development of the site must have regard to this. The site itself borders onto two conservation area and contains significant numbers of protected trees. The substantial amount of development proposed would be likely to result in the significant loss of protected trees on the site which are worthy of retention by way of their health and amenity. The loss of these trees in the Main Street area of the site would also detract from the setting of Fulford Conservation Area, as they provide a attractive spacious and green setting to the conservation of some depth into the site. This would contrary to PPG15, Structure Plan policy E4 and Draft Local Plan policies NE1 and HE11.

5.4 The provision of the two smaller play spaces, whilst attempting to reduce the impact on protected trees on the site, does result in neither play space been provided to Local Equipped Area for Play standard. The cumulative size of the plays spaces has also been reduced, so it would not be likely the cumulative size is now commensurate to the resultant housing provision. This is considered contrary to Draft Local Plan policy L1 and PPG3/PPG17, in terms of providing good recreation provision on new housing developments. The relocated bowling green is not considered equivalent compared to the existing bowling green, in terms of usefulness and quality, in the absence of a full perimeter footpath and the proximity to trees causing shading and leaf fall onto the green area itself. The lack of equivalent provision is considered contrary to advice in PPG17. In other respects, the development would be acceptable in terms of recreation open space provision, though this does not outweigh the concerns over the playspace provision and relocated bowling green.

5.5. The development would be likely to have an acceptable effect on Fulford Road Conservation Area (St. Oswalds Road), with the siting and design statement provided with the application. The impact of the development in terms of traffic generation, highways safety issues and in relation to the potential for sustainable forms of travel to be utilised, would be acceptable. The site does in part lie on the flood plain of the Ouse, though no built development is proposed in this area. The drainage information submitted with the application confirms in principle the site could be drained adequately for the likely level of development proposed. The development would also be acceptable in relation to ecology, education, residential amenity, crime prevention and archaeology issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: REFUSE

1. The proposal, by virtue of the absence of any offer of affordable housing, is considered to conflict with the aims of PPG3: Housing, Circular 06/98 Planning and Affordable Housing, Policy H2 of the Deposit Draft City of York Local Plan (1998) and Supplementary Planning Guidance 'Planning & Housing Advice Note', City Of York Council, October 2000. It is not considered there will be particular costs associated with the development of site that would

make it acceptable not to provide affordable housing, nor that other planning objectives exist that need to be given priority in the development of the site over the need to provide affordable housing.

2. The proposal would be likely to result in the loss of protected trees that have significant local amenity value and are worthy of retention. The loss of these trees would also detrimentally affect the setting and views out of and into Fulford Conservation Area because the trees provide an attractive green and spacious setting to this Conservation Area to some depth into the site. The proposal is thus considered contrary advice to PPG15: Planning and Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), and policies NE1 and HE11 of the Deposit Draft City of York Local Plan (1998).

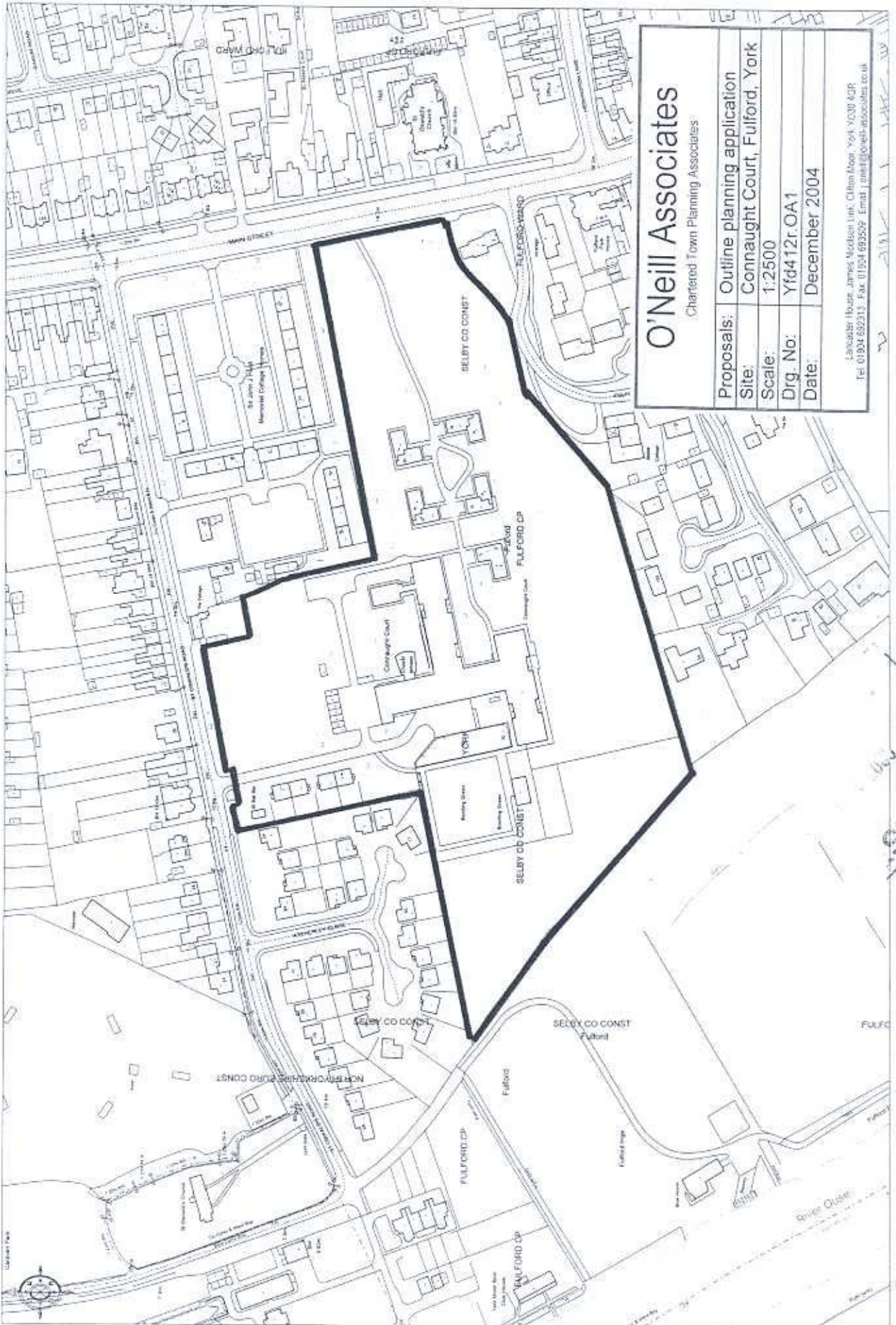
3. The proposal would provide inadequate levels of children's play space on the site. The individual size of the play spaces would not meet National Playing Fields Association standards for Local Equipped Areas of Provision. Nor would the overall provision of children play space be commensurate to the amount of residential development that would be likely to result from the proposal. The proposal is thus considered contrary to advice in PPG3: Housing, PPG17: Sport and Recreation and Policy L1 Deposit Draft City of York Local Plan (1998).

4. The proposed relocated bowling green is not considered to be of a commensurate standard compared to the existing bowling green on the site. It is considered it would not be equivalent in terms of usefulness and quality in the absence of a footpath around the entire perimeter of the green and because the proximity of tree(s) to the relocated bowling green would be likely to cause leaf fall and shading. This is considered contrary to advice in PPG17: Sport and Recreation.

Contact details:

Author: Darren Hendley Development Control Officer

Tel No: 01904 551477

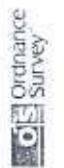


O'Neill Associates
 Chartered Town Planning Associates

Proposals:	Outline planning application
Site:	Connaught Court, Fulford, York
Scale:	1:2500
Drg. No:	Yfd412r.OA1
Date:	December 2004

Lancaster House, James Woodson Link, Clifton Moor, York YO30 4GP
 Tel: 01904 652313 Fax: 01904 693502 Email: j.wood@oneill-associates.co.uk

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COMMITTEE REPORT

Team:	East Area	Ward:	Heslington
Date:	27 June 2006	Parish:	Heslington Parish Council

Reference: 06/00826/FULM
Application at: Site Covered By Properties 1 To 7 And 15 To 22 Bleachfield Heslington York
For: Demolition of university staff houses and erection of six student residences, comprising 3 x three storey and 3 x four storey blocks with associated utility building, parking and landscaping (revised scheme)
By: University Of York
Application Type: Major Full Application (13 weeks)
Target Date: 13 July 2006

1.0 PROPOSAL

1.1 The site, known as Bleachfield, is situated to the north western edge of the main Heslington Campus. Access to this part of the campus is via University Road and is bounded to the south and east by Wentworth Way. The Biology buildings are to the south of the site with office buildings to the east. To the west is open space which is in the Green Belt and is mainly open land with mature trees.

1.2 Within the application area the site is relatively open and is characterised by mature tree planting, grassed areas and attractive mounding. The site slopes significantly down from north to south which has an overall fall of approx. 11 metres.

1.3 The site is presently developed by two storey houses in four small terraces offering 21 houses which were previously used for staff accommodation for the University. These houses were constructed in the 1970's and are of timber construction. They are currently derelict, unused and boarded up.

1.4 The proposal here is to demolish these existing houses and in their place build six separate accommodation blocks to house 248 study bedrooms. Three of the blocks are four storeys high and three are three storeys high. A single storey utility building, with service access from Wentworth Way is proposed between blocks 1 and 2 on the northern edge of the site. A sub-station is proposed to the south of block 4. in the south western corner of the site. Each block has its own separate block for cycle storage.

1.5 No car parking (other than disabled parking) is proposed as part of the development, in accordance with the University's policy of not allowing students to have cars on the campus. The development will have a main pedestrian access and six disabled car parking spaces from the east onto Wentworth Way with a further smaller pedestrian access out from the south western corner onto a public footpath which links Wentworth Way with University Road. The rest of the site is entirely self contained with no access in or out of the site. All the residential blocks face into the site in respect of 'secure by design' principles.

1.6 A landscaping scheme has been submitted which proposes to reinforce the planting around and within the site in lieu of the proposed loss of some of the existing trees in order to make way for the development. Large mature trees frame the site to its northern edge close to University Road are to be retained.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYGP11
Accessibility

CYGB1
Development within the Green Belt

CYT4
Cycle parking standards

CYSP2
The York Green Belt

CYGP4A
Sustainability

CYSP3
Safeguarding the Historic Character and Setting of York

CYED6
University of York Heslington Campus

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL.

3.1 Highway Network Mangement.

The six new residential blocks will lie between Heslington Road to the north and Wentworth Way to the south. No car parking facilities are to be provided in accordance with the agreed

policy of capping the number of spaces at 1520 on the Heslington West campus. Four spaces for disabled students are to be created however, off a loop to be formed adjoining Wentworth Way, where taxis will also be able to deposit their passengers.

A new network of combined pedestrian/cycleways will link the blocks with the rest of the Campus and cycle routes beyond. These paths should be a minimum of 3 metres in width, in accordance with Highway Design guidelines, and a condition to this effect is recommended.

Covered secure cycle parking is to be provided in blocks adjoining each residential unit on the basis of one space per 2 bedrooms (the previously agreed standard). Cycle parking for visitors will be sited in small groups at the entrances to each block.

Servicing of this site is to take place via a new short cul-de-sac off Heslington Road. The bin store is to be sited at the head of this cul-de-sac.

The new accommodation will be conveniently located for existing bus stops on University Road and Heslington Road (near the Retreat). Service no.4 operates along this route, providing a ten minute frequency service throughout the working day.

A transport statement submitted by the University's transport consultant demonstrates that the development lies in a sustainable location and the access arrangements incorporated into the design are likely to prove effective in encouraging non car borne trips.

There are no highway objections to this application subject to 6 conditions :

3.2 Archaeology.

Watching brief required on all groundworks. The site lies in an area identified as being of potential archaeological interest in a previous assessment of the campus.

3.3 Urban Design.

Whilst the design virtues of the existing blocks on this site are recognised, it is also acknowledged that these are "of their time", and it is appropriate to move on with a higher density of development on this site of 248 bedrooms to meet the University's latest requirements for increased student accommodation.

The position of the new blocks follows closely the original footprint of the residential units proposed for demolition at the north-west of the existing university campus. The scheme comprised a mixture of 3 & 4 storey residential blocks, with the lower blocks sited to minimise the visual impacts of the gable ends on the University Road approach. A single storey utility block is also proposed with a centralised bin/ recycling store, serviced from Wentworth Way. The residential blocks are similar in their internal layouts with study bedrooms and en-suite bathrooms and communal kitchens.

All the buildings layout and design have been influenced by the objectives of "Secured by Design", closed at the western end of the site. Cycle stores link the blocks to ensure enclosure, so that access to all residential units is from inside the new enclosed courtyard. Cameras are also used to ensure security. The use of different storey heights helps to create a variety and massing interest across the site. To the south, the 4 storeys correspond to the biology block, which is further south. The mature trees within the site and adjacent to it also complement the scale and massing of the proposed layout, and new trees are being introduced to augment the layout. The topography is being retained where possible.

The primary student access to the site from the east is served by a small parking area with dedicated parking bays and a taxi drop-off point. A separate service access is maintained from Heslington Road to a service area north of the site. The form of the blocks has

developed in response to the University's brief, and to the palette of materials on neighbouring developments, with some of the design elements referring back to the earlier houses on the site (but also to hide downpipes and to reduce building heights).

The design solution aims to respect the existing principles of the campus whilst recognising the University's commercial & academic requirements.

3.4 EPU.

The environmental protection unit has no objections to this application, but wishes to make the following comments:

Contaminated land

It is understood that the site may have been put to previous uses that could result in land contamination (eg. the name 'Bleachfield' suggests some form of previous industrial/commercial use). From the historical maps of the area, it would also appear that ground levelling/infill has taken place to provide the flat terrace upon which the proposed development will be located - this could give rise to the generation of gas.

Both of these matters need to be fully explored and assessed to determine whether there is any potential impact on human health or ground water. Although a desk study has been submitted by the applicant, this needs further work to better understand the site. However, these matters can be dealt with by condition. A watching brief is also recommended, should any unexpected land contamination be discovered.

Recommend conditions 9-15 to deal with this.

3.5 Landscape Architect.

Marked on an 'existing' plan the critical sight line (in yellow) for retaining the amenity and spatial quality of the cycle/pedestrian route through the western edge of the campus. Although the development does involve the removal of one of the footpaths, the buildings do not interfere with the critical area and the majority of trees are retained.

The cross section elevations are very useful. Nonetheless a plan showing existing and proposed contours would assist in assessing the suitability of earthworks around the trees to be retained and around the ground floor levels of the blocks.

The tree schedule should also number/include the trees that are to be removed.

It would be preferable (but not essential) to set Block 3 slightly further back (more in line with the demolished building). This would pull it back from tree 1488 - a mature Sycamore (category B - tree of relatively high individual value). Its amenity value is high because of its street frontage location as one of the major avenue trees.

Blocks 5 and 6 result in the loss of five good trees. However I am willing to concede and accept these losses because a sufficient quantity of tree-lined embankment will remain to conserve an adequate setting for the buildings.

The two entrances for the scheme work much better than previously. And whilst the substation is not the most beautiful of things to have on a street corner, it is sunken down and a much less conspicuous structure than the utility block.

The proposed plant schedule is fine, but please include LAND 1 to secure a specific planting plan. Please can you also condition approval of fencing details.

3.6 Ecology Officer.

The bat survey was carried out last year and this was negative, however that was over a year ago and that application involved refurbishment of the existing buildings rather than demolition. Considers it important therefore to update the survey and ensure that no bats have taken up residence in the interim. Also, as this is now all rebuild there are substantial opportunities for biodiversity enhancement and these should be conditioned into any consent. This will be completed in time for the committee meeting and a verbal update will be provided at the committee meeting.

3.7 York Consultancy - Drainage.

The development is in a low risk flood zone 1 area and should not suffer from river flooding. No objections.

EXTERNAL.

3.8 Fishergate Planning Panel.

- i) Is inappropriate over development of the site. The University's award winning landscaping is being compromised by continuing development that is not in keeping with the original park like character as approved and built.
- ii) The erection of six buildings of 3 and 4 storeys will detrimentally alter the rural and open character of this part of the campus.
- iii) Increased traffic will add to existing traffic overload.

3.9 Hull Road Planning Panel.

No objections.

3.10 Heslington Parish Council.

It was noted that previously a number of architects had fought hard against demolition of Bleachfield, because of the architectural value of the buildings.

No objections to student houses being provided but a more appropriate design should be considered. Also agreed that the provision for more family housing should be made within the campus.

3.11 Environment Agency.

No objection in principle but states that a Flood Risk Assessment (FRA) is required for this development in line with Planning Policy Guidance Note25. The Agency recommend that the LPA should be satisfied that the FRA fully considers the impact of surface water drainage from the site.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.

3.12 Yorkshire Water.

No objections subject to conditions 16 and 17 being imposed.

3.13 Police Architectural Liason Officer.

Attended a meeting in December 2005 at the University to discuss security and 'designing out crime' issues relating to this development. Notes that most of the issues discussed have been incorporated into the plans. Since the application came in has further met with the Architect in order to clarify a few issues. As a result of this confirms the following:

- Access control measures will be fitted to the entrances to all the accommodation blocks.
- Landscaping to be provided to the vulnerable west facing gable of Block 3 in order to create a buffer zone of defensible space between the gable and open space beyond.
- Defensible space will be created around the other buildings utilising landscaping.

- Vulnerable ground floor windows will be fitted with laminated glass.
- Small narrow windows on the vulnerable gables of Blocks 3 and 4 will not have opening lights.
- The development will be covered by CCTV.
- Cycle stores all overlooked and secured by means of swipe card access control.
- Suitable lighting provided around the site.
- Hedging to be provided on the northern boundary which will imply an area of 'defensible space'.
- Fencing to 2 metres high will be provided between blocks 3 and 4 to form a secure boundary keeping access to the site to a minimum.

In light of the these proposed measures, no objections.

3.14 Ouse and Derwent IDB.

Recommend that the surface water from the development should be discharged directly or indirectly to the IDB maintained Lowmoor watercourse. In turn the lake acts as a balancing tank, which controls the rate of discharge.

3.15. Third Parties.

4 letters of objection received.

- No masterplan for the future development of the campus and as a result the University now want to demolish one of the best housing schemes they have and replace it with architecturally and spatially very inferior student housing. Whilst supporting the development of on-campus student housing the University should invest more effort and architectural skill in retaining Bleachfield and developing the land to the west with high density low rise housing.
- Whilst the University professes to be developing a highly sustainable approach to Heslington East there is no evidence of it here. Simple and most sustainable approach is to retain the high quality housing they already have and refurbish it.
- Poor design which ruins one of the most attractive parts of the campus. Ashamed of the University's persistence in its vandalism of the original campus.
- The quality of the space, as well as that of the design of the buildings themselves won a design award. This application destroys this space. The proposed blocks are repeated without imagination and are disposed in a monotonous fashion. The space between is incoherent. It is not contained so as to form a definite shape capable of becoming a place of memorable character, equal to the existing but which instead leaks out through frequent gaps.
- Open, undulating area between the Bleachfield houses and Wentworth Way lies within the campus and adds to its amenity. This should remain as it is, rather than being used for building.
- The amenity of the existing relationship between buildings and landscape is lost and not replaced.
- Repetitive, unimaginative and pedestrian design.
- Should make better use of the roof area.
- Destroys exterior spaces of positive character.
- Previous application made last year showed the retention of the existing houses. What was acceptable then should be acceptable now.
- More sustainable to refurbish than to demolish.

- Balance of accommodation required can be provided on the new Heslington East campus. Application states that the development applied for here is to cover an 'interim period' before accommodation on the new campus becomes available, possibly as early as September 2008. As present proposal would not be ready until the earliest, Sep 2007 the 'interim period' could be as little as 1 year.

4.0 APPRAISAL

4.1 The key issues are considered to be;

- i) the principle of the development.
- ii) the loss of the existing buildings.
- iii) good design and landscaping.

Policy Background / Green Belt.

4.2 The university campus lies within an area of Green Belt, as defined by the adopted North Yorkshire Structure Plan and the draft Local Plan. Planning Policy Guidance Note 2 sets out government policy regarding development in green belts, and Annex C of that document specifically refers to Higher Education institutions. The advice makes it clear that such institutions are subject to the same controls as other development in green belt, but at the same time stresses that more people should be encouraged to undertake higher or further education. The guidance states that local plan preparation should address the need for such institutions to expand by excluding them from green belt.

4.3 Policy ED6 of the emerging Local Plan (4th set of changes) seeks to exclude the Heslington Campus from the Green Belt and permit further university development. The policy contains a set of criteria including a maximum 20% development footprint of the campus area, appropriate height of buildings, good standard of design and no overall increase in car parking provision. These policy objectives are reiterated in the Heslington University Campus Development Brief adopted in August 1999.

4.4 The Development Brief and draft policy ED6 considers the implications of future development at the university on the green belt. It is considered that 20% was an acceptable limit for future expansion which would not significantly compromise the openness of the green belt.

Developed Footprint

4.5 The built footprint of the existing buildings is approximately 1957 square metres. The built footprint of the new proposals is approx. 2375 sq.m, a net increase of 418sq.m. This means the extra developed footprint area is within the threshold of 20% developed area within the Heslington campus. The footprint of the proposed six accommodation block buildings would be sited within a 'development area' identified in the brief and would not result in the loss of any of the University's important open spaces. A small wedge of defined open space does extend along the south western boundary of the site close to its boundary with Wentworth Way and within this wedge the electricity sub-station is proposed. However the building is on the very south western edge of this wedge and is only 30sqm in size and 3 metres high. It is immediately adjacent to Wentworth Way with open green space around it and it is 20 metres away from the nearest accommodation building (block 4) in a diagonal direction. Given this, officers do not consider the sub-station to unduly impact on, or compromise the objectives of this defined open space.

4.6 An important and defined 'tree belt' along the western boundary of the site the campus (with Heslington Stray) is untouched by the development.

Design.

4.7 The design and appearance of the proposal is the most contentious aspect of the application. The comments of Fishergate Planning Panel and Heslington Parish Council are noted on this issue and the objections received from interested third parties all also reflect concern over this issue.

4.8 The existing area of Bleachfield is without doubt one of the most attractive and open spaces within the Heslington campus. Even though it is within the defined development boundary of the campus, it has retained a more open feel because of the low rise nature of the existing buildings and their immediate environs and also the gently sloping, contoured character of the land, all of which is grassed. Added to this is the presence of several large mature trees both within the site and on its edge (along with a plentiful supply of less mature planting) and the ambiance of the area is generally open and quite peaceful. Officers

acknowledge that this character will be significantly altered as a result of this scheme and this is a key issue for members to consider.

4.9 A previous scheme was submitted to the Council last year (05/01065/FULM) which included the retention of the existing buildings but also including new accommodation blocks. The relationship between the old and the new was considered poor and the development as a whole extended further westwards almost abutting the public right of way which links University Road / Heslington Lane to Wentworth Way. It also had no obvious focal point or entrance and was a somewhat random scheme which officers considered to be unacceptable. It was consequently withdrawn.

4.10 This revised scheme does go some way to addressing these concerns and members are referred back to the more detailed comments of the Urban design officer in para. 3.3 of this report for further information with regard to this. One of the main differences between the this scheme and that withdrawn is the complete demolition of the existing buildings. Given the low rise nature of the existing houses and their fairly unique design, it is somewhat difficult to develop a scheme which complements successfully the 'old and the new' but which at the same time maintains approx. the same developed footprint area and respects the extensive tree cover and openness of the site and its boundaries. Officers consider it critical to ensure that this be maintained as much as possible.

4.11 With regard to the retention of the existing buildings it is regrettable that these are to be lost as they do offer a unique character and form not prevalent anywhere else within the Heslington campus and members do need to consider the merits of the site as it is now, an issue which is material to the case. However this also has to be weighed against the clearly changed circumstances since these were built in the 1970's. The University has expanded significantly and there is now significantly more pressure to include as much student accommodation within the campus as possible in order to reduce the pressure on private housing throughout the city. Point 7 of Policy ED6 supports and identifies this need. The University development brief of 1999 also supports this, stating clearly the need to reduce travel by private vehicle by providing the majority of student accommodation on campus. Therefore given that to refurbish the buildings would probably only offer a very limited number of study bedrooms it is unlikely that that option will go anywhere near to meeting those requirements.

4.12 The urban design officer also states that whilst the design virtues of the existing blocks are recognised they are 'of their time' and given the other material considerations that now exist, it is appropriate to move onto a higher density development. Officers, whilst also fully recognising the merits of the buildings agree with this view.

Design and Site layout.

4.13 Therefore the next key issue is the design of the proposed scheme. Point 5 of policy ED6 encourages the need for ' a high standard of design appropriate to the setting of the University' and the development brief also extols the importance of good design in para. 5.18. Para. 5.19 also goes on to say that 'building heights will be contained within an envelope raising little above the mature forest tree canopy (eg. 3 or 4 storeys) of the framework planting...'

4.14 The six residencies are a mixture of three and four storey. The maximum height of the four storey buildings will be 13.8m above ground level with the three storey 10.8 metres above ground level. A plan has been submitted showing the buildings against the sloping land levels of the site from north to south and this shows that the height falls below the height of the mature trees both adjacent to and within the site boundary. Given that it is these which help to define the character of the site this is an important issue. The four storeys correspond to the Biology block buildings further south and therefore there is no

objection to this size in principle. Given the above, the development will be well screened from the main public view on University Road by the large, mature trees on the northern boundary of the site by Heslington Road. This is particularly the case in summer when the trees are in full leaf but even in winter, views of the buildings will be filtered quite significantly.

4.15 The courtyard layout of this scheme contrasts positively with the more random nature of the previous scheme and the more defined curve of the layout is also an improvement. The courtyard layout has been employed successfully elsewhere on the campus and has been based on the principles of Secure by Design, with entrances facing inwards and site security also provided by the siting of the cycle stores and boundary walls. This boundary treatment, particularly the more sensitive western side, needs to be carefully considered in design and appearance terms. Condition 26 is recommended here.

4.16. A welcome aspect of the revised proposals is the introduction of an enclosed inner courtyard which retains within it the mature, very attractive trees which are an integral part of the character of the site. Also, by moving the site further over to the east and deleting a block entirely it moves the entire development further away from the public footpath linking Heslington Road to Wentworth Way and makes it more enclosed. This also has the effect of maintaining the open, treed appearance of the western side of the site close to the boundary with Heslington Stray, one of the fundamental problems of the previous scheme.

4.17 However, it is regrettable that the design of the buildings has remained pretty much the same in both schemes save for some slightly altered elevational treatment in order to make the buildings more domestic in appearance. The main criticism of the scheme is that the buildings are very similar in appearance and lack an element of imagination. In some ways they resemble 'business park' style buildings and I would agree with one of the objectors who describes the scheme as monotonous. Officers acknowledge that the proposed scheme will result in a less memorable development than existing, largely because of the loss of the open space but also because of the somewhat bland design of the buildings. However, this does ultimately have to be weighed against the other material considerations discussed above such as need and the question is whether the design is poor enough to support a recommendation of refusal. On this, officers have concluded that whilst the previous scheme was poor in terms of layout and the impact on the setting of the entire area, this scheme has made enough alterations to overcome the basic problems of the previous submission. The footprint of the buildings largely follows the footprint of the original and whilst they are clearly higher, by containing them more centrally within the area and maintaining more open areas around the site's perimeter and better preserving the existing landscaping around the western boundary with Heslington Stray, the scheme is now, on balance, acceptable. However, design and appearance is a further important material consideration for members to consider.

Residential Amenity.

4.18. The blocks are sited well away from residential houses, the nearest one being approx. 150 metres away to the north west (111 Heslington Road and Garrow Bank). Furthermore the buildings are positioned on lower ground than either of these properties and a large number of mature trees stand between the development and these properties. Given that the height of the buildings do not exceed those already on campus and that they will be sited within the campus boundary, it is not considered detrimental to the amenity of these residents. Condition 19 requires details of external illumination to be agreed in order to prevent harm as a result of light pollution.

Drainage and Flood Risk.

4.19 At the time of writing this report officers were awaiting written confirmation that the Environment Agency were withdrawing their request for a Flood risk assessment. However, verbally it has been confirmed that one will not be required. The level of the land is on high ground and it is difficult to see how it is at risk of flooding from non-drainage means. A verbal update will be given at the committee meeting.

Sustainability.

4.20 The development is sustainable inasmuch that it meets the basis requirements of the new Part L of the Building Regulations and actively encourages recycling and the use of sustainable modes of transport. Officers have requested that other sustainability measures beyond the basic forms be considered (example rain water harvesting and solar gain) and details of this are awaited.

5.0 CONCLUSION

5.1 It is considered that the proposed development meets the criteria set out in Policy ED6 of the draft Local Plan and the general principles set out in the development brief for the University. The design and appearance of the scheme is now, on balance, considered to be acceptable.

5.2 An agreement has been made with Government Office not to refer applications for development within the existing campus to the Secretary of State.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing no's
- 1249/100 Revision D.
- 1249 - 300
- 1249 - 303
- 1249/200 Rev. A
- 1249-101
- 1249-002
- 1249/102 Rev. A
- 1249-304
- Landscape Proposals.

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

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

- 3 VISQ8 Samples of exterior materials to be app

- 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.

- 1:20 sectional plans of window reveals and door casements.

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

- 5 LAND1 IN New Landscape details

- 6 None of the existing trees shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

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

- 7 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are also provided : construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and possible rooting zone of a tree.

The protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

- 8 HWAY19 Car and cycle parking laid out

- 9 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

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

Reason: To protect the amenity of the area.

- 10 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

Reason: To protect human health and the wider environment.

- 11 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment.

- 12 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment.

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

Reason: To protect human health and the wider environment.

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

Reason: To protect human health and the wider environment.

- 15 ARCH2 Watching brief required

- 16 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. This shall include details of any balancing works and off-site works. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

- 17 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason. To ensure that no surface water discharges take place until the proper provision has been made for its disposal.

- 18 HT1 IN Height
10.7m blocks 3,4 and 6 and 13.8m blocks 1,2 and 5. Utility block 4.5 metres.

- 19 Prior to the first occupation of the residences hereby approved details of any scheme of illumination for external areas shall be submitted to and approved in writing by the Local Planning Authority and those details shall subsequently be implemented on site.

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

- 20 HWAY10 Vehicular areas surfaced, details reqd

- 21 HWAY15 Gradients

- 22 HWAY18 Cycle parking details to be agreed

- 23 HWAY31 No mud on highway during construction

- 24 HWAY40 Dilapidation survey

- 25 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

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

- 26 VISQ4 Boundary details to be supplied

**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 green belt, design, transport and parking, landscaping, drainage, flood risk, archaeology, local amenity and sustainability. As such the proposal complies with Policy E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and

Policies GB1, ED6, GP3, GP9, GP11, GP1, T4, SP2 and GP4A of the City of York Local Plan Deposit Draft.

2. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

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

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

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

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405

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DATE 15/08/2006
Drawing No.

BLEACHFIELD, HESLINGTON ROAD

SCALE: 1:1250
Operating Group

DRAWN BY: PSL
Project



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

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Planning Committee

27th June 2006

Report of the Director of City Strategy

REVISED DEVELOPMENT BRIEF FOR THE TERRY'S FACTORY SITE

Summary

1. The Terry's Draft Development Brief was presented to Members in September 2005 and approved for consultation purposes. The Draft Brief set out the Council's aspirations for the redevelopment of the site, namely an employment-led mixed use development with careful consideration given to its landscape setting, conservation area status and listed buildings.
2. This report describes the consultation process carried out and includes an amended Brief (Appendix 1) which has been compiled through a cross Directorate Project Team in response to concerns and suggestions received by various groups, organisations and individuals. The consultation responses received are set out, with Officer responses and recommendations, as a Background Paper, which has been distributed to Members and is available in the Members library and on the Members drive, and available to the public on the Council's website (<http://www.york.gov.uk/planning/terryst.html>) and in the receptions of The Guildhall and 9 St Leonard's Place.
3. The Brief interprets policies from the City of York Draft Local Plan 2005 (Fourth Set of Changes) – referred to as the Development Control Local Plan - and has been prepared in accordance with national and regional government guidelines. If approved it will be used as guidance in negotiating with developers and progressing any relevant planning and listed building / conservation area consent applications on the site.
4. Members are being asked to approve the attached revised Development Brief as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan as a basis for negotiating an appropriate scheme to redevelop the site and for considering planning and listed building / conservation area consent applications.

Background

5. In April 2004 Kraft Foods announced the closure of the Terry's factory complex on Bishopthorpe Road, York. The factory finished production and closed in

September of the following year. The site has since been sold to GHT Development LLP (Grantside). The site is now vacant.

6. A report by the Acting Director of Environment and Development Services to the Executive of the City of York Council in July 2004 first set out the Council's position with regard to the future development parameters for the site. The Draft Development Brief for Consultation was based on these parameters.
7. The site lies to the south of the City Centre on the edge of the built up area known as South Bank. The site comprises of two areas either side of Bishopthorpe Road. The area to the west of the road is the main factory site that has a total area of approximately 10 hectares (24.9 acres) and comprises of the original 1920's factory buildings (Grade II listed) and single storey factory and warehouse buildings which have been added to the site in more recent years. Campleshon Road forms the boundary to the north, York Racecourse and Micklegate Stray are situated to the west and open space (Green Belt) to the south which extends towards the A64 and Bishopthorpe.
8. The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. The Terry's Pump House is located to the north east of this area. This supplied water to the factory. The River Ouse flows to the east, the river bank is in the ownership of the Council. There is a pedestrian link to the river immediately adjacent to the site. Residential development along Bishopthorpe Road forms the built boundary to the north, Bishopthorpe Road lies to the west and open space to the south.
9. The developable site that the Brief addresses is the main factory area to the west of Bishopthorpe Road and, limited by green belt policy, the existing car park to the east of Bishopthorpe Road.

Consultation

10. The Draft Development Brief was presented to Planning Committee and approved for consultation purposes in September 2005. It was duly put on deposit for 8 weeks of public and statutory consultation between October and December 2005. 184 representations were received during this time, making around 1200 separate comments requiring a response. The comments are set out, with Officer responses and recommendations, as a Background Paper.
11. Copies of the Draft Brief were sent to a statutory list of consultees including Yorkshire Forward, the Environment Agency, CABI and English Heritage. Officers attended meetings for groups which had an interest in the document including the Disabled Persons Advisory Group, Conservation Area Advisory Panel and the Open Planning Forum.

12. Copies of the Draft Brief were made available in all local libraries, in the reception of 9 St Leonard's Place and on the Council's webpage. The webpage included details of how to submit comments on the Draft Brief and an electronic response form. There were 1,834 visits to the webpage during the consultation period and the Draft Brief was downloaded 382 times. A letter, summary of the Draft Brief and response form was sent to over 2,000 homes in the South Bank area informing residents of their opportunity to comment on the document.
13. A drop-in day for the local community facilitated by CYC's Community Planning team was held at St Chad's Church Hall in November, attracting approximately 150 visitors. At this event, members of the public had the opportunity to read the document, view display material and speak to Officers involved in the production of the Draft Brief. Officers also spent a day at Knavesmire Primary School helping the Year 5 and 6 pupils understand the importance of the site and exploring its potential for the future as part of their national curriculum work.

Analysis

14. The main issues raised in the consultation on the Draft Brief have been in regard to potential uses, traffic and conservation. Many comments relate to issues that will be addressed through technical assessments which are required to support a planning application and, although not strictly relevant to the consultation on the Brief, they have been noted and will feed into later stages of the planning process.
15. A number of comments focused on the potential impact of development on the Terry's site on traffic levels in the South Bank area, on Bishopthorpe Road and on Bishopthorpe village. The Brief has a whole section on Accessibility, Traffic and Transport which seeks to minimise the impact of traffic from the site on surrounding areas and encourage sustainable forms of transport. Traffic issues, along with car parking, will be considered in detail through a Transport Assessment which is required to accompany a planning application. The requirement for the Assessment is included in the Brief.
16. A number of comments expressed a desire to see the original factory buildings retained and reused, in particular the Clock Tower. The original factory buildings are Grade II listed and the importance of retaining these buildings is reflected in the Brief. The Brief also emphasises the importance of views of the buildings. Many responses highlighted the importance of the trees and the setting of the site and this is reflected in the Brief.
17. There is broad support for the uses set out in the Draft Brief. The main focus for comments was a desire to see employment generating uses, affordable housing, community facilities and a museum or similar to reflect Terry's heritage.
18. The amendments to the Draft Brief include minor clarifications, corrections and updates and, in acknowledgement that section 3 - planning policy - does not adequately reference national and regional planning policy, the section has been redrafted.

19. The clarity of the Draft Brief, in terms of the nature of development that the Council would support, has been questioned, both in responses to the Draft Brief and in discussions with a number of developers who were considering bidding for the site. In considering the economic needs of the City, including land requirements for the growth of Science City York (SCY), and emerging regional planning policy which supports the growth of SCY, it is considered desirable to see a new centre for SCY on the site. While promoting a SCY focused development, the Brief allows flexibility for a range of employment uses to be considered should they be proposed. This large site has capacity to generate a significant number of quality jobs in the SCY sector and a range of other employment uses while allowing for a mix of complementary uses. An appropriate mix of other uses on site would help to create the right environment to attract SCY businesses to the site. The Brief has therefore been revised to refine the emphasis to clarify this position.
20. The revised Brief aims to build on the helpful comments received during the consultation period to provide an up-to-date document which will guide any future development options and proposals for the site. The amendments also aim to clarify the objectives and requirements of the Council.

Options

Option 1:

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

Option 2:

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

Option 3:

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

21. In terms of the options set out above, approval of the Brief is recommended to Members. It would provide a clear and consistent basis for negotiating with potential developers and for considering planning applications. The complex nature of the site, the proximity to existing residential areas, the relationship of the site to the racecourse, the size and prominence of the buildings and the conservation interest in the site all require detailed consideration. A number of responses to the Draft Brief expressed support for the approach of a Development Brief itself.
22. Option 2 is not recommended as the Brief follows previous Council decisions to progress it through public consultation. The vision and objectives and potential

uses set out in the Brief have been developed in the context of existing National, Regional and Local planning policy and following extensive public consultation.

23. Option 3 is not recommended. The level of detailed information contained in a Development Brief can better address the complexity of the site, its conservation value and prominence within the landscape. Consultation on the Draft Brief has allowed the public to express initial aspirations and concerns about the future of the site, together with local and national organisations / interests, and these can only be addressed at this stage of the planning process. Further detail progressed through a planning application will be tested against the vision and detailed guidance set out in the approved Brief.

Corporate Objectives

24. The redevelopment of the site represents a major chance for the York economy and a significant opportunity to create a sustainable community. The Brief aims to further a number of the City's economic aims, including the Community Plan objective of a "Thriving City", the Council's Corporate Aims which seek to "Strengthen and diversify York's economy and improve employment opportunities for York residents", and improve "quality and sustainability, creating a clean and safe environment". Equally the site has the potential to build on York's international reputation as a tourism destination. The Brief highlights the importance of sustainability and has a section dedicated to sustainable development. This seeks to further the Community Strategy Objective of a Sustainable City - "York should be a model sustainable city with a quality built and natural environment and a modern, integrated transport system" - and the Corporate Aim to "Take pride in the city, by improving quality and sustainability, creating a clean and safe environment".

Implications

- **Financial** - The costs of printing the Brief and other incidental costs will be met from the existing internal budget.
- **Human Resources (HR)** - No HR implications.
- **Equalities** - Equalities considerations have been taken into account in the preparation of the Brief.
- **Legal** - No Legal implications.
- **Crime and Disorder** - Crime and Disorder considerations have been taken into account in the preparation of the Brief.
- **Information Technology (IT)** - No IT implications.

Risk Management

25. There are no known risks.

Recommendation

26. Members are recommended to approve the attached revised Development Brief as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan as a basis for negotiating an appropriate scheme to redevelop the site and for considering planning and listed building / conservation area consent applications.

27. Reasons:

- The redevelopment of the site is an important opportunity to provide quality accommodation for a range of uses that will support the York economy and a Development Brief is considered the most appropriate approach for the Council to set out a vision, objectives and clear guidance for a new sustainable employment led mixed use development to create a community of complementary uses.
- The conservation importance and prominent setting of the site require detailed consideration and a Development Brief is considered the most appropriate approach for the Council to set out the key considerations for the site and requirements of potential developers.

Contact Details

Author:

Ewan Taylor
City Development Officer
City Development
Directorate of City Strategy
01904 551408

Chief Officer Responsible for the report:

Bill Woolley
Director of City Strategy

Report Approved

Date 16-06-06

Wards Affected:

Micklegate, Bishopthorpe, Dringhouses and Woodthorpe

For further information please contact the author of the report.

Background Papers

City of York Council '*Draft Local Plan incorporating the 4th set of changes*' [*Development Control Local Plan*] (April 2005)

Report by the Acting Director of Environment & Development Services to the Executive of the City of York Council (July 2004)

Draft Development Brief for Terry's Consultation Responses and Officer Recommendations (June 2006)

This Background Paper is a summary of all the comments received during the consultation on the Draft Brief, the organisation/individual who submitted the comment, the CYC Officer response to each individual comment and proposed changes to the Brief where considered appropriate.

Appendix

Appendix 1 is the revised Brief put forward for consideration and approval.

A number of notations have been used to amend the Draft Brief into the revised document attached to this Committee Report as Appendix 1. Where these notations appear in the Brief, the following information applies:

A number in bold text within square brackets e.g. **[41]**

This number corresponds to a comment number from the tables in the Background Paper. Where such a number appears in the revised Brief, it can be cross referenced to a comment made during the consultation. General updates to the text of the Brief are set out at the end of section tables in the Background Paper and amendments shown in the revised brief notated with the section number e.g. **[S.7U]**

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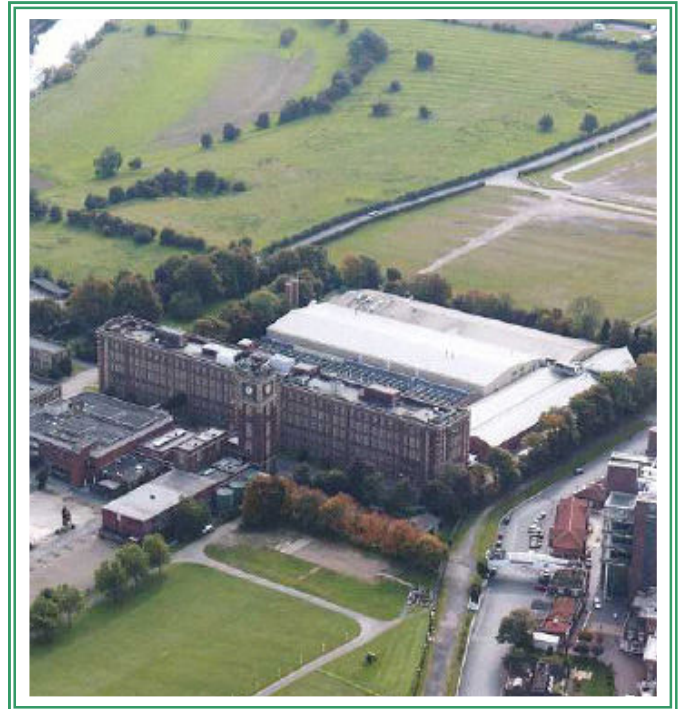
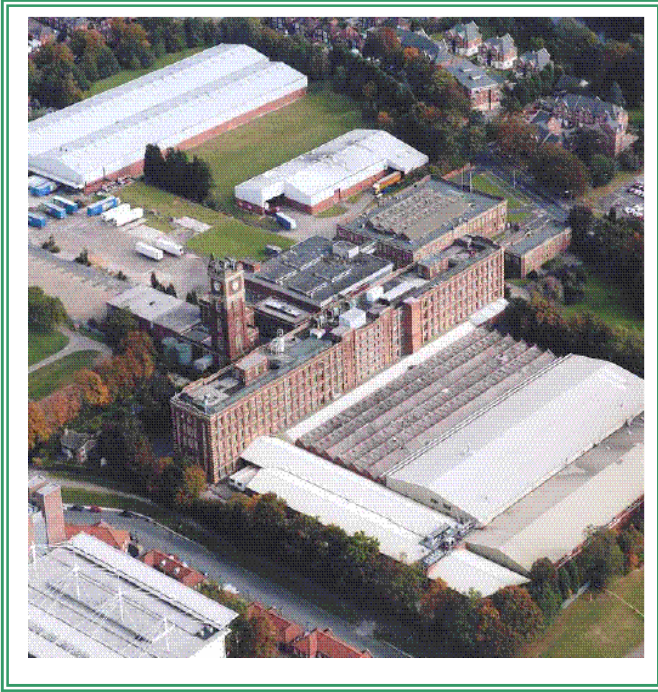
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Bold text (e.g. **text**)

This is text which has been added to the Brief either as a result of a comment made during consultation or a general update. This text will appear in the final version of the Brief.

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Development Brief - Terry's



June 2006

City Development
Directorate of City Strategy







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1. INTRODUCTION

Background

1.1 For many years, York and the confectionary industry have been synonymous. Today, Nestle is a major employer in the City. A summary of the history of Terry's is included in Appendix 1.

1.2 In April 2004, Kraft Foods made the decision to close the Bishopthorpe Road site in Autumn 2005. **A significant site has become vacant and available for reuse and redevelopment. This provides an outstanding opportunity to bring the site and listed buildings back into viable use to the benefit of York, its residents and its visitors [43].** The redevelopment of the site represents a major chance for the York economy and a significant opportunity to forward a number of the City's economic aims, including the Community Plan objective of a "Thriving City" and the Council's Corporate Aims which seek to "strengthen and diversify York's economy" and provide "improved employment opportunities for residents". ~~Equally~~† The site has the potential to build on York's international reputation as a tourism destination **as well as creating a sustainable community in this part of the city. The redevelopment of the site also presents an opportunity to further the Community Strategy Objective of a Sustainable City - "York should be a model sustainable city with a quality built and natural environment and a modern, integrated transport system" - and the Corporate Aim to "Take pride in the city, by improving quality and sustainability, creating a clean and safe environment". [45]**

1.3 Regionally, Yorkshire Forward (the Regional Development Agency) have recognised the wider economic driver potential of York. Along with Leeds, Bradford, Sheffield and Hull they have designated York as a Key City with a significant role to play in providing economic benefit of regional significance.

1.4 This is a high quality site with iconic landmark buildings, set within the attractive landscape of the vibrant and prosperous city of York. This is a site which could generate global interest.

Vision

1.5 The site is principally an employment site. By virtue of its high quality buildings and setting, it has the potential to provide a ~~landmark site~~ **prestige development [74]** which will be of considerable significance to the future success of York's economy. **A balanced mix of complementary uses in an employment led mixed use development will assist in creating a sustainable community on the site where each use benefits from the presence of the others. The right mix will give the site vitality and viability to ensure it is a successful employment site and an important component in the success of Science City York [73]. The development should deliver quality employment space for quality jobs. Creating the right environment is key to the success of the employment – led vision. An attractive, vibrant development will be of real benefit to the York economy. [186]**

1.6 York is now one of six national Science Cities and recognised as one of the main economic generators for the region. The need for quality employment sites, providing the high quality image and environment required by Science City York and the tourism and cultural industries is very clear.

1.7 The site and buildings offer the potential for creating a clear identity (potentially carrying on the Terry's name to brand the site) for a development centred on the service sector, IT, a creative industries complex integrated with business conferencing and distinctive high quality hotel facilities (to complement facilities at the Racecourse) **as part of a viable mix of uses [77]**.

1.8 A single, creative, design concept is required to achieve this approach. An approach which targets the value-added sectors/demand highlighted above and which creates a lasting, iconic development that enhances the future of the York economy.

1.9 This is a major opportunity which benefits from its location on the Leeds/York employment axis. A highly visible and recognisable site capable of signifying the progressive image that the region as a whole aspires to. High standards of design, conversion and landscaping will be key requirements in achieving this.

1.10 By virtue of it's size, the Terry's site also presents an opportunity to provide a range of other uses to complement the employment objectives. It will be key to the successful redevelopment of the site that the mix of uses create a "sustainable community" on the site with a coherent identity. The mix of uses, which might include hotel, community, leisure and residential, should complement one another to assist the vitality and viability of the development. [176]

~~1.10~~ **1.11** A report by the Acting Director of Environment and Development Services to the Executive of the City of York Council in July 2004 set out the Council's position with regard to the future development parameters for the site. ~~Based on these parameters, the [79]~~ The Council's vision for the redevelopment of this key site is:

*To create a sustainable, distinctive and prosperous high quality business focused location of strategic importance to the York economy **with a range of complementary uses to generate vitality and viability in a sustainable community [80]**. It should have a unique and inspirational sense of place of exemplary design that builds on the iconic qualities of the Terry's buildings and contributes to making York a more sustainable city.*

Objectives

~~1.11~~ **1.12** To deliver the above vision and the Council's employment **[93]** requirements for the site, the following objectives will be critical to the successful development of the site. The Council are seeking a comprehensive development solution that:

- Takes full advantage of this unique opportunity for a **prestigious [95]** development that delivers an employment led mixed use comprehensive development scheme with opportunities for Science City York cluster uses – Bioscience and Healthcare York, Creative York, IT & Digital York **[93]**
- Provides for employment use that supports the priorities of York Economic Development Board, **Regional Spatial Strategy and Local Plan objectives [95]** and is a source of economic prosperity
- **Assesses the Listed Buildings on site to determine the most appropriate use(s) to bring these buildings back into active and viable use. [93]**
- Respects and reflects the historic importance of Terry’s, the confectionary business in York and the cultural associations with the site
- Is outward looking and provides a real benefit for the citizens of York and Yorkshire
- Delivers community uses **and services [95]** that benefit the South Bank area and future occupants of the site
- Takes advantage of the proximity to York Racecourse in order to deliver complementary uses
- **Creates an environment which is vibrant and accessible both at day and night, by virtue of the mix of uses provided [93]**
- Creates an outstanding development that demonstrates the principles of sustainable development in all aspects, including design, construction and use
- Is of extremely high quality and provides a new source of civic pride
- Respects the character and setting of the Racecourse and Terry’s Factory Conservation Area and the qualities of the Green Belt in particular protects **and enhances [88]** the existing long distance southerly views of the factory and other important views from the City’s open spaces such as the Knavesmire, Rowntree Park and strategic places along the River Ouse
- Respects the **unique [88]** architecture of the listed buildings, including the quality and character of the interiors, and ensures their setting is maintained and that any new build complements them
- Enhances the existing landscape framework
- In prioritising movement within and through the site the needs of pedestrians and cyclists must come first within any framework
- Effectively promotes sustainable transport options to “connect” the site to the wider city **by co-ordinating with City and public transport provider initiatives. [93]**

Development Brief

1.12 **1.13** This Development Brief expands on **national, regional and [30]** local planning policies and provides specific advice on the way in which the Council would like to see the site developed. The Brief aims to provide a clear vision and a contextual framework for the redevelopment and refurbishment of the Terry’s factory site in York. The Brief sets out all the planning issues that will need to be addressed by potential developers. **The**

Brief is supplementary to the Draft Local Plan 4th Set of Changes. The content of the Brief will be relevant in the preparation of the emerging Local Development Framework. [30]

~~1.13 1.14 Once the Brief has been revised following involvement of the community, it will be considered by the Council's Planning Committee. If approved by the Committee, the Brief will be adopted as non-statutory Draft Supplementary Planning Guidance. This Brief has been adopted as non-statutory Draft Supplementary Planning Guidance [30].~~ Development proposals will be required to comply with the adopted brief.

Public Participation

1.15 Public consultation was carried out on the Draft Development Brief in 2005, including a newsletter, feedback sheet and a drop-in session for residents in the South Bank area, and workshop with children at the Knavesmire School. When bringing forward proposals prospective developers will be expected to work with the Local Planning Authority to carry out a community involvement exercise and clearly demonstrate that the local community, key stakeholders and statutory consultees have been extensively involved with any masterplanning and any subsequent planning applications and have taken their views into account. This should accord with the guidance on consultation on major planning applications at both pre-application and application stage as set out in the Council's draft Statement of Community Involvement. [97]

2. THE SITE

Please refer to *Plan 1 – Site Location* and *Plan 2 – The Site*

Site Location

2.1 The site lies to the south of the City Centre on the edge of the built up area known as South Bank. The site comprises of two areas either side of Bishopthorpe Road. **The area to the west of Bishopthorpe Road is the main site** ~~is the~~ [119] factory site that has a total area of approximately 10 hectares (24.9 acres) and comprises the original 1920's factory buildings (Grade II listed) and single storey factory and warehouse buildings which have been added to the site in more recent years. This main site is bounded to the east by Bishopthorpe Road. Campleshon Road forms the boundary to the north, York Racecourse and ~~the Knavesmire~~ **Micklegate Stray [117]** are situated to the west and open space (Green Belt) to the south which extends towards the A64 and Bishopthorpe.

2.2 ~~The second site is area~~ [119] situated to the east of Bishopthorpe Road ~~and [119]~~ is known as Nun Ings and is slightly larger at 10.545 hectares (~~25.9~~ **25.81 [130]** acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from **0.86** ~~0.64~~ hectares (~~4.6~~ **2.12 [130]** acres) that ~~was~~ is used as a car park for staff of the Terry's factory. **The Terry's Pump House is located to the north east of this area. This supplied water to the factory. [124]** The River Ouse flows to the east of the area. **The river bank is in the ownership of the Council [119].** Residential development along Bishopthorpe Road forms the built boundary to the north, Bishopthorpe Road lies to the west and open space to the south. There is a pedestrian link to the river immediately adjacent to the site.

Site Description

2.3 The site forms part of the southern urban edge of York with predominantly open land to the south. The views towards the site from the south are important, as are views from Tadcaster Road, Bishopthorpe Road, Fulford and a number of other key locations. The factory buildings form a distinctive and iconic landmark that defines the character of the area and helps orientate the visitor. York Racecourse lies to the west of the site. The racecourse grandstands are also dominant features in the landscape. A Conservation Area, designated in 1975, includes both the Terry's factory and the Racecourse buildings. These buildings are of special importance because of their prominent position in a parkland setting within the City of York Green Belt. **The developable site that the Brief addresses is the main factory area to the west of Bishopthorpe Road and, limited by green belt policy, the existing car park to the east of Bishopthorpe Road. [118]**

2.4 To the north of the site lies the predominantly residential area of South Bank which is characterised by grid form street pattern and tight-knit terraces of Victorian and Edwardian houses. Campleshon Road has two focal points for the local community with St Chads Church and Knavesmire Primary School.

2.5 The site boundaries are well defined and provide a strong framework for new development. The mature trees within the site and the brick wall boundary give the site a strong landscape setting which can be enhanced further. The metal fence bounding the north part of the main site and the car park along Bishopthorpe Road, is less in-keeping with the area and an unwelcome contrast to the attractive tree belt the site otherwise presents to the outside. The character of the site would benefit from its removal. **The garden to the south east of the factory site forms part of the planned setting for the complex. The listed gate piers at the Bishopthorpe Road entrance to the factory complex are an important element of the sites' character [127].**

2.6 The trees within the perimeter of the factory site provide an almost parkland setting, which is experienced in association with the larger Knavesmire landscape as one travels through the area, with its many attractive mature trees. The site has a very close visual and physical relationship with the Racecourse.

2.7 The mounding and trees, although essentially planted for screening, are now **contribute fundamental [126]** to the attractive character of Bishopthorpe Road and Campleshon Road. They also serve to sit the buildings in the landscape (especially as viewed from the south) and screen the lower building masses. **A Tree Preservation Order covers five groups of trees, that are not within the Conservation Area, at the Campleshon Road and Bishopthorpe Road frontages of the site [776].**

2.8 The sloping roof of the ~~southern block~~ **buildings to the south of the site [121]** can be seen just over the trees along the southern boundary. This sloping roof of the later buildings is an undesirable element.

2.9 The inside of the factory complex reveals itself through the break in trees at the entrances off Campleshon Road and Bishopthorpe Road. The site opens up along its western boundary with the Racecourse.

2.10 There are foot / cycle paths adjacent to the site that provide sustainable off-road routes in and around York, but which could benefit from extension of the network.

2.11 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a build-up of massing towards the central spine running from the access off Bishopthorpe Road, **with the clock tower as the focal point of the group [122].** From this position at the main entrance gate the avenue of buildings present a strong unified composition. The strength of character is partly due to the linear layout and the shared architectural language of buildings of otherwise diverse form. The character might be further enhanced by the removal of ~~obtrusive structures~~ **any non-original additions to the buildings such as the 1st floor walkway link between the factory and buildings to the north [125].** The 'avenue'

vista is stopped by the Racecourse grandstands, the other dominant features characterising **defining [122]** the Conservation Area.

2.12 The approximate floor area of the listed buildings is 19,389 sq m. The approximate floor area of the non-listed buildings is 34,023 sq m. Of the 10.86ha factory site and car park, approximately 3.62ha is currently occupied by buildings [128].

3. PLANNING POLICY

~~City of York Draft Local Plan incorporating the 4th set of changes (April 2005) – Development Control Local Plan~~

~~3.1 The City of York Draft Local Plan provides the basis for planning in York and has been subject to a number of sets of changes to reflect representations received and changes in national and regional planning policy. The 4th set of changes to the Deposit Draft were approved by the Council for Development Control purposes in April 2005. Where reference is made to Local Plan Policy throughout the Brief, this relates to the Development Control Local Plan. A list of relevant policies are included in Appendix 4.~~

~~3.2 There are a range of national, regional and local planning policies which are applicable to the site. Although the City of York Local Plan is unadopted, the Fourth Set of Changes to the Plan represents the current planning policy position in York and, given its recent approval, can be considered to reflect the approach advocated in up-to-date National Planning Policy Guidance and Statements.~~

~~3.3 As an existing employment site, policy E3b of the Local Plan ‘Existing Employment Areas’ applies. Part of the site lies within Conservation Area No 10 – Racecourse and Terry’s Factory. The area to the east of Bishopthorpe Road is allocated as Green Belt. The site is not subject to any site specific proposals in the Local Plan apart from those relating to employment land and general policies regarding the Conservation Area and Green Belt.~~

~~Retention of Employment Sites~~

~~3.4 While the site is not allocated in the Fourth Set of Changes, Policy E3b – Existing and Proposed Employment Sites – states that sites currently or previously in employment use will be retained within their current use class. This policy approach is necessary due to constraints placed on the availability of greenfield development sites around York by the existing Green Belt. Sites in employment use are difficult to replace. The site is therefore principally an employment site.~~

~~Other Local Strategies and Analysis~~

~~3.5 In order to develop opportunities and progress development options in the area, cognisance is required to be taken of a number of Council documents. These include: Green Belt Appraisal; Landscape Character Assessment; Playspace Audit; Urban Potential Study; Economic Demand and Need Study (SQW Reports). Other documents currently in production will also be relevant: Strategic Flood Risk Assessment; Accessibility Strategy; Assessment of Key Trends; The Community Strategy; The Cultural Strategy; the Public Arts Strategy; Sports and Active Leisure Strategy. These are referenced where appropriate in the Brief. A list of relevant Local Documents is included in Appendix 5.~~

3.1 The vision and objectives for the site set out in Section 1 and the potential uses set out in Section 4 are based on the policy approach of

national, regional and local planning policy. The 'site' is the factory site to the west of Bishopthorpe Road. The existing car park and the green belt are addressed in sections 4, 6 and 9.

3.2 This section highlights some of the key policies and guidance that informs the approach taken in the Brief to the redevelopment of the site. This is in no way exhaustive and any proposals must demonstrate a comprehensive recognition of statutory and other relevant guidance. The requirements of these policies has been encapsulated in the commentary and requirements set out in the Brief.

3.3 The Statutory Development Plan for York comprises of the Regional Spatial Strategy for Yorkshire and the Humber adopted in December 2004 and covering the period to 2016 and the North Yorkshire County Structure Plan, Alteration No 3 adopted in October 1995, which provides policies for the period 1995-2006. These are strategic documents and there is no adopted Local Plan. In determining planning applications, the Council also use non-statutory and emerging plans. The City of York draft Local Plan (referred to as the Development Control Local Plan) was adopted for development control purposes in April 2005. It represents the most advanced stage of Local Plan production, comprising the 1998 deposit draft amended up to and including the Fourth Set of Changes. Although it is unadopted, the Fourth Set of Changes to the Plan represents the current planning position in York and reflects the approach advocated in up-to-date national and regional policy guidance. The emerging Regional Spatial Strategy is also a material consideration. This Development Brief, which has been subject to public consultation, is also a material consideration.

3.4 The Local Development Framework (LDF) for York is being prepared over the 2005-2009 period. The weight to be given to emerging LDF Development Plan Documents (DPD) will depend upon the stage they have reached when a planning application is considered for this site, with the weight increasing as the DPD progresses through each stage and the nature and extent of any objections received. However, it is likely that any planning application would come forward prior to adoption of the LDF Core Strategy or the Site Allocation DPD, so will be determined with the context set by RSS, Structure Plan, Development Control Local Plan, Emerging RSS and this Brief.

National Planning Policy

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

- PPS 1 – Delivering Sustainable Development
- PPG 2 – Green Belts
- PPG 3 – Housing

- PPG 4 – Industrial, Commercial Development and Small Firms
- PPS 6 – Planning for Town Centres
- PPS 9 – Planning and Geological Conservation
- PPG 13 – Transport
- PPG 15 - Planning and the Historic Environment
- PPG 16 – Archaeology and Planning
- PPG 17 - Planning for Open Space, Sport and Recreation
- PPG 21 – Tourism
- PPG 24 – Planning and Noise
- PPG 25 – Development and Flood Risk

Regional Planning Policy

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

3.6 The Regional Spatial Strategy for Yorkshire and the Humber 2004 provides a spatial framework to inform the preparation of local development documents, regional and sub-regional strategies and programmes that have a bearing on land use activities. With the Structure Plan, it is part of the Statutory Development Plan for York. Policies of note include:

- S1 - Applying the Sustainable Development Principles
- S3 - Urban and Rural Renaissance
- S4 - Urban and Rural Design
- S6 - Sustainable Use of Physical Resources
- P1 - Strategic Patterns of Development
- P2 - Green Belts
- E1 - Town and City Centres
- E3 - Planning the Overall Provision of Employment Land
- E4 - Employment Site Selection and Development Criteria
- E5 - Managing the Employment Land Portfolio
- E6 - Tourism
- H2 - Sequential Approach to the Allocation of Housing Land
- H3 - Managing the Release of Housing Land
- H4 - Housing size, Type and Affordability
- T1 - Land Use and Transport Integration
- T2 - Public Transport Accessibility
- T3 - Personal Transport
- SOC3 - Retail and Leisure Facilities
- SOC4 - Open Space, Sport and Recreation
- N1 - Biodiversity
- N2 - Historic and Cultural Resources
- N3 - Landscape Character
- R2 - Development and Flood Risk
- R3 - Water Resources and Drainage

North Yorkshire County Structure Plan 1995

3.7 The North Yorkshire County Structure Plan is the statutory planning policy document guiding and controlling development in York and North Yorkshire. Policies of relevance include:

- H6 – Vacant or Derelict Land
- H8 – Residential Density
- H9 – Residential Use in York
- I5 – Employment Land
- I6 – Industrial and Commercial Development
- I11 – Warehouses, Storage, Distribution
- I12 – Provision for Business Use
- I13 – Tourist Accommodation
- T9 – Car Parking
- T10 – Cycling
- T11 – Transport for Industry, Commerce and Other Major Developments
- S1 – Shopping
- R1 – Recreational, Leisure and Cultural Facilities
- R3 – Recreational Developments
- R6 – Footpaths and Bridleways
- R9 – Community Leisure Facilities
- E4 – Historic Environment
- E5 – Archaeology
- E8 – Green Belt
- E9 – Planning Permission Within Green Belt Areas

Yorkshire and Humber Plan Regional Spatial Strategy 2005

3.8 The emerging Yorkshire and Humber Plan Regional Spatial Strategy was submitted to the Government Office for Yorkshire and Humber in December 2005, was subject to public consultation (December 2005-April 2006) and will be subject to examination in Autumn 2006 and adopted Autumn 2007. The Strategy has ‘weight’ as a planning document and is a material consideration. Relevant policies requiring consideration include:

- YH1 – Overall Approach
- YH2 – Climate Change and Resource Use
- YH3 – Key Spatial Priorities
- YH4 – Working Together
- YH5 – Urban Focus
- YH6 – Better Towns
- YH8 – Location of Development
- YH9 – Green Belts
- Y1 – York Sub Area Policy
- H1 – Provision and Distribution of Housing
- H3 – The Provision of Affordable Housing
- H4 – Housing Mix
- E1 – Creating a Successful and Competitive Regional Economy

- E2 –Town Centres and Major Facilities
- E3 – The Supply of Land and Premises for Economic Development
- E4 – Support for Regional Priority Sectors and Clusters
- E5 – Safeguarding Employment Land
- E6 – Sustainable Tourism
- ENV1 – Floods and Flood Risk
- ENV5 – Energy
- ENV6 – Forestry, Trees and Woodlands
- ENV8 – Biodiversity
- ENV9 – Cultural Heritage
- ENV10 – Landscape
- T1 – Personal Travel Reduction and Modal Shift
- T2 – Parking Policy
- T3 – Public Transport
- T5 – Transport and Tourism

Local Planning Policy

Please refer to *Plan 3 – City of York Development Control Local Plan 2005*

3.9 As an existing employment site the Terry’s factory site was not given a specific development allocation in the City of York Development Control Local Plan (4th set of changes). However, the Local Plan emphasises the importance of retaining existing employment sites in employment use (Policy E3b – Existing and Proposed Employment Sites). Policy E3b provides criteria to determine the potential for other uses on existing employment sites. The Plan also reflects the RSS/RES approach of promoting Science City York as the key driver for the York economy by identifying “premier sites” for “knowledge-based activities” (Policy E1a - Premier Employment Sites). Further advice on how we see the site contributing to meeting Science City York objectives is set out in paragraphs 3.11-3.13 below.

3.10 Relevant Development Control Local Plan policies include:

Chapter 2 – General Policies

GP1 - Design

GP3 - Planning Against Crime

GP4a - Sustainability

GP4b - Air Quality

GP5 - Renewable Energy

GP6 - Contaminated Land

GP7 - Open Space

GP9 - Landscaping

GP11 - Accessibility

GP13 - Planning Obligations

GP15a - Development and Flood Risk

GP18 - External Attachments to Buildings

GP19 - Satellite Dishes and Antennae
GP20 - Telecommunications Developments
GP21 - Advertisements

Chapter 3 – Nature Conservation and Amenity

NE1 - Trees, Woodlands and Hedgerows
NE2 - River and Stream Corridors, Ponds and Wetland Habitats
NE3 - Water Protection
NE7 - Habitat Protection and Creation
NE8 - Green Corridors

Chapter 4 – Historic Environment

HE2 - Development in Historic Locations
HE3 - Conservation Areas
HE4 - Listed Buildings
HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
HE8 - Advertisements in Historic Locations
HE10 - Archaeology
HE11 - Trees and Landscape

Chapter 5 – Green Belt and Open Countryside

GB1 - Development in the Green Belt
GB6 - Housing Development Outside Settlement Limits
GB11 - Employment Development Outside Settlement Limits
GB13 - Sports Facilities Outside Settlement Limits

Chapter 6 - Transport

T2a - Existing Pedestrian/Cycle Networks
T2b - Proposed Pedestrian/Cycle Networks
T4 - Cycle Parking Standards
T5 - Traffic and Pedestrian Safety
T7b - Making Public Transport Effective
T7c - Access to Public Transport
T13a - Travel Plans and Contributions
T16 - Private Non-Residential Parking
T17 - Residents' Parking Schemes
T20 - Planning Agreements

Chapter 7 - Housing

H2a - Affordable Housing
H3c - Mix of Dwellings on Housing Sites
H4a - Housing Windfalls
H5a - Residential Density

Chapter 8 - Employment

E1a - Premier Employment Sites
E3b - Existing and Proposed Employment Sites

Chapter 9 – Educational Establishments**ED4 - Developer Contributions Towards Educational Facilities****Chapter 10 - Shopping****S6 - Control of Food and Drink (A3) Uses****Chapter 11 – Leisure and Recreation****L1a - Leisure Development****L1c - Provision of New Open Space In Development****L4 - Development Adjacent to Rivers****Chapter 12 - Visitors****V1 - Visitor Related Development****V3 - Hotels and Guest Houses****Chapter 13 – Community Facilities****C1 - Community Facilities****C6 - Developer Contributions Towards Community Facilities****Chapter 14 – Minerals and Waste****MW7 - Temporary Storage for Recyclable Material****Policy Background to the Vision, Objectives and Potential Uses**

3.11 The Local Plan does not include Terry's as a Premier Employment Allocation, as the site was not available at the time of drafting the 4th Set of Changes. A report by Segal Quince Wicksteed Limited, January 2001, - *Science City York: Employment Land to 2021 - A report to City of York Council, in association with Science City York* identifies the Terry's site as a "site currently used by a single business which might become available in the longer term". The site is one of only two such sites ranking as a "high quality site" against a number of criteria to determine suitability as a high quality site for SCY businesses.

3.12 The site is therefore seen as an ideal opportunity to provide the right environment for Science City to encourage further growth in the sector and foster linkages between businesses in the SCY clusters. The site is therefore considered by the Brief in context of Local Plan Policy E1a – Premier Employment Sites. The site has capacity to deliver significant new accommodation for SCY and an appropriate balance of other uses. The mix of potential uses included in the Brief recognises that a range of uses can sustain one another and help create a sustainable community.

Achieving Science City York Uses

3.13 In order to ensure the vision and objectives of the Brief can be delivered and to assist the growth of creative and technology clusters in York, the Council will require any masterplan and subsequent planning application to identify which buildings, in part or full, are specifically for

use for Science City York activities, as outlined in paragraphs 4.5 and 4.6 of this Brief. Such activities would generally fall within the B1 Business Use Class. For those particular buildings we would wish to see specifically used for Science City activities, through planning conditions and obligations, the Council will restrict freedoms for change of use within the B1 Business Use Class. Conditions would be based on the definition below of knowledge-base activities given in the draft Local Plan in relation to Policy E1a – Premier Employment Sites. For the other potential employment uses identified in Section 4 of this Brief no such conditions will be required.

“Guidelines for defining Science City York/knowledge-based activities:

The Science City York Project builds on the earlier “Bioscience York” initiative and contains three components: Information and Communications Technologies, Heritage and Arts Technology and Bioscience and Healthcare. There is a presumption that activities on premier sites will address the needs of firms within these clusters, and other emerging knowledge-based clusters though not exclusively. The following guidelines are to be applied to define appropriate activities:

Primary Considerations:

Future employers should meet at least two out of the following four primary considerations:

- they operate within a high tech sector and/or engage in innovative activities;
- a focus on Research & Development, product or process design, applications engineering, high level technical support or consultancy;
- at least 15% of staff are qualified scientists, technologists and engineers;
- established or proposed linkages with a research facility such as a university.

Other considerations:

- firms providing substantial support services to primary uses, including finance, legal and other professional and technical services, occupying no more than 10% of the total floorspace on sites”. (Development Control Local Plan Paragraph 8.10c)

Local Transport Plan (2001/02-2005/06) to be updated in 2006 by LTP2 (2006-2011)

3.14 The Local Transport Plan sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York, to meet the local vision and objectives in line with the Government’s Transport White Paper (1998).

3.15 Sustainability is the underlying theme in the Plan with a strategic policy to locate new development in places where people have a choice of means of travel. The Council are seeking to reduce car traffic by promoting viable quality alternatives and thereby seeking to protect York's historic environment.

3.16 Key issues identified in this document, which should be reflected in the design of any schemes for the site, include;

- **Priority to be given to pedestrians, cyclists and other vulnerable road users**
- **Promotion of connectivity within the area by foot and cycle and integration with public transport links**
- **To reduce reliance on the car and demonstrate this with supporting Travel Plans**
- **Supporting well designed development that reduces the need to travel and encourages trips by more sustainable modes.**

3.17 Section 9 – Accessibility, Traffic and Transport sets out guidelines for ensuring a sustainable transport approach is taken to the development of the site. [132]

Developing Proposals

~~3.6~~ **3.18** The preferred approach of the Council in taking forward any development proposals for the site is for a Masterplan to be produced in consultation with the Council and the local community which takes full account of the provisions of this Brief. This is a prominent and important site in the City of York. The site is visually sensitive and of conservation importance. Therefore an extremely high standard of design is required that is based on a thorough understanding and analysis of the site and its surroundings.

~~3.7~~ **3.19** A number of studies should be carried out ~~at an early stage prior to scheme development~~ **to inform the masterplanning work [157].** These should include: **a survey of trees and hedgerows; an Ecological Appraisal; [705]** a full Conservation Area Appraisal based on English Heritage guidelines (currently being revised); Conservation Plans for the listed buildings to assess the significance of the heritage asset; measured surveys and condition surveys of the listed buildings to form the basis for feasibility work in terms of initial concept development and costings. These studies are a pre-requisite for most external funding bodies and they would give authority to schemes based on their findings.

~~3.8~~ **3.20** In advancing options and solutions, proposals should be presented in the form of a Design Statement with accompanying Masterplan and supporting assessments as detailed in this Brief. This will help to ensure the co-ordination and comprehensive delivery of the Council's vision and objectives.

~~3.9~~ **3.21** A Masterplan should (CABE, 2004):

- Shows how the streets, squares and open spaces of a neighbourhood are to be connected;

- Defines the heights, massing and bulk of buildings;
- Sets out suggested relationships between buildings and public spaces;
- Determines the distribution of activities / uses that will be allowed;
- Identifies the network of movement patterns for people moving by foot, cycle, car or public transport, service and refuse vehicles;
- Sets out the basis for provision of other infrastructure elements such as utilities;
- Relates physical form to the socio-economic and cultural context and stakeholder interests;
- Allows an understanding of how well a new, urban neighbourhood is integrated with the surrounding urban context and natural environment;
- Identifies as far as possible individual development sites and potential phasing.

~~3.10~~ **3.22** The Masterplan should follow the good practice guidance set out in the 2004 CABA (Commission for Architecture and the Built Environment) document *Creating Successful Masterplans*.

4. POTENTIAL USES

4.1 The Terry's factory site has played a key role in providing employment in York. This role should continue and aim to meet demand for employment uses that are central to the long-term success of the York economy. ~~There is significant known demand from both inward investors and indigenous businesses for premises for employment uses in York. [180]~~ In addition, there is a very limited number of high quality large employment sites currently available. **Terry's is considered a "Premier Employment Site" as defined in the Development Control Local Plan. This means that the employment focus is required to be on Science City York knowledge-based activities. This could be complemented by other B1 uses provided that they are of an acceptably high quality. Much of the growth in the Science City sector has taken place in existing sites and premises and at the Science Park. Further growth in the sector will require alternative sites. The Terry's site presents an ideal opportunity to provide space. The Terry's site can be given a Science City York identity to assist this. [189]**

Nun Ings

4.2 The part of the site to the east of Bishopthorpe Road is known as Nun Ings. This part of the site is included in the City of York Green Belt. This land is also **forms part of the land holding** ~~in the ownership of Kraft [525].~~ The continued use of the car park ~~to serve employment uses on the main site [537]~~ is acceptable provided that a suitable scheme of landscaping is designed to enhance the Green Belt setting of the area including landscape screening of boundaries. Opportunities to improve pedestrian/cycle linkages across Bishopthorpe Road should be explored. The potential for other uses is limited by the need to protect the openness of the Green Belt – see Section 6. A change to the Green Belt boundary is not acceptable.

Factory Site

4.3 The following uses are considered appropriate for the main factory site as a whole. The retention of the listed buildings is paramount. **PPG 15 – Planning and the Historic Environment - states that "In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building [181].** Appropriate uses for each building will be dependant on Conservation Plans. The use of each building must be designed to respect the fabric of the building. The acceptable level of intervention in the historic fabric will be dependant on the suitability of each building to conversion. There is potential for a mix of uses within the listed buildings.

4.4 The areas to the north and south of the listed buildings will require to be addressed in conjunction with the listed buildings as part of the Masterplan to ensure the cohesive redevelopment of the site.

The Knowledge Based Economy - Science City York

~~4.6~~ **4.5** Development proposals should provide suitable premises to further the vision of the York Economic Development Board. The Board's Strategic

Framework - Future Strategic Direction and Vision – provides the economic policy: *A leading edge, modern, knowledge based economy, using the science-base as a key economic driver for the economy as a whole (the Science City York concept / vision). A priority of the Board is: Intensifying Science City York activity to increase business growth and start-ups, and to generate business activity in other parts of the economy .*

4.7 4.6 Liaison with the Council's Economic Development Unit prior to developing proposals is essential to identify the potential to meet Science City aims and wider economic aims of the City. Further information on the economic development objectives of the City and Science City York, including specific Science City aims for the site, are included in Appendix 4.

Complementary Employment Uses

4.8 4.7 Linked to the development of York's knowledge economy through Science City York clusters, are a number of complementary industry sectors, which includes:

- Professional services sectors uses - offering specialist advice and support to science-based and support businesses
- Food Technology uses - the potential to reuse part of the clean-room and scale-up food production facilities for food production
- Research, Education and Skills development uses
- Office space for a range of smaller start-up businesses, including managed office and live/work space.

Headquarters and administrative / office requirements

4.5 4.8 The unique and special identity of the landmark Terry's buildings provide an excellent opportunity for prestigious HQ / administrative uses. **Local Plan Policy E1a, while promoting Science City uses, states that: Other B1 uses that fall outside these guidelines would only be acceptable where they are of an acceptably high quality such as companies in the professional and financial sectors or headquarter functions and it can be demonstrated that no other suitable highly accessible sites could be found, firstly in the city centre, secondly in the York Central area and then thirdly within the rest of the urban area. [643]**

Production / Warehousing

4.9 ~~Through the re-use of the existing warehouse building or provision of a similar building to the south of the listed buildings, there is potential for B2 and B8 uses.~~ **There is potential for production, potentially with associated warehousing, on the site, as this is the existing use. The nature and extent of such use would be considered in context with the wider redevelopment of the site through the masterplanning process, Environmental Impact Assessment and Transport Assessment. [291]**

Business Tourism / Hotel / Conferencing / Leisure

4.10 The site has the potential to accommodate a distinctive, high quality hotel which is currently missing from the York "offer". There is a requirement to explore possible links with the adjoining Racecourse and exploring conferencing/exhibition synergies. The opportunity exists within this

development to create a new facility which has regional significance. **There is also the opportunity to explore synergies and linkages with the Racecourse. [542]**

4.11 There will be a need to work with the First Stop York tourism partnership in developing plans. The partnership can help with promoting the site to potential end-users and operators. Mechanisms are in place within First Stop York to achieve this. The provisions of the Development Control Local Plan Policy V3 - Hotels and Guest Houses – will apply. The Local Plan aims to promote hotels to contribute to the tourism / business conferencing economy. Hotels must be designed in such a way as to avoid any adverse impacts on residential amenity.

4.12 Class A3 – Restaurants and Cafes - and Class A4 – Drinking Establishments – uses are acceptable ~~ancillary to the hotel~~ **[348]**. The provisions of Local Plan policy S6 - Control of Food and Drink (A3) Uses – (written prior to Statutory Instrument 2005/84 which introduced the A4 class) will apply. This policy requires careful consideration of amenity and security issues.

4.13 There is potential for leisure uses, including a major leisure use, providing a visitor attraction linked to complementary hotel use and the sites relationship to the Racecourse. This could establish the basis of a leisure conferencing "quarter". The Economic Development Board's priority for tourism is to "create an international quality visitor destination ranked among the top European cities". Leisure uses to serve local need, including those who are employed by businesses on the site, of a suitable scale may also be acceptable.

4.14 The Council is currently working with interested parties to examine the potential for a new sports stadium within the City. Large sites of previously developed land within the York settlement limit, of which the Terry's site is one, will require to be considered as part of a separate site finding exercise. The protection of the sites' conservation value and listed buildings would be a critical part of this process.

Community Facilities

4.15 See section 8 below regarding the potential to provide community facilities on-site. These could include for example: child day care, a Medical Centre, **public art and** open space and sports provision. ~~Requirements~~ **The need for community facilities in the local area** will be informed by community involvement. ~~and a~~**An audit of the existing area will** **would** help guide what is needed. **[397]. The site is also suitable for employment uses or community facilities that would benefit disabled people. [207]**

Housing

4.16 The emphasis for the future of the site is employment use but residential development ~~may be~~ **is** **[489]** acceptable provided that it is complementary ~~and incidental~~ **[488]** to the primary employment use of the site **as this can help contribute to the vitality and viability of the mix of uses on the site**

and help create a “sustainable community” [492]. ~~The focus is required to be on providing [489] innovative dwellings such as live/work units with dedicated work space for office/studio/workshop use~~ **should form a component of the range of employment accommodation offered on site [489].** ~~Any units will be “tied” to the employment uses on the site through conditions. [489]~~ Live/work spaces have been provided in other recent high quality employment sites in Yorkshire. At Terry’s such provision will be ~~crucial~~ **beneficial [489]** to the Science City York creative sector in particular. A live/work unit is accommodation that is specifically designed to enable both residential and business use. It differs from ordinary home working in its nature and the intensity of business use that may be involved. The work element may be designed to accommodate more workers than just the resident, and may be set up to encourage company growth.

4.17 An element of residential development not linked to the commercial activity ~~on site [489] may be~~ **is [489]** acceptable, subject to design, amenity and highways considerations, and with the inclusion of an appropriate element of affordable housing ‘pepper-potted’ within any agreed housing area(s). **Any residential element must include an appropriate mix of house types and sizes in accordance with Local Plan Policy H3c – Mix of Dwellings on Housing Sites [463].** Housing design and layout should be sympathetic to and inspired by existing site characteristics and include strong green landscape components and follow the principles of sustainable design and construction.

4.18 The Council’s Affordable Housing requirement will apply if a new housing development of 15 dwellings/0.3ha or more is proposed. This includes potential conversion of existing buildings to part or full residential use as well as new build. If the policy applies, 50% of the total number of homes are required to be provided in partnership with a Registered Social Landlord. **The Policy applies equally to live / work units subject to overall viability. Early discussion with Council Officers is encouraged. [434]**

4.19 The required tenure split is 45% affordable rent, 5% discount sale of the total number of homes. Affordable rents will refer to Housing Corporation benchmarks and appropriate discounts agreed with the Council having regard to the City of York Housing Needs Study 2002-2007.

4.20 Affordable homes are required to:

- match pro-rata the size of the privately owned homes
- match pro-rata the car parking provision of the privately owned homes
- match the quality of the privately owned homes
- be visually indistinguishable from the privately owned homes
- be satisfactorily ‘pepper-potted’ within the scheme.

4.21 For further information please refer to Local Plan policy H2a - Affordable Housing - and the Council’s Affordable Housing Advice Note, July 2005.

[Heritage Link](#)

4.22 Terry's heritage within the city is highly valued and needs to be retained and translated into a real benefit to the local community – potentially in some form of heritage attraction or permanent public art record of its history (see Section 8). Early contact with the Council and the York Museums Trust is encouraged.

5. SUSTAINABLE DEVELOPMENT

Sustainable Development in York

5.1 Planning Policy Statement 1 – Delivering Sustainable Development – sets out the Government’s commitment to planning for sustainable development. The broad themes the Masterplan must work towards are: social cohesion and inclusion; protection and enhancement of the environment; the prudent use of natural resources; and sustainable economic development.

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

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

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

5.5 The promotion of sustainable development is a key objective of the Council and underpins the vision of the Local Plan. This is outlined in the Local Plan Strategy and in Policy GP4a – Sustainability. The policy covers a wide number of issues which include the protection of irreplaceable environmental assets, promoting economic growth, sustainable design and layout of development, transport policy, re-use of previously developed land and materials, reduction in energy use and the protection/promotion of public open space.

5.6 The Terry’s site offers an outstanding opportunity to redevelop previously used land along sustainable development principles. A development that embodies the principles of sustainable development will reduce running costs for future users and therefore improve marketability, improve the attractiveness of the area and provide additional public open space and the environmental enhancement of the Green Belt.

5.7 Sustainable design and construction techniques are required to be incorporated at the earliest stage of development design. Consideration should be given to the environmental impact of the proposals in all phases from construction, use and ultimately demolition. Proposals must consider

whole life costs and life cycle analysis of materials and identify its effect on York's Ecological Footprint.

5.8 Cognisance should be taken of the emerging Regional Spatial Strategy policy ENV5 - Energy. This contains requirements for energy efficiency and for “at least 10% of the energy to be used in sizeable new development to come from on-site RE sources”. [689]

Sustainability Statement

~~5-8~~ **5.9** Any new development proposals are required to be accompanied by a Sustainability Statement (as required by Policy GP4a) to demonstrate how sustainability issues have been taken into account in the formulation of the design, construction, future use, maintenance and disposal of a scheme. Sustainability issues will also need to be included in other documents such as the Design Statement, which will be required as part of the planning application. The Sustainability Statement is required to refer to externally accredited schemes such as Eco-Homes and BREEAM (Building Research Establishment – Environmental Assessment Method) retail and office standards.

~~5-9~~ **5.10** The Sustainability Statement should address the following issues:

- 'Whole life' costs of the proposal and life cycle analysis of materials
- Bio-climatic design including the orientation of building elements to maximise solar gain and the use of solar based energy generation and heating
- High thermal mass for new buildings and the use of energy systems which are efficient and *above that* required by building control regulations to provide enhanced thermal and cooling qualities
- Retro-fitting of existing buildings to improve thermal efficiency and general environmental performance
- Renewable energy generation such as ground source heat pumps, wind, biomass and combined heat and power
- The efficient use of water through the use of grey water and rainwater harvesting systems and the treatment of waste water on site
- The effective management of water on-site to reduce run off through building design and sustainable urban drainage systems
- Building design that provides space for wildlife
- Use of indigenous species and planting that has wildlife value
- The reuse of demolition materials on site as aggregate and, if this is not available, the use of aggregate from recycled materials, ideally from a local supplier
- Different construction techniques and materials, such as timber frame, prefabricated building units
- The use of materials that are healthy, naturally occurring from renewable sources or recycled
- Reduce waste generation on site during construction and use. Design in space for waste separation
- The use of local labour, contractors, products and suppliers

- Training opportunities for local people during construction
- Opportunities to improve public transport and links between different transport modes.

~~5.10~~ **5.11** The above list is not intended to be exhaustive and developers are advised to liaise with the Council's Sustainability Officer at an early stage in the formulation of their proposals. Further advice on sustainability issues is outlined in the Council's Supplementary Planning Guidance - Sustainable Design and Construction - which will be available for consultation in ~~Autumn 2005~~ **[150]**.

6. LANDSCAPE AND NATURAL ENVIRONMENT

Landscape Character

6.1 The existing landscaping is crucial to the site's character and its relationship to South Bank **and the greenbelt**. Through a combination of mature planting **belts of trees** and level changes, the ~~bulk of the factory complex~~ **majority of the low level blocks that make up the main of the factory complex footprint are** hidden from view. This allows the factory and suburb to act as distinct entities, as was historically intended, and is crucial to the relationship between suburb and open countryside. **Redevelopment of the factory site will increase the relationship between the site and the neighbouring suburbs, whilst still playing a key role in the transition between town/suburbs and countryside. [733]**

6.2 Development Control Local Plan Policy GP1 – Design – requires development to: *retain, enhance and / or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view.*

6.3 Any Masterplan and subsequent application for the development of this site will be required to demonstrate that proper cognisance has been taken of the Landscape Character Assessment for the York area (York Landscape Appraisal, 1996). The site is divided into two character types identified within the Appraisal - the River Ouse Flood Plain and the Race Course Stray **(Micklegate Stray) [710]**. The development of the Terry's site could impact on the character of these areas. The Masterplan is required to further the aims of the Landscape Strategy for each area and follow the relevant Management Guidelines.

6.4 Landscape Character Type 9 – River Ouse Floodplain - consists essentially of grazed meadows. The lngs offer ready access to the open countryside and provide an important resource for quiet recreation. Care should be taken to maintain the traditional character of the lngs. The Management Guidelines for the character type include:

- Support traditional farming practices and the diverse landscape of the riverside corridor
- Encourage the continued operation of traditional agricultural practices e.g. lngs meadows
- Restore fragmented hedgerows through re-planting and provide landscape enhancement and wildlife opportunities.

6.5 Within Landscape character type 11 – Race Course Stray – significant upgrading of Bishophthorpe Road should be strongly resisted as this would have a significant effect on the historic qualities and mature trees adjacent to this route. The Management Guidelines for the character type include:

- Protect and conserve the traditional pattern and character of minor road networks. Minor roads have historic origins and are integral to landscape character

- Improve access to countryside through maintenance and upgrading of footpaths and bridleways. Seek opportunities to create new footpaths and bridleways in key locations (e.g. on rivers edge).

6.6 Bishopthorpe Road segregates these two characters and the difference from one side of the road to the other is quite distinct. The landscape abruptly changes from the large building blocks of the factory and Racecourse, set within a relatively vast open landscape of neat lawns and tree lined roads, to the Nun Ings River Ouse corridor, with its more naturalistic landscape of rough pasture meadows and unkempt hedgerows. At the same time the Race Course Stray provides a transition from the dense urban grain of Dringhouses, Tadcaster Road and South bank, to the rural countryside.

Views

6.7 By the very nature of the height and mass of the 1920's building and the open environment around it, much of it is visible from many view points. A Site Analysis, as part of the Design Statement, is required to establish key views and vistas from all directions, both near and far. This analysis should determine the importance of retaining or enhancing certain views and components and alternatively which elements should be screened or altered.

6.8 The views have a range of receptors and functions. For example, the long distance views from the south play an important role in providing an attractive impression of the City of York from the A64. From the north, the views are experienced at much closer quarters, where the site is appreciated in more detail, and its physical association with the community of South Bank and the Racecourse is more direct.

6.9 The views from the south are of the top two storeys and tower of the 1920s building, sitting above a wooded fringe that screens any views into the site. Along the southern boundary the trees are currently tight up against the building. They do not entirely screen the building. In order to 'protect' the view from the south, built development is possible in this quarter up to a certain height, however the belt of trees needs supplementing with an additional width of planting.

6.10 The view from the north (from Knavesmire Road and Campleshon Road) across the openness of the racecourse over-flow car park is very important. This presents a grand façade to the city and the South Bank community which it may serve in the future. Other long distance views of the factory complex are also important and should be reflected in design proposals, these include: views from the City's major open spaces in particular the Knavesmire and Rowntree Park; views west from Tadcaster Road, south along Bishopthorpe Road, south from the City Walls, and east from various vantages in Fulford and the east bank of the River Ouse. **More immediate views into the site are also important for consideration, such as at the site entrance on Bishopthorpe Road [737].**

Green Belt

6.11 Of the portion of the site within the Green Belt, the field closest to the river is most critical. The public right of way which takes you alongside the River Ouse is a great recreational facility enabling direct access into the countryside from the city centre. This field is accessible by foot and essentially marks the start of the countryside, and a release from the city centre. It provides an enjoyable countryside experience and presents quite a different landscape to the recreational areas closer into the city, for example the grassed areas around the Millennium bridge. This area, which is part of an identified green wedge **and which penetrates into the city as far as and including Rowntree Park, [734]** is absolutely critical in segregating Bishopthorpe from York city centre.

6.12 Not only is there a need to protect the openness of the Green Belt, it is also essential to protect the agricultural landscape character and countryside experience of this location within the Green Belt. As such, there are uses within the Green Belt that would retain the openness but could be highly detrimental to the character and function of this part of the critical green wedge. The sloping topography does not lend itself to any sports pitch provision. Any earthworks to combat this would also be hugely detrimental. Therefore this area is not suitable for sports pitch provision, as it would result in too great a change in character.

6.13 While the car park provides some degree of “openness” in the Green Belt, it does jar with the pastoral landscape in which it sits and it is isolated from the factory site by Bishopthorpe Road. The best course of action for this site would be to return it to pasture, but since the car park is already in existence it could be retained for this use. Nonetheless if this were the case, efforts should be made to reduce its impact, especially from Bishopthorpe Lane. The street scene would also benefit from the removal or at least relocation of the security fencing away from the road edge.

6.14 PPG2 – Green Belts – and Local Plan Policy GB1 – Development in the Green Belt – set out appropriate forms of development in the Green Belt. PPG2 - Green Belts – para 3.1 – states that: “The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances”. While development for an appropriate use in the Green Belt may be acceptable in some instances, this must comply with the provisions of **Local Plan [S.6U]** Policy GB1 in particular the need to protect the open character of the Green Belt. The potential for development in this area is further constrained by Flood Risk (see section on Hydrology below) and by nature conservation constraints.

Landscape Framework

6.15 **Local Plan [S.6U]** Policy GP1 - Design – requires that: *where opportunities exist, new open space / landscape treatment should be incorporated to close gaps between green corridors and take account of*

ecological principles through habitat restoration / creation. The Policy also requires development to: avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment.

6.16 The Masterplan will therefore be required to incorporate a Landscaping Scheme that addresses all the criteria set out in **Local Plan [S.6U]** Policy GP9 – Landscaping. Of particular importance is the need to augment a soft urban edge whilst protecting important views (see Landscape Character above); respect and utilise existing landscape features; include planting to provide a long-term landscape setting for the development; be appropriate for the layout and mix of uses on the site to protect amenity; and create microclimates that benefit energy efficiency.

6.17 The Landscaping Scheme is required to be accompanied by a detailed survey of the location and ecological value of existing trees and hedgerows, and indicate how these will be incorporated into the proposed layout and how these areas will be sustained in the long-term, including new planting. **An Ecological Appraisal will be required to be undertaken at an initial stage of the design process and accompany any proposals for the site. This will be used to identify any areas of value which should be retained and protected and to establish any ecological enhancement opportunities. This ecological enhancement should be incorporated into the design of all aspects of development both the built environment and open space and landscape [704].**

6.18 During construction, existing mature planting is required to have suitable physical protection in accordance with **Local Plan [S.6U]** Policy NE1 - Trees, Woodlands and Hedgerows. The details of this are required to be agreed with the Council prior to the commencement of any work. Please refer to the Supplementary Planning Guidance – Trees on Development Sites – for further information.

6.19 The current public experience of the factory part of the site, especially the historic buildings, is by way of long distance views, as well as restricted views into the site at entrance points. The internal workings of the site were generally limited to employees and visitors. Were there to be a change of use within the site, i.e. a mixed use development which may include residential, the experience of the site will change as parts of it are opened up to the public and re-developed. Thence there will be a need to create a more suitable immediate setting for the historic buildings because the public will no longer only experience the buildings from a distance over an apron of trees, but also at close quarters; therefore its immediate setting becomes more important. In this respect the proposed landscape treatment should have a strong relationship with the buildings. To reinforce this, it should be bold and simple and of an appropriate large scale. The landscape framework will play a key role in giving the site new meaning, protecting/enhancing the setting of the listed buildings, whilst respecting/highlighting the cultural heritage. The open spaces should

assist in making a connection between the factory buildings and new development and the surrounding residential areas and greenbelt, whilst conserving the current positive aspects of long distance views of the site [S.6U].

Existing Landscape Features

~~6.19~~ **6.20** The site contains a massive footprint of additional buildings and areas of hard standing, the majority of which is screened by the attractive belt of trees around the perimeter of the site. It is these areas that should **generally [758]** be utilised for development, leaving the existing open areas and trees etc as landscape features to be enhanced for incorporation into a scheme. **A Tree Preservation Order covers five groups of trees, that are not within the Conservation Area, at the Campleshon Road and Bishopthorpe Road frontages of the site [776].**

~~6.20~~ **6.21** Any development towards the perimeter of the site should be set a distance away from the trees to create a margin of open space such that the trees appear as part of a landscape setting rather than a mere boundary treatment that sits tight up against the buildings. Similarly, built development should be kept a sufficient distance from young and proposed trees to allow full crown development without posing a nuisance at full maturity.

~~6.21~~ **6.22** The majority of the trees are located on mounding. Therefore development of the site would **generally [768]** need to retain these earthworks and avoid the need to cut into existing mounding which would result in significant tree loss.

6.23 Although the majority of trees have been served with a tree preservation order (TPO) or are in a conservation area, that does not imply that none of them can be removed. The trees considerably contribute to the amenity of the immediate vicinity and are valued by local residents. Serving a TPO gives the local authority control over the suitable treatment of the existing trees and paves the way for negotiation.

6.24 It is recognised that it would be appropriate to open up the site at strategic locations. A full tree survey will inform which sections of the tree belt are least valuable in their content. An analysis of this alongside other criteria should inform the design of the masterplan, rather than a preconceived masterplan being imposed on the site.

6.25 The two aims of retaining the majority of the protected trees and opening up access and views of the site are not incompatible. Any removals of trees and mounding will be discussed and agreed with the council and will be part of a comprehensive approach to landscaping and its management across the whole of the site. [768]

~~6.22~~ **6.26** There is a high proportion of conifer within the belts and therefore some management would be required to encourage a more balanced mix of species.

~~6.23~~ **6.27** Design solutions aimed at retaining trees must ensure that the environmental conditions required for the vigorous growth of the trees is maintained; their amenity value is retained or increased; and the proposed structures and land use are compatible with the trees. The design should not limit the trees' access to water/nutrients/oxygen or create circumstances leading to pressure to fell or severely prune. Therefore, design solutions should leave the tree in a self-sustaining environment and not rely upon artificial solutions that can not be regulated or enforced. For example, proposals should prevent the need to carry out crown reduction or thinning to increase light levels, as these only result in the need to carry out regular and costly maintenance in the future and often depletes the amenity value and attractive form and health of the tree. Greater allowance will be needed for young trees to allow for the full spread of the tree as it matures.

~~6.24~~ **6.28** BS 5837 'Trees in relation to construction' provides for the physical protection of trees during development. In addition to this are certain design considerations to ensure compatibility between end users and existing trees. For example, residential blocks and work spaces should be oriented to avoid main aspects being in the shadow of trees, or should be located a sufficient distance away from trees to avoid loss of light, especially on the south side. Large trees retained close to property are often perceived as being a dangerous threat (even if the tree is healthy) due to a fear of falling branches or an entire tree, therefore such concerns should be designed out. To avoid any concerns over potential subsidence, distances from trees should be sufficient to allow for standard-depth, trench foundations to be used in accordance with NHBC (National House Building Council) standards 'Building near trees', e.g. for Oak species this is 18 metres. Healthy existing trees of aesthetic value should be incorporated into the public realm where applicable, or be in a clearly visible location, so as to add to the general public amenity.

~~6.25~~ **6.29** The tree report should indicate the minimum acceptable distances of protective fencing around trees in accordance with BS 5837:**2005 Table 2 Calculating the RPA (root protection area)**. ~~Table 1 or figure 2 whichever is the greater~~ **[S.6U]** The feasibility of adhering to this 'protected **areazone**' **[S.6U]** throughout demolition and development operations, must be considered during the design process and demonstrated in the proposals, such that it will be practicable to exclude all building work, including scaffolding and access, storage of materials, site huts and sales cabins, parking of site vehicles, etc. from the 'protected **areazone**' **[S.6U]** of the trees for the entire duration of the development.

~~6.26~~ **6.30** Proposals should show the existing and proposed levels, such that there is no raising or lowering of ground levels within the protected zones. The proposals should also show the location of all existing and proposed service runs and other over head or buried apparatus to demonstrate the compatibility with existing trees.

~~6.27~~ **6.31** Bin stores, cycles sheds, boundary walls et al should not be an after thought. These structures usually involve excavations for foundations

and services too and may affect trees, therefore their siting and construction also needs careful consideration in the early design stages.

~~6.28~~ **6.32** ~~Proposals must include a comprehensive tree survey, report and site survey. The initial survey should be~~ **The tree survey shall be in accordance with section 4.2 of BS 5837:2005 'Trees in relation to construction' and shall be [S.6U]** based on the current conditions of the site i.e. the recommendations should not be swayed by development proposals, but should be based purely on good arboriculture **arboricultural** practice. **[S.6U]**

~~6.29~~ **6.33** The survey should include an overall grading of the trees' desirability for retention, from A to **C and RD**, with A being the most desirable for retention, as explained in BS 5837 'Trees in relation to construction' **in accordance with Table 1 of BS 5837:2005 [S.6U]**. All category A and B trees shall be retained and protected. Individual category C trees shall be retained where possible, but shall not impede appropriate development if it is of sufficient quality to justify removal of the trees. Category C trees should be retained where they contribute to a group of trees which as a whole have significant amenity value. Any trees that are removed shall be replaced on a two for one basis.

~~6.30~~ **6.34** The survey should show the accurate canopy spread of all the trees/edge of woodland in a North, East, South, West direction. It is very rare that the spread of a tree forms an exact circle around the trunk.

6.35 **The tree survey should inform which trees are of least value to the site and the surrounding area and hence which removals would be most acceptable to create new entrances into the site. For example, lines of single species conifers have low amenity value other than for screening the existing low level factory units. [S.6U]**

Internal Landscape Features

~~6.31~~ **6.36** Although the site is surrounded by large expanses of open land, it will be important to provide immediate amenity space within the site for the well being of employees and other users, as part of an appropriate internal landscape structure.

~~6.32~~ **6.37** The area of formal open space, within the main factory to the south east, should be retained and enhanced. This space is an integral part of the historic factory complex and was laid-out in the 1930s. **The trees along the garden's western boundary are also of value; the garden presents a suitable frontage to Bishopthorpe Road and the greenbelt [766].** ~~The fountain was added in 1967 as part of Terry's 200th anniversary celebrations and is also required to be retained and enhanced as an important cultural link.~~

~~6.33~~ **6.38** A new avenue leading up to the main building from the Campleshon Road entrance would be a suitable landscape feature.

Habitats

~~6.34~~ **6.39** The provision of landscaping and open space in and around the site provides an excellent opportunity to support the principles of the York Biodiversity Action Plan. **Local Plan [S.6U] Policy NE7 - Habitat Protection and Creation** – states: *Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.*

~~6.35~~ **6.40** To ensure protection of existing habitats, cognisance is required to be taken of the provisions of **Local Plan [S.6U] Policy NE8 - Green Corridors** – and existing habitats enhanced with appropriate species choice. **Wildlife survey work should be undertaken in consultation with the Council's Countryside Officer [785].**

~~6.36~~ **6.41** Should any Species Protected by Law be present on-site, the provisions of Local Plan Policy NE6 - Species Protected by Law – will apply.

~~6.37~~ **6.42** The value of the existing buildings **and trees** as habitats is required to be evaluated and details of appropriate measures provided for protection and enhancement of the habitat in consultation with the Council, **including a bat survey. Any prospective developers are advised to have existing buildings that are proposed for conversion to be checked for bats by a properly licensed and qualified person (all species of bat are fully protected under the Wildlife & Countryside Act 1981 (as amended). Trees to be felled should be checked for bats [786].**

~~6.38~~ **6.43** Further opportunities for habitat creation should be pursued as part of the creation of a Sustainable Urban Drainage scheme for the site.

River Ouse

~~6.39~~ **6.44** Local Plan policies NE2 - River and Stream Corridors, Ponds and Wetland Habitats and NE3 - Water Protection - require the protection of the River corridor and enhancement of existing natural features. The Local Plan includes an indicative location of a proposed cycle / pedestrian network adjacent to the River Ouse and within the site. Landscape proposals are required to take cognisance of this network and contribute to wildlife enhancement on the River Ouse and to increase the river's value as a wildlife corridor. **It is important to maintain and where possible enhance the biodiversity value of such land, some of which may be classed as seasonal wetland [706].**

Hydrology

~~6.40~~ **6.45** An extract from the Environment Agency flood risk map is attached – *Plan 6 – Flood Risk*. Part of the site to the east of Bishopthorpe Road and nearest to the River Ouse is an area that has a *High* probability of flooding (Flood Zone 3). The chance of flooding each year is 1% or greater. An adjacent area west of this towards Bishopthorpe Road is an area that has a *Low to Medium* probability of flooding (Flood Zone 2). The chance of flooding

each year is 0.1% - 1%. There are no flood defences protecting the site. This part of the site is designated as Green Belt and subject to policies limiting the potential to develop such land. The land is also outside the Defined Settlement Limit. Policy GP15a – Development and Flood Risk – states that: *There will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new built development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere.*

~~6.41~~ **6.46** In accordance with Planning Policy Guidance Note 25 (PPG 25) the Environment Agency will require a Flood Risk Assessment as the site exceeds 5ha. Prior to carrying out such an assessment potential developers are advised to contact the Environment Agency and the Council to discuss the scope of the Assessment required and also to establish what information may be available.

~~6.42~~ **6.47** Surface water disposal from the site will be addressed in the flood risk assessment and the Environment Agency will be able to advise on the capacity of the receiving watercourse which is likely to be the River Ouse.

~~6.43~~ **6.48** Any discharges from the site into the River Ouse will have to meet Environment Agency standards to ensure non-contamination and, through appropriate Sustainable Urban Drainage Systems (SUDS), could contribute to biodiversity enhancement. The EU Water Framework Directive requires that all rivers must achieve at least 'good' standards in terms of their water quality by 2015.

~~6.44~~ **6.49** Surface water run-off from the development is required to be restricted to no more than the existing discharge rates in accordance with Environment Agency requirements. This may necessitate on-site storage.

7. BUILT ENVIRONMENT

Please refer to *Plan 4 – Conservation Area, Listed Buildings and Archaeology*

Design Principles

7.1 In any development proposal it is important to respect and reflect the historic importance of Terry’s and its business and cultural associations in the way in which buildings are converted and new buildings are designed. The historic factory buildings and their immediate site have a strong character [800]. Creating a distinctive sense of place is **will be** key to the design of any new build, complementing the Listed Buildings, respecting **and enhancing** the character of the Conservation Area, **protecting** the openness of the Green Belt and ~~the presence of~~ **respecting** the local community.

7.2 Section 2 establishes that the site contains listed buildings, protected tree belts and has Conservation Area status in part. The section also highlights the prominence of the site and its distinctive character. Section 3 – Developing Proposals – sets out requirements for studies to be carried out at an early stage to inform the development of design proposals. This section focus on design principles, as a basis for developing a masterplan and design statement. Information is also provided on archaeology, including the key issues to be considered and requirements of developers. [796]

~~7.2~~ **7.3 A Design Statement is required to accompany a Masterplan. This will include a rigorous contextual analysis, site analysis and justification for the design approach in light of the analysis and the requirements of this Brief. A Design Code is required as part of the Design Statement. This would set out aspects of the new build which would offer an element of continuity with existing architecture and site planning. New architecture should be developed within this shared framework. [829]**

~~7.3~~ **7.4 While the Brief is intended to be a framework for design and not overly prescriptive, the following key points should clearly influence development proposals.**

- The site is in a prominent position within the City and acts as a gateway, forming first impressions
- The design of any development proposals must be to the highest standard
- The high standards of design required apply to the whole site. While only part of the site is included in the Conservation Area, the setting of the Area is equally important
- Designs should maintain the “hidden” nature of the site – the site is a “bridge” between town and country
- The development should be inward looking but with outward looking elements at key points – Campleshon Road, Bishopthorpe Road entrances – at these points the site becomes more visible as it also

does from Knavesmire Road along the more open boundary with the Racecourse

- The trees along the southern boundary should be reinforced and entrances should be opened up/enhanced as gateways into the site. Thus the development would ~~be fairly inward-looking yet~~ **[S.7U]** have a direct dialogue and connectivity with the surrounding area at key points, which would reduce the current sealed off nature of the site, whilst maintaining its attractive, renowned presence in the larger landscape
- Careful consideration should be given to the nature of links and relationships with the surrounding community. Welcoming points of entry or “transition zones” could exploit the potential for shared facilities
- **All public spaces and buildings should be fully accessible to those with disabilities [1101]**
- Facilities should be provided to enhance the community focus of Campleshon Road
- **Some of the buildings on site are of great historic and symbolic importance, others are of little architectural and historical value and it is important to identify these at an early stage [799]**
- **The clock tower and the factory building are landmarks and symbols for York. Any proposals must maintain its dominance over the skyline of the site [901]**
- Any new build ~~in the area south of the listed buildings~~ is required to be designed to protect the existing ~~southerly~~ **setting and [S.7U]** views of the Listed Buildings - these views are intrinsic to the character of the Conservation Area
- The grain, massing and character of the existing site and buildings are quite different from the surrounding area – **this must be recognised in development proposals - see paragraph 2.11 [S.7U]**
- **It is important to continue the complementary nature of the relationship between buildings and spaces, where buildings define the spaces in the new layout [S.7U]**
- New build should ~~include~~ **consider** a contemporary interpretation of the **forms**, materials and detailings of the Listed Buildings and **where appropriate it should acknowledge** the local vernacular – to be analysed as part of the Design Statement **[S.7U]**
- Buildings should be legible ~~at street level~~ – this is particularly important **at street level and** if buildings are in multiple-use **[S.7U]**
- Buildings should ~~have a southerly orientation~~ *be orientated* **[S.7U]** where possible to take advantage of passive solar gain for energy efficiency
- The implications of the microclimate in the area adjacent to the tall Listed Buildings should be considered
- Space for circulation, orientation and relaxation through appropriate soft and hard landscaping should be provided
- **Transition spaces should be clearly designed, in particular transitions from public to private space and spaces associated with buildings. [S.7U]**

- ~~• Consideration should be given to the amenity of existing residents [S.7U]~~
- ~~• The development should be fronting but set back from Campleshon Road and Bishopthorpe Road to reflect the character of the immediate surrounding area [S.7U]~~

7.5 Any proposed development within the Terry's site should be designed in such a way as to promote crime prevention. This can be achieved by following the seven attributes of Safer Places set out in Safer Places - The Planning System and Crime Prevention (ODPM, Home Office 2004) and the principles of Secured by Design (ACPO). All planning applications should demonstrate how crime prevention measures have been considered. This should form part of the Design Statement. [863]

~~7.4~~ **7.6 Planning Policy Guidance 15 – Planning and the Historic Environment – provides national policy and guidance on the redevelopment of listed buildings and development in Conservation Areas. Potential developers should take cognisance of the process and requirements for listed building consent and conservation area consent applications.** For further information on the five Listed Buildings on-site please refer to Appendix 2 - Description of the Listed Buildings. For further information on the Conservation Area please refer to Appendix 3 - Description of the Conservation Area.

~~7.5~~ **7.7** The Local Plan contains a number of policies which will have implications for design. This includes policies on: sustainable design, storage space for waste recycling and litter collection, residential amenity, planning against crime, lighting, accessibility for disabled people, conservation areas, listed buildings, security shutters in historic locations, advertisements in historic locations, trees and landscape, residential density, the mix of dwellings on housing sites. Please refer to the Local Plan for detail ~~and the list of relevant policies in Appendix 4.~~

Archaeology

~~7.6~~ **7.8** Parts of York are designated as an Area of Archaeological Importance (AAI) under the Ancient Monuments and Archaeological Areas Act 1979. The site is not within an AAI. The area around the Terry's factory has produced archaeological finds and there is well-preserved medieval ridge and furrow to the south-west of the site.

~~7.7~~ **7.9** York Archaeological Trust was commissioned to undertake an archaeological desk-based assessment of the Terry's Factory and an adjoining piece of land to the east of Bishopthorpe Road giving a total site area of 21 hectares, in October 2004.

~~7.8~~ **7.10** The desk-based assessment revealed that there are two main areas of archaeological and historical interest. Firstly a possibility of Roman occupation deposits or burials surviving beneath the site. Secondly the

original buildings within the factory complex are a significant part of the landscape of York.

~~7.9~~ **7.11** The desk-based assessment suggests that a Roman Road to York from the south, following the line of the present day Bishopthorpe Road may exist and, given the positioning of the site straddling Bishopthorpe Road, the Roman Road may run through the site. Evidence for Roman settlement and cemeteries in the area has also been recovered.

~~7.10~~ **7.12** The area to the east of Bishopthorpe Road is known as Nun Ings and occupies the western bank of the River Ouse. There is well-preserved medieval ridge and furrow in this area reflecting the largely agricultural character of the area during the Medieval Period.

~~7.11~~ **7.13** Following on from the desk-based assessment a programme of archaeological evaluation was undertaken. This was carried out in accordance with a written Scheme of Investigation prepared by the City of York Council. This evaluation looked at those parts of the site available for archaeological trenching at the time. It did not examine the area under the factory buildings to the south of the main listed factory building. It is essential that this area of the site is evaluated prior to the submission of a planning application.

~~7.12~~ **7.14** ~~At the time of writing no reports on the desk-based assessment and the archaeological evaluation have been deposited with the City of York Council. It is therefore difficult to state at present what type of archaeological mitigation measures will be required on this site. It can be assumed that a minimum requirement will be for an archaeological watching brief on all groundworks. However, the requirement for an archaeological excavation of parts of the site cannot be ruled out at this time. A copy of the York Archaeological Trust archaeological evaluation report has been deposited with the City of York Council. This has demonstrated the presence of Romano-British features and deposits on that part of the site currently occupied by a garden adjacent to Bishopthorpe Road. There are few archaeological features on the rest of the site. It will be necessary to carry out further evaluation works under the modern factory extension in the southwest corner of the site. It can be assumed that an archaeological watching brief on all groundworks will be required. [910]~~

~~7.13~~ **7.15** The building of the Terry's works commenced in 1924. The single storey factory with northern lights roof, the pump house, boiler house and clock tower, the bean cleaning and roasting buildings, time office block and the general office block were all included in the first phase of building. The multi storey factory was constructed in 1930 with the next major stages of building occurring in the late 1960's and 70's. The 1920's and 30's buildings were Grade II listed in 2005.

~~7.14~~ **7.16** Many of the original fixtures and fittings such as the windows, doors, timber panelling and cornicing in the single storey factory and original tiling and ironwork in the other buildings still exist.

~~7.15~~ **7.17** The clock tower is the most visually recognisable feature and is part of the York skyline. The tower functioned as a chimney and a water tower. The clock is considered important as one of the very few remaining examples of Gent's "Waiting Train" turret clock system still working in a major building in the UK.

~~7.16~~ **7.18** In addition there are what appear to be a series of semi-underground structures which may represent second world war air-raid shelters.

~~7.17~~ **7.19** A buildings survey has been carried out of the main buildings by the owners. ~~The scope and detail of this survey are not known and no report on this survey has been deposited with the City of York Council.~~ **[910]** It will be necessary to carry out a full recording exercise to a specification agreed with the City of York Council on all the buildings and machinery prior to any demolitions or alterations taking place. This building record can be covered by an appropriate condition should consent be granted for development on this site.

~~7.18~~ **7.20** Any application for this site must include the following items:

- A report on the desk-based assessment and the full archaeological evaluation;
- A copy of the buildings survey;
- An assessment of the impact new development will have on archaeological deposits and a strategy for mitigating that impact.

Services

~~7.19~~ **7.21** Up-to-date confirmation of appropriate levels of service with regard to gas, electricity, telecommunications and water supply should be agreed with the relevant statutory undertakers. Through liaison with telecommunications companies, opportunities should be maximised for the early provision of cable communications. Appropriate agreement should also be entered into for the phasing and safety considerations in the carrying out of works which may affect existing or proposed service infrastructure.

~~7.20~~ **7.22** In developing the site every opportunity should be taken to coordinate and share trenches and other conduits with undertakers of highways and landscaping works. Therefore, all these issues should be resolved prior to the commencement of any construction as part of the planning process.

~~7.21~~ **7.23** Service infrastructure should be provided as development proceeds, and standard conditions will be applied to ensure the minimum of disturbance to nearby residents during construction.

8. LOCAL COMMUNITY

Community Facilities

8.1 South Bank is one of York's most well-established housing areas. Though surrounded by open spaces and other facilities, the area itself is tightly-knit; with little scope for any additional facilities that may be needed actually within the community.

8.2 The Terry's site and South Bank, though part of an individual and identifiable part of the City, are made somewhat remote from one another by their respective predominantly single land uses and the intervention of Campleshon Road. The redevelopment of Terry's is an opportunity to bring the two areas closer together, through shared facilities and improved physical links across Campleshon Road. ~~The involvement of the local community in identifying needs is therefore important.~~ **[S.8U]**

8.3 Requirements for new / improved local community facilities will be dependant on the nature and scale of any development proposals. Should an element of residential development be proposed this will impact on the capacity of various local resources including open space and education provision. Open space and public art are also important elements of an ~~employment focused development~~ **an employment development [S.8U]. There is potential to meet recognised needs of the South Bank community via on and off-site provision of community facilities [S.8U]. Appropriate provision or developer contributions towards community facilities may will [914]** be secured through a Section 106 agreement.

~~8.4 The public involvement in this draft brief will help inform discussions for appropriate community facilities as part of the development scheme and potential enhancement to existing facilities nearby. An Audit of Community Facilities is also required to inform the Development Brief. In addition, cognisance is required to be taken of the Council's Community Strategy. [S.8U]~~

~~8.5 There is potential to meet recognised needs of the South Bank community via on and off site provision of community facilities. These facilities will also be of benefit to new staff and residents on the Terry's site. Facilities such as a Health Centre or space for community activities, would be considered in light of Policy C1 - Community Facilities: *Planning applications for social, health, community and religious facilities will be granted permission provided that:*~~

- ~~a) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and~~
- ~~b) it would meet a recognised need. [S.8U]~~

Public Art

~~8.6~~ **8.4** Public art is required to be a proactively considered element of any new development scheme in York. Successful public art is work that resonates with the site and context, and creates an opportunity for the range of people using the site to engage with it. Works deriving from the

archaeology, and / or salvaged machinery from the factory, should be considered as this is one way of achieving a living engagement with history. The Terry's brand and the imposing landmark factory are synonymous with York and are an intrinsic part of the City's cultural identity. **The garden area to the south east of the factory site is one potentially suitable location for public art, given that the 1967 commemorative fountain (marking the 200th anniversary of Terry's) originally located in the garden, was unfortunately stolen during the mid 1990s. [946]**

~~8.7~~ **8.5** Public art should not be confined to one area or one audience and should be developed in context and with the local community. **Public consultation and involvement with the public art process will be required [944].** An approved artist should be appointed at an early stage in order to bring together a coordinated public arts programme that integrates art into the development. Please refer to the Council's Public Arts Strategy 1998.

Education

~~8.8~~ **8.6** Any new housing within the site will have an impact on school facilities in the area. **Local Plan [S.8U]** Policy ED4 - Developer Contributions Towards Educational Facilities – states: *In considering proposals for new residential development, any consequences for existing schools, early years and other community facilities will be assessed in accordance with the approved Supplementary Planning Guidance. Where additional provision is necessary as a direct result of the proposal, developers will enter into a Section 106 agreement to make a financial contribution towards the provision of these facilities.*

~~8.9~~ **8.7** If an element of residential development is accepted as part of the comprehensive redevelopment of the site, a developer contribution may be required. The appropriate level will depend on an assessment of existing education provision at **foundation stage and the [S.8U]** primary and secondary schools affected and the number and nature of the dwellings proposed. Further information regarding the calculation of the number of children generated by a housing development and the level of contribution required is contained in **Draft [S.8U]** Supplementary Planning Guidance – Developer Contributions to Education Facilities (April 2006~~5~~ – March 2007~~6~~). **[S.8U]**

8.8 **Knavesmire Primary School, Campleshon Road, is in the near vicinity of the site. The school is an Edwardian building with no safe access to green open space. DfES recommend that a school of this size should have 5,000m² of playing field. The school currently use the Knavesmire for activities, but this space is not controllable and is accessible only by crossing Campleshon Road. The Local Authority and the school are currently working together to create a very basic MUGA (Multi Use Games Area) within the school grounds. The redevelopment of the Terry's site presents an opportunity to explore the potential to enhance current open space provision by creating facilities which could provide sports provision for all members of the community and assist the school in forging ever better community links [S.8U].**

8.10 **8.9** Potential developers are encouraged to make early contact with the Council's Education Policy Officer to discuss requirements (see contacts).

Open Space

~~8.11 Cognisance should be taken at an early stage of the Council's Supplementary Planning Guidance – Open Space in New Developments – A Guide for Developers, July 2005.~~

~~8.12 The views of the local community expressed via this consultation and the needs of Knavesmire School will influence open space provision. Should the development incorporate residential development, needs for sports facilities require to be considered. There is a known deficiency in the quality and quantity of sports pitches in the area and potential developers are encouraged to make early contact with the Council's Sport and Active Leisure team to determine exact requirements and to refer to the Active York Partnership's Sports and Active Leisure Strategy.~~

~~8.13 Recreational open space should be provided within the site in a manner that best links to existing facilities e.g. the Knavesmire pitches and cycle routes and the riverside walks. A Multi Use Games Area (MUGA) for Knavesmire School and the enhancement of existing playing fields off Knavesmire Road are potential requirements.~~

~~8.14 Residential developments are required to provide children's equipped playgrounds, informal amenity open space and outdoor sports pitches. The level of provision required is dependant on the number of dwellings and the number of bedrooms in each dwelling, as set out in the Open Space SPG. Play and amenity open space will require to be provided within the development.~~

~~8.15 Employment, retail and leisure developments schemes of 2,500m² and above are required to provide informal amenity open space, principally for the use of staff. This is required to be provided on-site and is in addition to the required landscaping. The level of provision is dependant on the number of employees, as set out in the Open Space SPG.~~

~~8.16 The SPG also sets out the requirements for the maintenance of open space and the obligations of developers.~~

8.10 Local Plan Policy L1c – Provision of New Open Space in Development – states that: “Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision of the open space needs of future occupiers. This should be provided in addition to any area required for landscaping”.

8.11 Cognisance should be taken at an early stage of the Council's emerging Draft Supplementary Planning Guidance – Open Space in New Developments – A Guide for Developers (please contact the City Development Team).

8.12 Employment, retail and leisure developments schemes of 2,500m² and above are required to provide informal amenity open space, principally for the use of staff. This is required to be provided on-site and is in addition to the required landscaping. The level of provision is dependant on the number of employees, as set out in the Open Space SPG.

8.13 Residential developments are required to provide children's equipped play space, informal amenity open space and outdoor sports pitches. The level of provision required is dependant on the number of dwellings and the number of bedrooms in each dwelling, as set out in the Open Space SPG. Provision is normally required to be on-site. There is a known deficiency in the quality and quantity of sports pitches in the area and potential developers are encouraged to make early contact with the Council's Sport and Active Leisure team to determine exact requirements and to refer to the Active York Partnership's Sports and Active Leisure Strategy.

8.14 On-site open space should be designed to provide a network of green spaces and link to pedestrian and cycle routes.

8.15 The SPG also sets out the requirements for the maintenance of open space, minimum sizes and the obligations of developers. [S.8U]

9. ACCESSIBILITY, TRAFFIC AND TRANSPORT

Please refer to *Plan 5 – Accessibility, Traffic and Transport*

Hierarchy of Transport Users

9.1 At the heart of York's Local Transport Plan lies the commitment to a 'hierarchy of transport users'. This is a priority listing applicable when making land-use and transport-related decisions and implementing transport measures. The order of priority is as follows:

- Pedestrians
- People with mobility problems
- Cyclists
- Public transport users (includes rail, bus, coach and water)
- Powered two wheelers
- Commercial/business users
- Car borne shoppers and visitors
- Car borne commuters.

9.2 The scale and significance of the proposed development demands that careful consideration is given to the provision of facilities for pedestrians, cyclists, as well as public transport users. Proposals will need to take account of the needs of disabled people and pay particular attention to Disability Discrimination Act requirements. **These requirements represent the minimum standards acceptable for development. The opportunity should be taken to achieve imaginative and flexible solutions to create higher levels of accessibility. [1099]**

Access

9.3 As a general principle, all commercial activities within the development site should be accessed from the existing junction on Bishopthorpe Road. The existing junction on Campleshon Road, which lies opposite Knavesmire Primary School, should in future act as a secondary means of access to the site and carry much lower volumes of traffic, in comparison.

9.4 Commercial traffic associated with the development should continue to be directed to the main entrance from the A64 Trunk Road via Tadcaster Road, Knavesmire Road and Campleshon Road. It is particularly important that such through traffic is kept away from the village of Bishopthorpe, to the south of the site.

9.5 Any complementary housing to the main employment use should be capable of access from both the Bishopthorpe Road and Campleshon Road frontages in order to facilitate traffic management arrangements introduced on race days in that area.

Cycling / Walking

9.6 A network of safe routes should be provided throughout the site for both pedestrians and cyclists. Where appropriate and possible, these routes should link to existing and proposed new cycle and pedestrian routes.

9.7 Pedestrian routes should be designed to make them convenient, comfortable, safe, direct and attractive. Pedestrian routes must be designed to be open to provide a feeling of safety and careful consideration must be given to lighting.

9.8 In order to encourage cycling and walking to the City Centre and surrounding residential areas, suitable high quality links should be provided with the site. These should include a link to the riverside route which crosses the Millennium Bridge (Route 65) and a link to the on-road route through the South Bank district. **Access routes should be safe, direct and convenient with full access for those with mobility difficulties as an integral part of the design [1097]. Crossing points should have full access for those with mobility difficulties and should be made accessible for those with visual and hearing impairments [1096]. The potential to provide talking signs should also be explored. [1098]**

9.9 It is a poor cycle/pedestrian link from the river to Bishopthorpe Road. Travelling from the North, the cycle track along the river narrows down and comes to an abrupt end at the boundary with the Green Belt, where it deflects to the West along a narrow track enclosed by the car park security fencing and dense vegetation on both sides. Along this short length, its visual status and appeal as part of a long distance cycle route is greatly reduced. The Bishopthorpe Road entrance to the factory site is conveniently located at the end of the cycle track; however the crossing point is further along. It may also be appropriate to create a new gateway link off the cycle track that runs parallel with the southern boundary.

9.10 As a means of promoting the use of cycles by the new occupants, the developer will be expected to fund the provision of an appropriate number of cycle parking spaces in accordance with the anticipated modal split targets, which shall be both secure and covered. Further advice on cycle provision can be obtained from the Council's Highway Development Control team.

Accessibility

9.11 **The inclusive design of provision for disabled people should be carefully considered at an early stage and discussions with the Council are encouraged. Development proposals should consider internal spaces and facilities, the spaces between and around buildings, links to other areas and routes within, through and surrounding the area. A disability audit or impact assessment should form part of the design proposals as they are developed.**

9.12 **All public spaces and buildings must be fully accessible to those with disabilities. Further requirements should be obtained from the Disability Discrimination Act (2005) and Part M of the Building Regulations 2004. These requirements represent the minimum standards acceptable for development. The opportunity should be taken to achieve imaginative and flexible solutions to create higher levels of accessibility. The Gateshead Access Panels' "Designing to**

Enable” Guide is recommended to be followed, as is “Designing for Accessibility” a joint publication between the Commission for Accessible Environments and RIBA Enterprises. [1100]

Bus Service

~~9.11~~ **9.13** Convenient, regular and good quality bus services together with their associated infrastructure, are required from the outset to ensure a reduced dependency on the private car. There is likely to be a need for a proactive relationship with bus service providers who may need some financial assistance for services until the development is complete and fully occupied.

~~9.12~~ **9.14** Good quality seating, waiting and shelter facilities should be provided at all bus shelters within and around the site, together with up-to-date information facilities. This can be co-ordinated through early dialogue between the prospective developer, the City of York Council and bus service providers.

Traffic Impact Assessment Transport Assessment [1025]

~~9.13~~ **9.15** A comprehensive Transport Impact [1025] Assessment Report should be prepared by the prospective developers which will address the effect of the proposed development on the following key areas:

- Measures to improve access to and movement within the site by pedestrians, cyclists and bus users
- Traffic generated by the development site, with a particular focus on its impact upon Bishopthorpe village, Bishopthorpe Road and Tadcaster Road by all modes of transport
- Traffic impact upon key junctions leading from the site, particularly Bishopthorpe Road and the main site access, Bishopthorpe Road / Campleshon Road, Tadcaster Road / Knavesmire Road
- Proposed measures to ameliorate the traffic impact of the development.

Travel Plans

~~9.14~~ **9.16** Travel Plans are used as a soft measure by the Council to achieve a reduction in car usage by encouraging sustainable transport modes for people commuting to work and in connection with work business. They identify ways in which sustainable transport practices can be developed and promoted by individual companies for its own employees and visitors.

~~9.15~~ **9.17** A Travel Plan will be required as supporting documentation for any planning application for development, where more than 30 people would be employed. Where a particular occupier is not identified at the planning stage a condition would be attached to any planning consent requiring a Travel Plan to be submitted for approval. Any subsequent occupiers would need to submit and agree their Travel Plan within a specified time frame (e.g. within six months of occupation). There will be requirements for on-going monitoring set against targets. Guidance on the preparation of Travel Plans is available from the Council’s Transport Planning Unit.

Low Car Ownership Development

~~9.16~~ **9.18** In recognition of rising traffic congestion and wider environmental reasons for controlling traffic growth in York, the Council is keen to consider a low car use and ownership development. Early discussion with Council officers will be expected however, in order to agree measures to prevent a displacement of car parking associated with the development into the surrounding residential areas.

Car Share Club

~~9.17~~ **9.19** The Council is keen to promote the introduction of car share clubs as one option for meeting residents transport needs. In this regard, any developer will be expected to investigate the viability of this, and similar initiatives within their proposals in order to provide the necessary finance to operate successfully.

10. ENVIRONMENTAL ISSUES

Environmental Impact Assessment

10.1 Potential developers should approach the Local Planning Authority at an early stage for a screening opinion to establish if an Environmental Impact Assessment will be required. The request for a screening opinion should include a plan, a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale.

10.2 The issues referred to below are offered as guidance for potential developers but are not intended to be exhaustive. ~~Should it be determined that an Environmental Impact Assessment is required, developers are strongly advised to apply for a scoping opinion from the Local Planning Authority to establish the extent of the EIA prior to submission. [1107]~~

Noise and Other Amenity Issues

10.3 The development of the site has the potential to result in noise, dust and smell issues, including:

- Noise and dust from construction and demolition activities as the proposed developed takes shape
- Traffic noise from the development impacting upon existing residents
- Existing traffic noise upon future occupants of the development
- Noise from commercial activities upon future occupants and existing residents
- Noise from deliveries and waste removal
- Noise from any fixed plant and machinery that forms part of the development upon existing residents and future occupants, especially where they form part of the same building
- Cooking smells from any A3, A4 and A5 uses.

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

- Use of appropriate demolition and construction techniques (eg. piling methods and dust suppression)
- Careful consideration of site layout and orientation of buildings (eg. delivery yards)
- Careful consideration of neighbouring uses
- Internal layouts of premises
- Noise insulation through construction methods and materials
- Careful specification and positioning of fixed plant and machinery
- The correct specification and positioning of kitchen extraction units (low level discharge units are not recommended).

Air Quality

10.5 The Terry's site is approximately 600m from part of the city's Air Quality Management Area. As with any development of this scale, consideration must be given to minimising the potential impact upon air quality, particularly

from the use of motor vehicles. There are a number of measures that can be adopted that can help achieve this, including:

- The provision of a well-integrated public transport system
- Ensuring that only the minimum amount of parking is provided to encourage the use of alternative transport forms
- The provision of a car club and car share schemes, to reduce the dependence on car use and encourage the use of alternative transport
- The provision of dedicated charging points to encourage use of electric vehicles (this could tie in with parking provisions and the car club)
- The provision of secure and weather proof cycling storage facilities to encourage use of this form of transport
- The establishment of a bicycle club to provide easy access to this form of transport.

10.6 As part of any application, the impact on air quality must be fully assessed, including the use modelling techniques where appropriate. An early discussion with the Council's Air Quality Team is recommended in this respect. Where mitigation measures are required for the impact upon air quality, developers will be required to enter into a S.106 agreement to implement measures to offset any increases in local pollutant emissions and/or make an appropriate financial contribution towards the monitoring of air quality in the city.

Contaminated Land

10.7 The Terry's site has a long commercial history. Land contamination could have resulted from a number of sources, such as fuel and chemical spillages, underground storage tanks and areas of made ground. As a result, the full extent of any land contamination will need to be established. Site investigation work will be required to assess the impacts on all receptors, as detailed in Part IIA of the Environmental Protection Act 1990. Details will be required as to how any contamination can be successfully remediated and this should be included within the EIA. Developers should contact the Council's Contaminated Land Officer to discuss a suitable strategy for site investigations and remediation; this work is likely to be conditioned through the planning permission.

Recycling

10.8 The Council is committed to increasing the amount of waste that is recycled. As such the development will be required to provide suitable locations and facilities to encourage recycling. Local Plan Policy MW7 - Temporary Storage for Recyclable Material – states: *Proposals for new development, particularly employment, housing, shopping leisure and community facilities will be expected to provide an appropriate level of space for the temporary storage of recyclable material.*

Appendix 1: A Summary of the History of Terry's

- 1767: Confectioners Bayldon and Berry founded on a site near Bootham Bar
- 1793: Joseph Terry born
- 1823: Terry's name first appears when Joseph Terry, trained as an apothecary, becomes a partner
- 1824: Firm moves to St Helen's Square
- 1828: Terry now the sole owner, retains the existing peels, lozenges and pharmaceutical products and adds bakery, candles, boiled sweets and comfits, and starts to develop the chocolate side of the business
- 1840: Company name changed to Joseph Terry and Sons
- 1850: Sir Joseph Terry dies and is succeeded by his son
- 1862: New factory built at Clementhorpe to provide better transport links – supplies of sugar, cocoa, glucose, orange and lemon rinds all arrived by steam (along with coal supplies) along the River Ouse
- 1886: Increased interest in fine chocolate led to a specialised chocolate section being added to the factory
- 1923: Frank and Noel Terry launch the Chocolate Orange
- 1924-30: Continued expansion led to the need for new premises for Terry's of York – expansion at Clementhorpe was prevented by the creation in 1921 of the adjacent Rowntree Park. A greenfield site is chosen at Bishopthorpe Road. A Factory, Clock Tower (water tower and boiler house), Liquor Factory, Time Office Block and Head Offices were designed by architects J G Davies and L E Wade in red brick with sandstone ashlar dressings. Production starts in 1926
- 1937: Factory visited by **Their Majesties HRH King George VI, HRH Queen Elizabeth and the Princess Royal [1126]**
- 1939: Factory makes aeroplane propellers during the Second World War
- 1960/70s: Further expansion of the Bishopthorpe Road works
- 1963: Terry's family sell business to Forte [1129]**
- 1967: The Bicentenary of Terry's was marked by the installation of a commemorative fountain in the garden [1127]**
- 1977 Business sold to Colgate Palmolive [1129]**
- 1980s Premises at Clementhorpe sold by United Biscuits. Now residential flats [1129]**
- 1981 Premises at St Helen's Square (office) sold by Colgate Palmolive. Now in use as a shop [1129]**
- 1982: Terry's of York acquired by United Biscuits
- 1993: Kraft General Foods buys the Terry's Group from United Biscuits and amalgamates it with Jacobs Suchard to create Terry's Suchard
- 2004: Kraft announces the closure of the Terry's site in 2005. The factory most recently produced Terry's Chocolate Orange, Terry's All Gold and Twilight. Future production is expected to

be transferred to Kraft's existing facilities in Sweden, Belgium, Poland and Slovakia.

2005: Five original buildings of the Terry's factory were listed as grade II buildings of architectural and historic importance [1128]

2005: Factory closes 30th September 2005.

Appendix 2: Description of the Listed Buildings

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

20TH AMENDMENT OF THE 23RD LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

DISTRICT OF YORK (NORTH YORKSHIRE)

WHEREAS:

1. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”) requires the Secretary of State, for the purposes of the Act and with a view to the guidance of local planning authorities in the performance of their functions under the Act and the Town and Country Planning Act 1990 in relation to buildings of special architectural or historic interest, to compile lists of such buildings, and she may amend any lists so compiled.
2. On 14 March 1997, the Secretary of State compiled a list of buildings of special architectural or historic interest situated in the District of York.
3. The Secretary of State, having consulted with the Historic Buildings and Monuments Commission for England and such other persons or bodies of persons who appear to her appropriate as having special knowledge of, and interest in, such buildings, considers that the said list should be amended in the manner set out in the Schedule hereto.

NOW THEREFORE the Secretary of State, in exercise of the powers conferred on her by Section 1 of the Act, hereby amends the said list in the manner set out in the Schedule hereto.

SCHEDULE

The following building shall be added:-

BISHOPTHORPE ROAD
YORK
Liquor Factory
493075
II

Liquor store, now disused, built 1924-30 for Terry’s of York by architects J G Davis and L E Wade. Red brick in English bond with sandstone ashlar dressings. Single storey, with raised entrances and a brick parapet concealing a concrete and asphalt flat roof. Frontage to entrance road; central double half-glazed wooden doors with overlights approached up flight of nine steps with brick walls and posts, one side demolished. Former basement windows now bricked up. Mullioned and transomed small-paned

window to each side. Eaves strip in sandstone below parapet. Left return has two raised entrances up short flights of open steps, both having overlights. Additional larger entrance to ground level at left end of building. Four windows as at front, basement windows bricked up but two with sandstone lintels remaining. Further buildings added to rear, not of architectural or special interest.

INTERIOR: Viewed through windows: now an empty space.

HISTORY: Terry's of York began as a confectionary business owned by Bayldon and Berry in 1767 on a site near Bootham Bar. Joseph Terry, connected by marriage to Berry and trained as an apothecary, joined the firm, which moved in 1824 to St Helen's Square. By 1830, Terry was the sole owner, and gradually developed the chocolate side of the business. New factory premises were built at Clementhorpe in 1862 to provide better transport links, but continued expansion led to the need for new premises which were built at Bishopthorpe Road.

SUMMARY: This building is one of a group consisting of headquarters offices, factory, clocktower, Time Office block and liquor factory, which were all built at the same time. The complex is a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings also have a strong historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming, on a national scale, York's high status in this business.

SOURCES: Colbeck, Maurice, 'made in York', 1992, pp. 23-32.
 'Terry's of York, 1767-1967', 1967, (Private Publication).
 'C.M.W.', Journal of Jos. Rowntree, 1925 (pamphlet).

BISHOPTHORPE ROAD YORK

Terry's of York Clock Tower, Water Tower and Boiler house with transformer house attached

492560

II

Clock tower, water tower and boiler house, with attached transformer house, built in 1924-30, with later additions by J G Davies and L E Wade for Terry's of York. Red brick in English bond with sandstone dressings and parapet. Concrete and asphalt roof, metal framed windows. Tower has six stages and attached buildings have three storeys. Tower has brick angle pilasters with sunk-panel ashlar heads at the fifth stage, and large small-paned sash windows with triple keyed lintels. Top stage has ashlar quoins and a clock face on each side on which the letters TERRY YORK replace numbers. The parapet has large corner blocks with balustrades between. The boiler house and transformer house both have small-pane sashes in plain surrounds, and brick parapets above sandstone eaves bands.

INTERIOR: ground floor only; boiler/transformer house still operational with machinery filling the ground floor.

HISTORY: Terry's of York began as a confectionary business owned by Bayldon and Berry in 1767 on a site near Bootham Bar. . Joseph Terry, connected by marriage to Berry and trained as an apothecary, joined the firm which moved in 1824 to St Helen's Square. By 1830 Terry was the sole owner, and gradually developed the chocolate side of the business. New factory premises were built at Clementhorpe in 1862 to provide better transport links, but continued expansion led to the need for new premises which were built at Bishopthorpe Road.

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 'C.M.W.', Journal of Jos. Rowntree, 1925 (pamphlet).

BISHOPTHORPE ROAD

YORK

Terry's of York Factory

492559

II

Factory built 1924-30 by J G Davies and L E Wade for Terry's of York chocolate manufacturers. Steel framed construction with red brick in English bond with sandstone ashlar dressings and centrepiece, with a concrete and ashlar roof. Five storeys, 500ft long, with entrance front towards central road through site. Central entrance block of ashlar, slightly projecting, flanked by quoin strips of alternating red brick and ashlar sandstone. Double large doors for vehicular access with smaller personal doors to either side separated by Tuscan order columns, with antae to the sides and plain frieze and cornice above. This doorway and a row of small-paned windows above occupy two floors in height. Second and third floors have symmetrically arranged one and two light mullioned and transomed windows with cornices. Vestigial pediment over centre window on second floor. Fourth floor has million and transom windows in the centre flanked by glazed oculi in keyed ashlar surrounds. To either side the windows on all floors are mullioned and transomed with those on the first floor having cornices and those on the top floor with triple keyed lintels. Slight projecting bay on either side mid way between centre and end blocks. End blocks also project and have mullioned and transomed windows flanked by transomed single window, all with cornices, except top floor which has glazed oculus in keyed surround flanked by transomed single lights with

keyed lintels. Outside projecting end blocks, a tier of single lights in an ashlar strip to full height and alternating quoin strips on corner. Ashlar parapet is stepped above projecting bays. Left return towards Bishopthorpe Road has single light tiers in ashlar strip as at front flanking projecting bay with same window arrangement as end blocks to front. Rear is plainer with ranks of metal framed windows with ashlar sills and lintels throughout. At ground level an extension joins the factory to further buildings to the rear which were formerly separate.

INTERIOR: Ground floor not fully examined as still in use; leads to hallway with free-standing and engaged pillars. First and remaining floors are now empty. Staircases near each end of building with toilet facilities on half landings; open spaces within with walls half-tiled with white tiles and black banding. Pillars run down the centre length of each floor, and steel frame construction is visible in boxed beams. To rear of each floor, wooden loading bay doors. Roof houses heating system etc.

PROCESS: Goods were loaded in at the top floor and manufacturing processes cascaded downwards. The blended beans were roasted, cracked and winnowed, then taken to the nibbing machine where the 'nib' of the bean was extracted, this being the part used for chocolate making. The nibs were ground to produce cocoa mass, at which point other ingredients such as sugar or milk were added as required. The result was a paste which was refined several times. The next process was 'conching' where the mass was stirred for many hours at a constant temperature to produce a smooth cream. In the enrober department the chocolate was added to the various fillings, and the results were then foiled, packaged and dispatched. These processes, once carried out in the factory building, are now more compactly completed in the ground floor of the factory and the 1970 building opposite.

HISTORY: Terry's of York began as a confectionary business owned by Bayldon and Berry in 1767 on a site near Bootham Bat. Joseph Terry, connected by marriage to Berry and trained as an apothecary, joined the firm, which moved in 1824 to St Helen's Square.

BISHOPTHORPE ROAD

YORK

Terry's of York Time Office Block

492558

II

Office and transit/recreation room, 1924-30, architects J G Davies and L E Wade for Terry's of York chocolate manufacturers. Red brick in English bond with sandstone ashlar dressings, two storeys, flat concrete and asphalt roof. Baroque Revival style. Facade facing entrance road and headquarters block: central single storey entrance porch with tripartite window above, flanked by quoin strips in alternating red brick and sandstone, with frieze above. Three 2-light windows to either side plus slightly projecting end blocks with tripartite windows similar to centre on both floors. End blocks are framed in ashlar pilaster strips with a frieze over. All windows and frames are C20

replacements. Ashlar faced parapet which is stepped up over centre and end blocks. Left return has one 3-light first floor window; right return has two 3-light windows to each floor. Rear has similar fenestration to front, with end blocks defined by quoin strips of alternating brick and ashlar, a door replacing one of the windows to the right of the end block and a central door framed by windows and an overlight.

INTERIOR: the interior is now largely empty and the building is unused. Spiral iron staircase leads to first floor.

The building originally had two archways leading through it from front to back, through which delivery vehicles would pass. The brick infill can be clearly seen at the rear of the building, showing that the ground floor windows in the ranges to either side of the centre block are later additions. This building was also where employees clocked in, hence its name of the Time Office Block.

The building is included for group value.

HISTORY: Terry's of York began as a confectionary business owned by Bayldon and Berry in 1767 on a site near Bootham Bar. . Joseph Terry, connected by marriage to Berry and trained as an apothecary, joined the firm which moved in 1824 to St Helen's Square. By 1830 Terry was the sole owner, and gradually developed the chocolate side of the business. New factory premises were built at Clementhorpe in 1862 to provide better transport links, but continued expansion led to the need for new premises which were built at Bishopthorpe Road.

SUMMARY: This building is one of a group consisting of headquarters offices, factory, clocktower, Time office block and liquor factory, which were all built at the same time. The complex is a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings also have a strong historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming, on a national scale, York's high status in this business.

SOURCES: COLBECK, Maurice, 'made in York', 1992, pp. 23-32.

'Terry's of York, 1767-1967', 1967, (Private Publication).

'C.M.W.', Journal of Jos. Rowntree, 1925 (pamphlet).

BISHOPTHORPE ROAD

YORK

Terry's of York Head Office

492557

II

Head office building for Terry's of York chocolate manufacturers, built 1924-30, by architects J G Davies and L E Wade. Red brick in English Bond with sandstone ashlar dressings, centrepiece and corner sections, two storeys with roof of north lights surrounded by concrete and ashlar. Baroque Revival style.

Facade facing Bishopthorpe Road has centre entrance with panelled double doors and overlight, and distyle, in antis porch with Doric columns, all in ashlar. French doors on first floor above with elaborate pedimented tripe-key surround and balustraded balcony over the porch. Five windows to either side with six-over-six vertical sashes in architraves, those on ground floor with alternating triangular and segmental pediments and on first floor with cornices. Beyond these, slightly projecting end blocks in sandstone ashlar with quoin strips of alternating bands of brick and ashlar, with central six-over-six sash flanked by narrow four-over-four sashes, of which the central first floor windows have Doric pilasters and triangular pediment with corbelled balustraded balconies. A parapet conceals the roof and is stepped above the end blocks, and in the centre rises to an attic decorated with a festooned cartouche. Left return facing entrance road, and right return are identical, with centrepiece between 7 window ranges and end blocks which repeat front facade design. Centrepiece is ashlar with pilasters at the angles and three six-over-six windows on each floor, divided by quoin strips of alternating brick and sandstone. Parapet above has urns over the quoin strips.

INTERIOR: the plan is of a central double height space surrounded on all four sides by ground and first floor corridors and offices that face the exterior of the building. The original entrance, no longer used, has entrance lobby with inner floor leading to broad hallway with tiled floor. Grand staircase rising from centre rear of hall, with splayed lower flight, wrought iron balusters and square wooden newels and handrail, bifurcating from central landing to two flights with quarter turns from centre and higher landings. Wood panelled reception area to right of and partly beneath stair, and corridors off to each side. Central cupola over hallway with coloured glass and ironwork. Ceiling elsewhere is coffered with dentillated cornices and glass panels. Half-height wood-panelled corridors off hallway lead round building, enclosing central large open double height office space, which has glass panelled barrel-vaulted ceiling with dentillated cornices, below roof with north lights. Space partly partitioned with glass and wooden screens, not original. Walls are panelled with pilasters at the corners and semi-circular windows to the first floor at each end. Corridors have original double doors at intervals with decorative glass panels. Offices and other rooms to the outer side of the corridor all have oak panelled doors with eared architraves, and original wooden framed windows. The rooms vary in the amount of architectural detail, the manager's room and the board room having decorated plaster ceilings, classical moulded cornices, and waist-high wainscoting, while other offices are plainer. The boardroom additionally has a triangular pediment over a plain frieze over the main door, and consoles supporting a cornice above another. First floor rooms are in general of lower status. Some original washbasins and wood and glass screens in lavatories.

HISTORY: Terry's of York began as a confectionary business owned by Bayldon and Berry in 1767 on a site near Bootham Bar. Joseph Terry, connected by marriage to Berry and trained as an apothecary, joined the firm, which moved in 1724 to St Helen's Square.

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SOURCES:

COLBECK, Maurice 'Made in Yorkshire', 1992, pp. 23-32.

'Terry's of York, 1767-1967', 1967, (private publication).

"C.W>M>" Journal of Jos. Rowntree, 1925 (pamphlet).

Dated:- 4th March 2005

Signed by authority of the Secretary of State

ELAINE PEARCE

Department for Culture, Media and Sport

Appendix 3: Description of the Conservation Area

Conservation Area No 10 (18.2 ha) The Racecourse and Terry's Factory

Introduction

This conservation area was designated in 1975. It includes the racecourse buildings and Terry's chocolate factory which are sited on the Knavesmire, the northern part of Micklegate Stray. The majority of the conservation area lies within the City of York Green Belt.

History

The first race meeting was held in 1731, but it was not until 1752 that the City approved the lease of land for a permanent stand.

Although all that remains of that first stand is the lower storey, recreated in the paddock earlier this century, it has a special historic significance. In a limited architectural competition the design of John Carr, then mostly known as a good stone mason, was chosen over that of other popular architects of the day (including James Paine). It was this commission that launched him upon his fashionable career as one of the most successful provisional architects of the 18th Century, bringing him to the notice of the nobility and gentry, many of whom became his patrons. The elegant County Stand of 1834 is overshadowed by the Grandstand (1965), and the Tattersalls stand. Although large, these structures are themselves overlooked by the redbrick tower of Terry's Factory, built on higher ground adjacent to Bishopthorpe Road.

In 1926 Joseph Terry and Sons relocated their long established confectionary business from the City centre to a greenfield site. The building was designed by J.G. Davis and L.E. Wade.

Important Buildings

The lower part of John Carr's grandstand, now incorporated into the Guinness Bar, and the County Stand at the racecourse are Listed Buildings, new grandstands have been built since the 1960's.

Terry's Bishopthorpe Road works is a large neo-Georgian industrial building with a clock tower disguising the chimney. It is built in brick and buff coloured stone.

Character

The landscape is open with good long views both into and out of this conservation area. Looking from Tadcaster Road, the buildings cluster in one corner of the Knavesmire, which has the appearance of a large urban parkland.

Terry's Clock Tower and adjacent factory buildings, located as they are in the Green Belt, are a significant landmark when approaching the City from the south. From the racecourse and Terry's there are views towards the large number of mature trees lining Tadcaster and Knavesmire Roads, and within the gardens which back onto the Stray.

These buildings, defined as the Conservation Area, are of special importance because of their parkland setting (that is, the racecourse and the stray) within the City of York Green Belt.

The main elements of the character and appearance of the area are:

- (1) A cluster of buildings set in open landscape;
- (2) The buildings of both Terry's factory, especially the clock tower/chimney, and the racecourse grandstands rising out of their parkland setting in the York Green Belt;
- (3) The open views across the Knavesmire from Terry's factory and the racecourse towards Tadcaster Road with its mature trees and the gardens backing onto the stray.

Appendix 4: Relevant Development Control Local Plan Policies

The following Local Plan policies may have implications for the detailed designed of development or include requirements of developers that may be relevant depending on the nature of the development proposed.

Please refer to the Local Plan for detail. The Plan is available on the Council's website – www.york.gov.uk – and hard copies are available from the Forward Planning Team – see Contacts.

CHAPTER 2 – GENERAL POLICIES

GP1 – Design
 GP3 – Planning Against Crime
 GP4a – Sustainability
 GP4b – Air Quality
 GP5 – Renewable Energy
 GP6 – Contaminated Land
 GP7 – Open Space
 GP9 – Landscaping
 GP11 – Accessibility
 GP13 – Planning Obligations
 GP15a – Development and Flood Risk
 GP18 – External Attachments to Buildings
 GP19 – Satellite Dishes and Antennae
 GP20 – Telecommunications Developments
 GP21 – Advertisements

CHAPTER 3 – NATURE CONSERVATION & AMENITY

NE1 – Trees, Woodlands and Hedgerows
 NE2 – River and Stream Corridors, Ponds and Wetland Habitats
 NE3 – Water Protection
 NE7 – Habitat Protection and Creation
 NE8 – Green Corridors

CHAPTER 4 – HISTORIC ENVIRONMENT

HE2 – Development in Historic Locations
 HE3 – Conservation Areas
 HE4 – Listed Buildings
 HE5 – Demolition of Listed Buildings and Buildings in Conservation Areas
 HE8 – Advertisements in Historic Locations
 HE10 – Archaeology
 HE11 – Trees and Landscape

CHAPTER 5 – GREEN BELT AND OPEN COUNTRYSIDE

GB1 – Development in the Green Belt
 GB6 – Housing Development Outside Settlement Limits
 GB11 – Employment Development Outside Settlement Limits
 GB13 – Sports Facilities Outside Settlement Limits

CHAPTER 6 – TRANSPORT

- T2a – Existing Pedestrian/Cycle Networks
- T2b – Proposed Pedestrian/Cycle Networks
- T4 – Cycle Parking Standards
- T5 – Traffic and Pedestrian Safety
- T7b – Making Public Transport Effective
- T7c – Access to Public Transport
- T13a – Travel Plans and Contributions
- T16 – Private Non-Residential Parking
- T17 – Residents’ Parking Schemes
- T20 – Planning Agreements

CHAPTER 7 – HOUSING

- H2a – Affordable Housing
- H3c – Mix of Dwellings on Housing Sites
- H4a – Housing Windfalls
- H5a – Residential Density

CHAPTER 8 – EMPLOYMENT

- E3b – Existing and Proposed Employment Sites

CHAPTER 9 – EDUCATIONAL ESTABLISHMENTS

- ED4 – Developer Contributions Towards Educational Facilities

CHAPTER 10 – SHOPPING

- S6 – Control of Food and Drink (A3) Uses

CHAPTER 11 – LEISURE AND RECREATION

- L1a – Leisure Development
- L1c – Provision of New Open Space In Development
- L4 – Development Adjacent to Rivers

CHAPTER 12 – VISITORS

- V1 – Visitor Related Development
- V3 – Hotels and Guest Houses

CHAPTER 13 – COMMUNITY FACILITIES

- C1 – Community Facilities
- C6 – Developer Contributions Towards Community Facilities

CHAPTER 14 – MINERALS AND WASTE

- MW7 – Temporary Storage for Recyclable Material

Appendix 5: List of Local Documents

The following documents potentially have significant implications for the design and management of the site. Please contact the City Development Team for further information.

~~York Landscape Appraisal - 1996~~

~~Public Arts Strategy - 1998~~

~~Local Agenda 21 Strategy - 2000~~

~~Science City York: Employment Land to 2021 - 2001~~

~~Housing Needs Survey - 2002~~

~~City of York Council - Economic Development Strategy 2003~~

~~Affordable Housing Advice Note - 2004~~

~~York City Vision and Community Strategy (Without Walls) 2004~~

~~The Education and Leisure Plan 2005~~

~~First Stop York - Tourism Strategy 2005~~

Appendix 6 4: Economic / Science City York Aims

The Economic Development Objectives of the City are the key drivers for development of the site:

- Generate business growth and start-ups in science, creative tourism and other key business sectors to protect existing jobs and provide higher quality, sustainable and higher paid jobs
- Attract investment to strengthen the city's high growth sectors and generate quality jobs
- Promote pride in the city, high quality services and products, and safe/fair practices among York businesses
- Create a vibrant city centre through a proactive partnership approach to visitor management and by increasing investment
- Ensure that the University and other higher education providers contribute to business growth and generate quality jobs and underpin skills-training opportunities for local people
- Collaborate with regional and sub-regional partners in providing a complementary approach to business activity and jobs
- Support residents into learning and work, and improve skill levels in key areas of the economy.

York's drive to achieve regional, national and international recognition as a "Science City" has been at the heart of the Science City York partnership between City of York Council, the University of York, Yorkshire Forward, and private industry over the last seven years. Science City York was created to capitalise on the international research strengths of the University of York and other strengths of the city and sub-region to generate additional high quality business and employment opportunities in the York economy. The Science City York model was based on gaining high levels of business engagement to provide direction and support in order create an environment in which creative, science and technology excellence can thrive- and this has been achieved.

The vision for Science City York is based on a firm understanding of the success factors required, drawn from the real results achieved from initiatives undertaken to date. In order to achieve its future vision of creating an additional 15,000 technology-based jobs by 2021, Science City York is working with a wide range of partners to ensure that its approach to growth is complemented by holistic strategies reviewing sites, infrastructure, technology, skills, education, supply chain and community development.

Science City York's vision is to be a leading centre at the forefront of innovation, creativity and change within a prosperous and thriving economy by focusing on three fast growing technology clusters: Bioscience and Healthcare, Creative Technologies and IT & Digital. Since 1998, 2,641 new jobs have been created, a 60% increase in employment in the seven years since Science City York was launched.

One of the central components of the development of Science City York's infrastructure is the development of this key strategic site to support the growth of the existing Science City York clusters, which have over 240 companies, employing over 7300 people. It will also act as a key hub to potential in-movers and new start-ups in York, particularly appealing to the creative and digital industries, which will be inspired by the heritage of the site.

Potential [1131] Science City York aims for the site:

- Grow-on space for businesses is needed for those spinning out of the Science Park incubators
- Space is required to meet the needs of other established York firms looking to grow and to attract in-movers. Developers will need to liaise closely with the Science City York team (and through the team to York businesses) in developing their plans. Mechanisms exist to facilitate this
- Space should be provided on a sectoral basis which would allow firms working in similar areas to inter-relate
- Existing buildings have the capability to provide that “iconic” quality/image which is vital for value-added type businesses
- The site provides potential to meet the much needed York requirement for high quality business accommodation in the short/medium term. Currently only a very limited number of options are on offer. Here is a unique new dimension which can enhance York's economic growth sector.

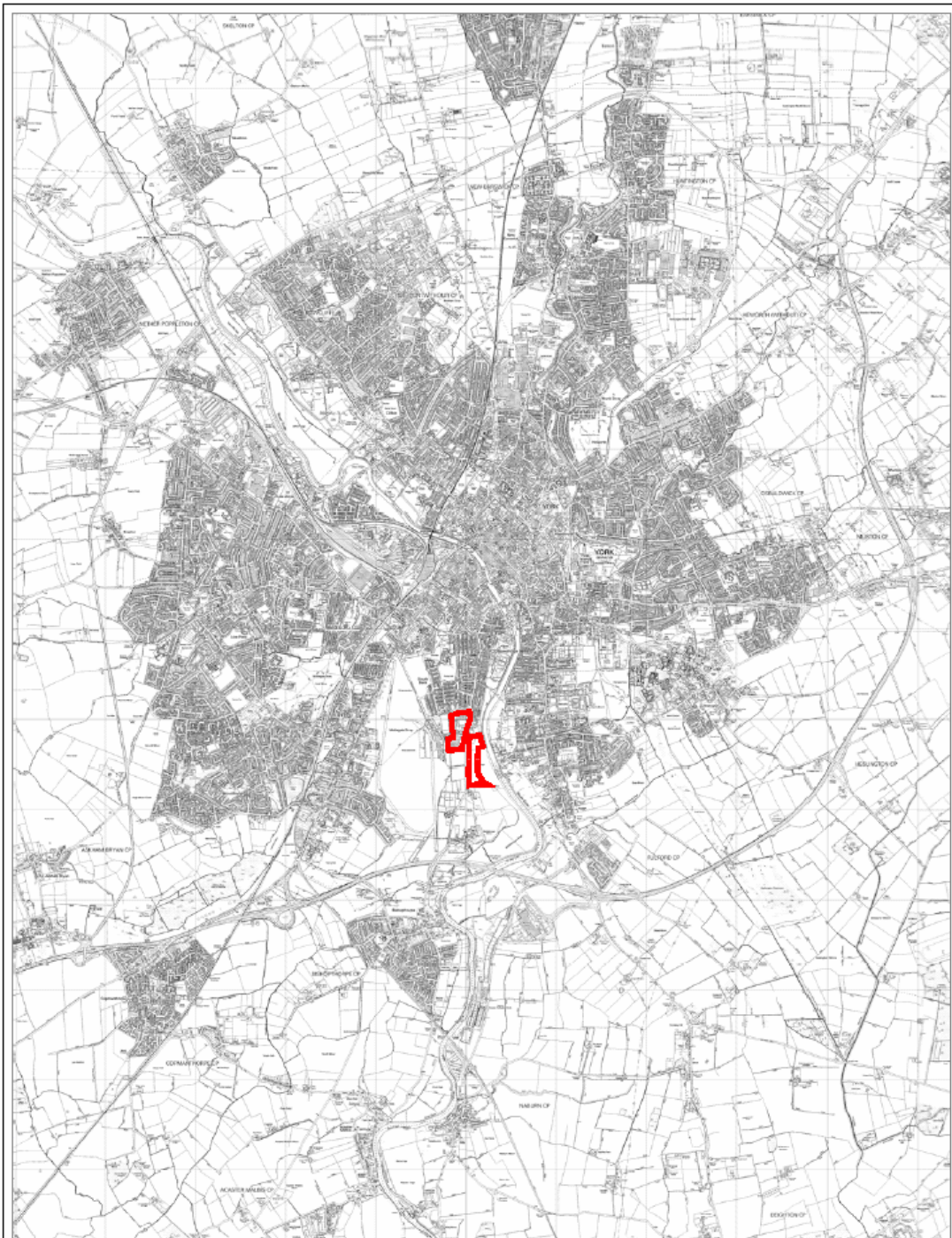
Appendix 7 5: City of York Council Contacts



As at June 2006

01904 55 + Extension

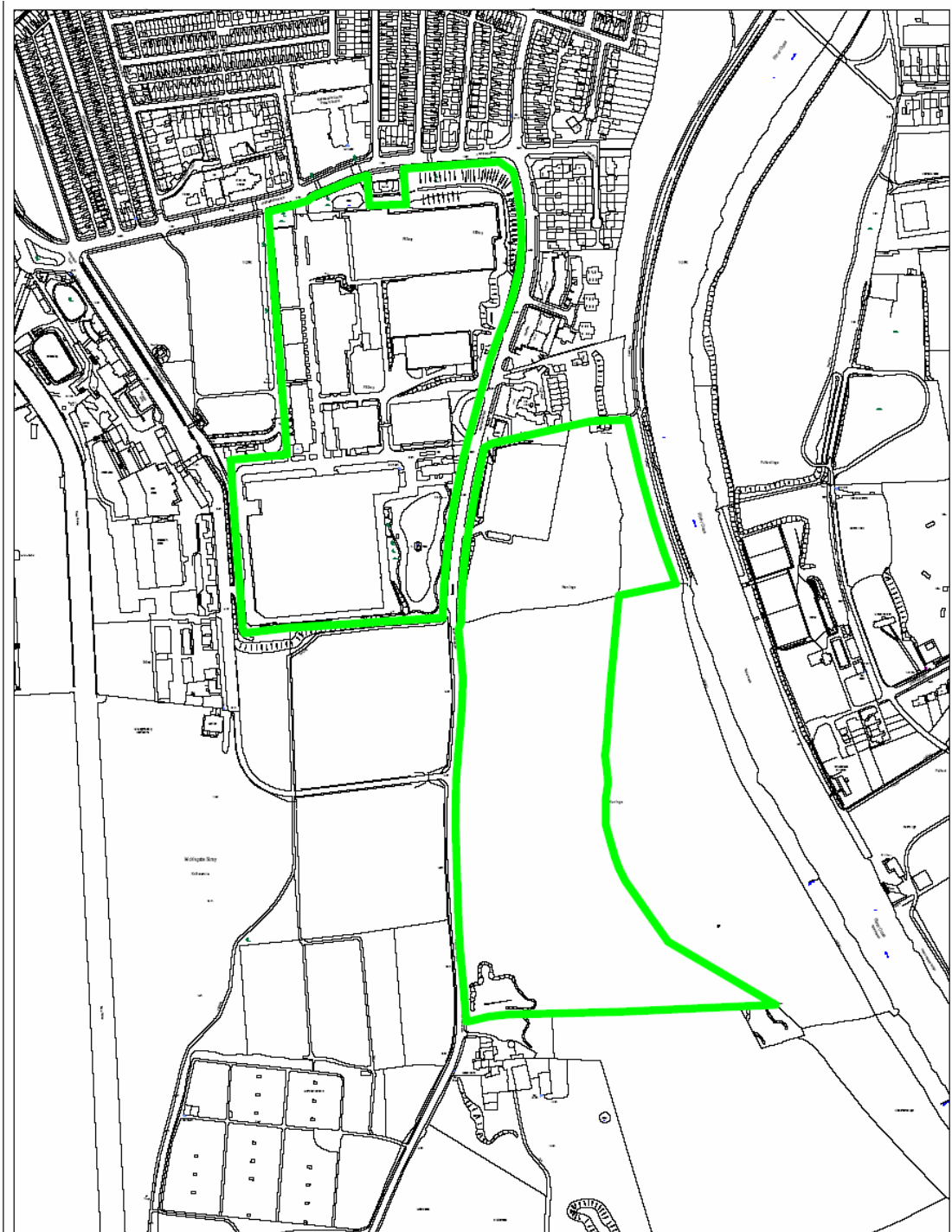
Please contact Ewan Taylor in the first instance Ewan Taylor, City Development Officer	1408
Gareth Arnold, Development Area team Leader	1320
Gail Goodall, Assistant Development Officer	1667
Chris Newsome, Community Planning Officer	1673
John Oxley, Archaeologist	1346
Janine Riley, Conservation Architect	1305
Martin Lowe, Conservation Officer	1329
Esther Priestley, Landscape Architect	1341
Bob Missin, Countryside Officer	1662
Kristina Peat, Sustainability Officer	1666
Howard Watson, Area Engineer, Network Management	1332
Bryn Jones, Head of Economic Development	4418
Mike Tavener, Project Manager (Structures and Drainage)	1473
Sean Suckling, Principal Environmental Protection Officer	1567
Fiona Derbyshire, Housing Development Manager	4153
Jake Wood, Policy Officer, Learning, Culture & Childrens Services	4673
Vicky Japes, Senior Active Leisure Officer	3382
Gill Cooper, Head of Arts and Culture	4671
Denise Dodd, Chief Executive, york-england.com	4644

Plan 1: Site Location



 CITY OF YORK COUNCIL	TERRY'S - PLAN 1 Site Location		
	SCALE 1:55000 Drawing Group Organisation	DRAWN BY JB Project	
9 St. Leonards Place, York, YO1 2ET Telephone: 01904 613161	<small>Produced from the 1999 Ordnance Survey 1:250 mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</small>		York City Council LA 000311

Plan 2: The Site



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

TERRY'S - PLAN 2 The Site

SCALE 1:5000

Originating Group

Organisation

DRAWN BY JB

Project

DATE 15/9/2005

DRAWING NO.

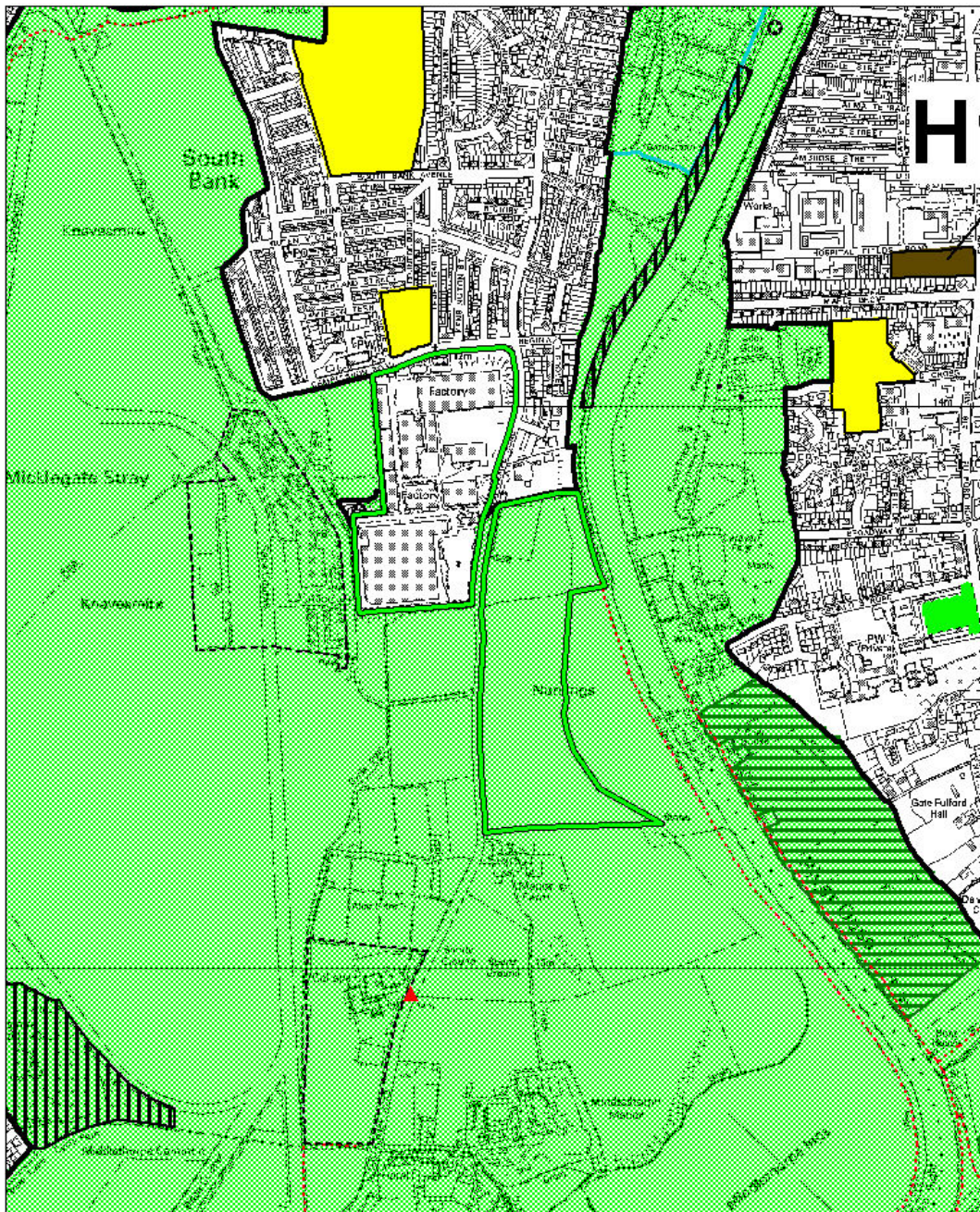
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York City Council LA 00067L

Plan 3: Development Control Local Plan Proposals Map



TERRY'S - PLAN 3 Development Control Local Plan



Originating Group: City Development Drawn by: AC Date: 12/10/2005

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Plan 3: Development Control Local Plan 2005 Map Legend

KEY	
	Local Plan Boundary
	City Centre Inset Boundary
LOCAL PLAN STRATEGY (CHAPTER 1)	
	Action Area (SP8)
GENERAL PLANNING POLICIES (CHAPTER 2)	
	Open Space (GP7)
NATURAL ENVIRONMENT (CHAPTER 3)	
	Site of Special Scientific Interest (NE4a)
	RAMSAR Sites (NE4a)
	Special Protection Area (NE4a)
	Special Area of Conservation (NE4a)
	Non Statutory Nature Conservation Site (NE5a)
HISTORIC ENVIRONMENT (CHAPTER 4)	
	Conservation Area (HE3) (see appendices)
	Area of Archaeological Importance (HE10) (see appendices)
	Historic Park / Garden (HE12)
	Reserved Land (GP24a)
GREEN BELT (CHAPTER 5)	
	Green Belt (SP2)
	Defined Settlement Limit
	Major developed site in the Green Belt (GB10a)
TRANSPORT (CHAPTER 6)	
	Pedestrian Priority Zone - Footstreets (T1)
	Proposed Cycle / Pedestrian Network (T2) - Indicative Locations
	Proposed Cycle/Pedestrian Bridge (T3a)
	Park and Ride Allocation (T6)
	Railway Station site (T8a)
	Highway Improvement Scheme (T19a)
	Potential Park and Ride (T6) - Indicative Locations
HOUSING (CHAPTER 7)	
	Housing Allocation (H1.6, H1.24, H1.31 to H1.37, H1.39 to H1.41, H1.43 to H1.46)
EMPLOYMENT (CHAPTER 8)	
	Premier Employment Allocation (E12a to E12d and E12f)
	Standard Employment Allocation (E3a.1 to E3a.10)
EDUCATION (CHAPTER 9)	
	Educational Establishments (ED1 and ED5)
	St Barnabas Centre (ED2)
	Existing University of York Heslington Campus (ED6)
	New University Campus (Phase 2) Indicative Boundaries (ED9)
	New University Campus (Phase 1) Indicative Boundaries (ED9)
SHOPPING (CHAPTER 10)	
	Shopping Sites (S1a)
	District Centres
LEISURE AND RECREATION (CHAPTER 11)	
	Recreational Opportunity Areas (L1d)
	Recreational Opportunity Areas (L1d)
COMMUNITY FACILITIES (CHAPTER 13)	
	York District Hospital (C4)
	Bootham Park Hospital (C5)
MINERALS AND WASTE (CHAPTER 14)	
	Area of Search for Minerals (M001)
	Mixed Use Site
	Terry's Site Boundary



TERRY'S - PLAN 3 Local Plan Context Legend

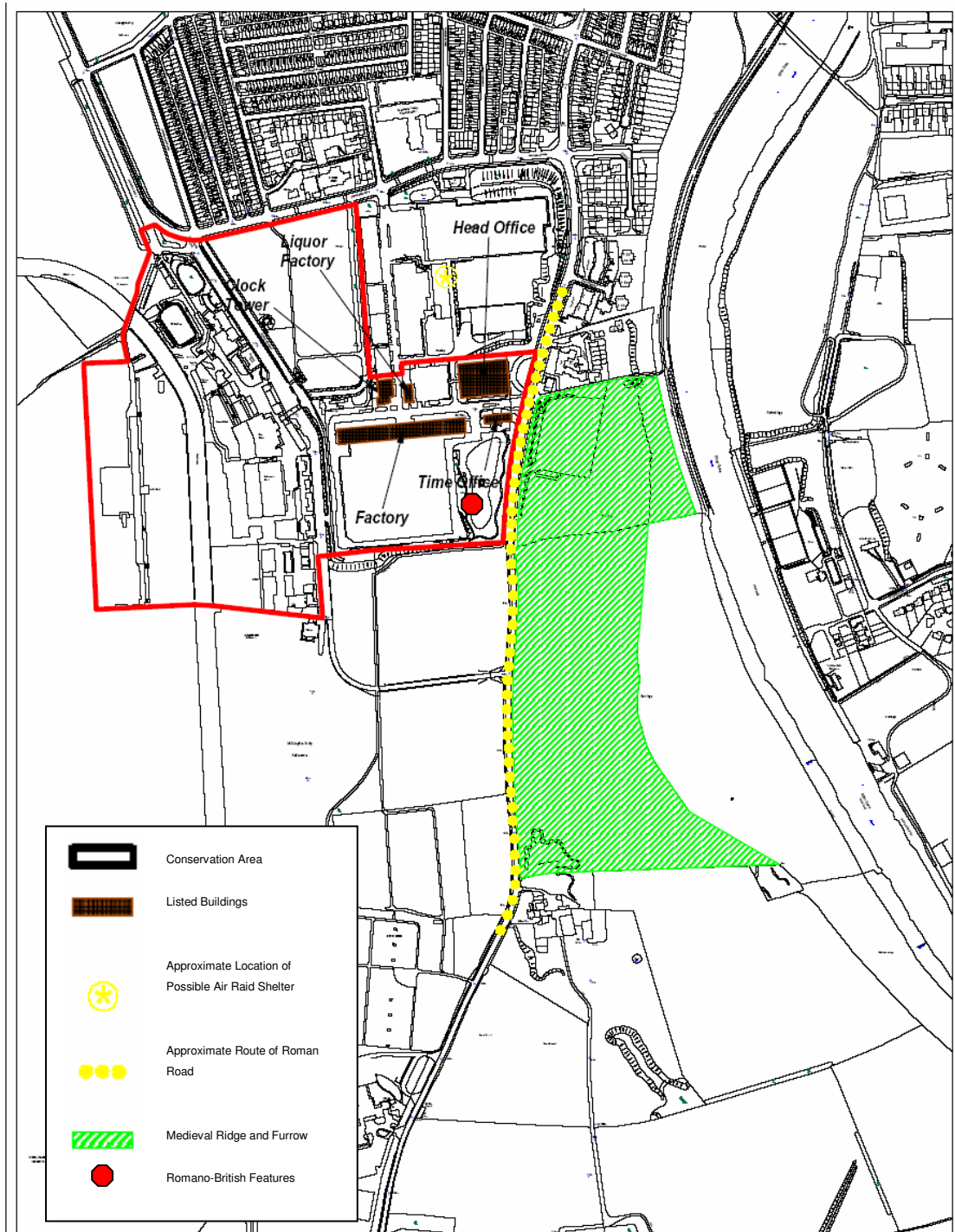


Originating Group: City Development Drawn by: AC Date 12/10/2005

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Plan 4: Conservation Area, Listed Buildings and Archaeology



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TERRY'S - PLAN 4
Conservation Area, Listed Buildings and Archaeology

SCALE 1:6000

DRAWN BY JB

DATE 15/9/2005

Originating Group

Project

Drawing No.

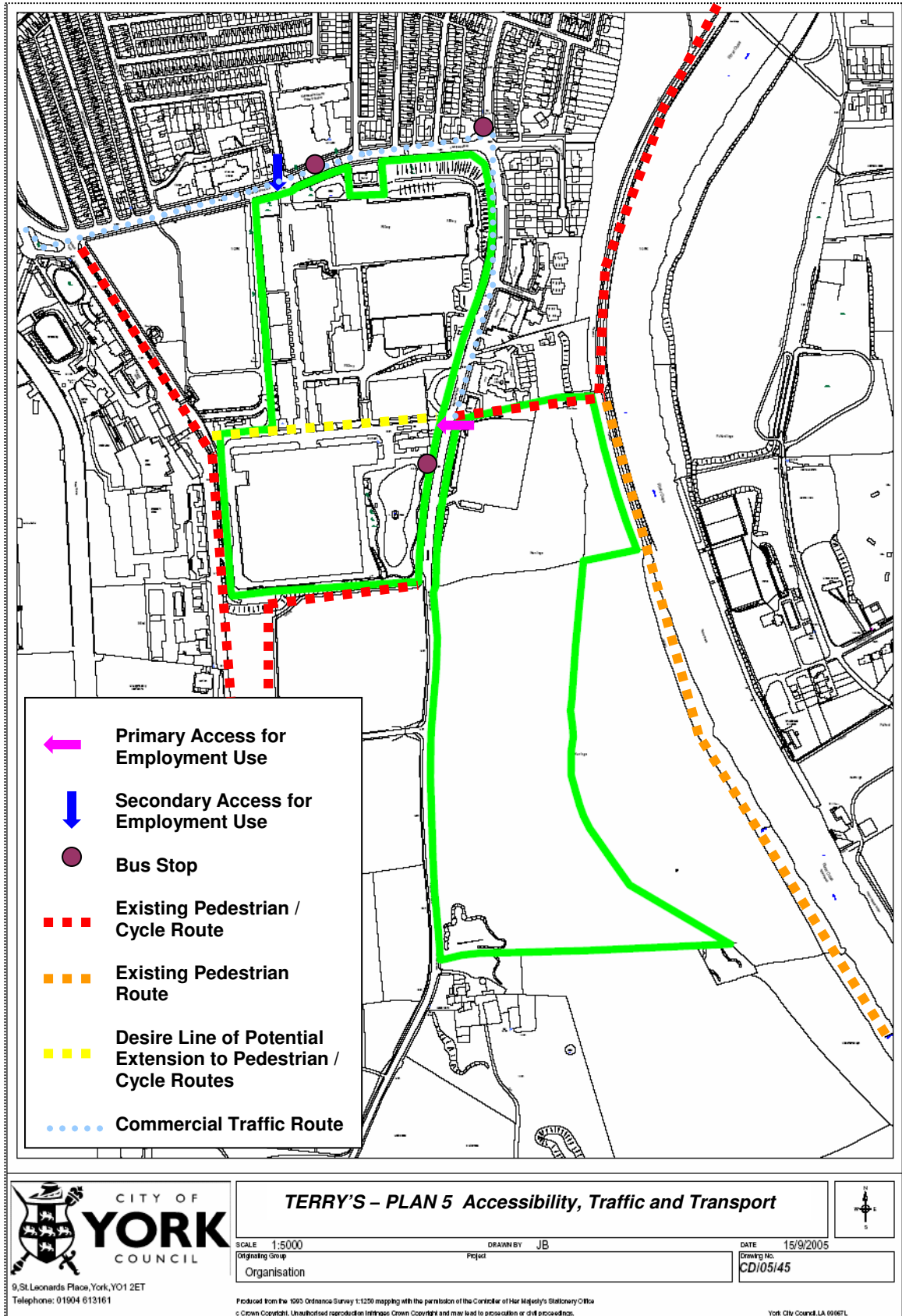
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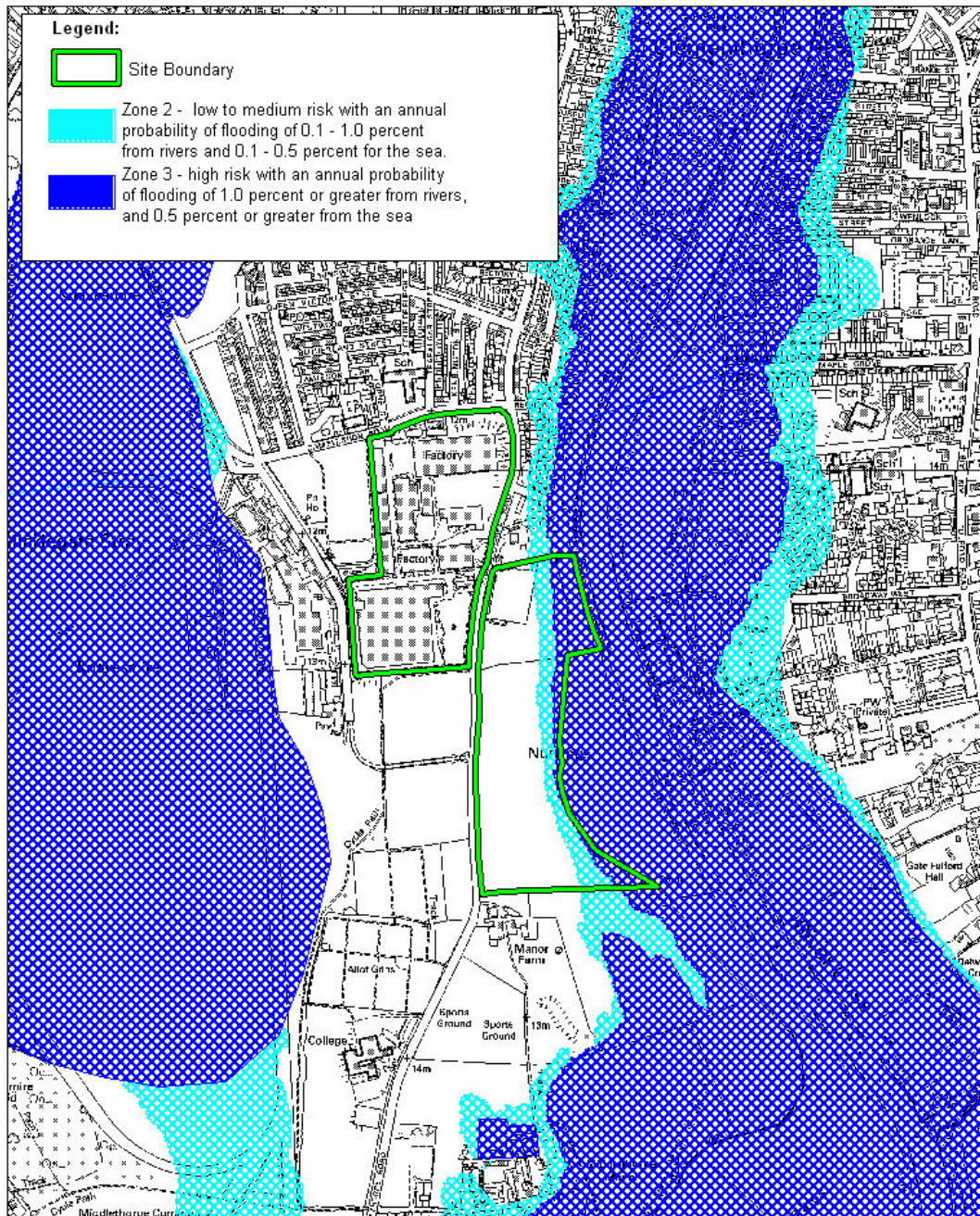
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Plan 5: Accessibility, Traffic and Transport



Plan 6: Flood Risk



<p>CITY OF YORK COUNCIL</p>	<p>TERRY'S - PLAN 6 Flood Risk</p>		
	<p>Originating Group: City Development</p>	<p>Drawn by: AC</p>	

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