



Notice of meeting of

Planning Committee

To: Councillors Crisp, D'Agorne, Firth, Funnell, Galvin, Horton, Hudson, Jamieson-Ball, Moore, Pierce, Potter, Reid, Simpson-Laing, Vassie, R Watson (Chair) and Wiseman

Date: Thursday, 28 August 2008

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

The Site Visit for this meeting will commence at 12:30pm on Wednesday 27 August 2008 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 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 July 2008.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5.00pm 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) Factory, Bishopthorpe Road, York YO23 1NA (06/02560/OUT)
(Pages 13 - 130)

The main outline application proposes the redevelopment of the former Terry's site for a comprehensive mixed use scheme for a range of uses. These uses are to include:- Business use (Classes B1a, b and c), Hotels with ancillary leisure (Class C1), Community Facilities including a Health Centre/Doctor's surgery (Class D1), a Nursery (Class D1) and a Children's Gym and play centre (Class D2), galleries and Museum (Class D1), Leisure uses (Class D2), Retail (Class A1), food and drink (Classes A3 and A4), Assisted Living Accommodation and Residential Institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works.

The application also includes full details of: conversion, alterations and extension of the former Main Factory building as residential units; business uses, retail units, workshop/studios or galleries and café uses; erection of two 4 storey office buildings (Buildings C4 and C10); conversion, alterations and extension of the former Headquarters Building for use as a hotel with ancillary leisure facilities; Change of use of the Former Liquor Store to retail, food and drink, leisure or community uses and the Clock Tower to management and security suite, sustainable energy generation plant and or a museum. Full details of Phase 1 Highways Infrastructure works including basement car parking are also proposed. [Micklegate Ward] **[Site Visit]**

b) Factory, Bishopthorpe Road, York YO23 1NA (06/02562/CAC)
(Pages 131 - 142)

Conservation Area Consent for the selective demolition of utilitarian modern extensions to some of the listed buildings within the Conservation Area (Amended Masterplan 21). [Micklegate Ward] **[Site Visit]**

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

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

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

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- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	24 JULY 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, FIRTH, FUNNELL, GALVIN, HORTON, HUDSON, KING (SUB FOR CLLR PIERCE), MOORE, ORRELL (SUB FOR CLLR JAMIESON-BALL) POTTER, REID, SIMPSON-LAING, TAYLOR (SUB FOR CLLR D'AGORNE), VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS D'AGORNE, JAMIESON-BALL AND PIERCE

13. DECLARATIONS OF INTEREST

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

Officers clarified for Members details of the Code of Conduct in relation to their personal and prejudicial interests in relation to sitting on licensing hearings and subsequent Planning Committee meetings and vice versa. The Head of Civic, Democratic and Legal Services had confirmed that if a Member had sat on a committee dealing with one aspect of a particular matter this in no way precluded him or her from sitting on another committee concerned with a different aspect of it. Provided that the member had clearly not indicated that he or she had pre-determined the issue to be considered, or was guilty of bias, and in no other way fell foul of the Code of Conduct in respect of it, that Member was fully entitled to participate in the determination of the matter.

Councillors Moore and Wiseman then declared personal non-prejudicial interests in agenda item 4b (Prudential House, 28-40 Blossom Street, York) as they had both sat on the licensing hearing for these premises.

Councillor Reid declared a personal non-prejudicial interest in agenda item 4b (Prudential House, 28-40 Blossom Street, York) as in her previous role as Executive Member for City Strategy she had been invited to a meeting with developers of the property, which she had declined.

14. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 24 June 2008, be approved and signed by the Chair as a correct record.

15. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Committee.

16. 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.

16a Hungate Development Site, Hungate, York (08/00737/FUL)

Members considered a full application, submitted by Hungate (York) Regeneration Ltd, for the variation to condition 3 of outline permission (02/03741/OUT) to amend the siting of the focal point building.

The Case Officer updated that paragraph 4.4 of the report, the final sentence required the insertion of the word "neither" prior to the words "the amount of community space". Condition 3 in the report required the addition of a reason in any approval. Officers reported that if approved there would also be a need to vary the Section 106 agreement for this site.

Members questioned the concern expressed in paragraph 4.9 of the report by Highway Network Management that manoeuvring space for vehicles around the focal point building was tight. Officers stated that the separation between the buildings remained the same as the masterplan that had been granted outline consent.

RESOLVED: That the application be approved subject to variation of the Section 106 agreement for this site and the imposition of the conditions listed in the report.

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:-

- Highway and pedestrian safety
- The Central Historic Core Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability

- Impact on Local Education Provision

As such the proposal complies with Policies H9, E4, R1 and E5 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP6, GP11, HE2, HE9, HE10, T4, T13, T14, T20, H1, H2 a, H3 c, H4, H5, L1(c), C3, NE1, NE2, NE3, NE7, NE8, and ED4 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

**16b Prudential House, 28-40 Blossom Street, York YO24 1AJ
(08/01067/FULM)**

Members considered a major full application, submitted by Whitbread and The Blossom Street Venture, for the change of use to 86 bedroom hotel with ground floor restaurant and construction of flat roof third floor and plant room with alterations to elevations and infilling of the ground floor colonnade.

Officers referred to additional letters and information received since the report had been published, copies of which had been circulated at the meeting:

- york-england.com, informing Members of office space available within the immediate locality of the railway station and within the city centre at Hudson House, Albion Wharf, West Offices and Grays Wharf. Members were asked to think carefully about future supply of office stock to ensure it met the needs of York's economy;
- Visit York, providing additional information and welcoming this application for hotel investment. They agreed that future potential of the site was finely balanced but that the proposed investment was an attractive proposition in view of the current economic climate;
- Whitbread, detailing a number of factors, which they wished the Planning Committee to consider when determining the application. These included
 - the proposal guaranteeing 50 new jobs,
 - that demand for office space had fallen due to the current economic climate,
 - the proposal would provide investment in the Micklegate Conservation Area,
 - York needed to rely on tourism as a key local industry during the economic downturn,
 - The scheme would provide 86 new rooms 65 of which would be large family rooms,
 - That the application was supported by the Yorkshire Tourist Board and Visit York.

Officers updated that if the application was refused, as recommended, an amendment was required to Reason 1. The first line of the second paragraph required the removal of the reference to “Section 6” of the Regional Spatial Strategy and its replacement with “Policy E5”. Officers confirmed that the Regional Spatial Strategy was part of the development plan for York and that Policy E5 would give greater support to the refusal.

Representations were received in support from the applicant’s agent, who requested the Committee to support the application to bring the building back into use. She stated that a shortage of family accommodation had been identified by York Tourism Bureau and that the change of use to a hotel would benefit the local economy with visitor spending.

Representations, also in support of the application, were received from the developer, who referred to the present economic climate and the need to react quickly at this opportunity to create employment. He confirmed that if approval was granted that work would commence immediately on the scheme. He confirmed that the cost of upgrading the building as offices was a major issue as floor to ceiling heights made it impossible to incorporate all the technical equipment to provide Grade A office space. He requested Members to balance the economic effect of refusal against immediate new employment.

Officers confirmed that york-england.com had received three enquiries regarding office accommodation in the city centre. They reported that the second stage of the Councils Employment Land Review, which would identify sites to meet the demand for employment land, was set to be completed by the end of the year and that this was a premature application. They stated that there was a long term need for office accommodation with this site being one of the best in the city within walking distance of the centre and the railway station.

Some Members commented that as Blossom Street was one of the main routes into the city and as this building had stood empty since 2007 there was a need to bring it back into use quickly. Members also referred to paragraph 4.3 of the Officers report, which described the demand for secondary office space as “patchy”. They also referred to the shortage of family accommodation in the city and the boost this would give to tourism and employment.

Other Members expressed concern that special circumstances had not been demonstrated in this case to depart from the Council’s policy of retaining this building for office space.

RESOLVED: That delegated authority be granted to the Assistant Director (Planning and Sustainable Development), in consultation with the Chair and Vice Chair to approve the application subject to the imposition of appropriate conditions.

REASON: In the opinion of the Local Planning Authority the proposal, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the supply of office space in the city
- impact on character and appearance of the conservation area.
- impact on streetscene and adjacent listed buildings
- highway and parking issues

As such the proposal complies with Policies GP1, HE2, HE3, E3b of the City of York Local Plan Deposit Draft.

Action Required

1. Assistant Director (Planning and Sustainable Development), in consultation with Chair and Vice Chair to approve. Following agreement of conditions issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

16c Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01136/REMM)

Consideration was given to a major reserved matters application (13 weeks), submitted by the University of York, for the landscaping of the western part of the site including re-profiling of ground levels creation of lake planting and construction of weirs, footpaths and cycleways following outline application 04/01700/OUT for the development of a university campus.

Officers referred to the following updates, which had been circulated to Members at the meeting:

- Plan of buffer zone landscaping scheme;
- Revised draft conditions for the scheme;
- Email from the Crime Reduction Manager, Safer York Partnership expressing concerns relating to the proposed cycle route which were supported by the Architectural Liaison Officer, University security staff, North Yorkshire Police and the Student Union;
- Email from York Natural Environment Panel/York Natural Environment Trust expressing concern that only general information was available for this reserved matters application; with very little detail which they felt would not achieve optimum results for wildlife. They requested the Committee to note their objections and to defer consideration of the application pending receipt of all information on the scheme.

Officers referred to the latest revised landscaping drawing, circulated at the meeting, and confirmed that the only changes appeared to be the addition

of further trees and one of the woodland areas had been set back to accommodate a water easement.

Representations in objection to the proposals were received from a local resident and member of the University who stated that he felt insufficient was being done to protect wildlife on the site. He felt that these major landscaping works should be undertaken between October and January so as not to affect breeding birds and wildlife on site. He referred to wildlife injuries at the present University Lake caused by fishing lines and hooks and requested that a fishing ban be imposed over the whole University site.

Representations in support of the proposal were received from the applicant's agent who confirmed that the application related to the first phase of landscaping over 30 hectares with this being the first lake. It was proposed to carry out the works over the school holidays so that any noisy operations did not affect pupils at Lord Deramore's School adjacent to the site. He stated that they were in the process of providing details of their drainage proposals; regarding the comments of the Natural Environment Panel he confirmed that some points were covered in the scheme and that they would endeavour to alleviate others. He requested Members to support the proposals as this work required completion this year to coincide with the planting season and before the new campus opened.

It was reported that University security staff, the Safer York Partnership, Students Union and the Architectural Liaison Officer had raised concerns regarding a number of issues relating to the cycle route proposed through the site. The issues included potential offenders ability to commit crimes, anti social behaviour and the lack of natural surveillance.

Officers and the Chair expressed concern at the objections by the University to their own scheme at this late stage when details of the scheme had been available for some time.

Members made the following points:

- the effect the scheme could have on Germany Beck;
- whether the application could be approved subject to a Section 73 application to separately cover the cycle track element of the scheme;
- provision of a wildlife watching brief to protect breeding birds;
- paragraph 4.33 regarding sustainability, confirmed that Officers were in discussions with the University and that the proposed masterplan would cover these issues;
- concern at the separation of the landscaping proposals from the built environment and possible missed opportunities for ground source heat pumps etc.

In answer to Members questions, Officers confirmed that an engineering drawing had been received in relation to landscaping but that this did not cover the ecological detail, which would be important for wildlife.

Officers also confirmed that the management plan for the site would cover the no fishing rule on the campus and protect nesting birds.

Following further discussion it was

RESOLVED: That the application be approved subject to inclusion in the Management Plan of a no fishing rule and protection for nesting birds, together with the imposition of the following conditions:

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered DD110317.L.200/A, L.201/E, L.202/A, P.203/B, L.204/A, L.205/A, L.206/A, L.207/A, L.208, P.209/A, L.211/B, P.213/A, & P.215/A, and 70072/160/A, 161 (for section identification only), 161/A, 105, 163/01, 163/02, 163/03, 163/04, 163/05, 163/06, 163/07, 163/08, 163/09, 164 & 167 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.
2. Within one month of commencement of development full details of the landscape proposals at a scale of 1:500 showing levels, hard and soft materials, planting, drainage layout, walls, external lighting, seating, gates and any other fixed artifacts, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. Within one month of commencement of development large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details:
 - a. Weirs
 - b. Informal path/boardwalk
 - c. Wall(s) in the vicinity of the western access to the site
 - d. Boundary walls/fencing
 - e. Street furniture
 - f. Drainage ditches
4. Prior to first occupation of the new Goodricke College, details of the recreational cycleway/footpath between the main access into the campus from Deramore Drive and Field Lane at Heslington village shall be submitted, approved, implemented and the cycleway/footpath made available for use to the satisfaction of the local planning authority.

5. Within one month of the start of construction the developer shall provide detailed information to demonstrate that the discharge from the proposed Western Lake and drainage system, both during construction and thereafter, is no greater than existing. The information shall be verified independently and at the applicant's expense, to the satisfaction of the Local Planning Authority in consultation with the internal drainage board.
6. No surface water from the allocated area shall discharge into the Western Lake without the prior written approval of the local planning authority in consultation with the internal drainage board.
7. No development approved by this permission shall begin until a scheme for the provision and implementation of the method of working and restoration and maintenance has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the internal drainage board.
8. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority in consultation with the internal drainage board. Ground levels shall not be raised within this area.
9. No development, including building, filling, tree planting or any other permanent obstruction, shall be located over or within 6 metres measured from either outside edge of pipe forming a culverted watercourse across the site.
10. The temporary outfall structure shown on the approved plans shall be provided with an additional trash screen consisting of 10mm bars @ 50mm centres, along with provision for access for clearing debris.
11. The lining of the lake shall not be completed until detailed designs of the lake margins and bed profile have been submitted to and approved in writing by the Council.
These profiles shall be implemented as approved unless otherwise agreed in writing by the Council.

12. No excavation shall take place within the area shown hatched on the attached plan (marked up extract of DD110317.L.200 RevA) until details of all the earthworks have been submitted to and approved by the Local Planning Authority.
13. No development that is likely to affect or disturb any breeding birds shall take place between the months of February and August inclusive unless and until the area has been checked by a competent person to ascertain the presence of any nests. Any nest discovered shall be marked and avoided until such time as it becomes unoccupied.

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 design, sustainability, visual impact, public amenity, landscaping, drainage, bio-diversity movement and provision of a new campus at Heslington East. The application therefore complies with Policies GP1, GP4a, GP9, GP15a, NE7 and ED9 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

16d Council Depot, Foss Islands Road, York YO31 7UL (08/01225/FUL)

Members considered a full application, submitted by Keyland Gregory (Retail) Limited, for the removal of Condition 11, restricting the minimum size of retail unit to 929 sq m (reference 06/00338/GRG3).

An update was circulated to Members recommending the amendment of Condition 1 to refer to “any other plans, which may otherwise be agreed in writing with the Local Planning Authority” and listing all plans received and dates received.

Representations in support of the application were received from the applicant’s agent who indicated that the application did not relate to changes to the exterior of the building or to changing the range of goods to be sold. He confirmed that the application was to amend the unit size only as some retailers did not require the additional mezzanine space proposed with these units.

RESOLVED: That the application be approved subject to amendment of the Section 106 Agreement to refer to the variation of the application and subject to the

conditions listed in the report and the following amended condition:

1. The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted with planning application reference no: 06/00338/GRG3 and later amended by the revised drawings listed below and received on the date indicated, and any other plans which may otherwise be agreed in writing with the Local Planning Authority.

Flood risk assessment received 9 February 2006.

Dwg No. H/06 P1 (White Young Green) Foss Islands Road junction details received 14 February 2006.

Dwg No. 3527-24-P100 (Watson Batty) Site Layout Revised Store Location received 17 July 2007.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

CLLR R WATSON, Chair

[The meeting started at 3.35 pm and finished at 5.25 pm].

Terry's – Committee Report Index

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1.0.2 Bidding for the site commenced in 2005 and the site was subsequently acquired by the newly formed GHT Developments LLP. Following approval of the CYC Development Brief in June 2006, GHT entered into negotiations with the Council. A suite of planning applications were submitted at the end of November 2006 for the redevelopment of the site.

11 APPLICATIONS TO BE CONSIDERED

1.1.1 There are 2 applications being presented to planning committee. These are 06/02560/OUT and 06/02562/CAC. These 2 applications form part of the original suite of planning applications, which were submitted on 22nd November 2006¹. Planning application 06/02562/CAC seeks Conservation Area Consent, to demolish selected modern extensions to a number of the listed buildings within the Terry's Conservation Area. These proposals are considered in more detail in the corresponding application.

1.1.2 Planning application 06/02560/OUT is the overarching outline planning application for the whole site. This proposal seeks outline planning permission for the comprehensive mixed use redevelopment of the former Terry's site. The scheme has been amended from the original scheme which was submitted on 22nd November 2006. Revisions are outlined in section 1.4

1.1.3 The application currently before committee comprises of the following:-

- Residential (Use Class C3),
- Employment (Use classes B1a, b and c);
- Hotels with ancillary leisure (Use Class C1)
- Community facilities including a Health Centre/Doctor's surgery (Use Class D1);
- A Nursery, (Use Class D1) and Children's Gym and Play Centre (Use Class D2);
- Galleries and museum (Use Class D1);
- Leisure Uses (Use Class D2);
- Retail (Use Class A1);
- Food and Drink (Use Classes A3 and A4);
- Assisted living accommodation and Residential Institution (use Class C2);
- New public open space, including new square and piazza and children's play space;
- Landscaping;
- New and modified accesses and pedestrian/cycle routes;
- Surface and underground car parking.

1.1.4 The application has been described as '*hybrid*' planning application by the agents. In effect the application is for outline planning permission, but seeks consideration of some detailed matters. The application has been

¹ Appendix 1 – briefly lists the planning applications relating to the redevelopment of this site.

submitted in this manner to enable consideration of the general principle of development with respect to the whole of site and at the same time give detailed approval of particular elements of the scheme. Such an application enables detailed design elements of this scheme to be considered at a later date once the principles have been established (within the parameters of the Masterplan and the Environmental Impact Assessment). The applicants consider this to be the most effective method of gaining permission for the site whilst leaving certain elements available to modification depending on the type of clients/tenants they procure for the site.

1.1.5 Should the application be recommended for approval by Committee², the resultant reserved matters would have to fall within the parameters agreed in the approved outline application.

1.1.6 The application is divided into matters seeking outline consent and detailed matters. Each area is identified below:-

(i) Outline

- Commercial offices and creative industry (blocks³ C2, C3, C5, C6, C7 and C8);
- Community Uses (blocks L4, L6, L7 and potentially blocks L3 and L5);
- Retail development (block 9, part of block 4 and potentially blocks L3 and L5);
- Residential development (blocks R2a, R2b, R2c, R3a, R3b, R3c, R3d, R3e, R3f, R4b, R4c and R5a);
- Hotel (block H2);
- Food and drink (block L10 and potentially block L3 and L5);
- Live work units (block C11);
- The formation of a central waste processing and recycling facility (Located to the rear of block L4 and L5);
- Car-parking, some internal roads and accesses;

1.1.7 Matters such as layout, scale, appearance and landscaping are reserved for future consideration. However these excluded/reserved matters need to be considered to some extent by Committee in terms of imposed conditions, which would allow the Council some control over future development of the site. The illustrative plans within the Masterplan, drawings and also the Design and Access Statement including Design Code seek to satisfy the consideration of such principles and form the basis for conditions and/or heads of terms for Section 106 Agreement

(ii) Detailed

- Access;

² This application is required to be forwarded to the Secretary of State for approval due to being classified as an 'exception site'.

³ References to block numbers correspond to Masterplan Plan no.21 and should be referenced in that context.

- Residential development, offices, retail units, work/studio units, galleries and a café including associated external works (block R1);
- Commercial offices including associated external works and car-parking (blocks C4 and C10);
- Hotel with leisure facilities including associated external works and car-parking (block H1);
- Phase 1 Highway Infrastructure;
- Change of use of the liquor store (block L3) to retail, food and drink, leisure and community uses; and
- Change of use of the clock tower (block L4) to museum, the management and security suite for the site and the sustainable energy generation plant

1.1.8 A full Environmental impact assessment was submitted with the application to determine its impact upon residents and the wider environs. The submitted assessment included: -

- Transport assessment;
- Air quality and dust assessment;
- Noise and vibration assessment;
- Ground conditions and contamination assessment;
- Flood risk and water resources;
- Ecology and nature conservation;
- Landscape and visual analysis; and
- Impact upon the historic Environment.

1.2 PROPOSED DEVELOPMENT

1.2.1 The proposed development includes the alteration and conversion of 4 listed buildings⁴. These are:-

- (i) The former Factory building (referred to as R1 on Masterplan 21);
- (ii) The former Headquarters building (referred to as H1 on Masterplan 21);
- (iii) The Clock Tower (referred to as L4 on Masterplan 21); and
- (iv) The former Liquor store (referred to as L3 on Masterplan 21).

n.b. It also proposed to demolish the former fruit and nut store (Chiver's jam factory/air raid shelter).

The former factory building (R1)

1.2.2 The former multi-storey Factory building and roof extension (R1) is the subject of three applications for development. It should be noted that (i) Detailed and (iii) Conservation Area Consent are being presented to committee. The Listed Building application will be subject to further consideration at a later date should permission be granted. The relevant applications concerning this building are:-

⁴ Planning permission and Listed Building Consent has already being granted for the conversion of the former Time Office building (see section 1.1.1)

(i) Detailed - It forms a detailed element of the over-arching outline planning application (06/02560/OUT). Planning permission is sought for the conversion and extension of this multi-storey building to form 72 residential units, provide 4,915 sq. m. of commercial offices (gross internal), 8 work/studio units and 8 retail units and potentially café/gallery units.

The division of R1, in terms of the above mentioned elements, is as follows:-

- (a) The ground floor is to be the work/studio units and retail units;
- (b) The commercial office space will be created on the second and third floors; and
- (c) Residential accommodation will be created on the third, fourth and fifth. The fifth floor is to be created due to the installation of a lightweight structure.

1.2.3 The applicants' agents state that the work/studio units and retail units will be developed speculatively and none have been pre-let at this stage. They further state that it is important to the developer (GHT Developments LLP) to retain a degree of flexibility over the future use of these units and to not unduly constrain attracting potential occupiers. As such, they state that permission needs to be sufficiently flexible to enable other uses such as galleries and café units to occupy some of the space if necessary. This is why they refer to A3, A4 and D1 use classes for in connection with these units also.

(ii) Listed Building Consent - The Factory building is also Grade II listed. Listed Building Consent (06/02569/LBC) is sought for the demolition of the northern lights building and footbridge to the Central Services building as well as the refurbishment, conversion, extension and general making good of the Factory building.

(iii) Conservation Area Consent - The Factory building is within the Terry's Conservation Area. Conservation area consent is required for the demolition of the northern lights building and footbridge to the Central Services building (06/02562/CAC).

1.2.4 The agents state that R1 forms an important part of the detailed element of the application. Their client's aim is to implement this as part of one of the first phases of development to safeguard the future of this listed building. They further add that this part of the site will be made accessible from Phase 1 Highway Infrastructure that will be required to support the development.

1.2.5 The allocated car parking layout is identified on an 'Allocation Plan' (AL(0)285 Rev A). Car parking arrangements include spaces for residential occupiers, people visiting the site for ancillary purposes as well as staff car parking spaces who may be employed in the retail/café/gallery units.

The former Headquarters Building (H1)

1.2.6 The former Headquarters building and roof extension (H1) is the subject of three applications for development. As with the former factory building the listed building planning application will be presented to planning committee at a subsequent date. The 2 applications before Planning Committee for consideration are the (i) detailed application and the (iii) Conservation Area Consent application. The relevant applications concerning this building are:-

(i) Detailed - It forms a detailed element of the over-arching outline planning application (06/02560/OUT). Planning permission is sought for the conversion and extension of the former Headquarters building to comprise a luxury 151 bed hotel (4 star plus) incorporating health club for the use of guests and on a membership basis. The facilities proposed include a gym, 2 dance studios, a swimming pool, steam room, sauna, beauty and hair salon.

(ii) Listed Building Consent - the former Headquarters building is also a Grade II listed structure, Listed Building Consent (06/02550/LBC) is required for the demolition of the Central Services building and connecting footbridges as well as the refurbishment, conversion, extension and general making good of the Headquarters building.

(iii) Conservation Area Consent - the former Headquarters building is also within the Conservation Area. Conservation Area Consent is therefore required for the demolition of the Central Services building as well as various modern attachments including the footbridges linking the Central Services building with both the Headquarters building and the Multi Storey Factory building (06/02562/CAC).

1.2.7 The applicants' agents state that the demolition of the above named structures is required to facilitate the construction of the extension for the proposed luxury hotel. Their aim is to implement building works required in connection with H1 as part of one of the first phases of development along with the conversion of the former Factory building.

1.2.8 They further state that this part of the site will also be made accessible from Phase 1 Highway Infrastructure. Car parking for the hotel development will be provided on the existing car park (to the east of Bishopthorpe Road). The car park will be retained, refurbished and enhanced by a high quality landscaping scheme.

Clock Tower (L4)

1.2.9 Detailed plans for the conversion the Clock Tower and the proposed extension to the Clock Tower are not submitted with this application, although permission is sought for their change of use.

1.2.10 The developers propose to demolish the modern extension (north side of the boiler house) and convert this group of buildings to accommodate a management and security suite including police community support officer call-in point, museum and sustainable energy generation plant.

1.2.11 It is intended that boilers will be located in the original boiler room at the base of the former Clock Tower. These boilers are intended to be bio-mass fuelled supplemented by conventional high efficiency gas fired units.

Liquor Store (L3)

1.2.12 Detailed plans for the conversion of the liquor store are not submitted with this application although permission is sought for its change of use. Permission is sought for a range of uses to include retail uses, Food and Drink uses, Leisure and Community uses.

Units C4 and C10 (Science City and B1 office accommodation)

1.2.13 Units C4 and C10 are subject to a detailed application for commercial development. Planning permission is sought for the erection of two freestanding buildings to comprise a 4 storey Digital Creative Technology (DCT) Centre for Science City York (Block C4) and a 4 storey B1 office development (Block C10). Listed building Consent and Conservation Area Consent are not required for these applications. Car parking for these units will be provided in the underground car park.

Highway Infrastructure

1.2.14 The implementation of highway infrastructure is required to support the construction of the early stage construction. The highway infrastructure forms a detailed element of the outline planning application. Planning permission is required for arranging circulation routes through the site for vehicles, cycles and pedestrians and combining these to the surrounding network within this area.

Other Development (Outline Form)

1.2.15 The remainder of the site is in outline form. Outline planning permission is sought for a range of uses including Employment (Class B1), 3* hotel (Class C1), Community Facilities including a Health Centre/Doctor's Surgery (Class D1), a Nursery (Class D1), Children's Gym and play centre (Class D2), Galleries and Museum (Class D1), Retail (Class A1), Food and Drink (Classes A3 and A4), Leisure Uses (Class D2) Assisted Living Accommodation and Residential Institution (Class C2) and Residential units (Class C3) with new means of access, associated servicing, car parking and highways works.

1.2.16 Approval for 'Access' is sought for the above uses. Layout, Scale, Appearance and Landscaping are reserved for future.

Employment Development

1.2.17 A significant portion of the site is to be laid out for employment

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generating uses. The applicants state that amendments to the Masterplan have seen the total of B1 office space increase from 27 500 m² to 32 517 m². (a net increase of 5 017 m² gross internal area).

1.2.18 The majority of employment area is located within the north western section of the site (accessed from Campleshon Road). 6 freestanding blocks (Blocks C2, C3, C5, C6, C7, C8) which are arranged around the perimeter of the Public Square and The Boulevard. Commercial development including B1 Office uses (sub uses classes B1a, B1b and B1c) and Creative Industrial uses are proposed. Permission enabling the occupation of some of these buildings with the benefit of use class D1 use (non-residential institution) is also proposed. The applicants state they require these broad permissions to allow the maximum flexibility of uses for the buildings. As this is a prominent part of the site the applicants hope this will ensure that vision of an employment led scheme is delivered for the Council and Science City York.

1.2.19 A small café/coffee bar (Block L10) (Class A3) comprising 100 m² of internal floor area (gross) is proposed within the Public Square. The café/coffee bar is proposed to be a small ancillary facility principally serving the needs of the local business community.

1.2.20 Two hotels are proposed. The larger of the hotels (H1) will provide 4 star (*plus*) accommodation and incorporates a health club for the use of guests and on a membership basis. A 151 bedrooms are proposed as part of this hotel.

1.2.21 H2, the second hotel (which remains subject to outline planning permission) will provide 3 star accommodation. The applicants state H2 could potentially accommodate approximately 96 bedrooms. The hotels are located close to the Racecourse and the new businesses proposed on the site.

Residential Development

1.2.22 A significant element of the applicant's development proposals, for this site, seek planning permission for dwellings. A total of up to 225 dwellings (Use Class C3) are proposed. The housing mix is shown in section 5.

1.2.23 Detailed planning permission is sought for 72 units within the refurbished Factory building (R1). Brief details of this aspect of the development are set out in paragraphs 1.3.2- 1.3.5. All other residential development will be new build.

1.2.24 The applicants also propose C2 uses (also set out in paragraphs 5.0.14 – 5.0.15). The C2 accommodation proposed includes assisted living accommodation, a care home and 5 live work units.

1.2.25 The housing is located within two parts of the site. The residential housing (Use Class C3) is located to the south of the Factory building (R1). The (Use Class) C2 living accommodation is sited near the corner of the

junction between Bishopthorpe Road and Campleshon Road to the north eastern corner.

Food and Drink and Retail Uses

1.2.26 The redevelopment proposals also include various food and drink and retail uses (Use Classes A1, A3, and A4). The applicants state that these are likely to take the form of cafés, restaurants and brasseries, small scale retailing activities as well as a local convenience store.

Community and Leisure Uses

1.2.27 The remaining development comprises a mix of community uses including a health centre/doctor's surgery, a nursery, children's gym and play centre, galleries and a museum.

Miscellaneous

1.2.28 Bio mass boilers are proposed to be installed at the rear of the Clock Tower. These boilers are intended to be supplemented by conventional high efficiency gas fired units.

1.3 REVISIONS

1.3.1 The application has been revised since it was originally submitted in November 2006, following discussions with Council officers, consultees and other interested parties. The revised documentation includes:-

- Master Plan 21 and drawings document;
- amended Design & Access Statement;
- amended Planning Statement;
- amended transport assessment;
- supplementary archaeological survey;
- a mobility Management Strategy;
- supplementary information in connection with the Environmental Impact Assessment; and
- amended drawings.

The revisions to the Master plan include: -

Housing

1.3.2 The total amount and mix of housing has been notably revised since the Masterplan 16D (November 2006) submission. In brief, the overall number of residential units (Use Class C3) has decreased from 446 residential units (Masterplan 16D stage) to 225 (Masterplan 21).

1.3.3 The mix of dwelling types has been amended from 11% houses and 89% flats (Masterplan 16D) to 36% houses and 64% flats at Masterplan 21

stage. The overall number of apartments has decreased by 262 units and the overall number of new houses has increased by 35 dwellings. Of the 144 apartments now proposed, 50% are new build. The other half (72) are to be created in the Factory Building (R1).

1.3.4 As part of the revised plans, it is also proposed to incorporate a Management and Security Suite incorporating a 'calling in point' for a Police Community Support Officer. The applicants also state that a Waste Strategy has been developed and a Central Waste Processing and Recycling Facility is proposed to the rear of the Clock Tower Building. Outline planning permission is sought for all of the above named uses.

1.3.5 The applicants have produced a table highlighting the amendments they have made from the original submission compared to the current Masterplan, which is before committee today. This is re-produced at the end of this report.

Layout

1.3.6 The layout of the scheme has been amended from the original submission. The amended layout tries to improve access routes between the site. These issues are discussed further in section 5.1 - Masterplan

Highways

1.3.7 Highway mitigation proposals have been amended since the original submission. The latest submission is Transport Impact Assessment C, which was submitted in June. These issues are discussed further in section 5.2

1.3.8 The number and location of vehicular and pedestrian accesses leading to and from the application site have been changed as part of Masterplan 21. One vehicular access off Campleshon Road has been deleted and the pedestrian access off Bishopthorpe Road has been relocated and referred to as The Promenade. Phase 1 Highway Infrastructure also includes proposals to develop a basement car park.

Miscellaneous

1.3.9 Bio mass boilers were proposed to be installed at the rear of the Clock Tower. These boilers were intended to be supplemented by conventional high efficiency gas fired units. The applicants have withdrawn this element of the scheme. But intend to progress this element further, should the application be approved.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; Terry's Of York Factory Bishopthorpe Road York

Listed Buildings Grade 2; Liquor Factory, Terry's Factory, Bishopthorpe Road

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

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

Schools Knavesmire Primary 0206

2.2 Policies:

See section 4.8

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation Architect

3.1.1 After negotiations with the applicants concerning the previous masterplan, the Council's Conservation Architect and officers sought numerous changes to the layout of the scheme.

3.1.2 Council's Conservation Architect made note that the southern half of the factory site on the west side of Bishopthorpe Road is within the Racecourse/Terry's Factory Conservation Area. The conservation area was designated in 1975 and a recent Conservation Area Appraisal (2006) describes the main characteristics of the area.

3.1.3 The officer comments that the package of information submitted for the outline planning application would allow the masterplan to be assessed in the following areas⁵:

- Urban design proposals
- Impact of proposals on the conservation area and its setting
- Effect of proposals on the setting of listed buildings

3.1.4 The officer comments that a masterplan is a three dimensional vision

⁵ Detailed consideration of the impact of proposals on the protected historic buildings will be considered in the separate listed building consent applications.

for a programme of development, which will happen over time. It concentrates on urban design more than architecture, as it has to provide a shared framework within which individual projects will take place. Notwithstanding other impacts (highways, affordable housing, etc.) and subject to addressing specific comments (as detailed in section 5.1), proposals would appear to provide a framework for development which would turn around the negative qualities of the site and provide a better context for the special complex of historic buildings.

3.1.5 However the officer noted that a masterplan must allow for flexibility and to that extent the “megastructure” (partially underground car-park and buildings C4 – C10) with its specific building forms appears a costly risk. The delivery mechanism must be clarified as this is an “all or nothing” approach to development.

3.1.6 The officer considers that this form has been imposed on the site rather than being derived from it and that spatial quality could be eroded if landscape and buildings are not developed in accordance with the submitted design code (which stresses principles of urban design). The officer suggested that the design codes are strengthened to make sure that spatial definition; role and character difference is developed in each area. Similarly more aspirational building forms should be suggested in the imagery (less commercial, more tuned to context and environment).

3.1.7 In essence the officer concluded that the applicants overall vision for the redevelopment of the Terry’s site, is pragmatic rather than inspired. She notes with regret that the scheme does not capitalise on the recognisable image of the factory building for its main employment offer. However acknowledges that the brief does not specify the specific form of development for this building, and in general encourages the development of the intrinsic positive characteristics of the site.

3.2 City Development

3.2.1 The focus of the CYC Development Brief is on the promotion of new employment opportunities geared towards current and future working patterns. Both the Employment Land report of 2001 and the Employment Land review Stage 1 found that the site is a high quality employment site with opportunities to provide local employment.

3.2.2 The Brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all the uses set out. It does, however, specify that an employment-led development is required where other uses complement the principal employment function of the site.

3.2.3 In view of this, the site brief strongly supports the proposed development aim to provide for Science City York activities in a Digital and Creative Technologies Centre. It also supports other complementary employment uses proposed, the Health Centre (and any other approved

community uses which might operate there), the range of uses proposed for the Clock Tower and Liquor Store, café, 4 star (plus) hotel and Live Work Units and,- subject to the PPS6 Statement being accepted - the B1 use, convenience store / retail units, leisure use and children's gym.

3.2.4 The Brief states that the emphasis for the future of the site must be employment use – but goes on to say that residential use will be acceptable provided that it is complementary to the primary employment use of the site. It notes that housing on the site would help contribute to the vitality and viability of the site redevelopment. Approximately two thirds of the proposed uses are for employment uses (including hotel/ leisure), with the remaining third for housing and related open space/ amenity.

3.2.5 Affordable housing is proposed at 40% of the total housing on site, following very lengthy and detailed negotiations. Officers have agreed this level, together with colleagues from Housing & Adult Social Services (HASS), as a recommendation to go forward to Members, and a more detailed appraisal of this is set out in section 3.3 below.

3.2.6 The proposal does not address some potential uses which are set out in the Brief, namely production/ warehousing, conferencing and networking space, a range of smaller more flexible units for small business, dedicated grow-on space for SCY or heritage use.

3.2.7 No policy objection is raised - subject to Officers being satisfied that the requirements of the Development Brief and the findings of the Conservation Area Appraisal have been adequately addressed.

3.3 HASS Comments on Affordable Housing Provision

3.3.1 HASS state that their comments refer to the affordable housing provision and related issues only. However, the negotiation of affordable housing on the site has taken place with the wider aims of the masterplan for this important development in mind.

3.3.2 Agreement for 40% affordable housing is the result of a detailed assessment of financial viability, including submitted costs and projected revenues. The negotiated increase in the applicant's offer to 40% was first submitted in August 2007, but this did not achieve an acceptable mix of property types and tenures on site. This has since improved markedly through detailed and open book negotiation. This is commercially sensitive information and is not made public in this report. However, taking into account other planning objectives and costs in bringing forward this development, Officers are satisfied that the applicant has provided the optimum level and mix of affordable housing achievable.

3.3.3 HASS therefore recommend approval of the scheme based on the affordable housing offer. However the recommendation is conditional on the following items being satisfied:

- the development of the DCT Building;

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- 40% of the residential car parking will be for the affordable housing households;
- should the overall housing provision change from this outline application then the principles of the agreed affordable housing provision and mix, type and tenure split need to be maintained; and
- the phasing of the affordable housing being agreed with officers

3.4 CYC Archaeologist

3.4.1 The Council's archaeologist confirmed that this site lies outside the AAI and about 1km south of the walled historic core of the City. The site lies within an area which has produced limited evidence for prehistoric, Romano-British and medieval activity. Archaeological deposits on this site are likely to relate to either late prehistoric or Romano-British activity in this area.

3.4.2 A desk based assessment which was carried out, indicates the presence of a Roman road, roughly on the alignment of Bishopthorpe Road and burials of this period have been found in this area.

3.4.3 The survey confirmed Roman period activity and identified backfilled ditches and a dog burial. This suggests settlement activity in the area. However, Roman period activity was limited to the south-eastern part of the site in the garden area between the factory and Bishopthorpe Road. Some evidence of Medieval and Post-Medieval agriculture was also detected. Extensive 19th century gravel digging and 20th century excavation for factory buildings has reduced the potential for historic remains in the northern part of the site. However, archaeological deposits and features could survive along the eastern and northern site below topsoil "bunds".

3.4.4 The survey also examined the areas adjacent to the listed buildings which will form the hotel development and the area underneath the structure to the south of the main listed factory building.

3.4.5 The Council's archaeologist confirmed that there are no significant archaeological features and deposits on the site. However, the archaeological results (a) reinforce the desire to maintain the current garden area as open space in order to preserve the Romano-British features and deposits and (b) suggest that there may be other archaeological features and deposits preserved beneath the perimeter landscape bund and that there will need to be archaeological trenches where this is cleared away to provide access points.

3.5 CYC Landscape Architect

3.5.1 The Council's landscape architect commented that the landscape infrastructure, which clearly includes the existing trees and garden as well as the newly created spaces and routes, must stand up on its own, as part of the framework for the site within which specific new building forms can be flexible.

3.5.2 The officer noted differences between the original submitted Masterplan and the latest revised Masterplan. She also identified areas of the Masterplan, which could improve the quality of the scheme and future residents' amenity, if the scheme is to be approved.

3.6 Network Management

3.6.1 Highways negotiations have been ongoing with the Council to try to come to an agreement concerning the potential levels of traffic the scheme would produce if approved. The negotiations have been protracted due to the applicant's unwillingness to amongst other things, agree 'TRIP' rates with the Council's Highways Department.

3.6.2 The Highways Department engaged a consultant, Halcrow's, who has verified their own calculations on a number of occasions. With this confirmation in mind, the Council sought agreement from the applicants over highways issues. The applicants have not fully agreed with the Council's position in terms of TRIP rates, traffic generation and mitigation requirements.

3.6.3 However an agreement was achieved between the Council concerning improvements required to mitigate against the possible impact the scheme would have upon York's highway network. The package of measures agreed included £630,000 for junction improvements, signalisation of various junctions and other road network alterations. In addition to this the applicant agreed various sustainable measures, which should reduce the impact of the scheme upon York's road network.

3.7 CYC Education Officer

3.7.1 The education officer's comments were split up into the following sections:-

- Primary sector – The local primary school is Knavesmire Primary. The school currently has around 80 places available and although this level of surplus is forecast to drop over the next 4 years, it is thought that the school will be able to accommodate any children from families that move into the redeveloped site. An education S106 contribution is not required for primary sector places.
- Secondary Sector – Millthorpe Secondary is the catchment secondary school. Historically, the school has been full to capacity. A recent increase in physical accommodation at the school has reduced some of the pressure on spaces but there are a significant number of other developments within the school catchment area that must be taken into account when assessing future levels of demand, particularly the redevelopment of York College on Tadcaster Road. An education payment is required for secondary sector places.
- Preschool childcare/ Foundation sector – Within the city of York there is overall sufficiency of childcare for families who wish to take it up. Anecdotal

evidence suggests most existing providers operate at average 80% occupancy, although a formal sufficiency audit will be finalised later in the year giving greater detail.

Within the Knavesmire area there is a choice of childcare and education. The Mickelgate ward has 4 nurseries offering 83 places for 0-5 years. A nursery just outside Mickelgate ward is also currently in the process of expanding its places. There are also 13 existing childminders offering a total of 29 Childcare places for 0-5 year olds. A recent recruitment campaign has added 3 more childminders with another awaiting Ofsted registration. There is also a maintained nursery school in this ward for children aged between 3-5 years, which has some spare capacity.

It is anticipated that the existing level of provision would not meet the needs of families moving into proposed residential housing on the site. The Early Years and Childcare department would support the principle of an additional small day nursery of between 26 – 38 places. The proposal to provide day nursery accommodation for 110 children cannot be supported as such a large size would threaten the viability of existing childcare providers, lessening the choice for parents. In addition, large nurseries have not been supported by parents. Parents have indicated that their preference is for smaller nurseries, which provide more personal provision.

3.7.2 The Council's Education Officer recommended that should the application be approved, the applicants should pay £325,400 towards secondary education provision in the area.

3.8 York Consultancy – Drainage

3.8.1 The development proposals are in low risk Flood Zone 1 and will not suffer from river flooding.

3.8.2 The consultancy raise no objections subject to the provision of full drainage details/calculations being submitted and approved prior to the commencement of works on site.

3.8.3 The consultancy advise a number conditions to address matters such as, surface water, net water run-off, soakaways and oil interceptors.

3.9.1 Environmental Protection Unit

Comments on revised application submitted August 2007

3.9.1 The environmental protection unit (EPU) raised no objections, in principle, to this outline application but made the following comments:

Noise and vibration

3.9.2 A noise and vibration assessment has been submitted with the application. The keys issues covered by this assessment are:

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- noise / vibration generated during development of the site;
- impact of existing noise sources upon the finished development (eg. traffic); and
- impact of noise from the finished development on occupants of both the new development and existing premises.

The assessment excludes any consideration of the impact of noise arising from existing activities at the racecourse.

Construction phase

3.9.3 As with any development of this size it is expected that there will be a considerable amount of noise, and potentially vibration, generated during demolition, site preparation and construction activities. As much of the development is only at the outline planning stage no detailed calculations of construction noise / vibration have been submitted with the application. To ensure that the impact of construction noise / vibration is kept to a minimum the Environmental Statement recommends that a formal agreement such as a Code of Construction practice is reached with CYC prior to the commencement of work on the site and that the site is registered under the Considerate Constructors Scheme. EPU welcome both these suggestions and recommend that they are included as formal conditions if the scheme is approved.

Operational Phase

Traffic noise

3.9.4 Some occupants of the proposed development will be exposed to traffic noise, particularly those in the residential blocks proposed on the north east of the site adjacent to Bishopthorpe Road. An assessment of the expected noise levels at the facade of these residential properties has been undertaken and compared with the noise exposure categories in PPG 24. The results of this assessment have indicated that this area of the site is suitable for residential development provided that thermal double-glazing is provided with trickle ventilation. A condition is therefore recommended to ensure that all residential properties in this area of the site (including the proposed residential care home) are provided with adequate noise insulation. No assessment has been undertaken in relation to the impact of traffic on the proposed area of housing to the south west of the site, which has potential to be affected by vehicles gaining access to the racecourse. This issue was raised in relation to the initial planning application but it would appear actual noise levels have still not been assessed. Whilst officers accept that traffic flow along the road leading to the racecourse is generally very low it is considered that there is potential for future residents to be disturbed by taxis etc accessing the racecourse stands late at night following functions held at the racecourse. It is therefore recommended that the properties in the south west of the site be built with an equivalent level of sound insulation to those in the north east.

3.9.5 The assessment of the impact of the development traffic on existing properties within the locality has been revised in line with the new transport assessment. As previously the greatest impact has been shown to be on roads immediately adjacent to the site. Here roadside noise levels are now predicted to increase by up to 5.4 dB(A) in some locations – the greatest impact being at the junction of Campleshon Road with Bishopthorpe Road. These could have a moderate impact on surrounding properties – previously all impacts were considered to be 'slight'. A 5dB(A) increase in noise levels is likely to be perceptible to existing residents in the area and may give rise to complaints. The environmental protection unit have no powers to deal with noise from road traffic but under certain conditions residents can pursue compensation claims. The existing and predicted future noise levels are below those which would normally give rise to valid compensation claims but as a precaution some more detailed baseline noise monitoring in the area prior to development would be advisable.

Noise from the development

3.9.6 As well as traffic there is potential for other noise to be generated by the development site which may impact on occupants of the development and existing surrounding properties. In particular the following need to be addressed:

- noise from early morning deliveries and other vehicle movements - particularly in relation to Use Classes A1, A3, A4, C1
- noise from commercial activities - particularly in relation to use Classes A1, A3, A4 and B1
- noise from fixed plant, machinery and equipment (eg air conditioning units)

3.9.7 A condition is recommended to restrict the hours of delivery to all commercial uses that form part of the development. This should help to preserve the amenity of residential premises and minimise the likelihood of sleep disturbance for occupants.

3.9.8 The impact of noise from premises in Use Classes A1, A3, A4, B1, C1 and D1 can be minimised by incorporating noise insulation into the design of the premises, particularly where these uses adjoin residential premises or contain particularly noisy activities. A condition is therefore recommended that addresses this. It will also be possible to minimise the impact from some of these uses by restricting the hours of operation either through planning conditions, or the new licensing regime where applicable (e.g. A3, A4).

The impact of noise from fixed plant, machinery and other equipment can be controlled by requiring details of all such installations to be submitted for approval prior to fixing. A condition is recommended to cover this. It is noted that in the ES submitted with the application it is suggested that all plant should generate noise of less than 30dB(A) LAeq,1hr at any noise sensitive receptor. Whilst this approach is welcomed it is still recommended that any

plant likely to be audible at the facade of any noise sensitive receptor be submitted for approval prior to fixing.

Noise from the racecourse

3.9.9 As well as traffic there is potential for other noise generated outside the development site to impact on potential occupants of the site. The main source in this case is the racecourse. Whilst no assessment has been made of this noise it is expected that during race days some noise from racing activities is likely to be audible across the site - particularly in gardens. Despite the established use on the racecourse any complaints about noise would need to be investigated through statutory nuisance provisions. Due to the transient nature of the noise and established practices at the racecourse it is anticipated that any complaints of this type would be difficult to resolve. To protect the amenity of potential new residents on the Terry's site it is recommended that before full permission is granted for the housing area in the southwest of the site an assessment should be made of existing conditions on race days. The results of this assessment should be compared with recommended conditions for both gardens and indoor residential locations in documents such as the World Health Organisation's Guidelines for Community Noise 2000, PPG24 and BS 8233. The scope of this study should be agreed with the Council's Environmental Department prior to being undertaken. If levels are found to be above those likely to cause serious annoyance a scheme of measures should be adopted to minimise the impact. This is likely to include the need for high quality thermal glazing and trickle ventilation on all residential properties. It may also include a need to redesign the layout of the scheme and/or the use of acoustic screens/bunds to protect sensitive receptors. If the impact of noise from the racecourse cannot be successfully engineered out to an acceptable level the provision of gardens in this location may need to be reconsidered.

3.9.10 There is also a potential for music and traffic associated with evening events held at the racecourse to impact on residents of the scheme. It is considered that if necessary problems with music could be adequately addressed through statutory nuisance provisions but this may have implications for the racecourse and its current licensing arrangements. To allow the current level of activity at the racecourse to continue alongside the proposed new development it is again recommended that properties in the south west of the site are equipped with thermal double-glazing and trickle ventilation. The introduction of balconies along the racecourse facade should be discouraged.

Internal noise levels within buildings

3.9.11 Adequate insulation between residential premises will be required to minimise the occurrence of neighbour noise problems. Noise insulation which meets the requirements of Part E of Schedule 1 of the Building Regulations 2000 (as amended) should be sufficient for this purpose. This shall apply to new build and residential conversions (where there is a material change of use) and will also be applicable to student accommodation, the residential

care home and between bedrooms within the hotel. If for any reason this standard cannot be achieved in the listed buildings by standard techniques an alternative noise insulation scheme will need to be approved in writing prior to occupation of any premises.

3.9.12 Floors and walls separating residential properties from other uses such as B1, A1 and A3 may need to be constructed to a higher standard than those set out in the current building regulations if nuisance problems are to be avoided. When drawing up the insulation schemes for these properties the possibility of light machinery being operated should be taken into consideration. For example the live work units may involve equipment such as lathes and drills, pottery wheels, dough machines etc which could have a significant impact on residents occupying properties on adjacent floors. Within the hotel care will be required to ensure guests are not disturbed by social events taking place within the hotel banqueting area or from equipment associated with the leisure facilities or kitchens. A condition relating to maximum allowed noise levels in residential properties (and hotel rooms) has been recommended to protect the amenity of the scheme occupants. Details of the insulation between non-residential and residential properties will need to be approved in writing by the local authority and fully implemented before the occupation of any premises.

Air quality

3.9.13 An air quality assessment has been submitted with the application, which considers the impact on local air quality during both the construction and final operation of the proposed scheme.

Construction phase

3.9.14 The main consideration is potential dust emissions from the site. The assessment concludes that some dust emissions are likely due to activities on the site but the impact on neighbouring properties is expected to be minor. To ensure that dust is kept to a minimum it is recommended that the developer be required to agree a suitable construction management plan with EPU staff prior to the commencement of works on the site.

Operational phase

3.9.15 An assessment of the operational impact of the proposed scheme on local air quality has been undertaken using the Design Manual for Roads and Bridges (DMRB) procedure. This is a screening tool used to identify situations where a further more detailed air quality impact assessment is appropriate. The following scenarios have been modelled:

- 2012 with 'The Chocolate Works' development in place
- 2012 without the scheme and baseline traffic levels based on those which existed when Terry's was in peak operation

3.9.15 DMRB results have been provided for 3 receptor points on Tadcaster

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Road, Mount Vale and Bishopthorpe Road. The modelling results indicate that at two of the receptor points (Tadcaster Road and Mount Vale) there is unlikely to be any increase in nitrogen dioxide concentrations as a result of the proposed development, when compared with the situation that would have existed had Terry's chocolate factory remained in operation.

3.9.16 At the modelled receptor point on Bishopthorpe Road, concentrations of nitrogen dioxide are predicted to be slightly higher in 2012 with the proposed development in place than they would have been should the Terry's chocolate factory have remained in operation. Although a slight increase in nitrogen dioxide concentrations of around $0.5\mu\text{g}/\text{m}^3$ is predicted, total concentrations on Bishopthorpe Road, south of Scarcroft Road, are expected to remain well below the current $40\mu\text{g}/\text{m}^3$ objective level.

3.9.17 Using the latest (non-statutory) guidance on planning and air quality issued by the National Society for Clean Air (NSCA) it is concluded that for all three receptor points modelled changes in air quality as a result of the proposed development are extremely small and can be considered negligible.

3.9.18 No air quality impact assessment has been undertaken for areas closer to the inner ring road where the annual average air quality objective for nitrogen dioxide is currently being breached. It has therefore not been possible to assess the likely impact on these areas. It should however be noted that there are some areas on Bishopthorpe Road, south of Scarcroft Road, where the air quality objectives are currently being approached. A $0.5\mu\text{g}/\text{m}^3$ increase in nitrogen dioxide concentrations in these areas could be significant. On this basis it is recommended that the developer should be required to make a contribution towards continued air quality monitoring in the area of the AQMA located to the west of the River Ouse.

Odours

3.9.19 Odours from those premises providing cooked food have the potential to cause a loss of amenity for the locality. Other odours such as glues and solvents may arise from other activities taking place on the site, particularly in relation to the live work units where small cottage industries may be in operation. Usually odours can be adequately addressed through the correct specification and positioning of ventilation / filtration systems and a condition is recommended in this respect. It should however be noted that constraints surrounding the appearance of the listed building may make adequate odour control difficult and expensive to achieve in relation to some of the live work units - some light industries may therefore be unsuitable for operation within certain parts of the proposed scheme.

Contaminated Land

3.9.20 Given the long historical use of the site as a factory, it is possible that leaks or spills of chemicals, fuels etc may have occurred there. In addition, information held by EPU shows one area of landfill, beneath the car-park on

the eastern side of Bishopthorpe Road, and historical mapping indicates that other areas of landfilling may be present at the site. It is also understood that archaeological studies have identified the presence of “made ground” (soil-type materials originating elsewhere and brought to site to raise ground levels etc). These chemical leaks and areas of landfill and made ground could all represent sources of contamination at the site, which could impact on a range of receptors, including the health of future site occupants.

3.9.21 PPS 23 states that “where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended”. Conditions are therefore proposed below through which the requirements of PPS 23 can be achieved.

EXTERNAL

3.9 Bishopthorpe Parish Council

05.12.2006

3.9.1 The Parish Council noted that historically, Terry’s employee’s travelled to work on bicycles. Lorries making deliveries or taking away supplies accessed the site via Tadcaster Road and Campleshon Road. Over time, employee traffic increased. Bishopthorpe Village saw an increase in traffic volumes along Sim Balk Lane and Church Lane as employees chose to use this route in preference to Tadcaster Road access. This was compounded, at a later date, by lorries using Bishopthorpe to access the site as contract lorries were used by the Company.

3.9.2 The Parish Council further comment that even allowing for shift work patterns, the increase in traffic along Sim Balk Lane and Church Lane would be unacceptable, if the application were approved in its current form. They propose a roadway should be constructed linking the site to the A64.

31.01.07

3.9.3 The Parish Council submitted further comments relating to:-

- Excess amounts of small apartments;
- Heights of new builds excessive;
- Traffic congestion; and
- Traffic information submitted incorrect.

19.09.07

3.9.4 The Parish Council re-affirmed their concerns regarding traffic impact upon the local transport network and especially Bishopthorpe, impact upon the public transport network, trip levels to and from the site and the need for a by-pass road to divert traffic away from Bishopthorpe.

3.10 Mickelgate Planning Panel

3.10.1 The Panel objected to this proposal on the following grounds:-

- (i) The proposed scheme does not satisfy the development brief. The emphasis of the brief sought to provide jobs, be sustainable and also be in keeping with the iconic listed buildings. The proposed employment offer for the site, is largely part-time shift orientated.
- (ii) The balance of the development is heavily biased towards residential. There are plenty such developments in York. The live/work units are welcome but there should be more, as are the town houses. However there are far too many small flats in the development. Taking the City of York and the surrounding area as a whole there is an imbalance in this type of housing currently being provided towards flats and apartments rather than houses or maisonettes. There is also a shortage of social housing;
- (iii) The traffic survey based on the last days of Terry's being run as a factory is flawed. The Terry's car park had fifty cars in at any one time (due to shift work). As for the total flow of traffic along Bishopthorpe Road, on average it amounted to 7,787 per day. A recent CYC air quality survey of York highlighted that fact that 40% of traffic passes through the city without stopping. Bishopthorpe Road is one of the prime routes in this regard. To argue that because of the lack of HGV's, the volume of traffic to the new development would be no worse, is illogical. Even with car-sharing etc. vehicular traffic will substantially increase. The Panel also consider that there will be regular lorry and van movements to the hotels, offices and other employment centres within the site.;
- (iv) The Panel consider that the proposed conversion of the listed buildings and the new buildings are not in keeping with the iconic status of the site. They consider good quality buildings should be erected which are in keeping with the standard set by Wade (architect for the Terry's site).;
- (v) The development of this site should be considered in the wider context of the other large developments which are/will be soon proposed within York;
- (vi) The Panel conclude by stating that the overall design does not take into account the future needs of the resident's of York.

3.10.2 The panel further responded on 18/09/07 and made the following comments:-

- (i) The scale of development is fundamentally too great for the site, buildings are too large and would affect the character of the site;
- (ii) The design of the proposed buildings is jarring, un-elegant and unworthy of the city;
- (iii) Traffic flows appear to increase especially at peak times. There also appears to be little guarantee of improvements to public transport;
- (iv) The swimming pool, in the hotel complex appears to be an exclusive health club, the pool should be available to local residents to use;
- (v) Affordable housing provision should be as high as possible; and

- (vi) The employment offer is predominantly office use (Use Class B1), hotels and retail (Use Class A1). The panel are disappointed that a better mix of commercial uses has not been offered, i.e. light industrial.

3.11 British Waterways

3.11.1 British Waterways comment that the proposed scheme would not have an impact upon the waterway and as a consequence they have no comment to make.

3.12 Yorkshire Water (YW)

15.01.07

3.12.1 YW suggest the imposition of various conditions relating to drainage matters.

17.09.07

3.12.2 No further comments

3.13 Environment Agency (EA)

3.13.1 The EA advised the imposition of various conditions relating to contamination.

3.14 Sport England (SE)

3.14.1 As no part of the site forms part or constitutes a playing field, Sport England have treated their consultee response as non-statutory. They comment that the overall thrust of PPG 17 (Planning for Open Space, Sport and Recreation) is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

3.14.2 Additionally they also comment that the proposed scheme is significant in scale. Such a scheme would likely have a significant impact upon local facilities and infrastructure in the area, including playing pitch and other community sports facility provision. It also represents an opportunity to improve sports facilities in the area and increase participation in sport, in accordance with PPG17 and as part of the general Central Government drive on health improvement, linked to sport objectives.

3.14.3 The needs and opportunities for a playing pitch and other community sports facilities need to be related to the scale of the development. The Terry's development brief (June 2006) recognises this, highlighting that residential development in particular will impact upon local resources, including open space (Paragraph 8.3).

3.14.4 SE recognise that the brief requires playing pitch provision and also highlights that there is a deficiency in the area for playing pitches. The brief also refers to the emerging open space supplementary Planning Guidance which states that provision of open space will normally be on site. However they recognise that off site contributions through S106 Agreement may be acceptable (paragraph 8.13).

3.14.5 SE also recognise that the development does not propose to provide playing pitches on site, but through commuted sum for off site provision. Some of the masterplan drawings show a playing pitch on land outside the application site, adjacent to Campleshon Road, though SE are unclear as to what status this has.

3.14.6 SE agree in principle that a commuted sum shall be paid by the developers for playing pitch provision and consider such an arrangement is broadly in accordance with the development brief. They also comment that the commuted sum should be spent locally, in order to be related to the development for the future residents and the existing local community (especially as the brief identifies a local deficiency). The deficiency also emphasises that the commuted sum needs to relate fully to the scale of development proposed.

3.14.7 SE comment that the large commercial element of the development may also put pressure on local playing pitch and sports facilities. Whilst SE understand that the development brief does not make a specific reference to this, they acknowledge that policy L1c of the Council's draft Local Plan provides a framework for provision of open space in association with employment related uses, as well as residential use.

3.14.8 SE conclude by stating that the development is likely to put pressure on built forms of sports facilities, as well as playing pitches, but recognise that the children's gym and hotel gym will address this demand to a certain extent. Overall, subject to appropriate commuted sum provision being made for playing pitch/sports facilities SE raise no objection to the development.

13.09.07

3.14.9 Whilst the residential element of the development has been reduced, it would still be likely to have a significant impact upon local facilities, including sport area. SE re-iterate that as long as the appropriate commuted sum provision is made for playing pitch/sports facility provision, they raise no objection

3.15 ENGLISH HERITAGE

13.02.07

3.15.1 EH summarise the site as a major iconic cluster of purpose built structures whose free style neo Georgian elevations and Clock Tower dominate the landscape to the west of the city centre. The grade II listed

buildings and adjacent surrounding area is located within the Terry's Conservation Area. English Heritage confirm that they offered general advice on both the development brief for the site and the conservation area appraisal.

3.15.2 EH comment that they broadly support the conversion of the site, but have considerable reservations about the form, layout, heights and disposition of uses, which are proposed. They recommend alterations should be made to the scheme to better reflect the parameters of the development brief and the conservation area.

3.15.3 With regard to the listed buildings, they state that the Terry's complex is a strong group of buildings in architectural terms which presents a unified style reflecting the strength and importance of the corporate image of the Terry's Chocolate firm. The buildings also have a strong historic interest, representing the most complete surviving expression of the confectionary business in York and confirming, on a national scale, York's high status in this business.

3.15.4 They also comment on particular details with regard to the conversion of the listed buildings. These details will be addressed in the parallel listed building applications when they are presented to committee.

3.15.5 With regard to other planning issues, EH comment that the historic interest and development potential of the site is set out clearly in the development brief and the conservation area appraisal. Their main concern is that the original submission did not take sufficient account of the advice contained within these 2 documents.

3.15.6 They further commented that the complex 2 elements of considerable interest and importance. These are the factory cluster and the open amenity space. One of the fundamental parameters of the adopted documents was to retain the existing park to the south of the drive and integrate it into the development of land created by building clearances. EH consider that the retention of space unimpeded by development should be a fundamental parameter for the master planning of the site. In addition to these open space related concerns, EH are of the view that the protected green boundaries are not wholly maintained in the layout proposals. These are important characteristics of the conservation area and should underpin the site prior to establishing the footprint of the buildings. Without this they consider that the site appears cramped and would harm the historic core of the overall site.

3.15.7 They also consider the disposition of uses problematical. They note that the residential area of the South Bank is a well established suburb and the inclusion of facilities to support this area (such as a surgery and convenience store) are welcomed, but the location of these are set apart from the bulk of residential new development. They suggest that the residential component would be better located alongside the established residential area and the commercial uses would be more appropriately established on land to be vacated by the North Light Factory (to be demolished). EH also suggested that the Factory building would be better used as a business centre than

converted to flat accommodation, as commercial floorspace would better serve commercial and residential clusters and reduce intrusion of the original fabric of the building. They conclude on this issue by commenting that, the clustering of commercial uses at the southern end of the site and the clustering of residential away from the potentially intrusive commercial uses of both Terry's and the racecourse, would be a more sustainable use of the land resource.

3.15.8 In terms of height and massing, EH are also concerned that Factory will be undermined by the height of the residential cluster to the south. Long views from the racecourse and from the A64 are currently of the original factory group and are unchallenged by the north light factory extension. EH consider that should always be the case and that the listed buildings should be a major determinant in the creation of a new community at Terry's.

3.15.9 Finally EH conclude that they are disappointed by the overall layout and appearance of the commercial space at the northern end of the site. The configuration of uses around open spaces, many of which double up as car-park spaces, is unconvincing and has characteristics more associated with edge of town business parks than a mixed use conservation area site.

3.15.10 In conclusion EH consider that the developers have not taken the opportunity to reflect fully the essence of the conservation area appraisal or to maximise the public value of the listed buildings and their sustainable re-use.

3.15.11 EH recommend that a less intensive form of mixed use development should be sought for this site, which is predicated on the maintenance of the historic core of listed buildings within the setting of the conservation area.

18.09.2007/01.10.2007

3.15.12 EH comment that they welcome the siting of R3b from the garden area and the re-structuring of the Factory building to include commercial use. They consider commercial use within this building will give a greater degree of public access to the listed building and is a less intrusive scheme. EH also consider the more formal layout provides a holistic footprint which is further enhanced by the removal of cars from this more private area. They consider this more beneficial to the overall circulation approach within the site and we support this change. Eh also welcome the appointment of agents to produce an Estate Management Strategy as they consider this will secure the best management of the listed buildings.

3.15.13 With reference to the factory cluster, EH generally support the revision to the blocks adjacent to Bishopthorpe Road. However they do not consider that the heartspace cluster of offices has improved. They still consider there is too much hard surfacing/ car-parking. They also re-iterate their earlier comments with regard to the proposed layout of the site, as they consider residential development should be located adjacent the existing residential areas.

3.15.14 Finally EH advise that clarity is secured for matters such as the degree of tree retention within the conservation area and its southern boundaries in particular and that visuals of the views from the A64 and across the racecourse should demonstrate the heights of the residential blocks relative to the factory block. The dominance of the factory cluster must be maintained as it such an important landmark for York.

3.16 CABE

3.16.1 In principle they support the reuse of the listed buildings on site, but raise a number of concerns.

3.16.2 Their principal concern is the parking strategy. Concentrating the commercial car parking underneath the office buildings and associated public space is potentially problematic. The part of the car park that rises above the ground level is likely to form a blank edge around a large area in the centre of the site and given the creation of large areas of underground parking could raise security issues. Given the self-contained nature of the site, CABE consider it would make more sense to explore options for distributing cars around the perimeter of the site where underground or semi-basement car parks could be more easily hidden, or carefully landscaped surface car parks.

3.16.3 CABE generally consider the scale and massing and uses proposed acceptable, however they raise concern regarding the segregation of the internal zones. They consider such an arrangement would create challenges that they consider would be difficult to resolve. Such as ensuring that appropriate levels of activity in the public spaces and natural surveillance across the site at all times of the day and weekends as well as working days. They also recommend a greater mixing of the uses across the site and particularly more integration of the residential and employment uses.

3.16.4 They also comment that more thought about hierarchy and character of spaces would benefit the site. At the moment CABE consider that the various spaces have a feeling of equivalency, which is not helpful in creating a distinct centre for the site. They comment that the area where the 2 principal axes meet in front of the main factory building, provides a natural focus to the whole development.

3.16.5 Finally CABE comment that the relationship between the design code and the outline planning application should be strengthened, to ensure high quality of design throughout the scheme. On the information provided so far CABE are not confident that the new residential buildings will enhance the setting of the listed factory building.

3.17 YORK CIVIC TRUST (YCT)

18.01.07

3.17.1 The Civic Trust made the following comments:-

- The site as illustrated on the landscape and connectivity layout amounts to overdevelopment;
- The synergy of this development site with the racecourse, which should be crucial, is not well thought through;
- Conference facilities should not duplicate what is at the racecourse;
- The landscape proposals are not well integrated, existing trees should be kept and their location should be accurately shown;
- The town houses on the southern boundary are too close to the boundaries/tree belt;
- Many buildings are too high, nothing should be higher than the HQ building fronting Bishopthorpe Road;
- The proposed science city building, is considered to be in the wrong location and should be located to other intellectual uses with which it will connect. The layout does not provide space for expansion;
- The development should relate better to the scale and massing of the adjoining area;
- The car-parking provision appears to be inadequate for the multiplicity of uses proposed on the site. YCT are concerned that overflow car parking will encroach into the South Bank residential area; and
- There are 2 many flat roofs, which is not appropriate for York.

3.17.2 The Trust commented further on elements related to the forthcoming Listed Building Applications and other elements of the scheme, which have now been amended. They concluded by urging the committee to seek a less intensive development scheme for this site

21.09.07

3.17.3 The Trust further commented that:-

- The park is now retained in its entirety and not encroached;
- The loss of the 2nd vehicular access from Campleshon Road is beneficial;
- The eastern block of buildings concerns the Trust due to height and massing. They consider these buildings will detract from the important view of the factory building. The same density could be achieved by increasing the height of the westernmost building complex instead; and
- The glazed extension to the Factory building is acceptable if set-back as indicated by the developers;

3.17.4 The Trust raised concerns regarding:-

- The overall footprint of the new proposals has increased and therefore reduced open space within the site. They feel this is a detriment to the site and borders on over-development. The 'squares' now appear oppressive rather than intimate as the developers suggest;
- The hardening of the building lines within the site appear more forbidding and less welcoming. The buildings adjacent Campleshon Road will appear unsympathetic when compared to the existing residential form of the area; and

- The materials palette (even at outline stage) is important. Metal framed structures with terracotta tile cladding will relate poorly to the existing listed buildings constructed from red brick with stone dressings. They consider this a lack of vision and conclude that modern solutions are not the answer.

3.18 Conservation Areas Advisory Panel (CAAP)

17.01.07

3.18.1 The panel felt that this proposal does not respond to the development brief and does not appear to be employment led. The panel request more detailed visualisations as part of the site is in a conservation area. The panel also felt that the site has been developed in a piecemeal fashion and lacks coherence. They advised a new approach is required to consider the urban design and changes to function areas. The size and height of the new buildings was also a concern to the panel. They considered they would compromise the visual amenity of the listed buildings. The panel also advised that a model of the development should have been submitted.

3.18.2 The Panel advised that a large part of the site is designated as a conservation area and what is not included in the conservation area provides its setting. It is questionable whether an outline application is acceptable in these circumstances. In the English Heritage document on Conservation Area Practice, under section 5.3 headed 'Supporting Policies', it is stated that "outline applications for development will not normally be considered".

3.18.3 The site will be overloaded by the proposals to the extent that the present open character deriving from low rise factory buildings surrounding the core listed buildings is grossly compromised. The amount of new development proposed, far from preserving or enhancing the area, instead detracts from its character and appearance.

3.18.4 They objected very strongly to the way in which the commemorative garden was encroached upon by the care home. They advised that the garden and trees should remain intact and unaltered.

3.18.5 It would be premature to approve the location of 8 blocks of flats at the southern end of the site before more is known about the extent of archaeological remains in that part of the site.

3.18.6 The relative positions of residential and commercial and other uses should be reversed. Employment and commercial use should be located in the old factory building thus continuing its former functional use, and new commercial build located in the enclosed space to the south, presently proposed for residential. Siting new residential buildings in the form of houses with gardens in the area bounded by Bishopthorpe and Campleshon Roads would connect the new development well with its surroundings context.

19.09.07

3.18.7 Panel members are concerned that this is not a Full planning application and that detailed designs for much of the proposed development remain to be submitted. The Panel consider this application simply does not meet the requirement of the Local Plan nor national planning policy guidance. Furthermore, they commented that 'given the somewhat flexible approach to their original proposals demonstrated by the number of changes requested by the applicants until now, Members were unconvinced that the "single creative design concept" called for in clause 1.8 of the Vision Statement in the Development Brief could be achieved. We do not feel certain that the hybrid proposals now being considered for permission are firm enough to be adhered to. Our uncertainty on this issue might be alleviated if the visualisations included with the application were more numerous and more informative'.

3.18.8 The Panel are firmly of the opinion that a model would be the best way to show the applicants' intentions and exhibit their single creative design concept. Members were particularly concerned about the impact of the proposals on the iconic and cherished views into the site, from the south approaching from Bishopthorpe, from Campleshon Road to the north and further north along Bishopthorpe Road, as well as on the prominent listed buildings. They felt that in order to safeguard these, no new development should be higher than the existing modern industrial sheds at the northern end of the site but because of the inadequacy and small size of the visualisations accompanying the application, they found it virtually impossible to assess the impact of proposed new buildings.

3.18.9 The Panel have no objections to the mix of uses proposed but would prefer to see the housing and commercial uses reversed so that employment would be accommodated in the former factory with additional commercial building sited between it and the racecourse. In this way, the characteristic open spaces of the factory building would be retained and its dedicated function would be continued. Housing development would then be located at the Campleshon Road end, adjacent to existing housing where it would help integrate the site into its surroundings.

3.18.10 The Panel wished to see much more natural open space provided on the site. They felt strongly that the original garden in the south-east corner should remain intact and un-encroached upon; that no cycle track should be routed through the garden; and that the children's playground should be located elsewhere on the site, near the family houses they would wish to see at the Campleshon Road end of the site.

3.18.11 Panel members were unenthusiastic about the proposals put forward with this application and considered that the scheme represents gross over-development of the site. They felt the basis of the scheme is wrong, and that it fails to respect the spirit of the Development Brief and to meet fundamental requirements set out there.

3.19 Council for British Archaeology (CBA)

3.19.1 The Council mainly commented upon listed building matters, however they did raise issues over the following items:-

3.19.2 The proposal is an overdevelopment of the site and the listed buildings would be dwarfed by the extent of the new build;

- Additional floors should not be added to the listed buildings as such accommodation can be provided elsewhere on the site;
- The new build should be of a higher standard of design than presently shown and sufficient to complement the listed buildings;
- It would be more appropriate to swap the siting of the residential units proposed to the south of the multi-storey factory and the offices in the north of the site. Such an arrangement would be more appropriate with current uses for these areas

3.20 Council for the Protection of Rural England (CPRE)

15.01.07

3.20.1 There is an imbalance between the proposed development of the site and the aims of the development brief. The proportion of residential development outweighs other elements of the scheme including commercial.

3.20.2 CPRE also commented that the proposed development of new buildings close to the main factory building will affect views and setting of this building. However they support the demolition of the modern extensions to the listed buildings and the proposed sustainability measures and the reinstatement of fencing to the north east boundary.

24.09.07

3.20.3 No further comments.

3.21 YORKSHIRE FORWARD (YF)

3.21.1 YF welcome the proposals for a major mixed use development on the former Terry's site. They highlight that York is one of the regions key cities and has an identified need for further office space to meet future demand. YF consider that the proposed development offers an opportunity to sustainably increase the office capacity in York and stimulate economic growth within the city and wider region, complementing the urban renaissance programme operating within the city.

3.21.2 YF also welcome the proposals for 2 hotels (4* and budget). They comment that additional hotel accommodation will support the growth in business activity and encourage tourism and leisure visits within the region, whilst complementing York racecourse.

3.21.3 Encouraging the development of small businesses within the region is a core objective of the Regional Economic Strategy (2006-2015) and YF welcome the proposals for live work units and Science City York.

3.21.3 YF also encourage the inclusion of retail and food and drink uses within the development proposals, these uses would create a truly mixed use and sustainable development, which can also sustain vibrant evening economy whilst providing natural surveillance.

3.21.4 The enhancement of existing public transport infrastructure and providing pedestrians and cyclists with safe routes for both within and adjoining the site could encourage a modal shift away from the private car for short journeys. YF emphasise the importance of providing cycle routes that are suitable for those wishing to commute to work by bike, as well as for leisure purposes. YF recognise that the transport infrastructure for any new development is an essential component to its sustainability and welcome the hierarchy of accessways within the site and the commitment to establish an on site car club.

3.21.5 The Regional Economic Strategy (2206-2015) and Draft Regional Spatial Strategy (RSS) identifies that the city of York and its surroundings experience high house prices in comparison to the average salary. YF comment that a balanced mix of accommodation on site can create a balanced and stable residential community for the area. They also comment that they would like to see a minimum of at least 40% affordable housing to complement the RSS.

3.21.6 YF also support the developer's commitment towards minimising the use of non-renewable resources on site and developing a waste management strategy for the collection of refuse and recycling. YF recommend that the developer achieve 'Very Good' BREEAM or EcoHomes standards as a minimum and would welcome the developers considering how heat micro generation, sustainable urban drainage systems, etc. could be provided on site.

19.09.07

3.21.7 YF advise that the developer could highlight the type of sustainability measures that will be incorporated into the development. They highlight policy ENV5 of the draft RSS which seeks to maximise the use of combined heat and power systems and requires at least 10% of the energy to be used to come from on-site renewable energy systems.

3.21.8 YF advise a detailed sustainability design brief, which could be approved by the Council prior to the commencement of development. Such a brief could provide specific targets on technologies to reduce energy and water consumption on the site, as well as the type of materials that will be used.

3.22 Natural England

3.22.1 Natural England raise no objection to the proposed development subject to the developers carrying out mitigation and biodiversity enhancement, as outlined in section 11 and 12 of the original submission.

3.22.2 They advise the imposition of a number of conditions relating to:-

- (i) Hydrological measures to protect Fulford Ings;
- (ii) Further bat survey to ensure no bats present on site. Bat friendly features should also be incorporated within the design of buildings, periphery of the site, etc.;
- (iii) Works affecting trees should be undertaken outside the bird breeding season, or potential nesting sites should be checked prior to works commencing;
- (iv) Protect trees on site; and
- (v) Wildlife friendly trees/ shrubs etc. should be planted to encourage wildlife.

3.22.3 Natural England emphasise that under section 40(1) of the Natural Environment & Rural Communities Act 2006 the Local Authority has a duty to have regard of biodiversity of schemes.

3.23 York Natural Environment Panel

3.23.1 The Panel note opportunities for landscape and wildlife enhancement for the river corridor and enhancement of the overflow car-park with a woodland planting scheme.

3.23.2 The Panel would also prefer to see softer landscaping in the central zone and not as much hard landscaping.

3.24 The Ramblers' Association

30.01.2007

3.24.1 The association encourage pedestrian and cyclist access to the site but would prefer less hard landscaping features.

10.09.2007

3.24.2.1 They further commented that:-

- Pedestrian access to the racecourse and the Knavesmire is welcomed;
- The loss of the cycle route from Campleshon Road through to the park is regretted;
- The number of car journeys will increase congestion.

3.25 York Green Party

3.25.1 The Party commented that they remain concerned about the intensity of development as a whole and whether it is sustainable, particularly given the local concerns about traffic.

3.25.2 They also state that the traffic survey submitted does not appear to take into account Saturday's. It appears that there will be large increases in traffic levels, especially on Saturdays. Public transport should be improved to service the site,

3.25.3 They also urge consideration of alternative layouts, i.e. residential/community area nearer South Bank.

3.25.4 Concerns are also raised regarding impact upon the listed buildings and provision of community facilities on site.

3.26 Ancient Monuments Society

3.26.1 No comments.

3.27 York Centre for Safer Communities – City of York Police Architectural Liaison Officer

3.27.1 The Police Architectural Liaison Officer notes that the overall estate plan is a large and permeable, having 4 principle points of access for both pedestrian and vehicular traffic. The officer raises concerns about the increase in access and permeability to the site with the proposed new accesses. He considers that the overall permeable nature of this estate will make the domestic and commercial properties vulnerable to intruders. He identifies 'Safer Places (The Planning System and Crime prevention)' published by Communities and Local Government, which states that 'it is desirable to restrict public access to the rear of buildings. Secluded footpaths or alleyways, in particular, should not run along the rear of, and provide access to buildings or gardens.

3.27.2 He further states that the existing boundary walls, fences, etc. are potentially well suited and in general provide a good level of security. He advises that should the boundary be altered it should be replaced by 1.80 m fencing and consideration should also be given to secure landscaping that would provide natural surveillance.

3.27.3 The Officer recommends that the following aspects should be considered to address the aforementioned concerns:-

- Gate off appropriate access points (minimum 1.80 m in height);
- Incorporate access control within specified zones (key operated robust lock);
- The gates should not be easy to climb or be removed by their hinges; and
- The gates should also be constructed of materials, which allow people to view the lane etc. i.e. wrought iron bar gates.

3.27.4 He considers that if these elements were incorporated they would help prevent trespass and access by criminals to force vulnerable ground floor windows and doors providing unseen access to what may become vulnerable premises. He does however advise that ideally these access routes should be removed from the plans. Lastly, on this matter, the officer considers the access routes should be reduced within the site to reduce permeability, which would deter criminals and reduce the opportunity for criminal access.

3.27.5 Casual intrusion into buildings should be discouraged by the use of proximity access control systems (PAC), door entry phone systems with electronic lock release, or a combination of these. Entrances to buildings should be well lit, internally and externally. Access through R1 should be strictly controlled as it could become a focal point for anti-social behaviour.

3.27.6 Suitable security and access control should be installed into the overflow car-park adjacent the site. Appropriate lighting should also be considered and perimeter fencing a minimum of 1.80 in height should be provided. Without such measures this area is vulnerable. Consideration to achieving the ACPO 'Parkmark' award should be given.

3.27.7 DETR design bulletin 32 'Places, Streets and movement' states that, in relation to natural surveillance 'neighbours should be able to see each others houses and where cars are parked outside (front or back), owners should be able to see them. With this in mind the officer states that communal car parking areas/bays and cycle storage areas should be well lit during the hours of darkness.

3.27.8 Access and egress to the underground car-park should be controlled by either electronically operated vehicle entrance gate/s, a monitored CCTV system covering the key access points and/or a managed concierge system. If access to the underground car-park is not controlled, the Police Architectural Liaison Officer considers that security of vehicles would be compromised as well as safety of car park users.

3.27.8 The public areas above the car-park and adjacent the hotel may attract 'skateboarders' and other associated activities, the officer recommends 'anti-skate-boarding' measures be designed into the scheme. He also recommends that vulnerable ground floor windows are security tested.

3.27.9 Lighting to this area and also potentially high risk areas, such as footpaths, cycle and bin stores and associated areas leading to main buildings should be high, so as to prevent intruders and reduce fear of crime.

3.27.10 Cycle storage should have key operated or digital access control locks fitted. Details regarding cycle storage for houses without garages should also be highlighted.

3.27.11 Secure by design (New Homes) states that 'routes for pedestrians, cyclists and vehicles should not be segregated from one another'. The cycle

route (no.65) between housing blocks R2a and R3a is of concern to the officer. He considers this an unnecessary route for unauthorised persons into the complex at a vulnerable point and may cause additional vulnerability to adjacent residents.

3.27.12 With regards to the children's play area, the officer feels that there is not a lot of natural surveillance provided for this area, due to tree cover, and distance from developments. 'Secure by Design' specifications require that play areas for young children should have adequate natural surveillance within the built community'. He also recommends that the area should be designed to be secured at night, perimeter fencing should be no lower than 1.20 m to discourage casual entrance.

3.27.13 In conclusion the officer recommends that the developer needs to be aware of the statutory requirements placed on the police and the Local Authority under the Crime and Disorder Act 1998. He therefore urges the developer to work in partnership with the police and the Council to reduce crime by considering the Police 'Secured by Design' Award Scheme for this site.

3.28 Neighbour comments

3.28.1 Comments have been received from numerous neighbours regarding:-

Objections

Traffic

- New entrance on Campleshon Road would impact on school route, could move entrance to Bishopthorpe Road to prevent impact.
- Need to prevent smaller roads (Albemarle Road, Curzon Terrace) being used as 'rat runs'
- Car parking inadequate for whole site – residents and visitors will find alternatives e.g. near-by verges causing their destruction and additional traffic congestion
- Further delays to public transport through additional traffic
- Impact of building works – e.g. heavy lorries coming to and from site through Bishopthorpe – cause congestion
- Slip road required to service site and also to help with congestion on race days
- Housing density too high and will cause high volumes of traffic
- Site already has sufficient access points for large vehicle access – do not need any more
- for car club to be effective – more than 3 cars required
- should be a truly sustainable development that discourages the use of cars:
 - (i) should be direct shuttle bus to and from town/railway station
 - (ii) links to current park and ride facilities

(iii) free cycle hire

- boat service in and out of city centre
- no cycle tracks through site
- more frequent bus service
- additional traffic, area unable to cope with large increase, could be safety issue
- cycle and pedestrian crossing over Knavesmire Road will need to be upgraded

Housing

- Object to 50% affordable housing as would have a negative effect on area – 25% is more suitable and should be spread across the site.
- Affordable housing should be kept to absolute minimum if at all
- Residential and commercial use should be reversed – employment and commercial use should be located in the old factory building to continue previous use and so as to not separate new housing from existing
- LBC apps should not be determined before master plan
- Residential development should be in the form of small estate housing rather than flats, that are more suited to first time buyers and young families
- Development should be scaled down, fewer buildings and flats
- Proposed buildings C4-C10 of residential block R5d are too high and detract from listed buildings, block views
- existing perimeter fencing (Campleshon Road and Bishopthorpe Road) maintained to prevent youths gathering and causing disturbance to residents.
- Tight security required to prevent vandalism and anti-social behaviour

Open space

- Commemorative garden encroached upon by care home , requiring loss of existing trees. Garden and trees should remain intact and unaltered. Are there tree preservation orders (TPO's) attached to the trees?
- Low proportion of site is green open space
- Some of the land should be available as sports facility for Knavesmire Primary School
- linear park should not have been scrapped – trim trail is no substitute

LBC and Cons Area

- Listed factory buildings are special and landmarks for area - need space and to be highlighted.
- Height of proposed buildings will negate the open character of area.
- Half of site is Cons Area – is hybrid app including outline consent acceptable?
- Can original staircase removed from head office building be used elsewhere in the building?

- Proposed extension to head office building and time building including materials used and design is inappropriate to LB's
- Mansard type roof to main factory building would contribute to silhouette

Other

- No conveniences or facilities for teenagers in South Bank area
- At least 30% of site should remain commercial/industrial
- Extent of archaeological remains unknown at southern end of site
- Current plans don't include leisure facilities for the community – access to private spa too expensive for many members of community
- safety measures required for weekend leisure use, particularly in winter with various football teams using both sides of open space
- need retail element – pharmacy, corner shop, grocery etc
- windows in extension to hotel should be in-keeping with existing building

Positive comments

- like layout
- will development improve recycling in the area?
- will development improve bus service?
- proposals excellent – well thought through
- accommodation and facilities benefit to York College of Law
- former Terry's factory to be used as retail, and studio/workshop accommodation is good
- use of head office building as hotel is to be welcomed
- car club good idea
- good mixed use of site – tourism, residential and office work
- plans exciting
- Revised design improvement to original

Supplementary Transport Assessment

17 Objection Letters were received concerning the first revised TIA

- Consultation inadequate
- Existing community will be enhanced by development.
- Makes no sense to isolate the occupants of the new houses from the amenities of the existing south bank area by siting the offices adjacent to the existing residential area.
- The office development is out of character and scale for the residential area.
- Parking and congestion issues will arise from the development. Existing car park at Terry's not adequate to cope with additional need
- No adequate parking facilities for Knavesmire school opposite main office entrance
- Race day traffic must also be considered with additional traffic created by development

- Redevelopment of Terry's site will be good for area, however the current scheme appears too large for the site.
- Loss of residential amenity
- Proposed traffic island extension would restrict access to residential properties and cause issues for refuse lorries and the like
- Adverse effects to bed and breakfast business overlooking Mount Vale. Construction traffic should be banned from using the junction at Tadcaster Rd and Knavesmire Rd between 6pm and 9am weekdays and completely prohibited at weekends
- Impact on Bishopthorpe from additional traffic
- The traffic survey was undertaken in August, and not a normal work and school day – the results would have been drastically different.
- Public transport is to be used – however current system is inadequate to cope with increased numbers
- Current proposals restrict access to properties on Mount vale and Christmas Lodge - elderly home. Will remove the ability to turn right away from the City centre and can only turn left into heavily queuing traffic towards town before finding somewhere to turn around and head in the opposite direction
- Proposal is a move towards the increase in use of private cars towards city centre by removing the bus and cycle lanes
- Base map used for drawing 53498/P/001 is inaccurate, out of date and does not fully represent the position of the Mount Vale houses.
- Proposal is not sympathetic to surrounding area
- Agree that traffic lights should be installed at the junction of Knavesmire Road and Tadcaster Road – will there be full pedestrian phasing?
- Access to emergency vehicles etc will be impossible due to the traffic island

Supplementary Transport Assessment (Revision C) – June 2008

A revised supplementary transport assessment was submitted in June 2008.

This assessment proposed additional mitigation measures and amended some previous proposals in attempt to address officers concerns.

155 objection letters have been received regarding this further revised TIA

Objections

Main Issues – Congestion and Parking

- No solution has been suggested for resident parking in the area, roads are already yellow lined or full with parked cars – where are the cars going to go?
- The need for additional parking will impact on other residential streets in the area causing more wide spread parking issues
- Need more detail on specific issues – mainly parking

- Potential for gridlock is apparent with 1000+ cars in the area especially with race days and additional traffic from the College
- Overdevelopment of the site, one of York's best residential areas will be turned into a traffic nightmare, any development should be limited to what the current infrastructure can cope with. No roads should be altered
- Additional buses should be provided and increased frequency of No. 11 service to deal with additional congestion
- Decision should be deferred until residents are given full plans for proposals to road layouts
- Current proposals will not manage amount of traffic – a more long term and far reaching solution is required such as
- direct access from A64 to Bishopthorpe Rd and Campleshon Rd
- Slip road from Sim Balk Lane to alleviate congestion in Bishopthorpe / Church Lane
- Tram to city centre along Terry Avenue
- Park and Ride at the Crematorium
- Race day traffic must also be considered with additional traffic created by development

Other issues

- Road widening to Bishopthorpe Road and Campleshon Road is unnecessary as will cause loss of parking spaces elsewhere
- If traffic control is required, mini roundabout would be more practical and less imposing than traffic lights
- Introduction of traffic lights would cause tailback similar to that at A19/Fulford
- Proposed alterations will cause safety issues specifically with regard to crossing cycle box at proposed traffic lights on Bishopthorpe Road
- If it is felt necessary to widen Campleshon Road for the additional lane, alterations should be made on opposite side of the road where there are no residential properties and then this would not impact on loss of on street parking for residents
- Part-time signalling should be considered at Campleshon Road to allow better flow of traffic at off-peak times
- Infant school close to proposals - additional traffic may be potentially dangerous
- Impact on resident amenity – loss of footpath width, verges and trees, spoil the quiet area surrounding the Knavesmire
- Anticipated build time is 4 years, will cause large upheaval to local residents
- New road should be provided to reduce traffic congestion in Bishopthorpe and Tadcaster Road as is the proposed route once Terry's is built
- Development and congestion will lead to significant drop in value of property
- Residents whose property is affected by proposals should be given first refusal on low cost housing as part of the development

- Proposal to install traffic lights should include full pedestrian phasing giving better access to bus stop facilities
- There is a need for more reminder speed limit signs along Tadcaster Road to reduce speeding
- The Council should know why the Highways Agency dismissed the idea of an additional slip road from the A64
- Albemarle Road already a 'rat-run' - Albemarle Road and Lorne Street should be closed on a permanent basis
- Shuttle bus is of no help to local people
- Roads will become more dangerous for cyclists
- No mention of additional police to patrol the area
- Not enough car parking provided for proposed new houses
- Congestion will be worsened still by race day traffic, and these are set to increase to 20 days a year
- Traffic management in Tadcaster Road does not seem to relate to Mount Vale, however this is the main road at the Tadcaster Road/Knavesmire Road junction
- Information not clearly available on CYC website, inconsistency in development name – developers call it The Chocolate Works, CYC call, it Terry's – need some consistency
- Traffic is already bad at car boot at the racecourse on Saturdays – hope this will not be stopped
- Number of speed tables proposed on Bishopthorpe Road is unnecessary, will impede free flow of traffic
- When considering the re-routing of the cycle path, should take into account that it needs two lanes to accommodate both cyclists, pedestrians and dog walkers as there have been several incidents as path is too narrow
- Two lane filter system would severely hinder all vehicles coming and going to 4 Campleshon Road and 211 Bishopthorpe Road. There should be 1 lane of traffic or reduce footpath on the opposite side to allow for 2 lanes. Also tree outside no. 6 should be felled to allow for visibility
- Cyclists needs are not fully provided for – in a number of cases cycle paths are not shown on the plan which could lead to final designs being drawn up which do not consider their needs
- This scheme does not offer a policy to reduce the no. of cars used – what has happened to cycling policy as established at York College and University?
- The current road infrastructure managed with the heavy numbers of traffic up to 1974 when the ring road to the south was installed. Traffic flow was maintained without any further road measures why are they necessary now?
- Developers are not willing to contribute funding towards public transport- this isn't right as they are not taking ownership of the problem they are creating
- No changes should be made until it is clear that they are required
- In the event of an emergency – major accident, flooding of A19 – additional traffic has not been considered

- Mount Vale is a Conservation Area, additional road signs and traffic lights harmful to character and appearance
- Proposed traffic island between entrances of 194 and 196 would prevent access to emergency vehicles, bin wagons, and all other types of vehicles entering the care home and other residential properties.
- Traffic proposals submitted nearly 20 months into application – incompatible with principles of Statement of Community involvement
- The Assessment does not seem to show understanding of the area and the true need for what it needed with regard to sustainable traffic issues
- Most tourism cities are trying to reduce traffic congestion –York is doing the opposite
- Developers should explain the proposals in laymen's terms
- Density of the development is too large for the area – six storey office building will have negative impact to the whole area.
- Parking restrictions will prevent events happening at St Chad's Church, such as weddings, funerals etc.
- Shuttle bus no help to local people
- Loss of green open areas
- Redevelopment of Terry's site will be good for area, however the current scheme appears too large for the site.

Questions raised

- What do residents do for parking of approx. 40 properties now parked on Bishopthorpe Road (near to junction)
- How do we access our homes for loading and off-loading
- How do older people and mothers with children safely disembark and load their cars
- What about health and safety for residents affected by air and noise pollution from cars queuing at traffic lights
- What arrangements are made for those requiring vehicular access to visit the Surgery on Bishopthorpe Road
- Are shuttle buses going to be effective due to lengthy queues into and out of city centre
- Should the development be scaled down to ensure its effects on the environment can be managed
- Is it possible to have a condition stating that the residents of Church Lane, Bishopthorpe will not be disturbed by contractors lorries or additional traffic?
- How will construction traffic get along The Knavesmire when coaches are parked there?
- What other options were considered and why were they rejected?
- Will developers plant line of mature conifer trees behind existing screen of trees to prevent overlooking?
- The river could be used as part of the transport solution – Park and Cruise scheme south of Fulford, and would also help race goers
- Will additional residents and workers require schools in the area?

- Is the swimming pool and gym be available to everyone or just residents of the development
- Why build more flats? It should be houses with gardens
- Would it be possible to add another exit off the A64 into Bishopthorpe Road to reduce congestion?
- Will traffic signals include full pedestrian phasing and better access from each side of the road to bus stops?
- **Other points raised**
 - Will there be restrictions to commercial properties to reduce noise and light pollution as residents want guarantees that shops won't be open late
 - Housing should be a serious attempt at sustainable affordable housing not $\frac{3}{4}$ storey high town house type development – eco homes
 - Hope that Piazza area near the commercial units will not be a ghost town with skateboarders in the evening. Will there be enough to keep the area lively?
 - What impact will this development have on the other shopping areas in York, e.g. city centre, monks cross, designer outlet?
 - A museum about the history of Terry's should be included in the scheme
 - More parks and open spaces should be provided
 - Pool cars and bikes should be available to hire
 - Free wi-fi to site as in Paris
 - Scale of development at this site is not sympathetic and prestigious but intense and over-developed
 - Extension to Head Office Building ugly and out of character with main building – not worthy of a listing
 - General over-development of the site
 - Disappointed that no representatives from the council were at the public meeting with developer
 - Should be a pool of bikes and cars

Key issues

- Principle of redevelopment including employment, housing, live work units and other associated uses;
- Masterplan
- Highway implications;
- Affordable housing consideration;
- Mix and type of homes;
- Landscape and natural environment;
- Ecological impact;
- Flood risk and drainage;
- Sustainable development;
- Archaeology;
- Local Community;
- Public Art;
- Open Space;

- Education;
- Noise and construction related disturbance; and
- Impact upon amenity of adjacent and nearby occupants.

4.2 PLANNING POLICY

4.2.1 The Statutory Development Plan for York comprises of the Yorkshire and Humber Plan Regional Spatial Strategy adopted in May 2008 and covering the period to 2026 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 un-adopted, 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.

4.2.2 This planning application has been submitted prior to adoption of the LDF Core Strategy and the Site Allocation DPD for York. It will therefore be determined within the context set by RSS, Structure Plan, Development Control Local Plan, 1956 Town Plan, Yorkshire and the Humber Regional Spatial Strategy and the Terry's Development Brief.

4.2.3 The Local Development Framework (LDF) for York is being prepared over the 2005-2009 period. However little weight can be given to this emerging LDF Development Plan Documents (DPD) as it is still being produced (stage 2 of the process) and has not been publicly/independently examined or adopted by the Council.

4.3.0 National Planning Guidance

4.3.1 National guidance exists in the form of Planning Policy Guidance (PPG), which are currently being superseded 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:

4.3.2 PPS 1 – Delivering Sustainable Development. This document sets out the Governments over arching planning policies on the delivery of sustainable development through the planning system. The guidance promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term, but also over the lifetime of the development. It highlights the need to create well-mixed and integrated developments, which avoid segregation and have

well planned public spaces that bring people together and provide opportunities for physical activity and recreation. This requires carefully planned, high quality buildings and spaces, which support the efficient use of resources.

4.3.3 PPG 2 – Green Belts. This PPG outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

4.3.4 PPS 3 – Housing. Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing.

4.3.5 The key policies in PPS3 are:

- Local authorities will need to identify more appropriate sites for housing - Councils need to plan 15 years ahead, to ensure they have a rolling 5-year supply of sustainable and deliverable sites, in order to prevent much needed new homes being held up by unnecessary delays in the planning process.
- Stronger emphasis on improving the quality of design of housing and Neighbourhoods - PPS3 makes it clear that local authorities should turn down poor quality applications.
- Stronger environmental standards - Developers and planning bodies will have to take account of the need to cut carbon emissions as well as wider environmental and sustainability considerations when siting and designing new homes. PPS3 and the new Code for Sustainable Homes will set out further details including plans to move towards zero carbon development to reduce carbon emissions.
- New emphasis on family homes - For the first time the planning system will be required to consider the housing needs of children, including gardens, play areas and green spaces. Local authorities will have more ability to promote mixed communities and to ensure larger homes are being developed alongside flats and smaller homes.
- A continuing focus on brownfield land - Retaining the national target that at least 60 per cent of new homes should be built on brownfield land.
- More flexibility for local authorities to determine how and where new homes should be built in their area, alongside greater responsibility to ensure the homes are built - Local authorities can set their own local standards for density (with a national indicative minimum of 30 dwellings per hectare) and for car parking.
- Stronger policies on affordable housing are encouraged.

4.3.6 With particular relevance to this application, PPS3 seeks:-

- An examination of the current and future level and capacity of infrastructure, services and facilities including, in particular, green and open space (paragraph 46);
- Development plans and development control policies must consider the character of the area, including the availability of private and public open space and landscaping (paragraph 46);
- A range of housing densities considered most appropriate for their area (paragraph 47);
- Densities below the preferred minimum of 30 dph (dwellings per hectare) may be included if justified (paragraph 47);
- Intensification of development is not always appropriate (paragraph 49);
- Where intensification of an area is proposed, good detailed design and layout is very important (paragraph 49);
- It must not be presumed by either the local authority or the developer that all land that was previously developed is not necessarily suitable for housing development nor that the whole of the curtilage should be developed (Annex B – description of “previously developed land”).

4.3.7 PPG 4 – Industrial, Commercial Development and Small Firms. This PPG takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together, and:

- The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality.
- The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters. (Original release date November 1992 - The Planning Green Paper identifies this as a priority for early review).

4.3.8 PPS 6 – Planning for Town Centre; states that in order to deliver the Government's objective of promoting vital and viable town centres, PPS6 states that, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. Regional planning bodies and local planning authorities should:

- (i) Actively promote growth and manage change in town centres;
- (ii) Define a network and a hierarchy of centres each performing there a appropriate role to meet the needs of their catchments; and
- (iii) Adopt a proactive, plan-led approach to planning for town centres, through regional and local planning.

4.3.9 The policy also advises that, wherever possible, growth should be accommodated by more efficient use of land and buildings within existing centres. Local planning authorities should aim to increase the density of development, where appropriate. Opportunities within existing centres should

be identified for sites suitable for development or redevelopment or where conversions and changes of use will be encouraged for specific buildings or areas.

4.3.10 PPS 12 – Local Development Frameworks, September 2004. This policy statement states that the aim of the new planning system is to deliver sustainable communities. PPS 12 stresses the importance of community engagement and of the planning system meeting sustainable development objectives. The guidance stresses that anyone who has an interest in the planning of an area actively seeks to assist the local planning authority to shape the future of that area from the earliest stage.

4.3.11 PG13 – Transport. The note 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 car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

4.3.12 PPG 15 – Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.3.11 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.3.12 PPG 16 – Archaeology and Planning. This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside.

4.3.13 PPG 17 – Planning for Open Space, Sport and Recreation. This PPG describes the role of the planning system in assessing opportunities and

needs for sport and recreation provision and safeguarding open space, which has recreational value.

4.3.14 PPG 21 – Tourism. This PPG outlines the economic significance of tourism and its economic impact. It discusses the impact of tourism, the nature of tourist activity and likely future trends, while showing what the planning system can do to cope with it. The use of planning powers to both regulate and facilitate tourism development is also dealt with. Locational factors in tourism development are discussed with emphasis on designated areas, historic towns and cities, seaside resorts and the countryside.

4.3.15 PPS23 – Planning and Pollution Control. This policy statement gives guidance on the relevance of pollution controls to the exercise of planning functions. It advises that local planning authorities should not seek to duplicate controls that are the statutory responsibility of other bodies. It covers air and water quality and contaminated land.

4.3.16 PPG 24 – Planning and Noise. This policy statement gives guidance on the use of planning powers to minimise the adverse impact of noise. It outlines considerations to be taken into account, introduces the concept of noise exposure categories and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

4.3.17 PPS25 – Development and Flood Risk. This guidance explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

4.4 RELEVANT NATIONAL DOCUMENTS

4.4.1 Sustainable Communities: Building for the Future (February 2003) – sets out the Government's wider drive to raise the quality of life in our communities through increasing prosperity, reducing inequalities, more employment, better public services, better health and education, tackling crime and anti-social behaviour, and much more is set out in this document.

4.4.2 It sets out a long-term vision flowing from the Government's strong commitment to sustainable development. The way our communities develop, economically, socially and environmentally, must respect the needs of future

generations as well as succeeding now. This is the key to lasting, rather than temporary, solutions; to creating communities that can stand on their own feet and adapt to the changing demands of modern life. Places where people want to live and will continue to want to live.

4.4.3 The Northern Way sets out a long-term vision that seeks to fully exploit the economic and transport corridors that connect the North - a "Northern Way" which looks east to west as well as north to south. A new northern growth strategy, which promotes greater inter-regional collaboration and boosts connectivity and transport links so that the sum of activity and investment is greater than the parts.

4.4.4 It is stated that the "Northern Way" would help lift the productivity of the three northern regions and bring the jobs, investment and quality housing that can create sustainable communities. Greater success in the North will benefit the national economy and improve our global competitiveness. It aims to create the prosperous and sustainable towns, cities and communities that future generations will want to live in, not leave.

4.5 Regional Guidance

Yorkshire and Humber Plan Regional Spatial Strategy 2008

4.5.1 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 was published in May 2008. It defines York as a main urban area, which should, in accordance with policies YH4, YH5, YH7, Y1, E1 and H2 be the focus for economic and housing development in the sub-region. York is highlighted in the guidance as being of regional significance and development should be accommodated to build on the success of its economy in a sustainable way, which respects its historic character.

4.5.2 Policy Y1 (York Area sub area policy). This policy lists 7 key areas for the development of York. The 7 key areas are: (1) Roles and functions of places; (2) Economy; (3) Environment; (4) Transport; (5) Strategic patterns of development; (6) Regionally significant investment priorities; and (7) Joined up working. Of particular relevance to this application are the following points:-

- (Economy) Diversify and grow York as key driver of the Leeds City region economy by encouraging the business and financial services sector, knowledge and science based industries, leisure and retail services and the evening economy and further developing its tourism sector;
- (Environment) Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas;
- (Environment) Improve air-quality;
- (Environment) Protect and enhance the particular biodiversity, landscape character and environmental quality of the York sub-area;

- (Transport) Develop York as a key node for public transport services in the sub-area;
- (Transport) Implement stronger demand management in York and in relation to the strategic highway network;
- (Transport) Improve accessibility to and within York, particularly by improved facilities for walking and cycling, increased capacity and quality of public transport;
- (Strategic patterns of development) Focus most development on the sub-regional City of York, whilst safeguarding its historic character and environmental capacity;
- (Regionally significant investment priorities) Develop the sub area economy with major new development and initiatives including Science City York; and
- (joined up thinking) Promote partnership approaches to economic diversification, regeneration, housing distribution, development and flood risk management through the York sub area.

4.5.3 Policy E3 (Land and Premises for Economic Development) states that plans, strategies, investment decisions and programmes should make use of appropriately located previously developed land and current allocations, and ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy and in particular take account of:

- The need for additional floorspace for office, retail and leisure uses and the considerable scope for this to be focussed on city and town centres;
- The ongoing restructuring and modernisation of the manufacturing sector and the guidance on land for industrial uses;
- The need for land and extended premises to support the development of public services, health, sport, leisure, tourism, cultural industries and education as key employment generators and the contribution of
- mixed use development to employment supply.

4.5.4 Policy H1 (Provision and Distribution of Housing). The region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.

4.5.5 Policy H4 (The Provision of Affordable Housing). This policy recognises that the planning system has a key role in delivering affordable housing through the allocation of sites for development and the use of planning obligations or planning conditions to ensure appropriate proportions of affordable housing where there is a demonstrable need. In view of the worsening affordability in the region, local authorities should give early priority to providing more affordable housing through the planning system drawing their evidence from Strategic Housing Market Assessments and other more detailed local assessments. It is important that the delivery of more affordable housing is done in ways that will ensure high quality design,

resource efficiency, the right mix of homes and contribute to sustainable, mixed communities.

4.5.6 This policy also recognises that the greatest challenge to affordable housing delivery will be in the rural areas and certain towns and cities such as Harrogate and York where the housing market is strong. The Regional Housing Strategy 2005 stresses the value of joint working and includes some good examples of this and of innovative delivery.

4.5.7 Provisional estimates of the proportion of new housing that may need to be affordable are as over 40% in North Yorkshire districts and the East Riding of Yorkshire.

4.5.8 Policy H5 (Housing Mix). This policy recognises that there is a need to widen the range of housing opportunities in the region to ensure that there is a mix of dwelling size, type and affordability taking account of new developments as well as existing stock.

4.5.9 The cities and towns in the Regeneration Priority Areas, and the larger coastal towns, would particularly benefit from a change in the current mix of housing provision.

4.5.10 Other relevant policies include:

- YH4 Regional Cities and Sub-Regional Cities and Towns;
- YH5 Principal Towns;
- ENV9 Historic Environment;
- ENV10 Landscape;
- ENV11 Health and Recreation;
- E1 Creating a Successful and Competitive Regional Economy;
- E2 Town Centres and Major Facilities;
- E3 Land and Premises for Economic Development;
- E4 Regional Priority Sectors and Clusters;
- E5 Safeguarding Employment Land;
- E6 Sustainable Tourism;
- T1 Personal Travel Reduction and Modal Shift;
- T2 Parking Policy;
- T3 Public Transport;
- T4 Freight; and
- T5 Transport and Tourism.

4.6 Statutory Development Plan

4.6.1 Statutory Development Plan (1956 York Town Map and North Yorkshire County Structure Plan) - The 1956 Plan whilst out of date is still a relevant planning document. The Town Plan shows the site being allocated primarily for industrial use with a section adjacent Campleshon Road indicated as allotments. The application is considered a departure from the Development Plan and has been advertised as such.

4.7 North Yorkshire County Structure Plan 1995

4.7.1 Under the provisions of the Planning and Compulsory Purchase Act 2004, Structure Plans were 'saved' for a period of three years from the commencement of the Act. The policies of the North Yorkshire Structure Plan were 'saved' in this way and remained part of the statutory development plan for York alongside the Regional Spatial Strategy for Yorkshire and the Humber to 2016 based on a Selective Review of RPG12 (December 2004).

4.7.2 Structure Plan policies have now been superseded by the RSS (May 2008) and will ultimately be replaced by the emerging Local Development Framework.

4.8 City of York Draft Local Plan

Chapter 1 – 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
- Chapter12 - 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

4.9 Terry's Development Brief

4.9.1 Following the announcement in April 2004 of the closure of the Terry's factory, a Draft Development Brief was approved by Planning Committee for consultation purposes in September 2005. Following a wide ranging public consultation, a number of amendments were made to the Brief. The revised Brief was approved by Planning Committee in June 2006. The Racecourse and Terry's Factory Conservation Area Character Appraisal was approved by Committee in October 2006 following public consultation.

4.9.2 This Brief has been approved as non-statutory Draft Supplementary Planning Guidance. Development proposals are expected to comply with the Brief.

4.9.3 For consistency, it is crucial that the application is considered against the requirements of the Development Brief and conclusions of the Conservation Area Character Appraisal and a recommendation justified in this context.

4.9.4 Officers from across the Council contributed to the production of the Development Brief, which includes requirements relating to all aspects of the proposed development. The DC Officer should ensure that the requirements of the Brief are taken into account when seeking comment from Officers. Where the proposal does not comply with the requirements of the Brief, but is considered acceptable, the reasons should be set out in the Committee Report.

4.9.5 The Development Brief expands on the policies of the Development Control Local Plan 2005 (DCLP). However, the saved policies of the North Yorkshire Structure Plan and policies of the adopted Regional Spatial Strategy are the 'development plan' for York. A full list of relevant policies are included in the Development Brief.

4.9.6 A mix of uses is considered the most sustainable approach for this site. The focus is on a range of employment opportunities with a number of complementary uses considered appropriate to allow for a development where the uses complement one another for mutual benefit. This approach would also allow the listed buildings to be redeveloped for the most appropriate uses.

4.9.7 DCLP policy E3b – Existing and Proposed Employment Sites - is relevant – this states that sites “currently or previously in employment use should be retained in their current use class”. The focus of the Brief is therefore on the promotion of new employment opportunities. After consideration of the site characteristics, the policies of the Regional Spatial Strategy and the findings of the Employment Land report 2001 which found that 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

Science City York (SCY) businesses, it was considered appropriate that DCLP Policy E1a – Premier Employment Sites - should apply and the principal focus for the site would therefore be on SCY use complemented by high quality B1 use. The site is considered to present a unique and important opportunity for prestigious employment uses with a regional/national or even international presence.

4.9.8 For changes in use of listed buildings, PPG15 requires that the use proposed is the “optimum viable use” – “this may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses”. The DC Officer should ensure that an evaluation of the optimum viable use is acceptable.

4.9.9 The Brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all of the uses outlined in the Brief. The Brief was designed to allow flexibility within an iterative, consultative master planning process. The Brief does however specify that an employment-led development is required where other uses complement the principal employment function of the site.

4.9.10 The Brief also stresses the importance of high quality sensitive design. The importance of the landmark nature of the listed buildings set within a Conservation Area is emphasised in the Brief. Other key issues highlighted in the Brief, and which were fully supported in the public consultation, include providing benefit to the local community and controlling traffic flows and parking in the local area.

5.0 PRINCIPLE OF REDEVELOPMENT

5.0.1 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. The July 2007 Employment Land Review (Stage 1) Final Report, ranked the site 4th out of the 36 currently allocated and potential employment sites according to their suitability for development for employment generating uses. The report concludes that it is a very large quality premier site with high quality surroundings and adds that market demand should be good. The report also says that the site is a good initiative for the city as a whole with opportunities to provide local employment and good for accommodating indigenous and inward investment.

5.0.2 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 within the Brief recognises that a range of uses can sustain one another and help create a sustainable community.

5.0.3 The brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all of the uses set out. It is designed to allow flexibility within an iterative, consultative master planning process. It does, however, specify that an employment-led development is required where other uses complement the principal employment function of the site.

5.0.4 The brief also stresses the importance of high quality sensitive design. The importance of the landmark nature of the listed buildings set within a Conservation Area is emphasised and other key issues highlighted include providing benefit to the local community and controlling traffic flows and parking in the local area.

5.0.5 As 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). In this instance, the Planning Department would refer to the Town Plan of 1956, which classifies the area as industrial use with an area of allotments. 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).

5.0.4 The principle of mixed-use redevelopment on the former Terry's site is established, within the Development Brief is as described in section 4.9. The brief sets out the vision for the site, principally as an employment site but also promotes a balanced mix of complementary uses. It recognises the historic buildings within the site and promotes their conversion to prestige development without the works being overly intrusive to their fabric. The brief also encourages development to be sustainable and that each proposed use would benefit from the presence of others. It also recognises that York is one of six national Science Cities and that development of this site should provide a high quality image and environment for Science City York and the tourism and cultural industries.

5.0.5 The brief lists 15 objectives ranging from taking advantage of this unique opportunity to create a prestigious development which delivers an employment led mixed use comprehensive development scheme which delivers community uses to the South Bank and respects the historical importance of the site to promoting sustainable transport and enhancing the surrounding landscape.

5.0.7 The focus of the brief is on the promotion of new employment opportunities geared towards current and future working patterns. The site is considered to present a unique and important opportunity for prestigious employment uses with a regional/ national or even international presence.

5.0.8 The scheme satisfies some of the briefs objectives, in so far as it proposes to deliver a prestigious development that would provide an employment led, mixed use development⁶. The site, if developed in accordance with the plans, would provide numerous jobs for local people and would be a source of economic prosperity. The scheme would also bring the listed buildings back into active and viable use and would provide some community uses and should provide a vibrant environment by way of its mixed use. Details of particular elements of the scheme are addressed in more detail below.

Residential housing (Use Class C3)

5.0.9 The residential aspect of the proposal has altered substantially from that which was originally submitted. There is a much greater emphasis on family housing and overall, a much higher proportion of houses than originally proposed.

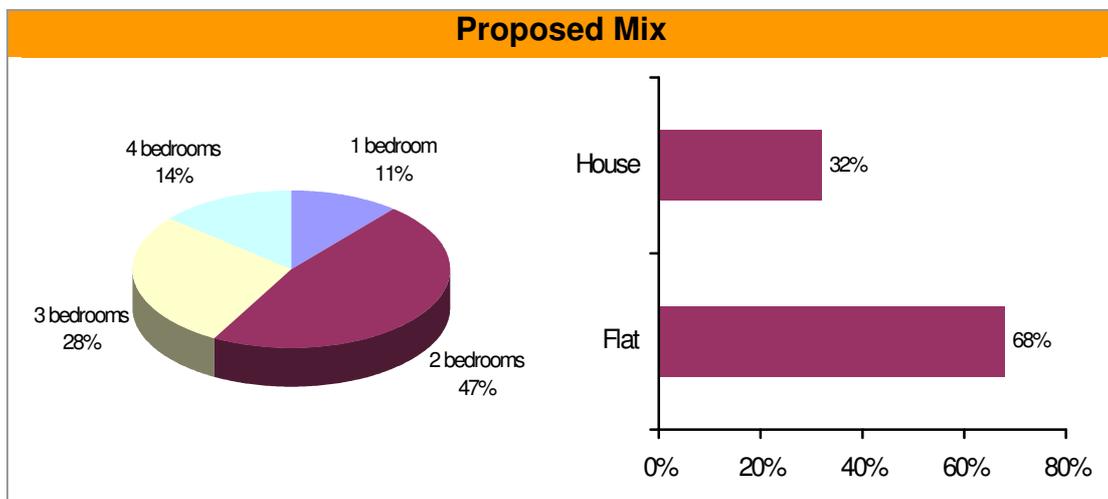
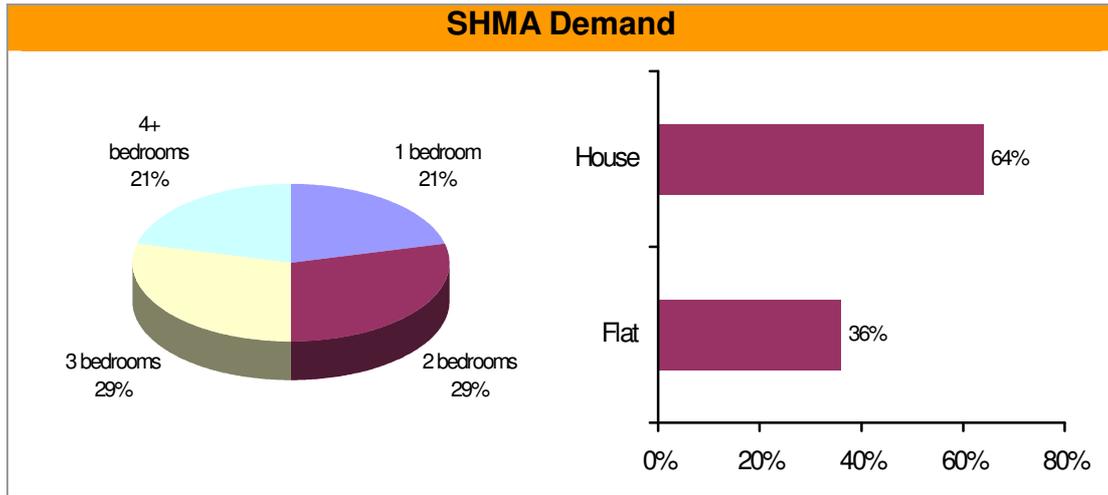
5.0.10 The affordable housing offer (40%) is below the Council’s 50% target but seen together with other benefits such as the DCT building/offer, abnormal costs and improvements to the local highway network (some of which have been accepted as abnormal costs) represents the maximum level achievable without impacting on the residual value of the scheme to such a degree that the development would be extremely unlikely to go ahead. Through discussion and detailed assessment of viability, the affordable offer has improved significantly.

5.0.11 The revised residential proposal is as follows:

	1 Bed	2 Bed	3 Bed	4 Bed	Total
Houses	0	0	49	32	81
Apartments	25	106	13	0	144
Total	25	106	62	32	225

5.0.12 The mix of size and type of residential units proposed in the original application was considered unacceptable in terms of DCLP Policy H3c (Mix of Dwellings on Housing Sites) and the Strategic Housing Market Assessment. Policy H3c requires a mix of new house types, sizes and tenures where appropriate to the location. It must be demonstrated the mix meets a local housing need. Accessible home and “life-time” homes are also required. The following compares the SHMA findings across all tenures with the revised application.

⁶ Science City cannot be guaranteed as an occupier on this site.



5.0.13 The proposed mix is weighted towards flats relative to the expressed SHMA demand. However, it has changed substantially from the scheme originally proposed, and three-quarters of the homes proposed are 2 and 3 bed family accommodation. Given the mixed use conversion of the factory building which is listed (where residential use could only be flats), the campus feel of the site, and the fact that there is a high proportion of 2 and 3 bed (including much needed affordable housing), the proposed mix of type and size of residential accommodation is now considered acceptable.

Residential (Use Class C2)

Assisted Living Accommodation / Care Home

5.0.14 DCLP Policy H17 (Residential Institutions) states that planning permission will only be given for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport. The Local Plan notes

that due to the increase in elderly people the demand for private residential institutions will increase over the plan period. The supporting text to this policy further states that they will be supported where need is shown and that they do not cause traffic or residential amenity problems.

5.0.15 The care home and assisted living uses were not included in the Development Brief as acceptable uses. The policy requires local need to be demonstrated. Public transport accessibility and residential amenity are also important considerations. The applicant has not conclusively proven a need for this use, however officers do not raise an objection to this proposed use. Assurances through head/s of terms within the S106, seek to ensure that this facility remains and operates within Use Class C2. Officers have concerns that without such control, the development could easily be converted to further residential flat accommodation. It should be noted that it proposed to provide 1 bed accommodation in these units. Officers consider this surprising as advice from operators suggests that 2 bed accommodation is more normal, due to residents usually having an additional room for guests etc.

Live Work Units

5.0.16 The term 'Live/Work' effectively describes accommodation that is specifically designed to enable both residential and business use. This differs from ordinary home working in its nature and in the intensity of business use that may be involved.

5.0.17 Many people work from home these days, either by way of traditional homeworking or more modern forms involving new technologies i.e. teleworking. However, in these cases the work use is small scale and usually secondary to the domestic.

5.0.18 'Live/Work' accommodation is specifically designed to have a higher intensity of business use. This may be in terms of the amount of space devoted to the work use or that the work element is designed to accommodate more workers than just the resident and may be designed in a flexible form to encourage business expansion.

5.0.19 Live/Work is a hybrid planning use that encompasses both C3 and B1 use classes. This type of accommodation is difficult to classify under a single class within the Use Classes Order and is therefore usually deemed to be '*sui generis*'⁷.

5.0.20 The Government believe that 'Live/Work' accommodation can play an important role in creating sustainable communities and mixed areas, reducing

⁷ A use which does not fall into any of the categories defined within the Town and Country Planning (Use Classes) Order 1987, as amended, such as theatres and motor vehicle showrooms. Latin term meaning 'In a class of its own'

the need to travel by car, aiding the development of small businesses and providing local investment.

5.0.21 Live / work units were identified in the development brief as an important component of a varied offer of employment accommodation including smaller units for business start-ups. Whilst it is considered that the applicant proposes to provide a nominal amount of units, they are acceptable. It is considered appropriate to limit the number of employees for each live/work unit to prevent inappropriate uses, unrestricted expansion and possible change of use of the business to a larger scale business and loss of the live/work element.

Employment

Digital Creative Technology Building (DCT)/ B1 Offices

5.0.22 The Development Brief seeks to promote the site primarily for Science City York (SCY) use. The Northern Way strategy also underlines the potential of the site for SCY. Yorkshire Forward are in negotiations to provide financial support for the DCT building, which would meet an identified need for SCY businesses. The remainder of the B1 space could provide floor area for additional SCY firms, however this is dependant upon the market.

5.0.23 The 2007 City of York Employment Land Review (Stage 1) – Final Report Current Situation and Future Economic Prospects – survey found “property market indications of significant pressure on land, particularly high quality land, for office and knowledge based activities”. The submitted sequential test, Volume 10 Office, Retail and Leisure Development Assessment, examines demand for B1 use and reaches similar conclusions as to the strength of demand for B1 space in York. The Assessment acceptably demonstrates the suitability of the site for the quantum of office space proposed.

5.0.24 The level of provision of B1 space proposed would provide an opportunity for SCY firms to locate onsite, if there is demand. It would be beneficial to achieving the aims of the Development Brief if the developer were to work with SCY in marketing the location to potential SCY occupiers.

5.0.25 The Council’s Economic Development section consider that the employment component of the application is acceptable.

5.0.26 Policy E1a seeks SCY use as the preference. The proposal includes a building specifically for SCY. For other B1 use it states: “*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 within the city centre, secondly in the York Central area and then thirdly within the rest of the urban area*”.

5.0.27 The Development Brief explains the background to the application of Policy E1a to the site and the policy requirement to restrict freedom for change of use. It is considered that the proposed B1 commercial uses are acceptable and would increase the vitality of York through job creation and other associated spin-off activities etc.

5.0.28 Discussions had taken place between SCY and the developer regarding the DCT Centre. These have centred on a possible lease arrangement for the C4 building, to take advantage of funding available through the Government's Northern Way initiative. This funding stream, however, was time limited and required expenditure to take place before the end of March 2008. Yorkshire Forward have indicated that there may be the opportunity for funding to support the DCT Centre, should planning approval be forthcoming. A head of term within the Section 106 allows for negotiations to continue regarding the provision of the DCT Centre until the end of this calendar year. This will enable options for the DCT Centre to be considered further by SCY and Yorkshire Forward. In the event that the proposed DCT Centre does not go ahead, then the head of term within the Section 106 provides for the developer to fund a sum of £910,000 towards supporting Science City York activities on the Terry's site in a way to be agreed with the Council. This figure, which would also be the amount of the developers contribution to the DCT Centre should this go ahead, has been set aside as an abnormal cost. On this basis, it is considered appropriate to impose a condition restricting use of the C4 building to Science City York type activities.

Other

5.0.29 The scheme also includes a variety of uses including residential (Use Class C3), retail (Use Class A1), food and drink (Use Classes A3 and A4), Museum (Use Class D1), Health centre/ Doctor's Surgery (Use Class D1) Nursery and Children's Gym and play centre (Use Classes D1 and D2) Gallery (Use Class D2), Local convenience store (Use Class A1), Hotel accommodation (Use Class C1) and a creative and technology centre for Science City York (Use Class B1). The majority of these uses would contribute to the vitality of the development and York as a whole. The appropriateness of these uses are considered more fully below:-

Hotels

5.0.30 Policy V3 (Hotels and Guest Houses) supports new hotels provided they are of an appropriate design and well related to walking, cycling and public transport links to the City Centre and other visitor attractions. Hotel use is included in the Development Brief. Such a use would be integral to the business community on the site. The relationship to the racecourse is also a key driver to hotel use on the site and this has led to the application for 2 hotels, meeting different needs. The accessibility of the site is a key issue to be addressed. The 4 star (plus) hotel would contribute more to the "prestige" vision for the site conveyed in the Development Brief. High quality hotels are considered to be missing from the York tourism offer.

Visitor Attraction / Museum

5.0.31 Policy V1 (Visitor Related Development) only applies to the visitor attraction / museum uses (D1) in the Clock Tower. The policy supports such use provided it is accessible and would not adversely affect amenity. A “heritage link” was required as part the Development Brief. The opportunity to provide a record of Terry’s history on-site is important.

Brasserie / Bar / Cafe

5.0.32 Policy S6 of the City of York Draft Local Plan relates to the control of food and drink uses, states that planning permission for the extension, alteration or development of premises for A3 uses (food and drink) will only be granted if:

- i) no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would result;
- ii) the opening hours of takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers;
- iii) car and cycle parking meets the approved standards (as set out in Appendix "E" of the Local Plan) and
- iv) acceptable external flues and means of extraction have been proposed.

Note: Since April 2005, pubs and bars have been re-categorised into a new use class, Class A4.

5.0.33 A3 and A4 uses were identified within the Development Brief as potentially acceptable uses subject to the caveats of the policy regarding amenity etc. Such uses are important as part of the facilities required for a “sustainable community” on the site and would add to the vitality and viability of the business location. They would also compliment the other uses within the site.

Retail

5.0.34 Policy S8 (Provision of Shops in Non-retail Developments) promotes retail development as part of major developments to help reduce the need to travel. The scale of retail provision should reflect the size of the development. The Addendum to Volume 10 demonstrates the need for the retail uses. The proposed retail element can be sufficiently supported by the residential element of the development.

Health and Fitness Club / Nursery and Children’s Gym

5.0.35 DCLP Policy (L1a Leisure Development) requires a sequential test of leisure use in accordance with DCLP Policy SP7a (The Sequential Approach to Development). Volume 10 addresses this for the Health and Fitness Club and the Children’s Gym. These uses are acceptable. The health club would be open to the general public to become members therefore the test is

appropriate. Inherent in the Development Brief seeking a high quality hotel is an acceptance of associated and ancillary uses related to the hotel. The location of the head office building and the large central internal space both lend themselves to hotel use, however the leisure aspect of the use is not easily accommodated within the building making extension necessary and therefore acceptable subject to design issues etc.

5.0.36 DCLP Policy C7 (Children's Nurseries) requires proposals to have adequate internal and external play space, to not adversely affect residential amenity and to be well served by footpaths, cycle ways and transport routes. The proposal for unit L7 complies with this policy. It is recommended that the DC Officer requests comment from Learning, Culture and Children's Services.

Existing Car Park

5.0.37 The Development Brief states that the reuse of the car park is acceptable provided there is an appropriate scheme of landscaping to improve its appearance in this sensitive green belt location.

Health Centre / Doctor's Surgery

5.0.38 This use is identified as suitable in the Development Brief. DCLP Policy C1 (Community Facilities) promotes such uses to ensure the social well being of the local community. This use is considered acceptable.

5.1 Masterplan

5.1.1 The Development Brief sets out a number of design principles, which should be followed. The Development Brief requires a Design Code to be submitted⁸. Relevant local plan policies include: GP1 (Design), GP3 (Planning Against Crime), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings).

5.1.2 There are a number of physical constraints, which have a direct bearing upon how this site can be developed. Such constraints are;

- listed buildings dividing the site;
- this site appears to sit within an open landscape on the southern fringe of the city;
- the substantial factory building and clock tower are significant landmarks on the city's skyline from near and far;
- the tree lined perimeter with walls onto Bishopthorpe Road and significant bunding to the north and east creates a private landscaped enclosure which is consciously linked to the wider environment, through the formal east gateway; and
- The south side of the site is raised above surrounding land and the ground falls towards Campleshon Road and the NE corner.

⁸ A Design Code has been included in Volume 2 – Masterplan, submitted by the applicants

5.1.3 The applicant's masterplan offers a comprehensive mixed use development of the site. The development principally consists of three new zones: business/commercial (NW), residential institutions and community/health facilities (NE) and a residential area to the south side of the factory. Proposals also indicate re-use of historic factory buildings for a variety of purposes (including hotel, leisure/retail, restaurant) with ground floor uses chosen to stimulate daytime and night-time activity.

Business/Commercial

5.1.4 The development brief places emphasis on the creation of a sustainable, distinctive and high quality business location. Officers consider that the applicant's proposals have been driven by the imposition of a dedicated business zone on the north side of the site. The area is a collection of independent offices. They have been set-out to re-establish the secondary axis between the factory building and the site entrance off Campleshon Road (the Boulevard). The arrangement also groups buildings formally around a shared space (The Heartspace) set above a podium semi-underground car-park.

5.1.5 Officers recognise that the applicants approach would provide certain benefits for future occupiers. It is a single type of offer providing a dedicated business environment with privileged access to car-parking. The service road should "tap off" a significant proportion of vehicles thereby hopefully protecting the new amenity space from traffic. The collection of units would have a generalised height of 4 storeys (above the car-park podium) and provided that rooftop plant areas were controlled the dominance of the listed factory buildings would be retained.

5.1.6 However the officers raise the following concerns:-

- The podium structure is single use and inward looking. Surveillance and security at night-time are a concern. It is considered that the café and new pedestrian route through the scheme aren't sufficient in themselves to overcome concerns.
- The inflexible nature of the structure (podium and offices) with its lack of a typical urban block typology (inside private outside public) potentially sets up a barrier on site. This has caused problems with the distribution, integration and form of other uses on site. Improved connections between the zones have enabled the site to become more cohesive but improvements could still be made.
- The podium appears to be 2.00 m proud of natural ground level close to the Campleshon Road entrance. Permeability of the structure towards Campleshon Road entrance should be assessed in relation to specific levels of structures when compared to the existing and surrounding ground levels. The nature of the entrance route from Campleshon Road would require careful design to encourage people into the centre of the site as diagonal movement has not been catered for. The materials and design of the

exposed N & NW basement wall require attention to avoid a poor introduction to the site. Officers feel this design could be greatly improved.

- The office units remain specific in their design form (mainly corner units). This has possibly arisen out of the requirement to design one of the units fully. Officers consider that simpler forms, would give more flexibility during a development programme, which could run over a number of years. Officers would not want the site to look incomplete at any stage and it is more likely to look so with the applicant's scheme. However this issue cannot be conditioned and is therefore left to the applicants to develop the site out appropriately.
- Officers consider that the Science City building (DCT) should have achieved a more commanding position on site. Officer further believe that the geometric qualities of the heartspace have not been exploited fully.
- The provision of the podium (semi-underground car-park) is a high cost approach as the whole of the base structure would need to be built in one go as part of phase one. It also needs to be over-structured to cater for potential changes in the development above.
- The creation of the podium results in cut and fill of the site. The inherited site levels have been exploited to reduce the amount of earth moving, nevertheless sections show that fill is anticipated in the NE corner under the Assisted Living Block. Officers have sought reassurance on quantities of earth fill and ground levels through condition.
- The artificial podium will limit the type and stature of its landscape development. Officers consider it is regrettable that large trees cannot be grown in this space.
- The proposed development of the open NW edge of the site onto Park Pavilion Fields is poor. This is one of the few places where the site reveals itself and future development here would advertise the site and define the field edge better. Officers note that the developable strip is narrow. Officers have sought a special provision in the design codes, for buildings and landscape, which would require a high quality special edge defining these building and/or a generous tree line. The applicants have not agreed to this.

Community Provision and special residential

5.1.7 A number of community facilities are proposed for the NE quarter of the site including convenience store, nursery / children's gym, health centre. Buildings would be arranged around a large public square accessed directly off Bishopthorpe Road (by creating a vehicular access). The pedestrian network would be connected to a route through this area. The care home building would help to define the space and live-work units would also be integrated. Officers highlight the following:

- Buildings would be relatively low (3-storeys) in relation to the open area and the setting of the headquarters building would appear to be preserved. Note - The assisted living building (R3b) would be 5-storeys and 4-storey for the care home (R3b) and Health Centre (L6).
- The proposed landscape structure is crucial to defining the area – its scale, use of space, territory markers etc. and a high quality environment should be achieved. Landscape infrastructure must be incorporated at an early stage.
- In the NE corner of the site there is a semi-private space forming the forecourt of the “assisted living” block. This would have a pedestrian connection to adjacent areas and it would be serviced from route from Campleshon Road service route. The building would back into the mound with low level indoor facilities and there would be a potentially sunny private amenity space in front.

5.1.8 Officers have raised the following concerns:

- The route which cuts through the walled forecourt of the former Headquarters building should be omitted. It runs between a service area and the private outdoor playspace for the nursery/gym. The route would make these areas vulnerable and it gives no significant advantage over the footpath along the road.
- The NE corner is an important viewpoint from outside the site. Officers consider 5- storeys is too high for development in this location, especially when proposed in addition to raised ground levels (spoil from semi-underground car-park). The trees in this location are mostly deciduous. Although development would be over 55.00 m away from existing residences, it is important for any building to have a respectful relationship with its tree-lined enclosure. Officer would require that special attention must be paid to the rear elevation and roof-line if the scheme is approved. However officers consider that proposals do not appear to protect the wider environment. The height does not appear to respect the context of its mature landscape and Bishopthorpe Road.
- Significant areas of the mound would be removed together with the trees. The landscape Council’s Architect’s assessment of the impact of this loss will is an important consideration (see section 5.5). However in brief this is a concern.
- The majority of officers consider that it is unacceptable to regard the linear mound as accessible public open space. It is impractical and would cause security and privacy problems. Whilst the removal of industrial fencing from the perimeter of the site would enhance the area, fencing should be provided elsewhere for security purposes. The issue of open space is examined in more detail in section 5.11.

- There has been much debate about the NE corner of the site. Initial schemes placed community facilities in this location and a new access was envisaged connecting the area directly with the neighbourhood to the north. The brief stipulated that no new vehicular access points were to be formed (especially close to the junction). The provision of a new pedestrian route through the mound has been explored in detail. The mound rises to 6.00m in this location. Gradual reduction of soil on either side of a walkway/cycleway would have resulted in unacceptable tree loss to the characteristic boundary. The alternative approach of providing a narrower cutting would have created a 30-40m long walkway with retaining walls at either side rising to 6.00m in places. The likely quality of this route would have been a deterrent to access.
- The potential of providing community facilities just within the site off Campleshon Road has not been explored as the applicant's aim has been to capitalize on the "image making" potential of this gateway location to attract business use.

Residential Area

5.1.9 The residential area (Use Class C3) has been created to the south of the main factory building. It takes advantage of its proximity to the existing memorial garden. The area provides housing, which is 3-4 storeys in height, each with some private space. Terraced houses line the site edges, with a 4-storey apartment block adjacent the garden. This arrangement should provide natural surveillance and add some security to this area. The terraced streets run in a north-south axis, terminating in further apartment blocks (of a moderate the scale) adjacent to the factory building. No part of the development is over 4 storeys in height and it is considered that the wider setting and dominance of the factory building in views from open areas to the south would not be affected by the scale of the development.

5.1.10 Officers have raised concerns about the isolated location of this residential area, as it is remote from the existing and well-established main residential neighbourhoods (Campleshon/Bishopthorpe Road). The masterplan gives priority to employment uses being located immediately within the site entrances, thereby supplanting community and residential use. The area of housing would be similar in type to the series of independent housing developments on the east side of Bishopthorpe Road, each of which forms its own enclave. Officers remain concerned about this proposal for the following reasons:-

- The development appears close to the mature trees. Any loss of these trees, which form an attractive tree belt/screen, would erode the character and appearance of the area.
- Secure by design standards must be achieved. The path to the south of the houses should be omitted as this is would most likely be create the opportunity for crime/ un-social behaviour.

- The spatial quality of the areas between buildings is analogous and it is car dominated. Whilst this scheme is only in outline, officers would wish to see the reserved matters further develop the private and public areas in different ways and explore the introduction of “home-zones”, though there appears limited space to do this.
- The two blocks of three units should be integrated into the linear development. The purpose of the passageway and the location of the cycle route here appear arbitrary. Legibility and security would be compromised.
- The cycle route and the children’s play area pose a threat to the garden. They would both introduce hard surfacing and more dynamic activity. The cycle path should be removed from the garden. It should follow a more direct route along one of the streets.
- The children’s play area occupies a significant proportion of the memorial garden. This area is required for informal recreation and it would provide a focus for community building through informal contact. It is also a precious resource. Any play space should form a minor part of the garden (subject to archaeology). It should be specially designed as public art to compliment its surroundings and to resonate with the site’s history. Conventional equipment and fencing would harm the character of this area - identified as one of three important spaces within the conservation area appraisal.
- Pedestrian routes to and from the housing area must have priority over cars. Officers also seek legal agreement to make sure that a well designed pedestrian access route through the centre of the factory is achieved and maintained. Otherwise lack of permeability will cause further isolation and a temptation to use cars. The applicants agreed to this measure approximately 12 months ago but now state they have no recollection of this.

The Central Area

5.1.11 The scheme has the potential to enhance this important area and make it available to all. The factory buildings would be re-used and ground floor uses would be accessible. The hub of public uses is proposed for buildings clustered around the meeting point of the two main avenues. It is hoped that this area would act as a magnet into the site.

5.1.12 Officers consider that development of the hub around the base of the clock tower is also vital in providing a satisfactory transition space between main areas. It is considered that enclosure and ground plane definition remain weak. This is an important orientation space and routes through the site should be clearly identifiable from here.

5.1.13 The proposed link to the racecourse could bring enormous benefits to both sites. The linkage would stimulate complimentary uses and increase the vibrancy of the public areas. A direct connection to the riverside would also be formed.

5.1.14 Removal of the bridge links would clear the vista and enhance the setting of the listed buildings. The Conservation Area Appraisal also regards the 1970's building as having a detrimental impact on the area⁹. Its materials, horizontal lines and expressed frame are uncharacteristic of the conservation area. Proposals would replace this with a new extension to the hotel, which would continue to delineate the building line.

5.1.15 The entrance gates would remain and be repaired. Officers consider that the scheme should be accessible at all times though i.e. un-gated.

5.1.16 Officers consider that the landscape proposals for the central area should take account of the requirement for service access and should allow for ground level lights to the factory basement. There would appear to be a conflict between the parking arrangements and access to ground floor uses of the factory. Cycle shelters should be integrated with buildings. The formal scheme proposed should be functional and not over-designed.

5.1.17 Officers also feel that signage must be controlled throughout the site. Most adverts would require some form of permission whether it's listed building or advert consent. However, officers would not wish to see an overabundance of adverts or inappropriate adverts, which detract from the conservation area and the listed buildings.

5.2 Highways

5.2.1 Highways negotiations have been ongoing for the majority of the life of this planning application. Officers have sought, throughout this time, adequate mitigation measures to manage the impact of the proposed scheme.

5.2.2 It is recognised that all new development in the city puts a further strain upon York's existing transport infrastructure. The Council's highways department recognise that there is very little free capacity within York's traffic network in peak hours. The Council's ability to engineer more capacity is also very limited due to the city's confined character, which restricts certain forms of development. The highways department recognise that as an alternative the Council must turn to other more sustainable modes of transport, in particular cycling, walking and public transport.

5.2.3 The application to redevelop the former Terry's site with a mixed use development, will put additional pressure upon the traffic and transport network within the City. With the gradual running down and closure of the site the traffic impact of the former Terry's is not currently being experienced in the south of the city. As the site is redeveloped, the network will begin to

⁹ This building, by local architect Tom Adams, won a White Rose Design Award at the time

experience former levels of traffic. With the proposed density of development and the mix of uses officers expect that traffic levels, in the peak period, will increase significantly.

5.2.4 The application is supported by a Transport Impact Assessment (TIA) Report (Revision C) which examines the impact of the development traffic upon the adjacent highway network and puts forward proposals to mitigate these effects. Such mitigation measures include, junction improvements, signalling upgrades and funding for sustainable transport measures.

5.2.5 The proposed development covers the full extent of the former 10.86ha factory site, which is bounded by Bishopthorpe Road to the east and Campleshon Road to the north. Three access points are proposed, two of which are the current access points on Bishopthorpe Road and Campleshon Road, the third being a new access created to serve a community parking area accessed from Bishopthorpe Road.

5.2.6 The applicant's transport consultant have made much of the fact, in their revised TIA report, that the existing buildings on the site are quite capable of being re-occupied for their already permitted B8 use and that traffic levels on the neighbouring network would rise markedly if this were to happen. This could all be implemented without the need for planning permission. The anticipated traffic flows arising from the full development of the site must be compared with this legitimate "fallback position", is a point which is made strongly by the consultant and that mitigation measures to manage the predicted increases should be based on this difference. Officers have made considerable efforts throughout discussions with the developer, to try and agree on what levels of traffic a re-occupied factory might produce, but to date full agreement has not proved possible on this key element.

5.2.7 The developer has been unable to provide any information about traffic levels when Terry's was in full production. The Council does have some information regarding staffing numbers of the site, dating back to 1988. At that time the records show there were 1260 staff employed on the site, which gradually reduced year on year until the factory's closure in 2005. A shift system was in place during the times of production. The company also provided a number of buses in order to carry staff to and from their homes in the City. It would also be true to say that a high proportion of staff travelled to work by foot or by bicycle.

5.2.8 With the re-use of the existing site, the developer suggests that 553 vehicles would arrive in the am peak and 470 vehicles would depart in the pm peak. With the full development in place, the estimated total inbound flow of the site rises to 893 vehicles in the am peak and 668 vehicles in the pm peak. Officers recognise that these are both substantial increases in traffic movement compared to when the Terry's site was fully operational.

5.2.9 Dedicated car-parking (to serve the needs of the development) will be principally located in three distinct areas. The residential units to the south of the development will have end-on surface level car-parking covering the

frontage of these homes. Parking for the commercial offices is to be located within an underground car park (513 spaces), which is accessed from the northern section of the internal access road. The current surface level car park to the east of Bishopthorpe Road will be re-used as part of the development, providing 267 parking bays, principally for the Hotels and apartments.

5.2.10 In total, the developer is proposing a total of 1305 car parking spaces. As a comparison, employees of the former factory had the use of a 310 space car park to the east of Bishopthorpe Road and about 100 spaces within the main site itself. Car parking provisions are either in accordance with, or just below the Authority's maximum standards for the various types of uses.

5.2.11 Cycle parking is to be provided at various locations to suit residential and employment needs and will be in accordance with Council Highway Standards, at 1055 spaces in total. A major proportion of the cycle bays for office employees will be located within the underground car park, in close proximity to the lifts and stairwells. Negotiations regarding the siting of the surface cycle-parking is still ongoing, but at present the applicants have not provided suitable surface cycle parking facilities.

5.2.12 The developer is proposing to create pedestrian/cycle links to the National Cycle Route (No. 65), which runs across the Knavesmire to the south, and into Racecourse Road to the west.

5.2.13 The development Brief sought to encourage cycling and walking however the layout of the development and the parking provision do not support this.

5.2.14 The developer has recently requested that the internal access roads be taken over for adoption by the Highway Authority following the standard period of maintenance. Negotiations are on-going to reach agreement on the details of a satisfactory layout.

Proposed traffic mitigation measures.

5.2.15 The impact of the development traffic and of the re-introduction of permitted uses on the site has been assessed by the applicant's transport consultant in their accompanying revised TIA report. In offering mitigation, they have sought to create a situation where the operation of a junction following the introduction of development traffic is no worse than would be the case if compared with the "fall-back" situation, i.e. when Terry's was operating at full capacity.

In assessing the junctions in more detail, the officers make the following points:-

- Campleshon Road / Bishopthorpe Road

The applicants' consultant's calculations show there is a need to introduce traffic signals at this junction in order to manage the amount of additional development traffic. Widening of this junction would need to take place on the Bishopthorpe Road (inbound) and Campleshon Road approaches, in order to provide two traffic lanes. Signalised pedestrian crossings would also be incorporated into the design. Waiting restrictions would be needed over an appreciable length of the terrace properties fronting Bishopthorpe Road in order to maintain full use of the traffic lanes.

- Scarcroft Road / Bishopthorpe Road

The consultant's calculations indicate that the existing signalling arrangement could handle the predicted development traffic without exceeding its practical capacity. However officers have concerns over how representative their survey data is when determining current conditions. Funding has been agreed to improve the efficiency of the pedestrian facilities to be found and to add bus priority measures to the controller.

- Tadcaster Road / Knavesmire Road

The assessment here shows that with the addition of development traffic, there would be acute capacity issues at this junction and the developer has therefore come forward with proposals to signalise the intersection in order to bring it's operation back within acceptable limits. The bus lane provision would be retained through the junction. In order to prioritise bus journeys over other queuing traffic a bus gate facility (signals) introduced further back beyond the St. Georges Place junction is proposed.

- Tadcaster Road / St. Helens Road

The imposition of development traffic at this junction and indeed the extra traffic associated with the re-introduction of existing uses on the Terry's site would both lead to over saturated conditions with excessive queuing and delays occurring. Given that there is no opportunity to create additional capacity at the junction through physical works, the developer's consultant is proposing queue relocation further upstream at the Moor Lane/ Tadcaster Road roundabout by means of the introduction of traffic signalling. Some minor works to assist bus movements and increase the efficiency of the pedestrian phases are proposed within the signalling software at the junction.

- Tadcaster Road / Moor Lane Roundabout

The applicant's consultants have put forward a scheme to introduce signalling at the conflict points on this roundabout, with the aim of holding back inbound traffic on this already heavily trafficked radial, during the critical peak periods. To assist in this strategy, the consultants are suggesting widening the inbound approach along Tadcaster Road for a distance of some 275 metres in advance of the roundabout. Whilst the arrangement would be effective in managing the stream of traffic entering the City, motorists would undoubtedly

experience considerably more delays during peak periods than currently is the case. The consultants analysis recognise that there will be excessive queues developing on both the Moor Lane and Tadcaster Road outbound approaches.

- Tadcaster Road / Sim Balk Lane

The imposition of development traffic is predicted to create conditions where junction capacity is exceeded during the am and pm peak periods. Their consultant points out that only a modest improvement in capacity would be needed to create conditions similar to that which could be expected if the factory were to be re-occupied (the fall-back scenario) and they are suggesting the introduction of a piece of signalling software (MOVA) into the controller in order to bring this about. Traffic will still experience increased congestion and delay than at present, even with this modification.

5.2.16 Officers have secured £630,000 through the s106 agreement as a contribution toward the implementation of these measures.

Sustainable measures

5.2.17 In line with advice contained within PPG 13 and this Authority's own transport objectives, officers have sought to negotiate funding for sustainable transport measures as part of the package to mitigate the impact of the development traffic upon the highway network. The following points establish the details of the applicant's offer:-

- Public transport

The developer is willing to provide a peak hour shuttle bus service linking the site with York Railway Station and with the Askham Bar Park and Ride facility. A two year period of operation is being offered following occupation of commercial premises on the site. The Council seek 5 years, however the applicants do not wish to provide the shuttle bus for this period. In addition officers sought to increase the frequency of the current no. 11 service, which passes the site, to every 15 minute. The applicants have not agreed to this request either.

- Travel Vouchers

In order to encourage future residents of the site to travel by other modes of transport, other than by private car, the developer is willing to provide a voucher for each household to enable the purchase of a bus pass or bicycle, up to the value of £150.

- Car Clubs

In addition to the provision of 4 spaces within the development, a contribution of £160 per residential unit is being offered in order to expand the Car Club facility in this area of the City.

- Travel Plan Coordinator

The developer will employ a Travel Plan Officer for a minimum period of 3 years. The travel Plan co-ordinator will ensure that the measures contained within their (yet to be agreed) Green Travel Plan document are fully implemented. By this means, it is hoped to influence the travel behaviour of users of the site before patterns become too established.

- Cycling measures.

There is an offer to upgrade the section of the National Cycle Network Route 65 where it passes between Bishopthorpe Road and the riverside cycle track by rerouting it over land in the developer's ownership to the south east of the current surface level car park. This will then mean cyclists can avoid the current steep incline of the present route passing to the north of the car park.

Traffic Management Measures

- (a) At the suggestion of officers, a scheme has been prepared to introduce waiting restrictions along the northern side of Campleshon Road and the western side of Bishopthorpe Road, covering the frontages of the site, in order to protect them from commuter parking and allow the safe passage of other road-users. Funding is to be offered through a term within the Section 106 agreement, in order to cover the Authority's full costs for implementing such measures.
- (b) Given the increased pedestrian activity arising from the development and in particular the future numbers likely to want to cross Bishopthorpe Road over the development frontage, the applicant is willing to provide funding to allow the introduction of speed tables to enable a 20mph zone to be introduced over this length. The obvious solution of introducing more refuges to meet pedestrian demand was found to be difficult due to the space required for turning traffic movements at the various access points.

SUMMARY

5.2.18 There has been an exceptionally lengthy period of negotiations with the developer on all highway and transport issues arising from this application. Officers have been successful in securing a number of measures to offset the expected increase in traffic generated by the new development. These include:

- Engineering work to key junctions in the vicinity of the site and at other key junctions particularly on Tadcaster Road to mitigate the traffic impact. However no measures have been secured for Bishopthorpe.

- A number of sustainable transport measures to provide an alternative to car use.
- Introduction of traffic management measures particularly in the immediate area around the site.

5.2.19 Even with these measures officers still have concerns that the committee should be aware of. These are:

- The network in the south of the city in recent years has not experienced the level of traffic generated by the former works. As development progresses the impact of that traffic will be increasingly apparent.
- The extent and density of the development will mean that the network will have to cope with additional levels of traffic particularly in peak hours.
- Engineering measures to offset the increase in traffic will have an effect but must be supplemented with more sustainable means such as cycling, walking and public transport. The mitigation offered could balance these added traffic volumes and prevent excessive queuing at points on the network where serious problems would otherwise arise.
- Disappointingly, officers have not been able to agree an increased frequency for the no.11 bus service, which would have made a real impact on the predicted levels of vehicular traffic. The peak hour shuttle bus service, whilst welcomed, can only have a limited impact on overall traffic volumes.
- The developer s106 contribution of £630k towards the off-site highway improvement works will need to be supplemented by additional funding from within the Council to meet the overall costs. An allowance has been made in the Access York Phase 1 project to support this contribution.
- The village of Bishopthorpe will experience an increase in through traffic if the development goes ahead over and above those experienced when the site was operational. No specific mitigation measures are being proposed by the applicant to offset this.

5.3 AFFORDABLE HOUSING

5.3.1 The proposed offer of 40% Affordable Housing is lower than the 50% target stated within Policy H2a (Affordable Housing) of the Local Plan and the Affordable Housing Advice Note 2005. The 40% proposal has been agreed with the applicant's following detailed analysis of a financial appraisal of the development, in accordance with the DCLP Policy. The costs involved in bringing the site back into use are such that it is considered not to be financially viable to provide 50% affordable housing.

5.3.2 The overall affordable housing provision agreed at Terry's is 40% following negotiations from an original offer by the applicant of 25% affordable housing.

5.3.3 The agreement has been reached after consideration of the costs associated with the remediation and redevelopment of this industrial site. In agreeing the total affordable offer the additional costs of the DCT building were included. Without the DCT building the viability assessment will need to be revisited and a higher affordable housing provision will be expected, and should be conditioned.

5.3.4 The table below outlines the housing provision agreed for the whole site.

Dwelling Type	Social rent	Discount Sale	Total affordable	Open Market	Total	Percentage affordable
1 bed flat	12	2	14	9	23	61%
2 bed flat	18	24	42	66	108	39%
3 bed flat	4	4	8	5	13	62%
3 bed house	20	6	26	23	49	53%
4 bed house	0	0	0	32	32	0%
Total	54	36	90	135	225	40%

5.4 MIX AND TYPE OF HOMES

5.4.1 From the 225 dwellings on the site there are a total of 81 houses of which 26 (32%) will be affordable and 20 of these for rent which is the priority need in the city as identified in the 2007 SHMA. To have secured 40% of the houses on the site as affordable homes would have impacted significantly on the overall viability of the scheme and have meant receiving a much lower affordable percentage of homes overall. Taking 4 bed houses would have further reduced the overall viability.

5.4.2 Given the demand for affordable housing of all types across the city, including apartments, it was felt that maximising the number of affordable homes on the site balanced by an increase in the number of houses originally offered by the applicant was the best option.

5.4.3 The split of tenure type is 60:40 between social rented and discount sale respectively. This is outlined as the appropriate mix in the 2007 SHMA. Initial Discount Sale prices have been set as follows:

	Discount Sale price	Percentage discount from OMV	OMV (provided by the applicant)
1 bed flat	£65,000	50%	£130,000
2 bed flat	£75,000	56%	£170,500

3 bed flat	£95,000	57%	£220,000
3 bed house	£99,500	66%	£293,000

5.4.4 The sale prices were negotiated based on the site location, plus size and type of homes, and by cross-referencing the SHMA and Discount Sale waiting list to ensure that they are affordable to registered households. These prices are specific to this scheme and are, in local terms, meaningfully affordable. The prices have been set for first sale but the percentage discount from open market value is necessarily indicative at this stage and will be finalised by an Open Market Valuation at the point of sale. The discount from OMV will also be set out in the Section 106, and applied to all subsequent re-sales of these homes thus keeping them affordable for future purchasers too.

5.4.5 All the affordable flats are new build and within the same blocks. Although this does not fit with the Council's overall policy to pepper-pot affordable homes it is the only feasible option given the high service charges that will apply to the development. By taking complete blocks of flats housing associations are able to take over the management of these blocks and consequently set the service charge. This is crucial in ensuring the units are affordable whether for rent or discount sale as high service charges can easily compromise affordability. HASS recommends that if this planning application is approved, it should be conditioned that service charges for the management of the affordable homes will be in the control of the housing association. It should be noted by members that the applicant proposes to levy service charges against *all* houses on the site. This is unprecedented in York and will impact on the affordability of all homes and may need further clarification from the applicant.

5.4.6 The affordable houses will be pepper-potted, and in runs of no more than two houses unless otherwise agreed with officers.

5.5 LANDSCAPE AND NATURAL ENVIRONMENT

5.5.1 The listed buildings are an important landmark in York and have significant cultural associations for local people. The importance of the setting is emphasised in the York Landscape Appraisal 1996 and the Conservation Area Appraisal. Protecting the setting of the site within the "parkland" of the Stray is a key principle of the Brief. The impact of the proposed development on the setting of the buildings requires to be carefully considered and their dominance in the landscape should be protected.

5.5.2 Retaining existing views of the factory building and clock tower is a key requirement of the Brief and was strongly supported in the consultation. Southerly views of the factory building and clock tower above the existing tree belt should be protected. The view across the racecourse car park from Campleshon Road is also important and the impact on this should be carefully considered.

5.5.3 The site is a distinct entity from the adjacent suburb and plays a key role in transition between town and countryside. The Development Brief

requires proposals to protect the setting of the site to maintain this relationship. The tree belt on the southern boundary should be supplemented with a second belt of planting.

5.5.4 The Development Brief is clear that development on Nun Ings is not acceptable as any development of the green belt land would be detrimental to its character. The impact of the existing car park on the open character of the green belt should be reduced. Refer to DCLP Policy GB1 - Development in the Green Belt.

5.5.5 The Brief sets out a requirement for a Tree Survey and series of requirements for the landscaping scheme - Refer to the Council's Landscape Architect for comment on Volume 8 Tree Survey and Report. A TPO covers the trees bounding the site, which are not in the Conservation Area. DCLP Policies GP9 (Landscaping) NE1 (Trees, Woodlands and Hedgerows) and HE11 (Trees and Landscape) are relevant. Policy HE11 requires existing trees and landscape that form part of the setting of Conservation Areas and Listed Buildings to be protected. Any trees removed should be replaced with appropriate specimens.

5.5.6 The existing 'garden area' should be retained and enhanced - The Brief and Conservation Area Consent application identify the formal garden area as forming part of the planned layout of the site, designed to provide amenity space for employees of Terry's. The Brief requires the garden to form a usable part of the open space provision for new development. Any proposal to develop within the existing garden area would be contrary to DCLP Policies GP1, NE1a, HE11, the Development Brief and the Conservation Area Character Appraisal.

5.5.7 The Council's Landscape architect has stated that the trees along the southern border are an absolutely critical element in the landscape with regard to the setting of the listed buildings (in the immediate vicinity) and also from longer distance views from e.g. the race course and the A64. The bank of trees skirting round the junction of Bishopthorpe Road and Campelshon Road contribute to the amenity of the streets and rightly screen this corner of the site, which in turn places a positive, legible emphasis on the more open entrances.

5.5.8 The existing garden is surrounded by a variety of mature trees, which enclose the space, screen the adjacent building and Bishopthorpe Road, and form a major feature of the garden in themselves.

5.5.9 The trees vary in size, species and condition throughout the site; some have a limited safe useful life and a few need felling imminently, but the majority are in reasonable condition; there are not many trees of exceptional individual value; the greatest significance is in the group effect.

5.5.10 It is essential that the trees can be adequately protected during demolition and construction operations, and more importantly in the long term that they are compatible with any new building use, taking into consideration

factors such as shade, safety concerns, and leaf/seed fall. The existing buildings should not be used as a gauge for the location of the new buildings because these industrial buildings do not require the same light levels as residential buildings, nor do they present the same extent of individual concern, nor is there an outdoor amenity space requirement.

5.5.11 Officers consider that the locations of the residential blocks are much improved (from the previous Masterplan) in respect of the retention of existing trees and the existing park, but it still falls short of a comfortable arrangement.

5.5.12 The southern boundary of trees consists of a variety of species of varying sizes and ages; the majority of the trees have not attained their full mature size yet. There are a number of good young trees, which have been placed under category C because of their current small size, however these trees should be retained (with some thinning where necessary to favour the better trees as they mature) and their ultimate mature size taken into consideration. Similarly whilst some of the trees have a shorter useful life, any development should accommodate their replacement with an equally large species. This band of trees includes some conifers, which serve a useful screen for the existing factory units. These conifers could be retained as occasional specimens, but other species would be more suitable for a residential situation, such that the trees provide a setting for the listed building, rather than an absolute screen to new development. In this respect the Holly, which is also within this belt is a better evergreen choice. The proposed properties along the southern boundary have a main southern aspect over individual rear gardens. This is good orientation but it also means that the trees are directly shading the rear gardens and also the properties themselves outside of the mid summer months, therefore the garden length should account for this, especially bearing in mind the mature heights of e.g. Lime, Maple, Hornbeam and Horse chestnut which are contained within this belt. Often when large trees are removed in built up areas, they are replaced with smaller species. It is important to retain a belt of large species trees (and without necessitating crown reduction) in order to retain the correct scale and height of the apron of trees that form the setting of the listed building and the development. People are often concerned about proximity to trees in periods of high winds (even if the trees have been recently inspected and declared in good health). There are a several examples in York where at first occupancy, the council have been put under pressure to allow the removal/thinning out of trees within new rear gardens, e.g. Quant Mews, Wilberforce Homes (backing onto The Grove, Dringhouses – photographs will be displayed at the meeting). From experience and reference to 'A Method of Calculating Minimum Distances of New Properties from Existing Trees' – a document produced by Members of The Greater Yorkshire Tree Officers Group (GYTOG), the rear gardens should be longer, i.e. the properties set further back from the existing trees. To this extent, although the situation is improved from previous submissions, blocks R2a (residential - houses) and R3a (residential – flats) are still too close to the trees to satisfactorily avoid conflict with occupants and existing trees. These blocks would ideally be set back a further 5.00m.

5.5.13 For the same reasons, although the position of block R3e (residential apartments) is better than previous proposals (which suggested entire removal of trees and a reduction of the existing garden), it should be set back a further 5.00m than proposed in order to avoid objections to the trees. This is particularly important if the apartments are single aspect. The proposals place block R3e closer to the trees than the existing building. (Also T289 a substantial, mature, category B, Hornbeam should be retained – not removed as shown - this would result in fewer parking spaces.)

5.5.14 Similarly, single aspect rooms at the southern end of the R5a (care home) are likely to cause conflict between residents and existing trees due to shading and safety concerns, especially amongst the elderly¹⁰.

5.5.15 There are trees shown retained between the 'community parking zone' and Bishopthorpe Road that would not be practicable due to earthworks and surfacing.

5.5.16 The trees along the southern border are an absolutely critical element in the landscape with regard to the setting of the listed buildings in the immediate vicinity and also within long distance views from e.g. the race course and the A64.

5.5.17 The bank of trees skirting round the junction of Bishopthorpe Road and Campelshon Road contribute to the amenity of the streets and rightly screen this corner of the site, which in turn places a positive, legible emphasis on the more open entrances.

5.5.18 The existing garden is surrounded by a variety of mature trees, which enclose the space, screen the adjacent building and Bishopthorpe Road, and form a major feature of the garden in themselves.

5.5.19 The trees vary in size, species and condition throughout the site; some have a limited safe useful life and a few need felling imminently, but the majority are in reasonable condition; there are not many trees of exceptional individual value; the greatest significance is in the group effect.

5.4.20 It is essential that the trees can be adequately protected during demolition and construction operations, and more importantly in the long term that they are compatible with any new building use, taking into consideration factors such as shade, safety concerns, and leaf/seed fall. The existing buildings should not be used as a gauge for the location of the new buildings because these industrial building do not require the same light levels as residential buildings, nor do they present the same extent of individual concern, nor is there an outdoor amenity space requirement.

¹⁰ The council receives proportionately more complaints from elderly members of the public than any other.

5.4.21 The locations of the residential blocks are much improved in respect of the retention of existing trees and the existing park, but it still falls short of a comfortable arrangement.

5.5 ECOLOGICAL IMPACT

5.5.1 The Development Brief also requires an Ecological Appraisal and a Bat Survey to be submitted. In addition the Brief requires cognisance of DCLP Policies NE7 (Habitat Protection and Creation) and NE8 (Green Corridors). The Council's Countryside Officer accepts the findings of the applicants bat survey.

5.6 FLOOD RISK AND DRAINAGE

5.6.1 The Development Brief requires a Flood Risk Assessment to be submitted. DCLP Policy GP15a (Development and Flood Risk) is relevant. The Brief contains requirements for protection of the river corridor. The proposal does not encroach into Flood Zone 3 apart from the path link. All relevant consultates raise no objection to the applicant's proposal but advise the imposition of various conditions to safeguard against flooding and drainage problems.

5.6.2 It is the applicant's responsibility to ensure that their operations do not cause flooding problems for others as a result of this application.

5.7 SUSTAINABLE DEVELOPMENT

5.7.1 The Development Brief requires cognisance of the Emerging RSS Policy ENV5 - Energy - regarding on-site renewables (now deleted in the adopted RSS). The Brief also requires submission of a Sustainability Statement as per DCLP Policy GP4a – Sustainability. The Brief lists a number of issues that the statement should address. No concerns have been raised regarding the sustainability of this proposal from the Council's sustainability officer. It is therefore considered that this scheme meets the requirements of policy GP4a and the Council's SPG regarding Sustainable Design and Construction. Should the application be approved a condition is proposed to secure the proposed methods of sustainable construction.

5.8 ARCHEALOGY

5.8.1 The Brief requires an archaeological evaluation of the area to the south of the main factory building prior to the submission of the planning application – refer to the Council's Archaeologist for comment. The Brief also requires an archaeological watching brief on all groundworks and a full building recording exercise prior to any demolition. DCLP Policy HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas - presumes against demolition. The principle of demolishing the non-original buildings was agreed at an early stage as these do not make a positive contribution to the conservation area and hinder redevelopment. The policy

requires that no demolition can take place until a permission and a building contract are in place for redevelopment.

5.8.2 The Council's archaeologist raises no objection to the applicant's proposals but advises the imposition of a condition requiring a watching brief.

5.9 LOCAL COMMUNITY

5.9.1 The Development Brief requires the proposal to bring South Bank and the site closer together through on and off site provision / contribution of community facilities. DCLP Policy C1 (Community Facilities) supports the development of social, health, community and religious facilities provided they are of an appropriate design and to meet a recognised need. This policy would apply to the proposed Health Centre/Doctors Surgery. DCLP Policy C6 (Developer Contributions Towards Community Facilities) applies where the impact of residential development on existing facilities needs to be mitigated and a S106 financial contribution can be sought. An assessment of this has not been undertaken by CYC or Grantside. Education and open space / leisure are addressed under other policies and it is not clear what other facilities exist that could be impacted on by the development. The provision of the health centre has clear benefits both for the site and for South Bank. The nearest post office is on Micklegate, which has been raised as a concern in public consultation. The Council raise no objection to these developments.

5.9.2 Officers are disappointed that the potential for a 'Community Hall' facility should have been explored further. This was included in previous drafts of the Masterplan but isn't in the current Masterplan.

5.10 PUBLIC ART

5.10.1 The Development Brief requires 1% of the total development costs to be attributed to Public Art in accordance with the Council's Public Art Strategy. The Masterplan contains a commitment to work with CYC to develop public art.

5.10.2 Public art can enhance and add value to development, contributing to all aspects of design, from street furniture and paving to building design and landscape. Incorporated into any publicly accessible or visible space, public art can contribute towards the quality and design of a development, creating local distinctiveness for residents, employees and visitors to the city.

5.10.3 The applicants have not proposed a scheme for public art for this development. General discussions have centered around possible public art elements being incorporated into the landscape and built structure of the scheme, although no definitive scheme/s have been proffered. Officers have sought guarantees that public art will be adequately addressed and incorporated within this development. The best way to secure this is by including a term within the Section 106 Agreement. As the applicants have not submitted any information regarding public art, a term has been included

within the S106 agreement to secure public art in accordance with the public art strategy (1998).

5.11 OPEN SPACE

5.11.1 The Development Brief requires open space provision in accordance with local plan Policy L1c - Provision of New Open Space In Development. The Development Brief requires the developer to explore the opportunity to provide sports space for Knavesmire School. The Masterplan includes a “proposed outdoor sports facility for Knavesmire School”. This is to be provided on land in the ownership of the Racecourse.

5.11.2 Concern has been expressed by consultees that the proposed development is overly dense for the site and that there is insufficient open space within the scheme for both residents and general public. However in terms of open amenity space, this site within of playing fields, stray land, allotments and the riverbank. In conjunction with the open space provided on site, these areas are considered to provide an appropriate level of open space for this suburban location.

5.11.3 With regard to outdoor sport and recreational space, under Policy L1c the normal requirement for the population of the scheme within the ix of houses proposed would represent a significant proportion of the site. It would be inappropriate in both urban design and sustainability terms on this previously developed suburban site to require the full proportion of formal recreational space to be provided on site. As a result, an off site contribution is considered appropriate, which would amount to £128,51 for the upgrading and/or provision of new facilities, to be used as described by leisure Services within the area for the Sports and Leisure Strategy. A play area is also to be provided within the memorial gardens.

5.12 AFFORDABLE HOUSING CONSIDERATIONS

5.12.1 The level and type of affordable housing to be provided at the site has been the subject of lengthy and detailed discussions between the applicants and Council Officers before and during submission of the current outline application. As described in the consultation response from City Development, the development proposes that 146 of the proposed 720 dwellings would be affordable with the tenure mix of 70% rented and 30% discount for sale. The comments also describe how negotiations have involved an open book approach to assess the level of affordable housing provision that can be made bearing in mind other contributions required by the Authority and abnormal costs associated with the development such as that required to undertake the programme of archaeological investigation.

5.12.2 The level of affordable housing arrived at is considered to be acceptable to Officers with City Development and the Community Services Directorate as being reasonable given these constraints. The 30% affordable target within the Draft Local Plan and 40% in the Development Brief must be

seen as a starting point for negotiations as allowed for within these documents, and from the assessments carried out it would appear that there is little scope to increase the element of affordable housing required without subsequently reducing the level of other contributions sought from the applicant and the site viability. The full details of the affordable housing requirements for the site will be contained within Obligations within a Section 106 Agreement to which any approval granted should relate.

5.13 EDUCATION

5.13.1 The Development Brief requires a contribution towards education facilities this is supported by local plan Policy ED4 - Developer Contributions Towards Educational Facilities. The Council's Education Officer has agreed a commuted sum payment of £325,400.

5.14 NOISE AND CONSTRUCTION RELATED DISTURBANCE

5.14.1 PPG24 offers guidance on the use of planning powers to minimise the adverse effect of noise. It outlines considerations to be taken into account, introduces noise exposure categories and recommends appropriate levels of exposure to different sorts of noise as well as advising on the use of conditions to minimise the impact of noise. The Environmental Protection Unit has highlighted the issue of noise and vibration generated during the development of the site including traffic noise. The Environmental Protection Unit suggests a Construction Environmental Management Plan (CEMP) to consider the effects of noise and other disturbances during the construction phase. The Management Plan would also include details of routes to be taken by construction traffic, piling methodologies and details of plant and machinery to be used during the demolition and construction phases on site.

5.15 IMPACT UPON AMENITY OF ADJACENT AND NEARBY OCCUPANTS

5.15.1 The nearest residential properties to this site are within Campleshon Road and Bishopthorpe Road. Several objections to the scheme in terms of amenity has been received from residents of Campleshon Road. The main concerns raised relate to loss of light from habitable room windows as a result of new developments, increased disturbance and noise as a result of the use of the development and from proposed cafe/bar uses in this locality and loss of privacy.

5.15.2 While the loss of views does not constitute a planning consideration that can be taken into account in determining the application, the loss of light, privacy and quiet enjoyment of amenity can be material to determination of the proposals. In terms of loss of light, it should be noted that the separation distances are reasonably significant between the proposed development and the existing dwellings. Given the proposed height of the buildings, their orientation and the distance between the buildings, it is felt that it would be difficult to sustain an argument that there would be a significant and unacceptable loss of light to the habitable rooms of adjacent residential

properties. Similarly, given the distances involved, it is considered that the proposals would not result in a significant loss of privacy for the existing residents.

5.15.3 In terms of additional disturbance to residents, the hours of operation of the non-residential uses are to be controlled by condition. Whilst there will obviously be an increase in activity and to some extent noise levels within this site, it is not felt that this would unacceptably reduce the level of amenity enjoyed by adjacent neighbours as to justify further amendment or refusal of the proposal.

6.0 CONCLUSIONS

The decision by officers to recommend this scheme for approval has been extensively deliberated. Officers recommendation for approval has been reached through consideration of the benefits the scheme could offer to the city and the possible detrimental effects the scheme may have upon the city. On balance, it is considered that the benefits of the scheme outweigh the possible disadvantages of the scheme. However, it is recognised that the scheme is by no means perfect and that further amendments to the scheme could be made which would improve certain aspects and reduce its impact within the city and upon local residents.

Planning Policy Statement 1 sets out overarching national planning policies for delivering sustainable development, it promotes high quality inclusive design in the layout of new buildings, and highlights the need to create well mixed and integrated developments with well planned public spaces. Other national policy guidance documents similarly promote high quality developments, which make efficient use of land and minimise additional resource use.

The Regional Spatial Strategy highlights York as a main urban area to be the focus for economic and housing development in the sub region. Relevant policies promote the renaissance of urban areas through sustainable development, which make efficient use of land but also create attractive safe places. Local Plan policies seek to shape development in terms of design, housing type and quantity, impact on the natural and historic environments, impact on transport and highways and socio-economic impacts.

The application has attracted a significant degree of public objection concerning the impact of the scheme upon York's highway network and proposed highway mitigation measures. However given site's location and taking into account the revised TIA, it is considered that 'on balance' the development is acceptable and the benefits of the scheme outweigh possible disadvantages within the City.

The Terry's Development Brief aimed to encourage the site to be developed with regard to the aforementioned policy framework in order to produce a mixed-use scheme, which provided an office, leisure and residential uses which contribute to the vitality and viability of York and promotes sustainable

forms development within the site and sustainable means of transport to the site.

The development proposes a total of 225 residential units, whereas the Brief stated that any housing should be complementary to the primary employment use of the site. It is considered that the site could accommodate this number of units without creating undue detrimental impacts on the surrounding area or physical and socio-economic infrastructure of the City. In addition the mix of dwellings types is considered acceptable due to the constraints of the site. The affordable housing officer is also acceptable when factoring in abnormal costs. Unfortunately the applicants have not addressed officers concerns regarding the location of the residential houses. Officers have encouraged the applicants to locate the residential element of the scheme adjacent Campleshon Road/ Bishopthorpe Road junction so as to integrate with the existing community and the services. The applicants were intangible on this point throughout negotiations and consider their proposal the best option, although they have never supported this with any justification.

The level of affordable housing reached, through process of open book negotiations is considered to be acceptable particularly given the mix of tenure secured. Pepper potting of units through the site and design to ensure units are indistinct from open market dwellings would be incorporated into the Section 106 agreement and approval of design details.

The mitigation measures proposed in terms of improvements to the local highway network are fairly significant when compared size of the scheme and its possible impact. In addition to junction improvements, the applicants are offering to fund sustainable transport options to encourage more sustainable transport modes such as a car club, bicycle vouchers, a shuttle bus, cycle hire facility, bus pass voucher scheme and a travel co-ordinator who would oversee travel plans etc.

At the detailed design stage, the sustainability elements of the site could be further enhanced by ensuring that the scheme involves the use of energy efficient materials and appliances, involves low energy and water demand, and seeks to source local materials, goods, services and labour wherever possible during the demolition, construction and subsequent operational stages of the site. The applicants do propose to use a bio-mass boiler for the site, however, this issue has now been reserved for future determination due to lack of details being submitted.

The developer has agreed to make contributions toward the provision of open space and education.

It is recommended that Members be minded to approve the application subject of:

- 1 The conditions noted below; and
- 2 Completion of a legal agreement to secure:

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Affordable housing at 54 units (12x 1 bed flat, 18 x 2 bed flat, 4 x 3 bed flat and 20 3 bed house) for affordable rent together with 36 units (2 x 1 bed flat, 24 x 2 bed flat, 4 x 3 bed flat and 6 3 bed house) discounted sale.

- i A contribution towards local education provision of £325,400
- ii A contribution towards off public open space facilities of £128,051
- iii Off-site highway works contribution totalling £630,000
- iv Funding for establishment of sustainable measures of travel including
 - Car-club;
 - Bus/cycle voucher;
 - Peak hour shuttle bus service for 5 years;
 - Travel vouchers;
 - Extension to cycle route no.65;
 - A travel plan co-ordinator; and
 - Mitigation measures along Bishopthorpe Road.

3 Commitment to incorporation of measures to ensure energy efficiency, and waste and pollution minimisation in the demolition and construction phases, and in the detailed design and features of the development and its operation.

4 Referral to the Secretary of State as a departure from the 1956 Development Plan

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 For those elements, which are in outline and have been granted outline planning permission, application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

2 For those elements which are in outline and have been granted outline planning permission, fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

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Details to be submitted: Layout, Scale, Appearance and Landscaping.

3 For those elements, which are not in outline and have been granted planning permission, 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 as amended by section 51 of the Compulsory Purchase Act 2004.

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

AL(0) 071 B - Site Plans and Proposed Demolitions - Received by the Council on the 21/08/2007

AL(0) 051 A - Boundary Drawing CAC Application - Received by the Council on the 12/12/2006

AL(0) 280 - Masterplan 21 Drawing - Received by the Council on the 21/08/2007

AL(0) 165 D - Masterplan 16 Proposed Layout - Received by the Council on the 19/12/06

AL(0) 166 - Masterplan 16 Figure/Ground - Received by the Council on the 19/12/06

AL(0) 070 B - G.A. Site Plan Incorporating Buildings Previously Demolished - Received by the Council on the 19/12/06

AL(0) 071 A - G.A. Site Plan Existing and Proposed Site Plans Superimposed - Received by the Council on the 19/12/06

130 A - Site Sections Existing - Received by the Council on the 19/12/06

AL(0) A - G.A. Site Plan Proposed Demolitions - Received by the Council on the 19/12/06

AL (0) 500 A - Existing Site Plan Topographical Data - Received by the Council on the 19/12/06

AL (0) 501 A - Existing Site Plan Incorporating Nun Ings Site Topographical Data - Received by the Council on the 19/12/06

AL (0) 281 - Masterplan 21 Figure Ground - Received by the Council on the 21/08/07

AL (0) 290 - Masterplan 21 Presentation Drawing - Received by the Council on the 21/08/07

AL (0) 050 A - Site Plan Coloured General Location Plan - Received by the Council on the 19/12/06

AL (0) 059 - Boundary Drawing Hybrid Planning Application - Received by the Council on the 19/12/06

AL (0) 060 – Boundary Drawing Hybrid Planning Application Buildings - Received by the Council on the 19/12/06

AL (0) 060 B - Boundary Drawing Hybrid Planning Application Buildings - Received by the Council on the 21/08/07

AL (0) 061 – Boundary Drawing Hybrid Planning Application Infrastructure - Received by the Council on the 19/12/06

AL (0) 062 – Boundary Drawing Hybrid Planning Application - Received by the Council on the 19/12/06
AL (0) 132 – Site Sections Key Spaces - Received by the Council on the 19/12/07
AL (0) 132 C - Site Sections Key Spaces - Received by the Council on the 21/08/07
AL (0) 164 C – Masterplan 16 Car Parking Layout - Received by the Council on the 19/12/06
AL (0) 170 B – Masterplan 16 Allocated Car Parking Layout - Received by the Council on the 19/12/06
AL (0) 284 – Masterplan 21 Car Parking Layout - Received by the Council on the 21/08/07
AL (0) 285 – Masterplan 21 Allocated car Parking Layout - Received by the Council on the 21/08/07
AL (0) 285 A - Masterplan 21 Allocated car Parking Layout - Received by the Council on the 08/10/07
AL (0) 286 – Masterplan 21 Cycle Bay Allocation - Received by the Council on the 21/08/07
C4_011 H – C4 Level 1 - Received by the Council on the 21/08/07
C4_012 H – C4 Level 2 - Received by the Council on the 21/08/07
C4_013 H – C4 Level 3 - Received by the Council on the 21/08/07
C4_020 F – C4 Elevations - Received by the Council on the 21/08/07
C4_021 F – C4 Elevations - Received by the Council on the 21/08/07
C4_022 D – C4 Elevations - Received by the Council on the 21/08/07
C4_023 D – C4 Elevations - Received by the Council on the 21/08/07
C4_015 G – C4 Roof Level - Received by the Council on the 21/08/07
C10_010 G – C10 Level 0 - Received by the Council on the 21/08/07
C10_011 G – C10 Level 1 - Received by the Council on the 21/08/07
C10_012 G – C10 Level 2 - Received by the Council on the 21/08/07
C10_013 G – C10 Level 3 - Received by the Council on the 21/08/07
C10_015 G – Roof Level - Received by the Council on the 21/08/07
C10_020 E – C10 Elevations - Received by the Council on the 21/08/07
C10_021 E – C10 Elevations - Received by the Council on the 21/08/07
C10_022 D – C10 Elevations - Received by the Council on the 21/08/07
C10_023 D – C10 Elevations - Received by the Council on the 21/08/07
AL (0) 133 C – Site Sections Proposed - Received by the Council on the 21/08/07
AL (0) 131 E – Site Sections Proposed - Received by the Council on the 21/08/07
AL (0) 131 A Site Sections Proposed - Received by the Council on the 09/12/06
AL (0) 131 E Site Sections Proposed - Received by the Council on the 21/08/07
AL (0) 133 C – Site sections Proposed - Received by the Council on the 21/08/07
Sk 003 – Alternative massing Option C
YCW1158/GA/002 – Landscape Masterplan - Received by the Council on the 19/012/06

YCW1158/GA/008 – Landscape Masterplan:MP21 - Received by the Council on the 21/08/07

YCW1158/GA/009 – Landscape Masterplan:MP21 - Received by the Council on the 21/08/07

YCW1158/GA/004 – Tree Retention - YCW1158/GA/008 – Landscape Masterplan: MP21 - Received by the Council on the 21/08/07

YCW1158/GA/002 D – Landscape Masterplan - Received by the Council on the 07/06/07

Volume 1: Planning Statement

Volume 2: The Chocolate Works Masterplan Documents including Landscape masterplan

Volume 3: Design and Access Statement

Volume 4a: Transport Assessment

Volume 4b: travel plan Framework

Volume 5: Pre-Divestiture Report including:

Phase 1 and 2 Geo-Environmental Investigation

Ecological Assesment

Flood Risk Assessment

Topographical Survey

Appraisal of services

Volume 6: Sustainability Assessment

Volume 7: Archaeological Assessment

Volume 8: Tree Survey and Report

Volume 9: Bat Survey

Volume 10: Office, retail and Leisure Development and Assessment and Appendices

Volume 11: Condition Surveys of the Listed Buildings

Volume 12: Historic Buildings Assessment including Building Survey

Volume 13: Statement of Community Engagement

Volume 14: Environmental Impact Assessment

Plans: Site Location Plans

Masterplan Layout

Landscape layout

Elevation plans/floor plans/roof plans (for each building where detailed permission is sought

Sections/perspectives (where appropriate)

Topographical Survey

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

5 A phasing programme and plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to

submission of first reserved matters details for approval or commencement of works on site, whichever is first.

Reason; In order that the impact of the phasing of the development can be properly assessed, prior to commencement of the development.

6 The external design details for each phase of the development shall be fully in accordance with the submitted Design Code (submitted within the application), to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area. Also if extensions were to be erected within the rear gardens of the properties it would reduce the amount of garden space to an unacceptably small amount when considering the tree lined boundaries and the estate layout. The Local Planning Authority considers that it should exercise control over any future extensions or alterations, which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

8 Details of soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

9 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.

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external works shall be submitted to and approved in writing by the Local

Planning Authority prior to the commencement of the development. These shall include details of external paving materials, timber decking, street furniture, design and location and height of railings (to include a suitable fence around the Nature Reserve to provide adequate security), lighting plans and details of lamp columns (to comply with "dark sky" principles), and detailing of the viewing platform. The development shall be carried out in accordance with the approved details and using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

11 Notwithstanding the hereby approved scheme the number of employees permitted to work in the live/work unit shall be 2.

Reason: It is considered appropriate to limit the number of employees for each live/work unit to prevent inappropriate uses, unrestricted expansion and possible change of use of the business to a larger scale business and the subsequent loss of the live/work element.

12 Notwithstanding the hereby approved scheme, the assisted living building (R3b) shall be four storeys in height and not 5.

Reason: To protect adjacent neighbours amenity and to protect views of the site and the Racecourse and Terry's Conservation Area.

13 The dwellings to be erected on this site shall be no higher than three storeys. No external alterations to the roof to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area and to protect the Racecourse and Terry's Conservation Area.

14 Prior to the commencement of earthworks on site precise details of the existing ground levels and proposed land levels shall be submitted in writing to the Local Planning Authority.

Reason: The creation of the podium will result in cut and fill of the site. The inherited site levels have been exploited to reduce the amount of earth moving, nevertheless sections show that fill is anticipated in the NE corner under the Assisted Living Block, the LPA seeks precise details of quantities and ground levels to control the raising of land levels and the subsequent impact upon adjacent neighbours and the Racecourse and Terry's Conservation Area.

15 Notwithstanding the hereby approved scheme, details of the roof extensions to all the R1 and H1 shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in strict accordance with the hereby approved details and thereafter retained.

Reason: The proposed details are unacceptable and would have a detrimental impact upon the Grade II listed buildings, the Racecourse and Terry's Conservation Area and also wider views of the development from as far away as the York to Leeds Road (A64).

16 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.

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

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

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

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

19 The developer shall incorporate measures as described in the sustainability statement within the development that will commit them to aim to achieve the equivalent of a BREEAM "very good" or "excellent" assessment standard for the development. The developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good';

Reason: To provide a sustainable form of development

20 No dwelling in respect of each phase of development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and

footway wearing courses and street lighting shall be provided within three months of the date of completion the construction of the phase of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

21 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

22 A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to each phase of works commencing on site.

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

23 Prior to each phase of 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 or buildings within that phase shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) 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. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements agreed with CYC in writing.

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

24 Prior to each phase of 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.

25 Prior to the commencement of the use hereby approved in each phase of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details, which

shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

26 Prior to development commencing on site details of the oil interceptors required for all car-parking areas should be submitted to the Planning Department in writing. Development shall then be carried in strict accordance with the written approved details are thereafter be so retained.

Reason: To prevent oil contaminating the site and watercourse.

27 The development hereby approved shall be carried out fully in accordance with the Flood Risk assessment contained within volume 5 of the supporting planning documents submitted and section 11 of the Environmental Statement.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

28 No development approved by this permission shall commence until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent increased risk of flooding.

INFORMATIVE: The Environment Agency must be consulted on the discharge of this condition. The Agency will be looking for a minimum 20% reduction in surface water run-off to allow for climate change. Surface water drainage from this site is required to be regulated so as not to exacerbate flooding problems downstream within the catchment. The discharge should be regulated to the Greenfield run-off from a 1 in 1 year storm and sufficient storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without the risk to people or property and without overflowing into the watercourse.

The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interest of satisfactory and sustainable drainage.

29 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.

30 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

Reason: To ensure that the development can be drained properly.

31 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their dispersal.

32 Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system, which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

33 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

34 There shall be no storage of any materials including soil within that part of the site liable to flood as shown of Flood Zone 2 and 3 in Appendix 11.1 – EA Flood Map

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

35 Flood warning notices shall be erected in Plot B (existing car-park adjacent the main site) in numbers, positions and with wording all to be

agreed with the local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that vehicle owners utilising the car-parking area are aware that the land is at risk from flooding.

36 No development approved by this permission shall be commenced until a scheme for the provision and implantation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

37 No development in any phase 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. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a period of 5 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.

38 The detailed drawings for each phase of development should be submitted for the approval of the local planning authority and should include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:

- i A chestnut pale or similar fence not less than 1.2m high shall be erected at a distance of not less than 4.5m from the trunks;
- ii No development (including the erection of site huts) shall take place within the crown spread of the trees;
- iii No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- iv No burning of materials shall take place within 3m of the crown spread of any tree;
- v No services shall be routed under the crown spread of any tree without the express written permission of the local planning authority;

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

39 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 until 12 calendar months after completion of the permitted development. 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.

40 The detailed drawings submitted to illustrate the landscaping works for approval in respect of each phase of development under reserved matters shall indicate existing site levels together with details of proposed finished levels of the landscaped areas.

Reason: To ensure that the development does not result in the displacement of floodwater.

41 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in buildings, and in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

42 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

43 During the development of the site, 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 locality

44 The hours of operation for each Class A1, A2, A3, A4, B1, C1, D1 and D2 premises (if not covered by any other licensing provision) shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

45 The hours of delivery to and dispatch from each commercial premise, to include Use Classes A1, A3, A4, B1, C1, D1 and D2 shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

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

Reason: To protect the amenity of local residents.

46 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (1 hour) inside bedrooms at night (23:00 - 07:00) and 35 dB LAeq (1 hour) in all other habitable rooms during the day (07:00 - 23:00). These noise levels are to be achieved with all windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of residents and business activities at the racecourse

47 Premises put to Class A1, A3, A4, B1, C1, D1 use that adjoin a residential premises (to include hotel guest rooms and care homes), shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The aim shall be to ensure that noise levels in adjoining residential premises do not exceed 30 dB LAeq (1 hour) inside bedrooms at night (23:00 - 07:00) and 35 dB LAeq (1 hour) in all other habitable rooms during the day (07:00 - 23:00) when the adjoining non-residential premises are in full operation. These noise levels are with windows shut and other means of acoustic ventilation provided. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of residents.

48 Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is likely to be audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

49 Prior to full permission being granted for the residential premises in the south west of the site an assessment must be made of the likely impact of noise generated from the racecourse during a major racing event. This assessment must take into account likely noise levels to be generated both inside the residential properties and within their garden areas. If this assessment indicates that noise from race events are likely to cause severe annoyance an appropriate noise mitigation scheme will need to be approved in writing by the local planning authority prior to the granting of full planning permission.

Reason: To protect the amenity of residents and business activities at the racecourse.

50 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any A1, A3, A4, B1, C1, D1 and D2 uses such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter. Where such systems are to be placed on listed buildings approval from both conservation and environmental health staff must be sort.

Reason: To protect the amenity of the locality.

51 A contribution towards the cost of continued monitoring of air quality within the current AQMA should be made

Reason: To monitor the long term impact of the scheme on local air quality

52 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any A1, A3, A4, B1, C1, D1 and D2 uses such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or

machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter. Where such systems are to be placed on listed buildings design approval from both conservation and environmental health staff must be sort.

Reason: To protect the amenity of the locality.

53 Prior to the commencement of the development hereby approved, a desk study identifying any previous or present potentially contaminative land uses at the site, as well as the geological and hydrogeological setting and other environmental and pollution aspects, shall be submitted to and approved by the Local Planning Authority.

Reason: For the protection of human health and the wider environment.

54 Prior to the commencement of the development hereby approved, a site investigation shall be conducted based upon the findings of the desk study, and the results submitted to and approved by the Local Planning Authority. The investigation shall be carried out in accordance with "BS10175: Investigation of potentially contaminated land: code of practice", and should include assessment of impacts to human health, controlled waters and property, as well as impacts arising from landfill gas.

Reason: For the protection of human health and the wider environment.

55 Prior to the commencement of the development hereby approved, a landfill gas monitoring scheme shall be designed to the satisfaction of the Local Planning Authority. The landfill gas monitoring scheme shall be carried out on the site to the satisfaction of the Local Planning Authority prior to the commencement of development.

Reason: For the protection of human health and the wider environment.

56 Prior to the commencement of the development hereby approved, a Method Statement detailing any remedial requirements (including but not limited to landfill gas protection measures) shall be submitted to the Local Planning Authority for approval.

Reason: For the protection of human health and the wider environment.

57 The requirements contained in the approved remediation Method Statement (referred to above) shall be complied with in full during remediation at the site.

Reason: For the protection of human health and the wider environment.

58 Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Local Planning Authority that provides

verification that the required remediation has been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the remedial requirements have been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: For the protection of human health and the wider environment.

59 If during development, 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 for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: For the protection of human health and the wider environment.

60 Prior to the commencement of the development hereby approved, any proposals for the use of piled foundations shall be 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: The site is potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

61 Prior to occupation of the commercial units, a noise management scheme, which shall specify how noise emanating from the units shall be controlled, shall be agreed to by the Local Planning Authority and the agreed scheme adhered to at all times.

Reason: In the interests of amenity.

62 No external speakers shall be installed at the commercial premises.

Reason: In the interests of local and residential amenity.

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

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

64 Full details of the proposed CCTV facilities within the site and lighting for the ca No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of safety and visual amenity.

65 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

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

66 Notwithstanding the hereby approved details, the number of nursery school places shall be limited to a maximum of 50 persons in accordance with GVA Grimley's email dated 11/08/2008.

Reason: To protect the viability of existing childcare providers and allow local parents a good and varied choice of nursery school.

7.0 INFORMATIVES

1 Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed scheme would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Highway and pedestrian safety
- The Terry's Conservation Area Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability
- Impact on Local Education Provision

As such the proposal complies with policies listed in section 4.2 – 4.9 of this report.

2 In addition to the above specific conditions 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:

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- (i) 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".
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- (vi) There shall be no bonfires on the site.

3 Informatives from Yorkshire water – A letter detailing points raised by Yorkshire Water is included with the decision notice.

4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.00 m of the top of the bank on the River Ouse, designated a 'main river'.

5 On site re-cycling facilities may require a relevant waste exemption which can be viewed on the Environment Agency's external website.

6 Notwithstanding the hereby approved scheme, the bio-mass boiler and supplementary gas boilers will be submitted as a later stage. These elements do not form of this application in accordance with GVA Grimleys email dated 11/08/2008.

Contact details:

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ANNEX 1 – LIST OF PLANNING APPLICATIONS

9 planning applications relating to “The Chocolate Works” have been submitted regarding the re-development of this site. In brief, these applications comprised:-

- 06/02560/OUT – Outline planning application for “Employment (Classes B1a, b and c), Hotels with ancillary leisure (Class C1), Community Facilities including a Health Centre/Doctor’s Surgery (Class D1), a Nursery (Class D1) and Children’s Gym and play centre (Class D1), Galleries and Museum (Class D1), Leisure uses (Class D2) Retail (Class A1), Food and Drink (Classes A3 and A4), Assisted Living Accommodation and Residential Institution (Class C2) and Residential units (Class C3) with new means of access, associated servicing, car parking and highways works”.
- 06/02544/LBC - Listed building consent application for “Reinstatement of existing boundary walls to comprise wall and railings to the front of the existing park and adjacent to the former Headquarters building”.
- 06/02546/LBC – Listed building consent application for “Demolition of existing modern attachments, making good and temporary repairs to the former liquor store”.
- 06/02548/LBC – Listed building consent application for “Demolition of existing modern attachments and extensions to the side and rear of the Clock Tower Building including making good and temporary repairs to the Clock Tower”.
- 06/02549/LBC – Listed building consent application for “Demolition of the former Fruit and Nut Store (Chiver’s Jam Factory/Air Raid Shelter)”.
- 06/02550/LBC – Listed building consent application for “Refurbishment and conversion of the former Headquarters building to form hotel, including the demolition of the central services building and footbridges to facilitate the erection of an extension to the proposed hotel”
- 06/02552/LBC – Listed building consent application for “Refurbishment, partial conversion and extension of the former Time Office Building to form offices.”
- 06/02569/LBC – Listed building consent application for “Demolition of the northern lights building and attachments and footbridge to central services building to facilitate the refurbishment, conversion and extension of the former Multi Storey Factory building to form residential apartments, retail/, studio and workshop units”.
- 06/02562/CAC – Conservation Area Consent for “Demolition of various building and extensions in the Conservation Area”.

Annex 2

PREVIOUS RECENT PLANNING PERMISSIONS GRANTED ON THIS SITE

Members may recall that a number of planning permissions relating to this site have already been granted. These permissions related to the conversion and alteration of the former Time Office Building and the temporary use of part of the former Headquarters Building. The applications were as follows:-

- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;

7 additional planning applications were also associated with the redevelopment of this building. They were:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building
- 08/00009/LBC - Addition of third storey with 3 storey extension to rear, internal and external alterations at the Time Office Block
- 08/00010/FUL - Addition of third storey with 3 storey extension to rear, cycle and refuse stores, external alterations and car parking at the Time Office Block.

06/02552/LBC was withdrawn. This application was submitted with the original suite of planning applications, pertaining to the development of this site, in late November 2006. The application was withdrawn due to advice given by Council Officers. The alteration and erection of a glazed roof extension to this building, was not be supported by the Planning Department, due to the detrimental impact such a development would have had upon the listed building, Terry's Conservation Area and the adjacent group of listed buildings.

Committee may also recall that planning applications 07/00538/FUL and 07/00541/LBC were refused at the same meeting. These applications, whilst similar to the aforementioned approved applications, included a glazed extension of the roof (similar to 06/02552/LBC).

These applications were refused by Committee, on the recommendation of the planning department, as it was considered that they would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building (which is a listed building) and the Terry's Conservation Area.

Planning applications 07/00976/FUL and 07/00977/LBC, which related to the erection of 2-storey temporary office accommodation (460 m²) to the rear of the former Time Office Building, were withdrawn prior to the Committee meeting in June.

The applicant's verbally stated to the planning department, that the prospective clients who are seeking to occupy the former Headquarters Building (L1) required more space than L1 could provide. This would have been provided by the temporary accommodation to the rear of the building. However as additional space could not be provided attached to L1, then the applicant's considered that the only other alternative was to provide the required additional space in the former Headquarters building (H1).

As a consequence 2 further planning applications were presented to committee on 30th August 2007. These applications (07/01547/FUL and 07/01548/LBC) related to the temporary change of use and conversion of part of the former Headquarters Building to form B1 office space.

The applicant's sought temporary planning permission, for a period of 2 years, to use the front section of H1 as office accommodation. Initially it was envisaged that the temporary accommodation, would be provided to facilitate the future business user of L1 (again on a temporary basis until adequate accommodation was provided on-site). However separate clients now use L1 and H1 respectively. Property development company S Harrison Group Ltd purchased L1 from the applicants and relocated from Malton. Dickenson Dee's solicitors, who outgrew their premises on the Mount moved into H1, with a view to relocating to more suitable accommodation on site at a later date. The applications relating to the temporary use of part of H1 were approved by committee on 30th August 2007.

08/00009/LBC and 08/00010/FUL were granted permission on the 30th August 2007 by Planning Committee. The planning permission related to the erection of a third storey to the existing listed building and 3-storey extension to rear of the former the Time Office.

Four further planning applications were approved relating to the temporary change of use of the former Headquarters building to office accommodation for Dickenson Dees solicitors. The applications were as follows:-

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- 07/01547/FUL - Change of use to offices (B1 use)
- 07/01548/LBC - Refurbishment and change of use to offices (B1 use)
- 07/02463/ADV - Display of 2no. non-illuminated external free standing signs, 1no. non-illuminated external entrance plaque and 3no. non-illuminated internal signs (former Head office building)
- 07/02464/LBC - Display of 2no. non-illuminated external free standing signs, 1no. non-illuminated external entrance plaque and 3no. non-illuminated internal signs after removal of existing signage (former head office building)

The first two applications were approved by the Council's Main Planning Committee on the 30th August 2007. The advert applications were approved by delegated decision on the 10th December 2007.

Annex 3

SITE LOCATION AND HISTORICAL BACKGROUND

The site lies to the south of the City Centre on the edge of the built up area known as South Bank¹¹. The site comprises of two areas either side of Bishopthorpe Road. The area to the west of Bishopthorpe Road is the main 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 Micklegate Stray are situated to the west and open space (Green Belt) to the south which extends towards the A64 and Bishopthorpe.

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 of the area. The riverbank is in the ownership of the Council. 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.

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.

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 Chad's Church and Knavesmire Primary School.

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

¹¹ Plan 1 – Site Location and Plan 2 – Site Plan illustrate the site

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.

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. The mounding and trees, although essentially planted for screening, now contribute 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, which are not within the Conservation Area, at the Campleshon Road and Bishopthorpe Road frontages of the site.

The sloping roof of the buildings to the south of the site can be seen just over the trees along the southern boundary. This sloping roof of the later buildings is an undesirable element.

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.

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.

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. 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 any non-original additions to the buildings such as the 1st floor walkway link between the factory and buildings to the north. The 'avenue' vista is stopped by the Racecourse grandstands, the other dominant features defining the Conservation Area.

The approximate floor area of the listed buildings is 19,389 m². The approximate floor area of the non-listed buildings is 34,023 m². Of the 10.86ha factory site and car park, approximately 3.62ha is currently occupied by buildings.

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Types of Residential Accommodation	Original No. of Units Proposed Masterplan 16D AL (0) 165 Rev D November 2006	Current No. of Units Proposed Masterplan 21 AL (0) 280 August 2007	Comments
Houses (Town Houses) 3 bed 4 bed TOTAL HOUSES	0 48 48	49 32 81	Overall number of new houses has increased by 33 dwellings.
Apartments Studio 1 bed 2 bed 2 bed duplex 3 bed 3 bed duplex TOTAL APARTMENTS	60 102 230 6 0 4 402	0 23 104 4 9 4 144	Overall number of apartments has decreased by 258 units. Of the 144 apartments proposed under Masterplan 21, only 72 units or 50% of apartment numbers are new build. There are now more new build houses than apartments.
TOTAL CLASS C3 RESIDENTIAL UNITS	450	225	Total number of Class C3 residential units on the site have reduced from 450 units (Masterplan 16D) to 225 units (Masterplan 21). This is a reduction of 225 units or 50% of the original

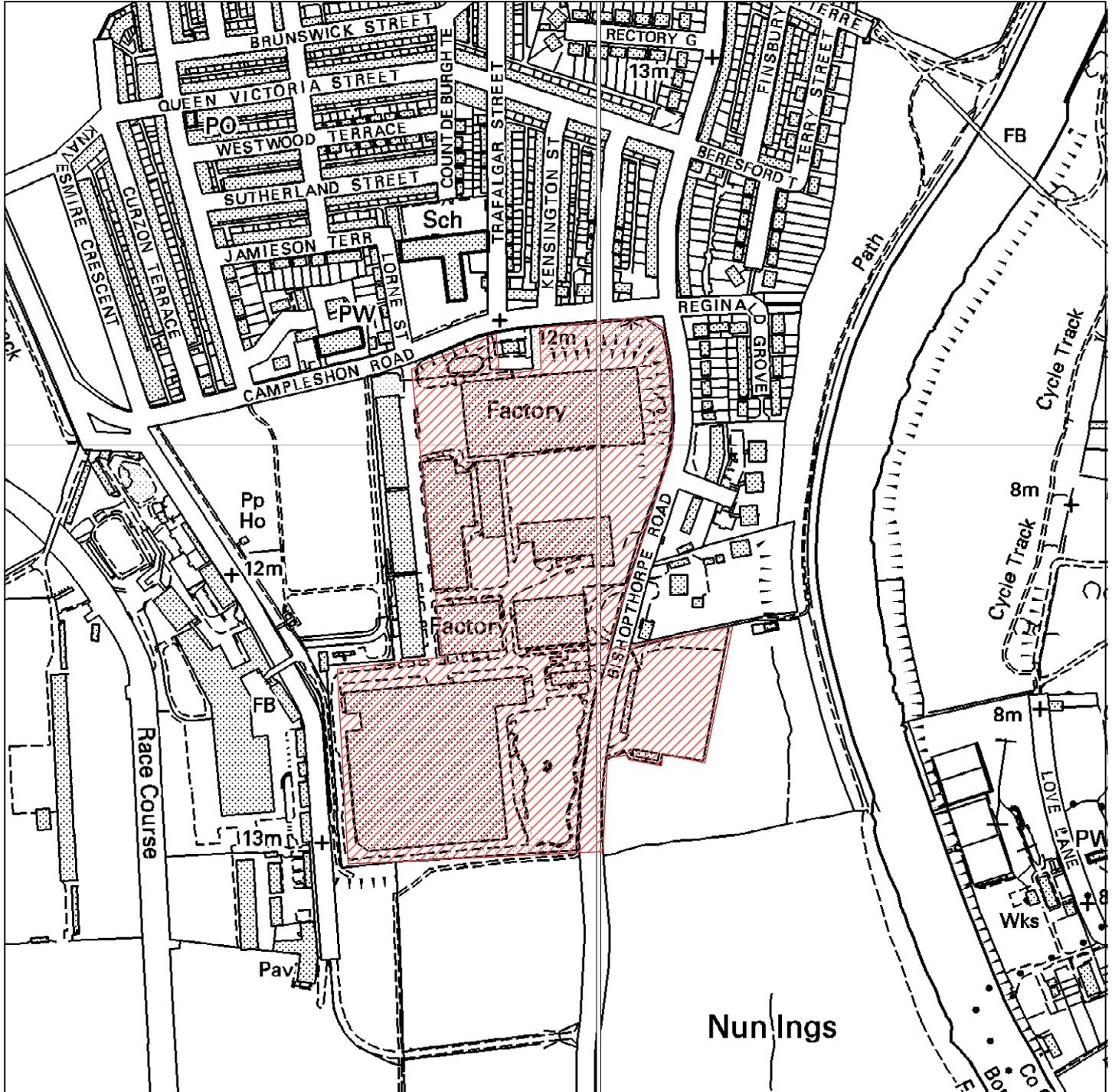
Types of Residential Accommodation	Original No. of Units Proposed	Current No. of Units Proposed	Comments
	Masterplan 16D AL (0) 165 Rev D November 2006	Masterplan 21 AL (0) 280 August 2007	
			<p>number of units proposed</p> <p>The mix of dwelling types has improved from 11% houses and 89% flats (Masterplan 16D) to 36% houses and 64% flats (Masterplan 21).</p> <p>Under Masterplan 21, of the 153 new build dwellings, 53% are houses and 47% are apartments.</p>
Live Work Units	7	5	Overall number of Live – Work units has decreased by 2
Senior / Assisted Living 1 bed	110 bed units	147 bed units	Overall number of bed spaces has increased by 37 units
Care Home	60 bed units	60 bed units	Unchanged

Factory, Bishopthorpe Road

06/02560/OUT



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City Of York Council
Department	City Strategy
Comments	Application Site
Date	11 August 2008
SLA Number	Not Set

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- The demolition of the main existing factory building adjacent the junction of Campleshon Road and Bishopthorpe Road.

1.1 SITE LOCATION AND HISTORICAL BACKGROUND

1.1.1 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 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 Micklegate Stray are situated to the west and open space (Green Belt) to the south which extends towards the A64 and Bishopthorpe. The site is located within the Racecourse and Terry's Conservation Area (No.10).

1.1.2 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 of the area. The river bank is in the ownership of the Council. 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.

1.1.3 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.

1.1.4 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 Chad's Church and Knavesmire Primary School.

1.1.5 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.

1.1.6 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. The mounding and trees, although essentially planted for screening, now contribute 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.

1.1.7 The sloping roof of the buildings to the south of the site can be seen just over the trees along the southern boundary. This sloping roof of the later buildings is an undesirable element.

1.1.8 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.

1.1.9 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.

1.1.10 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. 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 any non-original additions to the buildings such as the 1st floor walkway link between the factory and buildings to the north. The 'avenue' vista is stopped by the Racecourse grandstands, the other dominant features defining the Conservation Area.

1.1.11 The approximate floor area of the listed buildings is 19,389 m². The approximate floor area of the non-listed buildings is 34,023 m². Of the 10.86ha factory site and car park, approximately 3.62ha is currently occupied by buildings.

1.2 HISTORY

1.2.1 This application runs in parallel with 06/02560/OUT. Please refer to this application for the full history of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE5
Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL

Urban Design and Conservation

3.1.1 The Council's Conservation Officer does not raise any objections to the demolition and removal of the modern extensions/buildings as identified in section 1.0.3. The Officer considers that the extensions, at present, detract from the Conservation Area and their removal would have a positive impact upon the Conservation area and the adjacent listed buildings.

3.1.2 The Council's Environmental Protection Unit proposed conditions regarding hours of work and that the applicants should submit a construction environmental management plan (CEMP).

3.2 EXTERNAL

Bishopthorpe Parish Council

3.2.1 The Parish Council raise objections to the proposal, however all the comments raised referred to highway matters. No relevant comments were raised regarding the demolition of the various buildings/attachments.

Campaign for Rural England (CPRE)

3.2.2 CPRE raised no objection to the demolition and removal of the modern 'connections' and welcome the re-use of recovered bricks on the site.

Council for British Archaeology

3.2.3 CBA raised no objections to the removal of the modern buildings within the site.

English Heritage (EH)

3.2.4 EH raised no objections to the removal of the modern buildings within the site.

Interested parties

3.2.5 2 site notices were posted regarding the proposed development and also notifying of development within the Conservation Area. No comments have been received concerning this application.

4.0 APPRAISAL

4.0.1 The main considerations are upon the impact on the character and appearance of the existing listed buildings and the character and appearance of the Racecourse and Terry's Conservation Area.

4.1 POLICY

4.1.1 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

4.1.2 Draft local plan policy HE5 states that demolition within conservation areas will only be permitted where the buildings do not positively contribute to the character or appearance of the conservation area. The policy further requires that no demolition takes place until a building contract for the carrying out of works of redevelopment has been made, and planning permission for those works has been granted.

4.1.3 Central Government advice in relation to demolition within conservation areas is contained within Planning Policy Guidance Note 15 (PPG15) - "Planning and the Historic Environment". In exercising conservation area controls, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.1.4 PPG15 states that the general presumption should be in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such

buildings should be considered against the same broad criteria to demolish listed buildings. Where a building makes little or no contribution, full information about what is proposed for the site after demolition should be provided. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.2 PRINCIPLE OF DEMOLITION

4.2.1 The application site is located within a historically sensitive area of Terry's Factory Site and partially within the Racecourse and Terry's Conservation Area. The site is currently occupied by various listed buildings with modern attachments and 2 warehouses.

4.2.2 A conservation area appraisal was carried out in 2006. The appraisal characterises the conservation area and draws out its special qualities. It highlights qualities deserving preservation and it puts forward suggestions, which could form the basis of a management plan for the area. With reference to the appraisal and to other relevant documents please note the following comments in relation to proposals for conservation area consent for demolition:

North Light Factory

4.2.3 This building was once independent of the tall factory building. It is unlisted although a link was formed in the 1970's between the factory building and the north light shed to form a delivery bay. The independent building was one of the first to be built on site; however it has been substantially altered with over 50% of the original structure having been demolished and rebuilt in the latter half of the C20th century. In section 9.16 of the appraisal the building is regarded as making a neutral contribution to the area. The possibilities of converting such a building are limited due to lack of light and the close spacing of the columns makes it impractical for most modern uses. The new parts of the structure envelop the older parts and therefore the original character is much altered. The 1970's linking section has harmed the factory building as an independent structure and its ground floor windows have been blocked up on the south side. Removal of the linking section would also enable the missing sections of the factory wall to be reinstated.

4.2.4 The general presumption is in favour of retaining buildings, which make a positive impact on the conservation area. The original north light building has been altered in character by late C20th demolitions and alterations and it is no longer considered as making a positive contribution to the character or appearance of the conservation area.

Services Building

4.2.5 This 1970's building to the north side of the main access road from Bishopthorpe Road received a White Rose award for architecture when it was built. It is however of a standard 1970's design with concrete frame and waffle slab floors and horizontal strip windows. The building, together with its bridge links to the main

factory building and the headquarters building, is regarded as having a detrimental impact on the appearance of the area. The bridge across the access road blocks is unduly prominent and the use of uncharacteristic materials and proportions on the building itself interrupts the otherwise architecturally integrated complex of buildings.

4.2.6 Removal of the building and its links would provide the opportunity for enhancement of the site. The building is currently considered “detrimental” to the conservation area.

Extension to Liquor Store and extension to Clock Tower

4.2.7 Although within the conservation area the two additional storage buildings have been attached to the listed buildings and their removal forms part of listed building consent procedure. The attachments are more rudimentary in nature and they compromise the integrity of the original listed buildings. They are regarded as also harming the setting of the complex from the other access road off Campleshon Road. The attachments do not make a positive contribution to the conservation area and they compromise the integrity of the listed buildings.

Nut and Fruit Store and two large late C20th factory structures

4.2.8 The remaining three buildings lie outside the conservation area: the two large warehouse-type of factory buildings and the Nut and Fruit Store. The latter building is purported to have been built as an air-raid shelter for the factory around the start of the Second World War (ref. Archaeology Report volume 12 Historic Buildings Assessment). The building has had various uses as a store and jam factory. It is partially subterranean, appearing underground from most vantage points. The loss of the building would have no impact on the setting of the conservation area.

4.2.9 The two large long span sheds of brick and metal cladding (Liquor Mill and Warehouse) are of standard late C20th warehouse construction and appearance. The tree belt has been enhanced in the past to hide these structures. They make no concessions to their location and they are regarded as making a negative contribution to the setting of the historic factory complex.

4.2.10 The existing modern elements whilst substantial are modern and do not contribute to the character and appearance of the conservation area. Policy HE5 states that permission will only be granted for the demolition of dwellings within a conservation area if they do not positively contribute to the character and appearance of the area. The proposed replacement buildings/extensions whilst not traditional in design would have a more beneficial impact upon the conservation area than the existing structures. As such, it is considered that the development would not have a detrimental impact upon the character and amenity of the local environment. As a consequence the proposal satisfies policies HE5 of the Local Plan and policies GP1, H4 and HE3.

4.3 ENVIRONMENTAL PROTECTION CONNECTIONS

4.3.1 The Council’s Environmental Protection Department recommended 2 conditions regarding hours of working and that the applicants should submit a

construction environmental management plan (CEMP). However, it is not appropriate to impose such conditions, should this application be approved. These matters are addressed in the main planning application 06/02560/OUT.

5.0 CONCLUSION

In the opinion of the Local Planning Authority the proposal to demolish the aforementioned modern buildings/attachments, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character of the Racecourse/Terry's Conservation Area. As such the proposal complies with PPG15 and policy HE5 of the City of York Deposit Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

AL(0) 071 B - Site Plans and Proposed Demolitions - Received by the Council on the 21/08/2007

AL(0) 051 A - Boundary Drawing CAC Application - Received by the Council on the 12/12/2006

AL(0) 280 - Masterplan 21 Drawing - Received by the Council on the 21/08/2007

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

3 The building(s) shall not be demolished before planning permission for redevelopment is granted and a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

4 Prior to commencement of works on site, a methodology statement including drawings indicating the extent of the removals, shall be submitted and approved in writing by the Local Planning Authority describing how the structures will be removed (as they attach to the listed buildings). Works shall then be carried out in strict accordance with the written approved details.

Reason: To protect the fabric of the listed buildings and protect the character of the conservation area.

5 Prior to commencement of demolitions, a schedule of making good must be submitted to and agreed in writing (for each of the buildings affected) by the Local Planning Authority. Works shall then be carried out in strict accordance with the written approved details.

Reason: To protect the fabric of the listed buildings and protect the character of the conservation area.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on Racecourse and Terry's Conservation Area. As such the proposal complies with Policies GP1, HE3 and HE5 of the City of York Draft Local Plan.

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610

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06/02562/CAC

Former Terrys Factory Site, Bishopthorpe Road



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Scale : 1:3500

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	19 August 2008
SLA Number	Not Set

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