



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), D'Agorne, Firth, Funnell, Horton, Hudson, Hyman, Jamieson-Ball, Moore, Morley, Pierce, Potter (Vice-Chair), Reid, Simpson-Laing, B Watson and Wiseman

**Date:** Wednesday, 3 February 2010

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The Site Visit will commence at 12.30pm on  
Tuesday 2 February 2010 at Memorial Gardens**

### AGENDA

#### 1. **Declarations of Interest**

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

#### 2. **Minutes** (Pages 3 - 10)

To approve and sign the minutes of the last meeting of the Planning Committee held on 17 December 2009.

#### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5.00pm on Tuesday 2 February 2010**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### 4. Plans List

This item invites Members to determine the following planning applications:

- a) **Factory, Bishopthorpe Road, York YO23 1NA (09/01606/OUTM)**  
(Pages 11 - 174)

Hybrid planning application consisting of outline and full proposals for the comprehensive redevelopment of outline and full proposals for the comprehensive redevelopment of the former Terry's site  
*[Micklegate Ward]* **[Site Visit]**

- b) **Factory, Bishopthorpe Road, York YO23 1NA (09/01608/LBC)**  
(Pages 175 - 196)

Selective demolition, alteration and construction of new extensions at the Multistorey Factory (MSF) *[Micklegate Ward]* **[Site Visit]**

- c) **Factory, Bishopthorpe Road, York YO23 1NA (09/01607/LBC)**  
(Pages 197 - 208)

Removal of external first floor walkway from Head Office Building  
*[Micklegate Ward]* **[Site Visit]**

- d) **Factory, Bishopthorpe Road, York YO23 1NA (09/01609/LBC)**  
(Pages 209 - 220)

Demolition of modern additions to the clock tower, ash bunker and boiler house building *[Micklegate Ward]* **[Site Visit]**

- e) **Factory, Bishopthorpe Road, York YO23 1NA (09/01610/LBC)**  
(Pages 221 - 232)

Demolition of modern additions to the Liquor Store *[Micklegate Ward]* **[Site Visit]**

- f) **Factory, Bishopthorpe Road, York YO23 1NA (09/01611LBC)**  
(Pages 233 - 242)

Demolition of the Nut and Fruit Store *[Micklegate Ward]* **[Site Visit]**

- g) **Factory, Bishopthorpe Road, York YO23 1NA (09/01612/CAC)**  
(Pages 243 - 254)

Demolition of the central services building *[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](mailto:jill.pickering@york.gov.uk)

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

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

Contact details are set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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

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

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

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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**PLANNING COMMITTEE**

**SITE VISIT**

**TUESDAY 2 FEBRUARY 2010**

**The bus will depart from Memorial Gardens at 12:30pm**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>12.45pm</b>	<b>Factory, Bishopthorpe Road, York YO23 1NA (Meeting on site at the Bishopthorpe Road entrance)</b>	<b>4 a,b,c,d,e,f,g</b>

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	17 DECEMBER 2009
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, HORTON, HUDSON, HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR IN THE CHAIR FOR PLANS ITEM 4A), REID, SIMPSON-LAING, B WATSON, WISEMAN AND LOOKER (SUB FOR CLLR FUNNELL)
APOLOGIES	COUNCILLORS FUNNELL AND JAMIESON-BALL

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#### 24. DECLARATIONS OF INTEREST

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

Councillor Pierce declared a personal prejudicial interest in relation to Plans item 4a (Land to the west of Metcalfe Lane, Osbaldwick, York) as he had previously supported development of this site for housing both as a member and officer of a local authority, and he left the room and took no part in the discussion or voting thereon.

Councillor Morley declared a personal prejudicial interest as the Council's Executive Member for Housing and Adult Social Services in relation to Plans item 4a (Land to the west of Metcalfe Lane, Osbaldwick, York) and he stepped down from the Committee and took no part in the discussion or voting thereon.

Councillor Potter declared a personal non-prejudicial interest in relation to Plans item 4a (Land to the west of Metcalfe Lane, Osbaldwick, York) as she chaired the Derwenthorpe Sub-Committee on facilities.

Councillor R Watson declared a personal prejudicial interest in relation to Plans item 4a (Land to the west of Metcalfe Lane, Osbaldwick, York) as he had been involved in legal work in respect of this site in the past and he stepped down as Chair and left the room and took no part in the discussion or voting thereon.

#### 25. MINUTES

Arising out of consideration of the minutes, Cllr Pierce questioned whether the constitutional delegation to Officers to approve applications for reserved matters was permissive or mandatory. Officers confirmed that they would email a response to Cllr Pierce.<sup>1</sup>

RESOLVED: That the minutes of the last meeting of the Committee held on 29 October 2009, be approved and signed by the Chair as a correct record.

Action Required

1. Email response as requested.

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**26. PUBLIC PARTICIPATION**

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

**27. PLANS LIST**

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

**27a Land to the West of Metcalfe Lane, Osbaldwick, York (09/01768/FULM)**

Consideration was given to a major full planning application, submitted by Mr Mark Warters, for the change of use of agricultural land into a nature conservation area with public access.

Officers updated and circulated the following additional information:

- The first paragraph of the reason for refusal should be amended to read 'The site is identified as site H1.6 under Policy H1 of the City of York Draft Local Plan to accommodate approximately 520 dwellings. As such the proposed use would:'
- Letter supporting the application from Barry Potter of the York Natural Environment Trust (YNET).

Representations in support of the application were received from the applicant. He pointed out that there was no mention in the Planning Officers report under relevant planning history of the approved application for 2 dwellings on part of this site and he went onto refer to the ongoing discussions with the European Union regarding other issues. He stated that it appeared Officers had cherry picked particular policies for inclusion in the reason for refusal and that these had been used to suit these particular circumstances. He went on to point out the reference, in paragraph 4.13 of the report, to the shortfall in natural and semi-natural open space in the eastern part of the City's urban area with there being no policy to rectify the situation. He requested Members to support retention of the Green Belt and support the change of use.

Representations were also received from a representative of the Meadlands Residents Association (MARA), who confirmed that local residents fully supported the proposed conservation of the area. Reference was made to YNET's support, as an independent body, to the application. He pointed out that the Police Architectural Liaison Officer had raised no objections to the application but he felt that unfounded security issues had been raised by Officers. He stated that there were no material objections and plenty of public support and that the application had the best interests of the city in mind.

A representative of Osbaldwick Parish Council confirmed their full support for the change of use. He referred to the variety of wildlife at present on site and to the lack of publicly accessible open space in the area. He stated that roads in the vicinity were unsuitable for any additional traffic that would be generated by housing development.

Cllr Morley, as Local Member, expressed support for the use of land for nature conservation but referred to the need for affordable housing in the City. He stated that it was vital that this site was developed for housing to prevent the use of additional Green Belt land elsewhere.

Members questioned whether it would be possible to have multiple permissions for one site and the procedure if the planned housing development did not proceed. Officers confirmed that a report to Members would have to be made in which the balance of issues would be detailed including the need for open space in the area although they confirmed that the site was designated for housing in the Local Development Framework (LDF).

Members also questioned the evidence in relation to visitor numbers to the site which the applicant confirmed as personal evidence of use which he felt would have been more if the site had been maintained. Concern was expressed in relation to the lack of proposed parking and security issues and reference was made to the need for family housing in the city.

Members stated that such a change of use needed to go through the correct LDF process which would require a change in land allocation. Following further discussion it was

RESOLVED: That the application be refused.

REASON: The site is identified as site H1.6 under Policy H1 of the City of York Draft Local Plan to accommodate approximately 520 dwellings. As such the proposed use would:

- i) have an adverse effect on York's future housing supply;
- ii) undermine the government's objective of providing sufficient quantity of housing to meet needs and demands; and
- iii) affect the government's objective of providing a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas.

As such the proposal is contrary to policy H1 of Regional Spatial Strategy Yorkshire and Humber 2008, policies H1 (Housing Allocation) and SP9 (Action Areas) of the City of York Draft Local Plan, the findings of the Strategic Housing Land Availability Assessment, and the Government's objectives set out

in paragraphs 10 and 69 of Planning Policy Statement 3 (Housing).

**27b MFI Furniture Centre Ltd, Foss Islands Road, York YO31 7UL  
(09/02071/LEGAL)**

The Committee considered a legal agreement application, submitted by CB Richard Ellis Limited, for the discharge of a legal agreement to allow food retail to be traded from the premises.

Officers circulated the following updates:

- Revised Conclusion: Part 5 “Conclusion” on page 25 of the report is recommended to include new obligations requiring:
  - i) Any new boiler and refrigeration plant installed on site will meet the highest possible environmental standard in terms of emissions and
  - ii) include, as part of the Travel Plan requirements:
    - a) incentives for smaller/low emission vehicles to park at the site;
    - b) A policing/monitoring arrangement to prevent long stay parking on site; and
    - c) Delivery vehicles using the site should be low emission.

In addition, it is anticipated that the applicant will agree to enter into Section 106 the following matters:

1. Cycle parking provision in line with the requirements set out by Highway Network Management; and
  2. Car parking layout to be agreed prior to the first occupation.
- A Legal Briefing note to confirm that this is NOT a planning application,
  - That it is an application under s106A of the Town and Country Planning Act 1990 to discharge a planning obligation (under a s52 agreement) to allow for the sale of food.
  - Ancillary to the application to discharge the planning obligation, the applicant has agreed to enter into a new s106 agreement on the following basis:
    1. 15% restriction on ancillary non-food goods by net floorspace;
    2. £90.5k towards the Foss Basin Masterplan;
    3. Travel Plan, to include:
      - i) Staff travel plans, including incentives for staff to walk or cycle or use public transport or other sustainable means;
      - ii) Policing/monitoring arrangements to prevent long stay parking on the site;
      - iii) Delivery vehicles using the site should be low emission;
      - iv) £5k towards Traffic Regulation Orders;
      - v) Any new boiler/refrigeration plant installed on site to meet highest possible environmental standards in terms of emissions.
  - In determining the application to discharge the original planning obligation, the powers of the Local Planning Authority are tied to the

requirement that if it considers the obligation no longer serves a useful purpose, it must be discharged.

- Planning Officers' position is that the planning obligation no longer serves a useful purpose and can therefore be discharged, since the reason for its imposition i.e. the policy need to restrict or prevent food retailing floorspace at the site here no longer exists.
- Legal Officers consider that the proposed new s106 agreement is entirely proper;
- In terms of any other matters or measures the Council may wish to introduce to the legal agreement beyond which applicant has agreed to (as per the list above) they would not pass the test in the relevant legislation. The test is that the planning obligation no longer serves a useful purpose.
- Therefore there would be no justification for the LPA to refuse or defer the discharge application for other matters to be included, as it is considered the application meets the legal test for discharge and the mitigation measures are the basis of an agreement between the parties.

The following points were raised and questions answered:

- Data showed an increase in traffic levels with the change from a non-food to food retail store;
- Any increase in traffic would affect air quality close to Lawrence Street where problems already existed;
- Effect of the proposal on the authorities Air Quality Action Plan;
- The practicality of the financial contribution in relation to additional vehicular trips as requested by Highway Network Management;
- Confirmed that landscaping was included as part of the car parking layout;
- Details of the traffic mitigation measures;
- Concerns re impact on city centre;
- Clarification from Officers that separate proposals for a new signalised junction had been received for the junction adjacent to the site.

The Chair congratulated Officers on their negotiation of a new Section 106 agreement, which would hopefully mitigate any additional impact on the area.

**RESOLVED:** That the discharge of the legal agreement be approved subject to the applicants entering into a new Section 106 agreement.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the new Section 106 Agreement requirements listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York's city and district centres, highway considerations and air quality. As such the proposal complies with national and local planning policy, in particular with most relevant

Policies S2, SP7a, GP4b and T13a of the City of York Development Control Local Plan.

## **28. PLANNING PERFORMANCE AGREEMENTS - CHARTER**

Consideration was given to a report which requested Members to formally adopt a Charter for use in the formulation and implementation of Planning Performance Agreements (PPA's).

A draft charter for PPA's had been presented to the Committee earlier in the year for comments prior to public consultation. The Agreements had been introduced with the objective of improving the quality of major or complex planning applications and the decision making process involved.

Members had approved the draft Charter subject to some minor alterations and a 6 week consultation period. The results of the consultation process had been set out in Annex 1 of the report. It was reported that the comments received were generally supportive of the Charter and therefore no significant changes were proposed. The main responsibilities of the City of York Council and of the developer were listed in paragraphs 12 and 14 for clarity.

The following options were then considered:

- Option A. Do not approve and adopt the PPA Charter. This option is not recommended.
- Option B. Approve the PPA Charter as set out in Annex 2. This option is recommended
- Option C. Approve the PPA Charter with modifications. This option is not recommended.

**RESOLVED:** That Members agree Option B to approve the Charter for use in the preparation of Planning Performance Agreements.<sup>1</sup>

**REASON:** To provide a project management framework for handling large scale or complex major planning applications which will provide certainty for all development partners.

### Action Required

1. Commence the use of Charter in the formulation of PPA's. MM

## **29. APPEALS PERFORMANCE AND DECISIONS SUMMARY**

Consideration was given to a report which informed Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 October 2009. Details of the salient points from the appeals determined in that period had been provided at Annex A of the report.

Officers confirmed that this was the second report to Members in the previously agreed format. Members queried a number of issues and

congratulated Officers on the performance. They suggested that it would also be useful to receive details of all appeals outstanding at the date of the next report.

RESOLVED: That the Committee note the content of the report and request the addition of details of all outstanding appeals at the end of each 3 month period in future reports.<sup>1</sup>

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

Action Required

1. Include details of outstanding appeals to date in future reports.

MM

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 5.55 pm].

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01606/OUTM  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Hybrid planning application consisting of outline and full proposals for the comprehensive redevelopment of the former Terrys site  
**By:** GHT Developments LLP  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 11 February 2010

**Recommendation:** Approve after Referral to Secretary of State, subject to Section 106 Agreement and conditions

**BACKGROUND**

1.1 In April 2004, Kraft Food decided to close their Bishopthorpe Road site. The former Terry's factory closed in autumn 2005. Following the announcement of the closure of the site, a Draft Development Brief was approved by Planning Committee for consultation purposes in September 2005. A wide ranging public consultation was undertaken after which a number of amendments were made to the Brief. The revised Brief was approved by the Council's Main Planning Committee in June 2006. The Racecourse and Terry's Factory Conservation Area Character Appraisal was approved by Main Planning Committee in October 2006 following further public consultation.

1.2 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.

1.3 Members may recall that a hybrid (i.e. part outline and part full) planning application was presented to the Council's Main Planning Committee on the 24th August 2008. Members refused the application. Nine reasons for refusal were given<sup>1</sup>.

1.4 Following the refusal of that application the applicant decided upon a fresh approach to the development. The scheme before the committee is therefore not a revision of the refused proposals but a completely new scheme developed over a period of 11 months and including consultation and negotiation with officers, the local community and other stakeholders.

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<sup>1</sup> A copy of the refusal notice is shown in Appendix 1

1.5 With this in mind the applicant believes that it has produced a scheme which balances the varying aspirations for the site to arrive at a scheme that is acceptable for the city and also commercially viable and capable of being implemented.

#### APPLICATIONS TO BE CONSIDERED

1.6 There are 7 applications being presented to Planning Committee. These 7 applications form the complete suite of planning applications which were submitted on 27th August 2009<sup>2</sup> for the redevelopment of the site<sup>3</sup>.

1.7 The full set of applications consist of:-

**09/01606/OUTM** is the overarching planning application for the whole site. This proposal seeks outline planning permission for the comprehensive mixed use redevelopment of the former Terry's site (reserving all matters other than access) and full planning permission for the reuse of the existing listed buildings. The scheme has been amended from the original scheme which was submitted. Revisions are outlined in section 1.101.

- **09/01606/OUTM** seeks full and outline planning permission for Outline planning permission, with means of access unreserved, for business (B1); assisted living accommodation and Residential Institution (C2); Residential (C3); Hotels with ancillary leisure (C1); Community Facilities including a Health Centre/Doctor's Surgery (D1); Children's Nursery (D1); exhibition space (D1); Leisure uses (D2); Retail (A1); Financial and Professional Services (A2); Restaurant/Cafe (A3); bar (A4); and live work units, with associated servicing, car parking, landscaping and highway works; additional deck to car park; demolition of existing buildings.
- **09/01607/LBC** seeks Listed Building consent for the removal of external first floor walkway from Head Office Building;
- **09/01608/LBC** seeks Listed Building consent for the selective demolition, alteration and construction of new extensions to the Multi-storey Factory (MSF);
- **09/01609/LBC** seeks Listed Building consent for the demolition of modern additions to the clock tower, ash bunker and boiler house building;
- **09/01610/LBC** seeks Listed Building consent for the demolition of modern additions to the Liquor Store;
- **09/01611/LBC** seeks Listed Building consent for the demolition of the Nut and Fruit Store; and

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<sup>2</sup> Appendix 2 – briefly lists the previous planning applications relating to the redevelopment of this site.

<sup>3</sup> It should be noted that the further applications will be submitted in due course when the applicant finds specific end users for buildings and/or areas of the site.

- **09/01612/CAC** seeks Conservation Area Consent for the Demolition of the Central Services Building. Conservation Area Consent is not required for the other demolitions within the conservation area as these are covered by the LBC's (section 75 PL (LB & CAs) Act 1990 .

#### SUMMARY OF CONTENT OF HYBRID PLANNING APPLICATION

1.8 This hybrid application as submitted comprises the following uses for the site:-

- Retail (Use Class A1);
- Financial and professional services (Use Class A2);
- Restaurant/ café (Use Class A3);
- Bar (Use Class A4)
- Employment (Use classes B1);
- Hotels with ancillary leisure (Use Class C1)
- Assisted living accommodation and Residential Institution (use Class C2);
- Residential (Use Class C3);
- Live Work Units with associated servicing (*Sui Generis*)
- Community facilities including a Health Centre/Doctor's surgery (Use Class D1);
- A children's nursery, (Use Class D1);
- Galleries and museum (Use Class D1);
- Leisure Uses (Use Class D2); and
- Open spaces; and areas for car parking, some internal roads and access points.

1.9 In effect the application is for outline planning permission, but seeks consideration of some detailed matters. The application has been 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 structure of the Parameters Plan, Environmental Impact Assessment and Design Code).

1.10 Other elements of the hybrid planning application include full details of layout, scale, appearance and access of:-

- Multi-Storey Factory building (MSF) – change of use and extension to the south façade and at roof level, to comprise of residential development; and/or offices ; and/or retail units; and/or restaurant/café; and/or exhibition; and/or hotel; and or leisure, including associated external works;
- Former Headquarters Building – change of use to office accommodation;
- The Liquor Store – change of use to retail unit; and/or restaurant/café; and/or bar; and/or leisure; and/or community uses; and/or hotel use in conjunction with adjacent proposed hotel;

- The Clock Tower – change of use to offices; and/or exhibition space; and/or retail; and/or restaurant/café; and/or bar.

1.11 Also included within the Hybrid planning application is works to the highway infrastructure. Works include:-

- Alterations to the main access off Bishopthorpe Road;
- Alterations to the main access off Campleshon Road;
- Creation of an access to commercial zone from Racecourse Road;
- Alterations to the access to the decked car-park from Bishopthorpe Road;
- Creation of a new access from Bishopthorpe Road to serve the care-home.

1.12 The detail of what is being applied for is set out in the Parameters Plan and accompanying table<sup>4</sup>. The Parameters Plan is the key plan for the hybrid application. It divides the site into a number of zones and within each zone sets the constraints for development in terms of the proposed land uses(s), maximum amount of floorspace and maximum building height. These parameters represent a maximum amount of development envisaged for the site and form the basis of the EIA which has been undertaken to consider in detail the likely effects of the development on all aspects of the local environment. It describes exactly what is being applied for with reference to these parameters and will be the key plan to which the future development is tied, should the application be approved.

1.13 The Parameters Plan is accompanied by an illustrative Masterplan. The illustrative Masterplan suggests how the development defined in the Parameters Plan could be set out on site. The applicants emphasise the illustrative Masterplan is just that, whilst the general areas of development are defined, detailed design, exact siting, materials, etc. of these buildings are likely to be modified and will therefore be subject for approval through reserved matters applications.

1.14 When the applicant submits applications for reserved matters, it or any future applicant will be bound by the quantum of development agreed in the Parameters Plan.

1.15 Also included as part of the application is the Design and Access Statement (DAS). The DAS explains how the design principles of this scheme were established and how these have formed the approach to the arrangement and quantum of development within the site. The DAS also expands upon the information included in the illustrative Masterplan. It includes more detailed studies of each zone within the Parameters Plan. It also provides 3D visualisation of the scale and massing of buildings to complement information with the Parameters Plan.

1.16 Other information submitted in support of this application include:-

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<sup>4</sup> Copies of each are re-produced within Appendix 2.

(i) A Planning statement which explains the background and context to the proposals, including an assessment of the proposal against relevant planning policy, describes the proposed scheme, considers the principle issues raised by the proposals and explains how these have been addressed;

(ii) A full Environmental Impact Assessment was submitted with the application to determine its impact upon residents and the wider environs. The submitted assessment included: -

A full Environmental Impact Assessment was submitted with the application to determine its impact upon residents and the wider environs. The chapter in the EIA are:

- Introduction
- Methodology
- Location and Site Description
- Description of the Development
- Consideration of Alternatives
- Planning and Environmental Policy
- Archaeology
- Built Heritage
- Transport
- Ground Conditions
- Drainage and Flood Risk
- Landscape and Visual Impact Appraisal
- Noise and Vibration
- Air Quality
- Ecology and Nature Conservation
- Construction
- Sustainability
- Cumulative Impacts and Impact Interactions

(iii) A Design Code which sets out a clear set of 'rules' that should be followed in order to deliver the identified Masterplan design principles and objectives in more detail. The Design Code therefore seeks to provide a simple mechanism through which the envisaged levels of design quality and distinctiveness described in the Masterplan can be delivered.

(iv) A Transport Assessment which considers the likely traffic impact of the proposed development upon the surrounding highway network. The assessment considers:-

- The existing lawful use of the site;
- Relevant National, Regional and Local policies;
- Assessment, methodology and scope of the Transport Assessment;
- The proposed development, including access and parking;
- The existing local highway network, including traffic counts, peak hours traffic and road safety;

- Trip rates, including how they were calculated for this site, modal split, baseline position, proposed development generation and linked trips;
- Trip distribution, including existing network description and base flows, distribution of baseline and proposed development trips;
- (Operation assessment, including methodology, junction modelling and conclusion;
- Mitigation measures, including accesses, road junctions of (Tadcaster Road/Mount Vale, Tadcaster Road/St Helen's Road, Tadcaster Road/Sim Balk Lane, Sim Balk Lane/Bishopthorpe Road) and Nunnery Lane/Price's Lane Gyratory and the pedestrian and cycle network; and
- Summary and conclusion.

(v) PPS6 Town Centre Uses Statement which considers the potential impact of town centre uses on local centres and the city centre

(vi) Statement of Community Involvement which describes how the applicant consulted the local community, the Council and key stakeholders.

1.17 Other elements of the hybrid planning application include full details of layout, scale, appearance and access of:-

- Multi-Storey Factory building (MSF) – change of use and extension to the south façade and at roof level - to comprise of residential development; and/or offices ; and/or retail units; and/or restaurant/café; and/or exhibition; and/or hotel; and or leisure uses including associated external works;
- Former Headquarters Building – change of use to office accommodation;
- The Liquor Store – change of use to retail unit; and/or restaurant/café; and/or bar; and/or leisure; and/or community uses; and/or hotel use in conjunction with adjacent proposed hotel;
- The Clock Tower – change of use to offices; and/or exhibition space; and/or retail; and/or restaurant/café; and/or bar.

1.18 Also included within the Hybrid planning application is works to the highway infrastructure. Works include:-

- Alterations to the main access off Bishopthorpe Road;
- Alterations to the main access off Campleshon Road;
- Creation of an access to commercial zone from Racecourse Road;
- Alterations to the access to the decked car-park from Bishopthorpe Road;
- Creation of a new access from Bishopthorpe Road to serve the care-home.

## PROPOSED SCHEME - DESIGN PRINCIPLES

1.19 The applicants consider that their scheme will deliver a mixed use development for the City of York of the highest standard in accordance with the principles set out in the Development Brief for the site. They believe the

scheme will provide jobs, homes and new leisure and community facilities on one of the most important sites within the City.

1.20 Their Masterplan proposals are derived from the design and consultation process undertaken with the Council, residents, various stakeholders and interest groups. The extent of the comprehensive consultation process is described later in the report. The applicants aim to create a new, sustainable, characterful and vibrant mixed use neighbourhood as a fully connective and integral part of the city. Their proposals include:

- The reuse and renovation of the iconic listed factory and office buildings as key local landmarks;
- The creation of a range of new residential uses for all age groups, including apartment buildings within the refurbished factory buildings, new build apartments, live-work homes, family housing, senior living accommodation and a care home;
- The development of new commercial uses including offices, hotels, retail uses, bars, restaurants, cafés, and leisure uses, within both new and refurbished buildings;
- The provision of new community uses, which will be accessible to the wider South Bank residential district, including a children's nursery, convenience store and medical centre;
- The establishment of a fully connective and permeable public realm network, including new streets, squares, courtyards and green spaces, allowing the site to be fully connected with adjacent urban districts and open spaces;
- The retention and /or enhancement of important trees and landscape components including boundary woodland strips and the reinstatement of the ornamental gardens;
- The improvement of the function, appearance and boundary condition of the existing car park to the east of Bishopthorpe Road including the creation of an additional deck and improvement to the adjacent footpath and cycle route that leads to the riverside. The proposals also include off site planting to be secured through a S106 agreement; and
- The development of a sustainable movement strategy that promotes walking, cycling and public transport use, whilst also adequately accommodating the car and delivery / service vehicles.

1.21 The applicants consider that the distribution of land uses across the site has evolved through the step-by-step design and consultation process. The applicants believe that the overall objective of achieving a mix of residential, commercial, leisure and community uses, through which a mixed and sustainable community has been achieved through the mix and distribution of uses within the site.

1.22 A key component of the applicants Masterplan is the identification and development of areas of distinctive, yet complementary character. They have used this to create a series of connected yet distinctive quarters. The applicants believe that they have achieved this through the creation of

different character areas across the site that respond to the constraints and opportunities of the surrounding areas

1.23 The proposed character areas, seek to create a gradual and seamless transition between the existing residential districts at South Bank to the north of the site, through the residential neighbourhood to it's immediate south, and then through a denser and more mixed live work area, to the active and higher density mixed use heart. Beyond this lies the commercial core of the site, marked by the new extension to the MSF, with commercial pavilions set within a strong landscape, which step down to meet the open countryside to the south.

1.24 The applicants also set out reasons why stronger frontages onto the Bishopthorpe Road corridor to the east and to the Knavesmire to the west, create a strong built form that provide frontage and containment of the surrounding areas and presents additional character areas which, they consider, define the site, whilst at the same time allowing

## CONSULTATION AND COMMUNITY INVOLVEMENT

1.25 Following the refusal of the previous planning application in September 2008, the applicant committed to an ongoing series of consultation and community involvement with key stakeholders. The applicant sought stakeholders views of the site and how proposals for its redevelopment could be taken forward. The applicant also met extensively with Council Officers to understand the Councils position and expectations for the site and surrounding area.

1.26 Community engagement has been an essential component of the project development process for both the Council and the applicants. This has been especially important given the significance of the site in terms of its historical, conservation and visual prominence, impact of redevelopment upon the future development of York, local residents and other stakeholders.

A variety of methods have been employed to engage and involve the local community and key stakeholders including:

- Design workshop;
- Community Forum;
- Public exhibitions
- Public meetings
- The internet;
- Newsletter;
- Media;
- Meetings with key consultees;
- Formal meetings with Council officers.



## Initial Consultations

1.27 Shortly after the previous application had been refused the applicant held a public meeting with local residents on the 18/11/2008. The meeting took place at the Terry's site and was a means of announcing the applicant's intention to submit a fresh redevelopment proposal for the site and to invite public interest and engagement in the formulation of a Masterplan.

## Design Workshop

1.28 A design workshop was held on the 29/11/2008 and was attended by both targeted local stakeholders and local residents. The workshop was specifically designed to enable key local considerations, concerns, aspirations and opportunities concerning the future redevelopment of the site to be fully identified and explored.

1.29 By the end of the event, a consensus was agreed on an overall objective and 5 design objectives for the project. The overarching objective was agreed as:

The delivery of a sustainable development, in the broadest sense, for the local community.

1.30 The five design objectives agreed were:

- Enhance and complement the existing sense of community at South Bank
- Improve greenspace connections
- Protect and enhance the condition and setting of important views and buildings
- Develop and contribute to a workable local movement framework
- Provide a sustainable mix of uses

These five objectives have been incorporated into the development of the Masterplan.

## Community Forum

1.31 A Community Forum was established following the initial consultation workshop. Key stakeholders and groups from the local community were identified to represent the views of the community and to shape the thinking behind the development of the Masterplan for The Chocolate Works site. The meetings were chaired by Janet Hopton, former Lord Mayor and member of York Design Panel, and arranged by City of York Council community planning officers.

1.32 The first Community Forum meeting was held on the 29 January 2009. Since then the forum has met further to hear presentations on the progress of the scheme and to provide feedback.

## Public Exhibitions

1.33 Exhibitions were held before the submission of the planning application to give the public an opportunity to see and comment on the Masterplan and the development proposals for the site. The first exhibition was held on 14<sup>th</sup> February 2008 which set out three broad options for the redevelopment of the site. People were asked to identify what they believed to be the positive and negative aspects of each option. The comments received from this exhibition were then fed into the development of the first draft of the Masterplan.

1.34 A second public exhibition of the Masterplan was held on the 12<sup>th</sup> and 13<sup>th</sup> June. By this time the Masterplan had been developed in some detail, albeit illustrative of an outline application. However, the location of individual buildings was clearly shown and people had a clear idea of how the scheme would relate to the surrounding area.

1.35 Prior to the public exhibitions, the presentation were put before the Community Forum for consideration.

## Public Meetings

1.36 A public meeting was held on the 30th July to present and allow discussion of the findings of the Transport Assessment.

## Website

1.37 A dedicated website for the redevelopment of the Chocolate Works site was set up as a source of information for the local community and interested parties (<http://www.thechocolateworks.net/>). The website has been regularly updated with development options, newsletters and meeting notes as the proposals have progressed through the planning process.

## Newsletter

1.38 Newsletters have been frequently published on the official Chocolate Works website by GHT Developments LLP and emailed to interested parties. The newsletter provides an update on the progress of the Masterplan in relation to community consultation, the traffic and transport sub-group and steering group.

## Media

1.39 Regular press releases were made throughout the preparation of the Masterplan to allow for continual engagement with the local community. The press releases informed residents and key stakeholders as to opportunities for participation in forthcoming community consultations and also provided feedback on the progress of the development proposals.

1.39 Press releases included articles released in the York Press, the Yorkshire Post and on various local radio stations, including Viking FM, Minster FM, BBC Radio York and BBC Radio Leeds.

#### Meetings with Key Consultees

1.40 The applicant has met several times with key consultees throughout the process, i.e. English Heritage, Mount Vale residents group, the Conservation Area Advisory Panel and others.

#### Meeting with Council Officers

1.41 A Steering Group was established between the developer and City of York Council as a mechanism to identify and resolve potential design and planning issues at the pre-application stage. The Steering Group was composed of Council officers, the developer and the developer's consultant team.

1.42 The Steering Group has met on various occasions (more than 11) since September 2008. Key discussions included:-

- feedback on community consultations
- arrangements for forthcoming events
- detailed discussions regarding the principles of the development
- design and key planning concerns including transport and access arrangements
- the re-use of listed buildings; and
- the relationship of the proposal with the conservation area

#### Transport Sub-Group

1.43 Traffic and transportation aspects of any proposed scheme were identified as a primary concern by the Council and local residents. In view of this, a Transport Sub-Group was set up in addition to the main Steering Group. This comprised representatives from the City Of York Council, including highway and planning officers, the applicants team, including representatives from the transport consultant AECOM (previously Faber Maunsell).

1.44 The Transport Sub-Group has met on over 12 occasions since November 2008 and has focused upon key transport issues, including proposed traffic levels, highway capacity, access arrangements and improvements to the highway network within the vicinity of the site. A key achievement of the sub-group was securing agreement between the Council and developer to the methodology and scope of the Transport Assessment.

## DETAILS OF THE HYBRID APPLICATION

1.45 The application is divided into matters seeking outline consent and detailed matters. Each area of the site is identified below, the numbers relate to Illustrative Masterplan attached as appendix 3:-

### (i) Detailed

1.46 Full planning permission is sought for retention and flexible change of use of the following buildings:-

- The Multi-Storey Factory Building (MSF) – Full planning permission is also sought for retention and alteration (by way of extension) and the flexible change of use of the Multi-Storey Factory building to residential (C3); and/or hotel (C1); and/or business (B1); and restaurant/cafe (A3); and/or bar (A4); and exhibition space (D1); and/or leisure (D2). The former Headquarters Building (B1);
- The former Headquarters Building – change of use to B1 Office accommodation.
- The Liquor Store to retail (A1); and/or restaurant/café (A3); and/or Bar (A4); and/or hotel (C1); and/or leisure (D1)/ and or community uses (D1); and
- The Clock Tower to business (B1); and or exhibition space (D1); and/or retail (A1); and/or restaurant/cafe; and/or bar (A4).

### (ii) Outline

- Commercial offices (blocks 22, a proportion of 23 and 28 on the Illustrative Masterplan);
- Community Uses (blocks 3 and 7);
- Retail development (block 3, a proportion of 23, 2 small units within 30)
- Residential development (blocks 10, 12 and a proportion of 23)
- Food and drink (a proportion of block 23 and potentially block 21, 20);
- Live work units (block 19);
- Senior living apartments (block 17);
- Care Home facility (block 13)
- Car-parking, some internal roads and accesses (1, 14, 24, 25, 26, 29, 31)
- Lightweight Deck to existing Car-park (15); and
- Open spaces (10, 11, 27 and 30)

1.47 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 reasonable control over future development of the site.

1.48 The Parameters Plan, illustrative Masterplan, , Design and Access Statement, Design Code, Planning Statement and EIA, provide the information to allow proper consideration of these matters so that the

necessary and appropriate conditions and Section 106 requirements can be attached to any grant of planning permission.

#### ELEMENTS WHICH SEEK FULL PLANNING PERMISSION

1.49 The applicants seek full planning permission for the alteration and conversion of 4 listed buildings<sup>5</sup>. These are:-

- The former Multi-Storey Factory building;
- The former Headquarters building;
- The Clock Tower;
- The former Liquor store.

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

#### The Former Multi-Storey Factory building (MSF)

1.50 The Multi-Storey Factory building and roof extension (MSF) is the subject of three applications for development. It should be noted that (i) Detailed (ii) Listed Building Consent and (iii) Conservation Area Consent for removal of various non-listed extensions.

1.51 It forms a detailed element of the over-arching hybrid planning application (09/01606/OUTM). Full planning permission for the retention and alteration (by way of extension) and the change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the Multi- Storey Factory to residential (C3); and / or Hotel (C1); and / or Business (B1); and / or Retail (A1); and / or Financial / Professional Services (A2); and / or Restaurant/ Café (A3); and/or Bar (A4); and / or Exhibition space (D1); and / or Leisure (D2).

1.52 It is proposed to extend the MSF building by adding an additional floor to the roof of the building and building a 3-storey extension to the southern side including an lightweight glazed atrium to connect the existing to the extension.

1.53 The 3-storey extension to the south of the MSF will be occupied by offices. The atrium will be used for circulation and amenity space.

1.54 The division of the MSF is approximately as follows:-

#### West Wing

Ground, first, second and third floor – business hotel; and Fourth and roof (5<sup>th</sup> floor) - residential accommodation.

#### East wing

Ground floor – retail and active uses;  
First Floor - Office

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<sup>5</sup> Planning permission and Listed Building Consent has already being granted for the conversion of the former Time Office building.

Second floor - Office and residential  
Third, fourth and roof (5<sup>th</sup> floor) - residential

1.55 The applicants state that they require flexibility with regard to the exact quantum of each use within the MSF, which is what Class E of Part 3 of the General Permitted Development Order 1995 allows. The drawings submitted with the application provide a basis on which to consider the working methods set out in the heritage parameters plans and the likely nature of change envisaged to the historic fabric building and the likely impact on its character and important features. In addition a Heritage Management Plan submitted with the application sets out how the historic environment will be managed when the site is developed and includes parameter plans for each of the listed buildings identifying important feature and setting out general principal to guide future works to the buildings and ensure a programme for the maintenance and monitoring of the historic assets is provided.

1.56 The applicants state that that the MSF forms an important part of the detailed element of the application. Their 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.

1.57 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 Clock Tower and adjacent structures

1.58 The Clock Tower, Water Tower and Boiler House are grade II listed buildings. Historically, this group of structures provided steam and water to the various departments within the factory buildings.

1.59 The application proposes the demolition of the modern extension to the north side of the Boiler House and the conversion of this group of buildings to house a range of uses (by virtue of Class E of Part 3 of the GPDO 1995) including office, retail, a café, bar, restaurant and potentially a museum or gallery.

1.60 Detailed plans of the conversion of the Clock Tower and the proposed extension to it are not submitted with this application, as the buildings do not have a definitive end use. Listed building consent (09/01609/LBC) is therefore only sought for the demolition of the modern attachments and 'making good' of the structures. It is recognised that further listed building consent will be required for the actual conversion of the building for any future use.

1.61 The planning and listed building consent submission is accompanied by a Historic Buildings Assessment. The Terry's Conservation Area boundary 'cuts through' these buildings.

### The Liquor Store/Transformer House

1.62 The Masterplan proposes the demolition of modern attachments to the rear of the former Liquor Store/Transformer House. The proposals also include making good and temporary repairs to it in order to facilitate the conversion of this building to a range of uses (by virtue of Class E of Part 3 of the GPDO 1995) to include retail and /or leisure and or café bar / restaurant and or community uses. There is the potential for the Liquor store to form part of the proposed hotel which is adjacent, and permission is also sought for this use.

1.63 Detailed plans of the conversion of the Liquor Store are not submitted with this application as the building does not have a definitive end use or operator. It is recognised that further listed building consent will be required for the actual adaptation of the building for any future use.

1.65 The new development will also see the demolition of the nearby Central Services Building, which is attached to the extension of the Liquor Store. The new development proposes a hotel on roughly the same footprint as the central services building, although this is only applied for in outline.

1.66 The demolition of these structures require Listed Building Consent (09/01610/LBC). This is not because they are buildings with any significant architectural or historical importance, because they are attached to listed buildings. These structures are also located within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

### Former Headquarters Building

1.67 Change of use of former headquarters building to B1 office accommodation.

### Highway Infrastructure

1.68 The implementation of some highway infrastructure is required to support the early construction stages, this is mainly the new accesses.

### LISTED BUILDING APPLICATIONS

1.69 The four remaining applications for full planning permission and listed building consent consist of:-

- Former Headquarters Building (09/01607/LBC) - Removal of the footbridge from the central services building and extensions to roof and rear of building;
- Multi-storey Factory Building (09/1608/LBC) -
- Clock Tower (09/01609/LBC) - 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;

- Liquor Store(09/01610/LBC) - Demolition of modern attachments to the rear of the former Liquor Store including making good and temporary repairs;
- Fruit and Nut Store (09/01611/LBC) - Demolition of the former Fruit and Nut Store (Chiver's Jam Factory/Air Raid Shelter); and

Former Headquarters Building (09/01607/LBC)

1.70 This application seeks Listed Building Consent for the removal of the footbridge, which joins the former Headquarters building to the central services building and making good. Further consents will most likely be required for future development of this building. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

The Factory Building (09/01608/LBC)

1.71 Listed Building Consent 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.

1.72 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 (09/01612/CAC). The Clock Tower and adjacent structures (09/01609/LBC)

1.73 The Clock Tower and adjacent structures 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. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

Liquor Store (09/01610/LBC)

1.74 Demolition of modern attachments to the rear of the former Liquor Store including making good and temporary repairs. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

Demolition of the Nut and Fruit Store (09/01611/LBC)

1.75 Listed building consent is sought for the demolition of the Nut and Fruit store. Although the building is not identified as being listed in its own right, consent is required as the structure comprises a building within the curtilage of other listed buildings that was in existence prior to 1948.

1.76 The Masterplan proposes the demolition of the former Nut and Fruit Store. It significantly post-dates the construction of the remainder of the site. It is not part of the original build and has no architectural embellishment. Historically it is of local importance as a purpose built ARP shelter.



1.77 The planning and listed building consent submission is accompanied by a Historic Buildings Assessment which has been undertaken to address criteria detailed in Planning Policy Guidance Note 15: Planning and the Historic Environment.

Application for Conservation Area Consent (09/01612/CAC)

1.78 An application for Conservation Area Consent is submitted for the demolition of the central services building. This building is not listed but is located at the heart of the Conservation Area.

1.77 The new office 'pavilion' buildings to the south of the MSF will be set within a strong landscaped area and will be 3 storey's in height. The parameters plan proposes approximately 18,000 sq ft/ 190,00 m<sup>2</sup> of office accommodation. This office space will also incorporate landscaped amenity space.

1.79 The proposals will create approximately 43,000 sq ft/ 4,000 m<sup>2</sup> of office accommodation within the former HQ and a 51,000 sq ft/ 4,800 m<sup>2</sup> (approximately) within the extension to the MSF.

1.80 The pavilion commercial office development will be principally accessed from Racecourse road via a new access point. However access will be available from the main entrance on Bishopthorpe Road as well and on race days.

1.81 Two hotels are proposed. The larger of the hotels (at the rear of the former Headquarters building) will provide 4 star accommodation. 150 bedrooms are proposed as part of this hotel. The building will be no more than 4-storeys in height. As the applicants are seeking outline planning permission for this building no further details have been submitted. Condition height of building

1.82 The second hotel will provide approximately 120 bedrooms. The hotel is proposed to be a business customers and it is envisaged that it will be run by a mid-range operator. Condition uses and %of each within MSF, scheme of uses

1.83 The hotels are located close to the Racecourse and the new businesses proposed on the site. Condition uses and %of each within MSF, scheme of uses

1.84 Also proposed at ground floor level of the MSF is restaurants, retail and other active uses falling within use Classes A1, A2, A3 and A4.

1.85 A small brasserie/ coffee shop/ "Kiosk" (Use Classes A1 or, A3) comprising 100 m<sup>2</sup> of internal floor area (gross) is proposed within the formal gardens to south eastern corner of the site. The unit is proposed to be a small

ancillary facility principally serving the needs of the local business community and also encourage use of the formal gardens. Condition uses

1.86 Approximately 10,000 sq ft/ 910 m<sup>2</sup> of potential office, exhibition space, retail, restaurant/ bar or Use Class A2 office accommodation (professional services) is proposed within the Clock Tower (Building D). A degree of flexibility is sought by the applicants for the use of this building allowing for market demands and ensuring a use can be found for the building. Condition uses

1.87 Approximately 2,500 sq ft/ / 237 m<sup>2</sup> of retail, restaurant, bar, leisure or community use is sought for the Liquor Store (Building C). The applicants wish to create an active use for this building as it is within one of the main hearts of the development. Condition uses

1.88 The applicants also feel that it may be possible to incorporate it with the adjacent hotel and therefore such active uses could also be complementary.

### Residential Development

1.89 271 dwellings (Use Class C3) are proposed. The applicants propose to erect family housing adjacent the existing Southbank residential neighbourhood. In total a maximum of 125 houses are proposed ranging from 2-4 beds and from 2-4 storeys in height. These dwellings will have gardens and either garage car-parking or within dedicated car-parking areas.

1.90 Up to 146 residential apartments are proposed in 3 locations. Up to 63 apartments are proposed adjacent Bishopthorpe Road within buildings from 2-4 storeys. 18 Apartments are also proposed above the convenience store adjacent Campleshon Road.

1.91 The submitted plans indicate 65 units accommodated within the refurbished Factory building (MSF) including some within the roof extension. All other residential development will be new build.

1.91 The housing is located within two parts of the site. The apartments (Use Class C3) located within the upper floors of the MSF and to the north of the MSF close to the existing housing within Southbank and Bishopthorpe Road.

1.92 The mix of housing proposed is as follows:-

Apartments	Number	Houses	Number
1 Bed	13	2 Bed	8
2 Bed	130	3 Bed	57
3 Bed	3	4 Bed	60

1.93 One potential layout for these areas is illustrated on the Masterplan and plans of the MSF, although scope exists for future change within the defined parameters and Class E consent to ensure flexibility.

### Live-Work Units

1.94 14 live-work units are proposed in the 'transitional' area that links the South Bank residential neighbourhood with the mixed use heart of the scheme. These are one bedroom homes, with associated work area, within 2 and 3 storey buildings. The use of the work area of the buildings will allow for office, studio and light industry uses (all within class B1).

### Senior Living

1.95 A "retirement living building" (Use Class C2) is proposed along part of the western boundary of the site, overlooking the Racecourse and Knavesmire open space. This is proposed to comprise up to 110 self contained one bedroom units. These would be provided in a building of 3-4 storey's. It is proposed that the buildings be arranged around communal gardens and high quality parking courtyards.

### Care Home

1.96 A care home is proposed on the Bishopthorpe Road frontage (the eastern boundary of the site), to the immediate north of the listed office Headquarters Building (Building B). Planning permission is sought for a use within Use Class C2 of the Use Classes Order and the plot would be suitable for a variety residential institutions including for care of the elderly or disabled. Permission is sought for up to 4,332 sq m (46,629 sq ft) in a building of 3 - 4 stories. This would provide for approximately 80 bed places. S106

### Community Uses

1.97 Adjacent to the existing South Bank residential areas, the applicants propose new community uses include a medical centre, a nursery and a convenience store. These facilities are proposed to be located on the frontage to Campleshon Road, close to St. Chad's Church and Knavesmire Primary School, in order to serve the wider (existing and proposed) South Bank district and help to create a community centre within this district.

1.98 Provision is made for a medical centre (Use Class D1) of up to 2,266 m<sup>2</sup> (20,000 sq ft) within a building up to 4-storeys in height.

1.99 A nursery building (Use Class D1) and comprises up to 543 m<sup>2</sup> (5,845 sq ft) is proposed within a 2-storey building. This would have capacity to provide for services and accommodation for approximately 80 children.

1.100 The proposed convenience store (Use Class A1) would be provided in Area 1 and be up to 595 m<sup>2</sup> (6,405 sq ft) in size in a building of up to 3-storeys, including apartments above.

1.101 These community uses are deliberately clustered around the Campleshon Road entrance to so that, together with the school and church a

community hub is created to facilitate maximum usage by the existing and new residents.

#### Food and Drink and Retail Uses

1.102 The redevelopment proposals also include various food and drink and retail uses (Use Classes A1, A3, and A5). The applicants state that these are likely to take the form of restaurants and brasseries, small scale retailing activities as well as a local convenience store.

#### Other uses/issues

1.103 There is potential for exhibition space (Use Class D1) in a variety of locations including the Clock Tower and the atrium between the MSF building and proposed extension Define within D1 use Class

1.104 The heart of the Chocolate Works site is defined by a mixed use area, occupying the existing Listed Buildings (and new additions) which lie in this central area. Each of these listed buildings will be retained and brought into beneficial use.

1.105 Some flexibility is sought in the actual uses proposed. This will allow for market demands, whilst also ensuring that a productive use can be found for each of these important buildings to ensure their future maintenance. The proposals for each of the specific buildings are set out below.

1.106 A variety of open spaces will be provided within the development. These are illustrated within the Masterplan. Existing areas, such as the garden in front of the Headquarters Building and the Memorial Garden towards the south of the site fronting Bishopthorpe Road, will be retained and will be available for use by users of the site and the general public.

1.107 The facilities in this area will be enhanced to increase their attractiveness, by the addition of small scale food / retail related uses as described above. New areas of public open space will also be provided within the proposed residential areas.

1.108 The design and location of these will be agreed with the Council through the approval of Reserved Matters and they will either be offered up for adoption by the Council or maintained and managed by a suitable Management Company created to manage the site.

1.109 These areas will provide both formal areas for recreation and children's play and quieter areas of amenity space and gardens.

#### REVISIONS

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

09/01606/OUTM (Main hybrid planning application)

Additional Traffic Information

- Transport Assessment Addendums 1 and 2
- Proposed Off Site Car Parking including Decked Extension
- Proposed Off Site Car Parking Montages

Revised Drawings

- Parameters Plan
- Revised Illustrative Masterplan
- Land Use Masterplan
- Revised Drawings (relating to Multi-storey Factory)

Supplementary drawings for Design Code

- Building Heights
- Street Hierarchy
- Pedestrian and Cycle Access
- Car Parking Strategy
- Open Space Strategy
- Block Structure
- Legibility Framework

Additional Supporting Information

- Sustainability Assessment Addendum
- Justification Statement (relating to Multi-storey Factory)
- Revised Design Code

**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)

Policies:

See section 4.0

### 3.0 CONSULTATIONS

*Please note all comments relate to the amended scheme as submitted January 2010 unless otherwise stated.*

INTERNAL

CYC Conservation Architect

#### **Supports Scheme: represents a creative and imaginative response to the Brief in terms of Urban design and listed building alterations**

3.1 The application describes a mechanism for designing and delivering developments on the former Terry's factory site. As the southern half of the site is within the Racecourse and Terry's Factory Conservation Area the application must accord with policy HE3 of the draft Local Plan (4<sup>th</sup> set of changes) requiring full design details to be included to enable its impact on the conservation area to be fully assessed. However redevelopment is likely to be realised over an extended period of time and therefore drawings and written documents must also describe a development framework which allows a degree of flexibility. It is considered that the application documents, including Parameters Plan, Illustrative Masterplan, Design and Access Statement & Design Code, satisfy the above requirements.

3.2 The applicant proposes a comprehensive redevelopment of the site creating a sustainable urban neighbourhood within the city linked to the surrounding community. In developing the proposals the applicant has engaged the local community in an ongoing way, especially through the community forum. The consultant team adopted a fresh approach to the initial assessment of the site and they have developed the scheme in a collaborative way using principles of urban design such as those set out in CABI publications describing best practice.

3.3 The scheme represents a creative and imaginative response to the Development Brief (May 2009 rev) in the following areas:

- Urban design - organization of the uses, buildings and spaces on site and their relationship with the surrounding environment.
- Conservation area and its setting - preservation of character and appearance of the area, protection of its setting with some enhancement of internal views, buildings and spaces.
- Listed buildings – protection of settings whilst improving the potential for beneficial reuse of these vulnerable buildings.

Archaeologist

#### **No Objections; conditions suggested to mitigate any impact**

3.4 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.

3.5 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.

3.6 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 20<sup>th</sup> 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".

3.7 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.

3.8 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.

CYC Countryside Officer

**3.9 No Objections** With regard to the EIA and survey details for the site, these are comprehensive and provide an accurate assessment of the ecological value of the site. With regard to the details, however, there are a couple of points that need clarification although they do not affect the overall conclusions.

CYC Landscape Architect

**Considers the scheme largely reflects the brief with suitable open space and landscaping and respect for the existing environment and historic buildings at the site.**

3.10 The officer recognises that the parameters plan states the maximum quantities of development and that the quantity of development can be reduced at the reserved matters phase if it is felt that this is necessary to attain satisfactory design standards. The illustrative Masterplan suggests that the scheme is acceptable in principle. The officer recognises that there are

many realistic opportunities for new tree planting, which would integrate the site with the existing environs and create a pleasant and attractive environment for both employees and residents and the wider visiting public.

3.11 During the course of negotiations and public consultations it has become clear that the removal of the majority of the earth bunding is desired in order to integrate the site with the surrounding neighbourhood – an essential aspect of the development.

3.12 The officer noted that the existing trees are an important element within the site and conservation area and that some trees could be retained. She notes that the parameters plan has been drawn up to fit with the illustrative Masterplan in so far that a reasonable depth of new tree cover would be reinstated to protect the amenity of the existing streets and provide an integral asset to the development itself.

3.13 Furthermore, the officer highlighted that it was agreed that the replacement tree planting should also be in the form of green fingers/tree-lined streets within the site, e.g. main axis streets and a green lane to compensate for the loss of trees around the northern half and to increase connectivity between the site and the surrounding streets.

3.14 In the main, the Masterplan responds to the design brief. It provides a suitable range of open space and landscape types across the site, and on the whole respects the setting of the existing surrounding environment and setting of the listed buildings

### **City Development**

#### **Supports the application and consider the development responds well to the Development Brief**

3.15 As set out at paragraphs 1.11 and 1.12 of the revised Development Brief a mix of uses is considered the most sustainable approach for the Terry's 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.

3.16 The Development 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. Instead, the Brief 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.

3.17 The Brief also stresses the importance of high quality sensitive design with an emphasis on the importance of the landmark nature of the listed buildings set within a Conservation Area. Other key issues highlighted in the



Development 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.

3.18 The officer considered that the submitted application responds well to the Development Brief Vision and Objectives and further stated that the planning application represents an employment led development with a balanced mix of other complementary uses, including those of benefit to the local community. The proposed mix of uses will give the site vitality and viability.

Network Management

**No highway objections to the application, a section 106 agreement covering associated highway and sustainable transport measures and the addition of a range of highway conditions.**

3.19 States with the mitigation measures proposed, there should generally be only minimal increases in traffic delay observed on the network over and above what could potentially occur should the existing buildings be reoccupied and former activities resumed.

3.20 Sets out the process by which the new scheme has been formulated from a highway impact perspective, emphasising that the increase in traffic over that arising from the full reuse of the existing facility would be mitigated against by promoting other means of travel than the car. Main points: -

- The fall back position of full reoccupation of the factory site must be taken as the baseline for calculating increased traffic generation, as is standard practise nationally.
- The redevelopment when completed would increase traffic by around 128% over the reuse, but using 5 access points. And including less commercial together with residential traffic, balancing the peak hour levels.
- Equal level of traffic on Campleshon Road compared to the new Racecourse Road access
- Car parking standards are either in accordance with or just below the maximum for the uses proposed on the site with a total of 1500 spaces on the site and at the car park across Bishopthorpe Road
- Cycle parking accords with the standards at in terms of numbers (1138 spaces) and type of provision (secure storage for residential, office development). Full details should be sought by condition
- Improving the cycle existing route running to the north of the car park. The proposal is to widen this route to a minimum of 2.0m (wider where practical to do so) smooth out the current gradient to accord with Cycling England Guidelines.

Other measures being offered to promote pedestrian and cycle trips include:

- Introduction of a zebra crossing on Campleshon Road close to the school.
- Improvements to the signing and lining of the existing cycle routes heading north through the South Bank district.
- Improved crossing facilities on Bishopthorpe Road between the current main entrance and the southern boundary of the site.

3.21 Traffic mitigation measures at junction are proposed:-

- Signals and signalised pedestrian crossing, and a bus gate facility beyond the St. Georges Place junction.
- With the introduction of the Park and Ride and capacity improvements no further measures would be required at Tadcaster Road / Sim Balk Lane
- An additional 26 spaces on the Askham Bar Park and Ride site would be funded by the applicant to mitigate the impact of the development at Church Lane / Sim Balk Lane
- Initial testing found the Scarcroft Road / Bishopthorpe Road junction to be operating satisfactorily when development traffic is added.
- Other junctions to the south of the site and in Bishopthorpe were found to be operating within acceptable performance limits following the imposition of predicted development traffic

3.22 Sustainable transport measures offered by the developer include:-

- New bus service throughout the working day (7am to 7pm) linking the Station with the Askham Bar Park and Ride facility via the development site, and Bishopthorpe
- New shelter on Campleshon Road and real time information added to this and existing shelter on Bishopthorpe Road
- Voucher for each household to enable the purchase of a cycle, helmet and lock or a bus pass to the equivalent value
- 4 spaces for car club vehicles within the site, and a year's free membership for each household, currently amounting to £60 per dwelling
- Travel Plan Officer for a minimum period of 3 years
- Upgrade of part of Sustrans route N65 as mentioned above alongside the Bishopthorpe Road Car Park and additional cycle route signs on the current route into the City Centre through South Bank

3.23 Traffic Management Measures:-

- Improved pedestrian crossing facilities over Bishopthorpe Road (design detail to be agreed)
- A more formalised crossing facility over Campleshon Road, with funding offered for a zebra crossing in the vicinity of Knavesmire Primary School (details to be determined).

HASS Comments on Affordable Housing Provision

3.24 The applicant has agreed an acceptable affordable housing offer and adequate pepper-potting of the site. However the applicant should increase the number of affordable dwellings.

CYC Education Officer

**Sets out the contributions required towards meeting demand for education provision arising from the development**

3.25 The officer recognises that the relatively large scale of the development means that there will be significant increase of pre-school, primary, and secondary age children within the area when the development reaches full occupation. The majority of these children, in the officers opinion will, seek admission into local schools and pre-school providers, so the Authority should seek an education based contribution.

Preschool provision

3.26 The plans to create an 80 place nursery on the site are welcomed by the LCCS Early Years and Childcare service. Whilst the development will increase demand, this will be adequately offset by the provision of the proposed nursery facilities.

Primary provision

3.27 The latest school census information (Jan 2009) shows that there is very little space available within the local primary schools within the locality of the development. The continued popularity of these schools with local parents means that they will remain full for the foreseeable future as birth rates continue to rise.

Secondary provision

3.28 The catchment secondary school is Millthorpe Secondary, which as of January 2009 had no spare places available for additional pupils. Forecasts indicate that this school is also likely to remain full for the foreseeable future.

3.29 The officer concludes that the Authority will therefore require a Section 106 contribution for primary and secondary provision, calculated as per the methodology and cost multipliers in the latest Education SPG.

3.30 Although the finer details of the accommodation schedule are yet to be finalised, an indicative education commuted sum can be calculated using estimated unit numbers. The full amount will need to be re-calculated as and when the proposed number of units are finalised at a later date.

3.31 An indicative Section 106 amount, based upon 2009/10 cost multipliers and the latest Jan 2009 surplus levels at Knavesmire and Millthorpe schools, would be as follows:

Preschool	£0
Primary	£616,809
Secondary	£550,072
Total	£1,166,881

#### York Consultancy – Drainage

3.32 Originally the Engineering Consultancy objected to the proposed development due to insufficient information being submitted to allow them to adequately determine the potential impact the proposals may have on the existing drainage systems.

#### AMENDED SUBMISSION

3.33 After meeting with the applicant and exchanging further information the officer agreed that the proposed scheme was acceptable subject to the imposition of various conditions.

#### Environmental Protection Unit

**Raises no objections to the scheme in respect of air quality, contamination or noise and vibration, subject to appropriate mitigation measures and conditions.**

#### Noise

#### PPG24 Noise Assessment

3.34 Results of ambient noise monitoring found that the majority of the measurement position on the edge of the site fall within Noise Exposure Category B, with only one, to the western boundary of the northern section of the site, being classified as NEC A during the daytime but NEC B at night time. Furthermore, there were no Lmax levels recorded greater than 82dB. Predictions of noise levels within the centre of the site, indicate that ambient noise level would fall within NEC A. As a result noise should be taken into account when determining the application and, where appropriate, conditions should be imposed to provide protection against noise.

#### Knavesmire race day and fan noise

3.35 Additional noise monitoring was carried out to establish noise levels during a racing event on the nearby racecourse at the Knavesmire and from fans associated with the main racecourse building. Assessment of the results showed the likelihood of complaint as a result of these two factors on proposed residential properties was negligible.

#### Electrical Transformer Station

3.36 Additional noise monitoring was carried out to assess the impact of a transfer compound to the north of the site, particularly as dwellings are proposed near the transformer site. Results indicated that the transformer is likely to result in complaint, and so conditions would be essential to ensure that there is no loss of amenity to any proposed residential dwelling or building in proximity to the transformer station.

3.37 When reserved matters applications are received for this part of the site it is essential that noise is considered and that an acoustic report is submitted to demonstrate that there will be no loss of amenity due to noise from the existing transformer station. This may include the need for details of acoustic barriers, window sound reduction values etc.

#### New noise sources within the site

3.38 It is not possible to assess the likely impacts of the proposals as no details on the number, location, noise level or type of plant or equipment to be used on site are provided at this outline stage. Each reserved matters application will need to be assessed on a case by case basis and conditions be applied to the outline application to mitigate any noise relating to the noise levels within residential properties at night time hours, and monitoring of noise levels,

#### Contaminated Land

3.39 Site investigation work has revealed elevated concentrations of heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, asbestos and ground gases at a number of locations. Remediation works would therefore be required as part of the development.

#### Air Quality

3.40 These comments are provided on the understanding that the traffic data used as the basis for the air quality assessment is acceptable to City of York Council's Highways department.

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

Construction phase

3.42 To ensure that dust is kept to a minimum (as predicted in the submitted assessment) it is recommended that the developer be required to agree a suitable construction management plan with the Council prior to the commencement of works on the site.

Operational phase

3.43 An assessment of the operational impact of the proposed scheme on local air quality has been undertaken using ADMS-Roads (an air quality dispersion model). The assessment includes the local highway network adjacent to the proposed development site, which is not included within an Air Quality Management Area (AQMA), and the local highway network to the North of the proposed development, which is located within City of York Council's existing AQMA. The assessment also considers air quality in the vicinity of the roundabout on Tadcaster Road, in the Dringhouses area of the city, and in the village of Bishopthorpe. The receptors were selected to quantify the magnitude of the change in road traffic pollution levels due to the proposed development.

3.44 The following scenarios have been modelled:

- 2008 Baseline (for model verification purposes)
- 2011 future baseline (no proposed development + committed developments)
- 2011 with development (with proposed development + committed developments)

3.45 The assessment demonstrated that small increases in nitrogen dioxide (NO<sub>2</sub>) concentrations are predicted at receptors within the AQMA and adjacent to it as well as in Bishopthorpe .

3.46 Concerning the predicted annual mean PM<sub>10</sub> and the number of exceedences of the PM<sub>10</sub> 24-hour objective, negligible increases were observed in all study areas with the development in place.

3.47 EPU has worked closely with the applicant's consultants to ensure that the AQIA was both valid, accurate and appropriate., EPU has considered the significance of any air quality impact : "Development Control: Planning for Air Quality". was used to assess the significance of the change in pollutant concentrations .

3.48 Changes in road traffic flows with the development in place were not shown to result in significant change in pollutant concentrations at any of the receptors within the air quality study areas considered. The maximum change in annual mean concentration of NO<sub>2</sub> within the Air Quality Management Area was 0.5ug/m<sup>3</sup> (northern end of Bishopthorpe Road). Whilst concentrations of nitrogen dioxide monitored by CYC at the Nunnery Lane / Prices Lane gyratory are currently exceeding health based air quality objectives, the slight

increase in nitrogen dioxide concentrations with the development in place is not considered to be a significant worsening of a breach of an air quality objective. The predicted increase in annual mean NO<sub>2</sub> concentrations (with the development in place) is extremely unlikely to result in the need for a new AQMA to be declared, or to an extension of the existing AQMA, as the concentrations predicted beyond the AQMA are currently well below the objective values for each pollutant.

3.49 Using the National Society for Clean Air's latest (non-statutory) guidance on planning and air quality, the magnitude of change in annual average NO<sub>2</sub> within the existing AQMA (with the development in place) would be considered 'very small'. Using the same guidance note, the impact of the development on properties within the AQMA, as a result of the additional traffic associated with the proposed development's operation, can be described as 'slight adverse'. Whilst the development will lead to an increase in emissions and slight deterioration in air quality, using current guidance, it is considered that the air quality impact demonstrated for the Terry's development is not significant.

3.50 However, due to the slight deterioration in air quality seen in the existing AQMA, the developers should be required to put in place measures to help offset the increase in emissions from the development as far as practically possible.

3.51 It is the Environmental Protection Unit's understanding that no biomass boilers are proposed for the site. Should this not be the case, EPU would expect a full screening assessment to be carried out to look at the air quality impact of each biomass installation. Any assessment should look at the cumulative impact from any proposed biomass plant, alongside emissions from additional traffic using the site.

## **AMENDED SUBMISSION**

3.52 EPU considered that no further conditions should be imposed concerning the amended scheme.

### Economic Development Unit

3.53 The Economic Development Unit has been involved with the development of the latest proposals for some time. The current application in terms of the mixed development now meets the needs of the EDU with regard to potential employment use and coherence of layout. We therefore have no further comments to make on the application.

### Life Long Learning and Culture (LLL)

**No objections subject to commuted payments for additional off site open space provision**

3.54 The officer commented that for a development of this size they would expect :-

- all residential and commercial amenity open space on site;
- all play space on site;
- all sports pitch provision off site; and
- % for art on site.

3.55 The officer notes that the proposal appears to deliver most of the on site open space requirements but without detailed housing bedroom numbers and the area information for amenity open space and play space I can't be certain if this is the case. Therefore the officer advises that a condition should be imposed that any shortfall of on-site open space will be made up by an off site contribution (commuted sum) once the exact number of bedrooms.

3.56 The officer welcomes the retention of the formal lawn adjacent to the commercial use and the location of what appears to be a play area in the centre of the residential development. The officer advises that the play area should be built to the latest Play England standards as set out in Managing Risk in Play provision : Implementation Guide (DCMS 2008) and Design for Play : A guide to creating successful play areas (DCMS 2008).

3.57 The officer queried who will look after the landscape once the site is developed and noted that if the developer wishes to transfer the site to the Council additional 106 payments will be required for future maintenance.

3.58 Based upon the information submitted, £160,249 should be provided for off site sport.

EXTERNAL

Bishopthorpe Parish Council (BPC)

**No objection but still has concerns over traffic, in particular the volume passing through Bishopthorpe.**

3.59 To date, the PC state that, traffic assessments show very little traffic in relation to total numbers through Bishopthorpe. They understand that new traffic assessments have been made and these indicate increased numbers from those before.

3.60 The PC suggested several measures to alleviate traffic to traffic to Bishopthorpe should the application be approved, these are:-

- Modification of the Bishopthorpe Road entrance to prevent left turns from Bishopthorpe Road in a north direction into the site. BPC stated that have had no reply to that suggestion. This was to encourage the use of Tadcaster Road as the main route.;
- Accepting that Church Lane will be taking the traffic the BPC suggested that it is made into 3 lanes from Sim Balk Lane to just before the church. They



consider this which would allow through traffic and cater for car parking to deliver children to school, doctor's surgery visit, and resident parking.;

- BPC also suggested that in addition to 3 lanes on Church Lane a one way system around the Church is made. Primarily this would improve the use of the Church Lane /Bishopthorpe Road junction. Also by making Bishopthorpe Road one way the pavement could be widened and a cycle lane introduced. This section of Bishopthorpe Road is a safety issue;
- BPC's last suggestion which has not been put forward before but is in line with proposed changes to 20 mph zones, is to make the total length of Church Lane 20 mph with additional vertical controls. BPC state that cars do speed up at the 20 mph limit but rarely down at that limit, which is again a safety issue. (At the same time the section of Bishopthorpe Road from Church Lane to Main Street 20 mph limit is made 20 mph along that length as well.)

Mickelgate Planning Panel

**Raises a number of concerns relating to traffic levels, air quality, scale and design of development, car parking and the adjacent cycle route.**

3.61 Recognises that the development of the site is a major opportunity for the city, and therefore a pro-active approach in addressing potential concerns about the development is needed

3.62 The current plans represent a significant improvement on those previously rejected in respect of their built form; in particular the changes in the layout of the development are welcomed, with the housing element closer to, and relating to, the existing residential area on the South Bank. Also welcomes the efforts to "soften" the boundary of the site and ensure that it integrates more closely with the community.

3.63 However, there are a number of respects in which improvement is essential before the plans come to committee. concerns can be summarized as follows:

**(i) Traffic**

3.64 Extremely worried that the reduction in traffic generation from the development appears to be mainly from methodological changes rather than as a consequence of a substantial diminution in the level of development and understands that the reason for this is that the modal split typical of the properties in the surrounding area has been applied to the traffic generation model for the development. Whilst acceptable for the residential development, this is not realistic for the offices. and so traffic generation has almost certainly been significantly underestimated.

3.65 Very significant concerns about the detail of the traffic assessment as carried out. In particular, the already heavily congested northern section of Bishopthorpe Road, Blossom Street and the Nunnery Lane/ Prices Lane gyratory will experience significantly increased traffic levels (up to 10% higher at peak times, not less than 5% as claimed when the application last came to

committee) leading to much greater congestion, as these roads are already running at capacity during peak hours, and there will also be a deterioration in air quality. This is a particular issue in Nunnery Lane, which is part of a statutory Air Quality Management Area, and in which the pollution levels are already on the verge of breaching World Health Organization limits. The panel asks what action the Council intends to take to safeguard the health of people in this area.

3.66 The Planning Brief states that the development needs to be served by convenient, regular and good quality bus services from the outset, to reduce dependence on the private car (paragraph 9.15). The proposal to run a York Station – Askham Bar service which will run via Scarcroft Road, Bishopthorpe Road, the Terry’s site and Bishopthorpe during the morning and evening peak hours (approximately four hours a day) on Monday to Friday, complementing the existing No.11 would have a number of problems:

- Different operator to the existing no 11 creating cross ticketing problems, with the new service not running most of the day and prices deterring use;
- For much of the day and at weekends, the bus service will only be half-hourly, and even then unreliable. The service would not be self sustaining and likely withdrawn after 5 years;

The proposals do not meet the local plan requirements for the frequency of bus service for the size of the site; and

- Also the Panel is unclear and concerned as to whether the current and proposed junction configurations for Micklegate/ Blossom Street/ Queen Street/ Nunnery Lane have been appropriately modelled.

## **(ii) Scale of the development and factory building application**

3.67 Concerns relate mainly to the outline planning application, but also have a bearing on the full application (09/01608/FUL) for the factory building, hotel and offices as part of the factory extension.

3.68 The residential development covers a greater area of the site than previously, and as such more units are provided. There are however serious reservations about the very large and dense office developments to the south of the main factory building. This relates to both their built form and the wider effects on traffic and the remainder of the site.

3.69 We are concerns are raised over about the scale and massing of the proposed extension and the indicative height on the outline plans of the blocks behind it to the south, as shown on the outline plans. The extension block is considered too high relative to the factory building, and other buildings should be stepped down away from the factory to ensure that views through to the listed buildings are maintained and enhanced. It is also hoped that the “green avenue” concept mentioned in the community forum meetings will be more fully implemented in the eventual design, opening up vistas to the listed building from the south as previously promised.

3.70 The proximity of the large office blocks to each other at the southern end of the site and the narrow gaps in between are likely to result in less than pleasant working conditions in some of the offices. Also some of the windows of rooms in the hotel building will be facing directly into those of offices in the new extension block only a short distance away. It is also unclear about the proposed parking arrangements for the 300 bedroom hotel in the main factory block.

3.71 A reduction in the overall amount of office accommodation needs to be given serious consideration in view of the fact that the original proposal was rejected because of “overdevelopment.” On a casual inspection, it appears that the total amount of “commercial” development on site (i.e. the total of office, retail and hotels) is almost the same as for the previous application.

**(iii) Other issues**

3.72 The Panel is concerned about the proposal to introduce a decked car park in the Green Belt on the east side of Bishopthorpe Road, a proposal that was certainly not given any prominence in the discussions at the community forum.

3.73 It is also extremely disappointed that the recommendation of the planning brief (para 9.10) stating that possibilities for the existing Route 65 cycle path to be upgraded should be “explored,” seems to have been largely ignored. In particular, the section of the path which runs just to the north of the proposed decked car park is narrow and very steep and the development presents a possibly unique opportunity to re-route the cycle path to the east of the car park .

3.74 In terms of pedestrian crossings and traffic calming it states Bishopthorpe Road is currently severely lacking in safe crossing facilities throughout its entire length, and believes that the development presents an ideal opportunity to rectify this problem. The Panel Also concerned that steps are taken to discourage speeding, which could include 20mph sections of road.

3.75 The Panel believes that the requirement to provide open space should be met and that this should be done within the site, with some of this area made available for the use of Knavesmire Primary School during school hours, for sport and related purposes, though the exact location of this should be a matter for negotiation with the Council.

British Waterways (BW)

**Comments that the proposed scheme would not have an impact upon the waterway and as a consequence they have no objection.**

3.76 However, they note that the riverside path offers many leisure, recreational and health benefits to the users and residents of the development, providing a sustainable transport link to the centre of York. As a

consequence they encourage the development and improvements in access and linkages between the site and the river; e.g. new directional signage. BW also mention that if a mooring were formed, it would open up access to the development for craft and could provide a riverside link to the city.

AMENDED SUBMISSION

3.77 BW raise no further comments regarding the amended scheme and additional information submitted.

Yorkshire Water (YW)

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

AMENDED SUBMISSION

3.79 YW raise no further comments regarding the amended scheme and additional information submitted.

Environment Agency (EA)

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

Sport England (SE)

**SE confirm that as long as the appropriate provision is made for playing pitch/sports facility provision which fully accords with the scale of the development, then they raise no objection**

3.81 As no part of the site forms part or constitutes a playing field, Sport England have treated their consultee response as non-statutory. SE 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.

3.82 SE states the proposed development will significantly increase the number of people living and working in the locality and it is important that sport and recreation needs can be met.

3.83 SE notes that there is a proposed section with the S106 for 'Open Space Land' and 'Outdoor Sports Provision'. and that contributions and/or specific sport and recreation facilities should be sought which are of an appropriate scale to address the needs arising from the development arising from the development via the S106 agreement.

3.84 SE advocate using a strategic approach to determine the level and type of provision required for developments such as this, so as to ensure a robust

evidence base. A number of strategic planning tools which the applicants should use to determine the correct level of provision are suggested

3.85 Matters to be addressed at the reserved Matter stage include:-

- Adequate trigger mechanisms within the phasing to ensure the provision of the sports and recreation facilities are secured at the appropriate phase of development;
- Any off or on-site sport provision should ensure community access agreements are in place, to allow for extended public participation in sport.; and
- New facilities provided or existing facilities to be upgraded off site should meet Sport England design guidance.

English Heritage (EH)

**Welcome the proposals and acknowledge that the amended scheme has incorporated a number of improvements and alterations which ensure the setting, character and integrity of the listed complex of the factory buildings are maintained and enhanced.**

3.86 EH welcome the proposals and acknowledge that the amended scheme has incorporated a number of improvements and alterations which ensure the setting, character and integrity of the listed complex of the factory buildings are maintained and enhanced.

3.87 EH confirm that it is comfortable with development to the north of the MSF. The illustrative and Land Use Masterplans suggest a form and footprint of development which would sit comfortably in the setting of the MSF and the Design Code is sufficiently detailed to achieve a sensitive and sustainable new neighbourhood.

3.88 EH expressed concern with the proposals for the MSF as originally submitted in August 2008. Their concerns centred on the roof top extension which was considered intrusive and lacking justification. EH was also concerned the views of the top two floors of the MSF from the south should be protected by a restriction on the height of the proposed buildings to the south of the MSF following a further assessment of key verified views.

AMENDED SUBMISSION

3.89 The amended drawings submitted in response to the comments made by EH and Council Officers have addressed English Heritage's initial concerns. EH is satisfied that the 3-storey rear extension and glazed atrium, would retain the visual dominance of the top 2 floors of the Multi-Storey Factory building.

3.90 EH welcome the redesign of the roof extension to the MSF and now support this element of the scheme. EH also acknowledge that the applicant

has sufficiently justified the proposed roof extension by submitting further supporting information.

3.91 Finally EH welcome the applicant's willingness to accept a height restriction on the height of buildings to the south of the MSF to preserve the important views of the building. .

YORK CIVIC TRUST (YCT)

**Considers that the scheme is well thought out and has the potential to be an asset to the local area and the city. However it makes detailed comments regarding the scheme as summarised:-**

3.92 The proposed works associated with the Multi Storey Factory (MSF) building are supported in principle, for example the removal of the miscellany of roof structures and their replacement by an additional floor which will be set back from the parapet. The details of the top floor and its relationship to the existing building are rather vague and, due to its dominant position, we would welcome clearer drawings annotated including details of the proposed materials.

3.93 The demolition of the North Light Building to the south of the MSF is considered also acceptable. However further details in terms of heights of the commercial pavilions should be agreed prior to approval.

3.94 Whilst the YCT accept that a mixture of uses is applied for the MSF building, it suggests a formula that would control the proportion of space devoted to each floor for the mixed uses, and suggest the same type of condition be imposed upon the other listed buildings so as to prevent certain uses being used to excess and overpowering the whole space.

3.95 With regards to the Masterplan and Design Code, YCT comments that these were most informative and suggest a few practical comments. Firstly YCT welcomes the additional access from Racecourse Road which will service the new commercial buildings to the south of the MSF. However it notes that care should be taken with any signage along Tadcaster Road and that the 3 raised traffic tables will need cooperation with the Highway Authority.

3.96 YCT note that no mention is given as to whether the streets are to be adopted, considers that they should be, in the interest of maintenance and cleaning. However YCT advises that the highway authority should be prepared to be flexible about the final design of streets to prevent excessive signage, street furniture and lighting.

3.97 The live work units are welcomed by YCT but it advises that control should be kept over any machinery which might create noise to adjoining residents. The same comments apply to the future uses of the commercial buildings to the south of the MSF.

3.98 It recommends that permitted development rights be removed for dwellings within the northern sector of the site to safeguard the character of this area, but acknowledge that a significant amount of thought has gone into this area.

3.99 YCT welcomes the applicant's proposal to plant trees along the Bishopthorpe Road frontage so as to preserve the rural character of the approach to the site from the south.

3.100 YCT note that car-parking has been a concern of the local community, and feels that by distributing parking throughout the site without dominating the environment is sound. However the decked car-park and the underground car-park beneath the neighbourhood green need careful, handling as well as been completed prior to houses being occupied.

3.101 Finally YCT comments upon the management of the site. It notes that the infrastructure will need to be provided at an early stage in order to provide for their integration within the framework for the various stages of development.

3.102 YCT notes that there is also a need for some form of Management Committee to protect and maintain the open spaces, the streets, the parking regime, the tree maintenance and the general upkeep of the site. As it is unlikely that the site will developed as a whole, the spaces which are awaiting development need to be cared for in order not to detract from that part of the site which has been completed. Its suggests that this control could be sought through the inclusion of a term within a S106 agreement.

3.103 After viewing the site model prepared by the applicant YCT made the following comments:-

- The plan area of the proposed hotel to the rear of the former Headquarters building is greater than the HQ building itself and if it is intended to be flat roofed, it would conflict with the setting of the adjacent listed building. Therefore special care should be taken when designing this building so as to preserve the setting and character of the HQ building.
- YCT has concerns about access to the commercial area south of the MSF on race days due to closure of Racecourse Road. It considers that this would affect traffic in Bishopthorpe and consider that any race day congestion should be directed to Campleshon Road/Racecourse side.
- YCT notes that the model indicates that the flats adjacent Bishopthorpe Road will have flat roofs and would prefer pitched roofs so as to match with the existing character of South Bank.
- Finally YCT welcomed the decked car-park to the east side of Bishopthorpe Road.

Conservation Areas Advisory Panel (CAAP)

**Raises a number of issue and concerns over the scale and height of part of the development, and the impact of traffic measures on trees**

3.104 Noted the convenience store has been realigned to improve access and massing and reduced from 4 floors to 3. The medical centre with housing over the top has been increased from 3 floors to 4. The panel supported the reduction in floors of the convenience store but were against the added floors on the medical centre – proposing a maximum of 3 floors.

3.105 A proposal to add a deck to the existing car park adjacent the factory would increase the parking capacity to 560 spaces with a potential 250 spaces on the top deck – which is in line with the developments parking requirements.

3.106 The Panel agreed there is a need for additional parking as the development does not allow for enough on site parking for the facilities and homes however this raised concerns about security. The idea of the additional deck was supported only if the size of the deck is reduced (e.g. only a partial top deck over the existing car park)

3.107 In response to the Panel's previous concerns about the scale of the senior living blocks, the new design code details 3 separate blocks that the panel agreed were a vast improvement on the original design. No objections were made to the new design.

3.108 The issue of the bus lane proposal on Tadcaster Road was raised by the Panel that expressed concerns about existing trees and the implications for increased traffic and congestion.

**AMENDED SUBMISSION**

3.109 CAAP note that the convenience store has been realigned to improve access and massing and reduced from 4 floors to 3. The medical centre with housing above has been increased from 3 floors to 4.

3.110 The panel supported the reduction in floors of the convenience store but were against the added floors on the medical centre – proposing a maximum of 3 floors.

3.111 The panel agreed there is a need for additional parking as the development does not allow for enough on site parking for the facilities and homes however this raised concerns about security. The idea of the additional deck was supported only if the size of the deck is reduced (e.g. only a partial top deck over the existing car park)

3.112 In response to the panels previous concerns about the scale of the senior living blocks, the new design code details 3 separate blocks that the panel agreed were a vast improvement on the original design. No objections were made to the new design.



3.113 The issue of the bus lane proposal on Tadcaster Road was raised by the panel that expressed concerns about existing trees and the implications for increased traffic and congestion. The panel agreed A Sinclair would comment on any impact on proposed affects to the Tadcaster Road Conservation area re: traffic and bus lane.

Council for the Protection of Rural England (CPRE)

**CPRE noted that the application differed significantly from the previous application and presents a much more balanced development proposal.**

3.114 CPRE further noted that the applicants had been engaged with local residents, relevant stakeholders and the Council prior to and during the submission of the application and were of the opinion that the scheme addressed their previous concerns. It states that subject to satisfactory traffic control being agreed, they supported the scheme.

3.115 CPRE noted that the application differed significantly from the previous application and presents a much more balanced development proposal. CPRE further noted that the applicants had been engaged with local residents, relevant stakeholders and the Council prior to and during the submission of the application and were of the opinion that the scheme addressed their previous concerns. They stated that subject to satisfactory traffic control being agreed, they supported the scheme.

Yorkshire Forward (YF)

**Welcomes the proposal for a major mixed use development on the former Terry's site and makes detailed comments on the type of uses, live work units, and sustainability.**

3.116 It states while the flexible nature of the permission sought means that it is not possible to define the exact extent of different land uses proposed on the site, it is regarded that the increase in office capacity and employment opportunities that this proposal presents may stimulate economic growth within the city and wider region, complementing Yorkshire Forward's renaissance activity within the City. Moreover, in integrating a mix of uses within the site, it is considered that the proposal presents the opportunity for a sustainable community to be developed, with key services such as the health centre and nursery, along with small scale convenience retail, restaurant and café uses minimising the need for workers and residents to travel by private car and creating a vibrant environment throughout the day and night.

3.117 YF welcomes the inclusion of a large element of B1 floorspace in the application and the potential for some of this accommodation to fulfil any demand which is brought forward by Science City York.. The redevelopment has great potential to contribute to the development of York as a Science City, presenting an opportunity for new purpose built accommodation well suited to

science based business to be developed which would support the future development and growth of the York economy.

3.118 The inclusion of 14 live/work units within the proposal is also welcomed by Yorkshire Forward. as this has a number of merits as a sustainable alternative to separate home and work space for growing businesses. It is important, however, that the accommodation provided as live/work within this scheme will offer something truly different to its occupants than a home-office that may be created within a standard C3 residential dwelling – be that in terms of its size, layout or design. It is recommended that stringent conditions are applied to ensure that these properties are used for dual residential and work purposes as intended.

3.119 The intention to develop two hotels of differing standards on the site is supported as the provision of hotel accommodation will help support the growth in business activity on the site as well as encourage and cater for tourists visiting the city, complementing the facilities available at York Racecourse and within the City centre., Since the second business class hotel is part of flexible uses proposed for the multi-storey factory, it is recommended that conditions be attached to any permission granted to designate a minimum floor space requirement for hotel use to ensure that this comes forward as one of the uses for this building.

3.120 The applicant suggests in the covering letter that accompanies the application that, due to the flexible nature of the proposal, conditions should be used to define a maximum net area which may be occupied by uses – such as A1 retail – for which unlimited provision would not be acceptable in policy terms. The use of conditions to set maximum net areas for different uses e.g. retail use is supported. Moreover, with a number of the flexible uses being proposed for the listed buildings on the site being considered as ‘town centre’ uses within PPS4, it is considered that it will be necessary for limits to be placed on the level of development that may be appropriate for such uses in this out-of-town location.

3.121 The provision of affordable housing on this site is important in achieving a balanced and stable residential community, and planned provision should be aligned to the RSS target for affordable housing in York of 40%. It is therefore regarded as important that the council continues to strive to maximise the level of affordable housing that may viably be achieved on this site.

3.122 YF notes while the intention for the development to meet BREEAM standards is supported, all of the buildings should be striving to meet ‘Excellent’ if not ‘Outstanding’ rating unless there are valid reasons to stick with ‘Very Good’. This will contribute towards the RES target of reducing greenhouse gas emissions by 20-25% in the Yorkshire and Humber by 2016, and contribute to objective 5D(i) of the RES which seeks to deliver projects that reduce and mitigate greenhouse gas emissions The range of options are being considered by the applicant including rainwater harvesting, air source heat pumps, green roofs, solar heating and heat reclamation will reduce fossil

fuel dependency inline with objective 5C(ii) of the RES and will be important in meeting the target set by Policy ENV5 of the RSS which seeks for 10% of the energy used by larger developments to be produced from renewable or low carbon sources. The sustainability measures should have a focus on climate change adaptation, as well as mitigation, and additional details regarding these measures must come through at reserved matters stage. It is also suggested that stronger sustainable procurement objectives are written into the application – including maximising recycled content in the construction materials – to enhance the sustainability of the development process itself.

#### AMENDED SUBMISSION

3.123 YF welcome the additional information especially concerning sustainability issues in the addendum to the environmental statement. In particular, we welcome the indication that air source heat pumps, solar thermal heating and CHP technologies are to be included within the scheme, and are likely to provide in the order of 30% of the energy requirements of the site.

3.124 YF also welcome the confirmation that, wherever possible, building materials will be reused or recycled, as this will be an important aspect of ensuring the overall sustainability of the development process itself.. The applicant's reconfirmed commitment to promoting sustainable modes of transport to the site, including through the provision of a new bus, is also welcomed as this will both help improve the overall sustainability of the proposal and ensure that the site is accessible for employees, inline with Objective 4E of the RES which seeks to removed barriers that prevent people from accessing work including a lack of access to a private car.

3.125 YF strongly support the re-use of this site, particularly for employment uses which we see as a priority for the site, however, again all of the buildings should be striving to achieve a BREEAM 'Excellent' or 'Outstanding' rating unless there are valid reasons to stick with 'Very Good'. This would further enhance the efficiency of the development and reduce its energy consumption in the first instance, ensuring that the scheme is focused on climate change adaptation as well as mitigation.

Natural England (NE)

**NE confirm that the development is not be likely to cause damage or disturbance to the nearby SSSI.**

3.126 The body then goes onto comment upon the following issues:-

- Drainage and Flood Risk – The hydrological mitigation measures outlined within the applicants ES should be implemented in full so as to avoid any potential impact of a silt load into the River Ouse and subsequently Fulford Ings SSSI;

- Landscape and Visual Assessment – NE confirm that the assessment within the ES has correctly analysed and described the landscape character of the area and incorporated an acceptable number of representative local viewpoints which can be used to assess the potential effects of the development upon the surrounding area;
- Ecology and Nature Conservation – NE confirm that the range of survey techniques and methodologies employed to gather information about present habitats within the site and species. NE concur with the applicants assessment regarding possible impacts upon habitats and species in the immediate vicinity;
- Bats – The various bat surveys found no evidence to suggest the buildings or trees to be affected are being used as a bat roost. However, several buildings and trees were identified as having the potential to support roosting bats. Therefore, prior to any works being undertaken in the buildings in the buildings, a further bat survey should be undertaken by an appropriately experienced and licensed surveyor. NE also advise that any trees should be 'soft felled' between September and October or March and April. Trees should also be assessed for their potential to support roosting bats and a appropriate survey or watching brief should be undertaken prior to felling;
- Birds - Work should be undertaken outside the bird-breeding season (March – August); if this is not possible then potential nesting sites should be checked by a suitably qualified surveyor prior to works being carried out;
- Trees – Trees and hedgerows which are to be retained may need to be protected from construction activities. Their root systems are particularly susceptible to damage and work should be undertaken in accordance with BS5837:P2005, 'Trees in relation to Construction – Recommendations';
- Lighting – Light pollution should be minimised to help mitigate any negative impacts upon birds and bats in the areas in and around the development site. NE welcome the design and installation of lighting systems which the applicants state will achieve this;
- Site Enhancements (Habitat Creation and Management) – NE welcome the intention of the developer to compensate for the loss of habitat and look for opportunities within or adjacent to the development site for ecological enhancement.. NE also recommend that further opportunities for enhancement should be considered when reserved matter applications are submitted.

#### AMENDED SUBMISSION

3.127 NE raise no further comments regarding the amended scheme and additional information submitted.

York Natural Environment Panel (YNEP)

### **Raises Issues on green spaces, hydrology and car parking levels**

3.128 Would like to see the green aspect of the site retained and enhanced. It is essential that the scale of planting is in keeping with that of the buildings. The groundwork must not restrict the natural growth of roots, (for example by locating underground parking below open green space) thereby allowing trees and plants to reach their natural potential. The Panel that detailed landscape plans are submitted and considered at the same time as the building layout, and not at reserved matters stage, so a viable scheme can be achieved. It would also like to see full hydrological studies in areas where changes in levels could effect trees to be retained.

3.129 As far as the layout and land provision go, plans would need to demonstrate that within the site sufficient accessible open space is provided to meet the statutory requirement and also that as stipulated in Natural England's report 'Accessible Natural Greenspace Standards':

3.130 YNEP states natural areas as part of a balanced policy should be provided to ensure that local communities have access to an appropriate mix of greenspaces providing for a range of recreational needs. English Nature recommends that provision should be made of at least 2ha of accessible natural greenspace per 1000 population according to a system of tiers into which sites of different sizes fit Including one that no person should live more than 300m from their nearest area of natural greenspace;

3.131 The Panel are concerned that the number of car users associated with the high level and density of residential & business development is not sustainable in terms of the road infrastructure and that the traffic management plan does not extend far enough into neighbouring areas that will be affected by the increased number of cars.

3.132 It considers car parking provision to be high, promoting car use. Improvements to the existing cycle route with the aim of increasing bicycle use is advocated, and the traffic plan needs to be improved to show how it can satisfactorily address these issues.

#### Ancient Monuments Society (AMS)

3.133 AMS considers the addition of a storey to the multi-storey factory building to be over-development of the site. It states though set back from the parapets this box-like addition significantly disrupts the strong horizontal parapet/cornice line of the original factory and its carefully designed accents, creating a new rhythm at odds with what is below. It argues that so many of the uses are speculative and there is much new building in the new range parallel to the factory and elsewhere on the site this addition seems unnecessary and perhaps a little greedy

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3.134 AMS feel that they cannot comment on how necessary the additional storey is to the MSF, as a whole and would still prefer a solution which avoided it. However they accept that the revised proposals are more discreet and much less more sympathetic to the building, as a whole, than the original scheme.

Police Architectural Liaison Officer

**Raises concern over the high permeability of the scheme indicated and asks this be considered carefully at the detailed submission stage**

3.135 The officer notes the Design and Access Statement submitted by the applicants refers to 'Safer Places, the Planning System and Crime Prevention' and the seven attributes of sustainable communities that are particularly relevant to crime prevention.

3.136 The officer notes that the applicants have tried to address some of the key issues such as:-

- Security of car-parking areas;
- Locations of children's play areas;
- Defensible space between apartments and internal courtyards;
- Secure by design principles, Security of commercial premises;
- Natural surveillance;
- Permeability and perimeter security

3.137 However the officer is concerned about the permeability of the site. He notes that whilst the applicants have incorporated various pedestrian and cycle links, create permeable boundaries and create better connections with the surrounding areas, they provide potential escape routes for offenders.

3.138 The officer believes that it is likely that the police will be consulted in the future about gating to the site to reduce permeability from experience in South Bank and elsewhere in the City.

3,139 In addition the officer states that each element of the scheme brings with it, its own security implications. As an example, the proposed convenience store is shown as having 18 apartments above it. The officer considers that the amenity of residents above could be severely affected by noise and anti-social behaviour problems associated with the congregation of youths, particularly if the store is open until late.

3.140 However, to conclude, whilst the officer is not comfortable with the degree of permeability to the site, he recognises that this application is primarily outline, and that the majority of designing out crime could be addressed when reserved matters are submitted.

Leeds, York & North Yorkshire Chamber of Commerce

**Strongly supports the applications for its economic importance to the city and asks that the current economic situation be taken into account when considering affordable housing and traffic issues.**

3.141 The Chamber of Commerce considers that the application is of enormous importance to the city, And a very imaginative application which incorporates high quality design whilst at the same time being sensitive to transport and traffic concerns. They also consider that the overall scheme has retained the essential character of the Terry's site, incorporating a high number of environmentally sustainable features, which will turn it into a destination in its own right, both for families and businesses., and believe it will bring substantial benefits to the area around Bishopthorpe Road; to the southern side of York, and to the City of York as a whole.

3.142 Traffic and transport challenges brought by the nature of York City Centre should not be a bar to future development of sites such as the Chocolate Works. The proposals put forward by have addressed these challenges very intelligently, and the proposed development is sensitive to them.

3.143 The Chamber of Commerce urges Committee to consider extremely seriously, the impact on York as a whole, and its economic future, if this application were to be refused. In the current economic cycle, it believes it is extremely important for the city to provide for future employment opportunities, particularly following a number of local job losses, and following the recent announcement by HSBC, that it will not be locating a proposed national data centre to York.

3.144 The Chamber of Commerce urges the Planning Committee to take account of the prevailing economic conditions whilst considering an appropriate level of affordable. It considers that the Council currently has a policy of up to 50% affordable housing, but believes this policy was never the subject of public consultation. In comparison, the Regional Spatial Strategy (RSS) recommended a policy in the order of 40% affordable housing, and that the RSS was in fact put out to public consultation.

3.145 It urges Committee to be realistic over the proportion of affordable housing that is required to be incorporated into the development and remains concerned that if too high a proportion of affordable housing were required, development might become unviable and might not proceed, which, in its view, would be nothing short of a disaster for York.

3.146 The Chamber of Commerce concludes that it recognises that all large planning applications have their own particular challenges, and it is rarely possible for them to meet the desires and expectations of every interest group, every time. It believes, however, that as a result of the extremely extensive consultation process which has been undertaken through the involvement of the Community Forum, this application has managed to achieve this, and asks Committee to approve the scheme.

Interested parties/neighbours/stakeholders/etc.

3.147 Two site notices were posted regarding the proposed hybrid planning application. Thirty Three letters of objection were received from neighbours/stakeholders and interested parties regarding the original submission. A further 6 objections were received regarding the amended scheme.

### 3.148 Highways

- Additional traffic, area unable to cope with large increase, could be safety issue;
- Developer set to make huge financial gains without investing in improvements in the surrounding highway network;
- Bishopthorpe Road and Church Lane are already too busy and cannot cope with the current level of traffic;
- Bishopthorpe Road is too narrow and any cyclist risks their life if they use the road;
- The pedestrian and cycle route along Bishopthorpe Road is too small;
- Bishopthorpe Road should be widened;
- Church Lane will become a bottle neck if the development is approved;
- Church Lane corner is a death trap to pedestrian and cyclists, this will be exacerbated by the development;
- Funerals also cause congestion in the area, especially Church Lane which becomes blocked;
- Increased buses will create more of a hazard as there is less room for cyclists etc. consequently increasing the risk of accidents;
- The road network will not be able to cope with the development, this is improved by the congestion caused by the Saturday morning car boot and race days;
- A new link road linking the development with Sim Balk Lane would reduce traffic impact upon Bishopthorpe;
- The Council underestimated the amount of car use for York College and shouldn't do the same for this development;
- Bishopthorpe is used as a rat run for access to York, this would be exacerbated if the development were approved;
- Builders lorries etc would also cut through Bishopthorpe to get access to the site during construction, causing congestion, noise pollution and dirt, etc.;
- The scheme if approved would increase the pollution within the area and the city;
- The developer has not provided adequate car-parking for the development;
- Computer modelling of the proposed highway impact is flawed;
- The decked car-park is located within the green belt and shouldn't be built there;
- Increased traffic would cause additional noise and pollution problems to local residents;



- Increasing traffic levels, especially near the cycle crossing across Bishopthorpe Road will increase the likelihood of accidents;
- The proposed commercial development to the south of the site will create a larger demand for parking than is currently proposed;
- Model splits figures have been amended from the last application, if the actual model split doesn't in reality correspond with the actual model split, what redress does the Council have? How can the developer be made to retrospectively fix such an anomaly?;
- The cycleway from the Factory to the Riverside is inadequate for increased traffic, its too steep and has a dangerous chicane at the bottom, the track should be re-routed;
- Increased traffic at the junction of Lorne Street, the entrance of the site and Campleshon Road;
- Within the proximity of the school and the tendency of mothers to park on Campleshon Road waiting for school leaving time;
- One way system through site i.e. in at Bishopthorpe Road and out at Campleshon Road - especially for the construction traffic;
- Increased traffic in a highly residential area, with primary school and park nearby;
- Concerned about highway changes affecting the Knavesmire Road/Mount Vale junction, which is currently a green space are used for recreation;
- Increased traffic on Bishopthorpe Road could have a major affect on rush hour traffic leading into central York and the station;
- Proposal relating to transport to and from the site is to add more car parking space. This has potential to exacerbate traffic congestion on the Tadcaster and Bishopthorpe Roads;
- The developer should do more to assist the improvement of public transport facilities on York Car Free Day;
- Suitable arrangements should be made for buses to pick up and drop off passengers on the site;
- Additional no 11 buses may be needed at peak times, when the development is completed and occupied;
- Examine the possibility of introducing a no 3a service from Askham Bar park and ride, which would divert from the no 3 route to the new development and serve the race course;
- Increase in traffic will adversely affect Tadcaster Road and put additional pressure in Bishopthorpe and the traffic lights near York College / Sim Balk Lane;
- Rather than providing an additional deck to the car park why not look at increasing park and ride provisions;
- Alternative access from the A64 to the Terrys site and the racecourse avoiding Tadcaster Road and Bishopthorpe Road and village;
- The proposed decked car park would be on a green field or Green Belt site;
- Increased traffic on Bishopthorpe Road hasn't been addressed properly as its already a busy road with no safe crossing;
- Travel plans appear to be no different to those produced in 2008;

- The huge number of workers on site will result in a significant rise in traffic;
- The site does not lie on a major bus route;
- Plans state over development on the available space and leads to excessive pressure on the local infrastructure in particular transport arrangements;
- How will vehicles and HGVs exiting the ring road reach the site?
- Concerned about extra traffic being encouraged to use the Tadcaster Road exit;
- Cycle and pedestrian crossing over Knavesmire Road will need to be upgraded;
- Concerned about traffic speed and volume, developers should consider a speed management scheme;
- More car parking spaces will encourage people into and not out of their cars;
- Developers should look at other city developments where parking is restricted;
- Residents should pay an annual charge to park within the site;
- The number of car parking should be reduced by at least 50%;
- visitors and people working on the site should pay a daily parking fee;
- 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
- 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

### 3.149 Housing

- Reduce property prices in the area and reduce community aspects of the shopping area;
- The height of the proposed 4 storey elevations should be closely monitored to reduce impact and keep it in proportion with surrounding houses and the wider landscape and view;

- More housing and apartments brings more families, those children need schools which are already full;
- The density of housing and office building is less than before but still seems too high;
- How many safeguards are in place to avoid further building of flats / housing / offices instead;
- A soulless housing estate is not benefiting of the local area and will have a negative impact;
- Less offices and more houses;
- Doubt that the reduction in office space by 10% will have an effect; and
- Modern buildings should be energy efficient;
- Object to 50% affordable housing as would have a negative effect on area;
- Development should be scaled down, fewer buildings and flats
- existing perimeter fencing (Campleshon Road and Bishopthorpe Road) maintained to prevent youths gathering and causing disturbance to residents.

### 3.150 Open space

- Low proportion of site is green open space;
- Some of the land should be available as sports facility for Knavesmire Primary School;
- Open space and green areas will cause problems for nearby residents;
- Dense planting of the perimeters may reduce negative impact on the semi-rural landscape, but if elevations are too high, it will be visible from the racecourse; and
- Will the trees be protected and retained opposite 274-290 Bishopthorpe Road.

### 3.151 LBC and Cons Area

- Listed factory buildings are special and landmarks for area - need space and to be highlighted; and
- Height of proposed buildings will negate the open character of area.

### 3.152 Other

- The developer has just reworked the proposals with the minimum of changes;
- The Councils first duty is towards the safety of residents;
- The development is designed to get maximum return for the developer at the expense of the city and local residents;
- The senior living is sited in the wrong location and should be located near bus stops;
- The existing car-park is most likely located on toxic land and any disturbance could have detrimental consequences to local residents;
- The decked car-park will be a magnet for crime;
- The site should be monitored for 12 months to determine whether it is contaminated;

- Demographic changes to the locality will result in an increased demand for primary school places, Knavesmire School would not be able to cope with the increase demand for places;
- Part of the site should be set aside for additional space for Knavesmire School, which would involve alterations to Knavesmire Road;
- Concerned about the visual impact of the site from Campleshon and Bishopthorpe Road, particularly the river and racecourse boundaries;
- Developer proposing a 20th century solution to a 21st century problem;
- The existing and adequate car park is on a landfill site, hazardous substances were dumped here during world war II;
- Disturbing hazardous substances buried at the site could present York with the same problem which occurred in Corby Northants;
- What plans for primary and secondary schools;
- Concerned for the communities air quality due to slow moving traffic;
- Noise and fumes from the large number of vehicles which would circulate and cause a pollution nuisance;
- Landfill and gas monitoring should take place for 12 months before any decision could be made regarding construction;
- Decked car park would blight the visual amenity adjacent to open fields leading down to the River Ouse;
- Improve cycle tracks and York is meant to be a cycling city;
- The development will create an us and them community;
- As a resident I do not recall being asked my views on car parking;
- Security required to prevent vandalism and anti-social behaviour;
- Extent of archaeological remains unknown at southern end of site;
- Current plans don't include leisure facilities for the community
- Affect on carbon footprint through the increase of carbon emissions; and
- The proposed convenience store will make local independent corner shops suffer in trade.

### **3.153 Positive comments**

- Very good please get on with it;
- Wholeheartedly support this development;
- Look forward to seeing movement and life back on the Terry's site;
- Revised plan has been carefully considered transport, environment and local factors and will be a credit to York;
- Hope the planning committee remain objective and see fit to granting the necessary permissions to get the development underway;
- Would like to congratulate the planners on what looks to be a well considered and attractive proposal;
- Development will serve both the area and in general;
- Site does need to be developed although not to this level;
- Support the renewal of the site and sympathetic to the aspirations of the developer;
- Support the proposed redevelopment and believe GHT have tried to engage local residents;
- Broadly supportive of the plans to redevelop the Terry's site;

- Very exciting planning application;
- Appreciate the history and heritage of the site and believe York must move forward; and
- This development offers a great opportunity.
- like layout
- proposals excellent – well thought through
- former Terry’s factory to be used as retail, and studio/workshop accommodation is good
- car club good idea
- good mixed use of site – tourism, residential and office work
- plans exciting
- Revised design improvement to original

In addition 24 people who live within Mount Vale, grouped together to object to the proposed alterations to the road at the junction of Mount Vale and Knavesmire Road. Their objections related to loss of car-parking spaces, signalization of the junction, increased traffic and detrimental impact upon residents.

#### 4.0 PLANNING POLICY

4.1 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. This in conjunction with National Planning Policy Guidance, and Planning Policy Statements and the principal strategic documents by which this application is judged.

4.2 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.

4.3 The amended Development Brief, which has been subject to public consultation, is also a material consideration.

4.4 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, Development Control Local Plan, 1956 Town Plan, Yorkshire and the Humber Regional Spatial Strategy and the Amended Terry’s Development Brief.

4.5 The Local Development Framework (LDF) for York is being prepared over the 2005-2009 period. However little The 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.

#### National Planning Guidance

4.6 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 former Terry's site should have regard to the following documents:

4.7 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.

4.8 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.

4.9 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.

4.10 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.

4.11 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 dwph (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”).

4.12 PPS4 – Planning for Sustainable Economic Development. The new PPS on Planning for Sustainable Economic Development sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

4.13 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.

4.14 PPG13 – Transport. The guidance 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.

4.15 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.

4.16 PPG 15 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.

4.17 Draft PPS15 - A new Planning Policy Guidance Note had been issued jointly by the Department of the Environment and the Department of National Heritage, which set out Government policies on the conservation of the historic environment. The Guidance Note updated and consolidated advice in an earlier circular but added new emphasis in certain areas. The circular acknowledged the tensions between the objectives of promoting economic growth and the need to protect historic buildings and areas. Stronger emphasis is placed on the importance of keeping listed buildings in viable and beneficial use. In considering applications for demolition of listed buildings, a new consideration was introduced - a "test of alternative proposals for the site" and the planning benefits for the community which might result. At present it is explicit that demolition should only be contemplated when all alternative uses for the building had been fully explored.

4.18 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.



4.19 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.

4.20 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.

4.21 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.

4.22 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.

4.23 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.

#### RELEVANT NATIONAL DOCUMENTS

4.24 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.

4.25 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.

4.26 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.

4.27 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.

#### Regional Guidance

#### Yorkshire and Humber Plan Regional Spatial Strategy 2008

4.28 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.

4.29 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.

4.30 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:

4.31 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.

4.32 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.

4.33 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.

4.34 This policy also recognizes 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.

4.35 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.

4.36 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.

4.37 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.

4.38 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.

Statutory Development Plan

4.39 Statutory Development Plan (1956 York Town Map and North Yorkshire County Structure Plan) . The Town Plan shows the site being allocated primarily for industrial use with a section adjacent Campleshon Road indicated as allotments. The application was previously considered a departure from the Development Plan and was advertised as such. However, Officers now consider the 1956 Plan out of date and therefore not a relevant planning document.

4.40 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

Terry's Development Brief

4.41 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.

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

4.43 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.

4.44 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.

4.45 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.

4.46 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.

4.47 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.

4.48 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.

4.49 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.

4.50 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.

4.51 The Brief was revised in May 2009, the revisions were agreed through a cross-directorate team of Officers and were presented to Members of the City of York Council's Planning Committee for approval and deposited for public consultation.

4.52 The revisions supplement the approved 2006 brief and update parts of it as a matter of fact, for example through changes to the Regional Spatial Strategy since 2006.

4.53 The applicant is required to address the provisions of the original brief, together with the revisions set out in the amended draft.

4.54 The revisions are incorporated in order to help shape the master planning process towards a comprehensive and high quality planning scheme.

#### The Racecourse and Terry's Factory Conservation Area

4.55 The Racecourse and Terry's Factory Conservation Area Character Appraisal was approved by Committee shortly in October 2006, following separate public consultation.

4.56 Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22<sup>nd</sup> November 2007).

#### 5.0 MAIN ISSUES

- Environmental Impact Assessment;
- Principle of redevelopment including employment, housing, live work units and other associated uses;
- Highway implications;
- Mix and type of homes;
- Affordable housing consideration;;
- Landscape and natural environment;
- Ecological impact;
- Flood risk and drainage;
- Sustainable development;
- Archaeology;
- Green Belt issues;



- Mount Vale/Knavesmire junction
- Open Space;
- Education;
- Noise and construction related disturbance;
- Impact upon amenity of adjacent and nearby occupants;
- Local Community; and
- Public Art.

## ENVIRONMENTAL IMPACT ASSESMENT

5.1 The statutory provisions of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 (as amended) apply to two separate lists of projects.

5.2 'Schedule 1 projects', for which an EIA is required in every case. Examples include large-scale developments with potentially far reaching impacts such as oil refineries, chemical works, waste disposal installations, and quarries and open cast mining.

5.3 'Schedule 2 projects' for which EIA is needed only if the project in question is considered to give rise to 'significant environmental effects'. A range of infrastructure and industry developments falls within this category. Under the British planning system the established position is that an Environmental Impact Assessment should be carried out at the outline or full planning application stage, whichever is the case.

5.4 Various size thresholds, development type and 'sensitive area' location criteria determine whether a project is identified within Schedule 2. If these are met a judgement needs to be made on whether a particular scheme will have 'significant environmental effects.' There are 3 main considerations to be taken into account:

- Whether the project is of more than local importance.
- Whether the project is proposed for a particularly sensitive or vulnerable location even if it is on a smaller scale.
- Whether the project is likely to give rise to unusually complex and potentially adverse environmental effects.
- When an EIA is required, the developer is responsible for preparing the environmental statement which must be submitted with the planning application.

5.5 This hybrid planning application is accompanied by a formal and comprehensive EIA. A number of conditions to protect a range of environmental issues are proposed. These include, inter alia: archaeology, landscape, visual amenity, hydrology, transport, noise, bio-diversity, air quality and contamination.

## PRINCIPLE OF REDEVELOPMENT

5.6 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, ranked the site 4th out of the 36 currently allocated and potential employment sites according to their suitability for development for employment generating uses.

5.7 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.

5.8 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 commercial accommodation for the City of York 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.

5.9 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 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.

5.10 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 and other key issues highlighted include providing benefit to the local community and controlling traffic flows and parking in the local area.

5.11 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). 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 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). And leading edge modern businesses.

5.12 The principle of mixed-use redevelopment on the former Terry's site is established, within the Development Brief is as described in the assessment. 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.

5.13 The brief lists 16 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.

5.14 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.

5.15 The scheme seeks to deliver a prestigious development that would provide an employment led, mixed use development within York<sup>6</sup>. The site, if developed similarly or in accordance with the plans, would provide numerous new jobs and opportunities and would be a source of economic prosperity. The scheme would also bring the listed buildings back into active and viable use, 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.

## **Employment**

### **Office and Commercial Use**

5.15 National policies aimed at encouraging economic development are supported within the RSS and CYC's Local Plan Policies. Policy E1 of RSS promotes investment in locations where it will have maximum benefit and secure competitive advantage, recognising the role of the Regional Cities and Sub Regional Cities as key drivers of productivity.

5.16 Encouragement is given to the development of the knowledge based economy by supporting higher education institutions and other knowledge intensive industries, including the provision of 'incubator' units, science parks and innovation centres.

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<sup>6</sup> Science City cannot be guaranteed as an occupier on this site.

5.17 In the York district, the RSS identifies that there were approximately 94,000 jobs existing in 2006 and a potential annual job growth of 2,130. By land use, the three main areas of job growth are estimated to be offices (480 jobs pa), retail and leisure (450 jobs pa) and 480 jobs in health and education. 230 Jobs pa will be created in "Other" uses.

5.18 However, the RSS recognises that in addition to the growth figures for office employment, there will be additional growth in office based jobs associated with some of the other land uses (e.g. in Public Services and Other uses).

5.19 For the York City Region, the RSS seeks to diversify and grow York as a 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.

5.20 Therefore, York as a City has a high forecast level of job creation, for which suitable high quality accommodation must be provided if these predictions are to be realised, and the overriding objective of ensuring economic growth is not hampered. The Terry's site is one site where office and other employment growth can be accommodated, whilst also making best use of previously developed land.

5.21 An Employment Land Review (February 2009) (ELR) found that the economy of York has performed strongly in the period 1995-2006 compared to the national economy. This has been mostly derived from a few sectors including business services, banking finance and insurance, retail and hotels and restaurants.

5.22 This pattern of growth shows that continued (and strengthening) demand for office space is realistic. Furthermore, it is considered that if this is to be sustained, high quality accommodation must be available and Terry's is one site where it could be provided which already has established use rights for office and other employment generating uses.

5.23 Terry's is identified as one of 20 sites within the ELR from which the Council could provide a rolling supply of land. This application should make a considerable contribution to choice, variety and competition in the office sector in York.

## **Offices**

5.24 The principle of office development on this site, is defined in PPS4 (2009). This is addressed in more detail in the Town Centre Uses Assessment which accompanies this application. However, officers note that the site already has office occupiers.

5.25 The Assessment concludes that there is such a significant need for new office space in York in the coming years, and that there are so few

deliverable, large, potentially high quality development sites in York, that these uses should be considered to be both acceptable and necessary on this site.

5.26 The need for choice in the office market is important to the success of York's economy in the future and every opportunity to diversify the supply of office space in the city should be taken.

5.27 In the context of an overall predicted requirement of 193,329 m<sup>2</sup> of offices set out in the ELR, the proposals on the Terry's site will not prejudice the delivery of other sites and represent approximately 15% of the projected required floorspace.

5.28 Policy E1a seeks Science City Uses as a preference. 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*".

5.29 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.

5.30 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.

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

5.32 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.

### **Hotel and Leisure**

5.33 The Development Brief states at paragraph 4.10 that a high quality hotel, linked to the racecourse is encouraged as a potential use on the site. However, need and justification for any additional hotel to this should be demonstrated by the applicant.

5.34 The Town Centre Uses Assessment considers the principle of providing Hotels on this site. Again, hotels are a central part of the objectives and mix of uses envisaged in the Development Brief. Tourism is a key component of economic activity, in Yorkshire as a whole and particularly in York.

5.34 The site's location in relation to York Racecourse, taken with the business elements of the scheme, means that a range of markets can be targeted. The intention is also that the Hotel uses will work closely with the conferencing facilities available at the Racecourse, to ensure mutually beneficial flows of custom.

5.35 Tourism is anticipated to play an increasing role in the future of York, and so we conclude that there is clear scope for additional hotel accommodation in the City, which would be appropriately located on this site given it's relationship to the Racecourse and the on-site uses proposed.

5.36 The applicants seek permission for two hotels; a 150 bed 4\* hotel to the rear of the former Headquarters building, alongside a business hotel within the Multi-Storey Factory building. The submitted plans indicate a proposal for a 120 business hotel.

5.37 The Town Centre Uses Statement accompanying the planning application reasons that there is a need for an additional hotel on the site, due to the continued role of tourism in York. The forecast growth rates tourism also suggest 2 hotels can be provided without harm to existing areas.

5.38 Local Plan Policies V1 'Visitor Related Development' and V3 'Hotels and Guest Houses' are applicable. The planning application complies with these policies given that the proposed hotels are of an appropriate design and well related to walking, cycling and public transport links to the city centre and other visitor attractions. The hotels would also fulfil a key objective of the Development Brief, to provide a distinctive, high quality hotel which is currently missing from the York 'offer' as well as exploiting the site's relationship with York Racecourse.

5.39 Both hotels are a key element of the proposal, providing support for York's tourist industry, users of the adjacent Racecourse (both business and leisure related) and the new businesses which will occupy the site.

5.40 In association with the proposed hotel development the applicant is also seeking planning permission for leisure uses and exhibition space within both new and existing buildings, such as the Multi Storey Factory, Liquor Store and Clock Tower. As stated by the applicant, there is potential synergy between the Terry's site proposals and existing leisure facilities at the Racecourse which is recognised in the Development Brief and Visit York's vision of enhancing the quality of the visit experience in York. It will be essential that any leisure/exhibition space is of the highest quality.

5.41 Whilst the offices and hotels offer the main focus of employment generation resulting from the scheme, a wide range of other uses are included which will also create employment.

### **Restaurant/Café/Bar**

5.42 A3 and A4 uses are identified in the Development Brief as potentially acceptable uses, albeit subject to the caveats of DCLP Policy S6 'Control of Food and Drink (A3) Uses' regarding amenity and security issues. Such uses are an important complementary use contributing to the creation of sustainable communities on the site. They would also help meet Visit York's ambitions to secure added value to York's visitor offer with a renewed focus on the evening economy. The planning application specifies 100sqm garden coffee shop/kiosk with 'a flexible level' of restaurant/café/bar uses also proposed in the Listed Buildings of the Multi Storey Factory, Liquor Store and Clock Tower. The DC officer may wish to consider securing an appropriately worded condition should planning permission be forthcoming to ensure that restaurant/café/bar uses are restricted to a maximum level.

### **Retail**

5.43 The creation of retail floorspace should satisfy the aims of PPS1, which seeks to provide sustainable development through improved access for all to shops and community facilities without relying on private transport to travel elsewhere to access such facilities. The non-food elements of the scheme will also trade largely on the back of the existing and visiting population.

5.44 The Local Plan encourages the provision of new retail space within large residential developments, with the supporting text recognising that the provision of complementary uses can provide for the day-to-day shopping needs of residents and workers and minimise the need to travel.

5.45 The Development Brief supports an element of retail at the site subject to a sequential test being undertaken by the applicant in accordance with national guidance (Planning Policy Statement 6). Reference is also made to DCLP Policy S8 'Provision of Shops in Non-retail Developments' which promotes retail development as part of major developments as a means of providing for the day to day needs of residents and employees, reducing the need to travel.

5.46 The proposed small convenience store (595 m<sup>2</sup> gross) is considered to be of scale that reflects the size of overall development to meet the provision of Policy S8. The accompanying Town Centre Uses Statement successfully demonstrates the need for the retail uses at the site for existing and new residents/employees, which will add vibrancy to the development. As a result of the demonstrable need it is not considered that the proposed convenience store will have an adverse impact on defined district centres.

5.47 The York Retail Study (GVA Grimley 2008) identifies a capacity of 3,245 m<sup>2</sup> net additional convenience floorspace to 2012, rising to 5,238 m<sup>2</sup> by 2017. Recent commitments have reduced this capacity but the study concludes that the Council should seek to encourage the enhancement of this sector in district and local centres and to be cautious towards further major out of town food stores.

5.48 This proposal will add to the local retail offer in the Bishopthorpe Road area of the city and will serve the top-up shopping needs of the new residents and existing surrounding residents. The scale proposed will not have an impact upon existing retail provision within the surrounding area.

5.49 Importantly, the applicant has demonstrated in the submitted Design and Access Statement that consideration has been given to the location of the convenience store, so as to provide a key connection between the Terry's site and existing residents in the South Bank area at a key gateway into the site. Planning permission is also sought for additional retail floorspace provision as part of the flexible consent, however it is stated that this will be incidental retail space which is likely to be non food.

5.50 A further important point is that the majority, if not all, of the comparison retail will be located within the listed buildings. The mix of uses proposed will therefore secure a viable use for those buildings and ensure the protection of historic buildings. It will also complement the other uses on the site and contribute to the creation of a vibrant and mixed use area.

### **Community Facilities**

5.51 The Terry's site and South Bank are currently somewhat remote from one another by their predominantly single land uses, and the intervention of Campleshon Road. The Development Brief recognises that the redevelopment of Terry's is an opportunity to bring the two areas together. Whilst the requirement for community facilities will be dependent upon the nature and scale of development proposals, the Brief welcomes such uses on the site.

5.52 Alongside the proposed convenience store, the Masterplan proposes the community facilities of a medical centre and a nursery at the site's northern boundary with Compleshon Road, close to St.Chad's Church and Knavesmire Primary School. These facilities will serve existing residents in the wider South Bank area, creating connections to the Terry's site, as well as future residents. The submitted Statement of Community Involvement states that there was strong support for community facilities on the site which informed the proposals.

5.53 We welcome the inclusion of these uses on the site which will benefit existing communities in the area surrounding the site, as well as new residents, helping to integrate the new development into its wider setting. It is recommended that the DC Officer requests comment from Learning, Culture and Children's Services with regard to the proposed nursery.

### **Local Community**

5.54 As previously discussed, the Development Brief recognises that the redevelopment of the Terry's site offers an opportunity to bring the site and South Bank closer together. The provision of new community facilities has already be addressed in this note. However, due to the nature of the proposal



it is likely that developer contributions towards a range of community facilities will be necessary, which can be secured through a Section 106 agreement. This should be in accordance with DCLP Policy C6 'Development Contributions Towards Community Facilities' and Policy ED4 'Developer Contributions Towards Educational Facilities'.

5.55 The Development Brief requires 1% for Public Art as per the Public Art Strategy. Colleagues in Arts and Culture should be consulted, with a view of securing this requirement through an appropriately worded condition should planning permission be forthcoming.

5.56 The Development Brief requires open space provision in accordance with Draft Local Plan Policy L1c 'Provision of New Open Space in Development' and the Open Space, Sport and Recreation Study (December 2008). The submitted Design and Access Statement sets out the approach to open space provision which includes a variety of open space types within a connective framework to provide a high quality green infrastructure to serve the development. Comments from the Sport and Active Leisure Team should be sought to establish if the level of provision is sufficient. The detailed level of provision and type would be negotiated at reserved matters stage therefore should planning permission be forthcoming, a commitment to negotiating this could be secured through an appropriately worded condition.

#### Residential Development (Use Class C3)

5.57 A variety of different house types, sizes and tenure are proposed on the site. In accordance with the key requirements of the development brief the housing is located on the northern half of the site. Apartments are proposed in four blocks on the eastern boundary fronting Bishopthorpe Road and in the MSF.

5.58 Family housing primarily adjacent Southbank is proposed. In addition apartments are proposed above the convenience store, Bishopthorpe Road and within the MSF and also live-work units are proposed.

5.59 This development will help to provide a range of new accommodation on a previously developed site, which will be supported by new facilities.

5.60 A key objective for Local Planning Authorities is to make effective use of land by reusing land that has been previously developed.

5.61 These national objectives are supported at the regional level by Policy H2 of RSS which prioritises housing development on brownfield land and through conversions to contribute to a regional target of at least 65%. Likewise Policy SP6 of the Draft Local Plan seeks to concentrate development on brownfield land within the built up areas of the City. The Development Brief for the site considers that housing will help contribute to the vitality and viability of the mix of uses on the site and help create a "sustainable community".

5.62 The creation of sustainable, inclusive, mixed communities is a key objective of Government Policy. The range of residential uses proposed (including open market housing, affordable housing, care home and senior living accommodation) is matched by an adequate range of commercial and service providing uses, thus ensuring that new residents have access to shops and services which can meet their daily needs.

5.63 Good design is considered fundamental to the development of high quality new housing, and through adopting the principles set out in the Design & Access Statement and Design Code, it can be ensured that this is achieved.

5.64 The Masterplan for the site has been design led with considerable community involvement. This has resulted in a scheme that incorporates all of the uses envisaged in the Development Brief, and the application is submitted in a form by which that mix of uses can be flexibly applied to ensure that it remains relevant to the market, responsive to changing circumstances, and without the risk of losing control over quality.

#### Live/Work Units (Use Class *Sui Generis*)

5.65 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.

5.66 Many people work from home these days, either by way of traditional home working 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.

5.67 '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.

5.68 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*'<sup>7</sup>.

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

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<sup>7</sup> 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.

5.70 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. Accordingly, the proposed live-work units are welcomed which have the potential to be beneficial to the SCY creative sector in particular. They are proposed in a good location, well related to existing residential, commercial and office uses which offers the potential for synergy. Whilst it is considered that the applicant proposes to provide a nominal amount of units, they are acceptable.

#### Senior/Assisted Living and Care Home (Use Class C2)

5.71 Senior assisted living accommodation and a care home are not included within the Development brief as appropriate uses on the site. Both of the proposed uses fall within Use Class C2. Local Plan 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.

5.72 It is generally acknowledged that the proportion of older people in the population will continue to increase in the years ahead and this will give rise to an increase in demand for housing specifically designed for this sector of the population. In general terms, the expected growth in the population of York by 2021 is nearly double.

5.73 The Council's Strategic Housing Market Assessment (SHMA) shows that, at present, York has an above average number of young people in the range 15-29, but a significantly below average proportion of children and a slightly larger population of over 70's. However, projections of the future population shows that over the next fifteen years there is expected to be a significant decline in the number of people aged between 35 - 49 and 10 - 24 and a large increases in those aged 50 and over.

5.74 Overall, from 2006 to 2021 the population projection data suggests that the number of people aged 60 or over will increase by 10,700 (25.9%). This may have a significant impact on local housing requirements as these households may be more likely to require some form of specialist accommodation, particularly the 85+ age group which shows an increase of 51.2%.

5.75 Given this trend in the population, a proportion of the residential accommodation on the site has been designed to cater specifically for older people. The application seeks outline planning permission for 110 units of Senior/ Assisted living and an 80 unit Residential Care Home. The senior living will comprise self contained accommodation but with healthcare, support services and communal facilities available as and when required by residents.

5.76 The operator would sell the apartments to the over 55's (a covenant in the contracts would be used to enforce this) and would operate and manage the facilities of the building. Resale of the apartments will be through the operator which should control and enforcement of the covenants restricting use to the over 55's.

5.77 The proposed senior/assisted living will enable older people to continue to live independent lives in their own "home", protected by a comprehensive and flexible network of social, domestic and personal care services available on demand. This replaces traditional sheltered accommodation and is more innovative and flexible.

5.78 The accommodation falls within the Use Class C2. This use class encompasses 'use for the provision of residential accommodation and care for people in need of care'. 'Care' is defined in the Use Classes Order 1987 (Article 2) as 'personal care for people in need for such care by reason of old age, disablement'. The facility would enable each resident to get their own package of care and support according to their needs in their own homes.

5.79 The classification has important implications in planning policy terms. Use Class C3 development falls under normal housing policies within development plans and is subject to testing within the parameters of the overall housing requirements set by the development plan documents, whereas C2 falls under the same special housing policies as nursing homes and other residential institutions and does not seek an affordable housing provision.

5.80 The care home will accommodate 80 beds and the applicant is still in dialogue with an operator to take this facility. The accommodation provides serviced bedrooms, with communal facilities that include lounges, kitchen, TV rooms, leisure time facilities, dining facilities, health services. The accommodation is designed on 3 floors. The appropriate number of car parking spaces for this building, as requested by the operator (and to comply with standards), will be incorporated into the overall site parking strategy.

5.81 The applicants state that this accommodation for older people is an important element of mixed use sustainable community that the Masterplan seeks to create. Its adds variety to the mix and tenure of accommodation as sought by National, Regional and Local policy.

5.82 It is considered that although a departure from the Development Brief, accommodation for older people is an important element of sustainable communities and one that will only become more pertinent in the future. As

such, the principle of C2 uses is acceptable as a component within the overall types of mixes within the site.

5.83 The applicant states that the sale of these would be restricted to the over 55's through a covenant in the sale/occupation contract and suggests an appropriate condition is imposed should the Council feel it is warranted., If the scheme is approved by committee, such a condition should ensure that these apartments operate solely within Use Class C2.

#### Health Centre / Doctor's Surgery

5.84 The medical centre, which is located on the north boundary of the site is accessible and well placed to serve the wider community. It complements the senior living and care home proposed on the site and offers the prospect of linked trips to the convenience store and other uses on the site.

5.86 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.

#### Children's nursery

5.87 The Local Plan policies support the provision of children's nurseries, subject to criteria which this location meets.

5.85 These uses would comply with Objective 8 of the Terry's Development Brief, which identifies a requirement to deliver community uses and services that benefit the South Bank area and future occupants of the site.

#### Existing car-park

5.86 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.

#### Parameters Plan, Illustrative Masterplan and Design Code.

5.87 The Development Brief sets out a number of design principles which should be followed. The Development Brief requires a Design Code to be submitted<sup>8</sup>. Relevant local plan polices include: GP1 (Design), GP3 (Planning Against Crime), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings).

5.88 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;

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

- 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.

5.89 The early factory buildings would form the mixed use heart of the scheme with dwellings and community services to north and commercial uses to south. The housing has been structured into urban blocks with clearly defined private territory to the rear and different degrees of defensible space onto the streets and lanes. Mews areas would be overlooked.

5.90 The latest Masterplan illustrates that the apartment blocks onto Bishopthorpe Road have been designed as "object buildings" to address the main road. One of the blocks has been omitted to allow for easing of the spaces in between to enable better amenity and filtration of trees into the site. Some of the spaces remain "tight" though and the car park has been enlarged. This edge of the site would be radically altered by proposals to remove the majority of the bunding and hence the trees which have been supporting wildlife over the last 40years. It is important to repair the landscape as soon as possible so it continues to function as a soft living edge forming a transition between city and countryside.

5.91 The senior living accommodation adjacent to the west boundary has been separated into 3 blocks. The buildings should be of sufficient stature to provide an enclosing edge to Park Pavilion Fields (area of paddock used for members parking during races) when seen in relation to the other historic factory buildings across the Knavesmire. The buildings also offer definition to the main route into the site from the north; though subtle articulation of entrances and corners would be welcomed at detailed development stage rather than the addition of a whole storey at corners. The north-south route has been re-aligned to provide a deeper development band to allow for supplementary tree planting adjacent to this important boundary with the conservation area.

5.92 The Care Home has been moved a small distance away from its south boundary wall to enable a better relationship with the former Terry's HQ building and existing trees. The area remains tight though and this relationship should be carefully handled at reserved matters stage.

5.93 The community facilities have been sited at gateway locations off Campleshon Road. It is considered that these locations are convenient and they would help to overcome the perception of the site being isolated. The secluded tree lined nature of the road will be altered by redevelopment as the edges will be opened up, although street trees will be retained. The mix of

building types, the diversity of their massing, amenity requirements and the presence of the electricity sub-station, will present a special design challenge to developers.

5.94 The commercial buildings to the south of the factory have a formal layout with areas of car-free intermediate landscape. The illustrated building footprints should allow BCO (British Council for Offices) standards to be applied. The Design Code recognizes the importance of a unified design in how the east facing elevations present to the existing garden. The whole of the garden (including trees) is shown as being retained in the illustrative Masterplan. The parameters plan should accord with this.

5.96 It should be noted that this scheme is illustrative and the applicant is not seeking detailed permission for the siting of the aforementioned buildings, however, officers would expect the reserved matters for these buildings to be similar in terms of position and siting.

5.97 The massing and height of the linked extension to the factory building also creates a relationship with the new commercial blocks. The applicants have confirmed that these blocks will not rise above three storeys in height to preserve characteristic views and setting of the factory buildings from the south.

5.98 The atrium link to the multi-storey factory building would encourage complimentary uses both day and night and this is seen as an imaginative device to improve the economic attractiveness of the historic factory building. The glazed structure would allow the south elevation to be seen as a whole again following its repair and reinstatement.

5.99 The MSF is currently empty, “at risk” of neglect and requiring huge investment for conversion and repair. It is essential for the future of the building that it becomes an “anchor” for the whole site, so that its symbolic role is maintained. Proposals demonstrate the potential of the building to play a key role on the site.

5.100 The MSF and its extensions have been organized to have legible entrance points relating to different functions. The ground floor uses proposed would produce an activate central avenue. The main external avenue would be redesigned to respond to its new and vital role. A large scale paving format would be adopted relating to the grid of the building and lines of trees would be introduced which would create a well designed and .

5.101 Redevelopment of the former central services building and removal of the bridge links should strengthen the character of the area. The Design Code specifies that the replacement building should be designed as a “jig-saw” piece in the street elevation.

5.102 A new urban space would be created at the junction of the two avenues where there would be a collection of public uses. The square would be

designed to resolve the alignment between the approach from the north and the main entrance to the factory.

5.103 Three main vehicular access points have been proposed to limit intensity of use in any one location. They have been designed as “in-out” situations to prevent (non-emergency) vehicles cutting across the site (rat runs). However the site would still be highly permeable to cyclists and pedestrians. Officers welcome the retention of a public link through the main factory building.

5.104 Officers consider that the orientation through the site would be assisted by the use of strong enclosure, and a clearly defined network of routes and spaces of different landscape character. Legibility of the site has been increased through the development of streets with different characters and the use of a hierarchy of building types responding to the role of each street.

5.105 The central landscaped space will provide a focus for informal contact. It will also assist in creating a sense of place whilst providing a transition between the working and living areas of the site. The underground car-park has been deleted which officers welcome, however there should be parallel parking adjacent to the edges instead of horizontal parking.

5.106 The decked car-park will be adequately concealed due to existing and additional landscaping. The use of this site should be tied to the main site.

5.107 There are no specific proposals for public art. Officers would prefer to see efforts being directed towards the creation of site specific street furniture & lighting, improvements to the main gate, co-ordinated high quality signage at entrances (also inside factory entrance where engraved glass appears to be indicated) and towards provision of site specific facilities in the two landscaped areas. However, it is acknowledged that this matter can be addressed through the imposition of a suitable condition or term within the legal agreement.

5.108 The status of the link with the Racecourse requires clarification. The delivery mechanism has not been specified.

#### Design and Access Statement (D&S)

5.109 The Design and Access Statement (D&S) which accompanies the planning application sets out a rigorous contextual analysis, site analysis and justification for the design approach in accordance with the requirements of the Development Brief and in particular the key points listed at paragraph 7.4 of the Brief. Through a series of diagrams, plans and images the D&S successfully sets out the process and considerations that have informed the evolution of the proposals.

5.110 The Design Code supplements the Design and Access as required by the Development Brief. This defines the critical elements of additional design control and guidance to ensure that high levels of design will be achieved.



5.111 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. Officers consider that the Design Code would protect the setting of the site which is a key principle of the Brief.

5.112 Retaining existing views of the factory building and clock tower is a key requirement of the Brief and was strongly supported in the consultation. Officers believe that southerly views of the factory building and clock tower above the existing tree belt are protected within the Design Code and submitted documents. The view across the racecourse car park from Campleshon Road is also important and the impact on this should be carefully considered.

In conclusion:-

5.113 Officers consider that the application documents illustrate a new vision for the site and would create a mixed use urban neighbourhood with rich townscape potential placing built heritage at the heart of the scheme.

5.114 Officers note that the Masterplan has been evaluated using CABI's (Commission for Architecture & the Built Environment) criteria for creating successful Masterplans as illustrated in "Design Reviewed Masterplans". The documents meet the urban design and historic environment requirements of the Terry's Development Brief. The Design & Access Statement conveys an understanding of the development and the design process leading to it. The Design Code sets out parameters critical to achieving design quality and to reinforcing the sense of place. Finally officers welcome the submission of a strong Design Code which is an essential mechanism for ensuring the co-ordination of schemes being developed over time across the site.

## **HIGHWAYS**

5.116 All new development within the City puts varying degrees of further strain upon the transport infrastructure. There is very little free capacity within the network in the peak hours and the Council's ability to engineer additional capacity is very limited, particularly in a City like York with its restricted highway widths and well-developed central area. As an alternative, the city must turn to other more sustainable means of transport particularly cycling, walking and public transport to serve future and existing demand. The Council's policies aimed at achieving this goal are set out in the 2006-2011 Local Transport Plan.

5.117 The previous application for a mixed use development within the site of the was refused by Members in 2008. Of the nine reasons, two were related to highway and transportation issues. The first reason for refusal identified the proposed highway engineering measures as not being sufficient to adequately mitigate against the likely additional traffic generated by the proposed scheme. The second related to sustainable transport measures. The

proposed provisions for public transport, walking and cycling were considered inadequate and thus unlikely to achieve the proportion of sustainable travel the Council expects in accordance with its transport hierarchy.

5.118 Following on from Committee's refusal, a series of meetings were set up with representatives from the developer, their planning consultants and their transport advisors to try and agree the principles behind a new development scheme for the site, which would be likely to receive the support of the Council's highway and transport officers and the Planning Committee. A document was produced in March 2009, which set out the scoping for a new transport assessment report which would accompany the second planning application. This allowed both parties to, for instance, have the opportunity to agree the baseline position for this development site, the methodology of determining trip generations, the junctions which would need detailed assessment, what committed development traffic would need to be taken account of and what parking standards would be appropriate for the types of uses being considered.

5.119 The impact of development traffic across the City was to be analysed (on the developers behalf) by the Council's framework consultants, Halcrow<sup>9</sup>. An updating of the Department of Transport's guidelines since the submission of the previous application required the developer to consider 'person trips' rather than 'vehicle trips' when analysing the impact of development traffic. This ensures a greater focus on sustainable modes of transport throughout the whole process, in accordance with the latest Government advice. In addition, officers also used a trip generation tool 'Modal Assessment Trip Tool' (MATT), which makes use of information contained within a national database of development traffic (TRICS), together with survey data obtained from other similar sites within the City and modal split data obtained from the 2001 Journey to Work survey. This has resulted in a more accurate assessment of the proposed traffic impact.

5.120 Work on examining the content of the applicant's transport impact assessment report, which accompanies this new application, commenced in September 2009. There have been further meetings and correspondence upon the content right up to the end of the 2009, principally to obtain the level of detail needed to make a fully informed judgement upon the impact of the development and the adequacy of mitigation measures being offered.

5.121 This application to redevelop the former Terry's site with a mixed use development will put additional pressure upon the highway network in this sector of the City. With the gradual running down and closure of the site over a number of years, the impact of the former works is not currently being experienced within the south of the City. As the site is redeveloped, the highway network will increasingly experience the 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 in that area following its completion.

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<sup>9</sup> Halcrow maintain the City's strategic traffic model, 'SATURN'.

5.122 The proposed scheme will incorporate the full extent of the former factory site (10.86 ha). There will be four vehicular access points serving the site, two along Bishopthorpe Road (one new, one existing), the existing access on Campleshon Road, and a new access off Racecourse Road to serve the office element to the south of the development area. In addition there would be a further five pedestrian access points – two along Bishopthorpe Road, one from Campleshon Road, one from Racecourse Road and a new link from the south of the development to the existing Sustrans cycle route.

5.123 The applicant's transport consultants have emphasised the fact that the existing buildings on the site are quite capable of being re-occupied for their already permitted B1, B2 and B8 uses and that traffic levels on the neighbouring network would rise markedly if this were to happen, without the need to obtain any further planning permissions. The anticipated traffic flows, arising from the full development of the site, must be compared with the "fallback position". This is a point which is strongly made by the consultant. Mitigation measures to manage the predicted increases, should be based on the difference between the fallback/existing and the new. This is standard practice throughout the UK.

5.124 The developer has been unable to provide any information about the levels of traffic activity when the site was in full production. However, the Council has some information regarding staffing numbers dating back to 1988. At that time records indicate that 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 operated during production at the site and the company provided a number of buses for the benefit of staff commuting to and from work. A high proportion of staff also walked or cycled to the site.

5.125 Officers estimate that if the existing site were brought back into use, approximately 333 vehicle movements (arrivals and departures) in the am peak and 278 vehicle movements in the pm peak would be generated. The estimated vehicle activity, of the site if approved, would be 760 vehicles in the am peak (an increase of 128%). Pm peak would rise to 649 vehicles (an increase of 133%). Officers acknowledge that both are significant increases. This increase would however be spread over more access points. It should also be noted that with an increased proportion of residential use within the site, there would be reduction in commercial activity. Peak hour arrivals and departures are more balanced than the previous scheme (06/02560/FULM). This would dissipate peak hour congestion within the surrounding highway network.

5.126 Based on the positioning of car parking spaces within the site, it is estimated that there would be approximately equal levels of vehicular traffic using the Campleshon Road access as compared to the new Racecourse Road Access. That translates to about 70 vehicle movements in the AM peak and 60 vehicle movements in the PM peak at each access.

5.127 Car parking to serve the needs of the development will be located either in close proximity to the related offices, homes, retail stores, medical centre or within a decked car park to be constructed on the site of the existing car park to the east of Bishopthorpe Road. This latter provision will largely contain vehicles associated with the business hotel, the offices, a care home and some residential apartments.

5.128 In total, the developer is proposing a total of 1500 car parking spaces to serve the site. This figure represents a 15% increase over the level proposed with the last scheme which Members considered. To put this in perspective, 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 again either in accordance with, or just below the Authority's maximum standards for the various use classes proposed.

5.129 Cycle parking is to be provided at various locations to suit residential and employment needs and will be in accordance with the Authority's standards at 1138 spaces in total. The applicants intend to provide 95 garages for residential properties. Officers expect they will accommodate 2 cycles each. The apartment blocks will have provision for 10 cycles, purpose built cycle stores will also be located close by. Cycle storage for the offices will be constructed within the adjoining landscaped corridors. Officers suggest that should the scheme be approved, adequate conditions are imposed to encourage maximum cycle trips to/from the site.

5.130 The previous scheme proposed the Sustrans pedestrian/cycle route linking Bishopthorpe Road with the riverside path be re-routed. It was to lead across the fields to the east and south of the overflow car park. Although generally supported at the time, officers have since learnt that the proposal cannot be delivered by the developer. This is due to an agricultural tenancy agreement in place which would restrict this. Therefore the applicant has sought to improve the existing route running to the north of the overflow car park. It is proposed to widen this route to a minimum of 2.0m (wider where practical to do so) and smooth out the current gradient to accord with Cycling England Guidelines. Vegetation is to be cut back to improve the route's appearance. The applicant has also offered to light the cycle way from the deck car park, assuming a suitable design could be agreed.

5.131 Other measures being offered to promote pedestrian and cycle trips include:

- The introduction of a zebra crossing on Campleshon Road close to Knavesmire school;
- Improvements to the signing and lining of the existing cycle routes heading north through the South Bank district; and
- Improved crossing facilities on Bishopthorpe Road between the current main entrance and the southern boundary of the site.

5.132 Although identified within the revised Planning Brief (May 2009), as a facility needed to encourage cycling from the development site, officers have not been able to secure a road/off road link, which would run along Knavesmire Road connecting with the Tadcaster Road orbital route. The applicant considers that an existing route is available from the site to Tadcaster Road via Albemarle Road and would be as useable as the sought after route. Whilst Albemarle Road is relatively quiet, officers consider that due to the density of on-street parking along the Road, and its restricted width, it is a less attractive route than a purpose built off -road facility along Knavesmire Road.

5.134 It was agreed in earlier discussions with the developer that junctions which were found to experience a 5% increase in flow, or greater, on any approach to a junction in either of the peak hours, would be assessed in more detail. This resulted in 10 junctions being examined. If any mitigation were thought to be required at a junction, the extent of works required, was assessed with the aim of ensuring that the improved junction would operate within acceptable limits, and no worse than under baseline conditions.

5.135 Those junctions requiring some form of mitigation measure are identified below:

**Proposed traffic mitigation measures.**

5.136 The impact of the development traffic and of the re-introduction of permitted uses within the site has been assessed by the applicant's transport consultant in their accompanying report. The results of their individual junction analyses are set out below:

(a) Tadcaster Road / Knavesmire Road

5.137 The assessment indicates that there would be acute capacity issues at this junction. The applicant has therefore proposed to signalise the intersection. This mitigation should reduce congestion and allow the junction to operate within acceptable limits. The bus lane would be retained through the junction and a bus gate facility would be introduced at St. Georges Place junction. This would help to prioritise bus journeys. New signalised crossing facilities would be introduced within Tadcaster Road and the two arms of Knavesmire Road (where it splits to accommodate the Herdsman's Cottage).

(b) Tadcaster Road / St. Helens Road

5.138 This junction would be over saturated resulting in excessive queuing and delays occurring, if the scheme is approved or even if the permitted uses were brought back into use on the site. Physical constraints prevent widening the road. However, the applicant is willing to fund new software within the traffic control to maximise the signals efficiency. The applicant will also fund CCTV equipment at the junction to assist with queue management.

(c) Tadcaster Road / Sim Balk Lane

5.139 Junction capacity would be exceeded during the am peak periods. The applicant notes 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). They therefore propose to introduce a new and expanded Park and Ride facility at Askham Bar. This facility will improve capacity at this junction. The overall performance of this junction would remain within acceptable limits, even after the imposition of predicted development flows.

(d) Church Lane / Sim Balk Lane

5.140 The junction would operate over capacity in the pm peak hour at the Church Lane approach in both the baseline and proposed development scenarios. In order to ensure that this junction would operate at no worse than the baseline scenario, a total of 26 vehicular movements need to be taken out of the right turn movement from Church Lane to Sim Balk Lane. If these trips could be transferred to using public transport, then the situation would be returned to baseline traffic conditions. The developer has indicated his willingness to fund the creation of an additional 26 spaces on the Askham Bar Park and Ride site in order to try and bring about this change.

(e) Scarcroft Road / Bishopthorpe Road

5.141 Whilst initial testing found this junction would operate satisfactorily within the baseline scenario, further analysis of this junction is currently being sought by officers. Discrepancies regarding the junctions current performance have come to light. Officers will seek to negotiate appropriate mitigation measures, should the analysis indicate the junction requires it.

(f) The following junctions would operate within acceptable performance limits, consequently funding for specific capacity improvements cannot be justified:

- Bishopthorpe Road / Campleshon Road
- Moor Lane / Tadcaster Road
- Church Lane / Bishopthorpe Road
- Main Street Bishopthorpe / Acaster Lane
- Main Street Bishopthorpe / Sim Balk Lane

**Sustainable Transport Measures**

5.142 In line with advice contained within PPG 13 and this Authority's own transport policies, 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 list sets out the current details of this offer:

(a) Public transport

5.143 The applicant is willing to fund the introduction of a new bus service throughout the working day ( 7am to 7pm) linking York train Station with the Askham Bar Park and Ride facility via Scarcroft Road, Bishopthorpe Road, the development site, Bishopthorpe Road Main Street and Sim Balk Lane. The service would operate on a 30 minute frequency to supplement the existing no. 11 service, thus providing a 15 minute service. Financial support is being offered for up to 5 years, from an agreed date of commencement.

5.143 The applicant also propose to erect a new bus shelter for the existing Campleshon Road stop (opposite the development site). In addition, this stop and the Bishopthorpe Road main entrance stop would be fitted with real time travel information facilities, as requested in the development brief.

(b) Travel Vouchers

5.144 In order to encourage future residents of the site to travel by means other than private car, the applicant is willing to provide a voucher for each household to enable the purchase of a cycle, helmet and lock or a bus pass to the equivalent value.

(c) Car Club

5.145 In addition to the provision of 4 spaces for car club vehicles (within the site), the developer will fund a year's free membership of the City Car Club for each household, currently amounting to £60 per dwelling.

(d) Travel Plan Coordinator

5.146 The applicant will employ a Travel Plan Officer for a minimum period of 3 years whose job it will be to ensure the measures contained within their Green Travel Plan(yet to be agreed) are fully implemented. This should encourage occupiers travel behaviour before less sustainable travel patterns become established.

(e) Cycling measures.

5.147 The applicants propose to upgrade the existing section of the National Cycle Network Route(No. 65), where it passes from Bishopthorpe Road to the riverside cycle track. The applicants propose to improve its gradient and widen where practical to do so. Cycle parking facilities are to be introduced within the development site in accordance with the Authority's standards and showers/lockers/drying rooms are to be incorporated within buildings identified for employment purposes.

5.148 There will be additional cycle route signs erected on the current route, in order to encourage cycle usage of the more quiet street close to the site.

(f) Park and Ride Spaces

5.149 Funding to allow the construction of a further 26 spaces on the new Askham Bar Park and Ride site has been agreed in order to encourage a reduction of the predicted number of vehicular flows along Church Lane, Bishopthorpe.

**Traffic Management Measures**

(a) Taking into consideration the increased pedestrian activity arising from the development, the applicant is willing to provide funding to improve crossing facilities within this location. The exact level will need to be determined following a more detailed design exercise and public consultation.

(b) Further increases in pedestrian movements over Campleshon Road would indicate a need to introduce a more formalised crossing facility there. Again funding is being offered to allow the introduction of a zebra crossing in the vicinity of Knavesmire Primary School. A future detailed design and public consultation exercise would determine the exact location and precise form of this crossing.

In conclusion:-

5.150 There has again been a lengthy period of negotiations with the developer on all highway and transport issues arising from this latest application to develop the former Terry's site. However 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 mitigation work at the Tadcaster Road / Knavesmire Road junction, to safeguard future transport movements along this key corridor from unacceptable levels of congestion and delay;
- A range of sustainable transport measures to encourage future occupants and visitors to choose an alternative to car journeys; and
- Introduction of traffic management measures particularly in the immediate area around the site designed to aid pedestrian safety.

There is general agreement amongst officers that the current scheme represents an improvement compared to the previous refused scheme (06/02560/FULM), principally because:

- Changes in the mix of development have helped to noticeably reduce the expected impact of development traffic on the highway network;



- The developer has come forward with an improved and wider ranging package of sustainable transport measures which should help to mitigate the impact of future traffic associated with the development;

5.151 Taking into account the substantial period the site was closed, traffic levels have been artificially low as no traffic movements have been generated by the former works. Assuming development were to progress, the impact would be noticeable within this sector of the City. However, this would be the case anyway if the site were to be re-occupied with the extant planning uses taken up.

5.152 With the mitigation measures now offered by the applicant, there should generally be only minimal increases in traffic delay observed on the network over and above what could potentially occur should the existing buildings be reoccupied and former activities resumed. Improvements to the pedestrian and cycle network offered in conjunction with development proposals will also provide benefits to existing residents in the area.

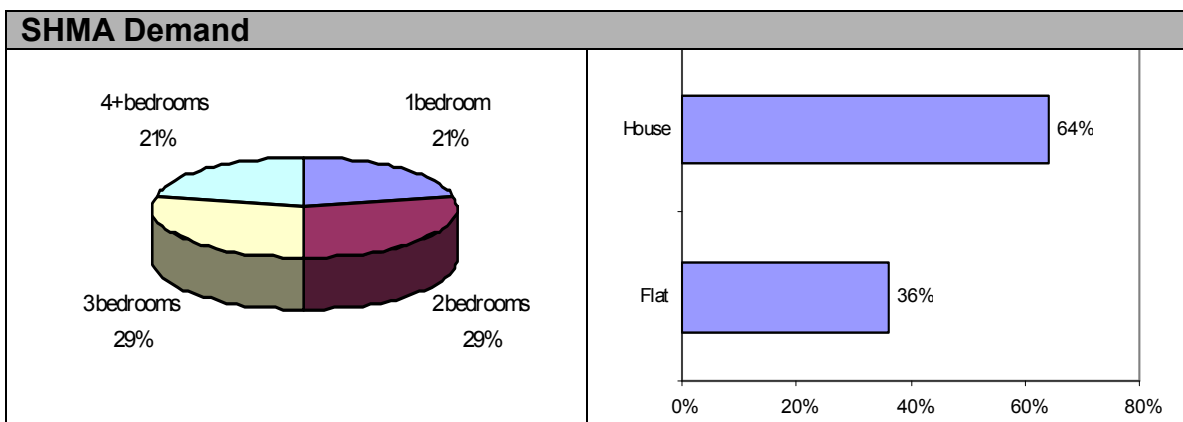
5.153 As a consequence there are no highway objections to this scheme, subject to the signing of a section 106 agreement covering associated highway and sustainable transport measures and the addition of a range of highway conditions.

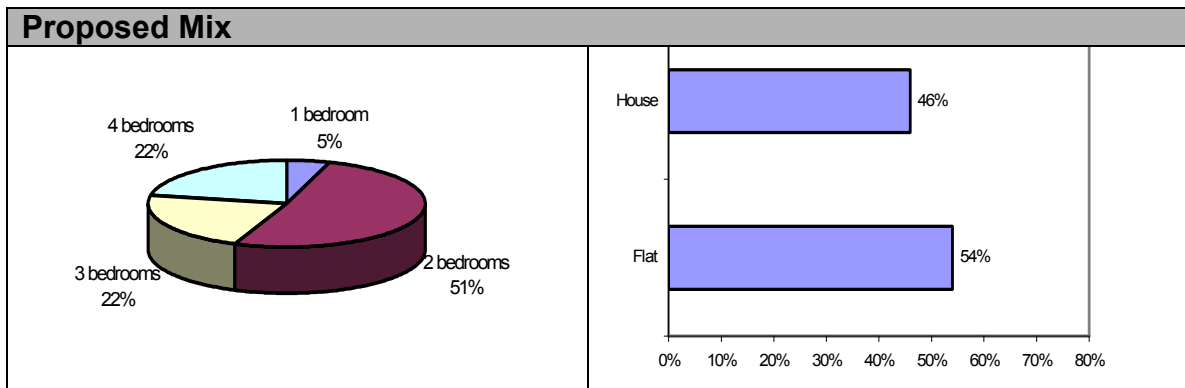
#### MIX OF RESIDENTIAL DWELLINGS

The residential proposal is as follows:

	1 Bed	2 Bed	3 Bed	4 Bed	Total
Houses	0	8	57	60	125
Apartments	13	130	3	0	146
<b>Total</b>	<b>13</b>	<b>138</b>	<b>60</b>	<b>60</b>	<b>271</b>

5.154 How the proposal meets the findings of the 2007 Strategic Housing Market Assessment is set out in the pie charts and graphs (next page).





5.155 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 – which is where need is greatest in York.

5.156 The apartments are located within the multi storey factory (together with other uses) and in the north east side of the site, alongside Bishopthorpe Road and opposite existing apartments across the road.

5.157 Given the mixed use conversion of the listed multi storey factory (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 considered acceptable.

#### AFFORDABLE HOUSING AND MIX

5.158 The revised affordable housing, at 30.3%, is below the Council's 50% target but, in the current economic climate and seen together with other substantial developer contributions for local school and recreation facilities and improvements to the local highway network, represents the maximum level achievable without impacting on the residual value of the scheme so much that development would be extremely unlikely to go ahead.

5.159 There are also a number of abnormal costs relating to cathodic protection of the listed multi storey factory and enhanced link to the racecourse which have also been taken into account in agreeing the reasonable level of affordable housing achievable.

5.156 Through discussion and detailed assessment of viability, the affordable offer has improved significantly. The developer has accepted the principle of providing affordable housing on-site and has agreed to pepper pot the affordable houses within the site in order to achieve a degree of inclusivity.

5.157 It has been agreed to manage the affordable apartments within separate blocks. This decision has been reached in order to keep service charges to affordable levels, as they will be managed by a registered social landlord. It is a decision reached fairly reluctantly but is pragmatic and,

bearing in mind the adjacent houses which are fully pepper potted, can still fit within the wider aims to integrate communities in York.

5.158 The tenure split is 60% affordable rent and 40% discount sale which is in line with the 2007 Strategic Housing Assessment and subsequent policy approval. 27% of the affordable homes are family houses - which is below the 54% open market sale houses on-site but still represents a good addition to the local affordable housing stock at this time. In total there will be 82 new affordable homes on-site, together with 189 open market homes.

5.159 The mix of units proposed by the applicant has, to a certain extent, been influenced by the constraints and opportunities within the site. The applicants state that where possible, they have sought to maximise opportunities for family housing.

5.160 Apartments are proposed along the eastern boundary with Bishopthorpe Road. Apartments are also proposed within the Multi-Storey Factory. The residential area has been located within the northern part of the site, where it maximises opportunities for integration with the existing community.

5.161 Following discussions with the applicant the residential element of the proposal has altered substantially from the original submission with a much greater emphasis on family housing, with the potential for a mix of house types and sizes in accordance with Local Plan Policy H3c 'Mix of dwellings on housing sites' and the findings of the Strategic Housing Market Assessment. As such the site presents an opportunity to contribute significantly to meeting demonstrable family housing demand in the city.

5.162 The table below outlines the housing provision agreed for the whole site<sup>10</sup>.

Dwelling Type	Social rent	Discount Sale	Total affordable	Open Market	Total	Percentage affordable
1 bed flat	0	0	0	13	13	0%
2 bed flat	32	28	60	70	130	46%
3 bed flat	0	0	0	3	3	0%
2 bed house	7	1	8	0	8	100%
3 bed house	10	4	14	43	57	25%
4 bed house	0	0	0	60	60	0%
<b>Total</b>	<b>49</b>	<b>33</b>	<b>82</b>	<b>189</b>	<b>271</b>	<b>30.3%</b>

<sup>10</sup> Please note these figures need to be finalised, as officers are seeking to increase the proportion of houses in lieu of flats within the affordable housing offer. Committee will be updated, prior to deciding this application, upon the ratio of houses to flats.

5.163 A maximum of 271 dwellings are proposed to be erected within the site. There are a total of 125 houses of which 22 (18%) will be affordable and 17 of these for rent, which is the priority need within the city (as identified in the 2007 SHMA).

5.164 The affordable housing offer is 30.3%, a higher offer would have had a significant impact upon the overall viability of the scheme and would have resulted in a lower affordable offer for homes. If the Council had sought a proportion of 4 bed houses this would have reduced the overall viability of the scheme for the applicant and would have most likely reduced, the amount of 2 and 3 bed family housing, which is the key priority.

5.165 Officers consider that given the demand for affordable housing of all types within York, including apartments, maximising the number of affordable homes within the site would benefit the City the greatest.

5.166 The split of tenure type is 60:40 between social rented and discount sale respectively. The 2007 SHMA identifies this split as the most preferable. Initial Discount Sale prices have been set as follows:

	Discount Sale price
1 bed flat	£65,000
2 bed flat	£75,000
3 bed flat	£95,000
3 bed house	£99,500

5.167 The unit valuations are specific to this scheme and are, in local terms, meaningfully affordable. The prices have been set for first sale and the percentage discount will be finalised by an Open Market Valuation (OMV) at the point of sale. The discount from OMV will also be set out in the Section 106 agreement, and applied to all subsequent re-sales, thus keeping them affordable for future purchasers.

5.168 Affordable flats are all new build and will be located within the same blocks. Although this does not match the Council's policy of pepper-potting affordable homes, it is the only feasible option given service charges. By taking complete blocks of flats, housing associations can manage whole blocks and consequently keep service charges to a minimum. This is crucial in ensuring the units are affordable whether for rent or Discount Sale as high service charges can easily compromise affordability.

5.169 Officers recommend imposing a condition, should the scheme be approved, that service charges for the management of the affordable homes will be controlled by the relevant housing association. Members should be aware that the applicant proposes to levy service charges against *all* houses within the site. This is unprecedented within York and will impact upon the overall affordability of all homes within the site. The affordable houses will be

pepper-potted, and in runs of no more than two houses unless otherwise agreed in writing with the Council.

### Social Housing Grant

5.170 Officers are currently in negotiation to secure a Social Housing Grant (SHG) <sup>11</sup> from the Homes and Communities Agency, so as to provide additional affordable dwellings within the site. To date, a figure of £1.76m has been provisionally attached to this scheme. This grant is time limited, and is subject to the developer building the affordable homes to HCA standards within a certain time period. Should this grant be secured, the final percentage of affordable housing within the site will increase. Officers would welcome confirmation from the applicant, of the percentage of affordable housing which would be provided on the site, should the grant be secured.

5.171 In conclusion:-

The offer for affordable housing without grant is 30.3% and is the culmination of a detailed financial viability and lengthy negotiations. Should the agreed £1.76m of Social Housing Grant be secured the final of percentage of affordable housing will increase. The applicant should confirm the final figure. Following negotiation and 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.

5.172 Officer's recommend approval subject to the following controls;

- If the residential development is not commenced within 2 years an economic viability reappraisal should be submitted in writing to the LPA;
- A proportionate level of car parking should be provided for the affordable dwellings;
- Should the inclusion of Social Housing Grant be achieved, the affordable homes must be built to current Homes and Communities Agency standards;
- 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.

### **LANDSCAPE AND NATURAL ENVIRONMENT**

5.173 Section 6 of the Development Brief sets out a series of detailed landscape and natural environment considerations which must be taken into account through development proposals.

5.174 The parameters plan states the maximum quantities of development. The applicants recognise that the quantum of development they are seeking can be reduced at the reserved matters phase, if the Council feel that this is

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<sup>11</sup> The SHG will only be applied to the social rented accommodation.

necessary to attain satisfactory design and living standards. The masterplan demonstrates how a scheme set out in the parameters plan could be accommodated on the site. Nonetheless there are many realistic opportunities for new tree planting to integrate the site with the existing environs and create a pleasant and attractive environment for both employees and residents and the wider visiting public.

5.178 During the course of negotiations and public consultation it has become clear that the removal of the majority of the earth bunding is desired to integrate the site with the surrounding neighbourhood – an essential aspect of the development. The existing deciduous trees in these areas are important to the setting of Bishopthorpe Road, Campelshon Road, the Knavesmire, the factory buildings and conservation area. The submitted parameters plan and illustrative Masterplan allow a reasonable depth of new tree cover to be reinstated which would protect the visual amenity of the existing streets and provide an important asset to the development. It should be possible to keep some existing trees, other areas are not affected, therefore increasing the mature tree cover in these areas. It was agreed that the replacement tree planting should also be in the form of green fingers/tree-lined streets within the site, e.g. main axis streets and a green lane to compensate for the loss of trees around the northern half and to increase connectivity between the site and the surrounding streets.

5.179 The Masterplan suggests there would be removal of existing trees in the northwest corner of the site. The plans allow some scope for replacement planting as the children's nursery is set back from the road. The convenience store sits forward of this to have a more marked presence on Campelshon Road and would, in conjunction with the trees, highlight the entrance into the site.

5.180 The residential area focuses on a new public open space (POS) at its centre; this is referenced in the Design & Access Statement (DaS) and the Design Code. Parallel parking is the preferred solution to parking provision around the central green space as it would improve the relationship between the dwellings and open space and make more open space available. The applicant has confirmed by email that parking will be parallel. Officers also note that the basement parking under this central POS has been omitted in the amended Masterplan.

5.180 In addition to the strong north/south axis created to the south of the MSF, there is a green amenity space running perpendicular to this. Together they provide a green core running through the business sector that in turn connects with the public squares either side of the MSF and the existing formal garden, limiting vehicle movements to the perimeter. This was formerly shown immediately south of the MSF extension, but is equally (possibly more appropriately) placed central to the new offices. The existing woodland belt along the south and southeast perimeter would be enhanced through appropriate management to provide screening of parked cars and a setting for the development and of course a critical green apron for the distant views of the MSF.

5.181 The existing apartments on the east side of Bishopthorpe Road are set back 15m from the pavement and approximately 12m from the nearest large, mature tree. The illustrative Masterplan shows the proposed apartments are set closer to the pavement and existing/proposed trees. An open green wedge is located to the south of one of the apartment blocks. The applicants have deleted one apartment block from the original submitted amended scheme so as to provide greater flexibility and to provide adequate communal garden space for both the apartments and the care facility. This should allow, each unit to have at least one open aspect that does not face directly into a tree canopy or over a car-park, i.e. useable garden space. It should be noted that the layout is illustrative and is open to change through the submission of reserved matters.

5.182 The senior living accommodation has now been divided up into 3 blocks so as to provide along the northern section of the western boundary. This will create a more open edge to this side of the site than was originally sought and is welcomed by officers.

5.183 The position of the care facility has been amended to provide the necessary clearance between the building frontage and the boundary wall around the entrance of the former HQ building. This should ensure that tree cover can be retained/replaced.

5.184 In accordance with the development brief, the existing formal garden in the southeast quarter is retained and enlivened by: neighbouring offices (the end elevations of which should address it); the provision of a new access from the long-distance cycle way created in the south east corner; some parking availability; the introduction of café/kiosks.

5.185 Allowing cars and parking within the east - west boulevard would keep this often shaded space animated; an avenue of trees would compliment the building and introduce seasonal variations, looseness and movement, and capture light.

5.186 There is scope to increase this 'effect' of the 'green lane' at the senior living end and ensure there is adequate space between building blocks to insert meaningful planting.

5.187 The principle to create a two-storey car park (as proposed) on the site of the existing one is acceptable for the following reasons: It relieves the main site of the need for excessive parking spaces that would be detrimental to the overall master plan and density of development. There is a significant depth of available planting space between the car park and Bishopthorpe Road that could be supplemented. The existing planting both immediately around the car park and within the surrounding fields provides some screening from the PROW network; however the efficacy of this would need supplementing with some additional tree planting outside of the site but within the applicant's ownership. The majority of the northern extent of the car park is set well back from the existing cycle route, with existing trees and hedging providing

adequate screening in the northeast quarter; there is space for additional planting in north west quarter. There is scope to improve the appearance of the car park facility through the development, e.g. removal/replacement of security fencing; additional planting within (and without) the site; and new surfacing and lighting. Note, the scale of the trees on the car park cross-sections represent mature large-species trees and are therefore a bit misleading.

In conclusion:-

5.188 In the main, the Masterplan responds to the design brief. It provides a suitable range of open space and landscape types across the site, and on the whole respects the setting of the existing surrounding environment and setting of the listed buildings. The scheme design can be refined at the reserved matters stage to ensure the required standards for open space and tree provision are achieved.

### **ECOLOGICAL IMPACT**

5.189 The Development Brief requires an Ecological Appraisal and a Bat Survey to be submitted. In addition the Brief requires cognisance of Local Plan Policies NE7 (Habitat Protection and Creation) and NE8 (Green Corridors).

5.190 There are a number of Sites of Importance for Nature Conservation (SINC) are close by. However the SINC sites listed are at this stage proposed and have not yet been confirmed. They do though all fulfil the criteria for SINC designation except for Clementhorpe Riverbank, which is proposed for de-notification. This though is awaiting confirmation from further survey work. As such, all the sites should be considered in the light of SINC policies.

5.191 The presence of Field Garlic on the bank of the car park between the road and the river has been missed from the applicants survey. Although not a particularly rare species, it is very local in the area and is indicative of river bank grasslands. It can occur in conjunction with Sand Leek and the site does need to be checked for this. Any works affecting this bank should take this into account. The rest of the grassland in which the Crow Garlic grows is relatively coarse and a lesser species.

5.192 The Countryside Officer is aware that swift are in the area and may use the buildings. The officer advised this should be checked prior to any demolition or roof works to ensure that this declining SPS is considered.

5.193 With regard to mitigation, the proposals are acceptable and cover all of the aspects that need to be considered. The officer finally recommended that bat roosts and swift boxes are put into the fabric of the building rather than as boxes attached to the outside as they provide better shelter.



## **FLOOD RISK AND DRAINAGE**

5.194 PPS 25 states that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision-makers identifying applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

5.195 The Development Brief requires a Flood Risk Assessment to be submitted. Policy GP15a (Development and Flood Risk) of the Council's Local Plan. 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 consultees raise no objection to the applicant's proposal but advise the imposition of various conditions to safeguard against flooding and drainage problems. It is the applicant's responsibility to ensure that their operations do not cause flooding problems for others as a result of this application.

## **SUSTAINABLE DEVELOPMENT**

5.196 The Development Brief requires cognisance of the RSS Policy ENV5 (Energy) - regarding on-site renewables. 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. The Council's Interim Planning Statement: Sustainable Design and Construction requires developments to provide 10% of their energy through the use of renewable energy. The EIA and addendum cover most of the essential sustainability considerations required for a sustainability statement. Such required considerations are outlined in the Council's Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22<sup>nd</sup> November 2007). In particular the report demonstrates a commitment to the following:

5.197 The IPS recognises that information requirements need to be tailored to the type of application. If the proposal is to be built in phases (as the application site will be), then the Council require a sustainability statement with the initial or outline application, setting out principles, aims and commitments to achieve the requirements for the whole of the development. These requirements will be conditioned at the outline stage. As each phase comes forward for approval, a detailed sustainability statement will be required to ensure that the most up to date relevant standards are met.

5.198 The applicant is committed to this approach recommended by the Council. Some key commitments that are given at this stage are:

- Implementation of a Demolition Protocol to ensure maximum recovery and reuse of material from any buildings demolished on site;
- Implementation of a Site Waste Management Plan during construction;
- Adherence to the Considerate Constructors Scheme or equivalent;
- All new build commercial to target a BREEAM excellent rating; and
- All new build residential units to target a Code for Sustainable Homes level 3 rating.

5.199 More specifically the proposed development will contribute towards meeting the objectives set out in Policy GP4a as follows:-

a) The design of the Masterplan has, as one of its guiding principles, the objective of reconnecting and integrating the site with the surrounding area. This has been achieved by removing the bunds along the north and east boundaries. This facilitates an increased level of pedestrian and cycle accessibility from the surrounding areas through the site. The scheme has been designed to be permeable to pedestrians and cyclists to encourage greater use of non car modes of travel. The Transport Assessment and Travel Plan Framework submitted with the application demonstrate how sustainable modes of transport can be used to access the site and measures taken to improve bus services to the site;

b) The development will contribute to meeting the social needs of communities within York through provision of employment; provision of a variety of house types and tenures; the provision of leisure and community services and will create a safe and inclusive environment;

c) The development will maintain and increase the economic prosperity and diversity of the City through employment creation and the beneficial re-use of the iconic listed buildings; and

d) The development is of a high quality design, with the aim of reconnecting the site to the surrounding communities whilst at the same time conserving and enhancing the local character, heritage and distinctiveness of the City.

5.200 Key listed buildings will be re-used and retained

e) The development will seek to minimise the use of non renewable resources, and reuse materials on the development site by, for example, re-distributing cut and fill materials on site

f) The development will seek to minimise pollution and remediate previously contaminated land

g) The development will seek to conserve and enhance natural areas and landscape features and provide informal open space. This will be achieved by ensuring all areas of the site maximise opportunities for bio-diversity

h) The development will maximise the use of renewable resources; and

i) A waste management strategy will be developed for the collection of refuse and recycling

5.201 The application proposals will not undermine the policies set out in the Draft Local Plan or emerging LDF and will enable the objectives of the plan to be fulfilled in terms of sustainable development policies. Importantly, it should be noted that the site is a brownfield site and that development potential is being maximised. This is relevant in the context of York, in that it is constrained by its historic environment and the Green Belt surrounding the City.

In conclusion:-

5.202 The Terry's site offers an outstanding opportunity to redevelop previously developed land along sustainable development principles. It is considered that the proposed measures satisfy National, Regional and Council Local Plan Policy GP4a 'Sustainability' and the Council's Interim Planning Statement on Sustainable Design and Construction.

### **ARCHEALOGY**

5.203 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. Local Plan 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.

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

### **GREEN BELT ISSUES**

5.205 Policy YH9 and Y1 replace Policy E8 of the North Yorkshire Structure Plan. The Regional Spatial Strategy was adopted in May 2008. Policy Y1 'York' states that the outer boundary of the York Green Belt is 6 miles from York city centre.

5.206 In order to establish a permanent Green Belt boundary the Council carried out a Green Belt review between 2000 and 2002. This review assessed the requirement for land as well as appraising sites to establish the extent to which they fulfilled Green Belt requirements. Work carried out for the Green Belt review was incorporated into the third set of changes which were subject to extensive consultation in February 2003 although these changes were never formally approved for Development Control Purposes.

5.207 PPG2: Green Belts (1995) confirms that most important attribute of Green Belts is their openness (paragraph 1.4). It also identifies the five purposes for including land in a Green Belt are - checking unrestricted sprawl; prevention of coalescence of settlement; safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration (paragraph 1.5).

5.208 These purposes tie in with the Deposit Draft City of York Local Plan's strategic objectives, in particular strategic policy SP3 which aims to safeguard the setting and historic character of the city. It identifies that one of the most critical element to this is the series of green wedges which run into the heart of York from the surrounding areas of open countryside. They also tie in with policy GB1 'Development in the Green Belt' of the latest Draft Local Plan, which highlights in part permission will only be granted for development where it would not conflict with the purposes of including land within the Green Belt and where it would not prejudice the setting of the city.

5.209 PPG2 identifies that the use of land within the Green Belt has a positive role in a number of objectives, namely to provide opportunities for access to the open countryside for the urban population; provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and retain land agricultural, forestry and related uses (paragraph 1.6). This advice on the use of land in the Green Belt is also reflected in the draft Local Plan and the draft Regional Spatial Strategy.

5.210 An essential feature of Green Belts is their permanence (PPG2 paragraph 2.1) and that Green Belts are established through development plans (paragraph 2.4). Where detailed boundaries have yet to be established it is important that the boundary is defined so that it will endure (paragraph 2.8).

5.211 Section 3 'Control Over Development' of PPG2 confirms there is a general presumption against inappropriate development within the Green Belt, and that inappropriate development is by definition harmful to the Green Belt. It goes on to state that such development should not be approved, except in very special circumstances. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 3.1-3.2).

5.212 In terms of operational development, development within the Green Belt is inappropriate unless it is for one of a number of specific purposes (paragraph 3.4). These purposes are agricultural and forestry; essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; limited extension, alteration or

replacement of existing dwellings; limited infilling in existing villages; and limited infilling or redevelopment of major existing sites identified in adopted local plans. This advice is reiterated in Local Plan Policy GB1.

5.213 The application site includes the former factory car park on the east side of Bishopthorpe Road. The car park lies with the Green Belt as defined within the Local Plan. It has an area of approximately 0.7 hectares and is bounded to the north by a public right of way forming part of the National Cycle Network - Route 65 - and to the west by Bishopthorpe Road. To the east, open fields lead down to the River Ouse. To the south are open fields and beyond the A64 dual carriageway.

5.214 The car park has a tarmac surface and can accommodate 280 cars. It also includes parking for cycles and motor cycles. A palisade security fence surrounds the car park. The car park is at a significantly lower level than much of the surrounding area. There is approximately a 3m level difference between the car park and Bishopthorpe Road.

5.216 The car park was built to provide additional parking for the Terry's site when in operational use. The Masterplan proposes an additional deck level of parking that will increase parking capacity to approximately 560 cars.

5.217 The provision of an additional deck to the car park is development within the Green Belt and as such has to be justified. As such, it is necessary to consider whether there are Very Special Circumstances which justify the addition of the deck. The applicants state within their submission that the following special circumstances support the extension of the car-park:-

- The car park is previously developed land. The provision of an additional deck will facilitate the more efficient use of that previously developed land;
- The additional capacity provided by the decked car park will reduce the pressure for parking around the listed buildings on the main site, thus contributing to an improved setting for the buildings and conservation area;
- The additional deck will be at the same level as Bishopthorpe Road and will therefore not have a material effect on the openness of the Green Belt;
- Without this additional parking provision the quality of the main development site will be undermined by the need to provide adequate levels of parking such that the surrounding areas do not become informal parking provision for the level of new development proposed; and
- Adequate additional planting will screen the deck from the wider environs and would not affect the setting of the listed buildings, conservation area, Green Belt or the Fulford Ings.

5.218 The decked car park will avoid excess car-parking within the site and the nearby areas. Government policy supports the most efficient use of previously developed sites in accessible locations, such as this site. This

encourages a more efficient use of the site and will produce an urban grain similar to South Bank.

5.219 Without an adequate level of parking provision (particularly given the higher density development surrounding the site, and its lack of parking provision) off street parking will be an issue to the extent that it could cause issues to highways safety and the free flow of traffic. This would be unacceptable for local residents.

5.220 The decked car-park would safeguard residents parking areas and create a less car orientated development within the main site, with a negligible harm, if any, to the openness and no harm to the functioning of the Green Belt in this area.

5.221 Land to the south and east, also in the Green Belt, is controlled by the applicant. Additional planting will be provided along these boundaries to soften the visual impact of the structure. This planting and the level difference with the surrounding land will minimise the visual impacts of this structure on the Green Belt.

5.222 Addressing the matter of impact upon the openness of the Green Belt, the car-park is already enclosed by a significant proportion of hedging, trees and landscaping. The site is already urbanised. The new car park will not extend beyond the footprint of the existing footprint of the car-park and, to address the visual amenities of the Green Belt, will have additional landscaping provided at its boundaries.

5.223 The Environmental Statement submitted by the applicants considers the visual impact of the scheme including the decked car-park. It concludes that the additional deck would not be visible and this is supported by additional assessment carried out by the applicants advisor and the Council's landscape officer . It is possible that in winter, very restricted views of part of the structure might be available from a limited section of the footpath, but generally the impacts upon views from this footpath would be less than existing.

5.224 In addition, the applicant states that, an assessment of the proposed additional deck to the car-park against the five purposes of including land in the Green Belt finds that:

- The proposal will not result in unrestricted development sprawl as it will be built on the footprint of the existing car park;
- The proposals will not result in neighbouring towns coalescing with one another;
- The proposal will not result in encroachment into the countryside as it will be built on the footprint of the existing car park;
- The setting and character of the historic city will not be compromised. As noted above, the additional parking capacity will reduce the pressure for parking in the Terry's Conservation Area; and

- The proposal will assist in urban regeneration as it represents the recycling of derelict land and will facilitate the more efficient use of other derelict land on the main Terry's site.

In conclusion:-

5.225 Whilst the deck to the car-park is inappropriate development within the Green Belt, the special circumstances put forward by the applicant are considered to justify this extension within the Green Belt.

## **MOUNT VALE JUNCTION**

5.226 Through various discussions with residents from Mount Vale it became apparent that they had objections to the highway mitigation required at the Mount Vale/Knavesmire junction to ameliorate the impact of the Terry's development, if approved.

5.227 The residents had a number of concerns, these ranged from loss of on-street car-parking, signalisation of the junction, other road works and impact upon their amenity.

5.228 Officers in conjunction with the applicant met the residents to discuss these matters. The residents acknowledged that it is the Council's responsibility to determine the final design and level of mitigation works required for this junction. The applicant must only prove that mitigation is achievable and propose a scheme which would satisfactorily meet the mitigation requirements.

5.229 The residents object to the signalisation of the junction and seek further information regarding the final re-design of the junction and technical information relating to trigger points which would require the junction to be signalised and the level of impact it would have upon them.

5.230 Whilst the Council are not statutorily obliged to include residents in the junction designs and their signalisation as part of the planning process. However, the Council has attempted to include the residents in discussions as much as possible. In addition, should the application be approved, residents will be consulted upon the final design as part of the Council's Highways procedure.

## **OPEN SPACE**

5.231 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.

5.232 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 is within easy walking distance of playing fields, stray land, allotments, countryside footpaths 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.

5.233 With regard to outdoor sport and recreational space, under Policy L1c the normal requirement for the population of the scheme, within the mix 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 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.

5.234 Clarification has been received regarding how Council officers regarding open space and how the financial contribution will be invested.

5.235 An offsite contribution of £160,249 will be paid in 4 instalments (S106). This is based on number of dwellings and the bedrooms per dwelling.

5.236 The money will be spent on pitch and ancillary facility improvements on the Knavesmire and / or the little Knavesmire. The Council's pitch audit and officers analysis, is very clear that the City has a small shortfall in pitch provision, but more specifically has a clear problem with pitch and ancillary facility quality. The need for pitch improvements on the Knavesmire is specifically mentioned in the 'Playing pitches' chapter of Active York's sport and active leisure strategy. There are community sports working hard to improve the facilities on the council's land and this money will support this work and will also be used as partnership funding to help draw down external funding for sport, specifically football.

5.237 Leisure officers have stated that they do not want the provision to be onsite because:-

- There are no groups in the area wanting access to additional grass pitches, so no one to take responsibility for sports and facility development maintenance;
- There are numerous pitches on the Knavesmire and any new ones would only draw people away from them. There are sufficient pitches here to accommodate the new residents if the quality of them can be improved; and
- The money is required to improve the existing facilities. The Council has many existing community clubs that need capital improvements to help maintain their positions in leagues and increase their capacity to take on new members.

5.238 The Council's approach is fully consistent with that recommended by Sport England. SE primarily require that sport provision will be made for the



new residents so they can participate in outdoor sport. SE's planning guidance, facility planning tools and kit bag have all been used as part of our PPG17 study which identifies the poor quality of much of our outdoor sports facilities in the city and in our advice notice for developers which sets out that we will be requesting a contribution of £211 (index linked) per bedroom as a contribution towards increasing the quality and capacity of local sporting facilities.

In conclusion:-

5.239 The Council has a number of local projects currently live, many of these could be progressed with this additional funding but officers cannot be certain where and how it will be spent until the final figure is agreed (this is dependent upon reserved matters confirming housing numbers). Local sport facilities will be improved in the area as a result of this funding.

## **EDUCATION**

5.240 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 £1,166,881. This payment is to be secured through a term within the S106 agreement.

## **NOISE AND CONSTRUCTION RELATED DISTURBANCE**

5.241 PPG24 offers guidance upon 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 (EPU) has highlighted the issue of noise and vibration generated during the development of the site including traffic noise. EPU Unit suggest a Construction Environmental Management Plan (CEMP) should be submitted by the applicant to consider the effects of noise and other disturbances during the construction phase. The CEMP 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.

5.242 Officers are confident that the imposition of such a condition would satisfactorily address possible noise impact upon neighbouring residents amenity.

## **IMPACT UPON AMENITY OF ADJACENT AND NEARBY OCCUPANTS**

5.243 The nearest residential properties to this site are within Campleshon Road and Bishopthorpe Road. Several objections have been submitted concerning impact upon residents' amenity. The main concerns raised relate to loss of views, 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.

5.244 Loss of views does not constitute a planning consideration that can be taken into account when determining planning applications. Furthermore given the distances involved, it is considered that the proposals would not result in a significant loss of amenity for the existing residents.

5.245 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.

### **LOCAL COMMUNITY**

5.246 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. Draft Local Plan 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. Draft Local Plan Policy C6 (Developer Contributions Towards Community Facilities) applies where the impact of residential development upon existing facilities needs to be mitigated and a S106 financial contribution can be sought.

5.247 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.

5.248 The provision of a health centre has clear benefits both for the site and for local residents.

### **PUBLIC ART**

5.249 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. There is no budget specified and this should be addressed immediately with the allocation ring fenced for prioritised work. The budget should not include anything that would otherwise be allocated to normal developer costs i.e. Entrance hall, Atrium but only the costs which are associated with upgrading it to an exhibition space or providing infrastructure to support public arts works.

5.250 Public art can enhance and add value to sites, 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.

5.251 No artist/ landscape designer is allocated to the spend and at this stage of the scheme. Officers would welcome an artist or landscape designer to be secured. This valuable element of the scheme could be overlooked if not addressed.

5.252 While keeping the clock tower and designating space for exhibitions in what would primarily be a foyer space is welcome it is really doing nothing that wouldn't already be covered by developers cost and should not be primarily allocated to the Public Arts element except as noted above.

5.253 Whilst officers would welcome the inclusion of public art within the site, such as a heritage trail, officers are concerned this hasn't be adequately incorporated into any of the submitted plans or design code.

5.254 The applicants have recently submitted a scheme for public art. General discussions have centred around possible public art elements being incorporated into the landscape and built structure of the scheme, although no definitive scheme/s have been submitted. Officers have sought guarantees that public art will be adequately addressed and incorporated within this development and would welcome further discussions with the applicant on this matter.

5.255 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).

## **6.0 CONCLUSION**

6.1 The reuse and partial redevelopment of the Terry's, former chocolate works site, represents one of the largest and most important regeneration opportunities in the city of York in recent years.

6.2 The 10.86 ha application site offers a unique opportunity in the City to provide a prestige employment-led, mixed use development with the potential to be of considerable significance to the future success of York's economy. It could give the City a resource to help it play a growing role on a regional, national and international stage.

6.3 Following the refusal of planning permission in August 2008, the applicant has gone back to the drawing board to reconsider the potential reuse and redevelopment of the site. Supported by consultants (planning, highway, architects and urban designers), the applicant has followed nationally recognised best practice guidance in the development of a completely new proposal to address both the requirements of the Development Brief and the reasons for refusal of the earlier scheme. The extensive pre-application work involving CYC officers and other organisations has benefited from substantial community involvement and consultation as

outlined in the report. The scheme which has evolved through this process is fundamentally different from the earlier proposal in that it has residential and community uses on the northern part of the site, the closest part to South Bank, with employment uses mainly towards the centre of the site and to the south of the landmark, multi-storey factory building. Although the balance between employment use and residential use has changed with an increase in residential development (family housing) the scheme remains an primarily employment based with a range of complimentary community and leisure uses.

6.4 The submission is essentially an outline application which seeks to establish the principles of development (land uses) for the site, through the Parameters Plan, but with details having been submitted in respect of the uses and extensions/alterations to the landmark listed buildings on the site. Access details are also submitted. The applicants have produced an “illustrative masterplan” to show how the site could be developed and have also made a model to assist in the consideration and understanding of the proposal.

6.5 The application has been assessed against relevant planning policies (local, regional and national) and also against the Development Brief. The scheme accords with national and local policy apart from in respect of the decking of the existing car park across Bishopthorpe Road. This is justified as there are very special circumstances to allow an exception to the presumption against development, for the reasons explained in the report.

6.6 The scheme brings substantial economic, social and environmental benefits and includes appropriate measures to mitigate against the potential harmful effects that development of this scale can have, particularly traffic which would be generated in the future, from a site which has had little employment use, and little traffic over the last 5 years. It is considered that the benefits of the scheme significantly outweigh the possible disadvantages of the scheme which are largely mitigated against. It is recommended that planning permission be granted.

**6.7 The application is recommended for approval subject to:**

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

Affordable housing at 82 units (32 x 2 bed flats, 0 x 3 bed flats and 7 x 2 bed houses 10 x 3 bed houses) for affordable rent together with units (28 x 2 bed flats, 0 x 3 bed flats 1 x 2 bed house 4 x 3 bed houses) for discounted sale.

- i A contribution towards local education **provision of £1,166,881**
- ii A contribution towards off public open space facilities of £160,249

**List of measures where funding is sought to mitigate the impact of development traffic and promote sustainable modes of transport.**

**Highway Mitigation Measures**

- Funding of £300k to allow the design, supervision and introduction of traffic signals at the junction of Knavesmire Road with Tadcaster Road and Mount Vale.
- Funding of £40k to allow the introduction of UTC control and CCTV equipment at the St. Helens Road / Tadcaster Road junction.
- An agreed level of funding to improve junction performance at Scarcroft Road / Bishopthorpe Road junction

**Sustainable Transport Measures**

- Provision of a shuttle bus service between the development site, Askham Bar Park and Ride site and the Station, between the hours of 7 am and 7 pm at a 30 minute frequency for a 5 year period.
- Funding to allow the construction of an additional 26 spaces at the new Askham Bar Park and Ride site.
- Improvements to the pedestrian/cycle route (Sustrans Route 65) between Bishopthorpe Road and the riverside path. Measures to include localised widening, smoothing of gradient and provision of street lighting.
- Additional cycle route signs, as agreed, to be erected along the route between the development site and heading north through the South Bank district.
- The inclusion of showers and drying rooms within all office blocks to encourage cycle trips.

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

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 Approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of FIVE years beginning with the date of

this permission and the development hereby permitted shall be begun either before:

- a) the expiration of SEVEN years from the date of this permission; or
- b) the expiration of TWO years for the date of approval of the last of the reserved matters to be approved; which ever is the later.

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

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

Drawing dated 14 Dec 2009 AL(PA)1010,250,260 REV B : PROPOSED OFF  
Drawing dated 14 Dec 2009 GRAY2000\_AL001 : LAND USE  
Drawing dated 27 Aug 2009 AL(PA)EX 1140-1170 EXISTING ELEVATIONS  
(CONTEXT) Drawing dated 27 Aug 2009 AL(PA)120 PROPOSED LEVEL 2  
PLAN  
Drawing dated 27 Aug 2009 AL(PA)400 PROPOSED BUILDING SECTION C-  
C  
Drawing dated 27 Aug 2009 AL(PA)210 PROPOSED SOUTH ELEVATION  
Drawing dated 14 Dec 2009 GRAY2000\_A1007 : BLOCK STRUCTURE  
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE ELEVATION  
Drawing dated 27 Aug 2009 LIQUOR STORE S&N DEMOLITION  
Drawing dated 27 Aug 2009 AL(PA)D 1020 1025 LEVEL 2 AND MEZZANINE  
PROPOSED DEMOLITION  
Drawing dated 27 Aug 2009 AL(PA)D 1040 1045 LEVEL 4 PROPOSED  
DEMOLITION/REPARATIONS  
Drawing dated 27 Aug 2009 AL(PA)EX 1060 1070 EXISTING LEVELS 6 & 7  
ROOF PLANS Drawing dated 17 Nov 2009 GRAY2000\_AL000 :  
ILLUSTRATIVE MASTERPLAN  
Drawing dated 27 Aug 2009 AL(PA)E 1030 1035 EXISTING LEVEL 3 &  
LEVEL 3 MEZZANINE PLAN  
Drawing dated 27 Aug 2009 AL(PA)125 PROPOSED LEVEL 2 MEZZANINE  
PLAN  
Drawing dated 27 Aug 2009 05082\_AL(0)500B TOPOGRAPHICAL SURVEY  
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE WALKWAY  
Drawing dated 27 Aug 2009 090814 GRAY2000 PARAMETER PLAN  
LAYOUT  
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE ROOF PLAN  
Drawing dated 27 Aug 2009 AL(PA)EX 1040 1045 EXISTING LEVEL 4 AND  
LEVEL 4 MEZZANINE PLAN  
Drawing dated 27 Aug 2009 AL(PA)110 PROPOSED LEVEL PLAN  
Drawing dated 27 Aug 2009 AL(PA)150 PROPOSED LEVEL 5 PLAN  
Drawing dated 27 Aug 2009 AL(PA)660 PERSPECTIVE (4)  
Drawing dated 14 Dec 2009 PARAMETERS PLAN LAYOUT REV 1.9  
Drawing dated 14 Dec 2009 SITE SERVICING & ACCESS  
Drawing dated 14 Dec 2009 AL(PA)155 A PROPOSED LEVEL 5  
MEZZANINE P

Drawing dated 27 Aug 2009 AL(PA)EX 1120-1130 EXISTING EAST AND WEST ELEVATIONS  
Drawing dated 27 Aug 2009 AL(PA)135 PROPOSED LEVEL 3 MEZZANINE PLAN  
Drawing dated 27 Aug 2009 AL(PA)610 PERSPECTIVE  
Drawing dated 27 Aug 2009 090819\_GRAY2000\_001\_7\_0 LAND USE MASTERPLAN  
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE BASEMENT PLAN  
Drawing dated 27 Aug 2009 AL(PA)D 1010-11 LEVEL ONE PROPOSED DEMOLITION Drawing dated 27 Aug 2009 AL(PA)D 1030 1035 LEVEL 3 PROPOSED DEMOLITION/REPARATIONS  
Drawing dated 27 Aug 2009 AL(PA)D 1120-1130 PROPOSED EAST & WEST ELEVATIONS  
Drawing dated 03 Sep 2009 AL(PA)EX 1010 1011 EXISTING LEVEL 1 PLAN  
Drawing dated 14 Dec 2009 GRAY2000\_A1005 : CAR PARKING STRATEGY  
Drawing dated 14 Dec 2009 GRAY2000\_A1002 : BUILDING HEIGHTS  
Drawing dated 14 Dec 2009 AL(PA)110 REV A : PROPOSED LEVEL 1 PLAN  
Drawing dated 17 Nov 2009 GRAY2000\_A1004 : PEDESTRIAN AND CYCLE AC  
Drawing dated 24 Sep 2009 60099611-P-001 REV G MOUNT VALE/TADCASTER ROAD/KNAVESMIRE  
Drawing dated 27 Aug 2009 AL(PA)D 1060 LEVEL 6 PROPOSED DEMOLITION/REPARATIONS  
Drawing dated 27 Aug 2009 AL(PA)E 1020 1025 EXISTING LEVEL 2 AND LEVEL 2 MEZZANINE  
Drawing dated 27 Aug 2009 AA(PA)27 01-02 GLASS ROOF / EXISTING WALL ABUTMENT  
Drawing dated 14 Dec 2009 AL(PA)1011 : PROPOSED OFF SITE CAR PARKING  
Drawing dated 14 Dec 2009 AL(PA)420 A PROPOSED BUILDING SECTION BB  
Drawing dated 30 Oct 2009 53498-P-001 REV F AMENDED JUNCTION DETAILS : MOUNT VALE  
Drawing dated 27 Aug 2009 CLOCK-BOILER S&N ELEVATION DEMOLITION  
Drawing dated 27 Aug 2009 CLOCK-BOILER SECTIONS  
Drawing dated 27 Aug 2009 CLOCK-BOILER WEST PROPOSED  
Drawing dated 27 Aug 2009 AL(PA)D 1012-14 PROPOSED LEVEL 1 MAIN ENTRANCE REPARATION  
Drawing dated 27 Aug 2009 AL(PA)130 PROPOSED LEVEL 3 PLAN  
Drawing dated 27 Nov 2009 AL(0)500 REV B EXISTING SITE PLAN : TOPOGRAPHICAL DATA  
Drawing dated 14 Dec 2009 AL(PA)410 A PROPOSED BUILDING SECTION AA  
Drawing dated 14 Dec 2009 AL(PA)130 A PROPOSED LEVEL 3 PLAN  
Drawing dated 30 Oct 2009 60099611-P-001 REV H AMENDED JUNCTION DETAILS : MOUNT VALE  
Drawing dated 27 Aug 2009 CLOCK-BOILER EAST ELEVATION EXISTING  
Drawing dated 27 Aug 2009 CLOCK-BOILER WEST ELEVATION  
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE FIRST FLOOR

Drawing dated 27 Aug 2009 AL(PA)EX 1200 EXISTING BUILDING SECTION A-A  
Drawing dated 27 Aug 2009 AL(PA)410 PROPOSED BUILDING SECTION A-A  
Drawing dated 27 Nov 2009 PRELIMINARY DRAINAGE LAYOUT  
Drawing dated 27 Nov 2009 S5011 TOPOGRAPHICAL SURVEY  
Drawing dated 14 Dec 2009 GRAY2000\_A1008 : LEGIBILITY FRAMEWORK  
Drawing dated 14 Dec 2009 GRAY2000\_A1003 : STREET HEIRARCHY  
Drawing dated 14 Dec 2009 AL(PA)120 A PROPOSED LEVEL 2 PLAN  
Drawing dated 27 Aug 2009 BOILER HOUSE S&N ELEVATION EXISTING  
Drawing dated 27 Aug 2009 LIQUOR STORE S&E PROPOSED  
Drawing dated 27 Aug 2009 AL(PA)140 PROPOSED LEVEL 4 PLAN  
Drawing dated 27 Aug 2009 AL(PA)630 PERSPECTIVE (2)  
Drawing dated 27 Aug 2009 AL(PA)220-230 PROPOSED ELEVATIONS  
Drawing dated 27 Nov 2009 GRAY2000\_001 LAND USE MASTERPLAN  
Drawing dated 27 Aug 2009 CLOCK-BOILER S&N ELEVATION PROPOSED  
Drawing dated 27 Aug 2009 LIQUOR STORE S&N PROPOSED  
Drawing dated 27 Aug 2009 05082\_AL(0)059A APPLICATION SITE PLAN  
Drawing dated 27 Aug 2009 LIQUOR STORE ROOF EX & PROP  
Drawing dated 27 Aug 2009 AL(PA)D 1050 1055 LEVEL 5 PROPOSED DEMOLITION/REPARATIONS  
Drawing dated 27 Aug 2009 AL(PA)170 PROPOSED LEVEL 7 PLAN  
Drawing dated 14 Dec 2009 GRAY2000\_A1006 : OPEN SPACE STRATEGY  
Drawing dated 14 Dec 2009 CAR PARK DECK MONTAGES  
Drawing dated 14 Dec 2009 ILLUSTRATIVE MASTERPLAN  
Drawing dated 14 Dec 2009 PEDESTRIAN AND CYCLE ACCESS  
Drawing dated 14 Dec 2009 AL(PA)210 A PROPOSED SOUTH ELEVATION  
Drawing dated 27 Aug 2009 CLOCK-BOILER GF &FF PROPOSED  
Drawing dated 27 Aug 2009 090819\_GRAY2000\_003\_2 ILLUSTRATIVE MASTERPLAN  
Drawing dated 27 Aug 2009 AL(PA)155 PROPOSED LEVEL 5 MEZZANINE PLAN  
Drawing dated 27 Aug 2009 AL(PA)640 PERSPECTIVE (3)  
Drawing dated 27 Aug 2009 CENTRAL SERVICES BUILDING  
Drawing dated 27 Aug 2009 05082\_AL(0)050B\_A1 GENERAL LOCATION  
Drawing dated 27 Aug 2009 LIQUOR STORE UG EX & PROP  
Drawing dated 27 Aug 2009 AL(PA)145 PROPOSED LEVEL 4 MEZZANINE PLAN  
Drawing dated 15 Dec 2009 AL(PA)160 A PROPOSED LEVEL 6 PLAN  
Drawing dated 27 Aug 2009 090723 GRAY200\_004 ILLUSTRATIVE LONG SECTIONS  
Drawing dated 27 Aug 2009 AL(PA)EX 1050 1055 EXISTING LEVEL 5 AND LEVEL 5 MEZZANINE  
Drawing dated 27 Aug 2009 AL(PA)EX 1100-1110 EXISTING NORTH & SOUTH ELEVATIONS  
Drawing dated 27 Aug 2009 AL(PA)160 PROPOSED LEVEL 6 PLAN  
Drawing dated 27 Aug 2009 AL(PA)420 PROPOSED BUILDING SECTION B-B  
Drawing dated 27 Aug 2009 AL(PA)200 PROPOSED NORTH ELEVATION



Drawing dated 14 Dec 2009 PARAMETERS PLAN AND ZONE DETAILS - REVISED

Drawing dated 21 Dec 2009 2000. A1006

Drawing dated 14 Dec 2009 CAR PARK DECK SECTIONS

Drawing dated 21 Dec 2009 2000. A1002

Drawing dated 27 Aug 2009 CLOCK -BOILER WEST ELEVATION

Drawing dated 27 Aug 2009 AL(PA)D 1100-1110 PROPOSED N&S ELEVATIONS - DEMOLITION

Drawing dated 14 Dec 2009 AL(PA)150 A PROPOSED LEVEL 5 PLAN

Drawing dated 27 Aug 2009 LIQUOR STORE S&N EXISTING

Drawing dated 27 Aug 2009 AL(PA)EX EXISTING BUILDING 1210

Drawing dated 14 Dec 2009 AL(PA)110 B PROPOSED LEVEL 1 PLAN

Drawing dated 14 Dec 2009 AL(PA)170 A PROPOSED LEVEL 7 ROOF PLAN

Drawing dated 27 Aug 2009 4321-INF-351 ACCESS DRAWING DATED

Drawing dated 27 Aug 2009 HQ GENERAL OFFICE GROUND FLOOR

Drawing dated 27 Aug 2009 LIQUOR STORE EX & PROP SECTIONS

Drawing dated 14 Dec 2009 AL(PA)200 A PROPOSED NORTH ELEVATIONS

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 Prior to submission of first reserved matters details for approval, or prior to commencement of any works on site, whichever is the sooner, a phasing programme and plan for the development shall be submitted to and approved in writing by the Local Planning Authority, The development shall thereafter take place in accordance with the agreed phasing plan.

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

4 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. The relevant part of the development shall thereafter take place in accordance with the approved design details.

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.

5 Notwithstanding any details submitted as part of the hereby approved scheme, details of the following elements shall be submitted to and approved in writing by the Local Planning Authority :-

- Large scale details of external doors and openings and window surrounds,

- Parapets;
- Soffits;
- Thresholds (e.g. overhangs);
- Screening.

Reason: To protect the setting of the Conservation Area and the adjacent listed buildings.

6 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, impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area, in the interests of the amenity of the future occupants of the dwellings

7 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 **for the respective phase of development**, shall be submitted to, and approved in writing by, the Local Planning Authority before that **phase of development commences**.

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

8 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 **each respective phase** of the development. The development shall thereafter be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

9 Not less than one whole floor of each unit of the live/work accommodation shall be used for to commercial activities.

Reason: To prevent to conversion of the live/work units into residential dwellings.

10 The number of employees permitted to work in each live/work unit shall be no more than 3 full time employees, unless otherwise agreed in writing by the Local Planning Authority

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.

11 **Prior to the commencement of the assisted living building (R3b) details of the height of the building above AOD shall be submitted to and approved in writing by the Local Planning Authority.**

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

12 Prior to the commencement of earthworks **for each respective phase of the development** 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.

13 Notwithstanding the Town and Country Planning Act (Use Classes Order) 2005, the proposed **medical facility shall only be used for medical and health facilities including clinic, health centre, doctors surgery and dentists and other medical and health facilities as agreed in writing by the Local Planning Authority.**

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

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

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

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

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

16 A formal BREEAM assessment for the Design and Procurement stages for all appropriate buildings in the whole Chocolate Works development shall be submitted to and approved in writing by the local planning authority. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

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

17 Prior to commencement of any building in the whole development, full details of a renewable energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the site's proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

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

Reserved matters or future applications for residential development shall achieve, level 3 or above of the Code for Sustainable Homes standard (or the contemporary equivalent of).

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

18 A sustainability report should be submitted to the Council every 3 months from the date of the commencement of development.

Reason: To ensure that the development is carried out in accordance with the agreed BREEAM and Code for Sustainable Homes standards of development and to ensure the 10% renewable energy is also generated from the site.

19 HWAY 14 The development shall not be begun until details of the junctions between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until the junctions have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

20 HWAY 27 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. For each phase of development such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling in that phase which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

21 HWAY 40 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

22 A safety audit or safety audits shall be submitted in writing to the Council prior to any works commencing to alter/form the new access points to serve the development. Stage 1 of the safety audit/s shall be submitted to and agreed in writing by the LPA prior to each relevant phase of works commencing on site and works shall be carried out in strict accordance with the written approved details.

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

INFORMATIVE: Safety audits shall be carried out in accordance with advice set out in the DMRB HD19/03 and guidance issued by the council

23 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.

24 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 **of each respective phase of the development.**

Reason: In the interests of highway safety.

25 Prior to each phase of the development commencing details of the cycle parking areas, including means of enclosure **and phasing of the cycle parking areas delivery**, 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 **unless otherwise agreed in writing by the Local Planning Authority**. 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.

26 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.

27 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.

28 Prior to commencement of **each phase** of the development, details of the oil interceptors required for all car-parking areas **in that phase** 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.

29 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.

30 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.

31 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.

32 No development of **each respective phase of 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.

33 Any liquid (**relating to fuel/oil or other contaminative 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. this condition needs to be more precise.

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.

34 No development of **any leisure pools** 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.

35 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.

36 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.

37 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.

38 No development (**Other than the construction of the basement**) 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 **or within the relevant planting season as agreed in writing with the Local Planning Authority**. 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.

39 Prior to commencement of each phase of the development the detailed landscaping drawings for that phase shall be submitted to and approved in writing by the Local Planning Authority and shall include a plan and schedule of all trees and shrubs within that phase.. Such plan shall show the canopy spread and root protection area of each tree in accordance with the current BS 5837. 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 phase by the following measures:

- i A chestnut pale or similar fence not less than 1.2m high shall be erected around the root protection area of each tree;
- ii No development (including the erection of site huts) shall take place within the crown spread of the trees or within the root protection areas of the trees, whichever is the greater ;
- iii No materials (including construction materials, fuel, spoil or top soil et al) shall be stored within the crown spread of the trees;
- iv No lighting of fires or burning of materials shall take place within the root protection area or 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: To protect trees and shrubs that make a significant contribution to the amenity of the area and/or development.

40 Prior to commencement of each phase of the development including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees at the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; any additional phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin.

Reason: To ensure protection of existing trees before, during and after each phase of the development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

41 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. The landscaping shall thereafter be carried out in accordance with the agreed finished levels.

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

42 Prior to the commencement **of each respective phase 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.

43 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.

44 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

Reason: Not at all on Sundays and Public Holidays **unless otherwise agreed in writing by the Local Planning Authority.**

45 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.

46 The hours of delivery to and dispatch from each commercial premises, 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.

47 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 hrs ) and 35 dB LAeq (1hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular 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 approved in respective each phase is occupied. Thereafter 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

48 Premises used for purposes within Classes A1, A3, A4, B1, C1 and D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) 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 insulation shall ensure that noise levels in adjoining residential premises do not exceed 30 dB LAeq (1 hour) inside bedrooms at night (23:00 - 07:00 hrs on any day) and 35 dB LAeq (1hour) in all other habitable rooms during the day (07:00 - 23:00 hrs on any day ) when the adjoining non-residential premises are in full operation. These noise levels shall be observed with all windows in the particular room shut and other means of acoustic ventilation provided. The noise insulation scheme shall be fully implemented prior to occupation. Thereafter 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.

49 Prior to commencement of each phase of the development ,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 and approved in writing by the Local Planning Authority . These details shall include maximum sound levels (LAm<sub>ax</sub>(f)) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the approved details. . The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use to which it relates first commences, and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

50 Prior to full permission being granted for the residential premises in the south west of the site (as indicated on plan XX), an assessment shall be made of the likely impact of noise generated from the racecourse during a major racing event. This assessment shall take into account likely noise levels to be observed both inside the residential properties and within their garden areas. If this assessment indicates that noise from race events are

likely to cause significant disturbance to the future occupants a noise mitigation scheme shall be submitted to and 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.

51 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.

52 Prior to the commencement of **each respective phase** 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.

53 Prior to the commencement of **each respective phase** 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.

54 Prior to the commencement of **each respective phase** 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.

55 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.

56 Upon completion of the remediation detailed in the Method Statement referred to in the previous conditions, 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.

57 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.

58 Prior to the commencement **of each respective phase** 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.

59 Prior to occupation of the commercial units in each phase of the development, 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.

60 No external speakers shall be installed at the commercial premises unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local and residential amenity.

61 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 **for each respective phase of the development** and shall be implemented before the use is commenced or the building is occupied in that phase.

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

62 Full details of the proposed CCTV facilities within the site and lighting for the car park and cycle route shall be submitted to and approved in writing by the Local Planning Authority, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

63 Prior to the commencement of any works on each respective phase of development of the site, a detailed method of works statement for that phase 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. That phase of the development shall thereafter be carried out in accordance with the approved method statement.

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.

64 Notwithstanding the hereby approved details, the number of nursery school places shall be limited to a maximum of 50 persons in accordance with the parameters plan.

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

65 ARCH2 - Watching Brief required

## **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 4.0 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:

- (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.

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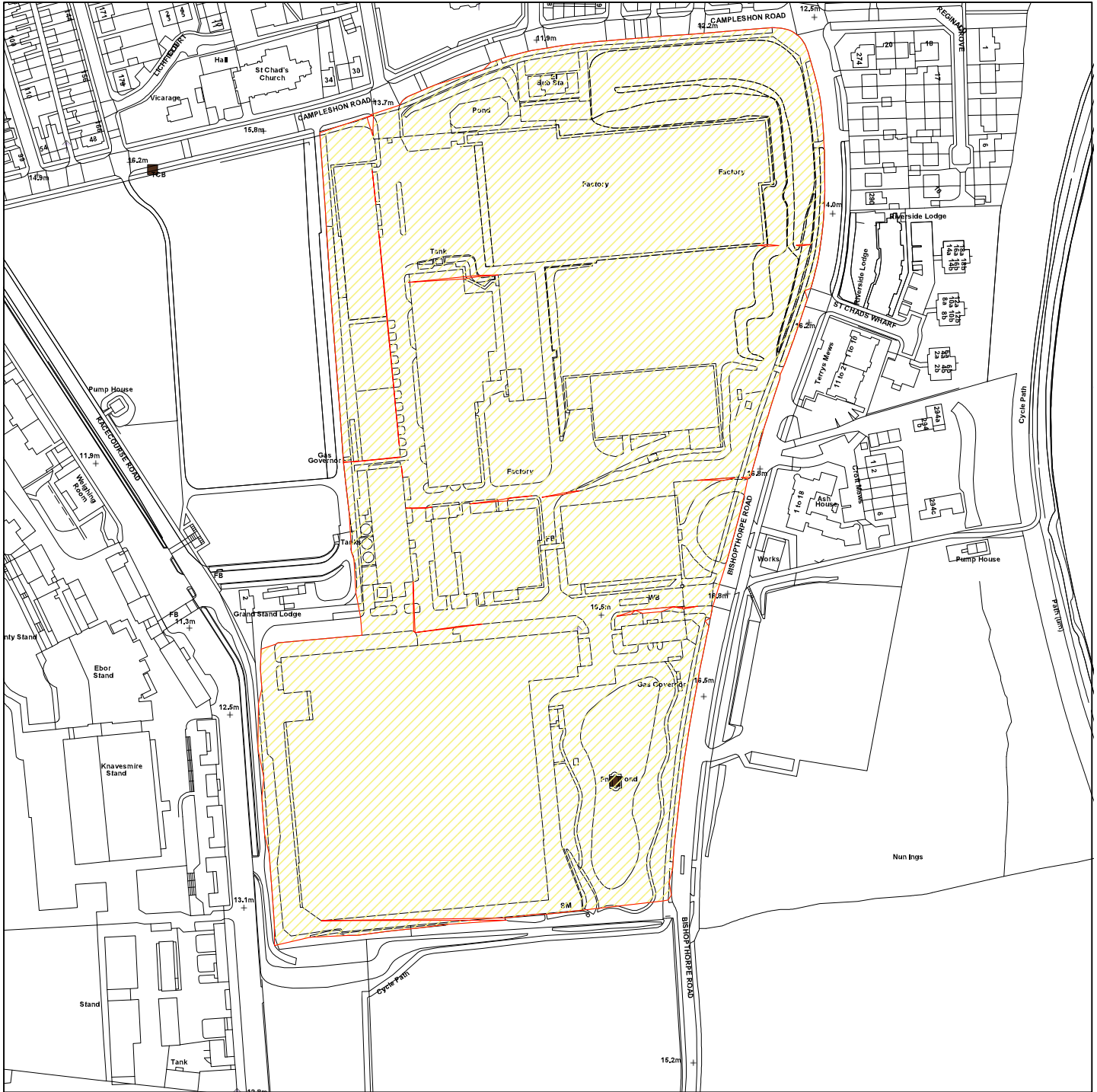


# Terrys Factory, Bishopthorpe Road

09/01606/OUTM



GIS by ESRI (UK)



Scale : 1:3000

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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# Appendix 1

## Reasons for refusal

### (1) Overdevelopment

Overdevelopment of the site with consequential impact on the surrounding highway network

Inadequate mitigation measures:-

- Engineering solution;
- Sustainable alternatives (cycling, walking); and
- Bus service (400m).

### (2) Detrimental impact upon Racecourse/Terry's Conservation Area (No.10)

Detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

### (3) Detrimental impact upon Tadcaster Road Conservation Area (No.9)

Detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

### (4) Detrimental impact upon landscaping

Detrimental impact upon existing on-site landscaping, in particular proximity of development to mature trees

### (5) Inappropriate location of housing

Location of housing on site in relation to racecourse and isolated from established surrounding communities.

### (6) Insufficient information provided regarding design elements

Insufficient information has been provided regarding the design elements of the scheme, the LPA cannot therefore properly assess the proposed scheme.

### (7) Secure by Design

The proposed scheme fails to adequately address secure by design principles. In particular the play area and footpath (which joins to the cycle route on the south side) would create vulnerable areas and do not satisfy secure by design principles.

### (8) Detrimental impact upon the setting of the listed buildings

The proposed scheme would have a detrimental impact upon the setting of the listed buildings, in particular the former factory building (R1) due to obstructing important views from the north side of the site.

DECISION NOTICE



## Refuse Outline Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

GVA Grimley LLP  
C/o Julie Deptford  
City Point  
First Floor  
29 King Street  
Leeds  
LS1 2HL

**Application at:**

Factory Bishopthorpe Road York YO23 1NA

**For:**

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.

**By:**

GHT Developments LLP

**Application Ref No.:**

06/02560/OUTM

**Application Received on:**

30 November 2006

### REASONS FOR REFUSAL:

#### 1 Inadequate mitigation measures

The proposed highway engineering measures will not adequately ameliorate the impact of the significant additional traffic generated by the proposed scheme. This would result in a deterioration of conditions for all highway users within this area. In particular, congestion would noticeably increased at the following junctions, to a level which would have a detrimental impact on journey times, and potentially result in the diversion of traffic to inappropriate routes and un-regulated parking displacement:-

- (a) Mount Vale/ Knavesmire Road;
- (b) Campleshon/ Bishopthorpe Road; and also
- (c) Moor Lane Roundabout;

As a result of the inadequacy of both sustainable travel provision and engineering measures it is considered that the village of Bishopthorpe would also experience increases in traffic likely to result in congestion, delays in journey times and most likely environmental aspects relating to increased noise and fumes. As a consequence the proposed scheme fails to satisfy National Planning Guidance contained within PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance contained within YH2, T1, T2, T3, T5, T9 and Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the Local Transport Plan (2006 - 2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address these requirements. Finally the proposed scheme fails to satisfy key objectives stated within the development brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objective 15 which seeks to effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives which would have the effect of reducing the impact upon the city.

## 2 Inadequate sustainable travel proposals

The proposed provisions for public transport, walking and cycling (Sustainable Transport Measures) are considered to be inadequate and thus unlikely to achieve the proportion of sustainable travel the Council expects in accordance with its transport hierarchy. The measures proposed by the applicants to both encourage and sustain travel by bus, bicycle and foot fail to satisfy National Planning Guidance contained within PPS3 which encourages applications to be well-connected to public transport and community facilities and services and PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) YH2, T1, T2, T3, T5, T9 and also Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the Local Transport Plan (2006 -2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address this requirements. Finally the proposed scheme fails to satisfy key objectives stated within the Terry's Development Brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objectives 14 and 15 which seek to prioritise movement within and through the site for pedestrians and cyclists and effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives.

## 3 Detrimental impact upon Racecourse/Terry's Conservation Area (No.10)

The development, if approved, would have a harmful impact upon the setting of the Terry's/Racecourse Conservation Area (No.10) due to the proximity of buildings (H2, C2 and C3) which are too close to the adjacent Park Pavilion Fields. These buildings would create an unacceptable hard and abrupt edge to this important west boundary and would be unduly prominent from public views within the Knavesmire area. The buildings would also overwhelm and interrupt the established tree canopy within this boundary which would have a detrimental impact upon the characteristic green and open edge and the openness of this particular part of the Conservation Area.

Furthermore, if the development were approved, it would have a harmful effect upon the existing belt of trees on the southern boundary of the site due to the close proximity of the development to the tree belt. This belt of trees contribute strongly to the landscape character of the site and conservation area (no.10) as they can be seen from important views from outside the site, particularly the Micklegate Stray, Bishopthorpe Road and the Racecourse.

In addition the following elements would further harm the character of the Memorial Garden which is located within the Conservation Area, particularly due to:-

- (i) block R3a would intrude into the tree lined fringe of the memorial garden and it would create an overbearing and intrusive feature when viewed from the garden;
- (ii) the proposed cycle route would intrude upon the character and appearance of the memorial gardens, which the Conservation Area Appraisal defines as one of 3 important green spaces within the Conservation Area, by introducing an unnecessary hard surface which would divide the garden and impact upon the amenity value due to introducing a thoroughfare through an otherwise tranquil area; and
- (iii) the children's play area is too large and would dominate the memorial gardens by detrimentally altering a significant part of the memorial garden's character from an informal garden to a structured, fenced off enclosure.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the regions historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 11 which requires applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance long distance views from the City's open spaces such as the Knavesmire, Rowntree Park and strategic places along the River Ouse and to respect the architecture of the site by ensuring that their setting is maintained.

#### 4 Detrimental impact upon Tadcaster Road Conservation Area (No.9)

The proposed traffic mitigation works at the junction of Mount Vale and Knavesmire Road would have a harmful impact upon the character and appearance of the northern part of Tadcaster Road Conservation Area (N.9) due to the combined effect of the road-works which include works to junctions, introduction of traffic lights, road islands, road markings, additional signage and the removal of a protected tree, which forms part of an important line of trees along the main approach road from the south into the city centre.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the region's historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objectives 11 and 12 which require applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance views from the City's open spaces such as the Knavesmire and to respect the architecture of the site by ensuring that their setting is maintained.

#### 5 Detrimental impact upon the setting of the listed buildings

Long views of the listed buildings would be harmed due to the height of the proposed new buildings (including additional plant on the roofs of these new buildings) as they would diminish the exceptional dominance of the main factory building. Furthermore the design and massing of the new build elements would visually compete with rather than compliment the listed buildings, which would be to their detriment and that of the area. In addition, buildings C4 and to a lesser extent C10 would overwhelm the former Headquarters building, which is Grade II listed, due to their close proximity and height.

As a consequence the proposed scheme fails to satisfy PPG15 which gives a high priority to protecting the setting of a listed building and the contribution it makes to the local scene. The proposed scheme also fails to satisfy policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to protect former

industrial landscapes. In addition the proposed scheme also fails to satisfy policies GP1, HE2 and HE4 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 as these policies seek to protect the historic character and setting of York's listed buildings. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 10 and 12 which requires applications to respect the architecture of the site by ensuring that their setting is maintained.

#### **6 Detrimental impact upon landscaping**

The proposed development, if approved, would have a harmful effect upon the existing mature landscape of the site, with particular reference to the following:-

- (a) the existing belt of trees within the southern boundary - due to the close proximity of the 4 residential blocks (R2a and R3a) there would be significant pressure to thin, cut-back or remove this important tree line to allow adequate levels of light to the rear of the aforementioned dwellings;
- (b) Block R3e would have a similar impact upon the existing trees which bound the western edge of the memorial garden.

Also blocks L7 and R5a would have a detrimental impact upon the existing landscape character of the site, with particular reference to the removal of the existing bunding (adjacent Bishopthorpe Road) on the boundary and the trees thereon.

As a consequence the proposed scheme fails to satisfy PPS1 which encourages the protection of landscape quality and also fails to satisfy policy ENV10 of The Yorkshire and the Humber Plan (Regional Spatial Strategy to 2026) which seeks to safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber, especially within regeneration schemes. In addition the proposed scheme fails to satisfy policies GP1, GP9, N1 and NE8 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. Finally the proposed scheme fails to satisfy key objective 13 of the Terry's Development Brief, which seeks to enhance the landscape framework and also chapter 6 (Landscape and Natural Environment) which seeks to protect the existing trees as landscape features which should also be enhanced and incorporated into any scheme to develop the site and that any development towards the perimeter of the site should be set a distance away from the trees to create a margin of open space such that the trees appear as part of a landscape setting rather than a mere boundary treatment which sits tight up to against dwellings, also chapter 7 (Built Environment) which encourages trees along the southern boundary to be reinforced.

#### **7 Inappropriate location of the residential development**

Excluding the aforementioned reasons for refusal, the scheme also fails to satisfy the requirements of the approved Terry's Development Brief (2006) in terms of the proposed location of the housing. The housing is isolated from established surrounding communities and consequently is in an inappropriate location. Due to the housing forming a separate zone to the south of the site and 3 sides of the housing being impermeable, movements through the site would be unnecessarily awkward and circuitous. The Terry's Development Brief, Key objective 14, seeks a proposed development to prioritise movement within and through the site for pedestrians and cyclists. Other objectives require proposed schemes to have a direct dialogue and connectivity that promotes links and relationships within the surrounding community. Access to and from other zones/areas of the site would also be awkward for pedestrians and the lack of integration with the existing community in South Bank would preclude easy and convenient access through the site for residents and visitors to the community and for transport links. As a consequence of the above the proposed scheme fails to address important elements identified within the Terry's Development Brief as being essential to the future development of the site, the surrounding community and the City of York.

The proposed scheme therefore fails to satisfy PPS1, PPS3, PPG15, the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) and policies SP3 and GP1 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 and the general objectives of the Terry's Development Brief which seeks to promote inclusive and effective connections within the site and to the surrounding community.

#### **8 Insufficient information provided regarding design elements**



Insufficient and inadequate information has been provided concerning some important design elements of the scheme. As a consequence the Local Planning Authority (LPA) cannot properly assess the impact of the proposed scheme and its design quality. In particular full design details are required of the proposed housing within the southern section of the site. As this is part of the Terry's/ Racecourse Conservation Area (No.10), further details should have been submitted to allow the LPA to fully assess the impact of these dwellings upon the conservation area and the adjacent listed building (the former Factory building).

Furthermore the design code is inadequate in the following respects:-

(a) Further information is required to strengthen the design code, so as to enable the LPA to assess the impact of the scheme upon the setting of conservation area no.10 and the adjacent listed buildings and to ensure a robust and high quality design for the scheme, in particular such important elements as

- Defensible space and boundary treatments;
- Roofscapes;
- Materials;
- Scale and proportions of architectural elements;

The degree to which passive solar measures would be integrated within the design of buildings; and

Any other plant, external equipment or other attachments.

(b) Insufficient details of the remodelling of the ground plane which incorporates the underground car-park/ podium. The LPA require more details on this aspect so as to be able to assess the impact of the scheme upon conservation area (No.10) and the adjacent listed buildings and also on the surrounding environment, especially at the entrance off Campleshon Road and at the junction of Bishopthorpe Road and Campleshon Road;

(c) Further information is also required to assess the impact of buildings C4 and to a lesser extent C10 upon conservation area no.10 and the former Headquarters building which is grade II listed. Inadequate information has been submitted concerning the treatment of the roofscapes of C4 and C10. The treatment of these roof details is important as significant additions of plant etc. would raise the height of these buildings and be unduly prominent;

Also insufficient design details have been submitted to allow the LPA to adequately consider the proposed pedestrian link between the site and the Racecourse. This is an important facet of the scheme and has a significant bearing upon the setting of the former Factory building and the Terry's/ Racecourse Conservation Area.

Chapter 7 of the Development Brief raises 20 key points which proposed schemes should address. In particular point 13 states that the grain, massing and character of the existing site and buildings are quite different from the surrounding area and development proposals should adequately address this and that (15) new build should consider a contemporary interpretation of the forms, materials and details of the listed buildings and where appropriate should acknowledge the local vernacular and (19 and 20) space for circulation, orientation and relaxation through appropriate soft and hard landscaping should be provided and that the transition spaces should be clearly designed, in particular transitions from public to private spaces associated with the buildings.

As a consequence of the lack of information, the LPA cannot judge the proposed scheme against relevant Local Plan policies GP1, HE2, HE3 and HE4 and Government Guidance within PPS1.

## 9 Secure by Design

The proposed scheme fails to adequately address secure by design principles. In particular the combination of the overall permeable nature of this estate and the lack of defensible space, will make the domestic and commercial properties vulnerable to intruders. 'Safer Places (The Planning System and Crime prevention)' published by the Department for Communities and Local Government emphasizes 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'. The public areas above the car-park and adjacent the hotel are single use areas which lack natural surveillance during the evening, which may attract undesirable/anti-social behaviour. There are also hidden areas within the site which would further exacerbate this problem, i.e. pathways behind dwellings in the south and the route adjacent the nursery play area/hotel.

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

inappropriate in this context. This is an unnecessary route and encourages unauthorised persons into the complex at a vulnerable point and may cause additional vulnerability to adjacent residents.

The children's play area does not benefit from adequate levels of natural surveillance, 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 community.

As a consequence the proposal fails to satisfy PPS1, in particular paragraph 37 of the policy document which states that planning authorities should have regard to good practice as set out in safer places - the planning system and crime prevention. As a consequence the scheme has been judged against this document and other relevant documents. The scheme also fails to satisfy policies GP3 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. This policy seeks development to incorporate crime prevention measures so as to achieve natural surveillance of public spaces from existing or proposed development.

Date: 5 September 2008



M. Slater  
Assistant Director (Planning & Sustainable Development)

**FOR RIGHTS OF APPEAL, SEE OVERLEAF**  
**Notes to Applicant**

1. In the opinion of the Local Planning Authority Reasons 1 to 6 above are associated with the over-development of the site. A reduction in the amount of development proposed would consequently be required in order to address the issues raised within these Reasons for Refusal.

# Appendix 2

Parameters table

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Zone	Land use	Units	Area M <sup>2</sup>	Max Height (storeys)	Max height (m)	Total Parking <sup>1</sup>
1	Retail		595	3	9.5	13
	Flats above retail	18	-	3	9.5	16
	Houses	11	-	3	9	23
2	Medical Centre		2,266	4	14	30
	Houses	14		3	9	28
3	Residential incorporating Open Space	100	-	4	12	196
4	Live work	14	-	3	9	18
5	4 Star Hotel	150 beds	9,460	4	14	46
6	Offices		18,386	4	14	388
7	Apartments	77	-	4	12	68
8	Nursery		543	2	7	12
9	Senior Living	110	8,349	4	12	131

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<sup>1</sup> nb combination of on and off plot and shared parking. Total does not sum due to rounding- please refer to total figure quoted at Paragraph 4.58 of the Environmental Statement

Zone	Land use	Units	Area M <sup>2</sup>	Max Height (storeys)	Max height (m)	Total Parking <sup>1</sup>
10	Care Home		4,332	3	9	27
11	Open space					
12	Landscaping/ Open Space					
13	Secondary landscaping/ car parking					Provided for in calculations above
14	Coffee Shop Garden	2	100	1	3	5
15	Decked Car park					560 <sup>2</sup>

Building	Building Reference	Uses	Area M <sup>2</sup>	Car parking <sup>3</sup>
Multi Storey Factory  (existing building including roof extension)	A	Mixed Use, incorporating a combination of the following uses up to the total floor space:  <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Offices,</li> </ul>	16,735	223

<sup>2</sup> This is the capacity of the car park accounted for in the parking indicated for the various uses and should not be added to the total parking figure

<sup>3</sup> combination of on and off plot and shared parking. Total does not sum due to rounding- please refer to total figure quoted at Paragraph 4.58 of the Environmental Statement

Building	Building Reference	Uses	Area M <sup>2</sup>	Car parking <sup>3</sup>
		<ul style="list-style-type: none"> <li>• Apartments</li> <li>• Retail, restaurant, café and other “active” uses (A1, A2, A3, A4),</li> <li>• Leisure</li> <li>• Exhibition Space</li> <li>• Internal Amenity Space</li> </ul>		
Multi Storey Factory (Extension)	A	Offices	4760	106
		Amenity space	934	
Former HQ	B	Offices	4000	85
Liquor Store	C	One of: <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Retail</li> <li>• Restaurant / Café</li> <li>• Bar</li> <li>• Leisure</li> <li>• Community Uses</li> </ul>	237	
Clock Tower	D	One of, or a combination of, <ul style="list-style-type: none"> <li>• Offices</li> <li>• Exhibition Space</li> </ul>	916	31

Building	Building Reference	Uses	Area M <sup>2</sup>	Car parking <sup>3</sup>
		<ul style="list-style-type: none"><li>• Retail</li><li>• Restaurant</li><li>• Bar</li><li>• Professional Services</li></ul> <p>up to the total existing floor space.</p>		















# Appendix 3

Illustrative Masterplan & parameters plan

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**Key**

- |  |   |
|--|---|
|  Live/work Units |  Hotel                                   |
|  Apartments      |  Medical Centre                          |
|  Residential Use |  Senior Living                           |
|  Mixed Use       |  Children's Nursery                      |
|  Office Use      |  Convenience Store with apartments above |
|  Care Facility   |  Commercial Use                          |

TURLEYASSOCIATES						
CLIENT:	GRANTSIDE					
PROJECT:	CHOCOLATE WORKS, YORK					
DRAWING TITLE:	LAND USE MASTERPLAN					
DRAWING NUMBER:	REV:	DRAWN:	CHECK:	STATUS:	DATE:	SCALE:
GRAY2008_001	7_0	BMA	MQ	PLANNING	19.08.09	1:1000@A1

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**PROJECT:**  
Terry's Chocolate Works, York

**DRAWING:**  
Illustrative masterplan

**SCALE:** 1:1000 @ A1

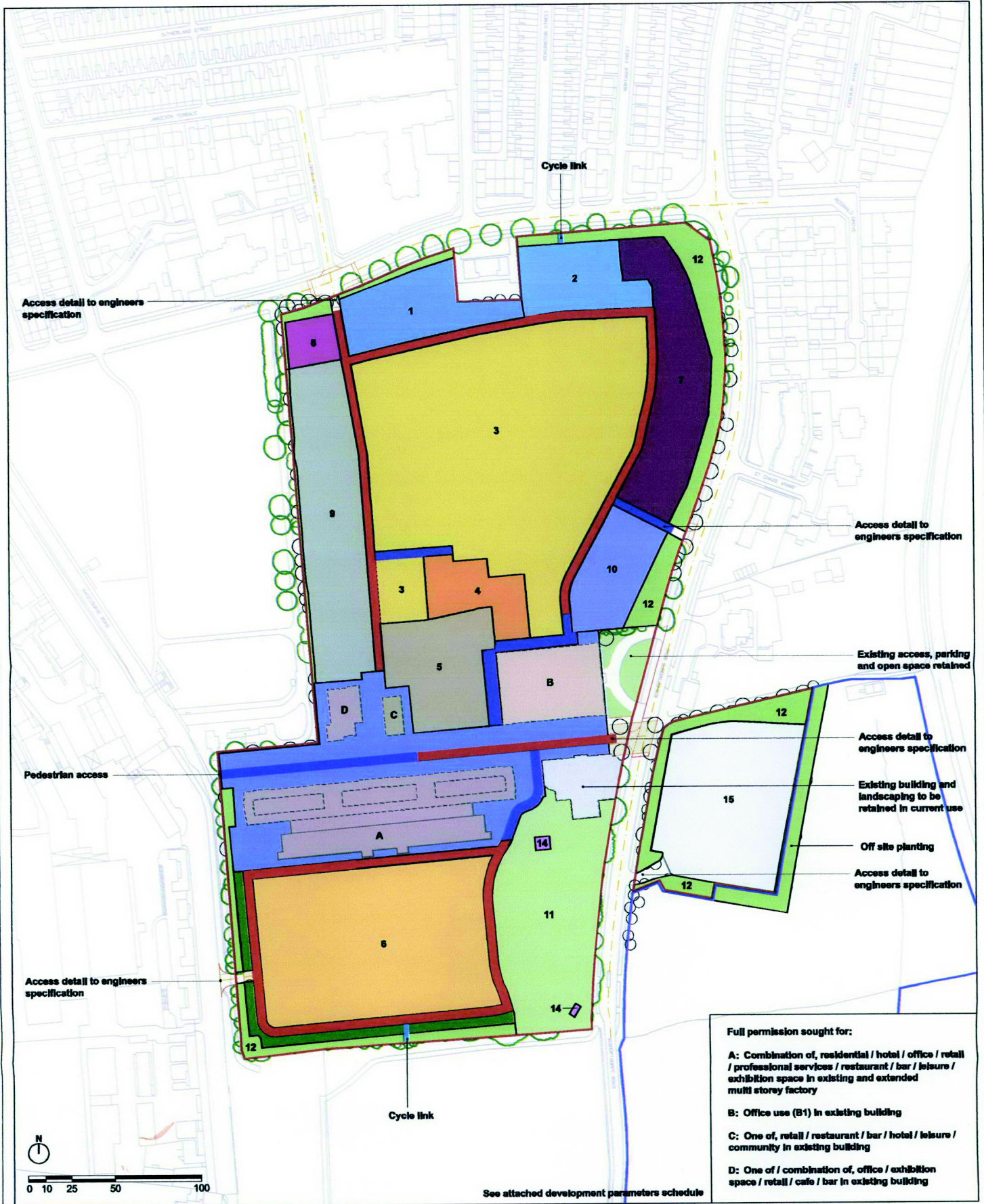
**DATE:** November 2009

**REF:** GRAY2000\_AI000

**TURLEYASSOCIATES**

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PARAMETER PLAN - CHOCOLATE WORKS, YORK



**Full permission sought for:**

**A:** Combination of, residential / hotel / office / retail / professional services / restaurant / bar / leisure / exhibition space in existing and extended multi storey factory

**B:** Office use (B1) in existing building

**C:** One of, retail / restaurant / bar / hotel / leisure / community in existing building

**D:** One of / combination of, office / exhibition space / retail / cafe / bar in existing building

See attached development parameters schedule

KEY			
	Planning Application Boundary		Office
	Retail and residential		Apartments
	Medical centre / residential		Children's nursery
	Residential (incorporating open space)		Senior living
	Live/work units		Care facility
	Hotel		Formal garden
	Landscaping / open space		Decided car park
	Secondary landscaping incorporating car parking		Primary circulation - outline
	Retail / cafe		Secondary circulation - outline
	Off site planting		Circulation areas incorporating landscaping, car parking and public space

**TURLEY ASSOCIATES**

CLIENT: GRANTBIDE

PROJECT: CHOCOLATE WORKS, YORK

DRAWING TITLE: PARAMETER PLAN

ISSUED FOR: PRELIMINARY CONSULTATION

DATE: 15/01/2014

SCALE: 1:1000

DRAWN BY: J. B. / M. P. / S. P. / S. P. / S. P.

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# Appendix 4



**REPORT SETTING OUT HOW THE REVISED APPLICATION ADDRESSES  
THE REASONS FOR REFUSAL PRESENTED FOR THE LAST  
APPLICATION**

**10th December 2009  
Rev A**

## **Introduction**

In September 2008 outline planning permission was refused for the proposed redevelopment of The Chocolate Works. The decision notice, dated 5th September 2008, for the application ref 06/02560/OUTM, lists 9 reasons for refusal and this report considers each reason and shows how the revised application addresses the concerns raised.

### Reasons for Refusal and Response

#### **Inadequate mitigation measures**

The proposed highway engineering measures will not adequately ameliorate the impact of the significant additional traffic generated by the proposed scheme. This would result in a deterioration of conditions for all highway users within this area. In particular, congestion would noticeably increased at the following junctions, to a level which would have a detrimental impact on journey times, and potentially result in the diversion of traffic to inappropriate routes and un-regulated parking displacement:-

- (a) Mount Vale/ Knavesmire Road;
- (b) Campleshon/ Bishopthorpe Road; and also
- (c) Moor Lane Roundabout;

As a result of the inadequacy of both sustainable travel provision and engineering measures it is considered that the village of Bishopthorpe would also experience increases in traffic likely to result in congestion, delays in journey times and most likely environmental aspects relating to increased noise and fumes. As a consequence the proposed scheme fails to satisfy National Planning Guidance contained within PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance contained within YH2, T1, T2, T3, T5, T9 and Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the Local Transport Plan (2006 - 2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address these requirements. Finally the proposed scheme fails to satisfy key objectives stated within the development brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objective 15 which seeks to effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives which would have the effect of reducing the impact upon the city.

The current application is not a revision of the previous scheme. It is a completely new scheme developed from first principles. The design has been informed by extensive consultation with the public and with a specific community forum group who had expressed an interest in helping to shape the proposals. The proposals include for approximately 28,000 m<sup>2</sup> of

commercial offices, which is a reduction of approx 16% on the previous application, and as it is these offices that contribute a significant amount of traffic in the peak hour, this reduction will help to reduce the overall impact on the highway network.

The scope of the Transport Assessment was agreed with the Council prior to the assessment work being undertaken. The assessment uses a methodology agreed with the Council and calculations are derived using the Council bespoke computer traffic model. The TA concludes that the only highway engineering mitigation works that are necessary are to the Mount Vale / Knavesmire Road junction and proposals for signalling this junction have been tabled. Meetings with the local residents have also been held to discuss the proposals and ensure that their specific concerns have been considered.

Representatives from Bishopthorpe have been met and the Developer has attended the local ward meetings and a parish meeting. The TA specifically considers the Village of Bishopthorpe and the routes of Church Lane and Main Street. Furthermore consideration has also been given to the proposed Church Lane relief road, and the revised route to the A64, though these have not proved to be appropriate for implementation. At a meeting of the Community Forum on the 24<sup>th</sup> September 2009, the Bishopthorpe Parish Council Representative announced that the Parish Council would be withdrawing its previous objection to the scheme.

The TA contains a specific chapter on sustainable transport and this is also supplemented by Chapter 9 of the Environmental Statement (ES) and Appendix 13 of the ES which contains the travel plan framework. The Developers proposals are focussed on promoting cycling and walking and increasing public transport. A new bus service is proposed linking the P&R site at Askham Bar to the Railway Station, travelling via Bishopthorpe, the site and Southbank. This proposal is intended to deliver a 15 minute frequency service at the site. Promotion of cycling and walking is achieved by connections to the existing networks, upgrading of the cycle route to the riverside and the introduction of better road crossing facilities. Inadequate sustainable travel proposals The proposed provisions for public transport, walking and cycling (Sustainable Transport Measures) are considered to be inadequate and thus unlikely to achieve the proportion of sustainable travel the Council expects in accordance with its transport hierarchy. The measures proposed by the applicants to both encourage and sustain travel by bus, bicycle and foot fail to satisfy National Planning Guidance contained within PPS3 which encourages applications to be well-connected to public transport and community facilities and services and PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) YH2, T1, T2, T3, T5, T9 and also Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the

Local Transport Plan (2006 -2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address this requirements. Finally the proposed scheme fails to satisfy key objectives stated within the Terry's Development Brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objectives 14 and 15 which seek to prioritise movement within and through the site for pedestrians and cyclists and effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives.

The TA contains a specific chapter on sustainable transport and this is also supplemented by Chapter 9 of the Environmental Statement (ES) and Appendix 13 of the ES which contains the Travel Plan Framework. The Developers proposals are focussed on promoting cycling and walking and increasing public transport usage. A new bus service is proposed linking the P&R site at Askham Bar to the Railway Station, travelling via Bishophthorpe, the site and Southbank. This proposal is intended to deliver a 15 minute frequency at the site. Promotion of cycling and walking is achieved by connections to the existing networks, upgrading of the cycle route to the riverside and the introduction of better road crossing facilities.

A fundamental objective of the Masterplan, which emerged from public consultation, is to increase the connectivity of the site to the surrounding South Bank residential area. This is achieved by the removal of earth bunds along the north and east site boundaries. This makes the site permeable to pedestrian and cycle movement. The Illustrative Masterplan and the Design Statement that accompanies the application documentation show that the design intent is to have shared surfaces which provide priority to pedestrians and cyclists rather than car users. The overall route hierarchy is shown on plans and the connection routes to the existing networks are also shown. Existing connections for pedestrians and cyclists are also proposed through the south boundary to Sustrans route 65, at the end of the central drive to connect with the racecourse, as close to Trafalgar Street as possible in the northern boundary, (restricted by the Electricity Substation), to connect to the designated cycle route to the City, and several pathways through the North East boundary to connect to the existing Southbank community.

**Detrimental impact upon Racecourse/Terry's Conservation Area (No. 10)**  
The development, if approved, would have a harmful impact upon the setting of the Terry's/Racecourse Conservation Area (No.10) due to the proximity of buildings (H2, C2 and C3) which are too close to the adjacent Park Pavilion Fields These buildings would create an unacceptable hard and abrupt edge to this important west boundary and would be unduly prominent from public views within the Knavesmire area. The buildings would also overwhelm and interrupt the established tree canopy within this boundary which would have a detrimental impact upon the characteristic green and open edge and the openness of this particular part of the Conservation Area.

Furthermore, if the development were approved, it would have a harmful effect upon the existing belt of trees on the southern boundary of the site due to the close proximity of the development to the tree belt. This belt of trees contribute strongly to the landscape character of the site and conservation area (no.10) as they can be seen from important views from outside the site, particularly the Micklegate Stray, Bishopthorpe Road and the Racecourse.

In addition the following elements would further harm the character of the Memorial Garden which is located within the Conservation Area, particularly due to:-

- (i) block R3a would intrude into the tree lined fringe of the memorial garden and it would create an overbearing and intrusive feature when viewed from the garden;
- (ii) the proposed cycle route would intrude upon the character and appearance of the memorial gardens, which the Conservation Area Appraisal defines as one of 3 important green spaces within the Conservation Area, by introducing an unnecessary hard surface which would divide the garden and impact upon the amenity value due to introducing a thoroughfare through an otherwise tranquil area; and
- (iii) the children's play area is too large and would dominate the memorial gardens by detrimentally altering a significant part of the memorial garden's character from an informal garden to a structured, fenced off enclosure.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the regions historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 11 which requires applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance long distance views from the City's open spaces such as the Knavesmire, Rowntree Park and strategic places along the River Ouse and to respect the architecture of the site by ensuring that their setting is maintained.

The redesign of the scheme has removed the commercial buildings and hotel from the boundary adjacent to the Park Pavilion Fields and introduced to this area senior living accommodation, with private amenity space and parking between the buildings and the boundary providing a soft landscape to this part of the development that will maintain its characteristic green and open edge.

The southern boundary is being retained as existing, save for the small penetration that is proposed to connect to the Sustrans route 65. The

important views from the south towards the site will be maintained and this is clearly shown on the photo montages submitted as part of the visual impact assessment.

The Memorial Garden is also proposed to be maintained and the illustrative Masterplan indicates that building facades are proposed to be set back from the existing trees to maintain the tree lined fringe. The introduction of a green corridor through the commercial area also enhances the views to the west when viewed from the Garden. The proposed cycle route no longer passes through the Memorial Garden and the children's play area is proposed in the new central park within the residential area to the north side of the development.

Generally, the overall scheme redesign has resulted in better communication routes, more green and leafy space within the conservation area and an improved setting for the listed buildings.

Detrimental impact upon Tadcaster Road Conservation Area (No. 9)  
The proposed traffic mitigation works at the junction of Mount Vale and Knavesmire Road would have a harmful impact upon the character and appearance of the northern part of Tadcaster Road Conservation Area (N.9) due to the combined effect of the road-works which include works to junctions, introduction of traffic lights, road islands, road markings, additional signage and the removal of a protected tree, which forms part of an important line of trees along the main approach road from the south into the city centre.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the region's historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objectives 11 and 12 which require applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance views from the City's open spaces such as the Knavesmire and to respect the architecture of the site by ensuring that their setting is maintained.

The proposals for upgrading the junction at Mount Vale / Tadcaster Road and Knavesmire Road, which is indicated as being beyond design capacity in the Baseline situation, (i.e. regardless of the redevelopment proposals), have been revised, after extensive consultation with residents, to improve access to local properties. The removal of a preserved tree is still required to comply with road safety issues and allow the development of more extensive

sustainable transport measures such as the extension of the bus lane. Additional survey work has been done regarding this tree removal and it is noted that the tree is not isolated and therefore the impact of removal will not be severe and the proposal includes for additional tree planting to enhance the area affected.

The landscape appraisal submitted with the application (Chapter 12 of the Environmental Assessment) demonstrates that there will be no harmful effect on long distance views of the site, such as from the Knavesmire.

Detrimental impact upon the setting of the listed buildings Long views of the listed buildings would be harmed due to the height of the proposed new buildings (including additional plant on the roofs of these new buildings) as they would diminish the exceptional dominance of the main factory building. Furthermore the design and massing of the new build elements would visually compete with rather than compliment the listed buildings, which would be to their detriment and that of the area. In addition, buildings C4 and to a lesser extent C10 would overwhelm the former Headquarters building, which is Grade II listed, due to their close proximity and height.

As a consequence the proposed scheme fails to satisfy PPG15 which gives a high priority to protecting the setting of a listed building and the contribution it makes to the local scene. The proposed scheme also fails to satisfy policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to protect former industrial landscapes. In addition the proposed scheme also fails to satisfy policies GP1, HE2 and HE4 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 as these policies seek to protect the historic character and setting of York's listed buildings. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 10 and 12 which requires applications to respect the architecture of the site by ensuring that their setting is maintained.

The revised proposal is not a revision to the previous scheme, but has developed as a brand new application, built up from first principles. The design has been informed by extensive consultation with the public and with a specific community forum group who had expressed an interest in helping to shape the proposals. In addition, regular meetings were held with the Councils Conservation officer in the course of preparing the scheme. English Heritage was also consulted regarding the scheme design on several occasions and a presentation was made to the Conservation Area Advisory Panel prior to the submission of the scheme.

The design process has moved through controlled stages, with "in principle" agreements reached before progressing. During this process the emerging designs have been tested against the development brief. Details of levels, cross sections and the long distance views have been submitted with the landscape appraisal which concludes that the proposals will not harm the character of the area. The setting of the listed buildings will be considerably

improved by, for example the demolition of the Central Services building and its associated footbridge links to the Multi Storey factory and Headquarters building. The setting of the Multi Storey Factory will be considerably improved by the removal of unsympathetic modern industrial shed structures on the south side of the building and replacing them with modern, well designed office buildings in a landscape setting. The scale and massing of new buildings has been designed to ensure they do not challenge the primacy of the listed buildings which has the existing sheds removed and a landscaped commercial centre take its place, complete with green corridor. The former HQ buildings setting is also enhanced as there is no longer a proposal to extend to the West and the adjacent buildings to the North are all of residential scale and massing.

Detrimental impact upon landscaping The proposed development, if approved, would have a harmful effect upon the existing mature landscape of the site, with particular reference to the following:-

- (a) the existing belt of trees within the southern boundary - due to the close proximity of the 4 residential blocks (R2a and R3a) there would be significant pressure to thin, cut-back or remove this important tree line to allow adequate levels of light to the rear of the aforementioned dwellings;
- (b) Block R3e would have a similar impact upon the existing trees which bound the western edge of the memorial garden.

Also blocks L7 and R5a would have a detrimental impact upon the existing landscape character of the site, with particular reference to the removal of the existing bunding (adjacent Bishopthorpe Road) on the boundary and the trees thereon.

As a consequence the proposed scheme fails to satisfy PPS1 which encourages the protection of landscape quality and also fails to satisfy policy ENV10 of The Yorkshire and the Humber Plan (Regional Spatial Strategy to 2026) which seeks to safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber, especially within regeneration schemes. In addition the proposed scheme fails to satisfy policies GP1, GP9, N1 and NE8 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. Finally the proposed scheme fails to satisfy key objective 13 of the Terry's Development Brief, which seeks to enhance the landscape framework and also chapter 6 (Landscape and Natural Environment) which seeks to protect the existing trees as landscape features which should also be enhanced and incorporated into any scheme to develop the site and that any development towards the perimeter of the site should be set a distance away from the trees to create a margin of open space such that the trees appear as part of a landscape setting rather than a mere boundary treatment which sits tight up to against dwellings, also chapter 7 (Built Environment) which encourages trees along the southern boundary to be reinforced.

The redesign of the scheme has removed housing from the Southern boundary and this removes the pressure to thin and cut back the trees. The southern boundary is being retained as existing, save for the small



penetration that is proposed to connect to the Sustrans route 65. The important views from the south towards the site will be maintained and this is clearly shown on the photo montages submitted as part of the visual impact assessment.

Housing is also removed from the western boundary of the Memorial Garden and its existing boundaries are proposed to be maintained. The illustrative Masterplan indicates that building facades adjacent to this area are proposed to be set back from the existing trees to maintain the tree lined fringe. The Councils Tree Officer has been regularly consulted throughout the design of the scheme.

Through the design process and the engagement with the local community it has been established that removal of the bund that creates a barrier with the local residential area is welcomed. This removal has been carefully considered to allow the green leafy character of the area to be maintained, by preserving the most important trees and supplementing the new landscape with planting of native species.

### **Inappropriate location of the residential development**

Excluding the aforementioned reasons for refusal, the scheme also fails to satisfy the requirements of the approved Terry's Development Brief (2006) in terms of the proposed location of the housing.

The housing is isolated from established surrounding communities and consequently is in an inappropriate location. Due to the housing forming a separate zone to the south of the site and 3 sides of the housing being impermeable, movements through the site would be unnecessarily awkward and circuitous. The Terry's Development Brief, Key objective 14, seeks a proposed development to prioritise movement within and through the site for pedestrians and cyclists. Other objectives require proposed schemes to have a direct dialogue and connectivity that promotes links and relationships within the surrounding community. Access to and from other zones/areas of the site would also be awkward for pedestrians and the lack of integration with the existing community in South Bank would preclude easy and convenient access through the site for residents and visitors to the community and for transport links. As a consequence of the above the proposed scheme fails to address important elements identified within the Terry's Development Brief as being essential to the future development of the site, the surrounding community and the City of York.

The proposed scheme therefore fails to satisfy PPS1, PPS3, PPG15, the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) and policies SP3 and GP1 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 and the general objectives of the Terry's Development Brief which seeks to promote inclusive and effective connections within the site and to the surrounding community.

The most fundamental difference between the current scheme and the previous proposal is that the residential element of the scheme is now located on the northern half of the site and the commercial uses on the south side of the site.

The barriers between the site and the surrounding communities, in the form of the earth bunds, are proposed to be removed. The illustrative Masterplan shows the many routes available to access the site, safely move through it and connect with the surrounding areas.

### **Insufficient information provided regarding design elements**

Insufficient and inadequate information has been provided concerning some important design elements of the scheme. As a consequence the Local Planning Authority (LPA) cannot properly assess the impact of the proposed scheme and its design quality. In particular full design details are required of the proposed housing within the southern section of the site. As this is part of the Terry's/ Racecourse Conservation Area (No.10), further details should have been submitted to allow the LPA to fully assess the impact of these dwellings upon the conservation area and the adjacent listed building (the former Factory building).

Furthermore the design code is inadequate in the following respects:-

- (a) Further information is required to strengthen the design code, so as to enable the LPA to assess the impact of the scheme upon the setting of conservation area no.10 and the adjacent listed buildings and to ensure a robust and high quality design for the scheme, in particular such important elements as Defensible space and boundary treatments; Roofscapes; Materials; Scale and proportions of architectural elements; The degree to which passive solar measures would be integrated within the design of buildings; and Any other plant, external equipment or other attachments.
- (b) Insufficient details of the remodelling of the ground plane which incorporates the underground car-park/ podium. The LPA require more details on this aspect so as to be able to assess the impact of the scheme upon conservation area (No.10) and the adjacent listed buildings and also on the surrounding environment, especially at the entrance off Campleshon Road and at the junction of Bishopthorpe Road and Campleshon Road;
- (c) Further information is also required to assess the impact of buildings C4 and to a lesser extent C10 upon conservation area no.10 and the former Headquarters building which is grade II listed. Inadequate information has been submitted concerning the treatment of the roofscapes of C4 and C10. The treatment of these roof details is important as significant additions of plant etc. would raise the height of these buildings and be unduly prominent;

Also insufficient design details have been submitted to allow the LPA to adequately consider the proposed pedestrian link between the site and the Racecourse. This is an important facet of the scheme and has a significant bearing upon the setting of the former Factory building and the Terry's/ Racecourse Conservation Area.

Chapter 7 of the Development Brief raises 20 key points which proposed schemes should address. In particular point 13 states that the grain, massing and character of the existing site and buildings are quite different from the surrounding area and development proposals should adequately address this and that (15) new build should consider a contemporary interpretation of the forms, materials and details of the listed buildings and where appropriate should acknowledge the local vernacular and (19 and 20) space for circulation, orientation and relaxation through appropriate soft and hard landscaping should be provided and that the transition spaces should be clearly designed, in particular transitions from public to private spaces associated with the buildings. As a consequence of the lack of information, the LPA cannot judge the proposed scheme against relevant Local Plan policies GP1, HE2, HE3 and HE4 and Government Guidance within PPS1.

The level of information required has been discussed with Officers during the preapplication phase and a list of the documents required has been agreed. All of these documents have been delivered with the application. The design code has been reviewed by officers and comments taken on board, resulting in minor amendments and additions to satisfy their concerns.

The comments relating to roofscape details of buildings C10 and C4 are no longer relevant in this new scheme. The underground car park has also been omitted, removing any concerns regarding this.

The pedestrian link proposed between the site and the Racecourse, whilst not applied for in detail, has been sketched and the information is sufficient to recognise the beneficial impact this has on the listed building and the conservation area.

### **Secure by Design**

The proposed scheme fails to adequately address secure by design principles. In particular the combination of the overall permeable nature of this estate and the lack of defensible space, will make the domestic and commercial properties vulnerable to intruders. 'Safer Places (The Planning System and Crime prevention)' published by the Department for Communities and Local Government emphasizes 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'. The public areas above the car-park and adjacent the hotel are single use areas which lack natural surveillance during the evening, which may attract undesirable/anti-social behaviour. There are also hidden areas within the site which would further exacerbate this problem, i.e. pathways behind dwellings in the south and the route adjacent the nursery play area/hotel.

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 inappropriate in this context. This is an unnecessary route and encourages unauthorised persons into the

complex at a vulnerable point and may cause additional vulnerability to adjacent residents.

The children's play area does not benefit from adequate levels of natural surveillance, 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 community.

As a consequence the proposal fails to satisfy PPS1, in particular paragraph 37 of the policy document which states that planning authorities should have regard to good practice as set out in safer places - the planning system and crime prevention. As a consequence the scheme has been judged against this document and other relevant documents. The scheme also fails to satisfy policies GP3 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. This policy seeks development to incorporate crime prevention measures so as to achieve natural surveillance of public spaces from existing or proposed development.

The scheme masterplanner has met with the Police Architectural Liaison Officer and the Officer has provided a letter relating to this. It should also be noted that the designer is a CABE assessor and has working knowledge of the following documents, which have been used as references throughout the design period:

- Buildings for Life
- Secured by Design
- Manual for Streets

The proposed connection to Sustrans route 65 has been positioned to provide a connection that is not an alleyway and does not increase the vulnerability of adjacent properties.

The Children's play area has been positioned in the central park, amongst the residential properties, where passive overlooking can be achieved, without intrusion.

## **Conclusion**

The development proposals recognise the previous reasons for refusal and address all of these in a positive and beneficial manner.

**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01608/LBC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Selective demolition alteration and construction of new extensions at the Multistorey Factory (MSF)  
**By:** GHT Developments LLP  
**Application Type:** Listed Building Consent  
**Target Date:** 22 October 2009

**1.0 PROPOSAL**

1.1 Listed Building Consent is sought for selective demolition and alterations at the Multi-Storey Factory building (MSF). The proposed demolitions are as follows:

- Demolish the attached lift shaft and extensions to the south of the building and make good any required areas of repair;
- Remove the first floor walkway linking the MSF to the Central Services Building on the northern façade.
- Remove sundry structures at rooftop level.

Listed Building Consent is also sought for the following alterations to the MSF building. These are as follows:

- Construct a new extension attached to the southern elevation of the MSF building by way of a glazed atrium; and
- Roof top extension to form an additional floor comprising residential accommodation set back from the building parapet.

1.2 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for demolition and removal of various extensions and the redevelopment of the site. Further applications for Listed Building Consent and an application for Conservation Area Consent for works to buildings (listed, and one non-listed) are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraphs 3.2 & 4.27.

1.3 This application considers the impact of proposals upon the architectural and historic interest of the MSF, which is a grade II listed building, and also on the character and appearance of the building within the conservation area and wider site associated with the redevelopment of the former Terry's Factory site.

1.4 Demolition of the remaining north-light factory and modern attachments to the MSF is required to enable extensions and alterations to the MSF which would facilitate the regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. A detailed Justification Statement has been provided.

## AMENDED SCHEME

1.5 The revisions include:

- alterations to the additional roof-top apartments to reduce their effect on the special details of the factory and their dominance of the factory in skyline views;
- internal alterations to include open plan office accommodation;
- provisions for the introduction of roof-top plant; and
- a more robust justification statement for the alterations and intensification of use.

1.6 The additional roof-top apartments were originally conceived and expressed as an additional floor, rather than roof-top accommodation. They were close up to the back of parapet, floor levels had been raised and the framing was expressed in white steel to relate to the art-stone window surround of the existing elevations.

1.7 The revisions show the accommodation has been broken into two elements spanning between the existing staircase towers (fire-escapes) to either side of the central area. The central area would be free of accommodation. This would allow the full height towers framing the entrance zone to each side of the main factory entrance to be uncluttered by the roof-top extension. The new accommodation would be lowered by 400mm so that it would not be higher than these existing central elements which project above the parapet line of the building. The footprint of the new accommodation would also be decreased by setting back the new external walls 1.8m behind the parapet, thereby creating a perimeter zone for an external terrace. The rooftop accommodation would be finished dark grey to indicate it would be part of the roof rather than part of the elevational expression as it appeared to be before.

1.8 The interior scheme is provisional as the end occupiers are not known at this stage. Revisions show how office accommodation could be incorporated into the factory building. The new entrance zone would be located off the central atrium space which accords with the intended approach route for commercial clients/occupiers from the proposed south entrance. Some of the infilled window bays would be further altered to include new doorways and this presents an opportunity for some reinstatement and improvement of the damaged ground floor façade. A new service zone would be introduced within the factory floorplate and this would leave the major part of the accessible floorspace free of permanent sub-division.

1.9 Revised proposals show how the central area would be made available for roof-top plant, should this be required in connection with any of the new uses. The plant would be screened and set back away from the parapet. The hotel kitchen would be remote from this area; however it is intended to make adaptations to the windows to allow for a suitable extract.

## SITE LOCATION AND HISTORICAL BACKGROUND

1.10 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. 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. 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 Development 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.

1.11 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.

1.12 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. 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.

1.13 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.14 The factory complex can be seen 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.

1.15 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.

1.16 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

## BUILDING/SITE DESCRIPTION

1.17 Designed by architects J G Davis and L E Wade and constructed as part of a wider factory development, the building known as the Multistorey Factory (MSF) was built between 1924-30 for Terry's of York. The building is steel framed and finished with red brick and stone dressings and a stone centrepiece. The building is roofed concrete and empire stone. The building is 5-storeys in height, and is some 153 metres (500ft) long. The main entrance and front elevation faces towards the central road through the site.

1.18 The main entrance is detailed by blocks of empire stone, which are slightly projecting, and flanked by quoin strips of alternating red brick and empire stone. This provides a focus for the main elevation. There are large double doors for vehicular access with smaller personal doors to either side. The main doorway and a row of small-paned windows above occupy two floors in height.

1.19 In terms of other fenestration details, second and third floor windows have symmetrically arranged one and two light mullioned and transomed windows with cornices. The fourth floor is characterised by mullion and transom windows in the centre. To either side the windows on all floors are mullioned and transomed with those on the first floor having cornices and those on the top floor with triple keyed lintels. The return elevation towards Bishopthorpe Road has single light tiers in empire stone strip as at front flanking projecting bay with same window arrangement as end blocks to front.

1.20 The single storey north-light building pre-dates the MSF. It allowed production to commence on site whilst the more impressive buildings were being constructed. Constructed as a utilitarian structure on the conventional model of the textile shed, it has a saw-tooth roof form and relatively blank brick facades. This unremarkable building has lost its integrity as approximately half the bays have been demolished; and it has been altered and significantly extended in a rudimentary way over the course of the C20th. Eventually the building was connected to the MSF to create an undercover storage and loading area, resulting in further alteration of the original structures, in particular the crude blocking of some windows of the MSF.

1.21 The northern elevation of the building is connected at first floor level to the Central Services Building via a walkway that traverses the access road. The walkway is of a modern design that is not reflective of the intrinsic interest of the MSF building.

1.22 The 1920s factory complex is of historic interest as a whole. It represents the most complete surviving expression of the importance of the confectionary business in York, and it confirms York's high status in the business on a national scale (ref list description). The southern half of the whole factory site to the west of Bishopthorpe road is part of "The Racecourse and Terry's Factory Conservation Area" designated in 1975. The area is described in detail in the Character Appraisal dated June 2006.



## REASON FOR REFERRAL TO COMMITTEE

1.23 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

2.2 Policies:

## PLANNING POLICY

National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). 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.

2.2 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.

## **Yorkshire and Humber RSS**

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

## **City of York - Draft Local Plan (April 2005)**

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

2.8 Draft Local Plan Policy HE3 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that within conservation areas, proposals for external alterations will only be permitted where full design details are submitted and the development does not adversely affect the setting and character of the conservation area.

2.9 Draft Local Plan Policy HE4 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

2.10 Draft Local Plan Policy HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that Listed building Consent and/or Conservation Area Consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of conservation areas.

Where exceptionally demolition or partial demolition is permitted, no demolition shall take 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.

#### York Local Development Framework

2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May 2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

#### Supplementary Planning Documents

2.13 There are no relevant supplementary planning documents scheduled for publication at present.

#### Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by York City Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;

- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

### 3.0 CONSULTATIONS

#### INTERNAL

##### Design, Conservation and Sustainable Development

3.1 The Council's Conservation Architect originally raised concerns about the massing, height and details of the roof extension, the extent of sub-division of the interior and the lack of space for ancillary accommodation and services. However following further consultation with the applicant and English Heritage, the scheme has been amended to address these concerns. Various conditions should be imposed should the application be approved.

#### EXTERNAL

3.2 Conservation Area Advisory Panel (CAAP) initially raised the following concerns:-

- Loss of the historic character of the building by subdividing too much of the building;
- The proposed roof extension lacks conviction;
- The choice of materials proposed for the roof extension are inappropriate,
- The design of the roof extension is inappropriate as the elements are too thick between the glazed panels;
- The different roof heights do not respond to the existing parapet line and detract from the profile of the original building;
- The roof extension should be set further back from the parapet so as to be less obtrusive, especially from ground floor level;

However the CAAP support the revised proposals and consider that their previous objections have been addressed. In particular they welcomed the reduction in height of the proposed roof extension and areas set aside on the roof for services.

3.3 English Heritage support the revised proposals and recommend that appropriate materials and techniques are used when making good the building.

3.4 York Civic Trust (YCT) generally support the extensions and alterations to the MSF, e.g. the removal of miscellaneous structures on the roof of the building and their replacement with an additional floor which will be set back from the parapet.

3.5 YCT support the demolition of the North Light building to the south of the MSF.

3.5 Bishopthorpe Parish Council raises no objection.

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 Two 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**

4.1 The key considerations in assessing this scheme are:

- Assessment of the contribution of the elements to be removed on the special architectural and historic interest of the Listed Building; and
- The effect of the proposed alterations upon the special historic and architectural interest of the building.

4.2 The key aim of this proposed scheme is to prepare the building for future occupation and secure its future by seeking approval of the external works associated with the wider regeneration proposals.

4.3 As part of the hybrid planning application that forms part of the overall development proposals, indicative floor layouts for the main MSF building have been submitted for consideration. At the present time, these remain indicative, and are submitted to demonstrate that the uses sought can be accommodated within the building.

4.4 Although the applicant is in discussions with potential occupiers, detailed end user requirements for the MSF main building are yet to be agreed. As internal arrangements may alter, this report does not include a full assessment of the potential impact upon features of historic interest within the building. This will be dealt with by the submission of separate Listed Building Consent applications in the future when end-users have been identified.

4.5 Paragraph 3.8 of PPG15 advises that, generally, keeping historic buildings in use is the most effective way of securing their upkeep. This means that in order to secure economically viable uses and new and even continuing uses, a degree of adaptation will be necessary. This is a key consideration and the alterations necessary to keep the building in use is a major consideration when the future of listed buildings is in question.

4.6 Policy ENV9 of the RSS for Yorkshire and the Humber sets out the regional policy context. The policy supports proposals that conserve regionally distinctive elements of the historic landscape, and this includes: “the street patterns, sky lines, views and setting of the historic City of York”

4.7 The MSF building and wider complex is an important part of the skyline of York. The proposals, by securing new uses for the buildings (and consequently

keeping the building in a good state of repair) will achieve this policy aim of conserving these views.

4.8 Policy HE4 of the Draft Local Plan is supportive of proposals for change of use and alteration to listed buildings where there is no adverse effect on the character, appearance or setting of the listed building. The supporting text of the policy advises that alterations and extensions should preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. It should be noted that recent correspondence received from English Heritage and attached at Appendix 4 indicates their lack of objection to the approach taken to the proposals now in hand.

4.9 The reuse of the MSF building is part of the wider redevelopment of the former Terry's factory site. The building sits at the heart of the new Masterplan, on the intersection of the primary routes through the site and it is close to the racecourse. It therefore occupies a pivotal position in the scheme and its redevelopment should be secured at an early stage. This landmark structure has the power to advertise a success story for the economic regeneration of the area; therefore it is imperative that proposals for its reuse encompass both continuity and change to make it attractive to new occupiers. The hybrid planning application seeks permission for a flexible range of uses in advance of end users being found. The application posits a mix of uses including a hotel, residential apartments, offices, leisure and retail. These uses fit with the intentions of the central core of the site which offer publicly orientated and mixed use development. According to the Masterplan (parameters plan and illustrative scheme) the north of the whole site would primarily become residential with facilities serving the community; and the south of the site would have commercial and employment led development.

4.10 The proposed scheme involves three main components:

- a significant 3-storey linked addition to the south of the factory replacing the north-light shed
- an additional storey on the roof, set back behind the parapet
- internal alterations to form a hotel, offices, leisure suite and residential apartments

#### Proposed Linked Office Extension

4.11 The north-light shed and the existing link would be demolished to make way for a 3-storey office building. The south wall of the factory would be restored and the glazed atrium would connect the old and new structures.

4.12 The north-light structure is no longer of intrinsic interest to the site and it has lost its integrity through previous demolitions and alterations. It is not considered to be of special architectural and historic interest. The conservation area appraisal assesses its contribution to the conservation area as being neutral. As a previous stand-alone structure it would have not been listed. Officers support its demolition.

4.13 The demolished building would be replaced by a 3-storey extension. The extension would create an atrium and new office accommodation. The new office

block would be 2-floors below the parapet of the factory; thereby maintaining the dominance of the factory within site and also long views from outside the site. This is an important consideration and is mentioned within the conservation area appraisal.

4.14 The new extension would be linked to the “rear elevation” of the factory building leaving the more decorative frontage and end elevations free. The extension would replicate the symmetry of the factory and is designed to further replicate the primary articulated elements of the factory building in a simplified way. Materials would be limestone with large glazed areas protected by timber brise-soleil. Officers consider that there is architectural merit to this the new build element.

4.15 The glazed link (atrium) would be connected to the factory above first floor level and the roof would rise over the central part to avoid the mezzanine windows. The increase in height would also highlight the entrance and crossing point within the scheme.

4.16 The connection details show that the fixings and flashings would have a minor and reversible impact upon the MSF. This is considered acceptable by officers.

4.17 The lower damaged sections of the factory wall will be restored. The attached modern lift structure will also be removed and the affected areas restored.

4.18 The atrium will be transparent enough to allow the whole of the south elevation of the factory to be appreciated in a way which is not possible at present.

4.19 Details of the locations of plant on the new building have not been given and these should be made the subject of a condition for approval by the LPA.. The central part of the roof would have a green living roof.

4.20 In addition the 1970's bridge link across to the Central Services Building (CSB) would be removed and the north façade will be restored.

4.21 As a device for stimulating interaction between different areas of the two buildings the atrium would provide a modified environment which will allow greater interaction between the various users of the buildings whilst clearly preserving the independence of the factory building. The clear contrast between the height of the extension and the factory will maintain the dominance of the factory within the site and from locations beyond the site. The linked extension (atrium) is considered to preserve the character and appearance of the conservation area. Officers consider that the extension is acceptable and will provide an attractive mixed use development with a modern image. It would not adversely affect the special architectural and historic interest of the listed factory building. We consider that the existing extensions to the southern façade of the building have lost their integrity and the external lift represents an alien feature attached to the south façade of the MSF. These extensions adversely affect the character of the building within the conservation area. This is supported by the Council's Conservation Area appraisal and correspondence received from English Heritage raises no objection to the loss of these buildings. Therefore we consider that removal of the large brick shed, the link and the later additions to the south elevation will not harm the special

architectural or historic interest of the building but will in fact be of benefit to it, in line with Policy HE4 of the City of York Council Local Plan.

Proposed Roof extension (as submitted)

4.22 The majority of the east wing would be sub-divided to form apartments and the west wing would become a hotel. It is proposed to add an additional floor of apartment accommodation across the whole factory roof.

4.23 The proposed roof extension would necessitate the removal of modern accretions on the roof. Although the proposed roofline would be simpler it would be more dominant of the factory than the existing structures. The structure would be continuous across the whole roof; whereas breaks in the massing would relate better to the distinctive character of the existing roof

4.24 Elements of the original proposed roof extension which were of concern to officers were:-

- The extension would have been too heavy due to its wide solid panels with glass set behind a solid framework. It would have created a “box-like” appearance;
- It was set too close to the parapets;
- The raised sections would conflict with the existing skyline detail rather than complement it as originally intended. It would not allow enough room for essential plant<sup>1</sup>;
- PPG 15 requires applicants to justify why alterations and extensions which affect the character of a listed building are either necessary or desirable. The roof of the MSF as a potential amenity area is of great value to the scheme as a whole and the sensitive development of at least part of the roof area for public use could provide a unique aspect for the scheme i.e., roof-top gardens, restaurant, board-rooms.

Link Bridge to the Northern Facade

4.25 A key feature of interest on the northern elevation is the richly decorated, Neo Georgian style that was adopted as part of the design. This is a common design feature of the group of buildings that formed part of the original build. As this is the case it is the strong symmetry in the rhythm of the elevation, along with an imposing “palace front” and central entrance that is an intrinsic part of the special architectural and historic interest of the MSF.

4.26 The link bridge is a modern addition to the original building, which has little regard to the special interest of this a principal façade of the MSF building. In particular, we consider that the existing link bridge disrupts:

Link Bridge to the Northern Facade

4.27 A key feature of interest on the northern elevation is the richly decorated, Neo

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<sup>1</sup> Officers consider it important that adequate space should be set aside for services to be incorporated within the roof of the MSF. A services strategy should be provided with the application so the implications of the development can be fully assessed in terms of their impact on the listed building.



Georgian style that was adopted as part of the design. This is a common design feature of the group of buildings that formed part of the original build. As this is the case it is the strong symmetry in the rhythm of the elevation, along with an imposing “palace front” and central entrance that is an intrinsic part of the special architectural and historic interest of the MSF.

4.28 The link bridge is a modern addition to the original building, which has little regard to the special interest of this a principal façade of the MSF building. In particular, we consider that the existing link bridge disrupts:

- The coherence and rhythm of this principal elevation; and
- A key view to the west from the main gates off Bishophthorpe Road

4.29 The link bridge is detrimental to the special character and appearance of the MSF. The Council’s Conservation Area appraisal confirms this. Therefore removal of this feature and the making good of the façade will not harm the special architectural or historic interest of the building but will in fact be of benefit to it, in line with Policy HE4 of the City of York Council Local Plan.

#### Proposed Internal Alterations (AS ORIGINALLY SUBMITTED)

4.32 This application includes the physical changes to the external fabric of the building. However planning permission is also being sought for a change of use of the MSF to a hotel, offices, residential, retail and leisure and the exterior and interior cannot be separated. Officers expect that further applications for listed building consent will be submitted in the future when end-users have been identified for particular areas of the building.

4.33 Originally the majority of the interior would be subdivided into small cellular spaces, either as part of the hotel or as private apartments. The applicants indicated that apartments would occupy the majority of the area above ground floor in the east wing. Officers raised concerns that there would be no remaining open space within the MSF<sup>2</sup>. Officers encouraged the applicant to incorporate uses which would allow some of the building to remain non-compartmentalised. Excessive subdivision of the MSF could be harmful to the open character of this industrial building.

4.34 Other areas of concern were:-

- Inadequate space within the building ancillary accommodation serving the apartments i.e. cycle stores, storage and recycling areas
- Insufficient back-up facilities for the proposed hotel; and
- Inadequate number of lifts within the building.

#### AMENDED SCHEME

4.38 Officers had reservations about the proposed roof extension as originally submitted in August 2008 on several grounds. Officers main concerns related to the closeness of the proposed extension to the existing parapet and its size, design, massing and materials were the principal issues.

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<sup>2</sup> Open areas within the MSF would reflect its original historic use as a factory.

4.39 Following meetings with the applicants and their architects to discuss these concerns, the scheme for the MSF has been amended. The amendments include an increased set-back, and reduced massing and height of the proposed roof-top extension which is considered to address previous concerns about the dominance of this extension and its effect on critical architectural elements and views. Officers consider that the proposed extension to the roof as amended is acceptable and will not detract from the special interest of the MSF, consequently the proposal satisfies the requirements of PPG15 and policy HE4 of the City of York Council Local Plan.

4.40 Officers also expressed concerns about the level of subdivision of the building as originally presented. Although officers would prefer more of the factory interior to remain open, a major consideration at this stage is to show how the factory could accommodate a number of conversion options to improve the possibility of an economically viable solution coming forward. The revisions show how it would be possible to retain a partially open interior. As a consequence officers support the re-use of the MSF for the variety of proposed uses. Therefore officers consider that the amended proposal meets the provisions of PPG15 and Policy HE4 of the City of York Council Local Plan.

4.40 The conservation area is one of the three areas in York recorded as being at risk within English Heritages 2009 schedule. Officers acknowledge that the MSF has been unoccupied since the factory closed in 2005 and the historic buildings are in need of significant repair. The MSF is unlikely to attract investment unless the project is financially viable. Moreover the building's pivotal location within site and its symbolic potential for York and the wider environment mean that early conversion would act as a catalyst for the rest of the development.

4.40 Historic Environment policies acknowledge that a degree of adaptation is usually required to secure new uses for redundant buildings. PPG 15 para 3.8 sets out the requirement to balance the effect of changes on the special interest of the building against the benefits of new development. Proposals for the MSF demonstrate that a number of different and complimentary uses could be accommodated. These would stimulate activity and provide a bridge between the commercial and residential areas of the site by creating daytime and night-time occupation, and some natural surveillance for the site. Officers consider that this intensity of use would be beneficial to the functioning of the site as a whole. Whilst it would involve two sets of extensions, it has been demonstrated that these would not conflict with the architecture of the building itself, nor would they be over dominant. The MSF would retain its distinctive form within the scheme. As a consequence it is considered that the amended extensions and alterations are acceptable and justified.

## **5.0 CONCLUSION**

5.1 It is important to secure the early conversion of this building as it will provide a catalyst for further development on the site. The modern extension and the atrium will stimulate ground floor activity and interaction between the various proposed uses, thus making the development more attractive to potential users. Proposals for the roof extension are also acceptable due to amended design which would not be dominant of the building's roofscape or of the skyline. The new extensions and

alterations to the building, whilst contemporary, remain subservient to the main building. The provision of additional floor space would increase the number of options for the reuse of the MSF, making it attractive to a greater range of potential occupiers. In turn this will assist in attracting end users for the building thus securing its future reuse in line with the provisions of PPG15. Importantly, the proposals are supported in principle by English Heritage.

5.2 The extensions and additions that are to be removed are unsympathetic modern alterations that are of limited intrinsic interest. Therefore the special interest of the main building is not harmed as a result of the demolitions. English Heritage has indicated their agreement to the loss of these attached structures within recent correspondence.

5.3 It is considered that the proposals to demolish the modern extensions are an essential 'enabler' to the redevelopment of the former Terry's site. The demolition of these structures would contribute to the continuation of the site and the reuse of this iconic listed building. The aforementioned proposals are therefore considered justified and would not adversely affect the special historic and architectural interest of the adjacent listed building or the character and appearance of the Conservation Area.

5.4 The proposed demolition of modern additions to the MSF is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber , Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2 PLANS2 Approved plans and other submitted details

3 Prior to commencement of works, a detailed schedule of works, including specifications of materials and methods of all restoration and repair work shall be submitted in writing to the Local Planning Authority. Works shall then be carried out in strict accordance with the written approved details by the Local Planning Authority.

Reason: To protect and retain the character of the Listed Building.

4 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 acceptable appearance.

5 Prior to commencement of works, a 1:100 site plan of the building indicating its existing and proposed curtilage, shall be submitted in writing to the Local Planning Authority. Ground works shall then be carried out in strict accordance with the approved proposed curtilage drawing of the building by the Local Planning Authority.

Reason: So as to achieve a visually acceptable appearance and a cohesive appearance with the rest of the development.

6 Prior to the commencement of the works hereby approved, large scale details incorporating cross sections, profiles and other details shall be submitted in writing to the Local Planning Authority. These large scale details shall be agreed in writing with the Local Planning Authority prior to submission but should be of a scale of 1:20 & 1:5 as appropriate. The following large scale details shall be submitted-

- Alterations to external elevations of factory building (plans and sectional elevations);
- New roof-top extension including any structural alterations (strengthening) to existing factory roof;
- Atrium including connections with the factory building, i.e. panel details and abutments between atrium and factory wall;
- Schedule of new doors and alterations to existing doors;
- Any alterations to factory windows and details of any new windows;
- Details of any newly created openings internally or externally;
- Details of roof-top plant and screening;
- Details showing integration of new partitions with existing walls, floors, ceilings;
- Alterations to staircases;
- Alterations to foyer area including screens, doors and finishes;
- Typical apartment details to be provided;
- Typical hotel bedroom plans and associated details.

Works shall be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

7 Within 3 months of the commencement of works upon the MSF, a landscape scheme for the identified curtilage area of the building including hard and soft landscape proposals shall be submitted in writing for approval to the Local Planning Authority. Details should include:-

- Street lighting and/or external lighting to the building;
- Street furniture; and
- Ancillary structures such as waste compounds and/or any freestanding structures such as bike stands

Development shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: So as to achieve a visually acceptable appearance and a cohesive appearance with the rest of the development.

8 Prior to commencement of works a services strategy for the building and/or relevant sections of the building shall be submitted in writing to the Local Planning Department for approval.

Reason: To protect the fabric and appearance of the listed building.

INFORMATIVE: Details should include service runs and all ductwork showing integration with existing fabric.

9 Prior to development commencing within the building and/or sections of the building, a checklist of special internal historic elements to be retained shall be submitted in writing to the Local Planning Authority for approval. Development shall then be carried out in strict accordance with the written approved details from the Local Planning Department.

Reason: To retain the character of the building and record internal historic details.

INFORMATIVE: These elements should be marked up on plan and integrated with detailed planning of the scheme.

10 Prior to development commencing, drawn and written details of the following elements of the three storey extension to the south shall be submitted in writing to the Local Planning Authority for approval:-

Green roof including section through roof and edge conditions  
Plant/services external to the building including location and screening details  
Atrium details including large scale details of panels  
Full plans and elevational drawings of new build elements (1:20) with special external elements such as louvres, soffits, glazing, external doors, eaves and junction details (1:5).

Development shall then be carried out in strict accordance with the written approved details from the Local Planning Department.

Reason: To protect the historic character of the building and secure an acceptable design for the proposed extensions.

11 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 on the building or relevant sections.

Reason: To protect the fabric and appearance of the listed building.

12 Prior to works commencing upon the building and/or sections of the building, bin storage facilities shall be provided to a design, siting and materials specification

previously approved in writing by the Local Planning Authority and shall thereafter be so retained.

Reason: To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

13 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: To protect the setting of the listed building.

14 Prior to demolition works commencing, a method statement for the demolition of the north Lights building shall be submitted in writing to the Local Planning Authority for approval. Demolition shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: So as to agree an acceptable method for demolition and reclamation of materials.

INFORMATIVE: The method statement should also include a schedule of materials which can be salvaged and reused.

15 Prior to works commencing upon the roof of the building, written details of amendments to roof-top terrace including safety provision adjacent to the parapet shall be submitted for approval to the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To protect the fabric and appearance of the listed building.

INFORMATIVE: Drainage from these roof-top areas shall be internal.

16 Prior to works commencing upon the roof of the building, written details of the roof-top lift enclosures shall be submitted for approval to the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To protect the fabric and appearance of the listed building.

INFORMATIVE: Details shall illustrate the works in relation to the existing building

17 Details of any fire detection systems and measures to improve fire resistance shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development within the building and/or relevant sections of the building, and the development shall be carried out in strict accordance with the approved details.

Reason: In order to protect the historic character of the building.

18 All external fittings shall be drilled into mortar and not into brickwork.

Reason: To protect the external fabric of the listed building.

19 Prior to the commencement of works hereby approved, details concerning all proposed secondary glazing within the listed section of the MSF shall be submitted in writing to the Local Planning Authority for approval and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

INFORMATIVE: If it is considered that secondary glazing or other similar methods of heat retention would have an adverse impact upon the visual appearance of the listed building other methods should be sought, i.e. draught excluders.

20 Prior to works being carried out on the ground floor of the MSF, written details shall be submitted of proposals for the basement areas/service tunnels/pavement lights.

Reason: To protect the existing pavement lights within the immediate curtilage of the building

21 Prior to development commencing within the MSF and/or sections of the buildings, written details of wall and floor finishes shall be submitted in writing to the Local Planning Authority.

Reason: To protect the internal character of the Listed Building.

INFORMATIVE: Details should show the extent to which the glazed bricks within the MSF would be exposed and how other areas will be protected.

22 Prior to the occupation of the MSF a signage strategy should be submitted in writing to the Local Planning Authority for approval, for the retail/workshop areas.

Reason: To protect the character of the Listed Building

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

2. No openings for apertures

The building is Grade II listed, no openings or apertures should be formed within the facades of the MSF without Listed Building Consent.

**Contact details:**

**Author:** Richard Beal Assistant Team Leader (West and Centre Area)

**Tel No:** 01904 551610

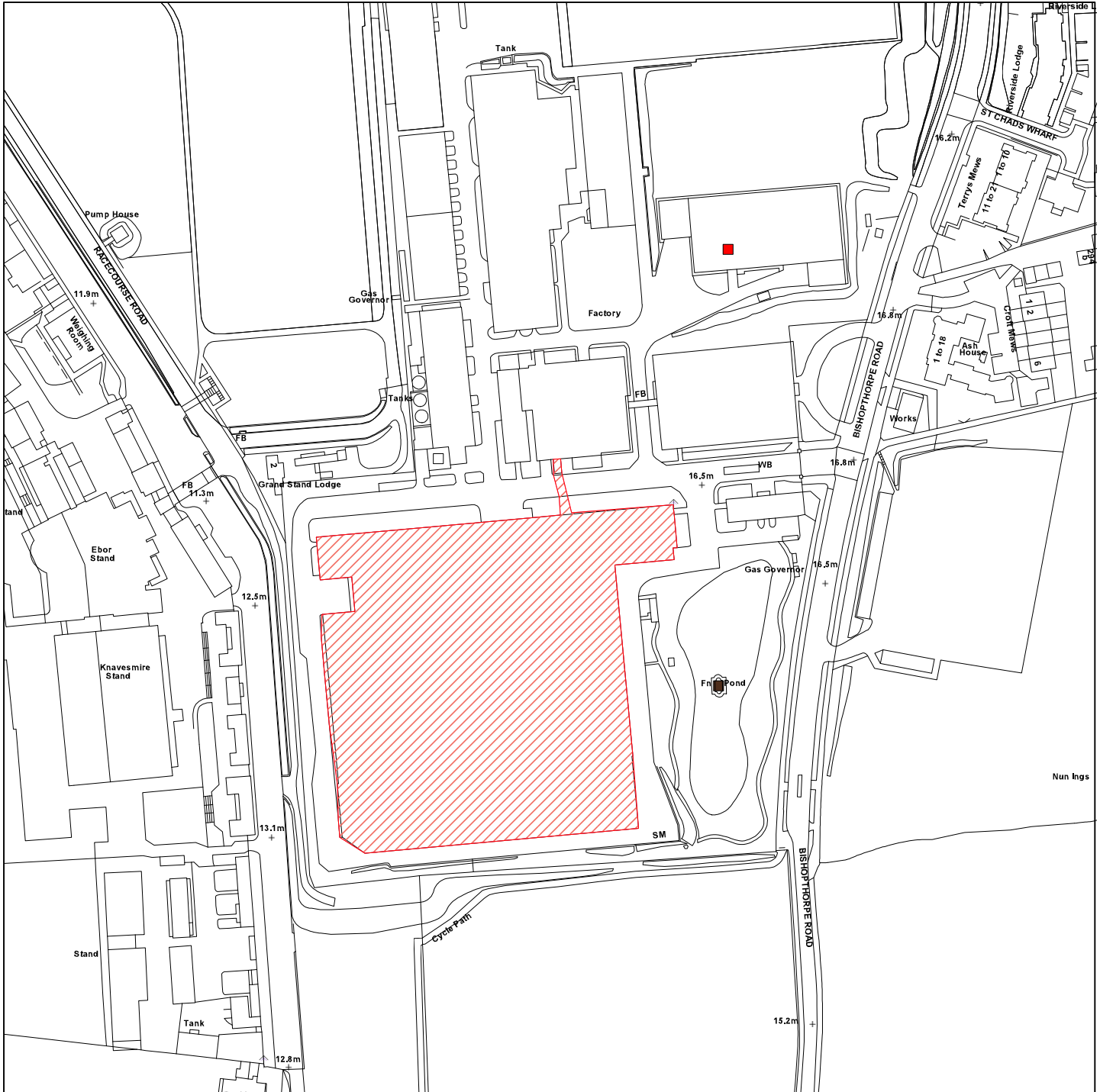


# Terrys - Multistorey Factory (MSF)

09/01608/LBC



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01607/LBC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Removal of external first floor walkway from Head Office Building  
**By:** GHT Developments LLP  
**Application Type:** Listed Building Consent  
**Target Date:** 22 October 2009

### 1.0 PROPOSAL

1.1 Listed Building Consent is sought for the removal of the external first floor walkway from the Central Services Building (CSB) to the former headquarters building (FHQ).

1.2 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for Conservation Area Consent and Listed Building Consent for works in the conservation area and to other adjacent listed buildings are also being considered in parallel. These applications are being considered collectively and as identified in PPG15 paragraph 3.2 and 4.27.

1.4 This application considers the impacts upon the historic character and appearance of the building and site which contains a number of listed buildings adjacent and is also within a conservation area, and impacts on the wider regeneration proposals associated with the development of the former Terry's site.

1.5 Demolition of the walkway is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.12 the walkway is considered to be part of the listed building listed as its attached to the former Headquarters building which is Grade II listed. The listing of the five 1920's factory buildings in 2005 confers statutory protection on the building.

### SITE LOCATION AND HISTORICAL BACKGROUND

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. The Terry's Factory 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. 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 Development 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.

1.7 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.

1.8 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. 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.

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.10 The factory complex can be seen 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.

1.11 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.

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

## BUILDING/SITE DESCRIPTION

1.13 The walkway is attached to the former Headquarters Building (FHQ). The FHQ is located towards Bishopthorpe Road and is part of the Central Avenue of original buildings on the main site. It is also within "The Racecourse and Terrys Factory Conservation Area" which was designated in 1975. Listed Building Consent is required for alterations to listed buildings. Conservation Area Consent is not required as listed buildings within Conservation Areas area exempt (sectn 75 of Planning (Listed Buildings and Conservation Areas) Act 1990.

1.14 The FHQ was built as the general office to the new Terry's factory complex when it moved to the Bishopthorpe Road Site in the 1920s. It is one of five buildings ranged along the main access road within the site though, exceptionally, it faces outwards across a semi-circular forecourt to represent the public face of the factory complex. The historic factory buildings share a common architectural language, described in the list description as Baroque Revival, and the use of brick with Empire Stone (art-stone) dressings unites their diverse forms. Although of only 2-storeys in height, the frontage of the headquarters building is designed to impress - with its 5 bay symmetrical façade, centralized porch and end bays breaking forward, and the use of rich classical detailing in stone around timber sash windows and doors. The Heritage Management Plan submitted with the application gives further details (sectn. 3.2). The building is listed at Grade II.

1.15 The factory complex as a whole is of historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming on a national scale York's high status in the business (ref list description). The southern half of the factory site, containing the remaining historic factory buildings and garden, is part of the Racecourse and Terry's Factory Conservation Area. The area is described in detail in the Character Appraisal dated June 2006.

1.16 The headquarters building has been little altered since its construction, though an access ramp and associated doors have been added to the south elevation onto the drive, some windows have been altered on the upper floor, and an access bridge has been attached in the centre of the west elevation. The current proposal is to remove the access bridge and make good. This would return the building to its independent state which would accord with the scheme of redevelopment submitted in parallel with these proposals. The parameters plan and associated table indicate that the headquarters building would remain in office use within the mixed use heart of the proposed scheme.

1.17 The bridge/walkway proposed for removal is one of two similar bridges introduced to link the Central Services Building (CSB), constructed in 1971, with the multi-storey factory and the office building. The bridge is of steel construction with glass/perspex cladding. Being of modern design and appearance it does not contribute to the special architectural or historic interest of the headquarters building to which it has been attached and it appears as an alien attachment to the building. Removal of the walkway would allow the damaging alteration of the west wall to be rectified.

## REASON FOR REFERRAL TO COMMITTEE

1.18 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

2.2 Policies:

## PLANNING POLICY

### National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). 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.

2.2 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.

### Yorkshire and Humber RSS

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes

should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

### **City of York - Draft Local Plan (April 2005)**

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

2.8 Draft Local Plan Policy HE3 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that within conservation areas, proposals for external alterations will only be permitted where full design details are submitted and the development does not adversely affect the setting and character of the conservation area.

2.9 Draft Local Plan Policy HE4 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

2.10 Draft Local Plan Policy HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that Listed building Consent and/or Conservation Area Consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take 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.

### **York Local Development Framework**

2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May 2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

## Supplementary Planning Documents

2.13 There are no supplementary planning documents scheduled for publication at present.

## Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by the City of York Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;
- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

## 3.0 CONSULTATIONS

### INTERNAL

#### Design, Conservation and Sustainable Development

3.1 The Council's Conservation Architect raised no objection but suggested 5 conditions be imposed should the application be approved.



## EXTERNAL

3.2 Conservation Area Advisory Panel – Raised no objections to the proposed scheme.

3.3 English Heritage recommended that appropriate materials should be used when making good the building. Also that traditional techniques should be used when carrying out the making good.

3.4 York Civic Trust sought the same provisions to making good the listed building as English Heritage.

3.5 Bishopthorpe Parish Council did not object.

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 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

4.1 The key consideration in assessing this scheme is the assessment of the historic interest of the building to be altered and the contribution of the addition and building to the wider group of Listed Buildings.

4.2 The FHQ is a key component of the Terry's Factory complex. Its position and design make it a landmark feature within Bishopthorpe Road. The grouping and relationship of the Clock Tower, Multi-Storey Factory building, Former Time Office Building and Liquor Store is an important element of this building.

4.3 The walkway/bridge is of steel construction with glass/perspex cladding. Being of modern design and appearance it does not contribute to the special architectural or historic interest of the headquarters building to which it has been attached and it appears as an alien attachment to the building. Removal of the walkway would allow the damaging alteration of the west wall to be rectified.

4.4 The conservation area appraisal considers the bridge link (walkway) to be a negative factor within the conservation area (9.18) and it is indicated as such on Map 10. Overall the removal of the bridge and restoration of the west wall would be beneficial to the architectural and historic interest of the building, and it should not jeopardize its future use.

4.5 Plans of the original and restored building have been submitted at the scale of 1:200. Further detail is required to be enable the LPA to determine the scope and type of restoration works. For instance it is not clear whether alterations to the original elevations will be restored or simply be made weather-proof and secure pending a suitable development scheme coming forward. It is acceptable to seek these additional details by the imposition of a condition.

4.6 Within the context of the regeneration of this site, these proposals seek to safeguard and bring back into use a listed building which is part of a group of national significance. The FHQ is a key building and occupies a location within the site that is subject to comprehensive regeneration in line with the Council's development brief. Demolition of the walkway/bridge is justified in line with the provisions of PPG15 and local plan policy HE4.

## 5.0 CONCLUSION

5.1 It is considered that the proposals to demolish the modern walkway/bridge which is attached to the FHQ are an essential enabler to the redevelopment of the former Terry's site. Demolition of the attachment would contribute to the future flexibility of site uses and the reuse of the listed building/s. The aforementioned proposals are therefore considered justified and would not adversely affect the special historic and architectural interest of the adjoining listed building or the character and appearance of the conservation area.

5.2 The proposed demolition of modern additions to the FHQ is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber, Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

2 PLANS2 Apprvd plans and other submitted details

3 Prior to commencement of works, a 1: 20 scale elevational drawing showing the scope of works in the area affected by the removal of the walkway/bridge connected to the former Headquarters building shall be submitted in writing to the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To protect and retain the character of the Listed Building.

INFORMATIVE: The drawing should show the scope of the work and type of remedial works proposed for reinstatement.

4 Prior to commencement of works a detailed schedule of work, including specification of materials and methods of works, shall be submitted in writing to the Local Planning Authority. Work shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To ensure acceptable of removal of the walkway/bridge and use of appropriate materials for the remedial works.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted, 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 acceptable appearance.

6 All pointing and re-pointing associated with the removal of the walkway/bridge shall match the existing pointing in colour, type and design.

Reason: So as to achieve a visually acceptable appearance.

7 All window details associated with the removal of the walkway/bridge shall match the existing windows in colour, type and design.

Reason: So as to achieve a visually acceptable appearance.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Reason for approval

In the opinion of the Local Planning Authority the demolition of the walkway/bridge connected to the FHQ, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to FHQ, adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

#### **Contact details:**

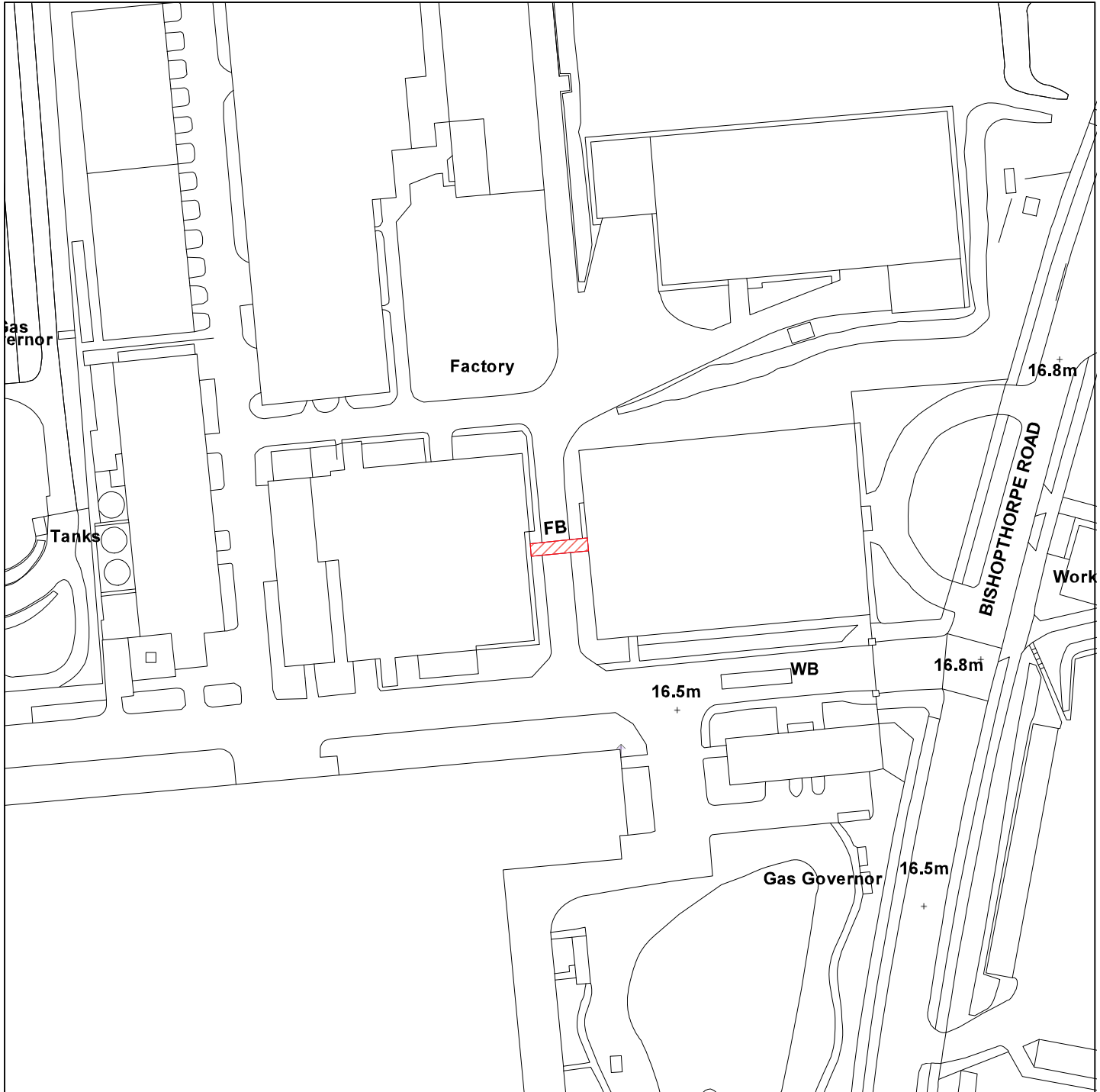
**Author:** Richard Beal Assistant Team Leader (West and Centre Area)

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# Terrys - Head Office Building

09/01607/LBC



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01609/LBC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Demolition of modern additions to the clock tower, ash bunker and boiler house building  
**By:** GHT Developments LLP  
**Application Type:** Listed Building Consent  
**Target Date:** 22 October 2009

**1.0 PROPOSAL**

1.1 Listed Building Consent is sought for demolition of all modern extensions to the Clock Tower/Boiler House and making good. This would make the building water tight and prepare the building for reuse.

1.2 For clarity the proposed demolitions are as follows:

- Demolish the northern extension which is of brick construction with corrugated sheet cladding to the walls. This is understood to have been used as a later boiler house, along with a shelter structure to the west.
- Demolish the extension to the west which is of a modern design constructed from redbrick and profiled sheet materials.

1.3 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for Conservation Area Consent and listed Building Consent for works to other adjacent listed and non listed buildings are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraph 3.2 & 4.27.

1.4 This application considers the impacts upon the architectural and historic interest and character of the Clock Tower/boiler house, which is a grade II listed building, and on the wider regeneration proposals associated with the redevelopment of the former Terry's site.

1.5 Demolition of the modern attachments is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.12 the extensions are regarded as being part of the listed structure. The listing of the five 1920's factory buildings in 2005 confers protection on the buildings in accordance with PPG 15 para 3.2.

**SITE LOCATION AND HISTORICAL BACKGROUND**

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. 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. 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 Development 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.

1.7 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.

1.8 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. 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.

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.10 The factory complex can be seen 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.

1.11 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.

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.



## BUILDING/SITE DESCRIPTION

1.13 The Clock Tower is a Grade II listed, being of historic importance and significance. Designed by architects J G Davis and L E Wade and constructed as part of a wider factory development, the original building known as the Clock Tower was built between 1924-30 for Terry's of York.

1.14 The building is encased in red brick with stone dressings and parapet. The roof is constructed of concrete and asphalt whilst fenestration is comprised of metal framed windows. The Clock Tower has six stages (storeys) and attached buildings have three storeys. In terms of further details the Clock Tower has brick angle pilasters with sunk-panel stone heads. It is noted that at the fifth stage (storey), of the building there are large small-paned sash windows with triple keyed lintels. The top stage (storeys) of the building has empire stone quoins and a clock face on each side on which the letters TERRY YORK replace numbers. The parapet has large corner blocks with balustrades between for additional detailing.

1.15 The clock has been described by Royal Horological Society as being of considerable importance.

1.16 Developments during the second half of the twentieth century included extensions to the north-light shed, the liquor store and the clocktower, the construction of an additional factory building with bridge links to the five storey factory and the head office, and various buildings to the north (outside the Conservation Area), some of which have subsequently been demolished.

1.17 To the west of the clock tower, the "ash bunker" is a two storey building with detailing similar to that of the clock tower. The "boiler house" was also constructed as part of the same complex of buildings and comprises similar detailing but is clearly subservient to the main landmark structure of the clock tower.

1.18 The building has been extended to the north which is understood to have been used as a later boiler house, along with a shelter type structure to the west. The later northern extension is of brick construction with corrugated sheet cladding to the walls. The extension to the west is of a modern design constructed from redbrick and profiled sheet materials. Nonetheless, the later extension is of a modern design taking few characteristics from the original build in terms of design scale and detailing.

## REASON FOR REFERRAL TO COMMITTEE

1.19 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

2.2 Policies:

## PLANNING POLICY

### National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). 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.

2.2 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.

### **Yorkshire and Humber RSS**

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

#### **City of York - Draft Local Plan (April 2005)**

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

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2.9 Draft Local Plan Policy HE4 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

2.10 Draft Local Plan Policy HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that Listed building Consent and/or Conservation Area Consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take 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.

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2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May

2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

#### Supplementary Planning Documents

2.13 There are no supplementary planning documents scheduled for publication at present.

#### Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by the City of York Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;
- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

### **3.0 CONSULTATIONS**

#### INTERNAL

#### Design, Conservation and Sustainable Development

3.1 The Council's Conservation Architect raised no objection but suggested 3 conditions be imposed should the application be approved.

#### EXTERNAL

3.2 Conservation Area Advisory Panel – Raised no objections to the proposed scheme.

3.3 English Heritage recommended that appropriate materials should be used when making good the building. Also that traditional techniques should be used when carrying out the making good.

3.4 York Civic Trust sought the same provisions to making good the listed building as English Heritage.

3.5 Bishopthorpe Parish Council raised no objection but asked that the Conservation Area Advisory Panels comments be taken into account

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 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**

4.1 The key consideration in assessing this scheme is whether the structures to be demolished would detrimentally affect the architectural or historic interest of the building or its contribution to the wider group of listed buildings within the conservation area.

4.2 The Clock Tower is a key component of the Terry's Factory complex. Its height makes it a landmark feature of the local landscape, visible from Campleshon Road, Bishopthorpe Road, the racecourse and when approaching York from the south. The grouping and relationship of the Clock Tower, Ash Bunker and Boiler House is an important element of this building.

4.3 The boiler house was extended to increase the capacity shortly after the construction of the multi-storey factory building and this part of the extension forms part of the special interest of the listed building. The later extensions date from the second half of the C20th when there was a change of fuel type to oil. These extensions are of rudimentary design unrelated to the design of the original building. The utilitarian nature of the buildings and lack of detailed architectural relationship with the original buildings mean that they do not form part of the intrinsic architectural and historic interest of the clocktower complex.

4.4 The proposals are to demolish all of the later extensions of the building and make good. The buildings have been modified over the years and many of the original

fixtures have been removed. The clock mechanism is original, as are the chimney, and lift within the Clock Tower. The buildings have retained their functional role, although have been altered at various times e.g. various inserted platforms and doorways and blocked windows. In addition the conservation area boundary excludes the later extensions from the area of special character and appearance.

4.5 Plans of the original and restored building have been submitted at the scale of 1:200. Further detail is required to be enable the LPA to determine the scope and type of restoration works. For instance it is not clear whether alterations to the original elevations will be restored or simply be made weather-proof and secure pending a suitable development scheme coming forward. It is acceptable to seek these additional details by the imposition of a condition.

4.6 Within the context of the regeneration of this site, these proposals seek to safeguard and bring back into use a listed building which is part of a group of national significance. The Clock Tower is a key building and occupies a location within the site that is subject to comprehensive regeneration in line with the Council's development brief. Due to the limited intrinsic interest of the later extensions, demolition of these is justified in line with the provisions of PPG15 and local plan policy HE4.

## **5.0 CONCLUSION**

5.1 It is considered that the proposals to demolish the modern buildings are an essential enabler to the redevelopment of the former Terry's site. The demolition of the later extensions would contribute to the continuation of the site and the reuse of the listed building/s. The aforementioned proposals are therefore considered justified and would not adversely affect the special architectural or historic interest of the listed building or adjacent listed buildings within the Conservation Area.

5.2 The proposed demolition of modern additions to the clock tower, ash bunker and boiler house building is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber , Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2 PLANS2 Approved plans and other submitted details

3 Prior to commencement of works, a detailed schedule of work, including specifications of materials and methods of restoration and repair shall be submitted in writing to the Local Planning Authority. Works shall then be carried out in strict accordance with the written approved details by the Local Planning Authority.

Reason: To protect and retain the character of the Listed Building.

INFORMATIVE: This should be supplemented by 1:20 drawings, in plan and in elevation, showing the full extent of alteration in each area.

4 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 acceptable appearance.

5 Prior to commencement of works, a 1:100 site plan of the building and its immediate curtilage showing the existing and proposed extent of works, shall be submitted in writing to the Local Planning Authority. Ground works shall then be carried out in strict accordance with the proposed curtilage drawings as approved by the Local Planning Authority.

Reason: So as to achieve a visually acceptable appearance and a cohesive appearance with the rest of the development.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Clock Tower which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

### **Contact details:**

**Author:** Richard Beal Assistant Team Leader (West and Centre Area)

**Tel No:** 01904 551610

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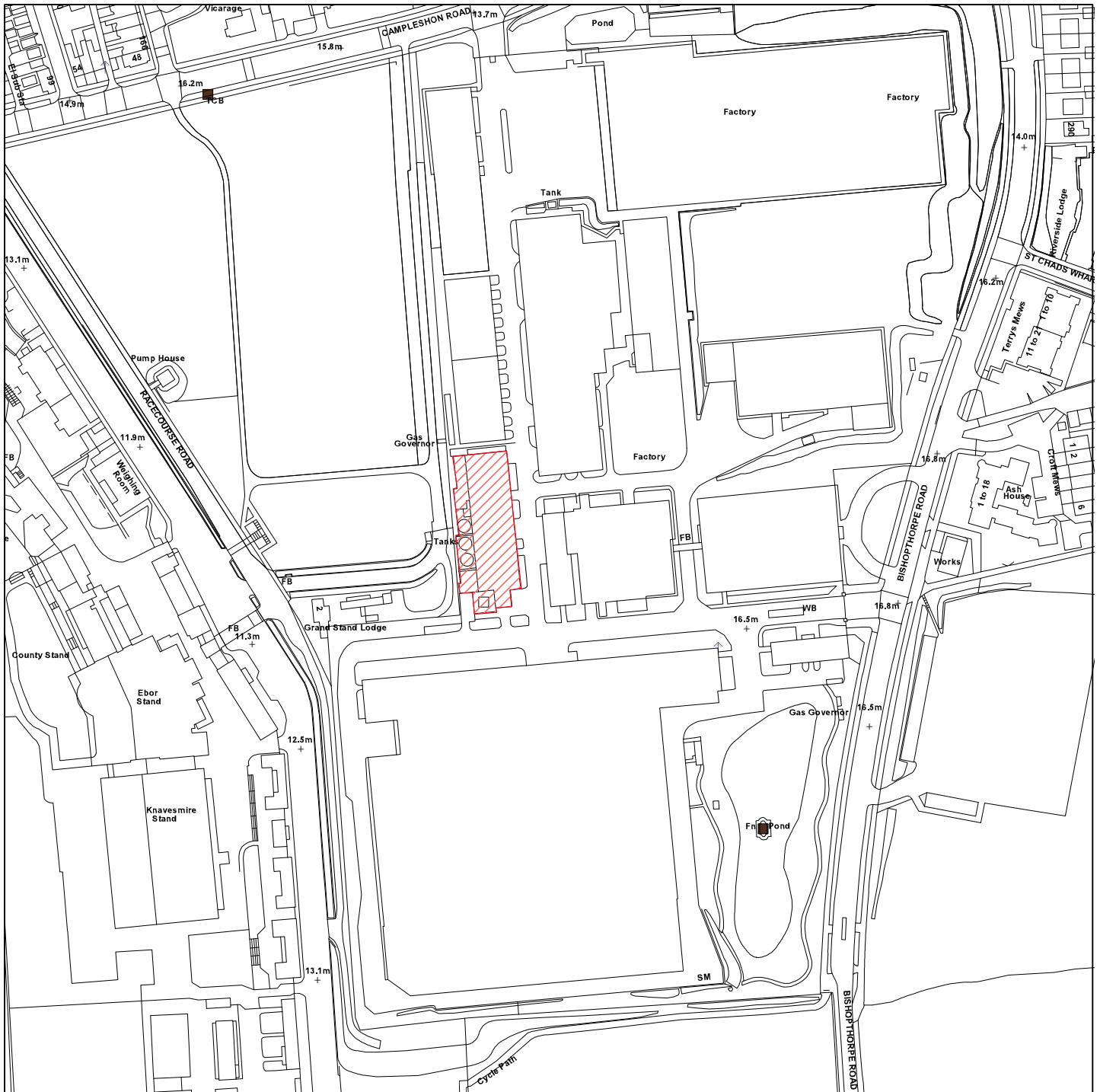


# Terrys - Additions to Clock tower, Ash Bunker and

09/01609/LBC



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01610/LBC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Demolition of modern additions to the Liquor Store  
**By:** GHT Developments LLP  
**Application Type:** Listed Building Consent  
**Target Date:** 22 October 2009

**1.0 PROPOSAL**

1.1 Listed Building Consent is sought for the demolition of the 1960's shed extension to the former transformer building, now known as the Liquor Store, for making good the original listed building to make it weather tight, in readiness for bringing back into active and beneficial use. Listed Building Consent is also sought for the removal of the stairs attached to the western elevation and for making good the openings.

1.2 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for Conservation Area Consent and Listed Building Consent for works to other non listed and adjacent listed buildings are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraphs 3.2 & 4.27.

1.4 This application considers the impacts upon the architectural and historic interest of the Liquor Store, which is a grade II listed building situated within the Racecourse and Terry's Factory conservation area, and on the wider regeneration proposals associated with the redevelopment of the former Terry's site.

1.5 Demolition of the modern attachments is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.12 the extensions are now regarded as part of the listed building. The listing of the five 1920's factory buildings in 2005 confers protection on the buildings in accordance with PPG 15 para 3.2.

**SITE LOCATION AND HISTORICAL BACKGROUND**

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. 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. 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 Development 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.

1.7 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.

1.8 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. 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.

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.10 The factory complex can be seen 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.

1.11 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.

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

## BUILDING/SITE DESCRIPTION

1.13 Designed by architects J G Davis and L E Wade and constructed as part of a wider factory development, the building known as the Liquor store (but which also known as the Transformer House by virtue of it's role of distributing electric power to the factory), was built between 1924-30 for Terry's of York. The original part of the building is characterised by red brick with stone dressings. The main building is

single storey and 7 bays long with raised entrances and a brick parapet to conceal a concrete and asphalt flat roof. It is the shorter elevation that presents itself to the access road.

1.14 On that frontage there are central double half-glazed wooden doors with overlights which are approached by a flight of steps with brick walls and posts. To either side of this entrance are mullioned and transomed small-paned window to each side. Around the building is an eaves strip in stone below the parapet to provide definition. The left return elevation has two raised entrances up short flights of open steps. Both of these have overlights and are later alterations to the original build, being derived from window openings originally. On this elevation there is also an additional larger entrance to ground level at left end of building. As with the front elevation, fenestration comprises mullioned and transomed windows with small panes. There are also basement windows, but these are closed up but with some sandstone lintels remaining.

1.15 The Liquor Store was originally built to house the factory transformers which worked in conjunction with the adjacent boiler house (clock tower building) to guarantee the power supply for the new Terry's factory established on Bishopthorpe Road in the 1920s. The transformers were later relocated in an extension to the clock tower building and the original transformer building was reused, first as a bean roasting facility and then as a liquor store. The building is one of the five original factory buildings lining the main entrance drive. The historic factory buildings share a common architectural language, described in the list description as Baroque Revival, and the use of brick with Empire Stone dressings unites their diverse forms. Although the Liquor store is a relatively small building, its elevated tall ground floor and use of symmetry in a simple box form enable the building to appear important alongside it much taller neighbours.

1.16 The factory complex as a whole is of historic interest, representing the most complete surviving expression of the importance of the confectionary business in York and confirming York's high status in the business on a national scale. The southern half of the factory site, containing the remaining historic factory buildings and the garden, is part of the Racecourse and Terry's Factory Conservation Area.

1.17 In the second half of the C20th two pitched roof extensions of brick with sheet roofing were added to the north side (rear) of the Liquor Store. The extensions are simple utilitarian buildings with no architectural pretensions. The list description confirms that these additions are of no special interest. Other alterations to the building were made around this time including the modification of windows on the West elevation to create doors, the addition of concrete steps with additional blockwork support, blocking of the basement windows and the addition of roller shutters.

1.18 The building is considered listed by virtue of its value within the wider group of associated listed buildings connected with the Terry's Factory. The building lies within the Racecourse and Terry's Factory Conservation Area.

REASON FOR REFERRAL TO COMMITTEE

1.19 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

2.2 Policies:

### **PLANNING POLICY**

National Planning Guidance

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Design, Conservation and Sustainable Development

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3.4 York Civic Trust sought the same provisions to making good the listed building as English Heritage.

3.5 Bishopthorpe Parish Council raised no objection.

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 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**

4.1 The key considerations in assessing this scheme are:

- The contribution of the elements to be removed upon the special architectural and historic architectural interest of the Listed Building; and
- The effect of the proposed alterations upon the special historic and architectural interest of the building.

The contribution of the elements to be demolished on the special historic and architectural interest of the Listed Building.

4.2 These later alterations have adversely affected the historic and architectural interest of the building. The conservation area appraisal also draws attention to their negative impact on the area (para 9.17). The proposed removal of the later additions would be beneficial to the architectural and historic interest of the building.

4.3 As with the extensions to the north, the stairs attached to the west elevation are also later additions/alterations to the main building. The nature of the design and materials used afford these features little intrinsic interest and represent unsympathetic alterations to key outward facing elevation of the building.

4.4 This is supported by the Council's Conservation Area Appraisal which concludes that these later additions to the Liquor Store contribute little to the special interest of the main building.

Effect of the proposed alterations upon the special historic and architectural interest of the building

4.5 The liquor store/transformer house was designed as a stand alone structure set within a wider factory building complex that shares commonality in elements of design and materials. The additions to be removed whilst in themselves are of little intrinsic interest, also serve to detract from the character and appearance of the main building as they are unsympathetic alterations. The removal of the later additions to the building will serve to restore the original building envelope, in readiness for bringing back into beneficial use. See Appendix 3 for further detail.

4.6 Proposals to rebuild the left-hand balustrade of the entrance steps would help to restore the front façade of the building facing the drive.

4.7 Within the context of the regeneration of this site, these proposals seek to safeguard and bring back into use a listed building which is part of a group of national significance. The Liquor Store is a key building and occupies a location within the site that is subject to comprehensive regeneration in line with the Council's development brief. Due to the limited intrinsic interest of the later extensions, demolition of these is justified in line with the provisions of PPG15 and local plan policy HE4.

## **5.0 CONCLUSION**

5.1 It is considered that the proposals to demolish the modern buildings and staircase are an essential enabler to the redevelopment of the former Terry's site. The demolition of these non-listed buildings/structure would contribute to the continuation of the site and the reuse of the listed building/s. The aforementioned proposals are therefore considered justified and would not adversely affect the special historic and architectural interest of the adjoining listed building or the character and appearance of the Conservation Area.

5.2 The proposed demolition of modern additions to the Liquor Store is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber, Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2 PLANS2 Approved plans and other submitted details

3 Prior to commencement of works, a detailed schedule of work, including specifications of materials and methods of restoration and repair shall be submitted in writing to the Local Planning Authority. Works shall then be carried out in strict accordance with the written approved details by the Local Planning Authority.

Reason: To protect and retain the character of the Listed Building.

INFORMATIVE: This should be supplemented by 1:20 drawings, in plan and in elevation, showing the full extent of alteration in each area.

4 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 acceptable appearance.

5 Prior to commencement of works, a 1:100 site plan of the building indicating its existing and proposed curtilage, shall be submitted in writing to the Local Planning Authority. Ground works shall then be carried out in strict accordance with the submitted drawings as approved by the Local Planning Authority.

Reason: So as to achieve a visually acceptable appearance and a cohesive appearance with the rest of the development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

#### **Contact details:**

**Author:** Richard Beal Assistant Team Leader (West and Centre Area)

**Tel No:** 01904 551610

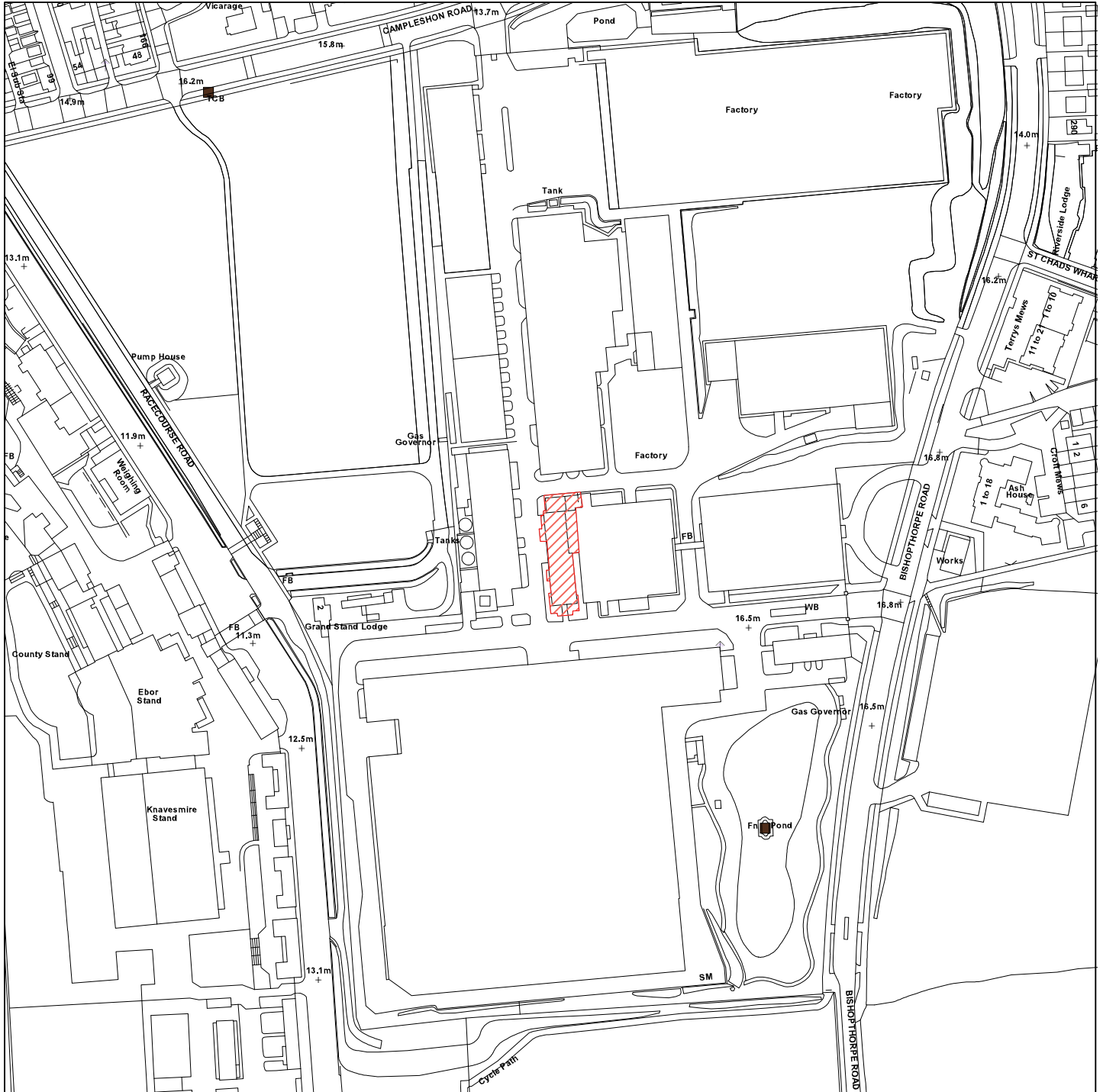
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# Terrys - Addition to Liquor Store

09/01610/LBC



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Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01611/LBC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Demolition of the Nut and Fruit Store  
**By:** GHT Developments LLP  
**Application Type:** Listed Building Consent  
**Target Date:** 22 October 2009

### 1.0 PROPOSAL

1.1 Listed Building Consent is sought for the demolition of the Nut and Fruit store and the re-grading of the immediate site in preparation for the wider re-development and regeneration of the former Terry's Factory complex.

1.2 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for Conservation Area Consent and listed Building Consent for works to other non listed and listed buildings are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraphs 3.2 & 4.27.

1.4 This application considers impacts upon the architectural and historic interest of the building and the wider site which includes a number of listed buildings. It also considers impact of demolition on the adjacent conservation area and the wider regeneration proposals associated with the redevelopment of the former Terry's site.

1.5 Demolition of the Fruit and Nut Store is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.33 the building is considered to be a curtilage listed structure. The listing of the five 1920's factory buildings in 2005 confers protection on the building as it has formed part of the factory curtilage since before 1<sup>st</sup> July 1948.

### SITE LOCATION AND HISTORICAL BACKGROUND

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. 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. 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 Development 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.

1.7 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.

1.8 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. 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.

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.10 The factory complex can be seen 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.

1.11 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.

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

## BUILDING/SITE DESCRIPTION

1.13 The Fruit and Nut Store is a semi-subterranean building located in the centre of the northern half of the former Terry's factory site. The northern part of the site is outside the Racecourse and Terry's Factory Conservation Area, therefore conservation area consent for demolition is not required.

1.14 The building was built around the outbreak of WW1(1939/40) and evidence suggests that it was primarily constructed as an air-raid shelter. Except for the



substantial steel frame and the deep concrete roof, the survey reports that there is no further evidence of this initial use remaining in the building (Under Construction Archaeology Nov 2006). In particular the exposed east elevation has been considerably altered, windows and doors having been inserted. Most of these elements appear typical of the post-war period of austerity. The building was subsequently used as a jam manufacturing plant (Chivers) and later as a fruit and nut store. It appears to have been empty for some time and, except for the superstructure, it is in a dilapidated condition.

1.15 Demolition of the building is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.33 the building is considered to be a curtilage listed structure. The listing of the five 1920's factory buildings in 2005 confers protection on the building as it has formed part of the factory curtilage since before 1<sup>st</sup> July 1948.

1.16 Historically the Fruit and Nut Store did not form part of the original suite of buildings designed for Terry's of York by JG Davies & LE Wade. The building is not essential to our understanding of the confectionary manufacturing process as represented by the five complementary buildings ranged along the main access drive.

#### REASON FOR REFERRAL TO COMMITTEE

1.17 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

### 2.2 Policies:

## PLANNING POLICY

### National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). 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.

2.2 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.

### **Yorkshire and Humber RSS**

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

### **City of York - Draft Local Plan (April 2005)**

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

2.8 Draft Local Plan Policy HE3 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that within conservation areas, proposals for external

alterations will only be permitted where full design details are submitted and the development does not adversely affect the setting and character of the conservation area.

2.9 Draft Local Plan Policy HE4 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

2.10 Draft Local Plan Policy HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that Listed building Consent and/or Conservation Area Consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take 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.

#### York Local Development Framework

2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May 2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

#### Supplementary Planning Documents

2.13 There are no supplementary planning documents scheduled for publication at present.

#### Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by the City of York Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;
- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

### **3.0 CONSULTATIONS**

#### **INTERNAL**

Design, Conservation and Sustainable Development

3.1 The Council's Conservation Architect raised no objection but suggested 3 conditions be imposed should the application be approved.

#### **EXTERNAL**

3.2 Conservation Area Advisory Panel – Raised no objections to the proposed scheme.

3.3 English Heritage recommended that appropriate materials should be used when making good the building. Also that traditional techniques should be used when carrying out the making good.

3.4 York Civic Trust sought the same provisions to making good the listed building as English Heritage.

3.5 Bishopthorpe Parish Council did not object.

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 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**

4.1 The key consideration in assessing this scheme is the assessment of the historic interest of the building to be demolished and the contribution of the building of the wider group of Listed Buildings.

4.2 Constructed several years after the original factory complex the Nut and Fruit store shares none of the architectural language or other design features contained within those buildings. The building is utilitarian in nature, being designed initially for the purpose of air raid protection for factory workers.

4.3 The Building Appraisal and PPG15 statement, submitted by the applicant, identify the intrinsic interest of the building. It is concluded that the building is of limited local & historical significance and in itself and not worthy of retention. In terms of its contribution to the interest of the wider factory complex, the Nut and Fruit Store is physically separated from it and is largely subterranean. Other buildings that are part of the original complex and listed in their own right, are of national significance.

4.4 The masterplan proposals seek to safeguard and bring back into use buildings that are of National significance and are listed in their own right. Demolition of The Nut and Fruit Store must be considered within this context ie it forms part of a wider comprehensive redevelopment of the whole factory site. The Nut and Fruit Store is technically regarded as being "curtilage listed" through it having been built on the factory site prior to 1948 and therefore within the grounds of buildings on the Statutory List. Its intrinsic interest is not of National significance. The building occupies a central location within the site that would prevent, or at the very least impinge upon, the comprehensive redevelopment of the site. Therefore on the basis of the limited historic interest of the building and the wider regeneration benefits that its removal would create, it is considered acceptable to demolish the structure in line with the provisions of PPG15 paras 3.16-3.19 and Local Plan Policy HE4.

## **5.0 CONCLUSION**

5.1 It is considered that the proposals to demolish the Fruit and Nut Store are an essential enabler to the redevelopment of the former Terry's site. The demolition of this curtilage listed building would contribute to the continuation of the site and the reuse of the adjacent listed buildings. The building is of relatively low architectural and historic significance and therefore the proposals are considered justified and demolition would not adversely affect the intrinsic interest of the special group of adjacent listed buildings or the setting of the Conservation Area.

5.2 The proposed demolition of Fruit and Nut Store is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber , Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2      PLANS2      Apprvd plans and other submitted details

3      Prior to commencement of works, a level 1 photographic record must be submitted in both CD and hardcopy format to the Local Planning Authority.

Reason: To provide a record of the building.

4      The building should not be demolished without giving English Heritage's Research and Standards Section (York Regional Office) 2 months notification of intent to demolish.

Reason: To allow the Military Support Officer to visit the building to take records for research purposes.

5      Within 3 months of the building being demolished, a written schedule of salvaged materials shall be submitted to the Local Planning Authority.

Reason: To provide a record of the building and materials which have been salvaged.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Reason for approval

In the opinion of the Local Planning Authority the demolition of the Fruit and Nut Store, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

#### **Contact details:**

**Author:**      Richard Beal Assistant Team Leader (West and Centre Area)

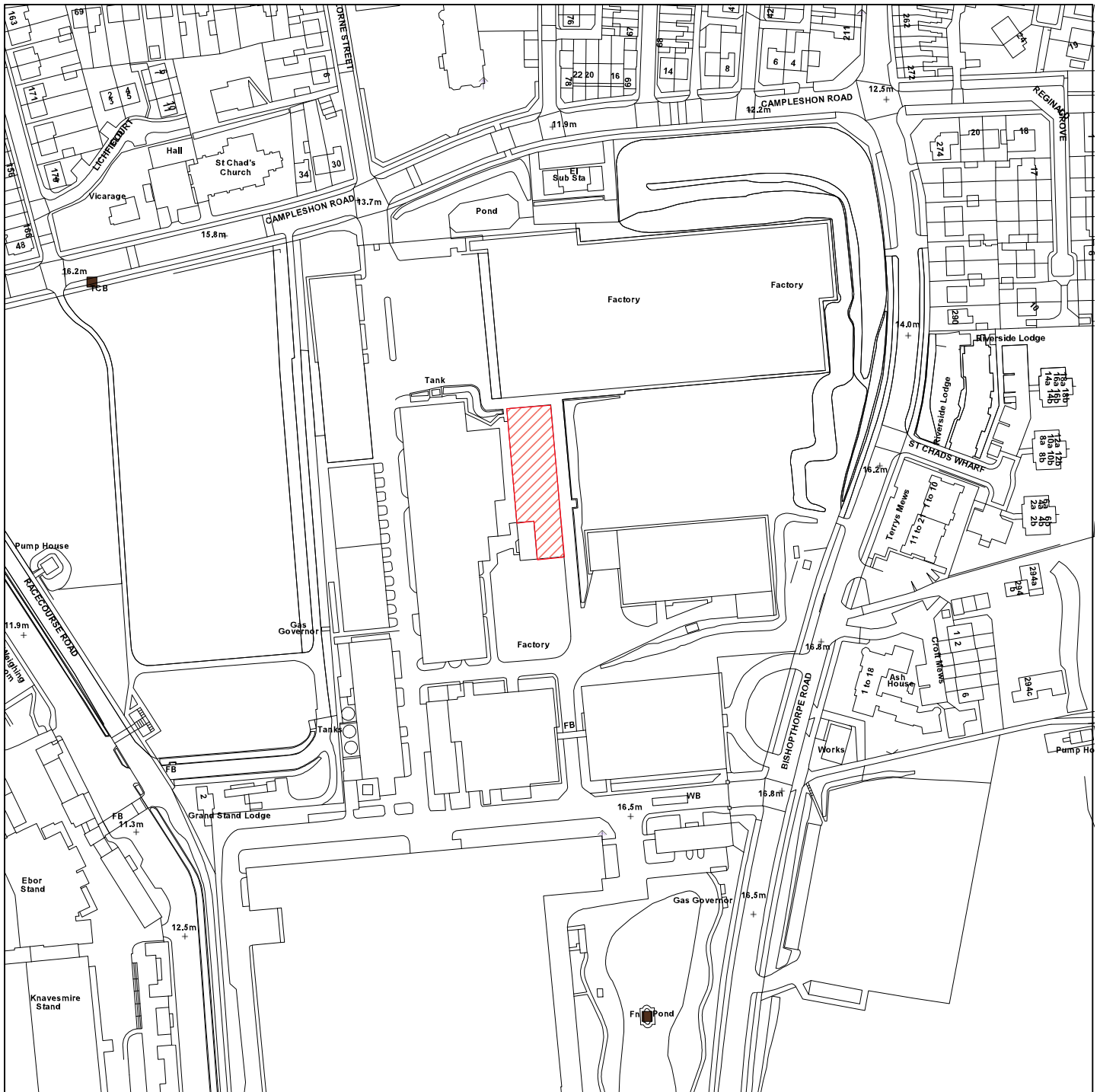
**Tel No:**      01904 551610

# Terrys - Nut and Fruit Store

09/01611/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Micklegate  
**Date:** 3<sup>rd</sup> February 2010      **Parish:** Micklegate Planning Panel

**Reference:** 09/01612/CAC  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Demolition of the central services building  
**By:** GHT Developments LLP  
**Application Type:** Conservation Area Consent  
**Target Date:** 22 October 2009

**1.0 PROPOSAL**

1.1 Conservation Area Consent is sought for the demolition of the Central Services Building (CSB). Details of the replacement building form part of the hybrid application (09/01606/OUTM). The latter application describes reuse of the site for a hotel, providing 9,697 m<sup>2</sup> of floor space, over 4-storeys.

1.2 The parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for works to adjacent listed buildings are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraphs 3.2 & 4.27.

1.4 This application considers the impacts of demolition upon the historic character and appearance of the site which has a number of listed buildings adjacent and is within a conservation area, and on the wider regeneration proposals associated with the redevelopment of the former Terry's site.

1.5 Demolition of the Central Services Building (CSB) is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development.

**SITE LOCATION AND HISTORICAL BACKGROUND**

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. 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. 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 Development 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.

1.7 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.

1.8 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. 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.

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. 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. 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.

1.10 The factory complex can be seen 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.

1.11 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.

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from 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 arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

## BUILDING/SITE DESCRIPTION

1.13 The Central Services Building derives from the modernist school of architecture and dates from the early 1970's. The design is typical of that era. The building is utilitarian in character being 3-storeys in height together with walkway connections to the adjacent Listed Buildings of the Multi Storey Factory (MSF) and Head Office.

1.14 On the main elevations, the rhythm of the building is dictated by curtain walling in alternating solid and glazed bands at first and second floor levels. At ground floor level, the elevation is partially recessed enabling supporting pillars to be exposed.

1.15 On the elevation that is opposite the MSF overlooking the main access road, the façade is interrupted by a glazed link to the MSF connected by a stairwell extension of the CSB, all of a utilitarian character and appearance. A bridge also links the building with the former Headquarters Buildings (FHQ).

1.16 Panels of red brick have been incorporated into the building along with walling and fenestration bands. A comprehensive photographic survey of the building is contained at Appendix 6 of the Environmental Statement that accompanies the associated planning application.

1.17 The historic factory buildings and the Central Services Building occupy sites either side of the main drive in the southern half of the original factory site. This area is included within the Racecourse and Terry's Factory Conservation Area. A conservation area appraisal describing the character of the designated area was completed in June 2006, and the historic factory buildings form one of two substantial groups of buildings within the wider landscape setting outside the site.

#### REASON FOR REFERRAL TO COMMITTEE

1.18 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

2.2 Policies:

### PLANNING POLICY

National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). 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.

2.2 Paragraphs 4.25-4.29 of PPG 15 introduce controls over demolition of unlisted buildings in conservation areas. In exercising conservation area controls, local authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question.

### **Yorkshire and Humber RSS**

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

### **City of York - Draft Local Plan (April 2005)**

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

2.8 Draft Local Plan Policy HE3 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that within conservation areas, proposals for external alterations will only be permitted where full design details are submitted and the development does not adversely affect the setting and character of the conservation area.

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and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

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#### York Local Development Framework

2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May 2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

#### Supplementary Planning Documents

2.13 There are no supplementary planning documents scheduled for publication at present.

#### Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by the City of York Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are

attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;
- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Urban Design and Conservation

3.1 The Council's Conservation Officer does not raise any objections to the demolition of the CSB and its bridge links to the historic buildings as identified in section 1. The Conservation Area Appraisal identifies the building as making a negative contribution to the conservation area. The officer considers that the CSB and its extensions detract from the Conservation Area and their removal would have a positive impact upon the Conservation area and the setting of adjacent listed buildings.

#### EXTERNAL

##### Bishopthorpe Parish Council

3.2 The Parish Council did not object to this proposal.

##### English Heritage (EH)

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

##### Interested parties

3.4 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.5 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**

4.1 The following key considerations are relevant in considering the proposals for the demolition of the central services building:

- The contribution of the building to Conservation Area Character and its appearance;
- The Impact of the building on the setting of surrounding Listed Buildings; and
- The replacement proposals

## Demolition

The Central Services Building (CSB) was introduced into the Terry's factory complex in 1971 to provide a canteen for 600 workers, workshops and offices. Its design is typical of the 70's, i.e. it is of a modernist design that makes little reference to its surrounding context.

Of particular significance are the first floor level walkways which connect the CSB to the former Head Office Building and Multi Storey Factory building both of which are Listed Buildings. The walkways are glazed with curved roofs, being typical of late C20th design and do not relate to the historic character and appearance of the either the Head Office of MSF. In particular the walkway between the CSB and MSF interrupts a key east to west view along the main access road disrupting the rhythm of the northern façade of the MSF and consequent views along the road. In addition the stairwell that protrudes from the CSB provides further interruption and discontinuity in this key vista.

The building is also attached to the liquor store (a grade II Listed Building) by virtue of modern extensions to the rear of the building. Nonetheless the CSB does not relate to this original building and detracts from the design quality and features of it.

The character, appearance and setting of the surrounding Listed Buildings are adversely affected by the existence of the CSB and associated Walkways.

Although the CSB occupies a position on the main east-west driveway amongst the historic factory buildings it is considered to make a negative contribution to the character of the area, being related neither historically nor architecturally to the group of earlier buildings. The building was designed by the local firm of Tom Adams Associates and its design is typical of the early 1970s. It ignores the architectural style of the earlier buildings and is constructed of 3 floors with a concrete frame and waffle slabs with horizontal strip windows on the upper two floors and the ground floor is set back behind columns. The materials are mainly glass and "Polystone\*" cladding with a small area of brickwork intended to relate to the materials of the earlier buildings on site. In its design, use of materials and general horizontal emphasis the building is unlike its pre-existing neighbours, although "Yorkshire Architect" magazine featured the building as its industrial building of the year in 1971.

The CSB offers some enclosure to the main access drive although the stair-tower breaks forward of the general building line and the later bridge addition linking the multi-storey factory interrupts the long view down the drive towards the racecourse buildings. The conservation area appraisal states (para 9.18) that "the 1970s building on the north side of the main access road, together with its two bridge links, has a detrimental impact on the appearance of the area because of its uncharacteristic materials, horizontal emphasis and expressed frame. The bridge link to the five-storey factory is particularly intrusive as it disrupts the view west from the main gates". Map

10 of the appraisal also shows the building and later attachments as having a negative impact on the appearance of the conservation area. Also photographs in plates 57 & 58 of the appraisal show the negative impact of the 1970's building and its attachments on the views and setting of the headquarters building and clocktower as seen from the main gates.

It is considered that the CSB does not make a positive contribution to the character and appearance of the conservation area in the factory sub-area. In addition a number of factors associated with the CSB have an adverse impact on the setting of the listed buildings and these are: the modernist architectural design, the footprint which intrudes on the main access drive and steps in front of the historic building alignment, and the damaging attachments which link the building to its neighbours.

PPG 15 para 4.27 states that where an unlisted building makes little or no contribution to the character or appearance of a conservation area the local planning authority is entitled to consider the merits of any proposed replacement scheme before determining whether consent is given for demolition. Local Plan Policy HE3 states that applications in conservation areas will only be considered if full details are included. The hybrid application for the wider regeneration of the former factory site provides details in this respect through the Parameters Plan and Table, the Masterplan and the Design Code. The additional section 5 of the Design Code sets out design parameters for the site (new hotel). Any proposed building will be required to demonstrate how it mends the street elevation. It should also show how it relates to the scale, massing, materials detailed emphasis etc of the adjacent listed buildings. The Masterplan is necessarily indicative as end users have not been identified at this stage.

In summary the CSB detracts from the character and appearance of this part of it. This is identified within the Conservation Area Appraisal and the building appraisal contained at Appendix 1. As this is the case demolition of the building will not harm the character of the Conservation Area and is acceptable, meeting the provisions of PPG15 and local plan policies HE3 and HE5.

As the existing building does not make a positive contribution to the conservation area it is considered inappropriate to impose a condition preventing the demolition of the building in advance of redevelopment proposals gaining consent. Should conservation area consent be granted for demolition

The application documents outline a replacement building for use as a hotel over a maximum of 4-floors. Proposals indicate that the building would be an independent structure with a frontage onto the main east-west access drive. The footprint would respect the historic building alignment providing continuity of enclosure along the north side of the space. The 4-storeys of accommodation proposed as maximum would represent an increase of a storey on the existing building height and without full details the overall effect on the street-scene cannot be determined. However the following factors should be considered in judging the relative merits of this proposal:

- at a maximum of 4- floors the height of the hotel would be just over half the height of the Multi-Storey Factory building; so it would not compete with this dominant building;



- at present the buildings on the north side of the street have varying roof heights and they use scale differently;
- the increased height resulting from the proposed hotel building would be ameliorated by being set at ground level rather than at the raised level of adjacent listed buildings to east and west; and
- although the proposed roof height would exaggerate the variety in massing and height of buildings on the north side of the access drive, it would be possible to employ various architectural devices to unite the building with its neighbours.

With respect to the latter point the design code has been strengthened (additional section 5) to guide future redevelopment proposals towards better integration into the historic building complex. The criteria now include the use of compatible materials, use of set-backs at upper level and the introduction of cornice lines/string courses/plinths or other devices, to anchor the new building into this specific location. Ultimately the Council may withhold planning permission if an unacceptable scheme comes forward at reserved matters stage. However it is considered that the strengthened principles for redevelopment of the site will assist in safeguarding the setting of the listed buildings and also in achieving preservation or enhancement of the character or appearance of the conservation area in future development proposals.

In summary, the design coding will ensure that the replacement building enhances Conservation Area Character and appearance and takes its place between a number of Listed Buildings. The proposals are therefore acceptable and meet the provisions of PPG15 and Local Plan policy.

The proposals seek to safeguard and bring back into use, buildings that are of National significance and are Listed in their own right. Within the context of this site, the proposal to demolish the CSB forms part of a wider comprehensive development of the whole site. The CSB is not listed and occupies a central location within the site that would prevent or at the very east interrupt the wholesale development of the site. Therefore on the basis of the limited historic interest of the building and the wider regeneration benefits that its removal would create, it is considered acceptable to demolish the structure in line with the provisions of PPG15 and local plan policy HE4.

## **5.0 CONCLUSION**

5.1 It is considered that the proposals to demolish the CSB are an essential enabler to the redevelopment of the former Terry's site. The demolition of this non-listed building would contribute to the continuation of the site and the reuse of the adjacent listed building/s. The aforementioned proposals are therefore considered justified and would not adversely affect the special historic and architectural interest of the adjacent listed buildings or the character and appearance of the Conservation Area.

5.2 The proposed demolition of the CSB is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber, Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

2 PLANS2 Apprvd plans and other submitted details

3 Prior to demolition works commencing, a method statement for the demolition of the building shall be submitted in writing to the Local Planning Authority. Demolition shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: So as to agree an acceptable method for demolition and reclamation of materials.

INFORMATIVE: It should include a section describing the approach to reclamation, storage and reuse of salvaged materials.

4 The connecting walkways/bridges from the CSB to the MSF and former Headquarters Building shall not be removed until either Listed Building Consent is obtained for each of the listed buildings, or alternatively full written and drawn details of the restoration of the respective facades is submitted. Schemes should be agreed in writing by the LPA.

Reason: To protect the adjoining listed buildings.

5 Appendix 6 of the submitted Environmental Statement provides a paper record of the building. An electronic copy of the information should also be provided within 3 months of the date of approval, to the Local Planning Authority.

Reason: To provide a record of the building.

### 7.0 INFORMATIVES:

#### Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the demolition of the Central Services Building, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

#### Contact details:

**Author:** Richard Beal Assistant Team Leader (West and Centre Area)

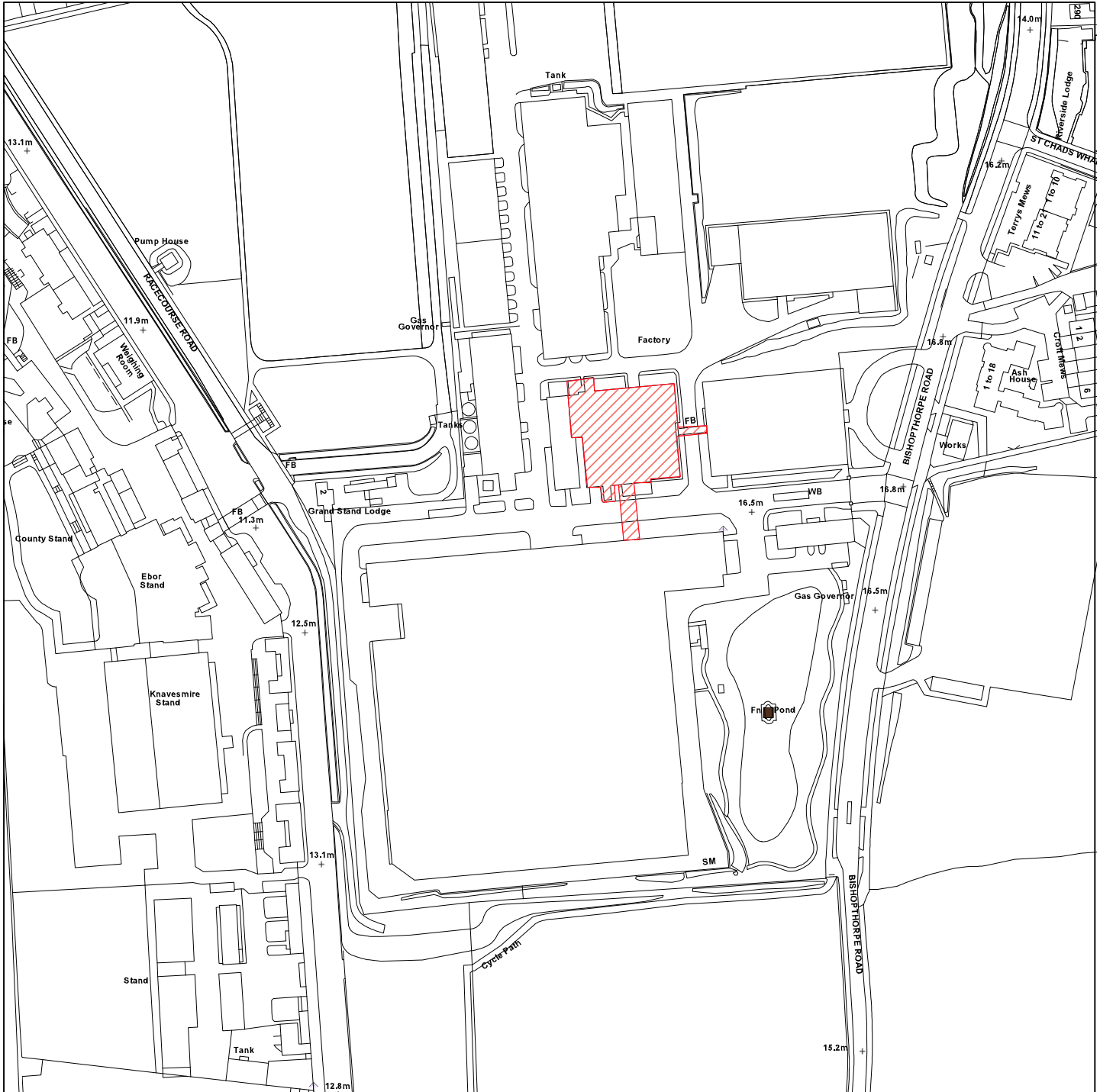
**Tel No:** 01904 551610

# Terrys - Central Services Building

09/01612/CAC



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	25 January 2010
<b>SLA Number</b>	Not set

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