

COMMITTEE REPORT

Committee: Planning
Date: 28 August 2008
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 06/02562/CAC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Conservation Area Consent for the selective demolition of utilitarian modern extensions to some of the listed buildings within the Conservation Area (Amended Masterplan 21)
By: GHT Developments LLP
Application Type: Conservation Area Consent
Target Date: 25 January 2007

1.0 PROPOSAL

1.0.1 Conservation Area Consent is sought for the demolition of various buildings/attachments within the Terry's Conservation Area. In addition a parallel application (06/02560/OUT) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. These applications should be considered collectively as identified in PPG15 paragraph 4.27.

1.0.2 The Conservation Area was designated in 1975. It includes the racecourse buildings and the former Terry's Chocolate Factory, which are sited on and close to the Knavesmire at the northern part of Micklegate Stray. The majority of the Conservation Area lies within the City of York Greenbelt, although the factory site to the west of Bishopthorpe Lane is excluded from the greenbelt. The conservation area boundary is drawn tightly around the buildings of the historic factory complex, leaving the northern part of the site outside the designated area. Five of the original factory buildings were listed at Grade II in March 2006. A conservation area appraisal was carried out in 2006.

1.0.3 The particulars of the demolition works for which permission is sought are as follows:-

- The demolition of the North Lights Factory Building attached to the south of the Grade II listed factory building;
- The demolition of the modern extension (known as the services building on the submitted plan) to the rear of the Grade II listed former Headquarters building;
- The demolition of the modern extension to the rear of the Grade II listed Clock Tower;
- The demolition of the Fruit and Nut Store (known as Chiver's jam store/air raid shelter on the submitted plan);
- The demolition and removal of a warehouse building adjacent the former Headquarters building (indicated as mass plant building on the submitted plan);
- The footbridges leading from the Central Services Building to both the Multi-storey Factory Building and for the former Headquarters Building; and

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

1.1 SITE LOCATION AND HISTORICAL BACKGROUND

1.1.1 The site lies to the south of the City Centre on the edge of the built up area known as South Bank . The site comprises of two areas either side of Bishopthorpe Road. The area to the west of Bishopthorpe Road is the main factory site that has a total area of approximately 10 hectares (24.9 acres) and comprises the original 1920's factory buildings (Grade II listed) and single storey factory and warehouse buildings which have been added to the site in more recent years. This main site is bounded to the east by Bishopthorpe Road. Campleshon Road forms the boundary to the north, York Racecourse and Micklegate Stray are situated to the west and open space (Green Belt) to the south which extends towards the A64 and Bishopthorpe. The site is located within the Racecourse and Terry's Conservation Area (No.10).

1.1.2 The area situated to the east of Bishopthorpe Road is known as Nun Ings and is slightly larger at 10.45 hectares (25.81 acres). The area sits within the Green Belt identified in the Local Plan. At present the majority of the area is open space apart from 0.86 hectares (2.12 acres) that was used as a car park for staff of the Terry's factory. The Terry's Pump House is located to the north east of this area. This supplied water to the factory. The River Ouse flows to the east of the area. The river bank is in the ownership of the Council. Residential development along Bishopthorpe Road forms the built boundary to the north, Bishopthorpe Road lies to the west and open space to the south. There is a pedestrian link to the river immediately adjacent to the site.

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

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

1.1.5 The site boundaries are well defined and provide a strong framework for new development. The mature trees within the site and the brick wall boundary give the site a strong landscape setting which can be enhanced further. The metal fence bounding the north part of the main site and the car park along Bishopthorpe Road,

is less in-keeping with the area and an unwelcome contrast to the attractive tree belt the site otherwise presents to the outside. The character of the site would benefit from its removal. The garden to the south east of the factory site forms part of the planned setting for the complex. The listed gate piers at the Bishopthorpe Road entrance to the factory complex are an important element of the sites' character.

1.1.6 The trees within the perimeter of the factory site provide an almost parkland setting, which is experienced in association with the larger Knavesmire landscape as one travels through the area, with its many attractive mature trees. The site has a very close visual and physical relationship with the Racecourse. The mounding and trees, although essentially planted for screening, now contribute to the attractive character of Bishopthorpe Road and Campleshon Road. They also serve to sit the buildings in the landscape (especially as viewed from the south) and screen the lower building masses. A Tree Preservation Order covers five groups of trees that are not within the Conservation Area, at the Campleshon Road and Bishopthorpe Road frontages of the site.

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

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

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

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

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

1.2 HISTORY

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE5
Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL

Urban Design and Conservation

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

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

3.2 EXTERNAL

Bishopthorpe Parish Council

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

Campaign for Rural England (CPRE)

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

Council for British Archaeology

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

English Heritage (EH)

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

Interested parties

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

4.0 APPRAISAL

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

4.1 POLICY

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

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

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

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

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

4.2 PRINCIPLE OF DEMOLITION

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

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

North Light Factory

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

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

Services Building

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

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

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

Extension to Liquor Store and extension to Clock Tower

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

Nut and Fruit Store and two large late C20th factory structures

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

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

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

4.3 ENVIRONMENTAL PROTECTION CONNECTIONS

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

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

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

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

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

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

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

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

3 The building(s) shall not be demolished before planning permission for redevelopment is granted and a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

4 Prior to commencement of works on site, a methodology statement including drawings indicating the extent of the removals, shall be submitted and approved in writing by the Local Planning Authority describing how the structures will be removed (as they attach to the listed buildings). Works shall then be carried out in strict accordance with the written approved details.

Reason: To protect the fabric of the listed buildings and protect the character of the conservation area.

5 Prior to commencement of demolitions, a schedule of making good must be submitted to and agreed in writing (for each of the buildings affected) by the Local Planning Authority. Works shall then be carried out in strict accordance with the written approved details.

Reason: To protect the fabric of the listed buildings and protect the character of the conservation area.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on Racecourse and Terry's Conservation Area. As such the proposal complies with Policies GP1, HE3 and HE5 of the City of York Draft Local Plan.

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