

REVISIONS TO THE 2006 DEVELOPMENT BRIEF FOR THE TERRY'S FACTORY SITE

Summary

1. The Terry's Development Brief was approved by Members in June 2006 following extensive consultation with local residents and key stakeholders. The Brief set out the Council's requirements and aspirations for the re-development of the site, namely an employment-led mixed use development with careful consideration given to its landscape setting, conservation area status and listed buildings.
2. A planning application for the re-development of the site was refused planning permission in August, 2008 and, since then, Officers have been working in partnership with the developers, Grantside, in order to address the reasons for refusal and to work towards a high quality re-application. The Council remains committed to mixed-use development of the site, but the proposal must be right for the city and for residents of South Bank.
3. As part of this process it was agreed that the 2006 Development Brief should be looked at again in order to acknowledge where there have been changes in national, regional and local policy since 2006. The evidence base upon which the Development Brief was based has been significantly added to, revised and updated as part of the York Local Development Framework. Updated evidence bases, in terms of employment, housing, retail and open space studies are important in order to create a framework for options testing and decision-making.
4. This report proposes a number of revisions to the original brief, and recommends that these be deposited for public consultation early in 2009. A schedule of proposed changes (Appendix 1) has been compiled through a cross - Directorate Project Team in response to changes in policy and recent studies. A copy of the full document, with tracked changes, is available to view in the Members library.
5. If approved following consultation it will be used as guidance in negotiating revised planning and listed building / conservation area consent applications on the site. Members are being asked to approve the revisions as non-statutory draft supplementary planning guidance, which will revise and supplement the existing approved Brief as a basis for negotiating an appropriate scheme to

redevelop the site and for considering planning and listed building / conservation area consent applications.

Background

6. In April 2004 Kraft Foods announced the closure of the Terry's factory complex on Bishopthorpe Road, York. The factory finished production and closed in September of the following year. The site was then sold to GHT Development LLP (Grantside).
7. A report by the Acting Director of Environment and Development Services to the Executive of the City of York Council in July 2004 first set out the Council's position with regard to the future development parameters for the site. The Development Brief was based on these parameters.
8. The site lies to the south of the City Centre on the edge of the built up area known as South Bank. The area to the west of the road is the main factory site that has a total area of approximately 10 hectares (24.9 acres) and includes the original 1920's factory buildings (Grade II listed) and single storey factory and warehouse buildings which have been added to the site in more recent years. Campleshon Road forms the boundary to the north; York Racecourse and Micklegate Stray are situated to the west and open space (Green Belt) to the south, which extends towards the A64 and Bishopthorpe.
9. 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 River Ouse flows to the east, and the riverbank is in the ownership of the Council. There is a pedestrian link to the river immediately adjacent to the site. Residential development along Bishopthorpe Road forms the built boundary to the north; Bishopthorpe Road lies to the west and open space to the south.

Consultation

10. The 2005 Draft Development Brief was presented to Planning Committee and approved for consultation purposes in September 2005. It was duly put on deposit for 8 weeks of public and statutory consultation between October and December 2005. 184 representations were received during this time, making around 1200 separate comments requiring a response.
11. Copies of the Draft Brief were sent to a statutory list of consultees including Yorkshire Forward, the Environment Agency, CABI and English Heritage. Officers attended meetings of groups, which had an interest in the document including the Disabled Persons Advisory Group, Conservation Area Advisory Panel and the Open Planning Forum.
12. Copies of the Draft Brief were made available in all local libraries, in the reception of 9 St Leonard's Place and on the Council's webpage. The webpage included

details of how to submit comments on the Draft Brief and an electronic response form. There were 1,834 visits to the webpage during the consultation period and the Draft Brief was downloaded 382 times. A letter, summary of the Draft Brief and response form was sent to over 2,000 homes in the South Bank area informing residents of their opportunity to comment on the document.

13. A drop-in day for the local community facilitated by CYC's Community Planning team was held at St Chad's Church Hall in November 2005, attracting approximately 150 visitors. At this event, members of the public had the opportunity to read the document, view display material and speak to Officers involved in the production of the Draft Brief.

Analysis

14. It is important to acknowledge that the 2006 approved brief remains up-to-date and pertinent in all aspects except those listed in the appended schedule of proposed changes. Public consultation in 2005 concluded that there was broad and strong support for the brief. Main issues raised were in regard to potential uses, traffic and conservation, and these were addressed at that time, then reported to and approved by Members in June 2006.
15. The Brief has a whole section on Accessibility, Traffic and Transport, which seeks to minimise the impact of traffic from the site on surrounding areas and encourage sustainable forms of transport. Traffic issues, along with car parking, will be considered in detail through a Transport Assessment, which is required to accompany a planning application. The requirement for the Assessment is included in the approved 2006 Brief.
16. A number of comments expressed a desire to see the original factory buildings retained and reused, in particular the Clock Tower, and these concerns are reflected in the key objectives set out in the brief. Many responses highlighted the importance of the trees and the setting of the site and this is reflected in the approved 2006 Brief. There was broad support for the uses set out in the 2005 Draft Brief, and the variety of these uses remains crucial to the success of re-development.
17. These proposed revisions to the Brief aim to build on the helpful comments received during the 2005 consultation, incorporate the evolving evidence base, and address the reasons for refusal of the planning application in order to provide an up-to-date document, which will guide future development options and proposals for the site. The amendments also aim to clarify the objectives and requirements of the Council where, through feedback on the planning submission and subsequent refusal, these have been said to be unclear.
18. In the Introduction (section 1) the overall vision and objectives for the site, in terms of creating a high quality business focused location with a range of complimentary uses, remain pertinent and crucial to the delivery of a successful scheme. They were generally supported during the previous consultation in 2005. Since then a new Employment Land Review has been undertaken, and

initial findings are suggesting that the Terry's site remains very important, commercially, to the City.

19. The Planning Policy (section 3) has been updated in order to keep up with changes in local (LDF), regional (RSS review) and national policy, and also confirms the withdrawal of the North Yorkshire County Structure Plan from the development plan framework.
20. Section 4 (Potential Uses) clarifies the types of uses which will be supported in bringing development of the site forward, and maintains that a variety of commercial, residential and community uses will be appropriate in this location.
21. The York Strategic Housing Market Assessment (SHMA), 2006 was received after approval of the Terry's Brief, and this confirms that a mix of house types and sizes are required as part of any residential offer on the site. In particular, small-medium (2-3 bed) family houses are needed. The availability of decent affordable housing for local people remains a strong commitment of the Council, and this is backed up by evidence from the SHMA.
22. The Sustainable Development (section 5) has been updated in order to reflect the requirements of the recently approved Sustainable Community strategy 2008. It is important that standards set out in the strategy are met, including BREEAM very good standard and Code for Sustainable Homes 3.
23. Revisions to the Landscape and Natural Environment (section 6) aim to clarify the need to retain existing trees and vegetation as far as possible, unless there are very exceptional circumstances where some opening up of the boundary might be considered appropriate for overwhelming benefit and where replacement planting is provided.
24. The Built Environment section 7 responds to the application reasons for refusal and aims to clarify the Council's approach to conversion and new build on this land. Proposed revisions complement the existing brief and recognise the important challenges that re-development will pose. In particular, the revisions discuss the different boundary treatments, which might be required, the link to the racecourse, and the landmark quality of the main, listed factory building. It is imperative that a number of broad design approaches are explored and tested against the brief, and a Design Code should follow options testing and demonstrate how continuity and change are being addressed.
25. There are no proposed changes to the section on Local Community (section 8).
26. Accessibility, Traffic and Transport (section 9) has been reviewed following the refusal of planning permission, and now more clearly clarifies the requirements of the City Council as Highways Authority. This should help to progress pre application discussions and agreements on traffic modelling scenarios, which will form the basis for the Transport Assessment.
27. Environmental Issues (section 10) take into account recent reviews of policy, and sets out the current requirements of a noise and air quality assessment.

28. Appendix 1 of the original brief (A Summary of the History of Terry's), Appendix 2 (Description of the Listed Buildings), Appendix 3 (Description of the Conservation Area), Appendix 4 (Economic/ Science City York Aims) are not proposed to be altered, and all Plans (1-6, as appended in the 2006 brief) remain accurate and up-to-date.

Options

Option 1:

Approve the Revisions to the Development Brief, as proposed in this report, as the basis for public consultation and negotiation of a masterplanned approach to the re-development of the site and consideration of planning applications and listed building/ conservation area consent applications for the site.

Option 2:

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

29. In terms of the options set out above, approval of the revisions to the Brief is recommended to Members. It would provide an up-to-date, clear and consistent basis for negotiating with potential developers and for considering planning applications. The complex nature of the site, the proximity to existing residential areas, the relationship of the site to the racecourse, the size and prominence of the buildings and the conservation interest in the site all require detailed consideration.
30. Option 2 is not recommended as the Brief builds on previous Council decisions to progress this approach through public consultation. It also recognises the previous decision to refuse the 2008 planning application and aims to clarify and update current CYC and national policy. The vision, objectives and potential uses set out in the Brief have been developed in the context of existing National, Regional and Local planning policy and following extensive public consultation.

Corporate Priorities

31. The re-development of the site represents a major chance for the York economy and a significant opportunity to create a sustainable community. Revisions to the Brief aim to build on and clarify those already set out, namely to further a number of the City's economic aims, including the Community Plan objective of a "Thriving City", and the Council's Corporate Strategy (2007-11) priorities to 'increase the use of public and other environmentally modes of transport', 'improve the economic prosperity of the people of York with a focus on minimising income differentials', and 'improve the quality and availability of decent affordable homes in the city'. The Corporate Strategy also provides 10 year Direction Statements which, relevant to the future development of this site, include listening to communities, placing environmental sustainability at the heart of everything we do, and promoting cohesive and inclusive communities.

Implications

Financial - The costs of printing the Brief and other incidental costs will be met from the existing internal budget.

Human Resources (HR) - No HR implications.

Equalities - Equalities considerations have been taken into account in the preparation of the Brief.

Legal - No Legal implications.

Crime and Disorder - Crime and Disorder considerations have been taken into account in the preparation of the Brief.

Information Technology (IT) - No IT implications.

Risk Management

32. In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report.

Recommendation

33. Members are recommended to approve the December 2008 revisions to the 2006 Terry's Development Brief for the purposes of public consultation in January 2009.

34. Reasons:

(1) The redevelopment of the site is an important opportunity to provide quality accommodation for a range of uses that will support the York economy. An up-to-date Development Brief is considered the most appropriate approach for the Council to set out a vision, objectives and clear guidance for a new sustainable employment led mixed-use development to create a community of complementary uses.

(2) The conservation importance and prominent setting of the site require detailed consideration and an up-to-date Development Brief is considered the most appropriate approach for the Council to set out the key considerations for the site and requirements of potential developers.

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Report Approved **Date** 11/12/08**Wards affected:**

Micklegate, Bishopthorpe, Dringhouses and Woodthorpe

For further information please contact the author of the report.

Background Papers

- City of York Council '*Draft Local Plan incorporating the 4th set of changes*' [*Development Control Local Plan*] (April 2005)
- Report by the Acting Director of Environment & Development Services to the Executive of the City of York Council (July 2004)
- Draft Development Brief for Terry's Consultation Responses and Officer Recommendations (June 2006). This Background Paper is a summary of all the comments received during the consultation on the 2005 Draft Brief, the organisation/ individual who submitted the comment, the CYC Officer response to each individual comment and proposed changes to the Brief where considered appropriate.
- Approved Development Brief for Terry's, June 2006.
- Terry's planning submission – Reasons for Refusal, October 2008.

Appendix

Appendix 1 is a full schedule of Officer proposed revisions to the Brief put forward for consideration and approval for consultation purposes.