

REVISIONS TO THE 2006 DEVELOPMENT BRIEF FOR THE TERRY'S FACTORY SITE – REPORT BACK ON PUBLIC CONSULTATION

Summary

1. Revisions to the original Terry's Development Brief, 2006, were approved by Members in December 2008, with agreement that these be deposited for public consultation early in 2009. The schedule of proposed changes was compiled through a cross-Directorate project team in response to changes in policy, recent evidence base studies and issues raised in negotiation and the reasons for refusal of the planning application in August 2008. A copy of the full document, with tracked changes, was made widely available at the time of consultation, and the CYC webpage updated accordingly. Copies of the revised brief were sent out to various key organisations, and further copies made available to the public in local libraries, local pubs and the CYC planning reception.

2. This report summarises the main representations received – from organisations and individuals – and highlights where proposed revisions have been accepted, and where they have not. A full and detailed table of representations received and CYC Officer responses and recommendations is set out in Appendix 1, attached to this report. Copies of the Brief with proposed revisions have been distributed to Members (revisions consulted on are tracked in blue, proposed additional revisions following consultation are tracked in red) and are available to view online. The consultation comment (in Appendix 1) to which each revision in the Brief relates is shown in square brackets in the Brief next to the revision.

3. Members are being asked to consider the representations received, and approve the Officer recommendations and 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

4. 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.

5. 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, GHT Developments LLP, 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.

6. 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 robust and sound framework for options-testing and decision-making.

7. The developer design team have been working through a number of design options for the site whilst consultation has progressed on the Brief. They have regularly met Council Officers through a project team approach, and have also reported to a newly set up Community Forum and to the wider public through local exhibitions. Any significant changes made to the Development Brief following consultation will need to be reflected in their masterplan designs or, at the very least, very strong justification given to any departure from it.

Consultation

8. 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.

9. Consultation on the revised Brief took place between 12th January and 23rd February 2009, a period of six weeks. Summary leaflets were delivered to over 2,000 homes in the South Bank area and Middlethorpe and copies of the full brief, with tracked changes, made widely available to view locally in St Chad's Church, South Bank Social Club, St Clements Working Men's Club and The Winning Post Pub, in Central, Bishopthorpe and Dringhouses libraries and the CYC Planning and Guildhall receptions, as well as online via the CYC webpage. Officers also attended the Conservation Area Advisory Panel, and Ward Committee meetings at Micklegate, Bishopthorpe and Wheldrake, and Dringhouses and Woodthorpe in February, as well as making information available at Fishergate Ward Committee. Copies of the Draft Brief were also sent to a statutory list of consultees. 47 representations were received during this time, making around 267 separate comments (see Appendix 1).

Analysis

10. 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.

11. 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. Traffic, parking, accessibility and transport issues account for approximately half of the responses to the consultation.

12. However, at the time of refusal of the planning application a Member motion to consider a relief or bypass road for Bishopthorpe village was received. A full report was presented to the Council's Executive on 17th March 2009, which concluded that the traffic relief benefits of a village link road would be minimal, there would be a cost in terms of increased traffic flows along Bishopthorpe Road, it would be in direct contravention to green belt and other planning policies, and no specific funding has been identified for its construction. The report strongly recommends that no further works be instigated into the link road proposal. The summary findings are included in the Officer responses to public representation, and the full report available online or by request from the Democracy Support Group.

13. Many responses highlighted either (1) the opportunity to remove the bunding and mounds on the north and north-eastern boundaries of the site, or (2) the importance of retaining this setting, especially in terms of the trees, as originally set out in the 2006 Brief. Local exhibitions have revealed that more local residents want to see their removal than retention, but other individuals and organisation are not as convinced. The Conservation Area Advisory Panel agree as a group that they should be retained. The Micklegate ward Members, however, consider that removal would open the site up and help to integrate the proposed new community with the existing South Bank and Bishopthorpe Road communities. The revisions to the Brief seek to clarify the tests to determine if it would be acceptable to remove any trees or any part of the bunding.

14. In addition to these key issues, responses were received regarding a wide range of topics. This included: the need to make full reference to the Conservation Area Appraisal – emphasis has now been given throughout the Brief; the need to ensure that appropriate open space is provided on the site – the Brief now refers to the approved open space study; a desire for community uses to be provided as part of the development – greater emphasis is given in section 8; the need to ensure the listed buildings and their settings are fully considered – a number of amendments and additions have been made to the Design Principles to emphasise the need to retain the dominance of the Clock Tower and Factory buildings. A number of responses highlighted where the Brief needs to be updated to reflect the current planning policy position, particularly with regard to flood risk, renewable energy policy and other sustainable development requirements.

Options

Option 1:

Approve the Revisions to the Development Brief, as proposed in this report, as the basis for continued negotiation and a master planned approach to the re-development of the site and, following this, 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.

15. 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.

16. 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

17. 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

18. There are no known risks.

Recommendation

19. Members are recommended to approve the April 2009 revisions to the 2006 Terry's Development Brief as a basis for negotiating an appropriate scheme to redevelop the site and for consideration of future planning and listed building/conservation area applications.

20. 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.

Contact Details

Author:

Derek Gauld
Principal City Development Officer
City Development
Directorate of City Strategy
01904 551470

Chief Officer Responsible for the report:

Bill Woolley
Director of City Strategy

Report Approved

Date 9 April 2009

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.
- Development Brief – Terry's (Revised January 2009).

Appendix

Appendix 1 is a full schedule of consultation responses received and CYC Officer comments and recommendations.