

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 3rd 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 plant¹;
- 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

¹ 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 MSF². 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.

² 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