

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 3rd February 2010 **Parish:** Micklegate Planning Panel

Reference: 09/01607/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Removal of external first floor walkway from Head Office Building
By: GHT Developments LLP
Application Type: Listed Building Consent
Target Date: 22 October 2009

1.0 PROPOSAL

1.1 Listed Building Consent is sought for the removal of the external first floor walkway from the Central Services Building (CSB) to the former headquarters building (FHQ).

1.2 In addition a parallel application (09/01606/OUTM) seeks part full and part outline planning permission for the demolition and removal of various extensions and the redevelopment of the site. Further applications for Conservation Area Consent and Listed Building Consent for works in the conservation area and to other adjacent listed buildings are also being considered in parallel. These applications are being considered collectively and as identified in PPG15 paragraph 3.2 and 4.27.

1.4 This application considers the impacts upon the historic character and appearance of the building and site which contains a number of listed buildings adjacent and is also within a conservation area, and impacts on the wider regeneration proposals associated with the development of the former Terry's site.

1.5 Demolition of the walkway is required to enable regeneration of the Terry's factory site through a comprehensive Masterplan proposal for mixed use development. In accordance with PPG 15 para 3.12 the walkway is considered to be part of the listed building listed as its attached to the former Headquarters building which is Grade II listed. The listing of the five 1920's factory buildings in 2005 confers statutory protection on the building.

SITE LOCATION AND HISTORICAL BACKGROUND

1.6 The site lies to the south of the City Centre on the edge of South Bank, which is predominantly a residential area. The Terry's Factory site comprises of two areas either side of Bishopthorpe Road. The area to the west of Bishopthorpe Road is the main factory site that has a total area of approximately 10 hectares (24.9 acres) and comprises the original 1920's factory buildings (Grade II listed) and single storey factory and warehouse buildings which have been added to the site in more recent years. The site forms part of the southern urban edge of York with predominantly open land to the south. The views towards the site from the south are important, as are views from Tadcaster Road, Bishopthorpe Road, Fulford and a number of other key locations. The factory buildings form a distinctive and iconic landmark that defines the character of the area and helps orientate the visitor. York Racecourse lies to the west

of the site. The racecourse grandstands are also dominant features in the landscape. A Conservation Area, designated in 1975, includes both the Terry's factory and the Racecourse buildings. These buildings are of special importance because of their prominent position in a parkland setting within the City of York Green Belt. The developable site that the Development Brief addresses is the main factory area to the west of Bishopthorpe Road and, limited by green belt policy, the existing car park to the east of Bishopthorpe Road.

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

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

1.9 The site boundaries are well defined by mature trees within the site and the brick wall boundary adjacent the former headquarters building. The metal fence bounding the north part of the main site and the car park along Bishopthorpe Road, is less in-keeping with the area. The garden to the south east of the factory site forms part of the planned setting for the complex. The listed gate piers at the Bishopthorpe Road entrance to the factory complex are an important element of the sites' character.

1.10 The factory complex can be seen through the break in trees at the entrances off Campleshon Road and Bishopthorpe Road. The site opens up along its western boundary with the Racecourse.

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

1.12 Within the site, buildings have been set out in a rectilinear manner. The original 1920s buildings still dominate, creating a massing towards the central spine running from the access from Bishopthorpe Road, with the clock tower as the focal point of the group. From this position at the main entrance gate the avenue of buildings present a strong unified arrangement. This character is partly due to the linear layout and the shared architectural design of the buildings of otherwise diverse form.

BUILDING/SITE DESCRIPTION

1.13 The walkway is attached to the former Headquarters Building (FHQ). The FHQ is located towards Bishopthorpe Road and is part of the Central Avenue of original buildings on the main site. It is also within "The Racecourse and Terrys Factory Conservation Area" which was designated in 1975. Listed Building Consent is required for alterations to listed buildings. Conservation Area Consent is not required as listed buildings within Conservation Areas area exempt (sectn 75 of Planning (Listed Buildings and Conservation Areas) Act 1990.

1.14 The FHQ was built as the general office to the new Terry's factory complex when it moved to the Bishopthorpe Road Site in the 1920s. It is one of five buildings ranged along the main access road within the site though, exceptionally, it faces outwards across a semi-circular forecourt to represent the public face of the factory complex. The historic factory buildings share a common architectural language, described in the list description as Baroque Revival, and the use of brick with Empire Stone (art-stone) dressings unites their diverse forms. Although of only 2-storeys in height, the frontage of the headquarters building is designed to impress - with its 5 bay symmetrical façade, centralized porch and end bays breaking forward, and the use of rich classical detailing in stone around timber sash windows and doors. The Heritage Management Plan submitted with the application gives further details (sectn. 3.2). The building is listed at Grade II.

1.15 The factory complex as a whole is of historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming on a national scale York's high status in the business (ref list description). The southern half of the factory site, containing the remaining historic factory buildings and garden, is part of the Racecourse and Terry's Factory Conservation Area. The area is described in detail in the Character Appraisal dated June 2006.

1.16 The headquarters building has been little altered since its construction, though an access ramp and associated doors have been added to the south elevation onto the drive, some windows have been altered on the upper floor, and an access bridge has been attached in the centre of the west elevation. The current proposal is to remove the access bridge and make good. This would return the building to its independent state which would accord with the scheme of redevelopment submitted in parallel with these proposals. The parameters plan and associated table indicate that the headquarters building would remain in office use within the mixed use heart of the proposed scheme.

1.17 The bridge/walkway proposed for removal is one of two similar bridges introduced to link the Central Services Building (CSB), constructed in 1971, with the multi-storey factory and the office building. The bridge is of steel construction with glass/perspex cladding. Being of modern design and appearance it does not contribute to the special architectural or historic interest of the headquarters building to which it has been attached and it appears as an alien attachment to the building. Removal of the walkway would allow the damaging alteration of the west wall to be rectified.

REASON FOR REFERRAL TO COMMITTEE

1.18 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which are being considered by Planning Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse 0035

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower
Bishopthorpe Road

2.2 Policies:

PLANNING POLICY

National Planning Guidance

2.1 PLANNING POLICY GUIDANCE NOTE 15: "PLANNING AND THE HISTORIC ENVIRONMENT" (PPG15). Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

2.2 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

Yorkshire and Humber RSS

2.3 The Regional Spatial Strategy for Yorkshire and Humber was published in May 2008 and provides the regional policy context to 2026 in respect of the Historic Environment. Policy Y1 seeks to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.4 Policy ENV9 states that the Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

2.5 The policy states that plans, strategies, investment decisions and programmes

should conserve the following regionally-distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness. Nine regionally distinctive elements are cited including the street patterns, sky lines, views and setting of the historic City of York.

City of York - Draft Local Plan (April 2005)

2.6 Draft Local Plan policy HE2 of the City of York's Deposit Draft Local Plan (Fourth Set of Changes) states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.7 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

2.8 Draft Local Plan Policy HE3 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that within conservation areas, proposals for external alterations will only be permitted where full design details are submitted and the development does not adversely affect the setting and character of the conservation area.

2.9 Draft Local Plan Policy HE4 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

2.10 Draft Local Plan Policy HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), states that Listed building Consent and/or Conservation Area Consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

York Local Development Framework

2.11 Work on the City of York's Local Development Framework is not far enough advanced to carry any weight in the consideration of these proposals. The Core Strategy Issues and Options paper was consulted on in September 2007. The Preferred Options is currently out for consultation until 28 August 2009.

2.12 The Site Allocations DPD Issues and Options paper was consulted on in May 2008 and the Preferred Options consultation is scheduled to take place in Autumn 2009.

Supplementary Planning Documents

2.13 There are no supplementary planning documents scheduled for publication at present.

Conservation Area Character Appraisal

2.14 The Racecourse and Terry's Factory Conservation Area was designated by the City of York Council in 1975. It is located in the south of the city centre and the majority of the designated area lies within the Green Belt. The factory was closed in Autumn 2005 and the Council prepared the Development Brief to guide the redevelopment of the site.

2.15 The document sets out the results of a character assessment of the Conservation Area and is in three sections. The first is a review of the Conservation Area boundaries and the second section sets the scene by analysing baseline factors for the entire Conservation Area and identifies three character areas. The third section sets out a detailed analysis of each of the character areas.

2.16 One of the requirements of the appraisal was a review of the Conservation Area boundaries to establish if there needed to be any changes. The boundaries along the northern edge of the Conservation Area exclude the houses and other buildings of South Bank (to the north of Campleshon Road) and the northern section of the former Terry's Factory from the designated area.

2.17 The boundary places the early buildings around the factory clock tower within the designated area but excludes the later structures to the north even where they are attached to the boiler house. A short section of the boundary wall of the factory north of the head office building on Bishopthorpe Road is excluded from the Conservation Area.

2.18 The early buildings within the Terry's site consist of:

- A head office facing Bishopthorpe Road;
- Time Office;
- Five Storey Factory (known as the Multi Storey Factory or MSF);
- North Light Shed;
- Boiler and Transformer House, with the boiler flue designed as a clock tower; and
- Liquor Store.

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 The Council's Conservation Architect raised no objection but suggested 5 conditions be imposed should the application be approved.

EXTERNAL

3.2 Conservation Area Advisory Panel – Raised no objections to the proposed scheme.

3.3 English Heritage recommended that appropriate materials should be used when making good the building. Also that traditional techniques should be used when carrying out the making good.

3.4 York Civic Trust sought the same provisions to making good the listed building as English Heritage.

3.5 Bishopthorpe Parish Council did not object.

3.6 Comments were received from other consultees, however these did not relate to Listed Building matters.

3.7 2 site notices were posted regarding the proposed development and also notifying of development within the Conservation Area. No comments have been received concerning this application.

4.0 APPRAISAL

4.1 The key consideration in assessing this scheme is the assessment of the historic interest of the building to be altered and the contribution of the addition and building to the wider group of Listed Buildings.

4.2 The FHQ is a key component of the Terry's Factory complex. Its position and design make it a landmark feature within Bishopthorpe Road. The grouping and relationship of the Clock Tower, Multi-Storey Factory building, Former Time Office Building and Liquor Store is an important element of this building.

4.3 The walkway/bridge is of steel construction with glass/perspex cladding. Being of modern design and appearance it does not contribute to the special architectural or historic interest of the headquarters building to which it has been attached and it appears as an alien attachment to the building. Removal of the walkway would allow the damaging alteration of the west wall to be rectified.

4.4 The conservation area appraisal considers the bridge link (walkway) to be a negative factor within the conservation area (9.18) and it is indicated as such on Map 10. Overall the removal of the bridge and restoration of the west wall would be beneficial to the architectural and historic interest of the building, and it should not jeopardize its future use.

4.5 Plans of the original and restored building have been submitted at the scale of 1:200. Further detail is required to be enable the LPA to determine the scope and type of restoration works. For instance it is not clear whether alterations to the original elevations will be restored or simply be made weather-proof and secure pending a suitable development scheme coming forward. It is acceptable to seek these additional details by the imposition of a condition.

4.6 Within the context of the regeneration of this site, these proposals seek to safeguard and bring back into use a listed building which is part of a group of national significance. The FHQ is a key building and occupies a location within the site that is subject to comprehensive regeneration in line with the Council's development brief. Demolition of the walkway/bridge is justified in line with the provisions of PPG15 and local plan policy HE4.

5.0 CONCLUSION

5.1 It is considered that the proposals to demolish the modern walkway/bridge which is attached to the FHQ are an essential enabler to the redevelopment of the former Terry's site. Demolition of the attachment would contribute to the future flexibility of site uses and the reuse of the listed building/s. The aforementioned proposals are therefore considered justified and would not adversely affect the special historic and architectural interest of the adjoining listed building or the character and appearance of the conservation area.

5.2 The proposed demolition of modern additions to the FHQ is considered to be acceptable and thus satisfies National Planning Guidance PPS1 and PPG15 and Regional Planning Guidance and Regional Planning Guidance within the Regional Spatial Strategy for Yorkshire and Humber, Y1 and ENV9 and policies HE2, HE3, HE4, and HE5 of the City of York Deposit Draft Local Plan (Fourth Set of Changes).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 PLANS2 Apprvd plans and other submitted details

3 Prior to commencement of works, a 1: 20 scale elevational drawing showing the scope of works in the area affected by the removal of the walkway/bridge connected to the former Headquarters building shall be submitted in writing to the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To protect and retain the character of the Listed Building.

INFORMATIVE: The drawing should show the scope of the work and type of remedial works proposed for reinstatement.

4 Prior to commencement of works a detailed schedule of work, including specification of materials and methods of works, shall be submitted in writing to the Local Planning Authority. Work shall then be carried out in strict accordance with the written approved details from the Local Planning Authority.

Reason: To ensure acceptable of removal of the walkway/bridge and use of appropriate materials for the remedial works.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

6 All pointing and re-pointing associated with the removal of the walkway/bridge shall match the existing pointing in colour, type and design.

Reason: So as to achieve a visually acceptable appearance.

7 All window details associated with the removal of the walkway/bridge shall match the existing windows in colour, type and design.

Reason: So as to achieve a visually acceptable appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the demolition of the walkway/bridge connected to the FHQ, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to FHQ, adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft, also

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