

COMMITTEE REPORT

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

Reference: 09/01611/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Demolition of the Nut and Fruit Store
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 demolition of the Nut and Fruit store and the re-grading of the immediate site in preparation for the wider re-development and regeneration of the former Terry's Factory complex.

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 to other non listed and listed buildings are also being considered in parallel. These applications are being considered collectively as identified in PPG15 paragraphs 3.2 & 4.27.

1.4 This application considers impacts upon the architectural and historic interest of the building and the wider site which includes a number of listed buildings. It also considers impact of demolition on the adjacent conservation area and the wider regeneration proposals associated with the redevelopment of the former Terry's site.

1.5 Demolition of the Fruit and Nut Store 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 3.33 the building is considered to be a curtilage listed structure. The listing of the five 1920's factory buildings in 2005 confers protection on the building as it has formed part of the factory curtilage since before 1st July 1948.

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 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 Fruit and Nut Store is a semi-subterranean building located in the centre of the northern half of the former Terry's factory site. The northern part of the site is outside the Racecourse and Terry's Factory Conservation Area, therefore conservation area consent for demolition is not required.

1.14 The building was built around the outbreak of WW1(1939/40) and evidence suggests that it was primarily constructed as an air-raid shelter. Except for the

substantial steel frame and the deep concrete roof, the survey reports that there is no further evidence of this initial use remaining in the building (Under Construction Archaeology Nov 2006). In particular the exposed east elevation has been considerably altered, windows and doors having been inserted. Most of these elements appear typical of the post-war period of austerity. The building was subsequently used as a jam manufacturing plant (Chivers) and later as a fruit and nut store. It appears to have been empty for some time and, except for the superstructure, it is in a dilapidated condition.

1.15 Demolition of the building 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 3.33 the building is considered to be a curtilage listed structure. The listing of the five 1920's factory buildings in 2005 confers protection on the building as it has formed part of the factory curtilage since before 1st July 1948.

1.16 Historically the Fruit and Nut Store did not form part of the original suite of buildings designed for Terry's of York by JG Davies & LE Wade. The building is not essential to our understanding of the confectionary manufacturing process as represented by the five complementary buildings ranged along the main access drive.

REASON FOR REFERRAL TO COMMITTEE

1.17 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 3 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 demolished and the contribution of the building of the wider group of Listed Buildings.

4.2 Constructed several years after the original factory complex the Nut and Fruit store shares none of the architectural language or other design features contained within those buildings. The building is utilitarian in nature, being designed initially for the purpose of air raid protection for factory workers.

4.3 The Building Appraisal and PPG15 statement, submitted by the applicant, identify the intrinsic interest of the building. It is concluded that the building is of limited local & historical significance and in itself and not worthy of retention. In terms of its contribution to the interest of the wider factory complex, the Nut and Fruit Store is physically separated from it and is largely subterranean. Other buildings that are part of the original complex and listed in their own right, are of national significance.

4.4 The masterplan proposals seek to safeguard and bring back into use buildings that are of National significance and are listed in their own right. Demolition of The Nut and Fruit Store must be considered within this context ie it forms part of a wider comprehensive redevelopment of the whole factory site. The Nut and Fruit Store is technically regarded as being "curtilage listed" through it having been built on the factory site prior to 1948 and therefore within the grounds of buildings on the Statutory List. Its intrinsic interest is not of National significance. The building occupies a central location within the site that would prevent, or at the very least impinge upon, the comprehensive redevelopment of the site. Therefore on the basis of the limited historic interest of the building and the wider regeneration benefits that its removal would create, it is considered acceptable to demolish the structure in line with the provisions of PPG15 paras 3.16-3.19 and Local Plan Policy HE4.

5.0 CONCLUSION

5.1 It is considered that the proposals to demolish the Fruit and Nut Store are an essential enabler to the redevelopment of the former Terry's site. The demolition of this curtilage listed building would contribute to the continuation of the site and the reuse of the adjacent listed buildings. The building is of relatively low architectural and historic significance and therefore the proposals are considered justified and demolition would not adversely affect the intrinsic interest of the special group of adjacent listed buildings or the setting of the Conservation Area.

5.2 The proposed demolition of Fruit and Nut Store 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 level 1 photographic record must be submitted in both CD and hardcopy format to the Local Planning Authority.

Reason: To provide a record of the building.

4 The building should not be demolished without giving English Heritage's Research and Standards Section (York Regional Office) 2 months notification of intent to demolish.

Reason: To allow the Military Support Officer to visit the building to take records for research purposes.

5 Within 3 months of the building being demolished, a written schedule of salvaged materials shall be submitted to the Local Planning Authority.

Reason: To provide a record of the building and materials which have been salvaged.

7.0 INFORMATIVES:

Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the demolition of the Fruit and Nut Store, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to 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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