



Refuse Outline Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

GVA Grimley LLP
C/o Julie Deptford
City Point
First Floor
29 King Street
Leeds
LS1 2HL

Application at:

Factory Bishopthorpe Road York YO23 1NA

For:

The main outline application proposes the redevelopment of the former Terry's site for a comprehensive mixed use scheme for a range of uses. These uses are to include:- Business use (Classes B1a, b and c), Hotels with ancillary leisure (Class C1), Community Facilities including a Health Centre/Doctor's surgery (Class D1), a Nursery (Class D1) and a Children's Gym and play centre (Class D2), galleries and Museum (Class D1), Leisure uses (Class D2), Retail (Class A1), food and drink (Classes A3 and A4), Assisted Living Accommodation and Residential Institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works.

The application also includes full details of: conversion, alterations and extension of the former Main Factory building as residential units; business uses, retail units, workshop/studios or galleries and café uses; erection of two 4 storey office buildings (Buildings C4 and C10); conversion, alterations and extension of the former Headquarters Building for use as a hotel with ancillary leisure facilities; Change of use of the Former Liquor Store to retail, food and drink, leisure or community uses and the Clock Tower to management and security suite, sustainable energy generation plant and or a museum. Full details of Phase 1 Highways Infrastructure works including basement car parking are also proposed.

By:

GHT Developments LLP

Application Ref No.:

06/02560/OUTM

Application Received on:

30 November 2006

REASONS FOR REFUSAL:

1 Inadequate mitigation measures

The proposed highway engineering measures will not adequately ameliorate the impact of the significant additional traffic generated by the proposed scheme. This would result in a deterioration of conditions for all highway users within this area. In particular, congestion would noticeably increased at the following junctions, to a level which would have a detrimental impact on journey times, and potentially result in the diversion of traffic to inappropriate routes and un-regulated parking displacement:-

- (a) Mount Vale/ Knavesmire Road;
- (b) Campleshon/ Bishopthorpe Road; and also
- (c) Moor Lane Roundabout;

As a result of the inadequacy of both sustainable travel provision and engineering measures it is considered that the village of Bishopthorpe would also experience increases in traffic likely to result in congestion, delays in journey times and most likely environmental aspects relating to increased noise and fumes. As a consequence the proposed scheme fails to satisfy National Planning Guidance contained within PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance contained within YH2, T1, T2, T3, T5, T9 and Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the Local Transport Plan (2006 - 2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address these requirements. Finally the proposed scheme fails to satisfy key objectives stated within the development brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objective 15 which seeks to effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives which would have the effect of reducing the impact upon the city.

2 Inadequate sustainable travel proposals

The proposed provisions for public transport, walking and cycling (Sustainable Transport Measures) are considered to be inadequate and thus unlikely to achieve the proportion of sustainable travel the Council expects in accordance with its transport hierarchy. The measures proposed by the applicants to both encourage and sustain travel by bus, bicycle and foot fail to satisfy National Planning Guidance contained within PPS3 which encourages applications to be well-connected to public transport and community facilities and services and PPG13 especially key objectives 1-3 of the document which seek to promote more sustainable transport choices for people, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car, also policies contained within Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) YH2, T1, T2, T3, T5, T9 and also Local Plan Policies SP8, T2b, T4, T7c, T13a, T18 and GP4a. The proposed scheme also fails to satisfy the Local Transport Plan (2006 -2011). This document sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York and highlights the importance of sustainable means of travel, the proposed scheme does not adequately address this requirements. Finally the proposed scheme fails to satisfy key objectives stated within the Terry's Development Brief, in particular section 9 of the development brief (Accessibility, Traffic and Transport) and key objectives 14 and 15 which seek to prioritise movement within and through the site for pedestrians and cyclists and effectively promote sustainable transport options to connect the site to the wider city by co-ordinating with city and public transport provider initiatives.

3 Detrimental impact upon Racecourse/Terry's Conservation Area (No.10)

The development, if approved, would have a harmful impact upon the setting of the Terry's/Racecourse Conservation Area (No.10) due to the proximity of buildings (H2, C2 and C3) which are too close to the adjacent Park Pavilion Fields. These buildings would create an unacceptable hard and abrupt edge to this important west boundary and would be unduly prominent from public views within the Knavesmire area. The buildings would also overwhelm and interrupt the established tree canopy within this boundary which would have a detrimental impact upon the characteristic green and open edge and the openness of this particular part of the Conservation Area.

Furthermore, if the development were approved, it would have a harmful effect upon the existing belt of trees on the southern boundary of the site due to the close proximity of the development to the tree belt. This belt of trees contribute strongly to the landscape character of the site and conservation area (no.10) as they can be seen from important views from outside the site, particularly the Micklegate Stray, Bishopthorpe Road and the Racecourse.

In addition the following elements would further harm the character of the Memorial Garden which is located within the Conservation Area, particularly due to:-

- (i) block R3a would intrude into the tree lined fringe of the memorial garden and it would create an overbearing and intrusive feature when viewed from the garden;
- (ii) the proposed cycle route would intrude upon the character and appearance of the memorial gardens, which the Conservation Area Appraisal defines as one of 3 important green spaces within the Conservation Area, by introducing an unnecessary hard surface which would divide the garden and impact upon the amenity value due to introducing a thoroughfare through an otherwise tranquil area; and
- (iii) the children's play area is too large and would dominate the memorial gardens by detrimentally altering a significant part of the memorial garden's character from an informal garden to a structured, fenced off enclosure.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the regions historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 11 which requires applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance long distance views from the City's open spaces such as the Knavesmire, Rowntree Park and strategic places along the River Ouse and to respect the architecture of the site by ensuring that their setting is maintained.

4 Detrimental impact upon Tadcaster Road Conservation Area (No.9)

The proposed traffic mitigation works at the junction of Mount Vale and Knavesmire Road would have a harmful impact upon the character and appearance of the northern part of Tadcaster Road Conservation Area (N.9) due to the combined effect of the road-works which include works to junctions, introduction of traffic lights, road islands, road markings, additional signage and the removal of a protected tree, which forms part of an important line of trees along the main approach road from the south into the city centre.

As a consequence the proposed scheme fails to satisfy key objectives stated within PPG15 which require proposed development to give a high priority to the objective of preserving and/or enhancing the character and appearance of Conservation Areas also policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to safeguard the region's historic attributes and values. The proposed scheme also fails to satisfy policies SP3, GP1, HE2 and HE3 of the City of York's Draft Local Plan including 4th set of changes which was approved for development control purposes in 2005 as these policies seek to protect the historic character and setting of York. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objectives 11 and 12 which require applications to respect the character and setting of the Racecourse and Terry's Factory Conservation Area and the qualities of the Green Belt and in particular protects and enhances the existing long distance views from the City's open spaces such as the Knavesmire and to respect the architecture of the site by ensuring that their setting is maintained.

5 Detrimental impact upon the setting of the listed buildings

Long views of the listed buildings would be harmed due to the height of the proposed new buildings (including additional plant on the roofs of these new buildings) as they would diminish the exceptional dominance of the main factory building. Furthermore the design and massing of the new build elements would visually compete with rather than compliment the listed buildings, which would be to their detriment and that of the area. In addition, buildings C4 and to a lesser extent C10 would overwhelm the former Headquarters building, which is Grade II listed, due to their close proximity and height.

As a consequence the proposed scheme fails to satisfy PPG15 which gives a high priority to protecting the setting of a listed building and the contribution it makes to the local scene. The proposed scheme also fails to satisfy policy ENV9 of the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) which seeks to protect former

industrial landscapes. In addition the proposed scheme also fails to satisfy policies GP1, HE2 and HE4 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 as these policies seek to protect the historic character and setting of York's listed buildings. Finally the proposed scheme fails to satisfy key objectives of the Terry's Development Brief, in particular section 7 (Built Environment) and key objective 10 and 12 which requires applications to respect the architecture of the site by ensuring that their setting is maintained.

6 Detrimental impact upon landscaping

The proposed development, if approved, would have a harmful effect upon the existing mature landscape of the site, with particular reference to the following:-

- (a) the existing belt of trees within the southern boundary - due to the close proximity of the 4 residential blocks (R2a and R3a) there would be significant pressure to thin, cut-back or remove this important tree line to allow adequate levels of light to the rear of the aforementioned dwellings;
- (b) Block R3e would have a similar impact upon the existing trees which bound the western edge of the memorial garden.

Also blocks L7 and R5a would have a detrimental impact upon the existing landscape character of the site, with particular reference to the removal of the existing bunding (adjacent Bishopthorpe Road) on the boundary and the trees thereon.

As a consequence the proposed scheme fails to satisfy PPS1 which encourages the protection of landscape quality and also fails to satisfy policy ENV10 of The Yorkshire and the Humber Plan (Regional Spatial Strategy to 2026) which seeks to safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber, especially within regeneration schemes. In addition the proposed scheme fails to satisfy policies GP1, GP9, N1 and NE8 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. Finally the proposed scheme fails to satisfy key objective 13 of the Terry's Development Brief, which seeks to enhance the landscape framework and also chapter 6 (Landscape and Natural Environment) which seeks to protect the existing trees as landscape features which should also be enhanced and incorporated into any scheme to develop the site and that any development towards the perimeter of the site should be set a distance away from the trees to create a margin of open space such that the trees appear as part of a landscape setting rather than a mere boundary treatment which sits tight up to against dwellings, also chapter 7 (Built Environment) which encourages trees along the southern boundary to be reinforced.

7 Inappropriate location of the residential development

Excluding the aforementioned reasons for refusal, the scheme also fails to satisfy the requirements of the approved Terry's Development Brief (2006) in terms of the proposed location of the housing. The housing is isolated from established surrounding communities and consequently is in an inappropriate location. Due to the housing forming a separate zone to the south of the site and 3 sides of the housing being impermeable, movements through the site would be unnecessarily awkward and circuitous. The Terry's Development Brief, Key objective 14, seeks a proposed development to prioritise movement within and through the site for pedestrians and cyclists. Other objectives require proposed schemes to have a direct dialogue and connectivity that promotes links and relationships within the surrounding community. Access to and from other zones/areas of the site would also be awkward for pedestrians and the lack of integration with the existing community in South Bank would preclude easy and convenient access through the site for residents and visitors to the community and for transport links. As a consequence of the above the proposed scheme fails to address important elements identified within the Terry's Development Brief as being essential to the future development of the site, the surrounding community and the City of York.

The proposed scheme therefore fails to satisfy PPS1, PPS3, PPG15, the Regional Planning Guidance (The Yorkshire and the Humber Plan - Regional Spatial Strategy to 2026) and policies SP3 and GP1 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005 and the general objectives of the Terry's Development Brief which seeks to promote inclusive and effective connections within the site and to the surrounding community.

8 Insufficient information provided regarding design elements

Insufficient and inadequate information has been provided concerning some important design elements of the scheme. As a consequence the Local Planning Authority (LPA) cannot properly assess the impact of the proposed scheme and its design quality. In particular full design details are required of the proposed housing within the southern section of the site. As this is part of the Terry's/ Racecourse Conservation Area (No.10), further details should have been submitted to allow the LPA to fully assess the impact of these dwellings upon the conservation area and the adjacent listed building (the former Factory building).

Furthermore the design code is inadequate in the following respects:-

(a) Further information is required to strengthen the design code, so as to enable the LPA to assess the impact of the scheme upon the setting of conservation area no.10 and the adjacent listed buildings and to ensure a robust and high quality design for the scheme, in particular such important elements as

Defensible space and boundary treatments;

Roofscapes;

Materials;

Scale and proportions of architectural elements;

The degree to which passive solar measures would be integrated within the design of buildings; and

Any other plant, external equipment or other attachments.

(b) Insufficient details of the remodelling of the ground plane which incorporates the underground car-park/ podium. The LPA require more details on this aspect so as to be able to assess the impact of the scheme upon conservation area (No.10) and the adjacent listed buildings and also on the surrounding environment, especially at the entrance off Campleshon Road and at the junction of Bishopthorpe Road and Campleshon Road;

(c) Further information is also required to assess the impact of buildings C4 and to a lesser extent C10 upon conservation area no.10 and the former Headquarters building which is grade II listed. Inadequate information has been submitted concerning the treatment of the roofscapes of C4 and C10. The treatment of these roof details is important as significant additions of plant etc. would raise the height of these buildings and be unduly prominent;

Also insufficient design details have been submitted to allow the LPA to adequately consider the proposed pedestrian link between the site and the Racecourse. This is an important facet of the scheme and has a significant bearing upon the setting of the former Factory building and the Terry's/ Racecourse Conservation Area.

Chapter 7 of the Development Brief raises 20 key points which proposed schemes should address. In particular point 13 states that the grain, massing and character of the existing site and buildings are quite different from the surrounding area and development proposals should adequately address this and that (15) new build should consider a contemporary interpretation of the forms, materials and details of the listed buildings and where appropriate should acknowledge the local vernacular and (19 and 20) space for circulation, orientation and relaxation through appropriate soft and hard landscaping should be provided and that the transition spaces should be clearly designed, in particular transitions from public to private spaces associated with the buildings.

As a consequence of the lack of information, the LPA cannot judge the proposed scheme against relevant Local Plan policies GP1, HE2, HE3 and HE4 and Government Guidance within PPS1.

9 Secure by Design

The proposed scheme fails to adequately address secure by design principles. In particular the combination of the overall permeable nature of this estate and the lack of defensible space, will make the domestic and commercial properties vulnerable to intruders. 'Safer Places (The Planning System and Crime prevention)' published by the Department for Communities and Local Government emphasizes that 'it is desirable to restrict public access to the rear of buildings. Secluded footpaths or alleyways, in particular, should not run along the rear of and provide access to buildings or gardens'. The public areas above the car-park and adjacent the hotel are single use areas which lack natural surveillance during the evening, which may attract undesirable/anti-social behaviour. There are also hidden areas within the site which would further exacerbate this problem, i.e. pathways behind dwellings in the south and the route adjacent the nursery play area/hotel.

Secure by Design (New Homes) states that 'routes for pedestrians, cyclists and vehicles should not be segregated from one another'. The cycle route (no.65) between housing blocks R2a and R3a is

inappropriate in this context. This is an unnecessary route and encourages unauthorised persons into the complex at a vulnerable point and may cause additional vulnerability to adjacent residents.

The children's play area does not benefit from adequate levels of natural surveillance, due to tree cover and distance from developments. 'Secure by Design' specifications require that play areas for young children should have adequate natural surveillance within the community.

As a consequence the proposal fails to satisfy PPS1, in particular paragraph 37 of the policy document which states that planning authorities should have regard to good practice as set out in safer places - the planning system and crime prevention. As a consequence the scheme has been judged against this document and other relevant documents. The scheme also fails to satisfy policies GP3 of the City of York's Draft Local Plan including 4th set of changes which was approved for Development Control purposes in 2005. This policy seeks development to incorporate crime prevention measures so as to achieve natural surveillance of public spaces from existing or proposed development.

Date: 5 September 2008



M. Slater
Assistant Director (Planning & Sustainable Development)

FOR RIGHTS OF APPEAL, SEE OVERLEAF
Notes to Applicant

1. In the opinion of the Local Planning Authority Reasons 1 to 6 above are associated with the over-development of the site. A reduction in the amount of development proposed would consequently be required in order to address the issues raised within these Reasons for Refusal.