

COMMITTEE REPORT

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

Reference: 09/01606/OUTM
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Hybrid planning application consisting of outline and full proposals for the comprehensive redevelopment of the former Terrys site
By: GHT Developments LLP
Application Type: Major Outline Application (13 weeks)
Target Date: 11 February 2010

Recommendation: Approve after Referral to Secretary of State, subject to Section 106 Agreement and conditions

BACKGROUND

1.1 In April 2004, Kraft Food decided to close their Bishopthorpe Road site. The former Terry's factory closed in autumn 2005. Following the announcement of the closure of the site, a Draft Development Brief was approved by Planning Committee for consultation purposes in September 2005. A wide ranging public consultation was undertaken after which a number of amendments were made to the Brief. The revised Brief was approved by the Council's Main Planning Committee in June 2006. The Racecourse and Terry's Factory Conservation Area Character Appraisal was approved by Main Planning Committee in October 2006 following further public consultation.

1.2 Bidding for the site commenced in 2005 and the site was subsequently acquired by the newly formed GHT Developments LLP. Following approval of the CYC Development Brief in June 2006, GHT entered into negotiations with the Council. A suite of planning applications were submitted at the end of November 2006 for the redevelopment of the site.

1.3 Members may recall that a hybrid (i.e. part outline and part full) planning application was presented to the Council's Main Planning Committee on the 24th August 2008. Members refused the application. Nine reasons for refusal were given¹.

1.4 Following the refusal of that application the applicant decided upon a fresh approach to the development. The scheme before the committee is therefore not a revision of the refused proposals but a completely new scheme developed over a period of 11 months and including consultation and negotiation with officers, the local community and other stakeholders.

¹ A copy of the refusal notice is shown in Appendix 1

1.5 With this in mind the applicant believes that it has produced a scheme which balances the varying aspirations for the site to arrive at a scheme that is acceptable for the city and also commercially viable and capable of being implemented.

APPLICATIONS TO BE CONSIDERED

1.6 There are 7 applications being presented to Planning Committee. These 7 applications form the complete suite of planning applications which were submitted on 27th August 2009² for the redevelopment of the site³.

1.7 The full set of applications consist of:-

09/01606/OUTM is the overarching planning application for the whole site. This proposal seeks outline planning permission for the comprehensive mixed use redevelopment of the former Terry's site (reserving all matters other than access) and full planning permission for the reuse of the existing listed buildings. The scheme has been amended from the original scheme which was submitted. Revisions are outlined in section 1.101.

- **09/01606/OUTM** seeks full and outline planning permission for Outline planning permission, with means of access unreserved, for business (B1); assisted living accommodation and Residential Institution (C2); Residential (C3); Hotels with ancillary leisure (C1); Community Facilities including a Health Centre/Doctor's Surgery (D1); Children's Nursery (D1); exhibition space (D1); Leisure uses (D2); Retail (A1); Financial and Professional Services (A2); Restaurant/Cafe (A3); bar (A4); and live work units, with associated servicing, car parking, landscaping and highway works; additional deck to car park; demolition of existing buildings.
- **09/01607/LBC** seeks Listed Building consent for the removal of external first floor walkway from Head Office Building;
- **09/01608/LBC** seeks Listed Building consent for the selective demolition, alteration and construction of new extensions to the Multi-storey Factory (MSF);
- **09/01609/LBC** seeks Listed Building consent for the demolition of modern additions to the clock tower, ash bunker and boiler house building;
- **09/01610/LBC** seeks Listed Building consent for the demolition of modern additions to the Liquor Store;
- **09/01611/LBC** seeks Listed Building consent for the demolition of the Nut and Fruit Store; and

² Appendix 2 – briefly lists the previous planning applications relating to the redevelopment of this site.

³ It should be noted that the further applications will be submitted in due course when the applicant finds specific end users for buildings and/or areas of the site.

- **09/01612/CAC** seeks Conservation Area Consent for the Demolition of the Central Services Building. Conservation Area Consent is not required for the other demolitions within the conservation area as these are covered by the LBC's (section 75 PL (LB & CAs) Act 1990 .

SUMMARY OF CONTENT OF HYBRID PLANNING APPLICATION

1.8 This hybrid application as submitted comprises the following uses for the site:-

- Retail (Use Class A1);
- Financial and professional services (Use Class A2);
- Restaurant/ café (Use Class A3);
- Bar (Use Class A4)
- Employment (Use classes B1);
- Hotels with ancillary leisure (Use Class C1)
- Assisted living accommodation and Residential Institution (use Class C2);
- Residential (Use Class C3);
- Live Work Units with associated servicing (*Sui Generis*)
- Community facilities including a Health Centre/Doctor's surgery (Use Class D1);
- A children's nursery, (Use Class D1);
- Galleries and museum (Use Class D1);
- Leisure Uses (Use Class D2); and
- Open spaces; and areas for car parking, some internal roads and access points.

1.9 In effect the application is for outline planning permission, but seeks consideration of some detailed matters. The application has been submitted in this manner to enable consideration of the general principle of development with respect to the whole of site and at the same time give detailed approval of particular elements of the scheme. Such an application enables detailed design elements of this scheme to be considered at a later date once the principles have been established (within the structure of the Parameters Plan, Environmental Impact Assessment and Design Code).

1.10 Other elements of the hybrid planning application include full details of layout, scale, appearance and access of:-

- Multi-Storey Factory building (MSF) – change of use and extension to the south façade and at roof level, to comprise of residential development; and/or offices ; and/or retail units; and/or restaurant/café; and/or exhibition; and/or hotel; and or leisure, including associated external works;
- Former Headquarters Building – change of use to office accommodation;
- The Liquor Store – change of use to retail unit; and/or restaurant/café; and/or bar; and/or leisure; and/or community uses; and/or hotel use in conjunction with adjacent proposed hotel;

- The Clock Tower – change of use to offices; and/or exhibition space; and/or retail; and/or restaurant/café; and/or bar.

1.11 Also included within the Hybrid planning application is works to the highway infrastructure. Works include:-

- Alterations to the main access off Bishopthorpe Road;
- Alterations to the main access off Campleshon Road;
- Creation of an access to commercial zone from Racecourse Road;
- Alterations to the access to the decked car-park from Bishopthorpe Road;
- Creation of a new access from Bishopthorpe Road to serve the care-home.

1.12 The detail of what is being applied for is set out in the Parameters Plan and accompanying table⁴. The Parameters Plan is the key plan for the hybrid application. It divides the site into a number of zones and within each zone sets the constraints for development in terms of the proposed land uses(s), maximum amount of floorspace and maximum building height. These parameters represent a maximum amount of development envisaged for the site and form the basis of the EIA which has been undertaken to consider in detail the likely effects of the development on all aspects of the local environment. It describes exactly what is being applied for with reference to these parameters and will be the key plan to which the future development is tied, should the application be approved.

1.13 The Parameters Plan is accompanied by an illustrative Masterplan. The illustrative Masterplan suggests how the development defined in the Parameters Plan could be set out on site. The applicants emphasise the illustrative Masterplan is just that, whilst the general areas of development are defined, detailed design, exact siting, materials, etc. of these buildings are likely to be modified and will therefore be subject for approval through reserved matters applications.

1.14 When the applicant submits applications for reserved matters, it or any future applicant will be bound by the quantum of development agreed in the Parameters Plan.

1.15 Also included as part of the application is the Design and Access Statement (DAS). The DAS explains how the design principles of this scheme were established and how these have formed the approach to the arrangement and quantum of development within the site. The DAS also expands upon the information included in the illustrative Masterplan. It includes more detailed studies of each zone within the Parameters Plan. It also provides 3D visualisation of the scale and massing of buildings to complement information with the Parameters Plan.

1.16 Other information submitted in support of this application include:-

⁴ Copies of each are re-produced within Appendix 2.

(i) A Planning statement which explains the background and context to the proposals, including an assessment of the proposal against relevant planning policy, describes the proposed scheme, considers the principle issues raised by the proposals and explains how these have been addressed;

(ii) A full Environmental Impact Assessment was submitted with the application to determine its impact upon residents and the wider environs. The submitted assessment included: -

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- Introduction
- Methodology
- Location and Site Description
- Description of the Development
- Consideration of Alternatives
- Planning and Environmental Policy
- Archaeology
- Built Heritage
- Transport
- Ground Conditions
- Drainage and Flood Risk
- Landscape and Visual Impact Appraisal
- Noise and Vibration
- Air Quality
- Ecology and Nature Conservation
- Construction
- Sustainability
- Cumulative Impacts and Impact Interactions

(iii) A Design Code which sets out a clear set of 'rules' that should be followed in order to deliver the identified Masterplan design principles and objectives in more detail. The Design Code therefore seeks to provide a simple mechanism through which the envisaged levels of design quality and distinctiveness described in the Masterplan can be delivered.

(iv) A Transport Assessment which considers the likely traffic impact of the proposed development upon the surrounding highway network. The assessment considers:-

- The existing lawful use of the site;
- Relevant National, Regional and Local policies;
- Assessment, methodology and scope of the Transport Assessment;
- The proposed development, including access and parking;
- The existing local highway network, including traffic counts, peak hours traffic and road safety;

- Trip rates, including how they were calculated for this site, modal split, baseline position, proposed development generation and linked trips;
- Trip distribution, including existing network description and base flows, distribution of baseline and proposed development trips;
- (Operation assessment, including methodology, junction modelling and conclusion;
- Mitigation measures, including accesses, road junctions of (Tadcaster Road/Mount Vale, Tadcaster Road/St Helen's Road, Tadcaster Road/Sim Balk Lane, Sim Balk Lane/Bishopthorpe Road) and Nunnery Lane/Price's Lane Gyratory and the pedestrian and cycle network; and
- Summary and conclusion.

(v) PPS6 Town Centre Uses Statement which considers the potential impact of town centre uses on local centres and the city centre

(vi) Statement of Community Involvement which describes how the applicant consulted the local community, the Council and key stakeholders.

1.17 Other elements of the hybrid planning application include full details of layout, scale, appearance and access of:-

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- The Clock Tower – change of use to offices; and/or exhibition space; and/or retail; and/or restaurant/café; and/or bar.

1.18 Also included within the Hybrid planning application is works to the highway infrastructure. Works include:-

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PROPOSED SCHEME - DESIGN PRINCIPLES

1.19 The applicants consider that their scheme will deliver a mixed use development for the City of York of the highest standard in accordance with the principles set out in the Development Brief for the site. They believe the

scheme will provide jobs, homes and new leisure and community facilities on one of the most important sites within the City.

1.20 Their Masterplan proposals are derived from the design and consultation process undertaken with the Council, residents, various stakeholders and interest groups. The extent of the comprehensive consultation process is described later in the report. The applicants aim to create a new, sustainable, characterful and vibrant mixed use neighbourhood as a fully connective and integral part of the city. Their proposals include:

- The reuse and renovation of the iconic listed factory and office buildings as key local landmarks;
- The creation of a range of new residential uses for all age groups, including apartment buildings within the refurbished factory buildings, new build apartments, live-work homes, family housing, senior living accommodation and a care home;
- The development of new commercial uses including offices, hotels, retail uses, bars, restaurants, cafés, and leisure uses, within both new and refurbished buildings;
- The provision of new community uses, which will be accessible to the wider South Bank residential district, including a children's nursery, convenience store and medical centre;
- The establishment of a fully connective and permeable public realm network, including new streets, squares, courtyards and green spaces, allowing the site to be fully connected with adjacent urban districts and open spaces;
- The retention and /or enhancement of important trees and landscape components including boundary woodland strips and the reinstatement of the ornamental gardens;
- The improvement of the function, appearance and boundary condition of the existing car park to the east of Bishopthorpe Road including the creation of an additional deck and improvement to the adjacent footpath and cycle route that leads to the riverside. The proposals also include off site planting to be secured through a S106 agreement; and
- The development of a sustainable movement strategy that promotes walking, cycling and public transport use, whilst also adequately accommodating the car and delivery / service vehicles.

1.21 The applicants consider that the distribution of land uses across the site has evolved through the step-by-step design and consultation process. The applicants believe that the overall objective of achieving a mix of residential, commercial, leisure and community uses, through which a mixed and sustainable community has been achieved through the mix and distribution of uses within the site.

1.22 A key component of the applicants Masterplan is the identification and development of areas of distinctive, yet complementary character. They have used this to create a series of connected yet distinctive quarters. The applicants believe that they have achieved this through the creation of

different character areas across the site that respond to the constraints and opportunities of the surrounding areas

1.23 The proposed character areas, seek to create a gradual and seamless transition between the existing residential districts at South Bank to the north of the site, through the residential neighbourhood to it's immediate south, and then through a denser and more mixed live work area, to the active and higher density mixed use heart. Beyond this lies the commercial core of the site, marked by the new extension to the MSF, with commercial pavilions set within a strong landscape, which step down to meet the open countryside to the south.

1.24 The applicants also set out reasons why stronger frontages onto the Bishopthorpe Road corridor to the east and to the Knavesmire to the west, create a strong built form that provide frontage and containment of the surrounding areas and presents additional character areas which, they consider, define the site, whilst at the same time allowing

CONSULTATION AND COMMUNITY INVOLVEMENT

1.25 Following the refusal of the previous planning application in September 2008, the applicant committed to an ongoing series of consultation and community involvement with key stakeholders. The applicant sought stakeholders views of the site and how proposals for its redevelopment could be taken forward. The applicant also met extensively with Council Officers to understand the Councils position and expectations for the site and surrounding area.

1.26 Community engagement has been an essential component of the project development process for both the Council and the applicants. This has been especially important given the significance of the site in terms of its historical, conservation and visual prominence, impact of redevelopment upon the future development of York, local residents and other stakeholders.

A variety of methods have been employed to engage and involve the local community and key stakeholders including:

- Design workshop;
- Community Forum;
- Public exhibitions
- Public meetings
- The internet;
- Newsletter;
- Media;
- Meetings with key consultees;
- Formal meetings with Council officers.

Initial Consultations

1.27 Shortly after the previous application had been refused the applicant held a public meeting with local residents on the 18/11/2008. The meeting took place at the Terry's site and was a means of announcing the applicant's intention to submit a fresh redevelopment proposal for the site and to invite public interest and engagement in the formulation of a Masterplan.

Design Workshop

1.28 A design workshop was held on the 29/11/2008 and was attended by both targeted local stakeholders and local residents. The workshop was specifically designed to enable key local considerations, concerns, aspirations and opportunities concerning the future redevelopment of the site to be fully identified and explored.

1.29 By the end of the event, a consensus was agreed on an overall objective and 5 design objectives for the project. The overarching objective was agreed as:

The delivery of a sustainable development, in the broadest sense, for the local community.

1.30 The five design objectives agreed were:

- Enhance and complement the existing sense of community at South Bank
- Improve greenspace connections
- Protect and enhance the condition and setting of important views and buildings
- Develop and contribute to a workable local movement framework
- Provide a sustainable mix of uses

These five objectives have been incorporated into the development of the Masterplan.

Community Forum

1.31 A Community Forum was established following the initial consultation workshop. Key stakeholders and groups from the local community were identified to represent the views of the community and to shape the thinking behind the development of the Masterplan for The Chocolate Works site. The meetings were chaired by Janet Hopton, former Lord Mayor and member of York Design Panel, and arranged by City of York Council community planning officers.

1.32 The first Community Forum meeting was held on the 29 January 2009. Since then the forum has met further to hear presentations on the progress of the scheme and to provide feedback.

Public Exhibitions

1.33 Exhibitions were held before the submission of the planning application to give the public an opportunity to see and comment on the Masterplan and the development proposals for the site. The first exhibition was held on 14th February 2008 which set out three broad options for the redevelopment of the site. People were asked to identify what they believed to be the positive and negative aspects of each option. The comments received from this exhibition were then fed into the development of the first draft of the Masterplan.

1.34 A second public exhibition of the Masterplan was held on the 12th and 13th June. By this time the Masterplan had been developed in some detail, albeit illustrative of an outline application. However, the location of individual buildings was clearly shown and people had a clear idea of how the scheme would relate to the surrounding area.

1.35 Prior to the public exhibitions, the presentation were put before the Community Forum for consideration.

Public Meetings

1.36 A public meeting was held on the 30th July to present and allow discussion of the findings of the Transport Assessment.

Website

1.37 A dedicated website for the redevelopment of the Chocolate Works site was set up as a source of information for the local community and interested parties (<http://www.thechocolateworks.net/>). The website has been regularly updated with development options, newsletters and meeting notes as the proposals have progressed through the planning process.

Newsletter

1.38 Newsletters have been frequently published on the official Chocolate Works website by GHT Developments LLP and emailed to interested parties. The newsletter provides an update on the progress of the Masterplan in relation to community consultation, the traffic and transport sub-group and steering group.

Media

1.39 Regular press releases were made throughout the preparation of the Masterplan to allow for continual engagement with the local community. The press releases informed residents and key stakeholders as to opportunities for participation in forthcoming community consultations and also provided feedback on the progress of the development proposals.

1.39 Press releases included articles released in the York Press, the Yorkshire Post and on various local radio stations, including Viking FM, Minster FM, BBC Radio York and BBC Radio Leeds.

Meetings with Key Consultees

1.40 The applicant has met several times with key consultees throughout the process, i.e. English Heritage, Mount Vale residents group, the Conservation Area Advisory Panel and others.

Meeting with Council Officers

1.41 A Steering Group was established between the developer and City of York Council as a mechanism to identify and resolve potential design and planning issues at the pre-application stage. The Steering Group was composed of Council officers, the developer and the developer's consultant team.

1.42 The Steering Group has met on various occasions (more than 11) since September 2008. Key discussions included:-

- feedback on community consultations
- arrangements for forthcoming events
- detailed discussions regarding the principles of the development
- design and key planning concerns including transport and access arrangements
- the re-use of listed buildings; and
- the relationship of the proposal with the conservation area

Transport Sub-Group

1.43 Traffic and transportation aspects of any proposed scheme were identified as a primary concern by the Council and local residents. In view of this, a Transport Sub-Group was set up in addition to the main Steering Group. This comprised representatives from the City Of York Council, including highway and planning officers, the applicants team, including representatives from the transport consultant AECOM (previously Faber Maunsell).

1.44 The Transport Sub-Group has met on over 12 occasions since November 2008 and has focused upon key transport issues, including proposed traffic levels, highway capacity, access arrangements and improvements to the highway network within the vicinity of the site. A key achievement of the sub-group was securing agreement between the Council and developer to the methodology and scope of the Transport Assessment.

DETAILS OF THE HYBRID APPLICATION

1.45 The application is divided into matters seeking outline consent and detailed matters. Each area of the site is identified below, the numbers relate to Illustrative Masterplan attached as appendix 3:-

(i) Detailed

1.46 Full planning permission is sought for retention and flexible change of use of the following buildings:-

- The Multi-Storey Factory Building (MSF) – Full planning permission is also sought for retention and alteration (by way of extension) and the flexible change of use of the Multi-Storey Factory building to residential (C3); and/or hotel (C1); and/or business (B1); and restaurant/cafe (A3); and/or bar (A4); and exhibition space (D1); and/or leisure (D2). The former Headquarters Building (B1);
- The former Headquarters Building – change of use to B1 Office accommodation.
- The Liquor Store to retail (A1); and/or restaurant/café (A3); and/or Bar (A4); and/or hotel (C1); and/or leisure (D1)/ and or community uses (D1); and
- The Clock Tower to business (B1); and or exhibition space (D1); and/or retail (A1); and/or restaurant/cafe; and/or bar (A4).

(ii) Outline

- Commercial offices (blocks 22, a proportion of 23 and 28 on the Illustrative Masterplan);
- Community Uses (blocks 3 and 7);
- Retail development (block 3, a proportion of 23, 2 small units within 30)
- Residential development (blocks 10, 12 and a proportion of 23)
- Food and drink (a proportion of block 23 and potentially block 21, 20);
- Live work units (block 19);
- Senior living apartments (block 17);
- Care Home facility (block 13)
- Car-parking, some internal roads and accesses (1, 14, 24, 25, 26, 29, 31)
- Lightweight Deck to existing Car-park (15); and
- Open spaces (10, 11, 27 and 30)

1.47 Matters such as layout, scale, appearance and landscaping are reserved for future consideration. However these excluded/reserved matters need to be considered to some extent by Committee in terms of imposed conditions which would allow the Council reasonable control over future development of the site.

1.48 The Parameters Plan, illustrative Masterplan, , Design and Access Statement, Design Code, Planning Statement and EIA, provide the information to allow proper consideration of these matters so that the

necessary and appropriate conditions and Section 106 requirements can be attached to any grant of planning permission.

ELEMENTS WHICH SEEK FULL PLANNING PERMISSION

1.49 The applicants seek full planning permission for the alteration and conversion of 4 listed buildings⁵. These are:-

- The former Multi-Storey Factory building;
- The former Headquarters building;
- The Clock Tower;
- The former Liquor store.

n.b. It also proposed to demolish the former fruit and nut store (Chiver's jam factory/air raid shelter).

The Former Multi-Storey Factory building (MSF)

1.50 The Multi-Storey Factory building and roof extension (MSF) is the subject of three applications for development. It should be noted that (i) Detailed (ii) Listed Building Consent and (iii) Conservation Area Consent for removal of various non-listed extensions.

1.51 It forms a detailed element of the over-arching hybrid planning application (09/01606/OUTM). Full planning permission for the retention and alteration (by way of extension) and the change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the Multi- Storey Factory to residential (C3); and / or Hotel (C1); and / or Business (B1); and / or Retail (A1); and / or Financial / Professional Services (A2); and / or Restaurant/ Café (A3); and/or Bar (A4); and / or Exhibition space (D1); and / or Leisure (D2).

1.52 It is proposed to extend the MSF building by adding an additional floor to the roof of the building and building a 3-storey extension to the southern side including an lightweight glazed atrium to connect the existing to the extension.

1.53 The 3-storey extension to the south of the MSF will be occupied by offices. The atrium will be used for circulation and amenity space.

1.54 The division of the MSF is approximately as follows:-

West Wing

Ground, first, second and third floor – business hotel; and Fourth and roof (5th floor) - residential accommodation.

East wing

Ground floor – retail and active uses;
First Floor - Office

⁵ Planning permission and Listed Building Consent has already being granted for the conversion of the former Time Office building.

Second floor - Office and residential
Third, fourth and roof (5th floor) - residential

1.55 The applicants state that they require flexibility with regard to the exact quantum of each use within the MSF, which is what Class E of Part 3 of the General Permitted Development Order 1995 allows. The drawings submitted with the application provide a basis on which to consider the working methods set out in the heritage parameters plans and the likely nature of change envisaged to the historic fabric building and the likely impact on its character and important features. In addition a Heritage Management Plan submitted with the application sets out how the historic environment will be managed when the site is developed and includes parameter plans for each of the listed buildings identifying important feature and setting out general principal to guide future works to the buildings and ensure a programme for the maintenance and monitoring of the historic assets is provided.

1.56 The applicants state that that the MSF forms an important part of the detailed element of the application. Their aim is to implement this as part of one of the first phases of development to safeguard the future of this listed building. They further add that this part of the site will be made accessible from Phase 1 Highway Infrastructure that will be required to support the development.

1.57 Car parking arrangements include spaces for residential occupiers, people visiting the site for ancillary purposes as well as staff car parking spaces who may be employed in the retail/café/gallery units.

The Clock Tower and adjacent structures

1.58 The Clock Tower, Water Tower and Boiler House are grade II listed buildings. Historically, this group of structures provided steam and water to the various departments within the factory buildings.

1.59 The application proposes the demolition of the modern extension to the north side of the Boiler House and the conversion of this group of buildings to house a range of uses (by virtue of Class E of Part 3 of the GPDO 1995) including office, retail, a café, bar, restaurant and potentially a museum or gallery.

1.60 Detailed plans of the conversion of the Clock Tower and the proposed extension to it are not submitted with this application, as the buildings do not have a definitive end use. Listed building consent (09/01609/LBC) is therefore only sought for the demolition of the modern attachments and 'making good' of the structures. It is recognised that further listed building consent will be required for the actual conversion of the building for any future use.

1.61 The planning and listed building consent submission is accompanied by a Historic Buildings Assessment. The Terry's Conservation Area boundary 'cuts through' these buildings.

The Liquor Store/Transformer House

1.62 The Masterplan proposes the demolition of modern attachments to the rear of the former Liquor Store/Transformer House. The proposals also include making good and temporary repairs to it in order to facilitate the conversion of this building to a range of uses (by virtue of Class E of Part 3 of the GPDO 1995) to include retail and /or leisure and or café bar / restaurant and or community uses. There is the potential for the Liquor store to form part of the proposed hotel which is adjacent, and permission is also sought for this use.

1.63 Detailed plans of the conversion of the Liquor Store are not submitted with this application as the building does not have a definitive end use or operator. It is recognised that further listed building consent will be required for the actual adaptation of the building for any future use.

1.65 The new development will also see the demolition of the nearby Central Services Building, which is attached to the extension of the Liquor Store. The new development proposes a hotel on roughly the same footprint as the central services building, although this is only applied for in outline.

1.66 The demolition of these structures require Listed Building Consent (09/01610/LBC). This is not because they are buildings with any significant architectural or historical importance, because they are attached to listed buildings. These structures are also located within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

Former Headquarters Building

1.67 Change of use of former headquarters building to B1 office accommodation.

Highway Infrastructure

1.68 The implementation of some highway infrastructure is required to support the early construction stages, this is mainly the new accesses.

LISTED BUILDING APPLICATIONS

1.69 The four remaining applications for full planning permission and listed building consent consist of:-

- Former Headquarters Building (09/01607/LBC) - Removal of the footbridge from the central services building and extensions to roof and rear of building;
- Multi-storey Factory Building (09/1608/LBC) -
- Clock Tower (09/01609/LBC) - Demolition of existing modern attachments and extensions to the side and rear of the Clock Tower building including making good and temporary repairs to the Clock Tower;

- Liquor Store(09/01610/LBC) - Demolition of modern attachments to the rear of the former Liquor Store including making good and temporary repairs;
- Fruit and Nut Store (09/01611/LBC) - Demolition of the former Fruit and Nut Store (Chiver's Jam Factory/Air Raid Shelter); and

Former Headquarters Building (09/01607/LBC)

1.70 This application seeks Listed Building Consent for the removal of the footbridge, which joins the former Headquarters building to the central services building and making good. Further consents will most likely be required for future development of this building. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

The Factory Building (09/01608/LBC)

1.71 Listed Building Consent is sought for the demolition of the northern lights building and footbridge to the Central Services building as well as the refurbishment, conversion, extension and general making good of the factory building.

1.72 The Factory building is within the Terry's Conservation Area. Conservation area consent is required for the demolition of the northern lights building and footbridge to the Central Services building (09/01612/CAC). The Clock Tower and adjacent structures (09/01609/LBC)

1.73 The Clock Tower and adjacent structures demolition of existing modern attachments and extensions to the side and rear of the clock tower building including making good and temporary repairs to the clock tower. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

Liquor Store (09/01610/LBC)

1.74 Demolition of modern attachments to the rear of the former Liquor Store including making good and temporary repairs. This building is also within the Conservation Area and form part of the Conservation Area Consent Application (09/01612/CAC).

Demolition of the Nut and Fruit Store (09/01611/LBC)

1.75 Listed building consent is sought for the demolition of the Nut and Fruit store. Although the building is not identified as being listed in its own right, consent is required as the structure comprises a building within the curtilage of other listed buildings that was in existence prior to 1948.

1.76 The Masterplan proposes the demolition of the former Nut and Fruit Store. It significantly post-dates the construction of the remainder of the site. It is not part of the original build and has no architectural embellishment. Historically it is of local importance as a purpose built ARP shelter.

1.77 The planning and listed building consent submission is accompanied by a Historic Buildings Assessment which has been undertaken to address criteria detailed in Planning Policy Guidance Note 15: Planning and the Historic Environment.

Application for Conservation Area Consent (09/01612/CAC)

1.78 An application for Conservation Area Consent is submitted for the demolition of the central services building. This building is not listed but is located at the heart of the Conservation Area.

1.77 The new office 'pavilion' buildings to the south of the MSF will be set within a strong landscaped area and will be 3 storey's in height. The parameters plan proposes approximately 18,000 sq ft/ 190,00 m² of office accommodation. This office space will also incorporate landscaped amenity space.

1.79 The proposals will create approximately 43,000 sq ft/ 4,000 m² of office accommodation within the former HQ and a 51,000 sq ft/ 4,800 m² (approximately) within the extension to the MSF.

1.80 The pavilion commercial office development will be principally accessed from Racecourse road via a new access point. However access will be available from the main entrance on Bishopthorpe Road as well and on race days.

1.81 Two hotels are proposed. The larger of the hotels (at the rear of the former Headquarters building) will provide 4 star accommodation. 150 bedrooms are proposed as part of this hotel. The building will be no more than 4-storeys in height. As the applicants are seeking outline planning permission for this building no further details have been submitted. Condition height of building

1.82 The second hotel will provide approximately 120 bedrooms. The hotel is proposed to be a business customers and it is envisaged that it will be run by a mid-range operator. Condition uses and %of each within MSF, scheme of uses

1.83 The hotels are located close to the Racecourse and the new businesses proposed on the site. Condition uses and %of each within MSF, scheme of uses

1.84 Also proposed at ground floor level of the MSF is restaurants, retail and other active uses falling within use Classes A1, A2, A3 and A4.

1.85 A small brasserie/ coffee shop/ "Kiosk" (Use Classes A1 or, A3) comprising 100 m² of internal floor area (gross) is proposed within the formal gardens to south eastern corner of the site. The unit is proposed to be a small

ancillary facility principally serving the needs of the local business community and also encourage use of the formal gardens. Condition uses

1.86 Approximately 10,000 sq ft/ 910 m² of potential office, exhibition space, retail, restaurant/ bar or Use Class A2 office accommodation (professional services) is proposed within the Clock Tower (Building D). A degree of flexibility is sought by the applicants for the use of this building allowing for market demands and ensuring a use can be found for the building. Condition uses

1.87 Approximately 2,500 sq ft/ / 237 m² of retail, restaurant, bar, leisure or community use is sought for the Liquor Store (Building C). The applicants wish to create an active use for this building as it is within one of the main hearts of the development. Condition uses

1.88 The applicants also feel that it may be possible to incorporate it with the adjacent hotel and therefore such active uses could also be complementary.

Residential Development

1.89 271 dwellings (Use Class C3) are proposed. The applicants propose to erect family housing adjacent the existing Southbank residential neighbourhood. In total a maximum of 125 houses are proposed ranging from 2-4 beds and from 2-4 storeys in height. These dwellings will have gardens and either garage car-parking or within dedicated car-parking areas.

1.90 Up to 146 residential apartments are proposed in 3 locations. Up to 63 apartments are proposed adjacent Bishopthorpe Road within buildings from 2-4 storeys. 18 Apartments are also proposed above the convenience store adjacent Campleshon Road.

1.91 The submitted plans indicate 65 units accommodated within the refurbished Factory building (MSF) including some within the roof extension. All other residential development will be new build.

1.91 The housing is located within two parts of the site. The apartments (Use Class C3) located within the upper floors of the MSF and to the north of the MSF close to the existing housing within Southbank and Bishopthorpe Road.

1.92 The mix of housing proposed is as follows:-

| Apartments | Number | Houses | Number |
|------------|--------|--------|--------|
| 1 Bed | 13 | 2 Bed | 8 |
| 2 Bed | 130 | 3 Bed | 57 |
| 3 Bed | 3 | 4 Bed | 60 |

1.93 One potential layout for these areas is illustrated on the Masterplan and plans of the MSF, although scope exists for future change within the defined parameters and Class E consent to ensure flexibility.

Live-Work Units

1.94 14 live-work units are proposed in the 'transitional' area that links the South Bank residential neighbourhood with the mixed use heart of the scheme. These are one bedroom homes, with associated work area, within 2 and 3 storey buildings. The use of the work area of the buildings will allow for office, studio and light industry uses (all within class B1).

Senior Living

1.95 A "retirement living building" (Use Class C2) is proposed along part of the western boundary of the site, overlooking the Racecourse and Knavesmire open space. This is proposed to comprise up to 110 self contained one bedroom units. These would be provided in a building of 3-4 storey's. It is proposed that the buildings be arranged around communal gardens and high quality parking courtyards.

Care Home

1.96 A care home is proposed on the Bishopthorpe Road frontage (the eastern boundary of the site), to the immediate north of the listed office Headquarters Building (Building B). Planning permission is sought for a use within Use Class C2 of the Use Classes Order and the plot would be suitable for a variety residential institutions including for care of the elderly or disabled. Permission is sought for up to 4,332 sq m (46,629 sq ft) in a building of 3 - 4 stories. This would provide for approximately 80 bed places. S106

Community Uses

1.97 Adjacent to the existing South Bank residential areas, the applicants propose new community uses include a medical centre, a nursery and a convenience store. These facilities are proposed to be located on the frontage to Campleshon Road, close to St. Chad's Church and Knavesmire Primary School, in order to serve the wider (existing and proposed) South Bank district and help to create a community centre within this district.

1.98 Provision is made for a medical centre (Use Class D1) of up to 2,266 m² (20,000 sq ft) within a building up to 4-storeys in height.

1.99 A nursery building (Use Class D1) and comprises up to 543 m² (5,845 sq ft) is proposed within a 2-storey building. This would have capacity to provide for services and accommodation for approximately 80 children.

1.100 The proposed convenience store (Use Class A1) would be provided in Area 1 and be up to 595 m² (6,405 sq ft) in size in a building of up to 3-storeys, including apartments above.

1.101 These community uses are deliberately clustered around the Campleshon Road entrance to so that, together with the school and church a

community hub is created to facilitate maximum usage by the existing and new residents.

Food and Drink and Retail Uses

1.102 The redevelopment proposals also include various food and drink and retail uses (Use Classes A1, A3, and A5). The applicants state that these are likely to take the form of restaurants and brasseries, small scale retailing activities as well as a local convenience store.

Other uses/issues

1.103 There is potential for exhibition space (Use Class D1) in a variety of locations including the Clock Tower and the atrium between the MSF building and proposed extension Define within D1 use Class

1.104 The heart of the Chocolate Works site is defined by a mixed use area, occupying the existing Listed Buildings (and new additions) which lie in this central area. Each of these listed buildings will be retained and brought into beneficial use.

1.105 Some flexibility is sought in the actual uses proposed. This will allow for market demands, whilst also ensuring that a productive use can be found for each of these important buildings to ensure their future maintenance. The proposals for each of the specific buildings are set out below.

1.106 A variety of open spaces will be provided within the development. These are illustrated within the Masterplan. Existing areas, such as the garden in front of the Headquarters Building and the Memorial Garden towards the south of the site fronting Bishopthorpe Road, will be retained and will be available for use by users of the site and the general public.

1.107 The facilities in this area will be enhanced to increase their attractiveness, by the addition of small scale food / retail related uses as described above. New areas of public open space will also be provided within the proposed residential areas.

1.108 The design and location of these will be agreed with the Council through the approval of Reserved Matters and they will either be offered up for adoption by the Council or maintained and managed by a suitable Management Company created to manage the site.

1.109 These areas will provide both formal areas for recreation and children's play and quieter areas of amenity space and gardens.

REVISIONS

1.101 The application has been revised since it was originally submitted following discussions with Council officers, consultees, stakeholders and other interested parties. The revised documentation includes:-

09/01606/OUTM (Main hybrid planning application)

Additional Traffic Information

- Transport Assessment Addendums 1 and 2
- Proposed Off Site Car Parking including Decked Extension
- Proposed Off Site Car Parking Montages

Revised Drawings

- Parameters Plan
- Revised Illustrative Masterplan
- Land Use Masterplan
- Revised Drawings (relating to Multi-storey Factory)

Supplementary drawings for Design Code

- Building Heights
- Street Hierarchy
- Pedestrian and Cycle Access
- Car Parking Strategy
- Open Space Strategy
- Block Structure
- Legibility Framework

Additional Supporting Information

- Sustainability Assessment Addendum
- Justification Statement (relating to Multi-storey Factory)
- Revised Design Code

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

Policies:

See section 4.0

3.0 CONSULTATIONS

Please note all comments relate to the amended scheme as submitted January 2010 unless otherwise stated.

INTERNAL

CYC Conservation Architect

Supports Scheme: represents a creative and imaginative response to the Brief in terms of Urban design and listed building alterations

3.1 The application describes a mechanism for designing and delivering developments on the former Terry's factory site. As the southern half of the site is within the Racecourse and Terry's Factory Conservation Area the application must accord with policy HE3 of the draft Local Plan (4th set of changes) requiring full design details to be included to enable its impact on the conservation area to be fully assessed. However redevelopment is likely to be realised over an extended period of time and therefore drawings and written documents must also describe a development framework which allows a degree of flexibility. It is considered that the application documents, including Parameters Plan, Illustrative Masterplan, Design and Access Statement & Design Code, satisfy the above requirements.

3.2 The applicant proposes a comprehensive redevelopment of the site creating a sustainable urban neighbourhood within the city linked to the surrounding community. In developing the proposals the applicant has engaged the local community in an ongoing way, especially through the community forum. The consultant team adopted a fresh approach to the initial assessment of the site and they have developed the scheme in a collaborative way using principles of urban design such as those set out in CABI publications describing best practice.

3.3 The scheme represents a creative and imaginative response to the Development Brief (May 2009 rev) in the following areas:

- Urban design - organization of the uses, buildings and spaces on site and their relationship with the surrounding environment.
- Conservation area and its setting - preservation of character and appearance of the area, protection of its setting with some enhancement of internal views, buildings and spaces.
- Listed buildings – protection of settings whilst improving the potential for beneficial reuse of these vulnerable buildings.

Archaeologist

No Objections; conditions suggested to mitigate any impact

3.4 The Council's archaeologist confirmed that this site lies outside the AAI and about 1km south of the walled historic core of the City. The site lies

within an area which has produced limited evidence for prehistoric, Romano-British and medieval activity. Archaeological deposits on this site are likely to relate to either late prehistoric or Romano-British activity in this area.

3.5 A desk based assessment which was carried out, indicates the presence of a Roman road, roughly on the alignment of Bishopthorpe Road and burials of this period have been found in this area.

3.6 The survey confirmed Roman period activity and identified backfilled ditches and a dog burial. This suggests settlement activity in the area. However, Roman period activity was limited to the south-eastern part of the site in the garden area between the factory and Bishopthorpe Road. Some evidence of Medieval and Post-Medieval agriculture was also detected. Extensive 19th century gravel digging and 20th century excavation for factory buildings has reduced the potential for historic remains in the northern part of the site. However, archaeological deposits and features could survive along the eastern and northern site below topsoil "bunds".

3.7 The survey also examined the areas adjacent to the listed buildings which will form the hotel development and the area underneath the structure to the south of the main listed factory building.

3.8 The Council's archaeologist confirmed that there are no significant archaeological features and deposits on the site. However, the archaeological results (a) reinforce the desire to maintain the current garden area as open space in order to preserve the Romano-British features and deposits and (b) suggest that there may be other archaeological features and deposits preserved beneath the perimeter landscape bund and that there will need to be archaeological trenches where this is cleared away to provide access points.

CYC Countryside Officer

3.9 No Objections With regard to the EIA and survey details for the site, these are comprehensive and provide an accurate assessment of the ecological value of the site. With regard to the details, however, there are a couple of points that need clarification although they do not affect the overall conclusions.

CYC Landscape Architect

Considers the scheme largely reflects the brief with suitable open space and landscaping and respect for the existing environment and historic buildings at the site.

3.10 The officer recognises that the parameters plan states the maximum quantities of development and that the quantity of development can be reduced at the reserved matters phase if it is felt that this is necessary to attain satisfactory design standards. The illustrative Masterplan suggests that the scheme is acceptable in principle. The officer recognises that there are

many realistic opportunities for new tree planting, which would integrate the site with the existing environs and create a pleasant and attractive environment for both employees and residents and the wider visiting public.

3.11 During the course of negotiations and public consultations it has become clear that the removal of the majority of the earth bunding is desired in order to integrate the site with the surrounding neighbourhood – an essential aspect of the development.

3.12 The officer noted that the existing trees are an important element within the site and conservation area and that some trees could be retained. She notes that the parameters plan has been drawn up to fit with the illustrative Masterplan in so far that a reasonable depth of new tree cover would be reinstated to protect the amenity of the existing streets and provide an integral asset to the development itself.

3.13 Furthermore, the officer highlighted that it was agreed that the replacement tree planting should also be in the form of green fingers/tree-lined streets within the site, e.g. main axis streets and a green lane to compensate for the loss of trees around the northern half and to increase connectivity between the site and the surrounding streets.

3.14 In the main, the Masterplan responds to the design brief. It provides a suitable range of open space and landscape types across the site, and on the whole respects the setting of the existing surrounding environment and setting of the listed buildings

City Development

Supports the application and consider the development responds well to the Development Brief

3.15 As set out at paragraphs 1.11 and 1.12 of the revised Development Brief a mix of uses is considered the most sustainable approach for the Terry's site. The focus is on a range of employment opportunities with a number of complementary uses considered appropriate to allow for a development where the uses complement one another for mutual benefit. This approach would also allow the listed buildings to be redeveloped for the most appropriate uses.

3.16 The Development Brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all of the uses outlined. Instead, the Brief is designed to allow flexibility within an iterative, consultative master planning process. It does however specify that an employment-led development is required where other uses complement the principal employment function of the site.

3.17 The Brief also stresses the importance of high quality sensitive design with an emphasis on the importance of the landmark nature of the listed buildings set within a Conservation Area. Other key issues highlighted in the

Development Brief, and which were fully supported in the public consultation, include providing benefit to the local community and controlling traffic flows and parking in the local area.

3.18 The officer considered that the submitted application responds well to the Development Brief Vision and Objectives and further stated that the planning application represents an employment led development with a balanced mix of other complementary uses, including those of benefit to the local community. The proposed mix of uses will give the site vitality and viability.

Network Management

No highway objections to the application, a section 106 agreement covering associated highway and sustainable transport measures and the addition of a range of highway conditions.

3.19 States with the mitigation measures proposed, there should generally be only minimal increases in traffic delay observed on the network over and above what could potentially occur should the existing buildings be reoccupied and former activities resumed.

3.20 Sets out the process by which the new scheme has been formulated from a highway impact perspective, emphasising that the increase in traffic over that arising from the full reuse of the existing facility would be mitigated against by promoting other means of travel than the car. Main points: -

- The fall back position of full reoccupation of the factory site must be taken as the baseline for calculating increased traffic generation, as is standard practise nationally.
- The redevelopment when completed would increase traffic by around 128% over the reuse, but using 5 access points. And including less commercial together with residential traffic, balancing the peak hour levels.
- Equal level of traffic on Campleshon Road compared to the new Racecourse Road access
- Car parking standards are either in accordance with or just below the maximum for the uses proposed on the site with a total of 1500 spaces on the site and at the car park across Bishopthorpe Road
- Cycle parking accords with the standards at in terms of numbers (1138 spaces) and type of provision (secure storage for residential, office development). Full details should be sought by condition
- Improving the cycle existing route running to the north of the car park. The proposal is to widen this route to a minimum of 2.0m (wider where practical to do so) smooth out the current gradient to accord with Cycling England Guidelines.

Other measures being offered to promote pedestrian and cycle trips include:

- Introduction of a zebra crossing on Campleshon Road close to the school.
- Improvements to the signing and lining of the existing cycle routes heading north through the South Bank district.
- Improved crossing facilities on Bishopthorpe Road between the current main entrance and the southern boundary of the site.

3.21 Traffic mitigation measures at junction are proposed:-

- Signals and signalised pedestrian crossing, and a bus gate facility beyond the St. Georges Place junction.
- With the introduction of the Park and Ride and capacity improvements no further measures would be required at Tadcaster Road / Sim Balk Lane
- An additional 26 spaces on the Askham Bar Park and Ride site would be funded by the applicant to mitigate the impact of the development at Church Lane / Sim Balk Lane
- Initial testing found the Scarcroft Road / Bishopthorpe Road junction to be operating satisfactorily when development traffic is added.
- Other junctions to the south of the site and in Bishopthorpe were found to be operating within acceptable performance limits following the imposition of predicted development traffic

3.22 Sustainable transport measures offered by the developer include:-

- New bus service throughout the working day (7am to 7pm) linking the Station with the Askham Bar Park and Ride facility via the development site, and Bishopthorpe
- New shelter on Campleshon Road and real time information added to this and existing shelter on Bishopthorpe Road
- Voucher for each household to enable the purchase of a cycle, helmet and lock or a bus pass to the equivalent value
- 4 spaces for car club vehicles within the site, and a year's free membership for each household, currently amounting to £60 per dwelling
- Travel Plan Officer for a minimum period of 3 years
- Upgrade of part of Sustrans route N65 as mentioned above alongside the Bishopthorpe Road Car Park and additional cycle route signs on the current route into the City Centre through South Bank

3.23 Traffic Management Measures:-

- Improved pedestrian crossing facilities over Bishopthorpe Road (design detail to be agreed)
- A more formalised crossing facility over Campleshon Road, with funding offered for a zebra crossing in the vicinity of Knavesmire Primary School (details to be determined).

HASS Comments on Affordable Housing Provision

3.24 The applicant has agreed an acceptable affordable housing offer and adequate pepper-potting of the site. However the applicant should increase the number of affordable dwellings.

CYC Education Officer

Sets out the contributions required towards meeting demand for education provision arising from the development

3.25 The officer recognises that the relatively large scale of the development means that there will be significant increase of pre-school, primary, and secondary age children within the area when the development reaches full occupation. The majority of these children, in the officers opinion will, seek admission into local schools and pre-school providers, so the Authority should seek an education based contribution.

Preschool provision

3.26 The plans to create an 80 place nursery on the site are welcomed by the LCCS Early Years and Childcare service. Whilst the development will increase demand, this will be adequately offset by the provision of the proposed nursery facilities.

Primary provision

3.27 The latest school census information (Jan 2009) shows that there is very little space available within the local primary schools within the locality of the development. The continued popularity of these schools with local parents means that they will remain full for the foreseeable future as birth rates continue to rise.

Secondary provision

3.28 The catchment secondary school is Millthorpe Secondary, which as of January 2009 had no spare places available for additional pupils. Forecasts indicate that this school is also likely to remain full for the foreseeable future.

3.29 The officer concludes that the Authority will therefore require a Section 106 contribution for primary and secondary provision, calculated as per the methodology and cost multipliers in the latest Education SPG.

3.30 Although the finer details of the accommodation schedule are yet to be finalised, an indicative education commuted sum can be calculated using estimated unit numbers. The full amount will need to be re-calculated as and when the proposed number of units are finalised at a later date.

3.31 An indicative Section 106 amount, based upon 2009/10 cost multipliers and the latest Jan 2009 surplus levels at Knavesmire and Millthorpe schools, would be as follows:

| | |
|-----------|------------|
| Preschool | £0 |
| Primary | £616,809 |
| Secondary | £550,072 |
| Total | £1,166,881 |

York Consultancy – Drainage

3.32 Originally the Engineering Consultancy objected to the proposed development due to insufficient information being submitted to allow them to adequately determine the potential impact the proposals may have on the existing drainage systems.

AMENDED SUBMISSION

3.33 After meeting with the applicant and exchanging further information the officer agreed that the proposed scheme was acceptable subject to the imposition of various conditions.

Environmental Protection Unit

Raises no objections to the scheme in respect of air quality, contamination or noise and vibration, subject to appropriate mitigation measures and conditions.

Noise

PPG24 Noise Assessment

3.34 Results of ambient noise monitoring found that the majority of the measurement position on the edge of the site fall within Noise Exposure Category B, with only one, to the western boundary of the northern section of the site, being classified as NEC A during the daytime but NEC B at night time. Furthermore, there were no Lmax levels recorded greater than 82dB. Predictions of noise levels within the centre of the site, indicate that ambient noise level would fall within NEC A. As a result noise should be taken into account when determining the application and, where appropriate, conditions should be imposed to provide protection against noise.

Knavesmire race day and fan noise

3.35 Additional noise monitoring was carried out to establish noise levels during a racing event on the nearby racecourse at the Knavesmire and from fans associated with the main racecourse building. Assessment of the results showed the likelihood of complaint as a result of these two factors on proposed residential properties was negligible.

Electrical Transformer Station

3.36 Additional noise monitoring was carried out to assess the impact of a transfer compound to the north of the site, particularly as dwellings are proposed near the transformer site. Results indicated that the transformer is likely to result in complaint, and so conditions would be essential to ensure that there is no loss of amenity to any proposed residential dwelling or building in proximity to the transformer station.

3.37 When reserved matters applications are received for this part of the site it is essential that noise is considered and that an acoustic report is submitted to demonstrate that there will be no loss of amenity due to noise from the existing transformer station. This may include the need for details of acoustic barriers, window sound reduction values etc.

New noise sources within the site

3.38 It is not possible to assess the likely impacts of the proposals as no details on the number, location, noise level or type of plant or equipment to be used on site are provided at this outline stage. Each reserved matters application will need to be assessed on a case by case basis and conditions be applied to the outline application to mitigate any noise relating to the noise levels within residential properties at night time hours, and monitoring of noise levels,

Contaminated Land

3.39 Site investigation work has revealed elevated concentrations of heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, asbestos and ground gases at a number of locations. Remediation works would therefore be required as part of the development.

Air Quality

3.40 These comments are provided on the understanding that the traffic data used as the basis for the air quality assessment is acceptable to City of York Council's Highways department.

3.41 An air quality assessment has been submitted in support of the application which considers the impact on local air quality during both the construction and final operation of the proposed scheme.

Construction phase

3.42 To ensure that dust is kept to a minimum (as predicted in the submitted assessment) it is recommended that the developer be required to agree a suitable construction management plan with the Council prior to the commencement of works on the site.

Operational phase

3.43 An assessment of the operational impact of the proposed scheme on local air quality has been undertaken using ADMS-Roads (an air quality dispersion model). The assessment includes the local highway network adjacent to the proposed development site, which is not included within an Air Quality Management Area (AQMA), and the local highway network to the North of the proposed development, which is located within City of York Council's existing AQMA. The assessment also considers air quality in the vicinity of the roundabout on Tadcaster Road, in the Dringhouses area of the city, and in the village of Bishopthorpe. The receptors were selected to quantify the magnitude of the change in road traffic pollution levels due to the proposed development.

3.44 The following scenarios have been modelled:

- 2008 Baseline (for model verification purposes)
- 2011 future baseline (no proposed development + committed developments)
- 2011 with development (with proposed development + committed developments)

3.45 The assessment demonstrated that small increases in nitrogen dioxide (NO₂) concentrations are predicted at receptors within the AQMA and adjacent to it as well as in Bishopthorpe .

3.46 Concerning the predicted annual mean PM₁₀ and the number of exceedences of the PM₁₀ 24-hour objective, negligible increases were observed in all study areas with the development in place.

3.47 EPU has worked closely with the applicant's consultants to ensure that the AQIA was both valid, accurate and appropriate., EPU has considered the significance of any air quality impact : "Development Control: Planning for Air Quality". was used to assess the significance of the change in pollutant concentrations .

3.48 Changes in road traffic flows with the development in place were not shown to result in significant change in pollutant concentrations at any of the receptors within the air quality study areas considered. The maximum change in annual mean concentration of NO₂ within the Air Quality Management Area was 0.5ug/m³ (northern end of Bishopthorpe Road). Whilst concentrations of nitrogen dioxide monitored by CYC at the Nunnery Lane / Prices Lane gyratory are currently exceeding health based air quality objectives, the slight

increase in nitrogen dioxide concentrations with the development in place is not considered to be a significant worsening of a breach of an air quality objective. The predicted increase in annual mean NO₂ concentrations (with the development in place) is extremely unlikely to result in the need for a new AQMA to be declared, or to an extension of the existing AQMA, as the concentrations predicted beyond the AQMA are currently well below the objective values for each pollutant.

3.49 Using the National Society for Clean Air's latest (non-statutory) guidance on planning and air quality, the magnitude of change in annual average NO₂ within the existing AQMA (with the development in place) would be considered 'very small'. Using the same guidance note, the impact of the development on properties within the AQMA, as a result of the additional traffic associated with the proposed development's operation, can be described as 'slight adverse'. Whilst the development will lead to an increase in emissions and slight deterioration in air quality, using current guidance, it is considered that the air quality impact demonstrated for the Terry's development is not significant.

3.50 However, due to the slight deterioration in air quality seen in the existing AQMA, the developers should be required to put in place measures to help offset the increase in emissions from the development as far as practically possible.

3.51 It is the Environmental Protection Unit's understanding that no biomass boilers are proposed for the site. Should this not be the case, EPU would expect a full screening assessment to be carried out to look at the air quality impact of each biomass installation. Any assessment should look at the cumulative impact from any proposed biomass plant, alongside emissions from additional traffic using the site.

AMENDED SUBMISSION

3.52 EPU considered that no further conditions should be imposed concerning the amended scheme.

Economic Development Unit

3.53 The Economic Development Unit has been involved with the development of the latest proposals for some time. The current application in terms of the mixed development now meets the needs of the EDU with regard to potential employment use and coherence of layout. We therefore have no further comments to make on the application.

Life Long Learning and Culture (LLL)

No objections subject to commuted payments for additional off site open space provision

3.54 The officer commented that for a development of this size they would expect :-

- all residential and commercial amenity open space on site;
- all play space on site;
- all sports pitch provision off site; and
- % for art on site.

3.55 The officer notes that the proposal appears to deliver most of the on site open space requirements but without detailed housing bedroom numbers and the area information for amenity open space and play space I can't be certain if this is the case. Therefore the officer advises that a condition should be imposed that any shortfall of on-site open space will be made up by an off site contribution (commuted sum) once the exact number of bedrooms.

3.56 The officer welcomes the retention of the formal lawn adjacent to the commercial use and the location of what appears to be a play area in the centre of the residential development. The officer advises that the play area should be built to the latest Play England standards as set out in Managing Risk in Play provision : Implementation Guide (DCMS 2008) and Design for Play : A guide to creating successful play areas (DCMS 2008).

3.57 The officer queried who will look after the landscape once the site is developed and noted that if the developer wishes to transfer the site to the Council additional 106 payments will be required for future maintenance.

3.58 Based upon the information submitted, £160,249 should be provided for off site sport.

EXTERNAL

Bishopthorpe Parish Council (BPC)

No objection but still has concerns over traffic, in particular the volume passing through Bishopthorpe.

3.59 To date, the PC state that, traffic assessments show very little traffic in relation to total numbers through Bishopthorpe. They understand that new traffic assessments have been made and these indicate increased numbers from those before.

3.60 The PC suggested several measures to alleviate traffic to traffic to Bishopthorpe should the application be approved, these are:-

- Modification of the Bishopthorpe Road entrance to prevent left turns from Bishopthorpe Road in a north direction into the site. BPC stated that have had no reply to that suggestion. This was to encourage the use of Tadcaster Road as the main route.;
- Accepting that Church Lane will be taking the traffic the BPC suggested that it is made into 3 lanes from Sim Balk Lane to just before the church. They

consider this which would allow through traffic and cater for car parking to deliver children to school, doctor's surgery visit, and resident parking.;

- BPC also suggested that in addition to 3 lanes on Church Lane a one way system around the Church is made. Primarily this would improve the use of the Church Lane /Bishopthorpe Road junction. Also by making Bishopthorpe Road one way the pavement could be widened and a cycle lane introduced. This section of Bishopthorpe Road is a safety issue;

- BPC's last suggestion which has not been put forward before but is in line with proposed changes to 20 mph zones, is to make the total length of Church Lane 20 mph with additional vertical controls. BPC state that cars do speed up at the 20 mph limit but rarely down at that limit, which is again a safety issue. (At the same time the section of Bishopthorpe Road from Church Lane to Main Street 20 mph limit is made 20 mph along that length as well.)

Mickelgate Planning Panel

Raises a number of concerns relating to traffic levels, air quality, scale and design of development, car parking and the adjacent cycle route.

3.61 Recognises that the development of the site is a major opportunity for the city, and therefore a pro-active approach in addressing potential concerns about the development is needed

3.62 The current plans represent a significant improvement on those previously rejected in respect of their built form; in particular the changes in the layout of the development are welcomed, with the housing element closer to, and relating to, the existing residential area on the South Bank. Also welcomes the efforts to "soften" the boundary of the site and ensure that it integrates more closely with the community.

3.63 However, there are a number of respects in which improvement is essential before the plans come to committee. concerns can be summarized as follows:

(i) Traffic

3.64 Extremely worried that the reduction in traffic generation from the development appears to be mainly from methodological changes rather than as a consequence of a substantial diminution in the level of development and understands that the reason for this is that the modal split typical of the properties in the surrounding area has been applied to the traffic generation model for the development. Whilst acceptable for the residential development, this is not realistic for the offices. and so traffic generation has almost certainly been significantly underestimated.

3.65 Very significant concerns about the detail of the traffic assessment as carried out. In particular, the already heavily congested northern section of Bishopthorpe Road, Blossom Street and the Nunnery Lane/ Prices Lane gyratory will experience significantly increased traffic levels (up to 10% higher at peak times, not less than 5% as claimed when the application last came to

committee) leading to much greater congestion, as these roads are already running at capacity during peak hours, and there will also be a deterioration in air quality. This is a particular issue in Nunnery Lane, which is part of a statutory Air Quality Management Area, and in which the pollution levels are already on the verge of breaching World Health Organization limits. The panel asks what action the Council intends to take to safeguard the health of people in this area.

3.66 The Planning Brief states that the development needs to be served by convenient, regular and good quality bus services from the outset, to reduce dependence on the private car (paragraph 9.15). The proposal to run a York Station – Askham Bar service which will run via Scarcroft Road, Bishopthorpe Road, the Terry’s site and Bishopthorpe during the morning and evening peak hours (approximately four hours a day) on Monday to Friday, complementing the existing No.11 would have a number of problems:

- Different operator to the existing no 11 creating cross ticketing problems, with the new service not running most of the day and prices deterring use;
- For much of the day and at weekends, the bus service will only be half-hourly, and even then unreliable. The service would not be self sustaining and likely withdrawn after 5 years;

The proposals do not meet the local plan requirements for the frequency of bus service for the size of the site; and

- Also the Panel is unclear and concerned as to whether the current and proposed junction configurations for Micklegate/ Blossom Street/ Queen Street/ Nunnery Lane have been appropriately modelled.

(ii) Scale of the development and factory building application

3.67 Concerns relate mainly to the outline planning application, but also have a bearing on the full application (09/01608/FUL) for the factory building, hotel and offices as part of the factory extension.

3.68 The residential development covers a greater area of the site than previously, and as such more units are provided. There are however serious reservations about the very large and dense office developments to the south of the main factory building. This relates to both their built form and the wider effects on traffic and the remainder of the site.

3.69 We are concerns are raised over about the scale and massing of the proposed extension and the indicative height on the outline plans of the blocks behind it to the south, as shown on the outline plans. The extension block is considered too high relative to the factory building, and other buildings should be stepped down away from the factory to ensure that views through to the listed buildings are maintained and enhanced. It is also hoped that the “green avenue” concept mentioned in the community forum meetings will be more fully implemented in the eventual design, opening up vistas to the listed building from the south as previously promised.

3.70 The proximity of the large office blocks to each other at the southern end of the site and the narrow gaps in between are likely to result in less than pleasant working conditions in some of the offices. Also some of the windows of rooms in the hotel building will be facing directly into those of offices in the new extension block only a short distance away. It is also unclear about the proposed parking arrangements for the 300 bedroom hotel in the main factory block.

3.71 A reduction in the overall amount of office accommodation needs to be given serious consideration in view of the fact that the original proposal was rejected because of “overdevelopment.” On a casual inspection, it appears that the total amount of “commercial” development on site (i.e. the total of office, retail and hotels) is almost the same as for the previous application.

(iii) Other issues

3.72 The Panel is concerned about the proposal to introduce a decked car park in the Green Belt on the east side of Bishopthorpe Road, a proposal that was certainly not given any prominence in the discussions at the community forum.

3.73 It is also extremely disappointed that the recommendation of the planning brief (para 9.10) stating that possibilities for the existing Route 65 cycle path to be upgraded should be “explored,” seems to have been largely ignored. In particular, the section of the path which runs just to the north of the proposed decked car park is narrow and very steep and the development presents a possibly unique opportunity to re-route the cycle path to the east of the car park .

3.74 In terms of pedestrian crossings and traffic calming it states Bishopthorpe Road is currently severely lacking in safe crossing facilities throughout its entire length, and believes that the development presents an ideal opportunity to rectify this problem. The Panel Also concerned that steps are taken to discourage speeding, which could include 20mph sections of road.

3.75 The Panel believes that the requirement to provide open space should be met and that this should be done within the site, with some of this area made available for the use of Knavesmire Primary School during school hours, for sport and related purposes, though the exact location of this should be a matter for negotiation with the Council.

British Waterways (BW)

Comments that the proposed scheme would not have an impact upon the waterway and as a consequence they have no objection.

3.76 However, they note that the riverside path offers many leisure, recreational and health benefits to the users and residents of the development, providing a sustainable transport link to the centre of York. As a

consequence they encourage the development and improvements in access and linkages between the site and the river; e.g. new directional signage. BW also mention that if a mooring were formed, it would open up access to the development for craft and could provide a riverside link to the city.

AMENDED SUBMISSION

3.77 BW raise no further comments regarding the amended scheme and additional information submitted.

Yorkshire Water (YW)

3.78 YW suggest the imposition of various conditions relating to drainage matters.

AMENDED SUBMISSION

3.79 YW raise no further comments regarding the amended scheme and additional information submitted.

Environment Agency (EA)

3.80 The EA advised the imposition of various conditions relating to contamination.

Sport England (SE)

SE confirm that as long as the appropriate provision is made for playing pitch/sports facility provision which fully accords with the scale of the development, then they raise no objection

3.81 As no part of the site forms part or constitutes a playing field, Sport England have treated their consultee response as non-statutory. SE comment that the overall thrust of PPG 17 (Planning for Open Space, Sport and Recreation) is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

3.82 SE states the proposed development will significantly increase the number of people living and working in the locality and it is important that sport and recreation needs can be met.

3.83 SE notes that there is a proposed section with the S106 for 'Open Space Land' and 'Outdoor Sports Provision'. and that contributions and/or specific sport and recreation facilities should be sought which are of an appropriate scale to address the needs arising from the development arising from the development via the S106 agreement.

3.84 SE advocate using a strategic approach to determine the level and type of provision required for developments such as this, so as to ensure a robust

evidence base. A number of strategic planning tools which the applicants should use to determine the correct level of provision are suggested

3.85 Matters to be addressed at the reserved Matter stage include:-

- Adequate trigger mechanisms within the phasing to ensure the provision of the sports and recreation facilities are secured at the appropriate phase of development;
- Any off or on-site sport provision should ensure community access agreements are in place, to allow for extended public participation in sport.; and
- New facilities provided or existing facilities to be upgraded off site should meet Sport England design guidance.

English Heritage (EH)

Welcome the proposals and acknowledge that the amended scheme has incorporated a number of improvements and alterations which ensure the setting, character and integrity of the listed complex of the factory buildings are maintained and enhanced.

3.86 EH welcome the proposals and acknowledge that the amended scheme has incorporated a number of improvements and alterations which ensure the setting, character and integrity of the listed complex of the factory buildings are maintained and enhanced.

3.87 EH confirm that it is comfortable with development to the north of the MSF. The illustrative and Land Use Masterplans suggest a form and footprint of development which would sit comfortably in the setting of the MSF and the Design Code is sufficiently detailed to achieve a sensitive and sustainable new neighbourhood.

3.88 EH expressed concern with the proposals for the MSF as originally submitted in August 2008. Their concerns centred on the roof top extension which was considered intrusive and lacking justification. EH was also concerned the views of the top two floors of the MSF from the south should be protected by a restriction on the height of the proposed buildings to the south of the MSF following a further assessment of key verified views.

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3.89 The amended drawings submitted in response to the comments made by EH and Council Officers have addressed English Heritage's initial concerns. EH is satisfied that the 3-storey rear extension and glazed atrium, would retain the visual dominance of the top 2 floors of the Multi-Storey Factory building.

3.90 EH welcome the redesign of the roof extension to the MSF and now support this element of the scheme. EH also acknowledge that the applicant

has sufficiently justified the proposed roof extension by submitting further supporting information.

3.91 Finally EH welcome the applicant's willingness to accept a height restriction on the height of buildings to the south of the MSF to preserve the important views of the building. .

YORK CIVIC TRUST (YCT)

Considers that the scheme is well thought out and has the potential to be an asset to the local area and the city. However it makes detailed comments regarding the scheme as summarised:-

3.92 The proposed works associated with the Multi Storey Factory (MSF) building are supported in principle, for example the removal of the miscellany of roof structures and their replacement by an additional floor which will be set back from the parapet. The details of the top floor and its relationship to the existing building are rather vague and, due to its dominant position, we would welcome clearer drawings annotated including details of the proposed materials.

3.93 The demolition of the North Light Building to the south of the MSF is considered also acceptable. However further details in terms of heights of the commercial pavilions should be agreed prior to approval.

3.94 Whilst the YCT accept that a mixture of uses is applied for the MSF building, it suggests a formula that would control the proportion of space devoted to each floor for the mixed uses, and suggest the same type of condition be imposed upon the other listed buildings so as to prevent certain uses being used to excess and overpowering the whole space.

3.95 With regards to the Masterplan and Design Code, YCT comments that these were most informative and suggest a few practical comments. Firstly YCT welcomes the additional access from Racecourse Road which will service the new commercial buildings to the south of the MSF. However it notes that care should be taken with any signage along Tadcaster Road and that the 3 raised traffic tables will need cooperation with the Highway Authority.

3.96 YCT note that no mention is given as to whether the streets are to be adopted, considers that they should be, in the interest of maintenance and cleaning. However YCT advises that the highway authority should be prepared to be flexible about the final design of streets to prevent excessive signage, street furniture and lighting.

3.97 The live work units are welcomed by YCT but it advises that control should be kept over any machinery which might create noise to adjoining residents. The same comments apply to the future uses of the commercial buildings to the south of the MSF.

3.98 It recommends that permitted development rights be removed for dwellings within the northern sector of the site to safeguard the character of this area, but acknowledge that a significant amount of thought has gone into this area.

3.99 YCT welcomes the applicant's proposal to plant trees along the Bishopthorpe Road frontage so as to preserve the rural character of the approach to the site from the south.

3.100 YCT note that car-parking has been a concern of the local community, and feels that by distributing parking throughout the site without dominating the environment is sound. However the decked car-park and the underground car-park beneath the neighbourhood green need careful, handling as well as been completed prior to houses being occupied.

3.101 Finally YCT comments upon the management of the site. It notes that the infrastructure will need to be provided at an early stage in order to provide for their integration within the framework for the various stages of development.

3.102 YCT notes that there is also a need for some form of Management Committee to protect and maintain the open spaces, the streets, the parking regime, the tree maintenance and the general upkeep of the site. As it is unlikely that the site will developed as a whole, the spaces which are awaiting development need to be cared for in order not to detract from that part of the site which has been completed. Its suggests that this control could be sought through the inclusion of a term within a S106 agreement.

3.103 After viewing the site model prepared by the applicant YCT made the following comments:-

- The plan area of the proposed hotel to the rear of the former Headquarters building is greater than the HQ building itself and if it is intended to be flat roofed, it would conflict with the setting of the adjacent listed building. Therefore special care should be taken when designing this building so as to preserve the setting and character of the HQ building.
- YCT has concerns about access to the commercial area south of the MSF on race days due to closure of Racecourse Road. It considers that this would affect traffic in Bishopthorpe and consider that any race day congestion should be directed to Campleshon Road/Racecourse side.
- YCT notes that the model indicates that the flats adjacent Bishopthorpe Road will have flat roofs and would prefer pitched roofs so as to match with the existing character of South Bank.
- Finally YCT welcomed the decked car-park to the east side of Bishopthorpe Road.

Conservation Areas Advisory Panel (CAAP)

Raises a number of issue and concerns over the scale and height of part of the development, and the impact of traffic measures on trees

3.104 Noted the convenience store has been realigned to improve access and massing and reduced from 4 floors to 3. The medical centre with housing over the top has been increased from 3 floors to 4. The panel supported the reduction in floors of the convenience store but were against the added floors on the medical centre – proposing a maximum of 3 floors.

3.105 A proposal to add a deck to the existing car park adjacent the factory would increase the parking capacity to 560 spaces with a potential 250 spaces on the top deck – which is in line with the developments parking requirements.

3.106 The Panel agreed there is a need for additional parking as the development does not allow for enough on site parking for the facilities and homes however this raised concerns about security. The idea of the additional deck was supported only if the size of the deck is reduced (e.g. only a partial top deck over the existing car park)

3.107 In response to the Panel's previous concerns about the scale of the senior living blocks, the new design code details 3 separate blocks that the panel agreed were a vast improvement on the original design. No objections were made to the new design.

3.108 The issue of the bus lane proposal on Tadcaster Road was raised by the Panel that expressed concerns about existing trees and the implications for increased traffic and congestion.

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3.109 CAAP note that the convenience store has been realigned to improve access and massing and reduced from 4 floors to 3. The medical centre with housing above has been increased from 3 floors to 4.

3.110 The panel supported the reduction in floors of the convenience store but were against the added floors on the medical centre – proposing a maximum of 3 floors.

3.111 The panel agreed there is a need for additional parking as the development does not allow for enough on site parking for the facilities and homes however this raised concerns about security. The idea of the additional deck was supported only if the size of the deck is reduced (e.g. only a partial top deck over the existing car park)

3.112 In response to the panels previous concerns about the scale of the senior living blocks, the new design code details 3 separate blocks that the panel agreed were a vast improvement on the original design. No objections were made to the new design.

3.113 The issue of the bus lane proposal on Tadcaster Road was raised by the panel that expressed concerns about existing trees and the implications for increased traffic and congestion. The panel agreed A Sinclair would comment on any impact on proposed affects to the Tadcaster Road Conservation area re: traffic and bus lane.

Council for the Protection of Rural England (CPRE)

CPRE noted that the application differed significantly from the previous application and presents a much more balanced development proposal.

3.114 CPRE further noted that the applicants had been engaged with local residents, relevant stakeholders and the Council prior to and during the submission of the application and were of the opinion that the scheme addressed their previous concerns. It states that subject to satisfactory traffic control being agreed, they supported the scheme.

3.115 CPRE noted that the application differed significantly from the previous application and presents a much more balanced development proposal. CPRE further noted that the applicants had been engaged with local residents, relevant stakeholders and the Council prior to and during the submission of the application and were of the opinion that the scheme addressed their previous concerns. They stated that subject to satisfactory traffic control being agreed, they supported the scheme.

Yorkshire Forward (YF)

Welcomes the proposal for a major mixed use development on the former Terry's site and makes detailed comments on the type of uses, live work units, and sustainability.

3.116 It states while the flexible nature of the permission sought means that it is not possible to define the exact extent of different land uses proposed on the site, it is regarded that the increase in office capacity and employment opportunities that this proposal presents may stimulate economic growth within the city and wider region, complementing Yorkshire Forward's renaissance activity within the City. Moreover, in integrating a mix of uses within the site, it is considered that the proposal presents the opportunity for a sustainable community to be developed, with key services such as the health centre and nursery, along with small scale convenience retail, restaurant and café uses minimising the need for workers and residents to travel by private car and creating a vibrant environment throughout the day and night.

3.117 YF welcomes the inclusion of a large element of B1 floorspace in the application and the potential for some of this accommodation to fulfil any demand which is brought forward by Science City York.. The redevelopment has great potential to contribute to the development of York as a Science City, presenting an opportunity for new purpose built accommodation well suited to

science based business to be developed which would support the future development and growth of the York economy.

3.118 The inclusion of 14 live/work units within the proposal is also welcomed by Yorkshire Forward. as this has a number of merits as a sustainable alternative to separate home and work space for growing businesses. It is important, however, that the accommodation provided as live/work within this scheme will offer something truly different to its occupants than a home-office that may be created within a standard C3 residential dwelling – be that in terms of its size, layout or design. It is recommended that stringent conditions are applied to ensure that these properties are used for dual residential and work purposes as intended.

3.119 The intention to develop two hotels of differing standards on the site is supported as the provision of hotel accommodation will help support the growth in business activity on the site as well as encourage and cater for tourists visiting the city, complementing the facilities available at York Racecourse and within the City centre., Since the second business class hotel is part of flexible uses proposed for the multi-storey factory, it is recommended that conditions be attached to any permission granted to designate a minimum floor space requirement for hotel use to ensure that this comes forward as one of the uses for this building.

3.120 The applicant suggests in the covering letter that accompanies the application that, due to the flexible nature of the proposal, conditions should be used to define a maximum net area which may be occupied by uses – such as A1 retail – for which unlimited provision would not be acceptable in policy terms. The use of conditions to set maximum net areas for different uses e.g. retail use is supported. Moreover, with a number of the flexible uses being proposed for the listed buildings on the site being considered as ‘town centre’ uses within PPS4, it is considered that it will be necessary for limits to be placed on the level of development that may be appropriate for such uses in this out-of-town location.

3.121 The provision of affordable housing on this site is important in achieving a balanced and stable residential community, and planned provision should be aligned to the RSS target for affordable housing in York of 40%. It is therefore regarded as important that the council continues to strive to maximise the level of affordable housing that may viably be achieved on this site.

3.122 YF notes while the intention for the development to meet BREEAM standards is supported, all of the buildings should be striving to meet ‘Excellent’ if not ‘Outstanding’ rating unless there are valid reasons to stick with ‘Very Good’. This will contribute towards the RES target of reducing greenhouse gas emissions by 20-25% in the Yorkshire and Humber by 2016, and contribute to objective 5D(i) of the RES which seeks to deliver projects that reduce and mitigate greenhouse gas emissions The range of options are being considered by the applicant including rainwater harvesting, air source heat pumps, green roofs, solar heating and heat reclamation will reduce fossil

fuel dependency inline with objective 5C(ii) of the RES and will be important in meeting the target set by Policy ENV5 of the RSS which seeks for 10% of the energy used by larger developments to be produced from renewable or low carbon sources. The sustainability measures should have a focus on climate change adaptation, as well as mitigation, and additional details regarding these measures must come through at reserved matters stage. It is also suggested that stronger sustainable procurement objectives are written into the application – including maximising recycled content in the construction materials – to enhance the sustainability of the development process itself.

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3.123 YF welcome the additional information especially concerning sustainability issues in the addendum to the environmental statement. In particular, we welcome the indication that air source heat pumps, solar thermal heating and CHP technologies are to be included within the scheme, and are likely to provide in the order of 30% of the energy requirements of the site.

3.124 YF also welcome the confirmation that, wherever possible, building materials will be reused or recycled, as this will be an important aspect of ensuring the overall sustainability of the development process itself.. The applicant's reconfirmed commitment to promoting sustainable modes of transport to the site, including through the provision of a new bus, is also welcomed as this will both help improve the overall sustainability of the proposal and ensure that the site is accessible for employees, inline with Objective 4E of the RES which seeks to removed barriers that prevent people from accessing work including a lack of access to a private car.

3.125 YF strongly support the re-use of this site, particularly for employment uses which we see as a priority for the site, however, again all of the buildings should be striving to achieve a BREEAM 'Excellent' or 'Outstanding' rating unless there are valid reasons to stick with 'Very Good'. This would further enhance the efficiency of the development and reduce its energy consumption in the first instance, ensuring that the scheme is focused on climate change adaptation as well as mitigation.

Natural England (NE)

NE confirm that the development is not be likely to cause damage or disturbance to the nearby SSSI.

3.126 The body then goes onto comment upon the following issues:-

- Drainage and Flood Risk – The hydrological mitigation measures outlined within the applicants ES should be implemented in full so as to avoid any potential impact of a silt load into the River Ouse and subsequently Fulford Ings SSSI;

- Landscape and Visual Assessment – NE confirm that the assessment within the ES has correctly analysed and described the landscape character of the area and incorporated an acceptable number of representative local viewpoints which can be used to assess the potential effects of the development upon the surrounding area;
- Ecology and Nature Conservation – NE confirm that the range of survey techniques and methodologies employed to gather information about present habitats within the site and species. NE concur with the applicants assessment regarding possible impacts upon habitats and species in the immediate vicinity;
- Bats – The various bat surveys found no evidence to suggest the buildings or trees to be affected are being used as a bat roost. However, several buildings and trees were identified as having the potential to support roosting bats. Therefore, prior to any works being undertaken in the buildings in the buildings, a further bat survey should be undertaken by an appropriately experienced and licensed surveyor. NE also advise that any trees should be 'soft felled' between September and October or March and April. Trees should also be assessed for their potential to support roosting bats and a appropriate survey or watching brief should be undertaken prior to felling;
- Birds - Work should be undertaken outside the bird-breeding season (March – August); if this is not possible then potential nesting sites should be checked by a suitably qualified surveyor prior to works being carried out;
- Trees – Trees and hedgerows which are to be retained may need to be protected from construction activities. Their root systems are particularly susceptible to damage and work should be undertaken in accordance with BS5837:P2005, 'Trees in relation to Construction – Recommendations';
- Lighting – Light pollution should be minimised to help mitigate any negative impacts upon birds and bats in the areas in and around the development site. NE welcome the design and installation of lighting systems which the applicants state will achieve this;
- Site Enhancements (Habitat Creation and Management) – NE welcome the intention of the developer to compensate for the loss of habitat and look for opportunities within or adjacent to the development site for ecological enhancement.. NE also recommend that further opportunities for enhancement should be considered when reserved matter applications are submitted.

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3.127 NE raise no further comments regarding the amended scheme and additional information submitted.

York Natural Environment Panel (YNEP)

Raises Issues on green spaces, hydrology and car parking levels

3.128 Would like to see the green aspect of the site retained and enhanced. It is essential that the scale of planting is in keeping with that of the buildings. The groundwork must not restrict the natural growth of roots, (for example by locating underground parking below open green space) thereby allowing trees and plants to reach their natural potential. The Panel that detailed landscape plans are submitted and considered at the same time as the building layout, and not at reserved matters stage, so a viable scheme can be achieved. It would also like to see full hydrological studies in areas where changes in levels could effect trees to be retained.

3.129 As far as the layout and land provision go, plans would need to demonstrate that within the site sufficient accessible open space is provided to meet the statutory requirement and also that as stipulated in Natural England's report 'Accessible Natural Greenspace Standards':

3.130 YNEP states natural areas as part of a balanced policy should be provided to ensure that local communities have access to an appropriate mix of greenspaces providing for a range of recreational needs. English Nature recommends that provision should be made of at least 2ha of accessible natural greenspace per 1000 population according to a system of tiers into which sites of different sizes fit Including one that no person should live more than 300m from their nearest area of natural greenspace;

3.131 The Panel are concerned that the number of car users associated with the high level and density of residential & business development is not sustainable in terms of the road infrastructure and that the traffic management plan does not extend far enough into neighbouring areas that will be affected by the increased number of cars.

3.132 It considers car parking provision to be high, promoting car use. Improvements to the existing cycle route with the aim of increasing bicycle use is advocated, and the traffic plan needs to be improved to show how it can satisfactorily address these issues.

Ancient Monuments Society (AMS)

3.133 AMS considers the addition of a storey to the multi-storey factory building to be over-development of the site. It states though set back from the parapets this box-like addition significantly disrupts the strong horizontal parapet/cornice line of the original factory and its carefully designed accents, creating a new rhythm at odds with what is below. It argues that so many of the uses are speculative and there is much new building in the new range parallel to the factory and elsewhere on the site this addition seems unnecessary and perhaps a little greedy

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3.134 AMS feel that they cannot comment on how necessary the additional storey is to the MSF, as a whole and would still prefer a solution which avoided it. However they accept that the revised proposals are more discreet and much less more sympathetic to the building, as a whole, than the original scheme.

Police Architectural Liaison Officer

Raises concern over the high permeability of the scheme indicated and asks this be considered carefully at the detailed submission stage

3.135 The officer notes the Design and Access Statement submitted by the applicants refers to 'Safer Places, the Planning System and Crime Prevention' and the seven attributes of sustainable communities that are particularly relevant to crime prevention.

3.136 The officer notes that the applicants have tried to address some of the key issues such as:-

- Security of car-parking areas;
- Locations of children's play areas;
- Defensible space between apartments and internal courtyards;
- Secure by design principles, Security of commercial premises;
- Natural surveillance;
- Permeability and perimeter security

3.137 However the officer is concerned about the permeability of the site. He notes that whilst the applicants have incorporated various pedestrian and cycle links, create permeable boundaries and create better connections with the surrounding areas, they provide potential escape routes for offenders.

3.138 The officer believes that it is likely that the police will be consulted in the future about gating to the site to reduce permeability from experience in South Bank and elsewhere in the City.

3,139 In addition the officer states that each element of the scheme brings with it, its own security implications. As an example, the proposed convenience store is shown as having 18 apartments above it. The officer considers that the amenity of residents above could be severely affected by noise and anti-social behaviour problems associated with the congregation of youths, particularly if the store is open until late.

3.140 However, to conclude, whilst the officer is not comfortable with the degree of permeability to the site, he recognises that this application is primarily outline, and that the majority of designing out crime could be addressed when reserved matters are submitted.

Leeds, York & North Yorkshire Chamber of Commerce

Strongly supports the applications for its economic importance to the city and asks that the current economic situation be taken into account when considering affordable housing and traffic issues.

3.141 The Chamber of Commerce considers that the application is of enormous importance to the city, And a very imaginative application which incorporates high quality design whilst at the same time being sensitive to transport and traffic concerns. They also consider that the overall scheme has retained the essential character of the Terry's site, incorporating a high number of environmentally sustainable features, which will turn it into a destination in its own right, both for families and businesses., and believe it will bring substantial benefits to the area around Bishopthorpe Road; to the southern side of York, and to the City of York as a whole.

3.142 Traffic and transport challenges brought by the nature of York City Centre should not be a bar to future development of sites such as the Chocolate Works. The proposals put forward by have addressed these challenges very intelligently, and the proposed development is sensitive to them.

3.143 The Chamber of Commerce urges Committee to consider extremely seriously, the impact on York as a whole, and its economic future, if this application were to be refused. In the current economic cycle, it believes it is extremely important for the city to provide for future employment opportunities, particularly following a number of local job losses, and following the recent announcement by HSBC, that it will not be locating a proposed national data centre to York.

3.144 The Chamber of Commerce urges the Planning Committee to take account of the prevailing economic conditions whilst considering an appropriate level of affordable. It considers that the Council currently has a policy of up to 50% affordable housing, but believes this policy was never the subject of public consultation. In comparison, the Regional Spatial Strategy (RSS) recommended a policy in the order of 40% affordable housing, and that the RSS was in fact put out to public consultation.

3.145 It urges Committee to be realistic over the proportion of affordable housing that is required to be incorporated into the development and remains concerned that if too high a proportion of affordable housing were required, development might become unviable and might not proceed, which, in its view, would be nothing short of a disaster for York.

3.146 The Chamber of Commerce concludes that it recognises that all large planning applications have their own particular challenges, and it is rarely possible for them to meet the desires and expectations of every interest group, every time. It believes, however, that as a result of the extremely extensive consultation process which has been undertaken through the involvement of the Community Forum, this application has managed to achieve this, and asks Committee to approve the scheme.

Interested parties/neighbours/stakeholders/etc.

3.147 Two site notices were posted regarding the proposed hybrid planning application. Thirty Three letters of objection were received from neighbours/stakeholders and interested parties regarding the original submission. A further 6 objections were received regarding the amended scheme.

3.148 Highways

- Additional traffic, area unable to cope with large increase, could be safety issue;
- Developer set to make huge financial gains without investing in improvements in the surrounding highway network;
- Bishopthorpe Road and Church Lane are already too busy and cannot cope with the current level of traffic;
- Bishopthorpe Road is too narrow and any cyclist risks their life if they use the road;
- The pedestrian and cycle route along Bishopthorpe Road is too small;
- Bishopthorpe Road should be widened;
- Church Lane will become a bottle neck if the development is approved;
- Church Lane corner is a death trap to pedestrian and cyclists, this will be exacerbated by the development;
- Funerals also cause congestion in the area, especially Church Lane which becomes blocked;
- Increased buses will create more of a hazard as there is less room for cyclists etc. consequently increasing the risk of accidents;
- The road network will not be able to cope with the development, this is improved by the congestion caused by the Saturday morning car boot and race days;
- A new link road linking the development with Sim Balk Lane would reduce traffic impact upon Bishopthorpe;
- The Council underestimated the amount of car use for York College and shouldn't do the same for this development;
- Bishopthorpe is used as a rat run for access to York, this would be exacerbated if the development were approved;
- Builders lorries etc would also cut through Bishopthorpe to get access to the site during construction, causing congestion, noise pollution and dirt, etc.;
- The scheme if approved would increase the pollution within the area and the city;
- The developer has not provided adequate car-parking for the development;
- Computer modelling of the proposed highway impact is flawed;
- The decked car-park is located within the green belt and shouldn't be built there;
- Increased traffic would cause additional noise and pollution problems to local residents;

- Increasing traffic levels, especially near the cycle crossing across Bishopthorpe Road will increase the likelihood of accidents;
- The proposed commercial development to the south of the site will create a larger demand for parking than is currently proposed;
- Model splits figures have been amended from the last application, if the actual model split doesn't in reality correspond with the actual model split, what redress does the Council have? How can the developer be made to retrospectively fix such an anomaly?;
- The cycleway from the Factory to the Riverside is inadequate for increased traffic, its too steep and has a dangerous chicane at the bottom, the track should be re-routed;
- Increased traffic at the junction of Lorne Street, the entrance of the site and Campleshon Road;
- Within the proximity of the school and the tendency of mothers to park on Campleshon Road waiting for school leaving time;
- One way system through site i.e. in at Bishopthorpe Road and out at Campleshon Road - especially for the construction traffic;
- Increased traffic in a highly residential area, with primary school and park nearby;
- Concerned about highway changes affecting the Knavesmire Road/Mount Vale junction, which is currently a green space are used for recreation;
- Increased traffic on Bishopthorpe Road could have a major affect on rush hour traffic leading into central York and the station;
- Proposal relating to transport to and from the site is to add more car parking space. This has potential to exacerbate traffic congestion on the Tadcaster and Bishopthorpe Roads;
- The developer should do more to assist the improvement of public transport facilities on York Car Free Day;
- Suitable arrangements should be made for buses to pick up and drop off passengers on the site;
- Additional no 11 buses may be needed at peak times, when the development is completed and occupied;
- Examine the possibility of introducing a no 3a service from Askham Bar park and ride, which would divert from the no 3 route to the new development and serve the race course;
- Increase in traffic will adversely affect Tadcaster Road and put additional pressure in Bishopthorpe and the traffic lights near York College / Sim Balk Lane;
- Rather than providing an additional deck to the car park why not look at increasing park and ride provisions;
- Alternative access from the A64 to the Terrys site and the racecourse avoiding Tadcaster Road and Bishopthorpe Road and village;
- The proposed decked car park would be on a green field or Green Belt site;
- Increased traffic on Bishopthorpe Road hasn't been addressed properly as its already a busy road with no safe crossing;
- Travel plans appear to be no different to those produced in 2008;

- The huge number of workers on site will result in a significant rise in traffic;
- The site does not lie on a major bus route;
- Plans state over development on the available space and leads to excessive pressure on the local infrastructure in particular transport arrangements;
- How will vehicles and HGVs exiting the ring road reach the site?
- Concerned about extra traffic being encouraged to use the Tadcaster Road exit;
- Cycle and pedestrian crossing over Knavesmire Road will need to be upgraded;
- Concerned about traffic speed and volume, developers should consider a speed management scheme;
- More car parking spaces will encourage people into and not out of their cars;
- Developers should look at other city developments where parking is restricted;
- Residents should pay an annual charge to park within the site;
- The number of car parking should be reduced by at least 50%;
- visitors and people working on the site should pay a daily parking fee;
- New entrance on Campleshon Road would impact on school route, could move entrance to Bishopthorpe Road to prevent impact.
- Need to prevent smaller roads (Albemarle Road, Curzon Terrace) being used as 'rat runs'
- Car parking inadequate for whole site – residents and visitors will find alternatives e.g. near-by verges causing their destruction and additional traffic congestion
- Further delays to public transport through additional traffic
- Impact of building works – e.g. heavy lorries coming to and from site through Bishopthorpe – cause congestion
- Slip road required to service site and also to help with congestion on race days
- Housing density too high and will cause high volumes of traffic
- should be a truly sustainable development that discourages the use of cars:
- (i) should be direct shuttle bus to and from town/railway station
- (ii) links to current park and ride facilities
- (iii) free cycle hire
- boat service in and out of city centre
- no cycle tracks through site
- more frequent bus service

3.149 Housing

- Reduce property prices in the area and reduce community aspects of the shopping area;
- The height of the proposed 4 storey elevations should be closely monitored to reduce impact and keep it in proportion with surrounding houses and the wider landscape and view;

- More housing and apartments brings more families, those children need schools which are already full;
- The density of housing and office building is less than before but still seems too high;
- How many safeguards are in place to avoid further building of flats / housing / offices instead;
- A soulless housing estate is not benefiting of the local area and will have a negative impact;
- Less offices and more houses;
- Doubt that the reduction in office space by 10% will have an effect; and
- Modern buildings should be energy efficient;
- Object to 50% affordable housing as would have a negative effect on area;
- Development should be scaled down, fewer buildings and flats
- existing perimeter fencing (Campleshon Road and Bishopthorpe Road) maintained to prevent youths gathering and causing disturbance to residents.

3.150 Open space

- Low proportion of site is green open space;
- Some of the land should be available as sports facility for Knavesmire Primary School;
- Open space and green areas will cause problems for nearby residents;
- Dense planting of the perimeters may reduce negative impact on the semi-rural landscape, but if elevations are too high, it will be visible from the racecourse; and
- Will the trees be protected and retained opposite 274-290 Bishopthorpe Road.

3.151 LBC and Cons Area

- Listed factory buildings are special and landmarks for area - need space and to be highlighted; and
- Height of proposed buildings will negate the open character of area.

3.152 Other

- The developer has just reworked the proposals with the minimum of changes;
- The Councils first duty is towards the safety of residents;
- The development is designed to get maximum return for the developer at the expense of the city and local residents;
- The senior living is sited in the wrong location and should be located near bus stops;
- The existing car-park is most likely located on toxic land and any disturbance could have detrimental consequences to local residents;
- The decked car-park will be a magnet for crime;
- The site should be monitored for 12 months to determine whether it is contaminated;

- Demographic changes to the locality will result in an increased demand for primary school places, Knavesmire School would not be able to cope with the increase demand for places;
- Part of the site should be set aside for additional space for Knavesmire School, which would involve alterations to Knavesmire Road;
- Concerned about the visual impact of the site from Campleshon and Bishopthorpe Road, particularly the river and racecourse boundaries;
- Developer proposing a 20th century solution to a 21st century problem;
- The existing and adequate car park is on a landfill site, hazardous substances were dumped here during world war II;
- Disturbing hazardous substances buried at the site could present York with the same problem which occurred in Corby Northants;
- What plans for primary and secondary schools;
- Concerned for the communities air quality due to slow moving traffic;
- Noise and fumes from the large number of vehicles which would circulate and cause a pollution nuisance;
- Landfill and gas monitoring should take place for 12 months before any decision could be made regarding construction;
- Decked car park would blight the visual amenity adjacent to open fields leading down to the River Ouse;
- Improve cycle tracks and York is meant to be a cycling city;
- The development will create an us and them community;
- As a resident I do not recall being asked my views on car parking;
- Security required to prevent vandalism and anti-social behaviour;
- Extent of archaeological remains unknown at southern end of site;
- Current plans don't include leisure facilities for the community
- Affect on carbon footprint through the increase of carbon emissions; and
- The proposed convenience store will make local independent corner shops suffer in trade.

3.153 Positive comments

- Very good please get on with it;
- Wholeheartedly support this development;
- Look forward to seeing movement and life back on the Terry's site;
- Revised plan has been carefully considered transport, environment and local factors and will be a credit to York;
- Hope the planning committee remain objective and see fit to granting the necessary permissions to get the development underway;
- Would like to congratulate the planners on what looks to be a well considered and attractive proposal;
- Development will serve both the area and in general;
- Site does need to be developed although not to this level;
- Support the renewal of the site and sympathetic to the aspirations of the developer;
- Support the proposed redevelopment and believe GHT have tried to engage local residents;
- Broadly supportive of the plans to redevelop the Terry's site;

- Very exciting planning application;
- Appreciate the history and heritage of the site and believe York must move forward; and
- This development offers a great opportunity.
- like layout
- proposals excellent – well thought through
- former Terry’s factory to be used as retail, and studio/workshop accommodation is good
- car club good idea
- good mixed use of site – tourism, residential and office work
- plans exciting
- Revised design improvement to original

In addition 24 people who live within Mount Vale, grouped together to object to the proposed alterations to the road at the junction of Mount Vale and Knavesmire Road. Their objections related to loss of car-parking spaces, signalization of the junction, increased traffic and detrimental impact upon residents.

4.0 PLANNING POLICY

4.1 The Statutory Development Plan for York comprises of the Yorkshire and Humber Plan Regional Spatial Strategy adopted in May 2008 and covering the period to 2026. This in conjunction with National Planning Policy Guidance, and Planning Policy Statements and the principal strategic documents by which this application is judged.

4.2 In determining planning applications, the Council also use non-statutory and emerging plans. The City of York Draft Local Plan (referred to as the Development Control Local Plan) was adopted for development control purposes in April 2005. It represents the most advanced stage of Local Plan production, comprising the 1998 deposit draft amended up to and including the Fourth Set of Changes. Although it is un-adopted, the Fourth Set of Changes to the Plan represents the current planning position in York and reflects the approach advocated in up-to-date National and Regional policy guidance.

4.3 The amended Development Brief, which has been subject to public consultation, is also a material consideration.

4.4 This planning application has been submitted prior to adoption of the LDF Core Strategy and the Site Allocation DPD for York. It will therefore be determined within the context set by RSS, Development Control Local Plan, 1956 Town Plan, Yorkshire and the Humber Regional Spatial Strategy and the Amended Terry’s Development Brief.

4.5 The Local Development Framework (LDF) for York is being prepared over the 2005-2009 period. However little The weight can be given to this emerging LDF Development Plan Documents (DPD) as it is still being

produced (stage 2 of the process) and has not been publicly/independently examined or adopted by the Council.

National Planning Guidance

4.6 National guidance exists in the form of Planning Policy Guidance (PPG), which are currently being superseded by Planning Policy Statements (PPS), to explain statutory provisions and provide guidance on planning policy and the operation of the planning system. The development of the former Terry's site should have regard to the following documents:

4.7 PPS 1 – Delivering Sustainable Development. This document sets out the Governments over arching planning policies on the delivery of sustainable development through the planning system. The guidance promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term, but also over the lifetime of the development. It highlights the need to create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. This requires carefully planned, high quality buildings and spaces which support the efficient use of resources.

4.8 PPG 2 – Green Belts. This PPG outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

4.9 PPS 3 – Housing. Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing.

4.10 The key policies in PPS3 are:

- Local authorities will need to identify more appropriate sites for housing - Councils need to plan 15 years ahead, to ensure they have a rolling 5-year supply of sustainable and deliverable sites, in order to prevent much needed new homes being held up by unnecessary delays in the planning process.
- Stronger emphasis on improving the quality of design of housing and
- Neighbourhoods - PPS3 makes it clear that local authorities should turn down poor quality applications.
- Stronger environmental standards - Developers and planning bodies will have to take account of the need to cut carbon emissions as well as wider environmental and sustainability considerations when siting and designing new homes. PPS3 and the new Code for Sustainable Homes will set out further details including plans to move towards zero carbon development to reduce carbon emissions.

- New emphasis on family homes - For the first time the planning system will be required to consider the housing needs of children, including gardens, play areas and green spaces. Local authorities will have more ability to promote mixed communities and to ensure larger homes are being developed alongside flats and smaller homes.
- A continuing focus on brownfield land - Retaining the national target that at least 60 per cent of new homes should be built on brownfield land.
- More flexibility for local authorities to determine how and where new homes should be built in their area, alongside greater responsibility to ensure the homes are built - Local authorities can set their own local standards for density (with a national indicative minimum of 30 dwellings per hectare) and for car parking.
- Stronger policies on affordable housing are encouraged.

4.11 With particular relevance to this application, PPS3 seeks:-

- An examination of the current and future level and capacity of infrastructure, services and facilities including, in particular, green and open space (paragraph 46);
- Development plans and development control policies must consider the character of the area, including the availability of private and public open space and landscaping (paragraph 46);
- A range of housing densities considered most appropriate for their area (paragraph 47);
- Densities below the preferred minimum of 30 dwph (dwellings per hectare) may be included if justified (paragraph 47);
- Intensification of development is not always appropriate (paragraph 49);
- Where intensification of an area is proposed, good detailed design and layout is very important (paragraph 49);
- It must not be presumed by either the local authority or the developer that all land that was previously developed is not necessarily suitable for housing development nor that the whole of the curtilage should be developed (Annex B – description of “previously developed land”).

4.12 PPS4 – Planning for Sustainable Economic Development. The new PPS on Planning for Sustainable Economic Development sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

4.13 PPS 12 – Local Development Frameworks, September 2004. This policy statement states that the aim of the new planning system is to deliver sustainable communities. PPS 12 stresses the importance of community engagement and of the planning system meeting sustainable development objectives. The guidance stresses that anyone who has an interest in the planning of an area actively seeks to assist the local planning authority to shape the future of that area from the earliest stage.

4.14 PPG13 – Transport. The guidance seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

4.15 PPG 15 – Planning and the Historic Environment. 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.

4.16 PPG 15 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.

4.17 Draft PPS15 - A new Planning Policy Guidance Note had been issued jointly by the Department of the Environment and the Department of National Heritage, which set out Government policies on the conservation of the historic environment. The Guidance Note updated and consolidated advice in an earlier circular but added new emphasis in certain areas. The circular acknowledged the tensions between the objectives of promoting economic growth and the need to protect historic buildings and areas. Stronger emphasis is placed on the importance of keeping listed buildings in viable and beneficial use. In considering applications for demolition of listed buildings, a new consideration was introduced - a "test of alternative proposals for the site" and the planning benefits for the community which might result. At present it is explicit that demolition should only be contemplated when all alternative uses for the building had been fully explored.

4.18 PPG 16 – Archaeology and Planning. This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside.

4.19 PPG 17 – Planning for Open Space, Sport and Recreation. This PPG describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

4.20 PPG 21 – Tourism. This PPG outlines the economic significance of tourism and its economic impact. It discusses the impact of tourism, the nature of tourist activity and likely future trends, while showing what the planning system can do to cope with it. The use of planning powers to both regulate and facilitate tourism development is also dealt with. Locational factors in tourism development are discussed with emphasis on designated areas, historic towns and cities, seaside resorts and the countryside.

4.21 PPS23 – Planning and Pollution Control. This policy statement gives guidance on the relevance of pollution controls to the exercise of planning functions. It advises that local planning authorities should not seek to duplicate controls that are the statutory responsibility of other bodies. It covers air and water quality and contaminated land.

4.22 PPG 24 – Planning and Noise. This policy statement gives guidance on the use of planning powers to minimise the adverse impact of noise. It outlines considerations to be taken into account, introduces the concept of noise exposure categories and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

4.23 PPS25 – Development and Flood Risk. This guidance explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

RELEVANT NATIONAL DOCUMENTS

4.24 Sustainable Communities: Building for the Future (February 2003) – sets out the Government's wider drive to raise the quality of life in our communities through increasing prosperity, reducing inequalities, more employment, better public services, better health and education, tackling crime and anti-social behaviour, and much more is set out in this document.

4.25 It sets out a long-term vision flowing from the Government's strong commitment to sustainable development. The way our communities develop, economically, socially and environmentally, must respect the needs of future generations as well as succeeding now. This is the key to lasting, rather than temporary, solutions; to creating communities that can stand on their own feet and adapt to the changing demands of modern life. Places where people want to live and will continue to want to live.

4.26 The Northern Way sets out a long-term vision that seeks to fully exploit the economic and transport corridors that connect the North - a "Northern Way" which looks east to west as well as north to south. A new northern growth strategy which promotes greater inter-regional collaboration and boosts connectivity and transport links so that the sum of activity and investment is greater than the parts.

4.27 It is stated that the "Northern Way" would help lift the productivity of the three northern regions and bring the jobs, investment and quality housing that can create sustainable communities. Greater success in the North will benefit the national economy and improve our global competitiveness. It aims to create the prosperous and sustainable towns, cities and communities that future generations will want to live in, not leave.

Regional Guidance

Yorkshire and Humber Plan Regional Spatial Strategy 2008

4.28 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 was published in May 2008. It defines York as a main urban area which should, in accordance with policies YH4, YH5, YH7, Y1, E1 and H2 be the focus for economic and housing development in the sub-region. York is highlighted in the guidance as being of regional significance and development should be accommodated to build on the success of its economy in a sustainable way which respects its historic character.

4.29 Policy Y1 (York Area sub area policy). This policy lists 7 key areas for the development of York. The 7 key areas are: (1) Roles and functions of places; (2) Economy; (3) Environment; (4) Transport; (5) Strategic patterns of development; (6) Regionally significant investment priorities; and (7) Joined up working. Of particular relevance to this application are the following points:-

- (Economy) Diversify and grow York as key driver of the Leeds City region economy by encouraging the business and financial services sector, knowledge and science based industries, leisure and retail services and the evening economy and further developing its tourism sector;
- (Environment) Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas;
- (Environment) Improve air-quality;

- (Environment) Protect and enhance the particular biodiversity, landscape character and environmental quality of the York sub-area;
- (Transport) Develop York as a key node for public transport services in the sub-area;
- (Transport) Implement stronger demand management in York and in relation to the strategic highway network;
- (Transport) Improve accessibility to and within York, particularly by improved facilities for walking and cycling, increased capacity and quality of public transport;
- (Strategic patterns of development) Focus most development on the sub-regional City of York, whilst safeguarding its historic character and environmental capacity;
- (Regionally significant investment priorities) Develop the sub area economy with major new development and initiatives including Science City York; and
- (joined up thinking) Promote partnership approaches to economic diversification, regeneration, housing distribution, development and flood risk management through the York sub area.

4.30 Policy E3 (Land and Premises for Economic Development) states that plans, strategies, investment decisions and programmes should make use of appropriately located previously developed land and current allocations, and ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy and in particular take account of:

4.31 The need for additional floorspace for office, retail and leisure uses and the considerable scope for this to be focussed on city and town centres;
The ongoing restructuring and modernisation of the manufacturing sector and the guidance on land for industrial uses;
The need for land and extended premises to support the development of public services, health, sport, leisure, tourism, cultural industries and education as key employment generators and the contribution of mixed use development to employment supply.

4.32 Policy H1 (Provision and Distribution of Housing). The region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.

4.33 Policy H4 (The Provision of Affordable Housing). This policy recognises that the planning system has a key role in delivering affordable housing through the allocation of sites for development and the use of planning obligations or planning conditions to ensure appropriate proportions of affordable housing where there is a demonstrable need. In view of the worsening affordability in the region, local authorities should give early priority to providing more affordable housing through the planning system drawing their evidence from Strategic Housing Market Assessments and other more detailed local assessments. It is important that the delivery of more affordable housing is done in ways that will ensure high quality design,

resource efficiency, the right mix of homes and contribute to sustainable, mixed communities.

4.34 This policy also recognizes that the greatest challenge to affordable housing delivery will be in the rural areas and certain towns and cities such as Harrogate and York where the housing market is strong. The Regional Housing Strategy 2005 stresses the value of joint working and includes some good examples of this and of innovative delivery.

4.35 Provisional estimates of the proportion of new housing that may need to be affordable are as over 40% in North Yorkshire districts and the East Riding of Yorkshire.

4.36 Policy H5 (Housing Mix). This policy recognises that there is a need to widen the range of housing opportunities in the region to ensure that there is a mix of dwelling size, type and affordability taking account of new developments as well as existing stock.

4.37 The cities and towns in the Regeneration Priority Areas, and the larger coastal towns, would particularly benefit from a change in the current mix of housing provision.

4.38 Other relevant policies include:

YH4 Regional Cities and Sub-Regional Cities and Towns;
YH5 Principal Towns;
ENV9 Historic Environment;
ENV10 Landscape;
ENV11 Health and Recreation;
E1 Creating a Successful and Competitive Regional Economy;
E2 Town Centres and Major Facilities;
E3 Land and Premises for Economic Development;
E4 Regional Priority Sectors and Clusters;
E5 Safeguarding Employment Land;
E6 Sustainable Tourism;
T1 Personal Travel Reduction and Modal Shift;
T2 Parking Policy;
T3 Public Transport;
T4 Freight; and
T5 Transport and Tourism.

Statutory Development Plan

4.39 Statutory Development Plan (1956 York Town Map and North Yorkshire County Structure Plan) . The Town Plan shows the site being allocated primarily for industrial use with a section adjacent Campleshon Road indicated as allotments. The application was previously considered a departure from the Development Plan and was advertised as such. However, Officers now consider the 1956 Plan out of date and therefore not a relevant planning document.

4.40 City of York Draft Local Plan

Chapter 1 – General policies

GP1 - Design
GP3 - Planning Against Crime
GP4a - Sustainability
GP4b - Air Quality
GP5 - Renewable Energy
GP6 - Contaminated Land
GP7 - Open Space
GP9 - Landscaping
GP11 - Accessibility
GP13 - Planning Obligations
GP15a - Development and Flood Risk
GP18 - External Attachments to Buildings
GP19 - Satellite Dishes and Antennae
GP20 - Telecommunications Developments
GP21 - Advertisements

Chapter 3 – Nature Conservation and Amenity

NE1 - Trees, Woodlands and Hedgerows
NE2 - River and Stream Corridors, Ponds and Wetland Habitats
NE3 - Water Protection
NE7 - Habitat Protection and Creation
NE8 - Green Corridors

Chapter 4 – Historic Environment

HE2 - Development in Historic Locations
HE3 - Conservation Areas
HE4 - Listed Buildings
HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
HE8 - Advertisements in Historic Locations
HE10 - Archaeology
HE11 - Trees and Landscape

Chapter 5 – Green Belt and Open Countryside

GB1 - Development in the Green Belt
GB6 - Housing Development Outside Settlement Limits
GB11 - Employment Development Outside Settlement Limits
GB13 - Sports Facilities Outside Settlement Limits

Chapter 6 - Transport

T2a - Existing Pedestrian/Cycle Networks
T2b - Proposed Pedestrian/Cycle Networks
T4 - Cycle Parking Standards
T5 - Traffic and Pedestrian Safety
T7b - Making Public Transport Effective
T7c - Access to Public Transport
T13a - Travel Plans and Contributions

T16 - Private Non-Residential Parking
T17 - Residents' Parking Schemes
T20 - Planning Agreements

Chapter 7 - Housing

H2a - Affordable Housing
H3c - Mix of Dwellings on Housing Sites
H4a - Housing Windfalls
H5a - Residential Density

Chapter 8 - Employment

E1a - Premier Employment Sites
E3b - Existing and Proposed Employment Sites

Chapter 9 – Educational Establishments

ED4 - Developer Contributions Towards Educational Facilities

Chapter 10 - Shopping

S6 - Control of Food and Drink (A3) Uses

Chapter 11 – Leisure and Recreation

L1a - Leisure Development
L1c - Provision of New Open Space In Development
L4 - Development Adjacent to Rivers
Chapter12 - Visitors
V1 - Visitor Related Development
V3 - Hotels and Guest Houses

Chapter 13 – Community Facilities

C1 - Community Facilities
C6 - Developer Contributions Towards Community Facilities

Chapter 14 – Minerals and Waste

MW7 - Temporary Storage for Recyclable Material

Terry's Development Brief

4.41 Following the announcement in April 2004 of the closure of the Terry's factory, a Draft Development Brief was approved by Planning Committee for consultation purposes in September 2005. Following a wide ranging public consultation, a number of amendments were made to the Brief. The revised Brief was approved by Planning Committee in June 2006.

4.42 This Brief has been approved as non-statutory Draft Supplementary Planning Guidance. Development proposals are expected to comply with the Brief.

4.43 For consistency, it is crucial that the application is considered against the requirements of the Development Brief and conclusions of the

Conservation Area Character Appraisal and a recommendation justified in this context.

4.44 Officers from across the Council contributed to the production of the Development Brief which includes requirements relating to all aspects of the proposed development. The DC Officer should ensure that the requirements of the Brief are taken into account when seeking comment from Officers. Where the proposal does not comply with the requirements of the Brief, but is considered acceptable, the reasons should be set out in the Committee Report.

4.45 The Development Brief expands on the policies of the Development Control Local Plan 2005 (DCLP). However, the saved policies of the North Yorkshire Structure Plan and policies of the adopted Regional Spatial Strategy are the 'development plan' for York. A full list of relevant policies are included in the Development Brief.

4.46 A mix of uses is considered the most sustainable approach for this site. The focus is on a range of employment opportunities with a number of complementary uses considered appropriate to allow for a development where the uses complement one another for mutual benefit. This approach would also allow the listed buildings to be redeveloped for the most appropriate uses.

4.47 DCLP policy E3b – Existing and Proposed Employment Sites - is relevant – this states that sites “currently or previously in employment use should be retained in their current use class”. The focus of the Brief is therefore on the promotion of new employment opportunities. After consideration of the site characteristics, the policies of the Regional Spatial Strategy and the findings of the Employment Land report 2001 which found that the site is one of only two such sites ranking as a “high quality site” against a number of criteria to determine suitability as a high quality site for Science City York (SCY) businesses, it was considered appropriate that DCLP Policy E1a – Premier Employment Sites - should apply and the principal focus for the site would therefore be on SCY use complemented by high quality B1 use. The site is considered to present a unique and important opportunity for prestigious employment uses with a regional/national or even international presence.

4.48 For changes in use of listed buildings, PPG15 requires that the use proposed is the “optimum viable use” – “this may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses”. The DC Officer should ensure that an evaluation of the optimum viable use is acceptable.

4.49 The Brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all of the uses outlined in the Brief. The Brief was designed to allow flexibility within an iterative, consultative master planning process. The Brief does however

specify that an employment-led development is required where other uses complement the principal employment function of the site.

4.50 The Brief also stresses the importance of high quality sensitive design. The importance of the landmark nature of the listed buildings set within a Conservation Area is emphasised in the Brief. Other key issues highlighted in the Brief, and which were fully supported in the public consultation, include providing benefit to the local community and controlling traffic flows and parking in the local area.

4.51 The Brief was revised in May 2009, the revisions were agreed through a cross-directorate team of Officers and were presented to Members of the City of York Council's Planning Committee for approval and deposited for public consultation.

4.52 The revisions supplement the approved 2006 brief and update parts of it as a matter of fact, for example through changes to the Regional Spatial Strategy since 2006.

4.53 The applicant is required to address the provisions of the original brief, together with the revisions set out in the amended draft.

4.54 The revisions are incorporated in order to help shape the master planning process towards a comprehensive and high quality planning scheme.

The Racecourse and Terry's Factory Conservation Area

4.55 The Racecourse and Terry's Factory Conservation Area Character Appraisal was approved by Committee shortly in October 2006, following separate public consultation.

4.56 Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22nd November 2007).

5.0 MAIN ISSUES

- Environmental Impact Assessment;
- Principle of redevelopment including employment, housing, live work units and other associated uses;
- Highway implications;
- Mix and type of homes;
- Affordable housing consideration;;
- Landscape and natural environment;
- Ecological impact;
- Flood risk and drainage;
- Sustainable development;
- Archaeology;
- Green Belt issues;

- Mount Vale/Knavesmire junction
- Open Space;
- Education;
- Noise and construction related disturbance;
- Impact upon amenity of adjacent and nearby occupants;
- Local Community; and
- Public Art.

ENVIRONMENTAL IMPACT ASSESMENT

5.1 The statutory provisions of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 (as amended) apply to two separate lists of projects.

5.2 'Schedule 1 projects', for which an EIA is required in every case. Examples include large-scale developments with potentially far reaching impacts such as oil refineries, chemical works, waste disposal installations, and quarries and open cast mining.

5.3 'Schedule 2 projects' for which EIA is needed only if the project in question is considered to give rise to 'significant environmental effects'. A range of infrastructure and industry developments falls within this category. Under the British planning system the established position is that an Environmental Impact Assessment should be carried out at the outline or full planning application stage, whichever is the case.

5.4 Various size thresholds, development type and 'sensitive area' location criteria determine whether a project is identified within Schedule 2. If these are met a judgement needs to be made on whether a particular scheme will have 'significant environmental effects.' There are 3 main considerations to be taken into account:

- Whether the project is of more than local importance.
- Whether the project is proposed for a particularly sensitive or vulnerable location even if it is on a smaller scale.
- Whether the project is likely to give rise to unusually complex and potentially adverse environmental effects.
- When an EIA is required, the developer is responsible for preparing the environmental statement which must be submitted with the planning application.

5.5 This hybrid planning application is accompanied by a formal and comprehensive EIA. A number of conditions to protect a range of environmental issues are proposed. These include, inter alia: archaeology, landscape, visual amenity, hydrology, transport, noise, bio-diversity, air quality and contamination.

PRINCIPLE OF REDEVELOPMENT

5.6 The Local Plan does not include Terry's as a Premier Employment Allocation, as the site was not available at the time of drafting the 4th Set of Changes. A report by Segal Quince Wicksteed Limited, January 2001, - *Science City York: Employment Land to 2021 - A report to City of York Council, in association with Science City York* identifies the Terry's site as a "site currently used by a single business which might become available in the longer term". The site is one of only two such sites ranking as a "high quality site" against a number of criteria to determine suitability as a high quality site for SCY businesses. The July 2007 Employment Land Review, ranked the site 4th out of the 36 currently allocated and potential employment sites according to their suitability for development for employment generating uses.

5.7 The report concludes that it is a very large quality premier site with high quality surroundings and adds that market demand should be good. The report also says that the site is a good initiative for the city as a whole with opportunities to provide local employment and good for accommodating indigenous and inward investment.

5.8 The site is therefore considered by the Brief in context of Local Plan Policy E1a – Premier Employment Sites. The site has capacity to deliver significant new commercial accommodation for the City of York and an appropriate balance of other uses. The mix of potential uses included within the Brief recognises that a range of uses can sustain one another and help create a sustainable community.

5.9 The brief does not set targets for a quantum of different uses or a ratio between them, nor does it specify a requirement to deliver all of the uses set out. It is designed to allow flexibility within an iterative, consultative master planning process. It does, however, specify that an employment-led development is required where other uses complement the principal employment function of the site.

5.10 The brief also stresses the importance of high quality sensitive design. The importance of the landmark nature of the listed buildings set within a Conservation Area is emphasised and other key issues highlighted include providing benefit to the local community and controlling traffic flows and parking in the local area.

5.11 As the Terry's factory site was not given a specific development allocation in the City of York Development Control Local Plan (4th set of changes). However, the Local Plan emphasises the importance of retaining existing employment sites in employment use (Policy E3b – Existing and Proposed Employment Sites). Policy E3b provides criteria to determine the potential for other uses on existing employment sites. The plan also reflects the RSS approach of promoting Science City York as the key driver for the York economy by identifying "premier sites" for "knowledge-based activities" (Policy E1a - Premier Employment Sites). And leading edge modern businesses.

5.12 The principle of mixed-use redevelopment on the former Terry's site is established, within the Development Brief is as described in the assessment. The brief sets out the vision for the site, principally as an employment site but also promotes a balanced mix of complementary uses. It recognises the historic buildings within the site and promotes their conversion to prestige development without the works being overly intrusive to their fabric. The brief also encourages development to be sustainable and that each proposed use would benefit from the presence of others. It also recognises that York is one of six national Science Cities and that development of this site should provide a high quality image and environment for Science City York and the tourism and cultural industries.

5.13 The brief lists 16 objectives ranging from taking advantage of this unique opportunity to create a prestigious development which delivers an employment led mixed use comprehensive development scheme which delivers community uses to the South Bank and respects the historical importance of the site to promoting sustainable transport and enhancing the surrounding landscape.

5.14 The focus of the brief is on the promotion of new employment opportunities geared towards current and future working patterns. The site is considered to present a unique and important opportunity for prestigious employment uses with a regional/ national or even international presence.

5.15 The scheme seeks to deliver a prestigious development that would provide an employment led, mixed use development within York⁶. The site, if developed similarly or in accordance with the plans, would provide numerous new jobs and opportunities and would be a source of economic prosperity. The scheme would also bring the listed buildings back into active and viable use, would provide some community uses and should provide a vibrant environment by way of its mixed use. Details of particular elements of the scheme are addressed in more detail below.

Employment

Office and Commercial Use

5.15 National policies aimed at encouraging economic development are supported within the RSS and CYC's Local Plan Policies. Policy E1 of RSS promotes investment in locations where it will have maximum benefit and secure competitive advantage, recognising the role of the Regional Cities and Sub Regional Cities as key drivers of productivity.

5.16 Encouragement is given to the development of the knowledge based economy by supporting higher education institutions and other knowledge intensive industries, including the provision of 'incubator' units, science parks and innovation centres.

⁶ Science City cannot be guaranteed as an occupier on this site.

5.17 In the York district, the RSS identifies that there were approximately 94,000 jobs existing in 2006 and a potential annual job growth of 2,130. By land use, the three main areas of job growth are estimated to be offices (480 jobs pa), retail and leisure (450 jobs pa) and 480 jobs in health and education. 230 Jobs pa will be created in "Other" uses.

5.18 However, the RSS recognises that in addition to the growth figures for office employment, there will be additional growth in office based jobs associated with some of the other land uses (e.g. in Public Services and Other uses).

5.19 For the York City Region, the RSS seeks to diversify and grow York as a key driver of the Leeds City Region economy, by encouraging the business and financial services sector, knowledge and science-based industries, leisure and retail services and the evening economy, and further developing its tourism sector.

5.20 Therefore, York as a City has a high forecast level of job creation, for which suitable high quality accommodation must be provided if these predictions are to be realised, and the overriding objective of ensuring economic growth is not hampered. The Terry's site is one site where office and other employment growth can be accommodated, whilst also making best use of previously developed land.

5.21 An Employment Land Review (February 2009) (ELR) found that the economy of York has performed strongly in the period 1995-2006 compared to the national economy. This has been mostly derived from a few sectors including business services, banking finance and insurance, retail and hotels and restaurants.

5.22 This pattern of growth shows that continued (and strengthening) demand for office space is realistic. Furthermore, it is considered that if this is to be sustained, high quality accommodation must be available and Terry's is one site where it could be provided which already has established use rights for office and other employment generating uses.

5.23 Terry's is identified as one of 20 sites within the ELR from which the Council could provide a rolling supply of land. This application should make a considerable contribution to choice, variety and competition in the office sector in York.

Offices

5.24 The principle of office development on this site, is defined in PPS4 (2009). This is addressed in more detail in the Town Centre Uses Assessment which accompanies this application. However, officers note that the site already has office occupiers.

5.25 The Assessment concludes that there is such a significant need for new office space in York in the coming years, and that there are so few

deliverable, large, potentially high quality development sites in York, that these uses should be considered to be both acceptable and necessary on this site.

5.26 The need for choice in the office market is important to the success of York's economy in the future and every opportunity to diversify the supply of office space in the city should be taken.

5.27 In the context of an overall predicted requirement of 193,329 m² of offices set out in the ELR, the proposals on the Terry's site will not prejudice the delivery of other sites and represent approximately 15% of the projected required floorspace.

5.28 Policy E1a seeks Science City Uses as a preference. For other B1 use it states: "*Other B1 uses that fall outside these guidelines would only be acceptable where they are of an acceptably high quality such as companies in the professional and financial sectors or headquarter functions and it can be demonstrated that no other suitable highly accessible sites could be found, firstly within the city centre, secondly in the York Central area and then thirdly within the rest of the urban area*".

5.29 The Development Brief explains the background to the application of Policy E1a to the site and the policy requirement to restrict freedom for change of use.

5.30 The level of provision of B1 space proposed would provide an opportunity for SCY firms to locate onsite, if there is demand. It would be beneficial to achieving the aims of the Development Brief if the developer were to work with SCY in marketing the location to potential SCY occupiers.

5.31 The Council's Economic Development section consider that the employment component of the application is acceptable.

5.32 It is considered that the proposed B1 commercial uses are acceptable and would increase the vitality of York through job creation and other associated spin-off activities etc.

Hotel and Leisure

5.33 The Development Brief states at paragraph 4.10 that a high quality hotel, linked to the racecourse is encouraged as a potential use on the site. However, need and justification for any additional hotel to this should be demonstrated by the applicant.

5.34 The Town Centre Uses Assessment considers the principle of providing Hotels on this site. Again, hotels are a central part of the objectives and mix of uses envisaged in the Development Brief. Tourism is a key component of economic activity, in Yorkshire as a whole and particularly in York.

5.34 The site's location in relation to York Racecourse, taken with the business elements of the scheme, means that a range of markets can be targeted. The intention is also that the Hotel uses will work closely with the conferencing facilities available at the Racecourse, to ensure mutually beneficial flows of custom.

5.35 Tourism is anticipated to play an increasing role in the future of York, and so we conclude that there is clear scope for additional hotel accommodation in the City, which would be appropriately located on this site given its relationship to the Racecourse and the on-site uses proposed.

5.36 The applicants seek permission for two hotels; a 150 bed 4* hotel to the rear of the former Headquarters building, alongside a business hotel within the Multi-Storey Factory building. The submitted plans indicate a proposal for a 120 business hotel.

5.37 The Town Centre Uses Statement accompanying the planning application reasons that there is a need for an additional hotel on the site, due to the continued role of tourism in York. The forecast growth rates tourism also suggest 2 hotels can be provided without harm to existing areas.

5.38 Local Plan Policies V1 'Visitor Related Development' and V3 'Hotels and Guest Houses' are applicable. The planning application complies with these policies given that the proposed hotels are of an appropriate design and well related to walking, cycling and public transport links to the city centre and other visitor attractions. The hotels would also fulfil a key objective of the Development Brief, to provide a distinctive, high quality hotel which is currently missing from the York 'offer' as well as exploiting the site's relationship with York Racecourse.

5.39 Both hotels are a key element of the proposal, providing support for York's tourist industry, users of the adjacent Racecourse (both business and leisure related) and the new businesses which will occupy the site.

5.40 In association with the proposed hotel development the applicant is also seeking planning permission for leisure uses and exhibition space within both new and existing buildings, such as the Multi Storey Factory, Liquor Store and Clock Tower. As stated by the applicant, there is potential synergy between the Terry's site proposals and existing leisure facilities at the Racecourse which is recognised in the Development Brief and Visit York's vision of enhancing the quality of the visit experience in York. It will be essential that any leisure/exhibition space is of the highest quality.

5.41 Whilst the offices and hotels offer the main focus of employment generation resulting from the scheme, a wide range of other uses are included which will also create employment.

Restaurant/Café/Bar

5.42 A3 and A4 uses are identified in the Development Brief as potentially acceptable uses, albeit subject to the caveats of DCLP Policy S6 'Control of Food and Drink (A3) Uses' regarding amenity and security issues. Such uses are an important complementary use contributing to the creation of sustainable communities on the site. They would also help meet Visit York's ambitions to secure added value to York's visitor offer with a renewed focus on the evening economy. The planning application specifies 100sqm garden coffee shop/kiosk with 'a flexible level' of restaurant/café/bar uses also proposed in the Listed Buildings of the Multi Storey Factory, Liquor Store and Clock Tower. The DC officer may wish to consider securing an appropriately worded condition should planning permission be forthcoming to ensure that restaurant/café/bar uses are restricted to a maximum level.

Retail

5.43 The creation of retail floorspace should satisfy the aims of PPS1, which seeks to provide sustainable development through improved access for all to shops and community facilities without relying on private transport to travel elsewhere to access such facilities. The non-food elements of the scheme will also trade largely on the back of the existing and visiting population.

5.44 The Local Plan encourages the provision of new retail space within large residential developments, with the supporting text recognising that the provision of complementary uses can provide for the day-to-day shopping needs of residents and workers and minimise the need to travel.

5.45 The Development Brief supports an element of retail at the site subject to a sequential test being undertaken by the applicant in accordance with national guidance (Planning Policy Statement 6). Reference is also made to DCLP Policy S8 'Provision of Shops in Non-retail Developments' which promotes retail development as part of major developments as a means of providing for the day to day needs of residents and employees, reducing the need to travel.

5.46 The proposed small convenience store (595 m² gross) is considered to be of scale that reflects the size of overall development to meet the provision of Policy S8. The accompanying Town Centre Uses Statement successfully demonstrates the need for the retail uses at the site for existing and new residents/employees, which will add vibrancy to the development. As a result of the demonstrable need it is not considered that the proposed convenience store will have an adverse impact on defined district centres.

5.47 The York Retail Study (GVA Grimley 2008) identifies a capacity of 3,245 m² net additional convenience floorspace to 2012, rising to 5,238 m² by 2017. Recent commitments have reduced this capacity but the study concludes that the Council should seek to encourage the enhancement of this sector in district and local centres and to be cautious towards further major out of town food stores.

5.48 This proposal will add to the local retail offer in the Bishopthorpe Road area of the city and will serve the top-up shopping needs of the new residents and existing surrounding residents. The scale proposed will not have an impact upon existing retail provision within the surrounding area.

5.49 Importantly, the applicant has demonstrated in the submitted Design and Access Statement that consideration has been given to the location of the convenience store, so as to provide a key connection between the Terry's site and existing residents in the South Bank area at a key gateway into the site. Planning permission is also sought for additional retail floorspace provision as part of the flexible consent, however it is stated that this will be incidental retail space which is likely to be non food.

5.50 A further important point is that the majority, if not all, of the comparison retail will be located within the listed buildings. The mix of uses proposed will therefore secure a viable use for those buildings and ensure the protection of historic buildings. It will also complement the other uses on the site and contribute to the creation of a vibrant and mixed use area.

Community Facilities

5.51 The Terry's site and South Bank are currently somewhat remote from one another by their predominantly single land uses, and the intervention of Campleshon Road. The Development Brief recognises that the redevelopment of Terry's is an opportunity to bring the two areas together. Whilst the requirement for community facilities will be dependent upon the nature and scale of development proposals, the Brief welcomes such uses on the site.

5.52 Alongside the proposed convenience store, the Masterplan proposes the community facilities of a medical centre and a nursery at the site's northern boundary with Compleshon Road, close to St.Chad's Church and Knavesmire Primary School. These facilities will serve existing residents in the wider South Bank area, creating connections to the Terry's site, as well as future residents. The submitted Statement of Community Involvement states that there was strong support for community facilities on the site which informed the proposals.

5.53 We welcome the inclusion of these uses on the site which will benefit existing communities in the area surrounding the site, as well as new residents, helping to integrate the new development into its wider setting. It is recommended that the DC Officer requests comment from Learning, Culture and Children's Services with regard to the proposed nursery.

Local Community

5.54 As previously discussed, the Development Brief recognises that the redevelopment of the Terry's site offers an opportunity to bring the site and South Bank closer together. The provision of new community facilities has already be addressed in this note. However, due to the nature of the proposal

it is likely that developer contributions towards a range of community facilities will be necessary, which can be secured through a Section 106 agreement. This should be in accordance with DCLP Policy C6 'Development Contributions Towards Community Facilities' and Policy ED4 'Developer Contributions Towards Educational Facilities'.

5.55 The Development Brief requires 1% for Public Art as per the Public Art Strategy. Colleagues in Arts and Culture should be consulted, with a view of securing this requirement through an appropriately worded condition should planning permission be forthcoming.

5.56 The Development Brief requires open space provision in accordance with Draft Local Plan Policy L1c 'Provision of New Open Space in Development' and the Open Space, Sport and Recreation Study (December 2008). The submitted Design and Access Statement sets out the approach to open space provision which includes a variety of open space types within a connective framework to provide a high quality green infrastructure to serve the development. Comments from the Sport and Active Leisure Team should be sought to establish if the level of provision is sufficient. The detailed level of provision and type would be negotiated at reserved matters stage therefore should planning permission be forthcoming, a commitment to negotiating this could be secured through an appropriately worded condition.

Residential Development (Use Class C3)

5.57 A variety of different house types, sizes and tenure are proposed on the site. In accordance with the key requirements of the development brief the housing is located on the northern half of the site. Apartments are proposed in four blocks on the eastern boundary fronting Bishopthorpe Road and in the MSF.

5.58 Family housing primarily adjacent Southbank is proposed. In addition apartments are proposed above the convenience store, Bishopthorpe Road and within the MSF and also live-work units are proposed.

5.59 This development will help to provide a range of new accommodation on a previously developed site, which will be supported by new facilities.

5.60 A key objective for Local Planning Authorities is to make effective use of land by reusing land that has been previously developed.

5.61 These national objectives are supported at the regional level by Policy H2 of RSS which prioritises housing development on brownfield land and through conversions to contribute to a regional target of at least 65%. Likewise Policy SP6 of the Draft Local Plan seeks to concentrate development on brownfield land within the built up areas of the City. The Development Brief for the site considers that housing will help contribute to the vitality and viability of the mix of uses on the site and help create a "sustainable community".

5.62 The creation of sustainable, inclusive, mixed communities is a key objective of Government Policy. The range of residential uses proposed (including open market housing, affordable housing, care home and senior living accommodation) is matched by an adequate range of commercial and service providing uses, thus ensuring that new residents have access to shops and services which can meet their daily needs.

5.63 Good design is considered fundamental to the development of high quality new housing, and through adopting the principles set out in the Design & Access Statement and Design Code, it can be ensured that this is achieved.

5.64 The Masterplan for the site has been design led with considerable community involvement. This has resulted in a scheme that incorporates all of the uses envisaged in the Development Brief, and the application is submitted in a form by which that mix of uses can be flexibly applied to ensure that it remains relevant to the market, responsive to changing circumstances, and without the risk of losing control over quality.

Live/Work Units (Use Class *Sui Generis*)

5.65 The term 'Live/Work' effectively describes accommodation that is specifically designed to enable both residential and business use. This differs from ordinary home working in its nature and in the intensity of business use that may be involved.

5.66 Many people work from home these days, either by way of traditional home working or more modern forms involving new technologies i.e. teleworking. However, in these cases the work use is small scale and usually secondary to the domestic.

5.67 'Live/Work' accommodation is specifically designed to have a higher intensity of business use. This may be in terms of the amount of space devoted to the work use or that the work element is designed to accommodate more workers than just the resident and may be designed in a flexible form to encourage business expansion.

5.68 Live/Work is a hybrid planning use that encompasses both C3 and B1 Use Classes. This type of accommodation is difficult to classify under a single class within the Use Classes Order and is therefore usually deemed to be '*sui generis*'⁷.

5.69 The Government believe that 'Live/Work' accommodation can play an important role in creating sustainable communities and mixed areas, reducing

⁷ A use which does not fall into any of the categories defined within the Town and Country Planning (Use Classes) Order 1987, as amended, such as theatres and motor vehicle showrooms. Latin term meaning 'In a class of its own'

the need to travel by car, aiding the development of small businesses and providing local investment.

5.70 Live / work units were identified in the development brief as an important component of a varied offer of employment accommodation including smaller units for business start-ups. Accordingly, the proposed live-work units are welcomed which have the potential to be beneficial to the SCY creative sector in particular. They are proposed in a good location, well related to existing residential, commercial and office uses which offers the potential for synergy. Whilst it is considered that the applicant proposes to provide a nominal amount of units, they are acceptable.

Senior/Assisted Living and Care Home (Use Class C2)

5.71 Senior assisted living accommodation and a care home are not included within the Development brief as appropriate uses on the site. Both of the proposed uses fall within Use Class C2. Local Plan Policy H17 (Residential Institutions) states that planning permission will only be given for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport. The Local Plan notes that due to the increase in elderly people the demand for private residential institutions will increase over the plan period. The supporting text to this policy further states that they will be supported where need is shown and that they do not cause traffic or residential amenity problems.

5.72 It is generally acknowledged that the proportion of older people in the population will continue to increase in the years ahead and this will give rise to an increase in demand for housing specifically designed for this sector of the population. In general terms, the expected growth in the population of York by 2021 is nearly double.

5.73 The Council's Strategic Housing Market Assessment (SHMA) shows that, at present, York has an above average number of young people in the range 15-29, but a significantly below average proportion of children and a slightly larger population of over 70's. However, projections of the future population shows that over the next fifteen years there is expected to be a significant decline in the number of people aged between 35 - 49 and 10 - 24 and a large increases in those aged 50 and over.

5.74 Overall, from 2006 to 2021 the population projection data suggests that the number of people aged 60 or over will increase by 10,700 (25.9%). This may have a significant impact on local housing requirements as these households may be more likely to require some form of specialist accommodation, particularly the 85+ age group which shows an increase of 51.2%.

5.75 Given this trend in the population, a proportion of the residential accommodation on the site has been designed to cater specifically for older people. The application seeks outline planning permission for 110 units of Senior/ Assisted living and an 80 unit Residential Care Home. The senior living will comprise self contained accommodation but with healthcare, support services and communal facilities available as and when required by residents.

5.76 The operator would sell the apartments to the over 55's (a covenant in the contracts would be used to enforce this) and would operate and manage the facilities of the building. Resale of the apartments will be through the operator which should control and enforcement of the covenants restricting use to the over 55's.

5.77 The proposed senior/assisted living will enable older people to continue to live independent lives in their own "home", protected by a comprehensive and flexible network of social, domestic and personal care services available on demand. This replaces traditional sheltered accommodation and is more innovative and flexible.

5.78 The accommodation falls within the Use Class C2. This use class encompasses 'use for the provision of residential accommodation and care for people in need of care'. 'Care' is defined in the Use Classes Order 1987 (Article 2) as 'personal care for people in need for such care by reason of old age, disablement'. The facility would enable each resident to get their own package of care and support according to their needs in their own homes.

5.79 The classification has important implications in planning policy terms. Use Class C3 development falls under normal housing policies within development plans and is subject to testing within the parameters of the overall housing requirements set by the development plan documents, whereas C2 falls under the same special housing policies as nursing homes and other residential institutions and does not seek an affordable housing provision.

5.80 The care home will accommodate 80 beds and the applicant is still in dialogue with an operator to take this facility. The accommodation provides serviced bedrooms, with communal facilities that include lounges, kitchen, TV rooms, leisure time facilities, dining facilities, health services. The accommodation is designed on 3 floors. The appropriate number of car parking spaces for this building, as requested by the operator (and to comply with standards), will be incorporated into the overall site parking strategy.

5.81 The applicants state that this accommodation for older people is an important element of mixed use sustainable community that the Masterplan seeks to create. Its adds variety to the mix and tenure of accommodation as sought by National, Regional and Local policy.

5.82 It is considered that although a departure from the Development Brief, accommodation for older people is an important element of sustainable communities and one that will only become more pertinent in the future. As

such, the principle of C2 uses is acceptable as a component within the overall types of mixes within the site.

5.83 The applicant states that the sale of these would be restricted to the over 55's through a covenant in the sale/occupation contract and suggests an appropriate condition is imposed should the Council feel it is warranted., If the scheme is approved by committee, such a condition should ensure that these apartments operate solely within Use Class C2.

Health Centre / Doctor's Surgery

5.84 The medical centre, which is located on the north boundary of the site is accessible and well placed to serve the wider community. It complements the senior living and care home proposed on the site and offers the prospect of linked trips to the convenience store and other uses on the site.

5.86 This use is identified as suitable in the Development Brief. DCLP Policy C1 (Community Facilities) promotes such uses to ensure the social well being of the local community. This use is considered acceptable.

Children's nursery

5.87 The Local Plan policies support the provision of children's nurseries, subject to criteria which this location meets.

5.85 These uses would comply with Objective 8 of the Terry's Development Brief, which identifies a requirement to deliver community uses and services that benefit the South Bank area and future occupants of the site.

Existing car-park

5.86 The Development Brief states that the reuse of the car park is acceptable provided there is an appropriate scheme of landscaping to improve its appearance in this sensitive green belt location.

Parameters Plan, Illustrative Masterplan and Design Code.

5.87 The Development Brief sets out a number of design principles which should be followed. The Development Brief requires a Design Code to be submitted⁸. Relevant local plan polices include: GP1 (Design), GP3 (Planning Against Crime), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings).

5.88 There are a number of physical constraints which have a direct bearing upon how this site can be developed. Such constraints are;

- listed buildings dividing the site;

⁸ A Design Code has been included in Volume 2 – Masterplan, submitted by the applicants

- this site appears to sit within an open landscape on the southern fringe of the city;
- the substantial factory building and clock tower are significant landmarks on the city's skyline from near and far;
- the tree lined perimeter with walls onto Bishopthorpe Road and significant bunding to the north and east creates a private landscaped enclosure which is consciously linked to the wider environment, through the formal east gateway; and
- The south side of the site is raised above surrounding land and the ground falls towards Campleshon Road and the NE corner.

5.89 The early factory buildings would form the mixed use heart of the scheme with dwellings and community services to north and commercial uses to south. The housing has been structured into urban blocks with clearly defined private territory to the rear and different degrees of defensible space onto the streets and lanes. Mews areas would be overlooked.

5.90 The latest Masterplan illustrates that the apartment blocks onto Bishopthorpe Road have been designed as "object buildings" to address the main road. One of the blocks has been omitted to allow for easing of the spaces in between to enable better amenity and filtration of trees into the site. Some of the spaces remain "tight" though and the car park has been enlarged. This edge of the site would be radically altered by proposals to remove the majority of the bunding and hence the trees which have been supporting wildlife over the last 40 years. It is important to repair the landscape as soon as possible so it continues to function as a soft living edge forming a transition between city and countryside.

5.91 The senior living accommodation adjacent to the west boundary has been separated into 3 blocks. The buildings should be of sufficient stature to provide an enclosing edge to Park Pavilion Fields (area of paddock used for members parking during races) when seen in relation to the other historic factory buildings across the Knavesmire. The buildings also offer definition to the main route into the site from the north; though subtle articulation of entrances and corners would be welcomed at detailed development stage rather than the addition of a whole storey at corners. The north-south route has been re-aligned to provide a deeper development band to allow for supplementary tree planting adjacent to this important boundary with the conservation area.

5.92 The Care Home has been moved a small distance away from its south boundary wall to enable a better relationship with the former Terry's HQ building and existing trees. The area remains tight though and this relationship should be carefully handled at reserved matters stage.

5.93 The community facilities have been sited at gateway locations off Campleshon Road. It is considered that these locations are convenient and they would help to overcome the perception of the site being isolated. The secluded tree lined nature of the road will be altered by redevelopment as the edges will be opened up, although street trees will be retained. The mix of

building types, the diversity of their massing, amenity requirements and the presence of the electricity sub-station, will present a special design challenge to developers.

5.94 The commercial buildings to the south of the factory have a formal layout with areas of car-free intermediate landscape. The illustrated building footprints should allow BCO (British Council for Offices) standards to be applied. The Design Code recognizes the importance of a unified design in how the east facing elevations present to the existing garden. The whole of the garden (including trees) is shown as being retained in the illustrative Masterplan. The parameters plan should accord with this.

5.96 It should be noted that this scheme is illustrative and the applicant is not seeking detailed permission for the siting of the aforementioned buildings, however, officers would expect the reserved matters for these buildings to be similar in terms of position and siting.

5.97 The massing and height of the linked extension to the factory building also creates a relationship with the new commercial blocks. The applicants have confirmed that these blocks will not rise above three storeys in height to preserve characteristic views and setting of the factory buildings from the south.

5.98 The atrium link to the multi-storey factory building would encourage complimentary uses both day and night and this is seen as an imaginative device to improve the economic attractiveness of the historic factory building. The glazed structure would allow the south elevation to be seen as a whole again following its repair and reinstatement.

5.99 The MSF is currently empty, “at risk” of neglect and requiring huge investment for conversion and repair. It is essential for the future of the building that it becomes an “anchor” for the whole site, so that its symbolic role is maintained. Proposals demonstrate the potential of the building to play a key role on the site.

5.100 The MSF and its extensions have been organized to have legible entrance points relating to different functions. The ground floor uses proposed would produce an activate central avenue. The main external avenue would be redesigned to respond to its new and vital role. A large scale paving format would be adopted relating to the grid of the building and lines of trees would be introduced which would create a well designed and .

5.101 Redevelopment of the former central services building and removal of the bridge links should strengthen the character of the area. The Design Code specifies that the replacement building should be designed as a “jig-saw” piece in the street elevation.

5.102 A new urban space would be created at the junction of the two avenues where there would be a collection of public uses. The square would be

designed to resolve the alignment between the approach from the north and the main entrance to the factory.

5.103 Three main vehicular access points have been proposed to limit intensity of use in any one location. They have been designed as “in-out” situations to prevent (non-emergency) vehicles cutting across the site (rat runs). However the site would still be highly permeable to cyclists and pedestrians. Officers welcome the retention of a public link through the main factory building.

5.104 Officers consider that the orientation through the site would be assisted by the use of strong enclosure, and a clearly defined network of routes and spaces of different landscape character. Legibility of the site has been increased through the development of streets with different characters and the use of a hierarchy of building types responding to the role of each street.

5.105 The central landscaped space will provide a focus for informal contact. It will also assist in creating a sense of place whilst providing a transition between the working and living areas of the site. The underground car-park has been deleted which officers welcome, however there should be parallel parking adjacent to the edges instead of horizontal parking.

5.106 The decked car-park will be adequately concealed due to existing and additional landscaping. The use of this site should be tied to the main site.

5.107 There are no specific proposals for public art. Officers would prefer to see efforts being directed towards the creation of site specific street furniture & lighting, improvements to the main gate, co-ordinated high quality signage at entrances (also inside factory entrance where engraved glass appears to be indicated) and towards provision of site specific facilities in the two landscaped areas. However, it is acknowledged that this matter can be addressed through the imposition of a suitable condition or term within the legal agreement.

5.108 The status of the link with the Racecourse requires clarification. The delivery mechanism has not been specified.

Design and Access Statement (D&S)

5.109 The Design and Access Statement (D&S) which accompanies the planning application sets out a rigorous contextual analysis, site analysis and justification for the design approach in accordance with the requirements of the Development Brief and in particular the key points listed at paragraph 7.4 of the Brief. Through a series of diagrams, plans and images the D&S successfully sets out the process and considerations that have informed the evolution of the proposals.

5.110 The Design Code supplements the Design and Access as required by the Development Brief. This defines the critical elements of additional design control and guidance to ensure that high levels of design will be achieved.

5.111 The listed buildings are an important landmark in York and have significant cultural associations for local people. The importance of the setting is emphasised in the York Landscape Appraisal 1996 and the Conservation Area Appraisal. Officers consider that the Design Code would protect the setting of the site which is a key principle of the Brief.

5.112 Retaining existing views of the factory building and clock tower is a key requirement of the Brief and was strongly supported in the consultation. Officers believe that southerly views of the factory building and clock tower above the existing tree belt are protected within the Design Code and submitted documents. The view across the racecourse car park from Campleshon Road is also important and the impact on this should be carefully considered.

In conclusion:-

5.113 Officers consider that the application documents illustrate a new vision for the site and would create a mixed use urban neighbourhood with rich townscape potential placing built heritage at the heart of the scheme.

5.114 Officers note that the Masterplan has been evaluated using CABI's (Commission for Architecture & the Built Environment) criteria for creating successful Masterplans as illustrated in "Design Reviewed Masterplans". The documents meet the urban design and historic environment requirements of the Terry's Development Brief. The Design & Access Statement conveys an understanding of the development and the design process leading to it. The Design Code sets out parameters critical to achieving design quality and to reinforcing the sense of place. Finally officers welcome the submission of a strong Design Code which is an essential mechanism for ensuring the co-ordination of schemes being developed over time across the site.

HIGHWAYS

5.116 All new development within the City puts varying degrees of further strain upon the transport infrastructure. There is very little free capacity within the network in the peak hours and the Council's ability to engineer additional capacity is very limited, particularly in a City like York with its restricted highway widths and well-developed central area. As an alternative, the city must turn to other more sustainable means of transport particularly cycling, walking and public transport to serve future and existing demand. The Council's policies aimed at achieving this goal are set out in the 2006-2011 Local Transport Plan.

5.117 The previous application for a mixed use development within the site of the was refused by Members in 2008. Of the nine reasons, two were related to highway and transportation issues. The first reason for refusal identified the proposed highway engineering measures as not being sufficient to adequately mitigate against the likely additional traffic generated by the proposed scheme. The second related to sustainable transport measures. The

proposed provisions for public transport, walking and cycling were considered inadequate and thus unlikely to achieve the proportion of sustainable travel the Council expects in accordance with its transport hierarchy.

5.118 Following on from Committee's refusal, a series of meetings were set up with representatives from the developer, their planning consultants and their transport advisors to try and agree the principles behind a new development scheme for the site, which would be likely to receive the support of the Council's highway and transport officers and the Planning Committee. A document was produced in March 2009, which set out the scoping for a new transport assessment report which would accompany the second planning application. This allowed both parties to, for instance, have the opportunity to agree the baseline position for this development site, the methodology of determining trip generations, the junctions which would need detailed assessment, what committed development traffic would need to be taken account of and what parking standards would be appropriate for the types of uses being considered.

5.119 The impact of development traffic across the City was to be analysed (on the developers behalf) by the Council's framework consultants, Halcrow⁹. An updating of the Department of Transport's guidelines since the submission of the previous application required the developer to consider 'person trips' rather than 'vehicle trips' when analysing the impact of development traffic. This ensures a greater focus on sustainable modes of transport throughout the whole process, in accordance with the latest Government advice. In addition, officers also used a trip generation tool 'Modal Assessment Trip Tool' (MATT), which makes use of information contained within a national database of development traffic (TRICS), together with survey data obtained from other similar sites within the City and modal split data obtained from the 2001 Journey to Work survey. This has resulted in a more accurate assessment of the proposed traffic impact.

5.120 Work on examining the content of the applicant's transport impact assessment report, which accompanies this new application, commenced in September 2009. There have been further meetings and correspondence upon the content right up to the end of the 2009, principally to obtain the level of detail needed to make a fully informed judgement upon the impact of the development and the adequacy of mitigation measures being offered.

5.121 This application to redevelop the former Terry's site with a mixed use development will put additional pressure upon the highway network in this sector of the City. With the gradual running down and closure of the site over a number of years, the impact of the former works is not currently being experienced within the south of the City. As the site is redeveloped, the highway network will increasingly experience the former levels of traffic. With the proposed density of development and the mix of uses, officers expect that traffic levels in the peak period will increase significantly in that area following its completion.

⁹ Halcrow maintain the City's strategic traffic model, 'SATURN'.

5.122 The proposed scheme will incorporate the full extent of the former factory site (10.86 ha). There will be four vehicular access points serving the site, two along Bishopthorpe Road (one new, one existing), the existing access on Campleshon Road, and a new access off Racecourse Road to serve the office element to the south of the development area. In addition there would be a further five pedestrian access points – two along Bishopthorpe Road, one from Camleshon Road, one from Racecourse Road and a new link from the south of the development to the existing Sustrans cycle route.

5.123 The applicant's transport consultants have emphasised the fact that the existing buildings on the site are quite capable of being re-occupied for their already permitted B1, B2 and B8 uses and that traffic levels on the neighbouring network would rise markedly if this were to happen, without the need to obtain any further planning permissions. The anticipated traffic flows, arising from the full development of the site, must be compared with the "fallback position". This is a point which is strongly made by the consultant. Mitigation measures to manage the predicted increases, should be based on the difference between the fallback/existing and the new. This is standard practice throughout the UK.

5.124 The developer has been unable to provide any information about the levels of traffic activity when the site was in full production. However, the Council has some information regarding staffing numbers dating back to 1988. At that time records indicate that there were 1260 staff employed on the site which gradually reduced year on year until the factory's closure in 2005. A shift system was operated during production at the site and the company provided a number of buses for the benefit of staff commuting to and from work. A high proportion of staff also walked or cycled to the site.

5.125 Officers estimate that if the existing site were brought back into use, approximately 333 vehicle movements (arrivals and departures) in the am peak and 278 vehicle movements in the pm peak would be generated. The estimated vehicle activity, of the site if approved, would be 760 vehicles in the am peak (an increase of 128%). Pm peak would rise to 649 vehicles (an increase of 133%). Officers acknowledge that both are significant increases. This increase would however be spread over more access points. It should also be noted that with an increased proportion of residential use within the site, there would be reduction in commercial activity. Peak hour arrivals and departures are more balanced than the previous scheme (06/02560/FULM). This would dissipate peak hour congestion within the surrounding highway network.

5.126 Based on the positioning of car parking spaces within the site, it is estimated that there would be approximately equal levels of vehicular traffic using the Campleshon Road access as compared to the new Racecourse Road Access. That translates to about 70 vehicle movements in the AM peak and 60 vehicle movements in the PM peak at each access.

5.127 Car parking to serve the needs of the development will be located either in close proximity to the related offices, homes, retail stores, medical centre or within a decked car park to be constructed on the site of the existing car park to the east of Bishopthorpe Road. This latter provision will largely contain vehicles associated with the business hotel, the offices, a care home and some residential apartments.

5.128 In total, the developer is proposing a total of 1500 car parking spaces to serve the site. This figure represents a 15% increase over the level proposed with the last scheme which Members considered. To put this in perspective, employees of the former factory had the use of a 310 space car park to the east of Bishopthorpe Road and about 100 spaces within the main site itself. Car parking provisions are again either in accordance with, or just below the Authority's maximum standards for the various use classes proposed.

5.129 Cycle parking is to be provided at various locations to suit residential and employment needs and will be in accordance with the Authority's standards at 1138 spaces in total. The applicants intend to provide 95 garages for residential properties. Officers expect they will accommodate 2 cycles each. The apartment blocks will have provision for 10 cycles, purpose built cycle stores will also be located close by. Cycle storage for the offices will be constructed within the adjoining landscaped corridors. Officers suggest that should the scheme be approved, adequate conditions are imposed to encourage maximum cycle trips to/from the site.

5.130 The previous scheme proposed the Sustrans pedestrian/cycle route linking Bishopthorpe Road with the riverside path be re-routed. It was to lead across the fields to the east and south of the overflow car park. Although generally supported at the time, officers have since learnt that the proposal cannot be delivered by the developer. This is due to an agricultural tenancy agreement in place which would restrict this. Therefore the applicant has sought to improve the existing route running to the north of the overflow car park. It is proposed to widen this route to a minimum of 2.0m (wider where practical to do so) and smooth out the current gradient to accord with Cycling England Guidelines. Vegetation is to be cut back to improve the route's appearance. The applicant has also offered to light the cycle way from the deck car park, assuming a suitable design could be agreed.

5.131 Other measures being offered to promote pedestrian and cycle trips include:

- The introduction of a zebra crossing on Campleshon Road close to Knavesmire school;
- Improvements to the signing and lining of the existing cycle routes heading north through the South Bank district; and
- Improved crossing facilities on Bishopthorpe Road between the current main entrance and the southern boundary of the site.

5.132 Although identified within the revised Planning Brief (May 2009), as a facility needed to encourage cycling from the development site, officers have not been able to secure a road/off road link, which would run along Knavesmire Road connecting with the Tadcaster Road orbital route. The applicant considers that an existing route is available from the site to Tadcaster Road via Albemarle Road and would be as useable as the sought after route. Whilst Albemarle Road is relatively quiet, officers consider that due to the density of on-street parking along the Road, and its restricted width, it is a less attractive route than a purpose built off -road facility along Knavesmire Road.

5.134 It was agreed in earlier discussions with the developer that junctions which were found to experience a 5% increase in flow, or greater, on any approach to a junction in either of the peak hours, would be assessed in more detail. This resulted in 10 junctions being examined. If any mitigation were thought to be required at a junction, the extent of works required, was assessed with the aim of ensuring that the improved junction would operate within acceptable limits, and no worse than under baseline conditions.

5.135 Those junctions requiring some form of mitigation measure are identified below:

Proposed traffic mitigation measures.

5.136 The impact of the development traffic and of the re-introduction of permitted uses within the site has been assessed by the applicant's transport consultant in their accompanying report. The results of their individual junction analyses are set out below:

(a) Tadcaster Road / Knavesmire Road

5.137 The assessment indicates that there would be acute capacity issues at this junction. The applicant has therefore proposed to signalise the intersection. This mitigation should reduce congestion and allow the junction to operate within acceptable limits. The bus lane would be retained through the junction and a bus gate facility would be introduced at St. Georges Place junction. This would help to prioritise bus journeys. New signalised crossing facilities would be introduced within Tadcaster Road and the two arms of Knavesmire Road (where it splits to accommodate the Herdsman's Cottage).

(b) Tadcaster Road / St. Helens Road

5.138 This junction would be over saturated resulting in excessive queuing and delays occurring, if the scheme is approved or even if the permitted uses were brought back into use on the site. Physical constraints prevent widening the road. However, the applicant is willing to fund new software within the traffic control to maximise the signals efficiency. The applicant will also fund CCTV equipment at the junction to assist with queue management.

(c) Tadcaster Road / Sim Balk Lane

5.139 Junction capacity would be exceeded during the am peak periods. The applicant notes that only a modest improvement in capacity would be needed to create conditions similar to that which could be expected if the factory were to be re-occupied (the fall-back scenario). They therefore propose to introduce a new and expanded Park and Ride facility at Askham Bar. This facility will improve capacity at this junction. The overall performance of this junction would remain within acceptable limits, even after the imposition of predicted development flows.

(d) Church Lane / Sim Balk Lane

5.140 The junction would operate over capacity in the pm peak hour at the Church Lane approach in both the baseline and proposed development scenarios. In order to ensure that this junction would operate at no worse than the baseline scenario, a total of 26 vehicular movements need to be taken out of the right turn movement from Church Lane to Sim Balk Lane. If these trips could be transferred to using public transport, then the situation would be returned to baseline traffic conditions. The developer has indicated his willingness to fund the creation of an additional 26 spaces on the Askham Bar Park and Ride site in order to try and bring about this change.

(e) Scarcroft Road / Bishopthorpe Road

5.141 Whilst initial testing found this junction would operate satisfactorily within the baseline scenario, further analysis of this junction is currently being sought by officers. Discrepancies regarding the junctions current performance have come to light. Officers will seek to negotiate appropriate mitigation measures, should the analysis indicate the junction requires it.

(f) The following junctions would operate within acceptable performance limits, consequently funding for specific capacity improvements cannot be justified:

- Bishopthorpe Road / Campleshon Road
- Moor Lane / Tadcaster Road
- Church Lane / Bishopthorpe Road
- Main Street Bishopthorpe / Acaster Lane
- Main Street Bishopthorpe / Sim Balk Lane

Sustainable Transport Measures

5.142 In line with advice contained within PPG 13 and this Authority's own transport policies, officers have sought to negotiate funding for sustainable transport measures as part of the package to mitigate the impact of the

development traffic upon the highway network. The following list sets out the current details of this offer:

(a) Public transport

5.143 The applicant is willing to fund the introduction of a new bus service throughout the working day (7am to 7pm) linking York train Station with the Askham Bar Park and Ride facility via Scarcroft Road, Bishopthorpe Road, the development site, Bishopthorpe Road Main Street and Sim Balk Lane. The service would operate on a 30 minute frequency to supplement the existing no. 11 service, thus providing a 15 minute service. Financial support is being offered for up to 5 years, from an agreed date of commencement.

5.143 The applicant also propose to erect a new bus shelter for the existing Campleshon Road stop (opposite the development site). In addition, this stop and the Bishopthorpe Road main entrance stop would be fitted with real time travel information facilities, as requested in the development brief.

(b) Travel Vouchers

5.144 In order to encourage future residents of the site to travel by means other than private car, the applicant is willing to provide a voucher for each household to enable the purchase of a cycle, helmet and lock or a bus pass to the equivalent value.

(c) Car Club

5.145 In addition to the provision of 4 spaces for car club vehicles (within the site), the developer will fund a year's free membership of the City Car Club for each household, currently amounting to £60 per dwelling.

(d) Travel Plan Coordinator

5.146 The applicant will employ a Travel Plan Officer for a minimum period of 3 years whose job it will be to ensure the measures contained within their Green Travel Plan(yet to be agreed) are fully implemented. This should encourage occupiers travel behaviour before less sustainable travel patterns become established.

(e) Cycling measures.

5.147 The applicants propose to upgrade the existing section of the National Cycle Network Route(No. 65), where it passes from Bishopthorpe Road to the riverside cycle track. The applicants propose to improve its gradient and widen where practical to do so. Cycle parking facilities are to be introduced within the development site in accordance with the Authority's standards and showers/lockers/drying rooms are to be incorporated within buildings identified for employment purposes.

5.148 There will be additional cycle route signs erected on the current route, in order to encourage cycle usage of the more quiet street close to the site.

(f) Park and Ride Spaces

5.149 Funding to allow the construction of a further 26 spaces on the new Askham Bar Park and Ride site has been agreed in order to encourage a reduction of the predicted number of vehicular flows along Church Lane, Bishopthorpe.

Traffic Management Measures

(a) Taking into consideration the increased pedestrian activity arising from the development, the applicant is willing to provide funding to improve crossing facilities within this location. The exact level will need to be determined following a more detailed design exercise and public consultation.

(b) Further increases in pedestrian movements over Campleshon Road would indicate a need to introduce a more formalised crossing facility there. Again funding is being offered to allow the introduction of a zebra crossing in the vicinity of Knavesmire Primary School. A future detailed design and public consultation exercise would determine the exact location and precise form of this crossing.

In conclusion:-

5.150 There has again been a lengthy period of negotiations with the developer on all highway and transport issues arising from this latest application to develop the former Terry's site. However officers have been successful in securing a number of measures to offset the expected increase in traffic generated by the new development, these include:-

- Engineering mitigation work at the Tadcaster Road / Knavesmire Road junction, to safeguard future transport movements along this key corridor from unacceptable levels of congestion and delay;
- A range of sustainable transport measures to encourage future occupants and visitors to choose an alternative to car journeys; and
- Introduction of traffic management measures particularly in the immediate area around the site designed to aid pedestrian safety.

There is general agreement amongst officers that the current scheme represents an improvement compared to the previous refused scheme (06/02560/FULM), principally because:

- Changes in the mix of development have helped to noticeably reduce the expected impact of development traffic on the highway network;

- The developer has come forward with an improved and wider ranging package of sustainable transport measures which should help to mitigate the impact of future traffic associated with the development;

5.151 Taking into account the substantial period the site was closed, traffic levels have been artificially low as no traffic movements have been generated by the former works. Assuming development were to progress, the impact would be noticeable within this sector of the City. However, this would be the case anyway if the site were to be re-occupied with the extant planning uses taken up.

5.152 With the mitigation measures now offered by the applicant, there should generally be only minimal increases in traffic delay observed on the network over and above what could potentially occur should the existing buildings be reoccupied and former activities resumed. Improvements to the pedestrian and cycle network offered in conjunction with development proposals will also provide benefits to existing residents in the area.

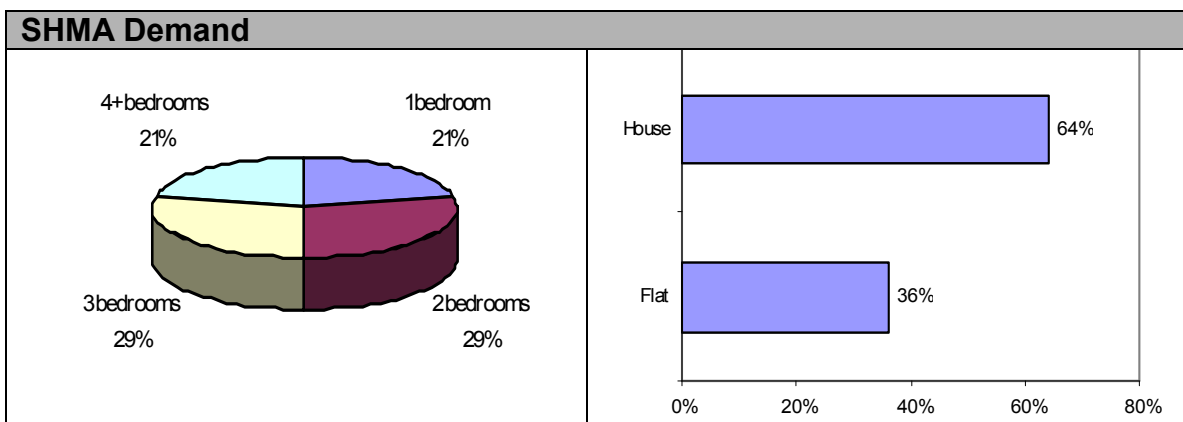
5.153 As a consequence there are no highway objections to this scheme, subject to the signing of a section 106 agreement covering associated highway and sustainable transport measures and the addition of a range of highway conditions.

MIX OF RESIDENTIAL DWELLINGS

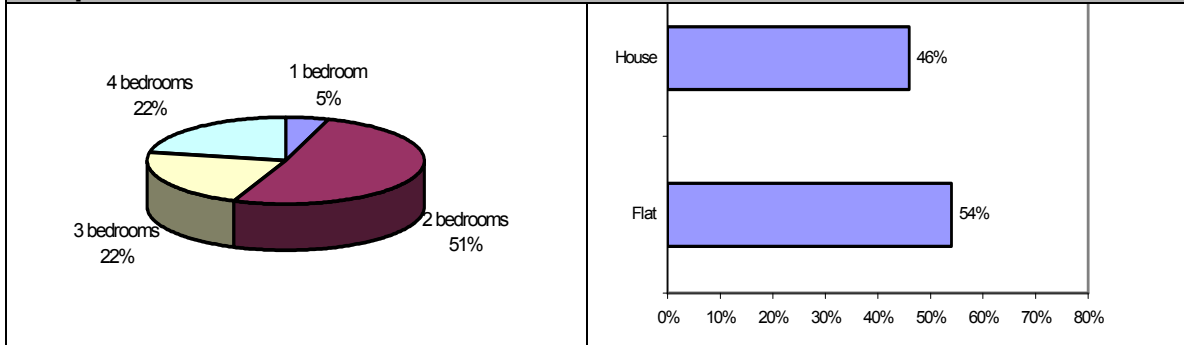
The residential proposal is as follows:

| | 1 Bed | 2 Bed | 3 Bed | 4 Bed | Total |
|--------------|-----------|------------|-----------|-----------|------------|
| Houses | 0 | 8 | 57 | 60 | 125 |
| Apartments | 13 | 130 | 3 | 0 | 146 |
| Total | 13 | 138 | 60 | 60 | 271 |

5.154 How the proposal meets the findings of the 2007 Strategic Housing Market Assessment is set out in the pie charts and graphs (next page).



Proposed Mix



5.155 The proposed mix is weighted towards flats relative to the expressed SHMA demand. However, it has changed substantially from the scheme originally proposed, and three-quarters of the homes proposed are 2 and 3 bed family accommodation – which is where need is greatest in York.

5.156 The apartments are located within the multi storey factory (together with other uses) and in the north east side of the site, alongside Bishopthorpe Road and opposite existing apartments across the road.

5.157 Given the mixed use conversion of the listed multi storey factory (where residential use could only be flats), the campus feel of the site, and the fact that there is a high proportion of 2 and 3 bed (including much needed affordable housing), the proposed mix of type and size of residential accommodation is considered acceptable.

AFFORDABLE HOUSING AND MIX

5.158 The revised affordable housing, at 30.3%, is below the Council's 50% target but, in the current economic climate and seen together with other substantial developer contributions for local school and recreation facilities and improvements to the local highway network, represents the maximum level achievable without impacting on the residual value of the scheme so much that development would be extremely unlikely to go ahead.

5.159 There are also a number of abnormal costs relating to cathodic protection of the listed multi storey factory and enhanced link to the racecourse which have also been taken into account in agreeing the reasonable level of affordable housing achievable.

5.156 Through discussion and detailed assessment of viability, the affordable offer has improved significantly. The developer has accepted the principle of providing affordable housing on-site and has agreed to pepper pot the affordable houses within the site in order to achieve a degree of inclusivity.

5.157 It has been agreed to manage the affordable apartments within separate blocks. This decision has been reached in order to keep service charges to affordable levels, as they will be managed by a registered social landlord. It is a decision reached fairly reluctantly but is pragmatic and,

bearing in mind the adjacent houses which are fully pepper potted, can still fit within the wider aims to integrate communities in York.

5.158 The tenure split is 60% affordable rent and 40% discount sale which is in line with the 2007 Strategic Housing Assessment and subsequent policy approval. 27% of the affordable homes are family houses - which is below the 54% open market sale houses on-site but still represents a good addition to the local affordable housing stock at this time. In total there will be 82 new affordable homes on-site, together with 189 open market homes.

5.159 The mix of units proposed by the applicant has, to a certain extent, been influenced by the constraints and opportunities within the site. The applicants state that where possible, they have sought to maximise opportunities for family housing.

5.160 Apartments are proposed along the eastern boundary with Bishopthorpe Road. Apartments are also proposed within the Multi-Storey Factory. The residential area has been located within the northern part of the site, where it maximises opportunities for integration with the existing community.

5.161 Following discussions with the applicant the residential element of the proposal has altered substantially from the original submission with a much greater emphasis on family housing, with the potential for a mix of house types and sizes in accordance with Local Plan Policy H3c 'Mix of dwellings on housing sites' and the findings of the Strategic Housing Market Assessment. As such the site presents an opportunity to contribute significantly to meeting demonstrable family housing demand in the city.

5.162 The table below outlines the housing provision agreed for the whole site¹⁰.

| Dwelling Type | Social rent | Discount Sale | Total affordable | Open Market | Total | Percentage affordable |
|---------------|-------------|---------------|------------------|-------------|------------|-----------------------|
| 1 bed flat | 0 | 0 | 0 | 13 | 13 | 0% |
| 2 bed flat | 32 | 28 | 60 | 70 | 130 | 46% |
| 3 bed flat | 0 | 0 | 0 | 3 | 3 | 0% |
| 2 bed house | 7 | 1 | 8 | 0 | 8 | 100% |
| 3 bed house | 10 | 4 | 14 | 43 | 57 | 25% |
| 4 bed house | 0 | 0 | 0 | 60 | 60 | 0% |
| Total | 49 | 33 | 82 | 189 | 271 | 30.3% |

¹⁰ Please note these figures need to be finalised, as officers are seeking to increase the proportion of houses in lieu of flats within the affordable housing offer. Committee will be updated, prior to deciding this application, upon the ratio of houses to flats.

5.163 A maximum of 271 dwellings are proposed to be erected within the site. There are a total of 125 houses of which 22 (18%) will be affordable and 17 of these for rent, which is the priority need within the city (as identified in the 2007 SHMA).

5.164 The affordable housing offer is 30.3%, a higher offer would have had a significant impact upon the overall viability of the scheme and would have resulted in a lower affordable offer for homes. If the Council had sought a proportion of 4 bed houses this would have reduced the overall viability of the scheme for the applicant and would have most likely reduced, the amount of 2 and 3 bed family housing, which is the key priority.

5.165 Officers consider that given the demand for affordable housing of all types within York, including apartments, maximising the number of affordable homes within the site would benefit the City the greatest.

5.166 The split of tenure type is 60:40 between social rented and discount sale respectively. The 2007 SHMA identifies this split as the most preferable. Initial Discount Sale prices have been set as follows:

| | Discount Sale price |
|-------------|---------------------|
| 1 bed flat | £65,000 |
| 2 bed flat | £75,000 |
| 3 bed flat | £95,000 |
| 3 bed house | £99,500 |

5.167 The unit valuations are specific to this scheme and are, in local terms, meaningfully affordable. The prices have been set for first sale and the percentage discount will be finalised by an Open Market Valuation (OMV) at the point of sale. The discount from OMV will also be set out in the Section 106 agreement, and applied to all subsequent re-sales, thus keeping them affordable for future purchasers.

5.168 Affordable flats are all new build and will be located within the same blocks. Although this does not match the Council's policy of pepper-potting affordable homes, it is the only feasible option given service charges. By taking complete blocks of flats, housing associations can manage whole blocks and consequently keep service charges to a minimum. This is crucial in ensuring the units are affordable whether for rent or Discount Sale as high service charges can easily compromise affordability.

5.169 Officers recommend imposing a condition, should the scheme be approved, that service charges for the management of the affordable homes will be controlled by the relevant housing association. Members should be aware that the applicant proposes to levy service charges against *all* houses within the site. This is unprecedented within York and will impact upon the overall affordability of all homes within the site. The affordable houses will be

pepper-potted, and in runs of no more than two houses unless otherwise agreed in writing with the Council.

Social Housing Grant

5.170 Officers are currently in negotiation to secure a Social Housing Grant (SHG) ¹¹ from the Homes and Communities Agency, so as to provide additional affordable dwellings within the site. To date, a figure of £1.76m has been provisionally attached to this scheme. This grant is time limited, and is subject to the developer building the affordable homes to HCA standards within a certain time period. Should this grant be secured, the final percentage of affordable housing within the site will increase. Officers would welcome confirmation from the applicant, of the percentage of affordable housing which would be provided on the site, should the grant be secured.

5.171 In conclusion:-

The offer for affordable housing without grant is 30.3% and is the culmination of a detailed financial viability and lengthy negotiations. Should the agreed £1.76m of Social Housing Grant be secured the final of percentage of affordable housing will increase. The applicant should confirm the final figure. Following negotiation and taking into account other planning objectives and costs in bringing forward this development, officers are satisfied that the applicant has provided the optimum level and mix of affordable housing.

5.172 Officer's recommend approval subject to the following controls;

- If the residential development is not commenced within 2 years an economic viability reappraisal should be submitted in writing to the LPA;
- A proportionate level of car parking should be provided for the affordable dwellings;
- Should the inclusion of Social Housing Grant be achieved, the affordable homes must be built to current Homes and Communities Agency standards;
- Should the overall housing provision change from this Outline application then the principles of the agreed affordable housing provision and mix, type and tenure split need to be maintained; and
- The phasing of the affordable housing being agreed with officers.

LANDSCAPE AND NATURAL ENVIRONMENT

5.173 Section 6 of the Development Brief sets out a series of detailed landscape and natural environment considerations which must be taken into account through development proposals.

5.174 The parameters plan states the maximum quantities of development. The applicants recognise that the quantum of development they are seeking can be reduced at the reserved matters phase, if the Council feel that this is

¹¹ The SHG will only be applied to the social rented accommodation.

necessary to attain satisfactory design and living standards. The masterplan demonstrates how a scheme set out in the parameters plan could be accommodated on the site. Nonetheless there are many realistic opportunities for new tree planting to integrate the site with the existing environs and create a pleasant and attractive environment for both employees and residents and the wider visiting public.

5.178 During the course of negotiations and public consultation it has become clear that the removal of the majority of the earth bunding is desired to integrate the site with the surrounding neighbourhood – an essential aspect of the development. The existing deciduous trees in these areas are important to the setting of Bishopthorpe Road, Campelshon Road, the Knavesmire, the factory buildings and conservation area. The submitted parameters plan and illustrative Masterplan allow a reasonable depth of new tree cover to be reinstated which would protect the visual amenity of the existing streets and provide an important asset to the development. It should be possible to keep some existing trees, other areas are not affected, therefore increasing the mature tree cover in these areas. It was agreed that the replacement tree planting should also be in the form of green fingers/tree-lined streets within the site, e.g. main axis streets and a green lane to compensate for the loss of trees around the northern half and to increase connectivity between the site and the surrounding streets.

5.179 The Masterplan suggests there would be removal of existing trees in the northwest corner of the site. The plans allow some scope for replacement planting as the children's nursery is set back from the road. The convenience store sits forward of this to have a more marked presence on Campelshon Road and would, in conjunction with the trees, highlight the entrance into the site.

5.180 The residential area focuses on a new public open space (POS) at its centre; this is referenced in the Design & Access Statement (DaS) and the Design Code. Parallel parking is the preferred solution to parking provision around the central green space as it would improve the relationship between the dwellings and open space and make more open space available. The applicant has confirmed by email that parking will be parallel. Officers also note that the basement parking under this central POS has been omitted in the amended Masterplan.

5.180 In addition to the strong north/south axis created to the south of the MSF, there is a green amenity space running perpendicular to this. Together they provide a green core running through the business sector that in turn connects with the public squares either side of the MSF and the existing formal garden, limiting vehicle movements to the perimeter. This was formerly shown immediately south of the MSF extension, but is equally (possibly more appropriately) placed central to the new offices. The existing woodland belt along the south and southeast perimeter would be enhanced through appropriate management to provide screening of parked cars and a setting for the development and of course a critical green apron for the distant views of the MSF.

5.181 The existing apartments on the east side of Bishopthorpe Road are set back 15m from the pavement and approximately 12m from the nearest large, mature tree. The illustrative Masterplan shows the proposed apartments are set closer to the pavement and existing/proposed trees. An open green wedge is located to the south of one of the apartment blocks. The applicants have deleted one apartment block from the original submitted amended scheme so as to provide greater flexibility and to provide adequate communal garden space for both the apartments and the care facility. This should allow, each unit to have at least one open aspect that does not face directly into a tree canopy or over a car-park, i.e. useable garden space. It should be noted that the layout is illustrative and is open to change through the submission of reserved matters.

5.182 The senior living accommodation has now been divided up into 3 blocks so as to provide along the northern section of the western boundary. This will create a more open edge to this side of the site than was originally sought and is welcomed by officers.

5.183 The position of the care facility has been amended to provide the necessary clearance between the building frontage and the boundary wall around the entrance of the former HQ building. This should ensure that tree cover can be retained/replaced.

5.184 In accordance with the development brief, the existing formal garden in the southeast quarter is retained and enlivened by: neighbouring offices (the end elevations of which should address it); the provision of a new access from the long-distance cycle way created in the south east corner; some parking availability; the introduction of café/kiosks.

5.185 Allowing cars and parking within the east - west boulevard would keep this often shaded space animated; an avenue of trees would compliment the building and introduce seasonal variations, looseness and movement, and capture light.

5.186 There is scope to increase this 'effect' of the 'green lane' at the senior living end and ensure there is adequate space between building blocks to insert meaningful planting.

5.187 The principle to create a two-storey car park (as proposed) on the site of the existing one is acceptable for the following reasons: It relieves the main site of the need for excessive parking spaces that would be detrimental to the overall master plan and density of development. There is a significant depth of available planting space between the car park and Bishopthorpe Road that could be supplemented. The existing planting both immediately around the car park and within the surrounding fields provides some screening from the PROW network; however the efficacy of this would need supplementing with some additional tree planting outside of the site but within the applicant's ownership. The majority of the northern extent of the car park is set well back from the existing cycle route, with existing trees and hedging providing

adequate screening in the northeast quarter; there is space for additional planting in north west quarter. There is scope to improve the appearance of the car park facility through the development, e.g. removal/replacement of security fencing; additional planting within (and without) the site; and new surfacing and lighting. Note, the scale of the trees on the car park cross-sections represent mature large-species trees and are therefore a bit misleading.

In conclusion:-

5.188 In the main, the Masterplan responds to the design brief. It provides a suitable range of open space and landscape types across the site, and on the whole respects the setting of the existing surrounding environment and setting of the listed buildings. The scheme design can be refined at the reserved matters stage to ensure the required standards for open space and tree provision are achieved.

ECOLOGICAL IMPACT

5.189 The Development Brief requires an Ecological Appraisal and a Bat Survey to be submitted. In addition the Brief requires cognisance of Local Plan Policies NE7 (Habitat Protection and Creation) and NE8 (Green Corridors).

5.190 There are a number of Sites of Importance for Nature Conservation (SINC) are close by. However the SINC sites listed are at this stage proposed and have not yet been confirmed. They do though all fulfil the criteria for SINC designation except for Clementhorpe Riverbank, which is proposed for de-notification. This though is awaiting confirmation from further survey work. As such, all the sites should be considered in the light of SINC policies.

5.191 The presence of Field Garlic on the bank of the car park between the road and the river has been missed from the applicants survey. Although not a particularly rare species, it is very local in the area and is indicative of river bank grasslands. It can occur in conjunction with Sand Leek and the site does need to be checked for this. Any works affecting this bank should take this into account. The rest of the grassland in which the Crow Garlic grows is relatively coarse and a lesser species.

5.192 The Countryside Officer is aware that swift are in the area and may use the buildings. The officer advised this should be checked prior to any demolition or roof works to ensure that this declining SPS is considered.

5.193 With regard to mitigation, the proposals are acceptable and cover all of the aspects that need to be considered. The officer finally recommended that bat roosts and swift boxes are put into the fabric of the building rather than as boxes attached to the outside as they provide better shelter.

FLOOD RISK AND DRAINAGE

5.194 PPS 25 states that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision-makers identifying applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

5.195 The Development Brief requires a Flood Risk Assessment to be submitted. Policy GP15a (Development and Flood Risk) of the Council's Local Plan. The Brief contains requirements for protection of the river corridor. The proposal does not encroach into Flood Zone 3 apart from the path link. All relevant consultees raise no objection to the applicant's proposal but advise the imposition of various conditions to safeguard against flooding and drainage problems. It is the applicant's responsibility to ensure that their operations do not cause flooding problems for others as a result of this application.

SUSTAINABLE DEVELOPMENT

5.196 The Development Brief requires cognisance of the RSS Policy ENV5 (Energy) - regarding on-site renewables. The Brief also requires submission of a Sustainability Statement as per DCLP Policy GP4a – Sustainability. The Brief lists a number of issues that the statement should address. The Council's Interim Planning Statement: Sustainable Design and Construction requires developments to provide 10% of their energy through the use of renewable energy. The EIA and addendum cover most of the essential sustainability considerations required for a sustainability statement. Such required considerations are outlined in the Council's Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22nd November 2007). In particular the report demonstrates a commitment to the following:

5.197 The IPS recognises that information requirements need to be tailored to the type of application. If the proposal is to be built in phases (as the application site will be), then the Council require a sustainability statement with the initial or outline application, setting out principles, aims and commitments to achieve the requirements for the whole of the development. These requirements will be conditioned at the outline stage. As each phase comes forward for approval, a detailed sustainability statement will be required to ensure that the most up to date relevant standards are met.

5.198 The applicant is committed to this approach recommended by the Council. Some key commitments that are given at this stage are:

- Implementation of a Demolition Protocol to ensure maximum recovery and reuse of material from any buildings demolished on site;
- Implementation of a Site Waste Management Plan during construction;
- Adherence to the Considerate Constructors Scheme or equivalent;
- All new build commercial to target a BREEAM excellent rating; and
- All new build residential units to target a Code for Sustainable Homes level 3 rating.

5.199 More specifically the proposed development will contribute towards meeting the objectives set out in Policy GP4a as follows:-

a) The design of the Masterplan has, as one of its guiding principles, the objective of reconnecting and integrating the site with the surrounding area. This has been achieved by removing the bunds along the north and east boundaries. This facilitates an increased level of pedestrian and cycle accessibility from the surrounding areas through the site. The scheme has been designed to be permeable to pedestrians and cyclists to encourage greater use of non car modes of travel. The Transport Assessment and Travel Plan Framework submitted with the application demonstrate how sustainable modes of transport can be used to access the site and measures taken to improve bus services to the site;

b) The development will contribute to meeting the social needs of communities within York through provision of employment; provision of a variety of house types and tenures; the provision of leisure and community services and will create a safe and inclusive environment;

c) The development will maintain and increase the economic prosperity and diversity of the City through employment creation and the beneficial re-use of the iconic listed buildings; and

d) The development is of a high quality design, with the aim of reconnecting the site to the surrounding communities whilst at the same time conserving and enhancing the local character, heritage and distinctiveness of the City.

5.200 Key listed buildings will be re-used and retained

e) The development will seek to minimise the use of non renewable resources, and reuse materials on the development site by, for example, re-distributing cut and fill materials on site

f) The development will seek to minimise pollution and remediate previously contaminated land

g) The development will seek to conserve and enhance natural areas and landscape features and provide informal open space. This will be achieved by ensuring all areas of the site maximise opportunities for bio-diversity

h) The development will maximise the use of renewable resources; and

i) A waste management strategy will be developed for the collection of refuse and recycling

5.201 The application proposals will not undermine the policies set out in the Draft Local Plan or emerging LDF and will enable the objectives of the plan to be fulfilled in terms of sustainable development policies. Importantly, it should be noted that the site is a brownfield site and that development potential is being maximised. This is relevant in the context of York, in that it is constrained by its historic environment and the Green Belt surrounding the City.

In conclusion:-

5.202 The Terry's site offers an outstanding opportunity to redevelop previously developed land along sustainable development principles. It is considered that the proposed measures satisfy National, Regional and Council Local Plan Policy GP4a 'Sustainability' and the Council's Interim Planning Statement on Sustainable Design and Construction.

ARCHEALOGY

5.203 The Brief requires an archaeological evaluation of the area to the south of the main factory building prior to the submission of the planning application – refer to the Council's Archaeologist for comment. The Brief also requires an archaeological watching brief on all groundworks and a full building recording exercise prior to any demolition. Local Plan Policy HE5 'Demolition of Listed Buildings and Buildings in Conservation Areas' presumes against demolition. The principle of demolishing the non-original buildings was agreed at an early stage as these do not make a positive contribution to the conservation area and hinder redevelopment. The policy requires that no demolition can take place until a permission and a building contract are in place for redevelopment.

5.204 The Council's archaeologist raises no objection to the applicants proposals but advises the imposition of a condition requiring a watching brief.

GREEN BELT ISSUES

5.205 Policy YH9 and Y1 replace Policy E8 of the North Yorkshire Structure Plan. The Regional Spatial Strategy was adopted in May 2008. Policy Y1 'York' states that the outer boundary of the York Green Belt is 6 miles from York city centre.

5.206 In order to establish a permanent Green Belt boundary the Council carried out a Green Belt review between 2000 and 2002. This review assessed the requirement for land as well as appraising sites to establish the extent to which they fulfilled Green Belt requirements. Work carried out for the Green Belt review was incorporated into the third set of changes which were subject to extensive consultation in February 2003 although these changes were never formally approved for Development Control Purposes.

5.207 PPG2: Green Belts (1995) confirms that most important attribute of Green Belts is their openness (paragraph 1.4). It also identifies the five purposes for including land in a Green Belt are - checking unrestricted sprawl; prevention of coalescence of settlement; safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration (paragraph 1.5).

5.208 These purposes tie in with the Deposit Draft City of York Local Plan's strategic objectives, in particular strategic policy SP3 which aims to safeguard the setting and historic character of the city. It identifies that one of the most critical element to this is the series of green wedges which run into the heart of York from the surrounding areas of open countryside. They also tie in with policy GB1 'Development in the Green Belt' of the latest Draft Local Plan, which highlights in part permission will only be granted for development where it would not conflict with the purposes of including land within the Green Belt and where it would not prejudice the setting of the city.

5.209 PPG2 identifies that the use of land within the Green Belt has a positive role in a number of objectives, namely to provide opportunities for access to the open countryside for the urban population; provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and retain land agricultural, forestry and related uses (paragraph 1.6). This advice on the use of land in the Green Belt is also reflected in the draft Local Plan and the draft Regional Spatial Strategy.

5.210 An essential feature of Green Belts is their permanence (PPG2 paragraph 2.1) and that Green Belts are established through development plans (paragraph 2.4). Where detailed boundaries have yet to be established it is important that the boundary is defined so that it will endure (paragraph 2.8).

5.211 Section 3 'Control Over Development' of PPG2 confirms there is a general presumption against inappropriate development within the Green Belt, and that inappropriate development is by definition harmful to the Green Belt. It goes on to state that such development should not be approved, except in very special circumstances. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 3.1-3.2).

5.212 In terms of operational development, development within the Green Belt is inappropriate unless it is for one of a number of specific purposes (paragraph 3.4). These purposes are agricultural and forestry; essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; limited extension, alteration or

replacement of existing dwellings; limited infilling in existing villages; and limited infilling or redevelopment of major existing sites identified in adopted local plans. This advice is reiterated in Local Plan Policy GB1.

5.213 The application site includes the former factory car park on the east side of Bishopthorpe Road. The car park lies within the Green Belt as defined within the Local Plan. It has an area of approximately 0.7 hectares and is bounded to the north by a public right of way forming part of the National Cycle Network - Route 65 - and to the west by Bishopthorpe Road. To the east, open fields lead down to the River Ouse. To the south are open fields and beyond the A64 dual carriageway.

5.214 The car park has a tarmac surface and can accommodate 280 cars. It also includes parking for cycles and motor cycles. A palisade security fence surrounds the car park. The car park is at a significantly lower level than much of the surrounding area. There is approximately a 3m level difference between the car park and Bishopthorpe Road.

5.216 The car park was built to provide additional parking for the Terry's site when in operational use. The Masterplan proposes an additional deck level of parking that will increase parking capacity to approximately 560 cars.

5.217 The provision of an additional deck to the car park is development within the Green Belt and as such has to be justified. As such, it is necessary to consider whether there are Very Special Circumstances which justify the addition of the deck. The applicants state within their submission that the following special circumstances support the extension of the car-park:-

- The car park is previously developed land. The provision of an additional deck will facilitate the more efficient use of that previously developed land;
- The additional capacity provided by the decked car park will reduce the pressure for parking around the listed buildings on the main site, thus contributing to an improved setting for the buildings and conservation area;
- The additional deck will be at the same level as Bishopthorpe Road and will therefore not have a material effect on the openness of the Green Belt;
- Without this additional parking provision the quality of the main development site will be undermined by the need to provide adequate levels of parking such that the surrounding areas do not become informal parking provision for the level of new development proposed; and
- Adequate additional planting will screen the deck from the wider environs and would not affect the setting of the listed buildings, conservation area, Green Belt or the Fulford Ings.

5.218 The decked car park will avoid excess car-parking within the site and the nearby areas. Government policy supports the most efficient use of previously developed sites in accessible locations, such as this site. This

encourages a more efficient use of the site and will produce an urban grain similar to South Bank.

5.219 Without an adequate level of parking provision (particularly given the higher density development surrounding the site, and its lack of parking provision) off street parking will be an issue to the extent that it could cause issues to highways safety and the free flow of traffic. This would be unacceptable for local residents.

5.220 The decked car-park would safeguard residents parking areas and create a less car orientated development within the main site, with a negligible harm, if any, to the openness and no harm to the functioning of the Green Belt in this area.

5.221 Land to the south and east, also in the Green Belt, is controlled by the applicant. Additional planting will be provided along these boundaries to soften the visual impact of the structure. This planting and the level difference with the surrounding land will minimise the visual impacts of this structure on the Green Belt.

5.222 Addressing the matter of impact upon the openness of the Green Belt, the car-park is already enclosed by a significant proportion of hedging, trees and landscaping. The site is already urbanised. The new car park will not extend beyond the footprint of the existing footprint of the car-park and, to address the visual amenities of the Green Belt, will have additional landscaping provided at its boundaries.

5.223 The Environmental Statement submitted by the applicants considers the visual impact of the scheme including the decked car-park. It concludes that the additional deck would not be visible and this is supported by additional assessment carried out by the applicants advisor and the Council's landscape officer . It is possible that in winter, very restricted views of part of the structure might be available from a limited section of the footpath, but generally the impacts upon views from this footpath would be less than existing.

5.224 In addition, the applicant states that, an assessment of the proposed additional deck to the car-park against the five purposes of including land in the Green Belt finds that:

- The proposal will not result in unrestricted development sprawl as it will be built on the footprint of the existing car park;
- The proposals will not result in neighbouring towns coalescing with one another;
- The proposal will not result in encroachment into the countryside as it will be built on the footprint of the existing car park;
- The setting and character of the historic city will not be compromised. As noted above, the additional parking capacity will reduce the pressure for parking in the Terry's Conservation Area; and

- The proposal will assist in urban regeneration as it represents the recycling of derelict land and will facilitate the more efficient use of other derelict land on the main Terry's site.

In conclusion:-

5.225 Whilst the deck to the car-park is inappropriate development within the Green Belt, the special circumstances put forward by the applicant are considered to justify this extension within the Green Belt.

MOUNT VALE JUNCTION

5.226 Through various discussions with residents from Mount Vale it became apparent that they had objections to the highway mitigation required at the Mount Vale/Knavesmire junction to ameliorate the impact of the Terry's development, if approved.

5.227 The residents had a number of concerns, these ranged from loss of on-street car-parking, signalisation of the junction, other road works and impact upon their amenity.

5.228 Officers in conjunction with the applicant met the residents to discuss these matters. The residents acknowledged that it is the Council's responsibility to determine the final design and level of mitigation works required for this junction. The applicant must only prove that mitigation is achievable and propose a scheme which would satisfactorily meet the mitigation requirements.

5.229 The residents object to the signalisation of the junction and seek further information regarding the final re-design of the junction and technical information relating to trigger points which would require the junction to be signalised and the level of impact it would have upon them.

5.230 Whilst the Council are not statutorily obliged to include residents in the junction designs and their signalisation as part of the planning process. However, the Council has attempted to include the residents in discussions as much as possible. In addition, should the application be approved, residents will be consulted upon the final design as part of the Council's Highways procedure.

OPEN SPACE

5.231 The Development Brief requires open space provision in accordance with local plan Policy L1c - Provision of New Open Space in Development. The Development Brief requires the developer to explore the opportunity to provide sports space for Knavesmire School.

5.232 Concern has been expressed by consultees that the proposed development is overly dense for the site and that there is insufficient open space within the scheme for both residents and general public. However in

terms of open amenity space, this site is within easy walking distance of playing fields, stray land, allotments, countryside footpaths and the riverbank. In conjunction with the open space provided on site, these areas are considered to provide an appropriate level of open space for this suburban location.

5.233 With regard to outdoor sport and recreational space, under Policy L1c the normal requirement for the population of the scheme, within the mix of houses proposed would represent a significant proportion of the site. It would be inappropriate in both urban design and sustainability terms on this previously developed suburban site to require the full proportion of formal recreational space to be provided on site. As a result, an off site contribution is considered appropriate, which would amount upgrading and/or provision of new facilities, to be used as described by Leisure Services within the area for the Sports and Leisure Strategy. A play area is also to be provided within the memorial gardens.

5.234 Clarification has been received regarding how Council officers regarding open space and how the financial contribution will be invested.

5.235 An offsite contribution of £160,249 will be paid in 4 instalments (S106). This is based on number of dwellings and the bedrooms per dwelling.

5.236 The money will be spent on pitch and ancillary facility improvements on the Knavesmire and / or the little Knavesmire. The Council's pitch audit and officers analysis, is very clear that the City has a small shortfall in pitch provision, but more specifically has a clear problem with pitch and ancillary facility quality. The need for pitch improvements on the Knavesmire is specifically mentioned in the 'Playing pitches' chapter of Active York's sport and active leisure strategy. There are community sports working hard to improve the facilities on the council's land and this money will support this work and will also be used as partnership funding to help draw down external funding for sport, specifically football.

5.237 Leisure officers have stated that they do not want the provision to be onsite because:-

- There are no groups in the area wanting access to additional grass pitches, so no one to take responsibility for sports and facility development maintenance;
- There are numerous pitches on the Knavesmire and any new ones would only draw people away from them. There are sufficient pitches here to accommodate the new residents if the quality of them can be improved; and
- The money is required to improve the existing facilities. The Council has many existing community clubs that need capital improvements to help maintain their positions in leagues and increase their capacity to take on new members.

5.238 The Council's approach is fully consistent with that recommended by Sport England. SE primarily require that sport provision will be made for the

new residents so they can participate in outdoor sport. SE's planning guidance, facility planning tools and kit bag have all been used as part of our PPG17 study which identifies the poor quality of much of our outdoor sports facilities in the city and in our advice notice for developers which sets out that we will be requesting a contribution of £211 (index linked) per bedroom as a contribution towards increasing the quality and capacity of local sporting facilities.

In conclusion:-

5.239 The Council has a number of local projects currently live, many of these could be progressed with this additional funding but officers cannot be certain where and how it will be spent until the final figure is agreed (this is dependent upon reserved matters confirming housing numbers). Local sport facilities will be improved in the area as a result of this funding.

EDUCATION

5.240 The Development Brief requires a contribution towards education facilities this is supported by local plan Policy ED4 - Developer Contributions Towards Educational Facilities. The Council's Education Officer has agreed a commuted sum payment of £1,166,881. This payment is to be secured through a term within the S106 agreement.

NOISE AND CONSTRUCTION RELATED DISTURBANCE

5.241 PPG24 offers guidance upon the use of planning powers to minimise the adverse effect of noise. It outlines considerations to be taken into account, introduces noise exposure categories and recommends appropriate levels of exposure to different sorts of noise as well as advising on the use of conditions to minimise the impact of noise. The Environmental Protection Unit (EPU) has highlighted the issue of noise and vibration generated during the development of the site including traffic noise. EPU Unit suggest a Construction Environmental Management Plan (CEMP) should be submitted by the applicant to consider the effects of noise and other disturbances during the construction phase. The CEMP would also include details of routes to be taken by construction traffic, piling methodologies and details of plant and machinery to be used during the demolition and construction phases on site.

5.242 Officers are confident that the imposition of such a condition would satisfactorily address possible noise impact upon neighbouring residents amenity.

IMPACT UPON AMENITY OF ADJACENT AND NEARBY OCCUPANTS

5.243 The nearest residential properties to this site are within Campleshon Road and Bishopthorpe Road. Several objections have been submitted concerning impact upon residents' amenity. The main concerns raised relate to loss of views, increased disturbance and noise as a result of the use of the

development and from proposed cafe/bar uses in this locality and loss of privacy.

5.244 Loss of views does not constitute a planning consideration that can be taken into account when determining planning applications. Furthermore given the distances involved, it is considered that the proposals would not result in a significant loss of amenity for the existing residents.

5.245 In terms of additional disturbance to residents, the hours of operation of the non-residential uses are to be controlled by condition. Whilst there will obviously be an increase in activity and to some extent noise levels within this site, it is not felt that this would unacceptably reduce the level of amenity enjoyed by adjacent neighbours as to justify further amendment or refusal of the proposal.

LOCAL COMMUNITY

5.246 The Development Brief requires the proposal to bring South Bank and the site closer together through on and off site provision / contribution of community facilities. Draft Local Plan Policy C1 (Community Facilities) supports the development of social, health, community and religious facilities provided they are of an appropriate design and to meet a recognised need. This policy would apply to the proposed Health Centre/Doctors Surgery. Draft Local Plan Policy C6 (Developer Contributions Towards Community Facilities) applies where the impact of residential development upon existing facilities needs to be mitigated and a S106 financial contribution can be sought.

5.247 An assessment of this has not been undertaken by CYC or Grantside. Education and open space / leisure are addressed under other policies and it is not clear what other facilities exist that could be impacted on by the development.

5.248 The provision of a health centre has clear benefits both for the site and for local residents.

PUBLIC ART

5.249 The Development Brief requires 1% of the total development costs to be attributed to Public Art in accordance with the Council's Public Art Strategy. The Masterplan contains a commitment to work with CYC to develop public art. There is no budget specified and this should be addressed immediately with the allocation ring fenced for prioritised work. The budget should not include anything that would otherwise be allocated to normal developer costs i.e. Entrance hall, Atrium but only the costs which are associated with upgrading it to an exhibition space or providing infrastructure to support public arts works.

5.250 Public art can enhance and add value to sites, contributing to all aspects of design, from street furniture and paving to building design and landscape. Incorporated into any publicly accessible or visible space, public

art can contribute towards the quality and design of a development, creating local distinctiveness for residents, employees and visitors to the city.

5.251 No artist/ landscape designer is allocated to the spend and at this stage of the scheme. Officers would welcome an artist or landscape designer to be secured. This valuable element of the scheme could be overlooked if not addressed.

5.252 While keeping the clock tower and designating space for exhibitions in what would primarily be a foyer space is welcome it is really doing nothing that wouldn't already be covered by developers cost and should not be primarily allocated to the Public Arts element except as noted above.

5.253 Whilst officers would welcome the inclusion of public art within the site, such as a heritage trail, officers are concerned this hasn't be adequately incorporated into any of the submitted plans or design code.

5.254 The applicants have recently submitted a scheme for public art. General discussions have centred around possible public art elements being incorporated into the landscape and built structure of the scheme, although no definitive scheme/s have been submitted. Officers have sought guarantees that public art will be adequately addressed and incorporated within this development and would welcome further discussions with the applicant on this matter.

5.255 The best way to secure this is by including a term within the Section 106 Agreement. As the applicants have not submitted any information regarding public art, a term has been included within the S106 agreement to secure public art in accordance with the public art strategy (1998).

6.0 CONCLUSION

6.1 The reuse and partial redevelopment of the Terry's, former chocolate works site, represents one of the largest and most important regeneration opportunities in the city of York in recent years.

6.2 The 10.86 ha application site offers a unique opportunity in the City to provide a prestige employment-led, mixed use development with the potential to be of considerable significance to the future success of York's economy. It could give the City a resource to help it play a growing role on a regional, national and international stage.

6.3 Following the refusal of planning permission in August 2008, the applicant has gone back to the drawing board to reconsider the potential reuse and redevelopment of the site. Supported by consultants (planning, highway, architects and urban designers), the applicant has followed nationally recognised best practice guidance in the development of a completely new proposal to address both the requirements of the Development Brief and the reasons for refusal of the earlier scheme. The extensive pre-application work involving CYC officers and other organisations has benefited from substantial community involvement and consultation as

outlined in the report. The scheme which has evolved through this process is fundamentally different from the earlier proposal in that it has residential and community uses on the northern part of the site, the closest part to South Bank, with employment uses mainly towards the centre of the site and to the south of the landmark, multi-storey factory building. Although the balance between employment use and residential use has changed with an increase in residential development (family housing) the scheme remains an primarily employment based with a range of complimentary community and leisure uses.

6.4 The submission is essentially an outline application which seeks to establish the principles of development (land uses) for the site, through the Parameters Plan, but with details having been submitted in respect of the uses and extensions/alterations to the landmark listed buildings on the site. Access details are also submitted. The applicants have produced an “illustrative masterplan” to show how the site could be developed and have also made a model to assist in the consideration and understanding of the proposal.

6.5 The application has been assessed against relevant planning policies (local, regional and national) and also against the Development Brief. The scheme accords with national and local policy apart from in respect of the decking of the existing car park across Bishopthorpe Road. This is justified as there are very special circumstances to allow an exception to the presumption against development, for the reasons explained in the report.

6.6 The scheme brings substantial economic, social and environmental benefits and includes appropriate measures to mitigate against the potential harmful effects that development of this scale can have, particularly traffic which would be generated in the future, from a site which has had little employment use, and little traffic over the last 5 years. It is considered that the benefits of the scheme significantly outweigh the possible disadvantages of the scheme which are largely mitigated against. It is recommended that planning permission be granted.

6.7 The application is recommended for approval subject to:

- 1 The conditions noted below; and
- 2 Completion of a legal agreement to secure:

Affordable housing at 82 units (32 x 2 bed flats, 0 x 3 bed flats and 7 x 2 bed houses 10 x 3 bed houses) for affordable rent together with units (28 x 2 bed flats, 0 x 3 bed flats 1 x 2 bed house 4 x 3 bed houses) for discounted sale.

- i A contribution towards local education **provision of £1,166,881**
- ii A contribution towards off public open space facilities of £160,249

List of measures where funding is sought to mitigate the impact of development traffic and promote sustainable modes of transport.

Highway Mitigation Measures

- Funding of £300k to allow the design, supervision and introduction of traffic signals at the junction of Knavesmire Road with Tadcaster Road and Mount Vale.
- Funding of £40k to allow the introduction of UTC control and CCTV equipment at the St. Helens Road / Tadcaster Road junction.
- An agreed level of funding to improve junction performance at Scarcroft Road / Bishopthorpe Road junction

Sustainable Transport Measures

- Provision of a shuttle bus service between the development site, Askham Bar Park and Ride site and the Station, between the hours of 7 am and 7 pm at a 30 minute frequency for a 5 year period.
- Funding to allow the construction of an additional 26 spaces at the new Askham Bar Park and Ride site.
- Improvements to the pedestrian/cycle route (Sustrans Route 65) between Bishopthorpe Road and the riverside path. Measures to include localised widening, smoothing of gradient and provision of street lighting.
- Additional cycle route signs, as agreed, to be erected along the route between the development site and heading north through the South Bank district.
- The inclusion of showers and drying rooms within all office blocks to encourage cycle trips.

3 Commitment to incorporation of measures to ensure energy efficiency, and waste and pollution minimisation in the demolition and construction phases, and in the detailed design and features of the development and its operation.

4 Referral to the Secretary of State

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of FIVE years beginning with the date of

this permission and the development hereby permitted shall be begun either before:

- a) the expiration of SEVEN years from the date of this permission; or
- b) the expiration of TWO years for the date of approval of the last of the reserved matters to be approved; which ever is the later.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing dated 14 Dec 2009 AL(PA)1010,250,260 REV B : PROPOSED OFF
Drawing dated 14 Dec 2009 GRAY2000_AL001 : LAND USE
Drawing dated 27 Aug 2009 AL(PA)EX 1140-1170 EXISTING ELEVATIONS
(CONTEXT) Drawing dated 27 Aug 2009 AL(PA)120 PROPOSED LEVEL 2
PLAN
Drawing dated 27 Aug 2009 AL(PA)400 PROPOSED BUILDING SECTION C-
C
Drawing dated 27 Aug 2009 AL(PA)210 PROPOSED SOUTH ELEVATION
Drawing dated 14 Dec 2009 GRAY2000_A1007 : BLOCK STRUCTURE
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE ELEVATION
Drawing dated 27 Aug 2009 LIQUOR STORE S&N DEMOLITION
Drawing dated 27 Aug 2009 AL(PA)D 1020 1025 LEVEL 2 AND MEZZANINE
PROPOSED DEMOLITION
Drawing dated 27 Aug 2009 AL(PA)D 1040 1045 LEVEL 4 PROPOSED
DEMOLITION/REPARATIONS
Drawing dated 27 Aug 2009 AL(PA)EX 1060 1070 EXISTING LEVELS 6 & 7
ROOF PLANS Drawing dated 17 Nov 2009 GRAY2000_AL000 :
ILLUSTRATIVE MASTERPLAN
Drawing dated 27 Aug 2009 AL(PA)E 1030 1035 EXISTING LEVEL 3 &
LEVEL 3 MEZZANINE PLAN
Drawing dated 27 Aug 2009 AL(PA)125 PROPOSED LEVEL 2 MEZZANINE
PLAN
Drawing dated 27 Aug 2009 05082_AL(0)500B TOPOGRAPHICAL SURVEY
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE WALKWAY
Drawing dated 27 Aug 2009 090814 GRAY2000 PARAMETER PLAN
LAYOUT
Drawing dated 27 Aug 2009 HQ GENERAL OFFICE ROOF PLAN
Drawing dated 27 Aug 2009 AL(PA)EX 1040 1045 EXISTING LEVEL 4 AND
LEVEL 4 MEZZANINE PLAN
Drawing dated 27 Aug 2009 AL(PA)110 PROPOSED LEVEL PLAN
Drawing dated 27 Aug 2009 AL(PA)150 PROPOSED LEVEL 5 PLAN
Drawing dated 27 Aug 2009 AL(PA)660 PERSPECTIVE (4)
Drawing dated 14 Dec 2009 PARAMETERS PLAN LAYOUT REV 1.9
Drawing dated 14 Dec 2009 SITE SERVICING & ACCESS
Drawing dated 14 Dec 2009 AL(PA)155 A PROPOSED LEVEL 5
MEZZANINE P

Drawing dated 27 Aug 2009 AL(PA)EX 1120-1130 EXISTING EAST AND WEST ELEVATIONS

Drawing dated 27 Aug 2009 AL(PA)135 PROPOSED LEVEL 3 MEZZANINE PLAN

Drawing dated 27 Aug 2009 AL(PA)610 PERSPECTIVE

Drawing dated 27 Aug 2009 090819_GRAY2000_001_7_0 LAND USE MASTERPLAN

Drawing dated 27 Aug 2009 HQ GENERAL OFFICE BASEMENT PLAN

Drawing dated 27 Aug 2009 AL(PA)D 1010-11 LEVEL ONE PROPOSED DEMOLITION

Drawing dated 27 Aug 2009 AL(PA)D 1030 1035 LEVEL 3 PROPOSED DEMOLITION/REPARATIONS

Drawing dated 27 Aug 2009 AL(PA)D 1120-1130 PROPOSED EAST & WEST ELEVATIONS

Drawing dated 03 Sep 2009 AL(PA)EX 1010 1011 EXISTING LEVEL 1 PLAN

Drawing dated 14 Dec 2009 GRAY2000_A1005 : CAR PARKING STRATEGY

Drawing dated 14 Dec 2009 GRAY2000_A1002 : BUILDING HEIGHTS

Drawing dated 14 Dec 2009 AL(PA)110 REV A : PROPOSED LEVEL 1 PLAN

Drawing dated 17 Nov 2009 GRAY2000_A1004 : PEDESTRIAN AND CYCLE AC

Drawing dated 24 Sep 2009 60099611-P-001 REV G MOUNT VALE/TADCASTER ROAD/KNAVESMIRE

Drawing dated 27 Aug 2009 AL(PA)D 1060 LEVEL 6 PROPOSED DEMOLITION/REPARATIONS

Drawing dated 27 Aug 2009 AL(PA)E 1020 1025 EXISTING LEVEL 2 AND LEVEL 2 MEZZANINE

Drawing dated 27 Aug 2009 AA(PA)27 01-02 GLASS ROOF / EXISTING WALL ABUTMENT

Drawing dated 14 Dec 2009 AL(PA)1011 : PROPOSED OFF SITE CAR PARKING

Drawing dated 14 Dec 2009 AL(PA)420 A PROPOSED BUILDING SECTION BB

Drawing dated 30 Oct 2009 53498-P-001 REV F AMENDED JUNCTION DETAILS : MOUNT VALE

Drawing dated 27 Aug 2009 CLOCK-BOILER S&N ELEVATION DEMOLITION

Drawing dated 27 Aug 2009 CLOCK-BOILER SECTIONS

Drawing dated 27 Aug 2009 CLOCK-BOILER WEST PROPOSED

Drawing dated 27 Aug 2009 AL(PA)D 1012-14 PROPOSED LEVEL 1 MAIN ENTRANCE REPARATION

Drawing dated 27 Aug 2009 AL(PA)130 PROPOSED LEVEL 3 PLAN

Drawing dated 27 Nov 2009 AL(0)500 REV B EXISTING SITE PLAN : TOPOGRAPHICAL DATA

Drawing dated 14 Dec 2009 AL(PA)410 A PROPOSED BUILDING SECTION AA

Drawing dated 14 Dec 2009 AL(PA)130 A PROPOSED LEVEL 3 PLAN

Drawing dated 30 Oct 2009 60099611-P-001 REV H AMENDED JUNCTION DETAILS : MOUNT VALE

Drawing dated 27 Aug 2009 CLOCK-BOILER EAST ELEVATION EXISTING

Drawing dated 27 Aug 2009 CLOCK-BOILER WEST ELEVATION

Drawing dated 27 Aug 2009 HQ GENERAL OFFICE FIRST FLOOR

Drawing dated 27 Aug 2009 AL(PA)EX 1200 EXISTING BUILDING SECTION A-A

Drawing dated 27 Aug 2009 AL(PA)410 PROPOSED BUILDING SECTION A-A

Drawing dated 27 Nov 2009 PRELIMINARY DRAINAGE LAYOUT

Drawing dated 27 Nov 2009 S5011 TOPOGRAPHICAL SURVEY

Drawing dated 14 Dec 2009 GRAY2000_A1008 : LEGIBILITY FRAMEWORK

Drawing dated 14 Dec 2009 GRAY2000_A1003 : STREET HEIRARCHY

Drawing dated 14 Dec 2009 AL(PA)120 A PROPOSED LEVEL 2 PLAN

Drawing dated 27 Aug 2009 BOILER HOUSE S&N ELEVATION EXISTING

Drawing dated 27 Aug 2009 LIQUOR STORE S&E PROPOSED

Drawing dated 27 Aug 2009 AL(PA)140 PROPOSED LEVEL 4 PLAN

Drawing dated 27 Aug 2009 AL(PA)630 PERSPECTIVE (2)

Drawing dated 27 Aug 2009 AL(PA)220-230 PROPOSED ELEVATIONS

Drawing dated 27 Nov 2009 GRAY2000_001 LAND USE MASTERPLAN

Drawing dated 27 Aug 2009 CLOCK-BOILER S&N ELEVATION PROPOSED

Drawing dated 27 Aug 2009 LIQUOR STORE S&N PROPOSED

Drawing dated 27 Aug 2009 05082_AL(0)059A APPLICATION SITE PLAN

Drawing dated 27 Aug 2009 LIQUOR STORE ROOF EX & PROP

Drawing dated 27 Aug 2009 AL(PA)D 1050 1055 LEVEL 5 PROPOSED DEMOLITION/REPARATIONS

Drawing dated 27 Aug 2009 AL(PA)170 PROPOSED LEVEL 7 PLAN

Drawing dated 14 Dec 2009 GRAY2000_A1006 : OPEN SPACE STRATEGY

Drawing dated 14 Dec 2009 CAR PARK DECK MONTAGES

Drawing dated 14 Dec 2009 ILLUSTRATIVE MASTERPLAN

Drawing dated 14 Dec 2009 PEDESTRIAN AND CYCLE ACCESS

Drawing dated 14 Dec 2009 AL(PA)210 A PROPOSED SOUTH ELEVATION

Drawing dated 27 Aug 2009 CLOCK-BOILER GF &FF PROPOSED

Drawing dated 27 Aug 2009 090819_GRAY2000_003_2 ILLUSTRATIVE MASTERPLAN

Drawing dated 27 Aug 2009 AL(PA)155 PROPOSED LEVEL 5 MEZZANINE PLAN

Drawing dated 27 Aug 2009 AL(PA)640 PERSPECTIVE (3)

Drawing dated 27 Aug 2009 CENTRAL SERVICES BUILDING

Drawing dated 27 Aug 2009 05082_AL(0)050B_A1 GENERAL LOCATION

Drawing dated 27 Aug 2009 LIQUOR STORE UG EX & PROP

Drawing dated 27 Aug 2009 AL(PA)145 PROPOSED LEVEL 4 MEZZANINE PLAN

Drawing dated 15 Dec 2009 AL(PA)160 A PROPOSED LEVEL 6 PLAN

Drawing dated 27 Aug 2009 090723 GRAY200_004 ILLUSTRATIVE LONG SECTIONS

Drawing dated 27 Aug 2009 AL(PA)EX 1050 1055 EXISTING LEVEL 5 AND LEVEL 5 MEZZANINE

Drawing dated 27 Aug 2009 AL(PA)EX 1100-1110 EXISTING NORTH & SOUTH ELEVATIONS

Drawing dated 27 Aug 2009 AL(PA)160 PROPOSED LEVEL 6 PLAN

Drawing dated 27 Aug 2009 AL(PA)420 PROPOSED BUILDING SECTION B-B

Drawing dated 27 Aug 2009 AL(PA)200 PROPOSED NORTH ELEVATION

Drawing dated 14 Dec 2009 PARAMETERS PLAN AND ZONE DETAILS - REVISED

Drawing dated 21 Dec 2009 2000. A1006

Drawing dated 14 Dec 2009 CAR PARK DECK SECTIONS

Drawing dated 21 Dec 2009 2000. A1002

Drawing dated 27 Aug 2009 CLOCK -BOILER WEST ELEVATION

Drawing dated 27 Aug 2009 AL(PA)D 1100-1110 PROPOSED N&S ELEVATIONS - DEMOLITION

Drawing dated 14 Dec 2009 AL(PA)150 A PROPOSED LEVEL 5 PLAN

Drawing dated 27 Aug 2009 LIQUOR STORE S&N EXISTING

Drawing dated 27 Aug 2009 AL(PA)EX EXISTING BUILDING 1210

Drawing dated 14 Dec 2009 AL(PA)110 B PROPOSED LEVEL 1 PLAN

Drawing dated 14 Dec 2009 AL(PA)170 A PROPOSED LEVEL 7 ROOF PLAN

Drawing dated 27 Aug 2009 4321-INF-351 ACCESS DRAWING DATED

Drawing dated 27 Aug 2009 HQ GENERAL OFFICE GROUND FLOOR

Drawing dated 27 Aug 2009 LIQUOR STORE EX & PROP SECTIONS

Drawing dated 14 Dec 2009 AL(PA)200 A PROPOSED NORTH ELEVATIONS

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local

3 Prior to submission of first reserved matters details for approval, or prior to commencement of any works on site, whichever is the sooner, a phasing programme and plan for the development shall be submitted to and approved in writing by the Local Planning Authority, The development shall thereafter take place in accordance with the agreed phasing plan.

Reason; In order that the impact of the phasing of the development can be properly assessed, prior to commencement of the development.

4 The external design details for each phase of the development shall be fully in accordance with the submitted Design Code (submitted within the application), to the satisfaction of the Local Planning Authority. The relevant part of the development shall thereafter take place in accordance with the approved design details.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

5 Notwithstanding any details submitted as part of the hereby approved scheme, details of the following elements shall be submitted to and approved in writing by the Local Planning Authority :-

- Large scale details of external doors and openings and window surrounds,

- Parapets;
- Soffits;
- Thresholds (e.g. overhangs);
- Screening.

Reason: To protect the setting of the Conservation Area and the adjacent listed buildings.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area, in the interests of the amenity of the future occupants of the dwellings

7 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 **for the respective phase of development**, shall be submitted to, and approved in writing by, the Local Planning Authority before that **phase of development commences**.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

8 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 **each respective phase** of the development. The development shall thereafter be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

9 Not less than one whole floor of each unit of the live/work accommodation shall be used for to commercial activities.

Reason: To prevent to conversion of the live/work units into residential dwellings.

10 The number of employees permitted to work in each live/work unit shall be no more than 3 full time employees, unless otherwise agreed in writing by the Local Planning Authority

Reason: It is considered appropriate to limit the number of employees for each live/work unit to prevent inappropriate uses, unrestricted expansion and

possible change of use of the business to a larger scale business and the subsequent loss of the live/work element.

11 **Prior to the commencement of the assisted living building (R3b) details of the height of the building above AOD shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect adjacent neighbours amenity and to protect views of the site and the Racecourse and Terry's Conservation Area.

12 Prior to the commencement of earthworks **for each respective phase of the development** on site precise details of the existing ground levels and proposed land levels shall be submitted in writing to the Local Planning Authority.

Reason: The creation of the podium will result in cut and fill of the site. The inherited site levels have been exploited to reduce the amount of earth moving, nevertheless sections show that fill is anticipated in the NE corner under the Assisted Living Block, the LPA seeks precise details of quantities and ground levels to control the raising of land levels and the subsequent impact upon adjacent neighbours and the Racecourse and Terry's Conservation Area.

13 Notwithstanding the Town and Country Planning Act (Use Classes Order) 2005, the proposed **medical facility shall only be used for medical and health facilities including clinic, health centre, doctors surgery and dentists and other medical and health facilities as agreed in writing by the Local Planning Authority.**

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

14 Prior to the commencement of **each respective phase of** the development, full details of all external storage buildings i.e. refuse/recycling stores, including elevations and a schedule of materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development **of that phase** shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details.

15 Sample panels of the brickwork and stonework to be used on **each respective phase of** the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

16 A formal BREEAM assessment for the Design and Procurement stages for all appropriate buildings in the whole Chocolate Works development shall be submitted to and approved in writing by the local planning authority. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

17 Prior to commencement of any building in the whole development, full details of a renewable energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the site's proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction

Reserved matters or future applications for residential development shall achieve, level 3 or above of the Code for Sustainable Homes standard (or the contemporary equivalent of).

Reason: To ensure that the residential element of the development complies with the principles of sustainable development.

18 A sustainability report should be submitted to the Council every 3 months from the date of the commencement of development.

Reason: To ensure that the development is carried out in accordance with the agreed BREEAM and Code for Sustainable Homes standards of development and to ensure the 10% renewable energy is also generated from the site.

19 HWAY 14 The development shall not be begun until details of the junctions between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until the junctions have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

20 HWAY 27 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. For each phase of development such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling in that phase which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

21 HWAY 40 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

22 A safety audit or safety audits shall be submitted in writing to the Council prior to any works commencing to alter/form the new access points to serve the development. Stage 1 of the safety audit/s shall be submitted to and agreed in writing by the LPA prior to each relevant phase of works commencing on site and works shall be carried out in strict accordance with the written approved details.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

INFORMATIVE: Safety audits shall be carried out in accordance with advice set out in the DMRB HD19/03 and guidance issued by the council

23 No dwelling in respect of each phase of development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of completion the construction of the phase of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

24 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site **of each respective phase of the development.**

Reason: In the interests of highway safety.

25 Prior to each phase of the development commencing details of the cycle parking areas, including means of enclosure **and phasing of the cycle parking areas delivery**, shall be submitted to and approved in writing by the Local Planning Authority. The building or buildings within that phase shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles **unless otherwise agreed in writing by the Local Planning Authority**. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements agreed with CYC in writing.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

26 Prior to each phase of the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

27 Prior to the commencement of the use hereby approved in each phase of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

28 Prior to commencement of **each phase** of the development, details of the oil interceptors required for all car-parking areas **in that phase** should be submitted to the Planning Department in writing. Development shall then be carried in strict accordance with the written approved details are thereafter be so retained.

Reason: To prevent oil contaminating the site and watercourse.

29 The development hereby approved shall be carried out fully in accordance with the Flood Risk assessment contained within volume 5 of the supporting planning documents submitted and section 11 of the Environmental Statement.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

30 No development approved by this permission shall commence until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent increased risk of flooding.

INFORMATIVE: The Environment Agency must be consulted on the discharge of this condition. The Agency will be looking for a minimum 20% reduction in surface water run-off to allow for climate change. Surface water drainage from this site is required to be regulated so as not to exacerbate flooding problems downstream within the catchment. The discharge should be regulated to the Greenfield run-off from a 1 in 1 year storm and sufficient storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without the risk to people or property and without overflowing into the watercourse.

31 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interest of satisfactory and sustainable drainage.

32 No development of **each respective phase of development** shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

Reason: To ensure that the development can be drained properly.

33 Any liquid (**relating to fuel/oil or other contaminative liquid**) storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks. this condition needs to be more precise.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

34 No development of **any leisure pools** shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

35 There shall be no storage of any materials including soil within that part of the site liable to flood as shown of Flood Zone 2 and 3 in Appendix 11.1 – EA Flood Map

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

36 Flood warning notices shall be erected in Plot B (existing car-park adjacent the main site) in numbers, positions and with wording all to be agreed with the local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that vehicle owners utilising the car-parking area are aware that the land is at risk from flooding.

37 No development approved by this permission shall be commenced until a scheme for the provision and implantation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

38 No development (**Other than the construction of the basement**) in any phase shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development **or within the relevant planting season as agreed in writing with the Local Planning Authority**. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

39 Prior to commencement of each phase of the development the detailed landscaping drawings for that phase shall be submitted to and approved in writing by the Local Planning Authority and shall include a plan and schedule of all trees and shrubs within that phase.. Such plan shall show the canopy spread and root protection area of each tree in accordance with the current BS 5837. It will identify those trees and shrubs to be retained and

those to be felled. Trees and shrubs to be retained shall be protected during the development of the phase by the following measures:

- i A chestnut pale or similar fence not less than 1.2m high shall be erected around the root protection area of each tree;
- ii No development (including the erection of site huts) shall take place within the crown spread of the trees or within the root protection areas of the trees, whichever is the greater ;
- iii No materials (including construction materials, fuel, spoil or top soil et al) shall be stored within the crown spread of the trees;
- iv No lighting of fires or burning of materials shall take place within the root protection area or within 3m of the crown spread of any tree;
- v No services shall be routed under the crown spread of any tree without the express written permission of the local planning authority;

Reason: To protect trees and shrubs that make a significant contribution to the amenity of the area and/or development.

40 Prior to commencement of each phase of the development including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees at the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; any additional phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin.

Reason: To ensure protection of existing trees before, during and after each phase of the development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

41 The detailed drawings submitted to illustrate the landscaping works for approval in respect of each phase of development under reserved matters shall indicate existing site levels together with details of proposed finished levels of the landscaped areas. The landscaping shall thereafter be carried out in accordance with the agreed finished levels.

Reason : To ensure that the development does not result in the displacement of floodwater.

42 Prior to the commencement **of each respective phase of** the development, proposals for the inclusion of features suitable for wildlife in buildings, and in particular bats and swifts, shall be submitted to and approved

in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

43 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

44 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

| | |
|------------------|----------------|
| Monday to Friday | 08.00 to 18.00 |
| Saturday | 09.00 to 13.00 |

Reason: Not at all on Sundays and Public Holidays **unless otherwise agreed in writing by the Local Planning Authority.**

45 The hours of operation for each Class A1, A2, A3, A4, B1, C1, D1 and D2 premises (if not covered by any other licensing provision) shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

46 The hours of delivery to and dispatch from each commercial premises, to include Use Classes A1, A3, A4, B1, C1, D1 and D2 shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

| | |
|----------------------------------|---------------|
| Monday - Friday | 08:00 - 18:00 |
| Saturday, Sunday & Bank Holidays | 09:00 - 18:00 |

Reason: To protect the amenity of local residents.

47 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (1 hour) inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (1hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of

acoustic ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use approved in respective each phase is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents and business activities at the racecourse

48 Premises used for purposes within Classes A1, A3, A4, B1, C1 and D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) that adjoin a residential premises (to include hotel guest rooms and care homes), shall be noise insulated in accordance with a scheme to be approved in writing by the Local Planning Authority. The insulation shall ensure that noise levels in adjoining residential premises do not exceed 30 dB LAeq (1 hour) inside bedrooms at night (23:00 - 07:00 hrs on any day) and 35 dB LAeq (1hour) in all other habitable rooms during the day (07:00 - 23:00 hrs on any day) when the adjoining non-residential premises are in full operation. These noise levels shall be observed with all windows in the particular room shut and other means of acoustic ventilation provided. The noise insulation scheme shall be fully implemented prior to occupation. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents.

49 Prior to commencement of each phase of the development ,details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is likely to be audible at any noise sensitive location, shall be submitted to and approved in writing by the Local Planning Authority . These details shall include maximum sound levels (LAm_{ax}(f)) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the approved details. . The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use to which it relates first commences, and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

50 Prior to full permission being granted for the residential premises in the south west of the site (as indicated on plan XX), an assessment shall be made of the likely impact of noise generated from the racecourse during a major racing event. This assessment shall take into account likely noise levels to be observed both inside the residential properties and within their garden areas. If this assessment indicates that noise from race events are

likely to cause significant disturbance to the future occupants a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the granting of full planning permission.

Reason: To protect the amenity of residents and business activities at the racecourse.

51 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any A1, A3, A4, B1, C1, D1 and D2 uses such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter. Where such systems are to be placed on listed buildings approval from both conservation and environmental health staff must be sort.

Reason: To protect the amenity of the locality.

52 Prior to the commencement of **each respective phase** of the development hereby approved, a site investigation shall be conducted based upon the findings of the desk study, and the results submitted to and approved by the Local Planning Authority. The investigation shall be carried out in accordance with “BS10175: Investigation of potentially contaminated land: code of practice”, and should include assessment of impacts to human health, controlled waters and property, as well as impacts arising from landfill gas.

Reason: For the protection of human health and the wider environment.

53 Prior to the commencement of **each respective phase** of the development hereby approved, a landfill gas monitoring scheme shall be designed to the satisfaction of the Local Planning Authority. The landfill gas monitoring scheme shall be carried out on the site to the satisfaction of the Local Planning Authority prior to the commencement of development.

Reason: For the protection of human health and the wider environment.

54 Prior to the commencement of **each respective phase** of the development hereby approved, a Method Statement detailing any remedial requirements (including but not limited to landfill gas protection measures) shall be submitted to the Local Planning Authority for approval.

Reason: For the protection of human health and the wider environment.

55 The requirements contained in the approved remediation Method Statement (referred to above) shall be complied with in full during remediation at the site.

Reason: For the protection of human health and the wider environment.

56 Upon completion of the remediation detailed in the Method Statement referred to in the previous conditions, a report shall be submitted to the Local Planning Authority that provides verification that the required remediation has been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the remedial requirements have been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: For the protection of human health and the wider environment.

57 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted and obtained written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: For the protection of human health and the wider environment.

58 Prior to the commencement **of each respective phase** of the development hereby approved, any proposals for the use of piled foundations shall be submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

59 Prior to occupation of the commercial units in each phase of the development, a noise management scheme, which shall specify how noise emanating from the units shall be controlled, shall be agreed to by the Local Planning Authority and the agreed scheme adhered to at all times.

Reason: In the interests of amenity.

60 No external speakers shall be installed at the commercial premises unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local and residential amenity.

61 Details of the works and provision to facilitate disabled access and movement within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority **for each respective phase of the development** and shall be implemented before the use is commenced or the building is occupied in that phase.

Reason: To ensure adequate provision for access within the development.

62 Full details of the proposed CCTV facilities within the site and lighting for the car park and cycle route shall be submitted to and approved in writing by the Local Planning Authority, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

63 Prior to the commencement of any works on each respective phase of development of the site, a detailed method of works statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material. That phase of the development shall thereafter be carried out in accordance with the approved method statement.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

64 Notwithstanding the hereby approved details, the number of nursery school places shall be limited to a maximum of 50 persons in accordance with the parameters plan.

Reason: To protect the viability of existing childcare providers and allow local parents a good and varied choice of nursery school.

65 ARCH2 - Watching Brief required

7.0 INFORMATIVES

1 Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed scheme would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Highway and pedestrian safety
- The Terry's Conservation Area Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability
- Impact on Local Education Provision

As such the proposal complies with policies listed in section 4.0 of this report.

2 In addition to the above specific conditions the developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- (vi) There shall be no bonfires on the site.

3 Informatives from Yorkshire Water – A letter detailing points raised by Yorkshire Water is included with the decision notice.

4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.00 m of the top of the bank on the River Ouse, designated a 'main river'.

5 On site re-cycling facilities may require a relevant waste exemption which can be viewed on the Environment Agency's external website.