

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00538/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof.
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 At present 7 planning applications have been lodged with the Council for various works etc. to this particular building. These are as follows:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building

1.02 06/02552/LBC has, for all intents and purpose, been superseded by the subsequent submitted applications. This application was part of the original suite of applications which were submitted in late November last year.

1.03 However the 6 applications submitted this year, are all being presented to planning committee. In actuality there are 3 different proposals and each is accompanied by a parallel Listed Building Consent Application.

1.1 PROPOSAL

1.1.1 This application relates to the change of use, conversion and alteration of the Former Time Office Building to form B1 office space. A parallel application for Listed Building Consent (07/00541/LBC) has also been lodged.

1.1.2 The proposals include:

- Internal alterations to the layout of the building to create open plan office accommodation on the ground floor and first floor, toilet facilities, a new stairwell and a lift. Such works would include the stripping out of modern internal partitions and suspended ceilings and making good.
- External alterations:-
 - (i) Replacement of existing window frames;
 - (ii) Formation of disabled access;
 - (iii) Formation of car-parking area at the rear of the building; and
 - (iv) formation of a glazed extension 'pod' on the roof.
- Change of use to general B1 office accommodation from employees' factory shop, storage area, employees' medical centre and office accommodation at first floor level.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is

one of these listed buildings and forms an important part of the group value of these listed buildings.

- 1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.2.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.2.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.
- 1.2.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

- 1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

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 Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4A
Sustainability

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT20
Planning agreements

CYT5
Traffic and pedestrian safety

CYE3B
Existing and Proposed Employment Sites

CYE4

Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer raised a number of concerns regarding the impact of the proposals upon the listed Building. These have been addressed in the parallel Listed Building Application (07/00541/LBC).

3.1.3 The officer did however raise concerns regarding the impact of the proposed car-parking area, at the rear of the former Time Office Building, upon the setting of the listed building and the Conservation Area.

3.1.4 Environmental Protection Unit:

3.1.5 The environmental protection unit (EPU) raised no objections, in principle, to this application but recommended that general conditions regarding the following were attached:-

- A construction environmental management plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority. The CEMP should identify the steps and procedures implemented to minimise the noise impact and vibration and dust resulting from the site preparation, groundwork and construction phases of the development;
- All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to recommended hours;
- The hours of operation for the new offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the new offices shall be confined to recommended hours; and
- Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, shall be agreed with the Local Planning Authority prior to being installed.

3.1.6 Highway Network Management (HNM)

3.1.7 The HNM department raised no objections to the proposed scheme.

3.1.8 The officer commenting upon this scheme noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the building as a factory.

3.1.9 The officer did however note, that the HNM department is currently involved in ongoing negotiations, regarding the potential highway implications of the redevelopment of the whole of the Terry's Factory site(06/02560/OUT). However they do not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment.

3.1.10 The officer also noted that the application, as proposed, indicates a level of car parking provision over the amount permitted under CYC Annex E maximum parking standards and is therefore contrary to local plan policy. However, the officer recommended that a suitable condition could be attached, should the application be approved, which would secure an acceptable level of car spaces.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The former Time Office Building is listed and the Parish Council presume this is mainly due to the style. They state that any changes should reflect this style;
- The Parish Council support changes to the windows and doors as they consider these elements to be compatible;
- They consider the 'pod' would look alien to the existing style;
- As a consequence they consider that the application fails to satisfy policies HE2, HE3 and HE4 of the Local Plan.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the character and appearance of the conservation area and the gardens;
- Highway's and parking issues; and
- Comments raised by Bishopthorpe Parish Council

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General

Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

- 4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.
- 4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.
- 4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.

4.2.7 TERRY'S DEVELOPMENT BRIEF

4.2.8 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.

4.2.9 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.10 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The principle of employment/ business use is encouraged through the Development Brief approved for the site in June 2006. At present the building falls within the general use class of the site which is B2 – General Industrial.

4.3.2 The applicant's seek permission to change the use of the building to B1 – Business, as well as internal and external alterations. Should Planning Committee consider refusing permission, the applicant's could exercise their 'fallback position' which would be to implement the extant B2 use of the building. However, in reality it would be unlikely that it would appropriate for a B2 use with this building, due to it being listed and of a modest size.

4.3.3 The principle of the conversion of the Former Time Office building for employment purposes would not conflict with policies I4 and I12 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area. These policies seek to encourage business development/ expansion through the development of suitable land/buildings. The policies also encourage the expansion or development of existing firms. Policy E3b, seeks to safeguard existing sites in employment use. However E3b further states, that sites or premises either currently or previously in employment use, should be retained within their current use class. Planning permission for other uses will only be given where amongst other requirements, development of the site for other appropriate uses will lead to significant benefits to the local economy.

4.3.4 In such situations as these, it is necessary to attach relative weight to the policies in question, based on the circumstances of each individual case and with reference to the relevant Central Government advice contained in Planning Policy Guidance Notes/Statements.

4.3.5 In this particular case the site itself has a history of B2 (General Industrial) use as Terry's Chocolate Factory. It is considered that the proposed use would compliment the Council's aspirations for the site. The proposed Use Class of the building does not fall within the general Use Class of the site (B2). The building was partially used for office accommodation (B1). However, it is not considered that B1 use, of the whole building as general office accommodation, would conflict with policy E3b or the Development Brief.

4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE GARDENS.

4.4.1 In addition to changing the use of the building the proposal also includes internal and external alterations. Works to be undertaken upon this listed building are considered in the parallel listed building application (07/00539/LBC).

4.4.2 However the impact of this scheme upon the conservation area and the gardens is a concern that has been raised by the Council. In particular, the design and consequent impact of the glazed second storey extension. The impact upon the conservation area and the garden is pertinent to this planning application and is therefore considered below.

4.4.3 The garden area is considered to be a particularly important constituent of the conservation area and the Terry's Factory site. Indeed it is recognised as such within the Development Brief for the site (section 6.37). It was agreed with the applicant's that it would be acceptable to extend 1 car-length into the garden from the existing curb line, which is just outside the line of the factory's (R1) south elevation.

4.4.4 At present, the Council's Conservation Officer considers the proposed car-parking provision, at the rear of the building is disproportionate and would have a detrimental impact upon the existing garden area adjacent. Also no landscaping scheme has been submitted to mitigate the agreed extension into this area.

4.4.5 In addition the Council's Highways Network Management Officer who commented upon this application has stated that there is an over-provision of car-parking.

4.4.6 The Conservation Officer considers that the parking area should be redesigned. A redesigned scheme could allow for better access into the rear of the building and have less of an impact upon the listed building and the garden area. Unfortunately, it has not been possible to come to an agreement regarding this particular issue prior to this committee meeting. However if the application were approved a suitable alternative car parking arrangement could be agreed with the Council.

- 4.4.7 The applicants were also advised that such a scheme would only be acceptable if adequately landscaped. As no additional landscaping scheme has been submitted, it is considered prudent to recommend that a condition should be attached, if permission is granted, that requires further details to be submitted and agreed in writing by the Local Planning Authority. It is considered that these details could be agreed prior to the commencement of works on site.
- 4.4.8 The proposed cycle storage is also unacceptable for two reasons. Firstly, as well as being secure, cycle storage should be covered. The currently proposed cycle storage is not covered. A condition could be attached requiring secure and sheltered storage for employees' bicycles.
- 4.4.9 Secondly, if the cycle storage were to be covered, it would be unacceptable, in its current position, in terms of visual impact upon the listed building. This issue is addressed in more detail in the parallel Listed Building application (07/00541/LBC). However, in brief a more appropriate location should be sought which does not have a detrimental impact upon the setting of the listed building but still remain accessible to cyclists.
- 4.4.10 A condition could be added, should the application be approved, to find a more appropriate location for storage of cycles, which is safe, secure and convenient and does not have a detrimental impact upon the character and setting of the former Time Office Building, the Factory site in general and the Conservation area.
- 4.4.11 Finally the proposed glazed (pod) extension would, in the opinion the conservation officer, adversely affect the special architectural and historic interest of the building and we cannot support the scheme.
- 4.4.12 As a consequence the proposed scheme is considered unacceptable as it fails to satisfy policies HE2 and HE3 of the Local Plan.

4.5 HIGHWAY AND PARKING ISSUES

- 4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-
- More sustainable transport choices for both people and for moving freight;
 - Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
 - and to reduce the need to travel, especially by car.
- 4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The Highways Network Management (HNM) officer commented that the application proposed is likely to have a negligible impact, in terms of traffic generation upon the area, especially when considering the historic use of the building.

4.5.4 The HNM officer recommended that a travel plan should be produced for the scheme in accordance with PPG19 and T20 of The Local Draft Plan.

4.6 COMMENTS RAISED BY BISHOPTHORPE COUNCIL

4.6.1 *No information has been submitted regarding traffic impact upon Bishopthorpe.*

4.6.2 A condition has been suggested, should the application be approved, requiring a travel plan to be agreed with the Council.

4.6.3 *Construction traffic generated by this application and the wider scheme will have an adverse impact upon the residents of Bishopthorpe and cause congestion.*

4.6.4 The wider traffic impact of the scheme cannot be considered as part of this application. It is considered that this specific scheme would have a negligible impact upon the existing traffic network, due to the size and scale of the proposals.

4.6.5 *The Travel Plan submitted with the overarching outline planning application (06/0560/OUT) is flawed/inaccurate.*

4.6.6 Negotiations are ongoing regarding traffic impact of the overarching planning application. However an additional plan has been requested for this specific scheme.

4.6.7 All other comments made by the Parish Council relate (principally) to the overarching outline planning application and cannot be considered as part of this application.

5.0 CONCLUSION

5.1 It is considered that whilst the proposals continue the legacy of employment uses on this site. However, the aforementioned glazed extension is considered an unjustified intrusion upon the fabric of the listed building. As a consequence this scheme would adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.

5.1.1 The proposed conversion and the former Time Office Building to general B1 office accommodation with the inclusion of a glazed extension on the

roof, is considered unacceptable and fails to satisfy policies HE2, and HE3 and National Planning Guidance PPS1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. In the opinion of the Local Planning Authority the proposed scheme would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal fails to satisfy policies HE2 and HE3 of the City of York Local Plan Deposit Draft, also PPS1.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610