

## COMMITTEE REPORT

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

**Reference:** 07/00976/FUL  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Erection of 2-storey temporary office accommodation (460 m<sup>2</sup>) to former Time Office Building  
**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 m<sup>2</sup>) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m<sup>2</sup>) 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1.02 06/02552/LBC has, for all intents and purpose, been superseded by the subsequent submitted applications.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 erection of two storey modular temporary office accommodation (460 m<sup>2</sup>) to rear of the former time office building. A parallel application for Listed Building Consent (07/00977/LBC) has also been lodged.

1.1.2 The applicants seek temporary consent for a period of 3 years. The applicants state, within their covering letter which supports this application, this additional accommodation would enable a firm to move onto the site. This firm has expressed a strong interest in moving into the wider Factory site, to establish their expanding business, whilst awaiting the completion of their first 'fit for purpose' modern office accommodation.

1.1.3 The applicants further state, once this firm has moved out of the former Time Office Building and relocated into their preferred unit of occupation, they will dismantle and remove the modular buildings from site. They again confirm that the modular accommodation is not intended to be permanent.

1.1.4 Finally the applicants state that attracting a high profile company to the site will clearly have a positive effect upon the rest of the Terry's development as well as the York economy.

## 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.<sup>1</sup> 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 building<sup>2</sup>. 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 20<sup>th</sup> 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

- 1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the

---

<sup>1</sup> 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.

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

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 concerns regarding the impact of the proposals upon the listed Building. However, these have been addressed in the parallel Listed Building Application (07/00977/LBC).

3.1.3 The officer did however raise concerns regarding the impact of the proposed temporary accommodation, at the rear of the former Time Office Building, upon the garden area 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:-

- 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 temporary offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the temporary 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 HNM do not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment.

### **3.2 EXTERNAL**

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The time office building is a listed building with the listing made due to the style and design. Any addition should reflect this and to add to what is a rectangular building would destroy the design;
- The proposed extension would also impinge into the garden, which is to be preserved;
- This extension would not confirm to policies HE2, HE3 and HE4 among others;
- The Parish Council state they have already commented upon the impact of traffic from Terry's upon Bishopthorpe but feel ignored;
- Additional office accommodation will add to traffic flows through Bishopthorpe; and
- The application should be refused on the above grounds.

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 existing listed building and the Racecourse and Terry's Factory Conservation Area;
- 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 planning permission to create an additional 460 m<sup>2</sup> office accommodation at the rear of the building, for a temporary period of 3 years (maximum).

4.3.3 The principle of employment 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 additional employment 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 This application is interlinked with 07/00540/FUL which is concerned with the changing the use of the building and also internal and external alterations. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report. Works to be undertaken upon this listed building are considered in



the parallel listed building application (07/00977/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 temporary modular accommodation, at the rear of the building. The impact upon the conservation area and the gardens 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 (07/00540/FUL). It is proposed that the temporary modular accommodation will extend similarly.
- 4.4.4 The Council's Conservation Officer considers that although the extension would adversely affect the setting of the listed building and would devalue the context of the garden (and therefore the character and appearance of the conservation area) she can support the scheme as a temporary measure. This temporary accommodation would help secure the long term vision for the site. The impact upon the listed building is considered in more detail in the parallel Listed Building Consent application (07/00977/FUL). However, if the temporary accommodation were approved, the area it is to cover could be adequately reinstated to its original state after the accommodation is removed. An appropriate condition would satisfy this option.
- 4.4.5 It is noted that pre-fabricated stacked units will primarily be sited on the existing hardstanding area. Where the units are to infringe upon the garden small pad foundations will be used. The applicants stress that these pad foundations will not be required for the whole structure but only for localised situations. It is recommended, that should the application be approved, a suitable condition is attached that requires the applicants to confirm the details and locations of all pad foundations required, prior to development commencing.
- 4.4.6 The other alternative is that, should 07/00540/FUL be approved by Committee, the applicants could then develop the majority of the area covered by the temporary accommodation (once it's removed), for car-parking. The remaining portions would be landscaped.
- 4.4.7 It should also be borne in mind, in mitigation, that the temporary accommodation is only required until larger office accommodation can be provided (on site) for the firm wishing to move into former Time Office Building and associated temporary modular office accommodation. This is a relatively short-term 'fix' to the problem of accommodating a firm, in need of expansion space now and securing a high profile client to the site.

4.4.8 In further mitigation, the temporary accommodation is to be set below the height of the former Time Office Building and sited in the most obscured position possible. A significant proportion of the temporary office accommodation will be obscured by the existing building, especially when leaving York along Bishopthorpe Road. When approaching York from Bishopthorpe, it is recognised that some views would be afforded of the temporary accommodation. However, there are a significant amount of mature trees which would provide some cover. The boundary walls would further screen the temporary accommodation to some degree. The colour of the temporary accommodation could also be controlled. A suitable colour could be chosen to blend with the existing dwelling its to be attached to.

4.4.9 As a consequence, notwithstanding the impact upon the setting of the conservation area and the garden area (addressed above), subject to the imposition of appropriate conditions, the temporary accommodation is considered acceptable and satisfies 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. The temporary car-parking provision across the road should be amended to satisfy Local Plan Policy.

## 5.0 CONCLUSION

- 5.1 It is considered that the proposals continue the legacy of employment uses on this site. The aforementioned proposals are considered justified and would not appear to 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, is considered acceptable and satisfies policies E4, I5 or I18 of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, E3b and T20 of the Draft Local Plan and National Planning Guidance PPS1 and PPG19.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION: Approve**

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans 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 Planning Authority.

3 Notwithstanding the provisions of condition 2, a revised landscape plan should be submitted showing the exact positions of pad foundations and also any additional measures required to support the ramp which could affect parts of the garden. The location of any site compound and/or fencing/perimeter boundary should also be indicated.

Reason: To protect the garden area and the conservation area.

4 TEMP1

Insert - 26.06.2010

5 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
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of neighbouring residents.

- 6 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

7 VISQ8

8 VISQ10

- 9 The development hereby permitted shall not commence until details and/or a sample of the colour to be used for the exterior of the temporary units has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the temporary accommodation has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

- 10 The hours of operation for the new temporary offices 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.

- 11 The hours of delivery to and dispatch from the new temporary offices 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.

- 12 Details of all new fixed machinery, plant and equipment to be installed in or located on the new temporary offices, which is likely to be audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), 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 prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

- 13 Prior to the temporary accommodation hereby permitted being first occupied, bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

- 14 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: The car-parking provision proposed exceeds the City of York Council parking standards.

- 15 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

- 16 HWAY18

- 17 HT1

Insert – 7.60 m

- 18 LAND1

Insert...particularly at the rear of the Former Time Office Building to screen the car-parking area.

- 19 LAND2

- 20 TREE2

- 21 TREE8

## **7.0 INFORMATIVES: Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not 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 complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, GP4(a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.
2. 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:

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".

- 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.
- 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.
- 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.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

**Contact details:**

**Author:** Richard Beal Development Control Officer  
**Tel No:** 01904 551610