

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 30 August 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01547/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Temporary change of use to offices (use Class B1)
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 Members may recall that planning permission was granted at July's meeting, for the change of use and refurbishment of the former time office building. These applications were:-

- 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;

1.02 5 additional planning applications were also associated with the redevelopment of this building. They were:-

- 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
- 07/00541/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

1.03 06/02552/LBC was withdrawn. This application was submitted with the original suite of planning applications, pertaining to the development of this site, in late November 2006. The application was withdrawn upon advice from officers. The alteration and erection of a glazed roof extension to this building, was not be supported by the Planning

Department, due to the detrimental impact such a development would have had upon the listed building, Terry's Conservation Area and the adjacent group of listed buildings.

- 1.04 Committee may also recall that planning applications 07/00538/FUL and 07/00541/LBC were refused at the same meeting. These applications, whilst similar to the aforementioned approved applications, included a glazed extension of the roof (similar to 06/02552/LBC).
- 1.05 These applications were refused by Committee, on the recommendation of the planning department, as it was considered that they 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 Terry's Conservation Area.
- 1.06 Planning applications 07/00976/FUL and 07/00977/LBC, which related to the erection of 2-storey temporary office accommodation (460 m²) to the rear of the former Time Office Building, were withdrawn prior to the Committee meeting in July.
- 1.07 The applicant's verbally stated to the planning department, that the prospective clients who are seeking to occupy the former Headquarters Building (L1) required more space than L1 could provide. This would have been provided by the temporary accommodation to the rear of the building. However as additional space could not be provided attached to L1, then the applicant's considered that the only other alternative was to provide the required additional space in the former Headquarters building (H1).

1.1 PROPOSAL

- 1.1.1 This application relates to the temporary change of use and conversion of the former Headquarters Building to form B1 office space. A parallel application for Listed Building Consent (07/01548/LBC) has also been lodged.
- 1.1.2 The applicant's seek temporary planning permission, for a period of 2 years, to use the front section of H1 as office accommodation. Initially it was envisaged that the temporary accommodation, would be provided to facilitate the future business user of L1 (again on a temporary basis until adequate accommodation was provided on-site). However, the applicant's now propose that separate clients will use L1 and H1 respectively.
- 1.1.3 The applicant's seek temporary permission, for a period of 2 years, to use the front section of the building (at ground and first floor) as office accommodation. A change in use from Use Class B2 (General Industrial) to Use Class B1 (Office accommodation).

- 1.1.4 The application states that the employment level is to be between 30-50 employees and that the hours of operation of the building, during its temporary use as an office will be between 08:00 and 18:00 hours.
- 1.1.5 The proposals include minimal internal alterations to the layout of the building to create office accommodation on the ground floor and first floor.

1.2 SITE AND HISTORICAL BACKGROUND

- 1.2.1 The former Headquarters 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 Headquarters Building (H1) 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 actual area, of the former Headquarters Building subject to this application, is by comparison far less. The total area included in this application is 960 m². 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 24.00 m from the road. The building is directly adjacent the former Time Office Building (L1) to the south.¹ To the west side is the former Factory building². This building is 5 stories in height. To the north is the open site area and the redundant modern warehouses. To the east is a public footpath and then Bishopthorpe Road.
- 1.2.5 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application states that the special interest of the building is partially in its value as one of a group with a strong unified style. The

¹ The original application for the conversion of this building to form a hotel (06/02550/LBC) was lodged with the original suite of planning applications in late November 2006. 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.

interior plan arrangement centred on the open double height space is also of particular interest as are some interior spaces, especially the main foyer and staircase and the board rooms.

1.2.6 The building was purpose built as the Headquarters for Terry's. The building has not been significantly altered throughout its years of use. There are some modern partition walls, which have been used to sub-divide a number of rooms. There are also some modern suspended ceilings to some parts of the building.

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 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

Listed Buildings Grade 2; Terry's Of York Head Offices 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 Architect 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 (07/01548/LBC).

3.1.3 However, the Conservation Architect made the following comments upon elements relating to this application.

3.1.4 Firstly the officer recognised that the car-parking would be outside the conservation area, within the existing car-park adjacent the site. However cycle storage has not been indicated. As a consequence she advises that details should be submitted, for approval by the planning department.

3.1.5 Secondly, no details have been submitted regarding the storage and collection of waste. Further details, should therefore be submitted and approved by the planning department prior to development commencing.

3.1.6 The Council's Conservation Architect did raise concerns about the impact of the scheme upon the setting of the listed building and the Conservation Area. As a consequence, she advised that details should be submitted to the Council, prior to the development commencing which indicate any development which may be required to support this proposal, e.g. LPG tank and associated screening.

3.1.7 Environmental Protection Unit:

3.1.8 The environmental protection unit (EPU) raised no objection to this application.

3.1.9 Highway Network Management (HNM)

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

- 3.1.11 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 site and the temporary time period sought for this application.
- 3.1.12 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 temporary development of the former Headquarters building, will be prejudicial to their final highways assessment.
- 3.1.13 The officer also noted that the application, as proposed, indicates car-parking provision would be provided in the existing parking area (opposite the site).

3.2 EXTERNAL

- 3.2.1 Bishopthorpe Parish Council raised no objection to this application.
- 3.2.2 Mickelgate Planning Panel commented that they did not object to this application but noted that the 'linear park' appeared to have been removed. The planning panel also noted that the site plan differed from the one which they were consulted on.
- 3.2.3 Neighbours: 2 site notices were displayed, at the main entrance to the site, to advertise the Listed Building Consent application 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 for business use, as well as minor internal and external alterations. Should Planning Committee consider refusing permission, the applicant's could exercise their 'fallback position' which would be to either implement the extant B2 use of the building or use the building as B1 (office accommodation) without implementing any external alterations. Change of use from (Use Class) B2 to B1 is classified as permitted development within the Use Classes Order 2005.

4.3.3 The principle of the conversion of the former Headquarters 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 previously used for office accommodation (B1). However, it is not considered that B1 use, of the part of this building as general office accommodation, would conflict with policy E3b or the Development Brief.

4.3.6 Finally, whilst this application slightly differs from the spirit in which the Planning Authority expected it to be submitted, it is considered that even if there are 2 different users for L1 and H1, there is no material significance in planning terms. If approved, H1 will be used for a temporary period, to accommodate a business, which has grown out of its current accommodation and is seeking immediate relocation. The proposed occupants will then hopefully relocate to either part of former Factory Building, or a new purpose built building within the defined business area of the site (the LPA is encouraging the former rather than the latter). H1 will then be converted to a hotel. The applicants have verbally stated that if this application is not approved, the proposed clients will not move onto the site and will seek alternative accommodation within the city, due to their pressing need for larger office accommodation.

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

4.4.1 In addition to changing the use of the building to temporary office accommodation the proposal also includes minor internal and external alterations. Works to be undertaken upon this listed building are considered in the parallel listed building application (07/01547/LBC).

4.4.2 The external works are acceptable subject to satisfying relevant conditions attached.

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.

5.0 COMMENTS RAISED BY MICKELGATE PLANNING PANEL

- 5.0.1 The masterplan for the general layout of the site has not been agreed. A further amended masterplan is expected to be submitted shortly. This application, relates only to the partial conversion of the former Headquarters Building. Issues relating to the overall site layout will be addressed in the overarching outline planning application (06/02560/OUT), when it is submitted.

5.0 CONCLUSION

- 5.1 It is considered that these proposals continue the legacy of employment uses within 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 Headquarters Building to general B1 office accommodation, is considered acceptable and satisfies policies E4, I5 and I18 of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, E3b, GP1 and T20 of the Draft Local Plan and National Planning Guidance PPS1 and PPG19.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TEMP2 ...INSERT.....30/08/2010

- 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 Any 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.

4 VISQ8

5 The hours of operation for the new 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.

6 The hours of delivery to and dispatch from the new 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.

7 Details of all new fixed machinery, plant and equipment to be installed in or located for the 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_{Amax}(f)) and average sound levels (L_{Aeq}), 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.

8 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.

9 ACC1

10 Prior to the development commencing, details regarding the location of the service door for the temporary offices shall be submitted to and approved in writing by the Local Planning Department. Details should indicate the precise location of the service door and a method statement should accompany the details explaining the waste removal strategy for

the temporary office use.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

11 HWAY6

12 Prior to the development commencing, a 1:200 site plan should be submitted to and approved in writing by the Local Planning Department. The site plan should indicate any new development, which is associated with the partial temporary change of use of the former Headquarters Building.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

13 Subject to the total number of employees at the site exceeding 50, a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with Central Government advice contained within PPG13 – “Transport” and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

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 Headquarters 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, P4(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.

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