

## COMMITTEE REPORT

**Date:** 19 December 2013      **Ward:** Micklegate  
**Team:** Major and Commercial Team      **Parish:** Micklegate Planning Panel

**Reference:** 13/03429/REMM  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Reserved matters application for Phase 1 development comprising 57 houses, 1 no. 18 unit apartment building and 1 no. 11 unit apartment building with ground floor retail unit  
**By:** David Wilson Homes Yorkshire East  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 15 January 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The former Terry's Chocolate Factory comprises a substantial former manufacturing site lying partially within the Terrys/Racecourse Conservation Area and incorporating a number of Grade II Listed former industrial buildings to the south west of the City Centre. Outline Planning Permission with a Section 106 Agreement ref:- 09/01606/OUTM has previously been given for re-development of the site for a range of uses. Determination of Reserved Matters is now sought in respect of the construction of phase 1 of the development adjacent to Campleshon Road comprising a mix of 57 three and four bedroom dwellings and 28 two and three bedroom apartments along with a retail unit, which would be used for the sales and marketing of the development for the length of its operation. Issues of access, appearance, landscaping, layout and scale are for consideration at this stage.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

Schools GMS Constraints: Knavesmire Primary 0206

## 2.2 Policies:

CGP15A - Development and Flood Risk

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYHE2 - Development in historic locations

CYH4A - Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Integrated Strategy Unit raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to control the hours and means of construction and to mitigate against un-foreseen contamination.

3.3 Housing Development Services raise no objection to the proposal.

3.4 Highway Network Management raise no objection to the proposal.

3.5 Design, Conservation and Sustainable Development raise no objection to the proposal but raise a number of detailed concerns in respect of the proposed site layout, notably the vehicle circulation areas and the interaction between the proposed phases.

### EXTERNAL:-

3.6 Safer York Partnership raise no objection to the proposed development.

3.7 Natural England raise no objection to the proposed development.

3.8 Yorkshire Water Services Limited raise no objection to the proposal.

3.9 English Heritage raise no objection to the proposal.

3.10 Sport England raise no objection to the proposal.

3.11 Five letters of representation have been received in respect of the proposal. One of support and four of objection. The following is a summary of the letters of objection:-

- \* Concern in respect of the impact of the extended construction period upon the residential amenity of neighbouring properties;
- \* Concern in respect of the impact of the loss of mature landscaping along the eastern site boundary upon the visual amenity of the wider street scene;
- \* Concern in respect of the impact of the proposal upon traffic flow in adjoining side streets;
- \* Concern in respect of the impact of the proposal upon nearby services such as schools and local shops.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS :-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the residential amenity of nearby properties;
- \* Impact upon the setting of the Racecourse/Terry's Conservation Area;
- \* Impact upon the visual amenity of the wider street scene;
- \* Sustainability.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 Central Government Planning Policy as outlined in paragraph 49 of the NPPF urges Local Planning Authorities to consider all applications for planning permission for residential development in the context of the presumption in favour of sustainable development. Planning for new residential development as outlined in paragraph 50 of the NPPF should be based upon the size, type, tenure and range indicated by local needs. At the same time paragraph 61 of the NPPF seeks that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

## IMPACT UPON RESIDENTIAL AMENITY:-

4.4 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, are of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise disturbance, overlooking, overshadowing or dominated by overbearing structures . The application site has previously been given Outline Planning Permission for residential development with ancillary facilities including a retail unit. Determination of Reserved Matters is presently sought in respect of the construction of phase 1 of the overall development focussed on one of the principal access points to the site from Campleshon Road.

4.5 The proposal envisages the erection of a series of brick and art-stone built two and three storey properties with one four storey apartment block, set back from the main Campleshon Road frontage of the site. A high degree of shelter is currently given to properties along Campleshon Road by a belt of mature trees within the highway boundary and the existing landscaped bund flanking the site boundary. The developer has indicated a wish to retain the bund although some clearance work has been undertaken to facilitate access improvement works and to allow for the site to be laid out. This clearance work will give rise to some short term impact in respect of the properties closest to the site entrance which for the duration of the early development works will have clear visibility of the site and some perception of increased noise. Robust safeguards have however been set in place in respect of the determination of the Outline Planning Permission in relation to residential amenity during the construction process and the applicant has indicated an intention to re-landscape the site boundary and the associated bund so that any impact over the medium to long term would be minimal. The terms of Policy GP1 of the Draft Local Plan can therefore be complied with.

## IMPACT UPON THE SETTING OF THE RACECOURSE/TERRY'S CONSERVATION AREA:-

4.6 Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to 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. Central Government Planning Policy as outlined in paragraph 131 of the NPPF urges Local Planning Authorities to give significant weight to the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. The proposal envisages the erection of a development of 57 houses together with 28 apartments set out in three blocks and an ancillary retail unit. The application site previously comprised a series of low rise Modern factory units associated with

the Chocolate manufacturing process, which have been largely cleared. The boundary of the Conservation Area lies to the north and west of the site with the associated Grade II Listed factory and Headquarters buildings. The existing buildings are highly prominent, providing a clearly defined visual boundary to the site blending in, in terms of scale and massing with the buildings of the Racecourse to the north. The proposed buildings would be of uniform two and three storey heights, with one four storey block close to the eastern boundary with Campleshon Road, which would not visually challenge the factory buildings in the middle distance. It is felt that the proposed four storey block would harm the setting of the Conservation Area or the visual amenity of the wider street scene by virtue of the degree of set back from Campleshon Road and the level of shelter given by the existing mature landscaped bund. At the same time the proposed palette of materials with the chosen prominent use of mid red brick and art-stone would pay close reference to that used in the existing buildings. The setting of the wider Conservation Area and the nearby Listed Buildings have therefore been secured and the terms of Policy HE2 of the Draft Local Plan along with paragraph 131 of the NPPF have therefore been complied with.

#### IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.7 Paragraph 61 of the NPPF urges Local Planning Authorities to give significant weight to the need to secure high quality and inclusive design that addresses the connection between people and places and the integration of new development in to the existing built and historic environment. The proposed development follows the broad principles already laid out in the "parameters plan" approved as part of the Outline Planning application process. This allowed for the creation of a series of axial circulation routes based upon the retained factory buildings and the existing retained access from the site on to Campleshon Road. Slightly taller apartment and service buildings would be located around the periphery of the site to the east where a degree of shelter would be provided by the existing landscaped bund and where they would not compete visually with the retained factory buildings to the south. A central landscaped square would be provided at the centre of the site to give a clearly defined public space. The majority of vehicle and cycle parking would be located in rear courts behind the residential development. The pattern of building would be as a series of short and medium sized terraces of town houses which reflect the pattern of the surrounding area in terms of density as well as scale and massing. The arterial vehicle routes would be planted with individual trees and lengths of hedgerow at regular intervals. This is felt to be acceptable and to secure the requirements of Paragraph 61 of the NPPF.

## SUSTAINABILITY:-

4.8 Policy GP4 a) of the York Development Control Local Plan sets out a clear policy requirement that new development be designed to address the principles of sustainable development notably through the provision of high quality design, the minimisation of waste and use of non-renewable resources and the usage of non car means of transport. Issues of Sustainability were addressed extensively at the stage of the Outline Planning Permission with a waste minimisation strategy agreed and the provision of incentives to sustainable transport.

## OTHER ISSUES:-

4.9 Concern has been expressed in respect of the impact of the proposal upon the provision of local services such as local schools and shops and also the impact of the proposal upon the local highway network. These issues have been specifically addressed by mitigation measures included within the Section 106 Agreement attached to the Outline Planning permission.

4.10 The issue of the provision of affordable housing was also considered in relation to the Section 106 Agreement attaching to the Outline Planning Permission and is covered by a separate but parallel requirement to submit an overall plan for approval prior to commencement of formal construction of the first phase of building.

## 5.0 CONCLUSION

5.1 Under this reserved matters application access, appearance, landscaping, layout and scale are for consideration at this stage The proposal is felt to relate well to the setting of the Racecourse/Terry's Conservation Area and the surviving Grade II Listed factory buildings to the south as well as to the grain of the surrounding built environment. Any impact upon the residential amenity of neighbouring properties is felt to be acceptable and approval is therefore recommended.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Drawing Refs:- 2265\_PL\_001; 2265\_PL\_002; 2265\_PL\_010; 2265\_PL\_011;  
2265\_PL\_012; 2265\_PL\_100; 2265\_PL\_110; 2265\_PL\_111; 2265\_PL\_211;  
2265\_PL\_212; 2265\_PL\_213; 2265\_PL\_214; 2265\_PL\_221; 2265\_PL\_231;  
2265\_PL\_241; 2265\_PL\_251; 2265\_PL\_261; 2265\_PL\_262; 2265\_PL\_265;  
2265\_PL\_266; 2265\_PL\_281; 2265\_PL\_282; 2265\_PL\_401; 2265\_PL\_402;  
2265\_PL\_405; 2265\_PL\_406; 2265\_PL\_411; 2265\_PL\_412; 2265\_PL\_413;

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2265\_PL\_414; 2265\_PL\_415; 2265\_PL\_416; 2265\_PL\_421; 2265\_PL\_431;  
2265\_PL\_441;2265\_PL\_451;2265\_PL\_461;2265\_PL\_465;2265\_PL\_481;2265\_PL\_  
501;2265\_PL\_502;2265\_PL\_503;2265\_PL\_630;2265\_PL\_631;2265\_PL\_632;2265\_  
PL\_633; R-1459-1; R-1459-2; R-1459-3; R-1459-4; R-1459-5. Date Stamped 15th  
October 2013.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Clarification of the site layout and landscaping.

#### **Contact details:**

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