

COMMITTEE REPORT

Date: 4 June 2015
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 15/00457/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Internal and external alterations in connection with conversion of multi-storey factory to residential apartments and erection of additional roof storey and balconies to southern elevation
By: PJ Livesey and Henry Boot PLC
Application Type: Listed Building Consent
Target Date: 30 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The Terry's Multi-Storey Factory comprises a five storey brick built Grade II Listed purpose built chocolate factory dating to the early 1920s. It has been disused since the site was vacated by Terry's in 2006 and is now in some structural disrepair. Listed Building Consent is now sought for works to facilitate the conversion of the building into a maximum of 173 apartments with a 2,500 sq ft retail unit on the ground floor and a roof top extension. A parallel planning application has been submitted ref:- 15/00457/FULM for works to facilitate the conversion. The site also lies within the Terry's/Racecourse Conservation Area.

1.2 A "hybrid" planning permission and Listed Building Consent refs:- 09/01606/OUTM and 09/01608/LBC allowing for usage of the building for a flexible range of uses has previously been given in respect of the site and constitutes a viable "fall back position" in respect of the current development.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

Chapter 12 – Preserving and Enhancing the Historic Environment notably paragraph 131.

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

2.3 STATUS OF THE EMERGING YORK LOCAL PLAN PUBLICATION DRAFT (2014)

2.4 Publication Draft York Local Plan (2014); Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements.

2.5 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.6 Relevant emerging policies are as follows:
D5 (Listed Buildings).

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

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

2.8 2005 Draft 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 Time Office Block
Bishopthorpe Road

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Head Offices
Bishopthorpe Road

Listed Buildings GMS Constraints: Grade 2; Liquor Factory, Terry's Factory, Bishopthorpe Road

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

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

2.9 2005 Draft Policies:

CYHE4

Listed Buildings

STATUTORY DUTY – SECTION 16 PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

2.10 Section 16 of the 1990 Act requires the Local Planning Authority when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.11 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

3.0 CONSULTATIONS

INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but express concern in relation to the design of the proposed roof top extension, the design of the proposed inward balconies and the layout of the building entrance.

EXTERNAL:-

3.2 Micklegate Planning Panel raise no objection to the proposal.

3.3 English Heritage raise no objection to the proposal but wish to see the existing features of the entrance hall to the factory retained.

3.4 One letter of support has been received in respect of the proposed works.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

- Impact upon the historic character and integrity of the Listed Building.

4.1 IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING:-

4.2 Section 16(2) of the 1990 Planning(Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As a statutory duty, any harm to the listed building or its setting must be afforded considerable weight and importance when considered in the planning balance and this is outlined below. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at para 14 of the NPPF does not apply in these circumstances.

4.3 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Policy D5 of the (Emerging) Publication Draft Local Plan supports proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Whilst very little weight can be afforded to the emerging policy at this stage, it reinforces the need to have special regard to the desirability of preserving the listed building, in line with the statutory duty.

4.5 Building Significance:- The Terry's "multi-storey factory" (MSF) is one of a group of five architecturally co-ordinated purpose-built factory buildings constructed between 1924 &1930 to the designs of architects J G Davies and L E Wade. The

MSF was also the last building to be added to the new factory complex. The buildings were listed individually at Grade II following closure of the complex in 2006. The architecture of the MSF is of an early C20th classical revival style with art deco influence, using red brick with Empire stone dressings and sandstone at the main entrance. The distinctive multi-pane steel casements windows have been set in art-stone surrounds on three elevations. The factory building typology represents new ideas of production and worker comfort becoming prevalent at the time. It is therefore of evidential significance in its stacked vertical form, simple open interior with hygienic tiled finishes, and shared comfort facilities in the centre. The building envelope has been designed to respond to different environmental conditions on each side of the building and the large open-able windows would have achieved the improved working conditions (in terms of light and ventilation) as intended by the pioneering Quaker employers.

4.6 The Proposal: -It is proposed to convert the building for residential use (173 units of 1-3 bed size) with a component of retail of approx 205 sq m on the ground floor NE side. The units would be set out in accordance with the bay spacing of the structure and take access from a spine corridor leading from the central entrance hall. The entrance hall would be glazed behind the columns. Service facilities such as waste/bikes/plant would be located at each end of the building and the central corridor would also be used to distribute services. Floor levels would be manipulated in several structural bays to achieve a broader range of apartment sizes within the volume of the building, and there would be a rooftop extension along the building, set back from the front and back parapet edges. Balconies would be added to the south side (previously back) of the building to improve residential amenity. The multi-storey factory has been empty for about 10 years and it has suffered progressive damage through water ingress exacerbated by the condition of the steel frame and by pre-mature removal of roof-top housings (allowed subject to conditions under previous permission). There is also evidence of vandalism.

4.7 Assessment Of Impact: -The building's proposed conversion to residential use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the openness of the interior, its environment and finishes, would be lost in all areas except for the central hall, end staircases and to some extent in the retained area for retail.

4.8 Several detailed design concerns remain which the applicant has agreed to address. These include the relationship between the proposed internal mezzanine floors and the window openings. This has now been addressed to ensure that floor levels will not bisect window openings in any part of the structure. In terms of the manner in which the floor alterations would take place the applicant has agreed to the submission of a revised method statement to provide re-assurance that no harm would result to the external structure during the internal construction and assembly works. Concern has also been expressed in relation to the height of the proposed external roof level extension which the applicant has agreed to reduce, in order to

establish a more appropriate relationship with the parapet structure and safeguard wider views into the site from the locality.

4.9 The internal treatment of the entrance to the building has been specifically highlighted by consultees as an area of interest and the applicant has agreed to refurbish and reinstate its Art Deco character. Concern has been raised about the number and stacking of recessed balconies on the north elevation of the building which would harm its visual flow when viewed from the north and east. The applicant has agreed to address this and significantly reduce the number of balconies intended.

4.10 The Factory incorporates early cast iron Crittall windows some of which are in significant disrepair and do not conform to Modern residential standards. Concern is expressed at the proposal to replace rather than to refurbish the pattern of fenestration. However strict Building Regulation requirements in terms of what is suitable for residential accommodation would render the level of work for effective refurbishment prohibitively costly. In order to address this concern the applicant has agreed to the usage of a window form lighter in section and more visually akin to the earlier Crittall product. At the same time the applicant has agreed to a more industrial utilitarian design in respect of the proposed internal doors.

4.11 Full details have now been submitted as to how the ground floor units may be fitted in with out harm to amenity in view of the fact that a number would be north facing whilst maintaining the significance of the building. The external treatment of the area at ground floor level can be controlled by condition.

4.12 Alterations to the character of a listed building require justification. In this instance justification for the extent of alterations required for residential use has been provided by the outcome of the marketing exercise which has concluded that there is no current developer interest in converting the building to other uses potentially less damaging to the interior (such as office use). The extra-ordinary size of the factory building (5 floors and 150m in length) and its current condition have also been seen as significant negative factors in attracting development at this time. Provided that amended plans are submitted to deal with the unacceptable detailed design concerns outlined above at paras 4.5 to 4.7 above the alterations to the interior would still be regarded as causing substantial harm but they do not lead to unacceptable loss of significance overall. When taken as a whole the proposals constitute less than substantial harm to the listed building. Considerable importance and weight has been given to this harm in the planning balance exercise as set out in the conclusion to this report.

5.0 CONCLUSION

5.1 The Multi-Storey Factory building, the subject of this application, has been vacant for 10 years and its condition has deteriorated substantially giving rise to serious concern. In this context it is important to secure the optimum viable use compatible with the building's conservation to ensure its survival for future generations. The proposed conversion for residential use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the openness of the interior, its environment and finishes, would to an extent be lost (except for a small area) and this can clearly be assessed as giving rise to substantial harm to the listed building. Although the internal alterations proposed would be regarded as substantially harmful they do not lead to unacceptable loss of significance of the building overall.

5.2 Providing the remaining issues of detail are addressed as indicated by the applicant, even when affording considerable importance and weight in the planning balance to this harm, it is considered that the public benefit of having the heritage asset in active use as residential accommodation outweighs the identified harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community, and approval is therefore recommended

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

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

Drawing Refs:- Drawing Refs:- 087-00-0001; 087-00-0010; 087-00-11; 087-00-0310; 087-00-0410; 087-00-1000; 087-00-1001; 087-00-1010; 087-00-1011; 087-00-1012; 087-00-1310; 087-00-1410; 087-00-1411; 087-01-2701; 087-01-2702; 087-01-2703; 087-01-2704; 087-01-2705; 087-01-2706; 087-01-2707; 087-01-2708; 087-01-2709; 087-01-2710; 087-01-2711; 087-01-2712; 087-01-2713; 087-01-2714; 087-01-2715; 087-01-2716; 087-01-2717; 087-01-2718; 087-01-2719; 087-01-2720; 087-01-2721; 087-01-2722; 087-01-2723; 087-01-2724; 087-01-2725; 087-01-2726; 087-01-2727; 087-01-02728; 087-01-02729; 087-01-2730; 087-01-2731; 087-01-2732; 7103(100) 500.

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

3 Prior to commencement of constructional work on the individual apartments a detailed method statement demonstrating how

The structural floors will be altered to minimise harm to the underlying steel frame, its fabric and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the individual apartments and the works shall be carried out in accordance with the approved details.

Full external details of roof top extension (revised design)

Any additional guarding required to parapet

Balcony details and finishes (most details already submitted)

Details of main entrance screens, solid and transparent

Full details of entrance area including fixtures and finishes (inside and outside)

Details of windows (shown in context); samples to be provided (with steel for comparison purposes); distribution of opening lights and specification of finished colour to be provided, also window details showing incorporation of vents

New external doors and internal doors in common areas

Details of external works, including guarding and finishes adjacent to the building at lower ground level

Reason: So that the Local Planning Authority may be satisfied with these details.

5 No alteration shall be undertaken to the external boundary treatment to the ground floor of the building except with the prior written approval of the Local Planning Authority.

Reason:- To safeguard the historic character and integrity of the Listed Building

6 Prior to the commencement of works on each individual apartment a detailed repair schedule should be provided and this should include proposals for any external cleaning or removal of uncharacteristic finishes. The type and level of

cleaning should be subject to agreement of trial areas. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason:- To safeguard the character of the Listed Building and to secure compliance with paragraph 131 of the National Planning Policy Framework.

7 Prior to the commencement of construction of the individual apartments full details of all externally mounted lighting and signage including sizes, design, location and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

7.0 INFORMATIVES:

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