

The Proposal

1.4 Planning permission is sought for the use of the northern part of the ground floor of the building as offices, and for the use of the ground floor southern part as offices or a restaurant use (Class A3). The first floor would be used as offices with two apartments to be provided in a new second floor to the southern building. These would be located within a new roof, the design of which is similar to that for which permission already exists (please refer to paragraph 1.7). Two further apartments would be created on the second and the new third floor within the roof of the northern building. Again this replicates an earlier proposal for which planning and listed building consent was granted.

1.5 Access to the building would be obtained from an entrance within the courtyard of the building and a new external stair and lift tower within the courtyard would give access to the upper floors. A fixed pedestrian bridge link to project from the first floor of the building to the garden area on the opposite side of Terry Avenue is also proposed due to flood risk requirements.

Planning History

1.6 The Bonding Warehouse was converted for use as a restaurant and pub in the early 1980s. External alterations dating from this time include reopening the previously blocked windows of the lower section, adding external platforms and balconies to the river frontage and altering the access off Terry Avenue. The use of the building as a bar ceased in 2000 following the flooding of the building and it has remained unoccupied since then.

1.7 Planning permission and listed building consent were granted in 2008 for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats). As part of these consents, permission was also granted for the construction of a new mansard roof to the southern wing of the building, the erection of a stair and lift tower within the building courtyard to Terry Avenue and a retractable bridge link to Skeldergate to facilitate access and exit in time of flood.

1.8 Further consents were granted in 2009 for the use of the ground, first and second floors of the building for offices with the upper second floor on the northern wing of the building retained for residential use (2 flats), together with the internal and external alterations to the building previously approved in 2008. This 2009 planning permission was renewed in 2012 and a listed building consent for the works to the building as proposed in that permission has recently been granted.

1.9 An associated listed building consent application (13/00930/FULM) is also reported on this agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Flood zone 3

Listed Buildings GMS Constraints: Grade 2; Skeldergate Bridge, Tollhouse, Walls and Steps

Listed Buildings GMS Constraints: Grade 2; Skeldergate Bridge and Tollhouse, Walls and Steps

Listed Buildings GMS Constraints: Grade 2; The Bonding Warehouse Skeldergate York YO1 6DH

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP15 Protection from flooding

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYT4 Cycle parking standards

CYH9 Loss of dwellings or housing land

CYE7 B1 office devt in Existing Buildings

CYL1C Provision of New Open Space in Development

CYHE10 Archaeology

CYH1 Housing Allocations

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Architect

3.1 This application is welcomed as the scheme would help to secure the future of an important historic building within the conservation area.

Archaeologist

3.2 This site lies in the central AAI and is in the Central Historic Core Conservation Area. The applicant has submitted an archaeological desk-based assessment (DBA) and a copy of the Level 1 building record of the standing building.

3.3 The Bonding Warehouse occupies a site that includes a section of the City Wall, a postern gate and a section of the outer defences of Baille Hill, an 11th century motte and bailey castle. The DBA states that there is potential for archaeological deposits to be disturbed by groundworks in the cellar and in the yard area of the Bonding Warehouse. In addition, it is my assessment that the areas where groundworks will be required for the proposed bridge will also contain archaeological deposits that will be disturbed by the development. It will therefore be necessary to have an archaeological watching brief on all groundworks for this development.

Landscape Architect

3.4 The Acer referred to in previous consultations for this site has been removed in the intermediate period due to its deteriorated condition. Nonetheless a replacement has not been planted in this location because of the development ambitions, but this is still something that would be required in connection with the bridge landing.

3.5 There is a broad Holly at the top of the bank, the canopy of which overhangs the area to be taken up with the start of the ramp. This would have to be crown lifted/reduced, or possibly removed and replaced depending on the final levels of this element of the development. The ramp also cuts across the edge of the root protection area of the mature Lime; the impact on this would depend upon the construction details of the ramp. The impact of the development may have further impact if the ramp includes extensive earthworks.

3.6 Recommend a condition requiring a method statement regarding protection measures for the existing trees and for the planting of a replacement tree at the apex of Skeldergate and Terry Walk.

Sustainability Projects Officer

3.7 The applicant should provide additional information as to why the required standards of the IPS on Sustainable Design and Construction cannot be achieved for the restaurant and apartment elements of the proposal. Recommend applying conditions for these elements or the submission of evidence demonstrating that their implementation is neither feasible nor viable. Evidence should be submitted demonstrating compliance at both the design and procurement and post construction stages.

3.8 To achieve the renewable energy requirements of the IPS the applicant has provided a brief overview of the technologies which could achieve at least 10% of the proposals energy demand. A number of technologies have been considered as a means of achieving the IPS requirement, however, no information is included in the Sustainability Statement on the appropriateness of combined heat and power (CHP), micro CHP and ground source heat pumps. Prior to deciding on a preferred option, an assessment of installing these technologies should be undertaken.

Environmental Protection Unit

3.9 The Environmental Protection Unit has concerns regarding this application, in particular the noise and odour generated by the restaurant and its affect on amenity of residents of the proposed development and those neighbouring the development. The noise includes noise from customers, the kitchen, disposal of waste and extraction from the kitchens. In order to address these concerns, EPU recommend conditions restricting the opening hours of the restaurant, and times for when bottles and glass can be placed into bottle bins together with details of all machinery, plant and equipment to be installed,

Highway Network Management

3.10 The level of car and cycle parking proposed is in accordance with CYC Annex E standards and is considered acceptable. The site is in a very sustainable location and can be readily accessed by non car modes. The surrounding highways are protected by various waiting restrictions which will prevent indiscriminate on-street parking. To the front of the building on Terry Avenue is a pay and display bay which will enable short stay parking for guests/visitors to the development.

3.11 Due to flood risk requirements the scheme also proposes to provide a pedestrian bridge link. The underside height clearance of the bridge has been fixed at a minimum of 4m which will still enable use of the highway below, up to Skeldergate Bridge, by servicing traffic or emergency vehicles. The provision of this underside height clearance is also considered necessary in order to prevent the increased likelihood of a bridge strike which would arise from a lower structure.

Flood Risk Management Team

3.12 No objections in principle to the development and would mirror the comments made by the Environment Agency. There is a lack of information with regards to foul and surface water disposal and as such the standard drainage condition should be applied.

Education

3.13 A contribution of £11,984 towards education is required for 1 additional place at the local primary school, Scarcroft Primary.

Emergency Planning Coordinator

3.14 Residents should have 24/7 access to the walkway so that they can come and go as they please even if the surrounding area is flooded. The businesses would need to subscribe to the EA flood warnings direct service and have an evacuation plan in place.

EXTERNAL

Environment Agency

3.15 According to City of York Council's Strategic Flood Risk Assessment, this site lies within a developed area at high risk of flooding. Only 'less vulnerable' development (as defined by NPPF), subject to the exception test, would normally be appropriate at this location. Residential accommodation is defined as 'more vulnerable'.

3.16 However, given that the principle of this development had been agreed prior to the production of the 2011 SFRA, the Environment Agency does not object in principle to this application. Nevertheless, the mitigation measures previously agreed for this site as part of the flood risk assessment must still be applied. This includes using the ground floor of this building for less vulnerable uses (such as the proposed office or restaurant).

Police Architectural Liaison Officer

3.17 The section on security in the Design and Access Statement is noted and welcomed. This clearly demonstrates that crime prevention has been considered. The only issue raised relates to the footbridge. It is noted that access to this footbridge from Skeldergate would be restricted by a lockable gate. The lower sections of this footbridge could be easily accessed by climbing. This bridge has the potential to generate anti social behaviour, e.g. climbing, inappropriate loitering, skateboarding on the ramp, objects being thrown etc. The only suggestion is to consider fitting the access gate (minimum height 1.8 metres) half way up the ramp with anti climb collars fitted to either side to prevent it being by-passed.

English Heritage

3.18 Welcome in principle the conversion of this redundant Grade II listed building to a new use. We note that the changes proposed are different in only relatively minor ways to the consented scheme and we confirm that we are content in principle with the scheme. We recommend that should your Council be minded to grant consent, this is subject to agreement of detailed treatment (upon which we are happy to defer to your Council).

Canal and River Trust

3.19 No comments to make. If the Council is minded to grant permission, it is requested that an informative be attached to advise the applicant to contact the Canal and River Trust to ensure any necessary consents are obtained.

Micklegate Planning Panel

3.20 Do not object but comments as follows;

- (i) the access tower and stair are modern interventions, however they will enable the continued use of a prominent riverside building. It is hoped that the necessary development takes place as soon as possible in order to bring this building back into use.
- (ii) Do not object to restaurant use but recommend that any impact on neighbouring residents is taken into consideration when determining hours of operation and licensing.

Conservation Areas Advisory Panel

3.21 The panel object to the revised height of the bridge and felt that spurious arguments had been used to insist on the change. The panel also object to the balconies now proposed on the Skeldergate elevation as being totally out of character for this building as the elevations are particularly important on this formally designed and important historic commercial site. The panel were pleased to see the change to slate on the mansard roof. Overall they felt that more details are required in general to assess the impact of other alterations on the listed building. The panel hoped that these issues can be resolved and hoped for a successful restoration of the building.

Third Party Representations

3.22 Eight neighbour representations, including a petition with 7 signatures, have been received.

3.23 On the basis of this being a "true" restaurant and not a bar/entertainment venue, three letters of support have been received which raise the following points;

- (i) Wish to see the building brought back to life. Apartments and offices seem practical and a restaurant would add to the appeal of the riverside location.
- (ii) The bridge is inoffensive and would not detract from the surrounding area.
- (iii) It will reduce the pigeon problem.
- (iv) The use of the garden area opposite shall not be seen as giving the land less amenity value than it has currently.

3.24 Five letters of objections received (including a petition) of which the focus is on the proposed restaurant use.

- (i) This is an un-neighbourly commercial development within a residential area, mostly inhabited by elderly people.
- (ii) No attempt to consult with local people.

- (iii) Concerned about noise. Concern that the restaurant ends up being a bar which sells food with associated late night noise and drinkers smoking outside.
- (iv) Music should be inaudible so as not to cause noise disturbance to local residents
- (v) Please ensure that the 12 parking spaces within the gardens opposite are cycle spaces and not car parking spaces.
- (vi) Object to any form of parking (cycle or car parking) within the garden
- (vii) Will increase traffic
- (viii) Not suitable within a flooding area.

4.0 APPRAISAL

KEY ISSUES

4.1 The main planning issues with this application are:

- Acceptability of the proposed uses
- Impact on the listed building and the conservation area
- Highways
- Living conditions of nearby residents
- Flood Risk
- Sustainable Design and Construction
- Ecology
- Open Space / Education Contributions

PROPOSED USES

4.2 The National Planning Policy Framework makes a presumption in favour of sustainable development. It advises that applications should be approved unless they conflict with an up to date local plan, or they are contrary to policies within the framework.

4.3 The host building is within the city centre, as defined in the Local Plan. The National Planning Policy Framework recognises town centres as the heart of communities and Local Planning Authorities are expected to pursue policies to support their viability and vitality; this involves allocating a range of sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural and community development needed in town centres. The Framework also recognises that residential development can play an important role in ensuring the vitality of centres and it should be encouraged on appropriate sites. Within paragraph 51, the Framework advises that local planning authorities should normally approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.4 Although the application site is not allocated for housing in the Preferred Options document of the new Local Plan, it is allocated for residential development under policy H1.30 of the City of York Development Control Local Plan (April 2005). This policy estimates that the capacity of the site is 20 dwellings. Given that the application proposes only four dwellings, Policy H9 (Loss of Dwellings or Housing Land) is relevant. Policy H9 contains a general presumption against the loss of allocated housing land however notes that exceptions can be made in circumstances where an appropriate use is needed to conserve a historic building. Given the circumstances of the site and the fact that the building is located within the defined limits of the city centre, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use. The Council's "Planning Statement: Bonding Warehouse, Skeldergate, York" (December 2006), although not formally approved by the Council but prepared as advice to potential developers, indicates that it would be supportive of employment and leisure uses.

4.5 The northern part of the ground floor of the building is proposed to be used for Class B1 office use and the southern part of the ground floor would be used as offices or as a restaurant. The first floor would also be used for Class B1 office use. The proposed office use is acceptable when assessed against policy E7 which states that permission will be granted at first floor level or above for B1 (Office) uses in York City Centre and B1 uses at ground floor level will be permitted where it would not harm the vitality and viability of the City Centre.

4.6 The proposal to have the option of using the southern part of the ground floor as offices or restaurant is to give the applicant flexibility in the marketing of the building and is possible under planning legislation. The building was last used in 2000 as a drinking establishment and the use of part of the ground floor as either a restaurant or offices does not raise any issues of principle. As stated in paragraph 4.4, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use.

IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.7 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.8 The following paragraphs of the report highlight the key elements of the proposed scheme and the areas which are still considered to require amendment. It should be noted that the principle of the new stair and lift core, the escape bridge and ramp, the additional storey contained in a mansard roof and alterations to the boundary wall and gates were approved under previous applications.

Stair tower

4.9 The tower has been designed as a contemporary structure. It is more transparent than the tower approved under the previous scheme and it uses a vertical proportioning system based on the existing building. It also has a glazed link to the existing building. Officers support this revised architectural approach on the basis of it being complimentary to the appearance of the building but have requested a reduction in its height as it is currently considered to compete with the main building. Members will be updated at the meeting.

Bridge and Ramp

4.10 Due to flood risk requirements the scheme involves a pedestrian bridge link which can be used in times of flooding to provide occupiers of the building with an alternative means of entrance/exit. The bridge link is fixed and would project from the first floor of the building to the garden area on the opposite side of Terry Avenue. Previous planning permissions incorporated a folding bridge design. This approach however has been discounted due to concerns over its reliability and management which could affect its deployment in a flooding situation.

4.11 Highway requirements have resulted in the underside height clearance of the bridge being fixed at a minimum of 4m. The previously approved folding bridge was 1.2 metres lower in height, the newly elevated position means that the bridge and ramp structure would have a greater impact on the conservation area. The Landscape Architect recommends conditions to ensure existing trees are protected and, in order to soften the impact of the bridge and ramp structure, the planting of a replacement tree at the apex of Skeldergate and Terry Walk. To lessen the impact further, Officers consider that the bridge should have a "lighter" appearance than proposed with a central support system and a more open balustrade. It is anticipated that revised plans will be available at the meeting.

External balconies

4.12 The proposed plans detail external balconies facing Skeldergate. Officers consider that they would appear as domestic appendages which would dilute the historic industrial nature of this warehouse building and have therefore requested that they be removed from the scheme. The scheme also includes existing balustrades being replaced by guard rails of more solid appearance based on a panel design with vertical bars. It is considered that this design approach would be

untypical of the riverside location and would have a negative effect on the setting of the building and as such, the applicant has been asked to revert to the previously approved design approach. Members will be updated at the meeting.

"Taking in" doors

4.13 The historic doors are important evidence of the original use and they suit the aesthetic nature of the building. They were purpose made for the building and are recessed into the jambs of the brickwork. The loss of these doors would be harmful to the architectural and historic interest of the building and the applicant has been asked to retain them by perhaps providing an internal balcony and glazed screen which the doors could fold back into. Members will be updated at the meeting.

HIGHWAY ISSUES

4.14 Eight car spaces would be provided within the courtyard area together with 30 cycle spaces in the basement of the building. A further 12 cycle spaces are proposed to be provided for the commercial ground floor uses either in the garden area on the opposite site of Terry Avenue or to the gable of the building. It is recommended that the final location and design of cycle parking be secured through a condition. The level of car and cycle parking proposed accords with policy and is considered acceptable. The site is in a very sustainable location and can be readily accessed by non car modes. Furthermore, the surrounding highways are protected by various waiting restrictions which will prevent indiscriminate on-street parking. To the front of the building on Terry Avenue is a pay and display bay which will enable short stay parking for guests/visitors to the development.

4.15 With reference to the pedestrian bridge link, Officers required the underside height clearance of the bridge to be fixed at a minimum of 4m which would still enable use of the highway below, up to Skeldergate Bridge, by servicing traffic or emergency vehicles. The provision of this underside height clearance is also considered necessary in order to prevent the increased likelihood of a bridge strike which would arise from a lower structure.

RESIDENTIAL AMENITY

4.16 Whilst Officers acknowledge that the building was last used in 2000 as a drinking establishment, since the building became vacant the residential nature of the area has been reinforced by new developments opposite the site. The nearest residential properties are within City Mills adjacent to the site and within Lady Anne Court (Middleton, Boleyn and Clifford House) to the west across Skeldergate. Unlike the more public areas on the opposite bank of the river, this side of the Ouse is relatively quiet and concerns have been raised by local residents that a restaurant use may develop into a mixed restaurant / bar use with the associated problems of noise and disturbance.

4.17 In recognising that this is a relatively quiet part of the city centre, Officers recommend conditions to restrict the opening hours of the restaurant and to restrict the times for when bottles and glass can be placed into bottle bins. It should be noted that this proposal involves an A3 use and as such planning permission would be required if the bar use ceased to be ancillary to the restaurant use.

4.18 The amenity of residents of the proposed dwellings at second floor level would not be affected by the office use at ground and first floor levels. The proposed restaurant use at ground floor would not be immediately adjacent to the residential units and therefore there would be minimal disturbance for occupants from noise transmitted through the building.

4.19 The comments of the Police Architectural Liaison Officer in relation to the footbridge having the potential to generate anti social behaviour are noted. It is recommended that a condition be attached to the decision requiring details of measures to deter such activity (part (m) of Condition 18).

FLOOD RISK

4.20 According to City of York Council's Strategic Flood Risk Assessment, this site lies within a developed area at high risk of flooding. Only 'less vulnerable' development (as defined by the National Planning Policy Framework), subject to the exception test, would normally be appropriate at this location. Residential accommodation is defined as 'more vulnerable'

4.21 Given that the principle of this development had been agreed prior to the production of the 2011 SFRA, no objections are raised to the inclusion of residential units within the scheme. As per the previous approvals, a bridge link to be used in times of flooding to provide occupiers of the building with an alternative means of entrance/exit is proposed and in conjunction with the other mitigation measures, it is considered that the proposal follows the advice given in the National Planning Policy Framework that the "development is appropriately flood resilient and resistant, including safe access and escape routes where required".

ECOLOGY

4.22 A bat survey was undertaken in 2007 in connection with a previous proposal for the building. It showed that the building was not used by roosting bats at that time. A winter hibernation assessment was then carried out in February 2013 which found some evidence of bat activity. A further emergence and return survey was carried out last month and the previous assessment updated with the results of this survey. The report concludes that the building is not used as a roost, and that roof boxes or wall boxes should be provided as part of the conversion works. Part (h) of Condition 18 requires the applicant to submit details of the location and details of bat boxes.

The comment of the Council's Ecologist in respect of the latest survey and whether a further condition is required is awaited and Members will be updated at the meeting.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.23 A sustainability statement and supplementary statement describing how the proposal fits with the criteria listed in Policy GP4a and the Interim Planning Statement: Sustainable Design and Construction, has been submitted. The statement explores the various options for the provision of on-site renewable energy; wind turbines, solar photovoltaic panels, solar thermal hot water and biomass boiler. The report concludes that the options for providing a proportion of renewable energy generated on site are limited as a result of the character and appearance of the listed building. The statement also outlines the applicants' intention to work towards achieving a BREEAM "Very Good" rating on the restaurant.

4.24 Although it is recognised that the proposal does not meet the requirements of the IPS in terms of achieving at least a BREEAM "Very Good Rating" for both the office and residential elements and for 10% of regulated energy demand to be provided by renewable and low carbon technologies, the practical difficulties of reducing the environmental impact of the development are accepted. Amongst the constraints of achieving the requirements of the IPS are that this is a listed building prominently sited within a Conservation Area and within a medium/high risk Flood Zone.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.25 In accordance with Policy ED4, there is a requirement to contribute £11,984 to cover the cost of 1 primary school place at Scarcroft Primary.

4.26 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £6,352.

4.27 The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking under section 106 of the Town and Country Planning Act.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area.

5.2 Aspects of the scheme in particular the newly elevated position of the bridge link are considered to impact on the appearance of the Conservation Area but Officer's are of the opinion that such elements are justified to ensure the use and continued existence of this important listed building.

5.3 Subject to the receipt of amended plans which address the points made in the report and the completion of a Unilateral Undertaking, the proposals are considered to have an acceptable impact on the listed building and the conservation area given the constraints of the site and are in compliance with the policies of the local plan and with guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to s106 agreement

1 TIME2 Development start within three years -

2 PLANS2 Approved plans and other details

3 Prior to the occupation of any part of the development, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 The development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should

be developed and implemented in line with local and national guidelines and the submitted Travel Plan dated January 2009. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, 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.

6 The development shall be carried out in accordance with the submitted flood risk assessment (ref Ove Arup & Partners, dated February 2007, ref 122111 & FRA update by Grantside Ltd dated April 2013) and the following mitigation measures it details:

- a. the flood proofing/resilient measures detailed within the FRA and update should be incorporated into the development
- b. a permanent access bridge to first floor level will be provided in line with drawing number 17801-pl-022 RevA.
- c. a maintenance and deployment regime must be in place for the various flood prevention measures employed during the development's lifetime.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

Reason To reduce the risk/impact of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site and to ensure the building remains 'safe' for its entire occupation.

7 There shall be no storage of any materials, including soil, in the open area of land which is immediately adjacent to the site and within flood zone 3.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

8 Flood warning notices shall be erected in numbers, positions and with wording all to be approved by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding in accordance with policy GP15a of the Local Plan.

9 An evacuation procedure from the relevant parts of the development shall be submitted to and approved in writing by the Local Planning Authority and be in place before occupation of those parts of the building. Measures should be introduced to ensure the procedure remains operational for the lifetime of the development.

Reason: To ensure the users of the building remains 'safe' for its entire occupation, in line with guidance contained within the National Planning Policy Framework and Policy GP15a of the Local Plan.

10 The restaurant use hereby permitted shall be restricted to the following hours:

Monday to Friday 08:00 to 23:00

Saturday 08:00 to 23:00

Sundays and Bank Holidays 10:00 to 22:00

Reason: To protect the amenity of neighbour residents and those within the proposed development from noise

11 Bottles and glass in connection with the proposed restaurant use shall not be placed into bottle bins between the hours of 22.00 hours and 10.00 hours on any day.

Reason: To protect the amenity of neighbour residents and those within the proposed development from noise.

12 Prior to the commencement of the relevant part of the development, details of all machinery, plant and equipment to be installed in or located on the building associated with the uses hereby permitted, which is audible at any residential dwelling when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) 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 neighbour residents and those within the proposed development.

13 Prior to the commencement of the restaurant part of the development hereby approved, details of all machinery, plant and equipment to be installed in or located on building associated with the use hereby permitted, which will emit odour detectable at any residential dwelling when in use, shall be submitted to the local planning authority for approval. These details shall be submitted inline with the requirements of Annex B of the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason: To protect the amenity of neighbour residents and those within the proposed development.

14 ARCH2 Watching brief required -

15 Prior to the commencement of the construction of the bridge and ramp, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, construction details for the ramp and bridge supports, any earthworks, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading) et al.

Reason: To protect existing trees that make a significant contribution to the public amenity of the area.

16 A tree to the following specification shall be planted at the apex of Skeldergate and Terry Walk: heavy standard; minimum 12-14cm girth; 350-425cm height; min. 5 branches, with a strong, straight main leader. The tree species shall be *Acer platanoides*, *Fagus sylvatica* 'Dawyck', *Alnus cordata*, or *Tilia* 'Greenspire'. The tree shall be planted within 6 months of completion of the new bridge. If within a period of five years from the completion of the development, the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To soften the visual impact of the proposed ramp and bridge abutment, and to perpetuate the tree cover that contributes to the amenity of the conservation area.

17 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the extensions shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

18 Large scale details and specifications of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- (a) Stair tower (including sections through the external wall at 1:20 and 1:5 details of the junctions with the existing building)
- (b) New and amended balconies, including details of any replacement balustrades
- (c) Adaptations to external doors
- (d) New windows (pattern to be based on originals)
- (e) Typical dormer window
- (f) Rooflights. These should be conservation type with recessed flashings
- (g) Any additional flood measures such as flood gates located outside of existing ground floor doors and windows
- (h) Location and details of bat boxes
- (i) Sections across the bridge and ramp at 1:20 and details of the balustrade and supports
- (j) Details and location of the platform lift (referred to in the Planning Statement as being attached to the stepped part of the ramp)
- (k) The new opening and gate in the existing bridge walls
- (l) Details of external plant, plant enclosures and ventilation grills
- (m) Details of anti-crime measures in relation to the bridge

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

19 Full details of the landscape proposals for the courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. The proposals shall show levels, hard and soft materials, planting, external lighting and any other fixed artefacts and the scheme shall include details of any alterations to the yard wall, gates and ramp and details of the new access ramp and steps. The stone gate piers which are in better condition should be repaired and relocated and natural materials such as setts shall be reused

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the

listed building within the Conservation Area.

20 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

21 Method statements for each area of plant and services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the relevant part of the development. The statements shall include details of how commercial and domestic servicing would be integrated into the building (heating/cooling/ventilation, power, lighting, water supply and drainage, waste, rainwater goods). Any details of plant, ductwork, wiring or grills affecting the exterior of the building should be drawn in context. Wiring shall not be chased into exposed brick surfaces.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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 special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in the National Planning Policy Framework (March 2012).

2. 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:

- pre-application discussions
- detailed negotiations on design
- the use of conditions

3. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

4. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under Section 176 of the Highways Act 1980.

5. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) 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".

(c) 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 manufacturer's instructions.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

6. Flood Warning Advice

The Environment Agency strongly recommends that all occupants of the development sign up to their flood warning service.

7. Canal and River Trust

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Contact details:

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