

## APPENDIX 4



### **APPROVE PLANNING PERMISSION**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING GENERAL REGULATIONS, 1992**

**To:**

City Of York Council And Barbican Venture (York) Ltd  
c/o DWA Architects  
4 Park Street  
Selby  
YO8 4PW

**Application at:** Barbican Centre/Kent Street Car Park Paragon Street York YO10 4AG  
**For:** Redevelopment including 240 apartments, hotel, alterations to Barbican Centre, alterations to existing multi-storey car park  
**By:** City Of York Council And Barbican Venture (York) Ltd  
**Application Ref No.:** 03/04075/GRG4  
**Application Received on:** 22 December 2003

### **CONDITIONS OF APPROVAL:**

1 The development shall be begun not later than the expiration of the five years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

2 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings listed below, or as may otherwise be agreed in writing with the Local Planning Authority.

DWA - CO921 AL(0) p 01B, 02A, 03A, 04A, 05A, 06A, 07A, 08A, 21A,27, 40B, 41B, 42A, 46A, 50A, 51A, 60A, 63, 101A, 139, 900C , 902A

Blueprint - 2087-02-001A, 002A, 003A, 004A, 005D, 006A, 007B, 008G, 009A, 010B, 011B, 012  
DWA Visuals - 119A, 120, 121, 124A, 126A

Faber Maunsell - 30034-P-009B

Reason: To achieve an acceptable form of development.

3 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 the development and the works shall be carried out in accordance with the approved details.

External lighting, signage, doors, windows, balconies, eaves, glazing and curtain walling joints

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

4 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be

## **APPENDIX 4**

approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

8 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

9 No development shall take place until the applicant has submitted a detailed mitigation strategy (covering excavation, watching brief, analysis, publication, archive deposition, and public involvement) and this has been agreed in writing by the Assistant Director (Planning and Sustainable Development).

Reason. This development will have an effect on important archaeological deposits which are preserved within the site.

10 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

11 None of the existing trees shown to be retained on the approved plans, (including those along the Paragon Street frontage which shall be retained except where removal is required for creation of the hotel entrance layby) shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or

## **APPENDIX 4**

becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

12 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

13 Prior to the development commencing 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.

14 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.

15 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

16 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

17 No development approved by this permission shall be commenced until the applicant has undertaken an investigation to assess the impact of the site on the water environment; identify the risk of pollution and specify any remedial measures required; and a method statement detailing these measures has been submitted to, and approved, by the Local Planning Authority. Thereafter, the development shall then proceed in strict accordance with the measures approved.

Reason: To assess the risks to the water environment; to prevent pollution of the water environment.

18 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

19 Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

## **APPENDIX 4**

20 All demolition and construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, 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 local residents.

21 Prior to commencement of the development hereby permitted, the method for any piling operations shall be agreed in writing by the local planning authority. All piling operations shall be done in accordance with this agreement.

Reason: To protect the amenity of local residents

22 For all habitable rooms of the residential accommodation fronting Paragon Street, Barbican Road, Kent Street and Fawcett Street, the building envelopes shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before each dwelling is occupied.

Reason: To protect the amenity of future residents

23 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, as shown on drawing AL(O)p 902, shall be confined to the following hours:

Monday to Saturday	08.00 to 21.00
Sundays and Bank Holidays	9.00 to 18.00

Reason: To protect the amenity of local residents

24 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

25 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

26 Use of the roof gardens that form part of the Barbican development shall be confined to the following hours of operation :

Monday to Sunday	09.00 to 22.00.
------------------	-----------------

Reason: To protect the amenity of future and adjacent residents

27 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 22.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be

## **APPENDIX 4**

implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

28 Details of the works and provision to facilitate disabled access and movement within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within the development.

29 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

30 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

31 No Gate, door or ground floor window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

32 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

33 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

34 The development shall not be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

35 The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

36 Prior to the development coming into use highway visibility splays shall be provided at the junction of the site and Kent Street free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

37 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously

## **APPENDIX 4**

submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

38 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Residential block dropping off layby, Barbican Road
- Hotel dropping off layby, Paragon Street
- Pedestrian crossing points, Kent Street
- Relocated bus stop, Kent Street
- Improvements to pedestrian crossings at Fishergate Bar

Reason: In the interests of the safe and free passage of highway users.


39 Prior to the commencement of any works, a safety audit (stages 1,2 and 3) shall be carried out and submitted for approval, in accordance with the advice produced by the Institution of Highways and Transportation ( IHT guidelines for the safety audit of highways1990) and guidance issued by this Council, covering all all off-site highway works associated with this development.

Reason - in the interests of highway safety.

40 The operation and management of the Apartment Block car park and the Hotel car park shall be undertaken in accordance with car park management schemes previously agreed in writing with the Local Planning Authority, and shall not be revised without the prior written approval of the LPA.

Reason - in order to ensure the efficient operation of this facility.

Date:



Assistant Director (Planning & Sustainable Development)

### **Notes to Applicant**

#### 1. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Mr P Ellis (01904) 551361

Cafe Licence - Section 115 - Miss T Santana (01904) 551367

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:

a) 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".

b) 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.

## **APPENDIX 4**

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

3. Your attention is drawn to legal obligations contained within an agreement under Section 106 of the Town and Country Planning Act 1990 relating to this development.

### **4. 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 residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. . As such the proposal complies with Policies H9, E4,E5 and I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP11, HE2, HE10, T4, T13,T14, T20, H2, H4, L1, C3, V1, and V3 of the City of York Local Plan Deposit Draft.