COMMITTEE REPORT

Date:	8 March 2018	**Ward:**	Micklegate, Guildhall and Holgate
Team:	Major and Commercial Team	**Parish:**	Micklegate Guildhall and Holgate Planning Panels

Reference:	17/03049/FULM
Application at:	Scarborough Bridge Earlsborough Terrace York
For:	Replace 1.8m footpath/cyclepath with 3.6m wide footpath/cyclepath with associated alterations to bridge abutments, ramps and stair access arrangements
By:	Network Rail (Infrastructure) Ltd
Application Type:	Major Full Application (13 weeks)
Target Date:	23 March 2018
Recommendation:	Approve

1.0 PROPOSAL

1.1 Scarborough Bridge is an operational railway bridge over the River Ouse. The western side carries two railway tracks and on the eastern side there is a footbridge path that connects to either side of the river bank. The current bridge has pedestrian access only through internal stairways accessed from the river walkway footpaths and cyclists currently have to wheel or carry their bikes up these step narrow stairs.

1.2 To the north, the existing bridge links with the Riverside Path and a footpath along the boundary with Marygate car park. The embankment to the railway line comprises of mature woodland that stretches as far as Bootham. Before the mature woodland, is an area of replacement planting that has been well established. All of the tree cover (including the replacement planting) is subject to Tree Preservation Order TPO57-A1. An area outside the operational railway land is a car park leased to the Abbey Guest House on the corner of Earlsborough Terrace.

1.3 To the south, the bridge links with existing ramped pedestrian and cycle access to the railway station beyond operational railway land. To the east is the Royal Mail Sorting Office.

1.4 Scarborough Bridge is not designated for its historic or architectural interest. It however does form the boundary of the Central Historic Core Conservation Area and the eastern footpath part of the bridge is within the conservation area.
The northern part of the application site is located within Character Area 3 'Marygate' and part of the southern side of the application site is located within Character Area 22 'Railway Area'.

1.5 The bridge deck element is mainly located within Flood Zone 3 with the northern and southern approach ramps located in Flood Zone 1.

1.6 The application seeks planning permission to replace and upgrade the footbridge deck, which is currently only 1.3m wide. The works will result in a wider footbridge to enable shared use for pedestrian, cycles, pushchairs and wheelchairs. The footbridge deck will be increased to 3.5m (the total width will be 4m approx.).

1.7 The bridge deck will be served via 3m wide ramps and new stairs to either side of the river embankment. This will provide a step free route from York Railway Station to the northern embankment.

1.8 The northern ramp is approximately 90m long (doubling back on itself) and will be accommodated on the existing Abbey Guest House car park and existing railway siding. A concrete platform was left in place following works in 2015 to the bridge deck and this will be utilised for the creation of the new ramp.

1.9 The southern ramp is approximately 70m long on the existing railway siding and connects the bridge to the half landing of the existing ramped access into the station. In addition to new ramps, there will be new stair arrangements and the existing stair access will be enclosed.

1.10 To the south, the existing wing wall will be moved back 1m to widen access between a pinch point at the junction of the Riverside Path with the Royal Mail Sorting Office. The existing palisade railing will be removed along the footpath from adjacent Sorting Office Leeman Road to Scarborough Bridge, with the new line of railway fencing relocated to the edge of the railway tracks at the top of the embankment.

1.11 Other associated works include the construction of a non compliant gradient earth ramp (20m approx long) adjacent to St Marys car park providing cycle access to the bridge to the north, to assist in removing a bottle-neck at the entrance of the main ramp. It is not intended that this ramp replaces the main ramp as it will be at a steeper gradient (1:8) and is intended as a short cut for cyclists accessing the Bridge from the north. It will be constructed of earth and topped with Trailflex Permeable Paving.

1.12 The bridge deck and the steps at both sides will be lit by low level lighting. The ramps will be light by 5m high lighting columns (reduced in height by 1m). Their number has been reduced during the course of the application; 6 lighting columns will serve the northern ramps and two serving the non-compliant ramp. On the southern ramp, there will also be six lighting columns.

2.0 POLICY CONTEXT

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

2.1 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

2.2 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is limited.
CYGP1 – Design
CYGP3 - Planning against crime
CYHE11 - Trees and landscape
CYHE10 – Archaeology
CYHE2 - Development in historic locations
CYHE3 - Conservation Areas
CYT2 - Cycle/pedestrian network
CYGP9 - Landscaping

EMERGING LOCAL PLAN

2.3 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

2.4 The main draft policies that are relevant to matters raised by this application are:

SS1: Delivering Sustainable growth for York
DP2: Sustainable Development
GI2: Biodiversity and Access to Nature
GI3: Green Infrastructure Network
GI4: Tress and Hedgerows
T1: Sustainable Access
T5: Strategic Cycle and Pedestrian Network Links and Improvements
D2: Landscape and Setting
D4: Conservation Area
D6: Archaeology

3.0 CONSULTATIONS

INTERNAL

Planning And Environmental Management (Design And Sustainability Manager)

3.1 The primary design move of removing the parapet (1870s phase) is considered to cause harm to significance. This is because it completely changes one of the primary visual characteristics of the bridge (mostly aesthetic value) and it diminishes the understanding of the changes to the structure over time and their associated uses (historic value and communal value). However it is understood that the retention of the parapet would impede the flow of pedestrians and cyclists, which is the primary objective of the proposal. Nevertheless the costs associated with retaining the parapet through additional structural supports are prohibitive.

3.2 The design of the new parts, the river guarding and its supporting structure takes a visual lead from the robust structural language and rhythm of the existing bridge. The design of the abutments and steps have been designed to generally take the least impactful approach, on the basis of accepting that there is a need for linkages from various directions which unavoidably makes for a slightly ungainly need for extensive ramps.

3.3 A visual has been provided to illustrate the proposal to move the southern pier end 1m. This was previously considered to be unacceptable, however a section of flat is retained and the proportions are not ungainly. This alteration can now be supported, subject to suitably skilled masons undertaking the work and to a high standard of workmanship (without which it would be unacceptable).

3.4 The alterations to the abutments, removing the need for access hatches and now filling in the abutments is generally acceptable, however the proposals are still very indicative and so detailed drawings should be sought through a planning condition.

3.5 The measures taken to reduce the visual clutter in terms of the proposed lighting are welcomed. However the impact of the lighting columns are dependant upon the existing and proposed trees so the maintenance of existing trees and any proposed new trees should be given appropriate consideration.

3.6 Reclaimed yorkstone is a welcome proposal for the northern area near the guest house. As well as being appropriate for the area it is a good quality choice and avoids another different material being introduced. The explanation of material choice elsewhere is accepted, particularly noting that the dark brown deck will likely tonally match the grey tarmac over time.

3.7 On the assumption that the above remaining uncertainties are resolved, the overall impact would be judged in the range of *less than substantial*. There would also be clear public benefit. In this respect, the assessment leads to the proposal being a supported change.

Highway Network Management

3.8 It has been a long held aspiration to improve the accessibility of this particular river crossing in the city centre (one of only four) and the only non-trafficked bridge. Despite its existing steeply stepped access and narrow bridge deck, it is very widely used by both cyclists and pedestrians. Current usage surveys have shown that on average over 2,600 pedestrians and over 600 cyclists use the footbridge daily, despite restricted access. However the existing bridge is entirely inadequate for this level of usage.

3.9 The footbridge is at present also inaccessible for wheelchair users, others with mobility impairments and users with pushchairs. Additionally this river crossing becomes completely unusable when river levels are high as the current access is via the steps from the often flooded riverside paths.

3.10 The works to the Bridge has the potential to have a huge positive impact on access to and from York Station for pedestrians, cyclists and people with mobility impairments from the areas north and west of the city centre. It will give users an alternative route away from the busy and congested footways and may help reduce congestion and provide a missing link on several of York's strategic cycle routes.

3.11 The new bridge and ramps are proposed to be unsegregated. Full segregation would not be advised in this instance as users are encouraged to make use of the full width of the bridge and ramps. Segregation can lead to *territoriality* and potentially higher cycle speeds, whereas an unsegregated option tends to promote more considerate shared use. That is not to say that we do not expect informal patterns to emerge. For instance we expect that pedestrians will wish to be on the river-side of the bridge, affording views downstream. Additionally those pedestrians using the new steps will also emerge on this particular side of the bridge. Cyclists however are likely to stick to the *outside* of the ramps (affording them better turning circles on the half-landings), thus result in being *railway-side* on the bridge itself.

3.12 The proposed earth ramp extension to the north is considered a key feature in this application. User origin and destination surveys clearly show that the vast majority of cyclists using the existing bridge originate from, or head towards Marygate car park and Bootham direction. It would be illogical not to cater for this movement in the proposed ramps.

3.13 This is a once in a generation opportunity to vastly improve this key river crossing. Funding has been successfully bid for by City of York Council from a number of national and local bodies. These include the DfT's Cycle City Ambition Grant (administered via *West Yorkshire Combined Authority*); Local Growth Fund (administered via *York, North Yorkshire and East Riding Local Enterprise Partnership*) and Capital Spending by *City of York Council*.

Planning And Environmental Management (Landscape Architect)

3.14 A number of trees on the southern embankment would have to be removed to facilitate the development. Of particular concern is the sycamore tree identified as T1 which provides considerable canopy cover. The edge of the pavement would run through the edge of the trunk and no engineering solution that would enable its retention such as pile and beam foundations is forthcoming. However, there is a risk that even if the tree is retained, the likelihood is that it is unlikely to survive in the long term. However the trees on the southern embankment are worthy of retention and protection by way of a tree preservation order (TPO) due to the public amenity they afford. It is perhaps an oversight that the trees to the south of the river are not covered by the TPO. The removal of this T1 and the others on the southern embankment (except maybe Hawthorn T5) would result in a substantial loss of tree cover in this area, resulting in harm to the visual environment and recreational enjoyment along the public footpath. However taking the above into consideration, if it is proven not possible to retain Sycamore T1, it may be considered that the overarching public gain of the improved pedestrian/cycle route outweighs the loss of trees 1, 2, 5, 6 and 7 on the south side. If this is the case, then there should at least be a convincing landscape mitigation plan by way of a planting plan and also a specification of how the planting will be implemented and maintained.

3.15 The canopy cover on the south side of the river acts as a continuation of the railway corridor vegetation to the north of the river alongside the York-Scarborough railway line, which is part of a green infrastructure (GI) corridor of regional significance. This, in turn, links up with the river Ouse corridor and significant open spaces such as the Memorial gardens and Museum gardens. The trees to the north are covered by an area TPO (ref: TPO 57). Nonetheless, the trees are located within the central historic core conservation area.

3.16 The young trees on the north of the river were planted as mitigation for the loss of trees resulting from the need to erect a platform for a large crane that was installed to replace the bridge deck a few years ago. These trees have been well tended and have shown a good success rate and the vast majority are now well established. All of them should be retained if at all possible because they are good quality with excellent future potential, and are subject to a TPO. Due to their tight spacing, some will need thinning out in future years to favour the stronger trees within the group. They are classed as category C trees within the tree survey, not because they are low quality but because of their young age, such that it would be feasible to remove them and replace them with like for like, provided the same level of maintenance was re-applied. However, due to the quantity of land taken up with the additional earth ramp – not just the surface of it but also the associated shoulders and compacted earthworks - it would not be possible to replace the quantity of canopy cover with the same number of trees, therefore the development would result in a further significant loss of tree cover due to this additional ramp.

3.17 There will be an accumulative loss of substantial tree cover in three areas: 1) the loss resulting from the new bridge deck/the main ramp 2) from the works to the south side of the river and 3) from the extra ramp. This is not acceptable. The trees are subject to a tree preservation order and/or in a conservation area, and form part of a regionally significant green infrastructure corridor.

Planning And Environmental Management (Ecology And Countryside Officer)

3.18 The River Ouse is designated as a Site of Importance for Nature Conservation (SINC). The submitted ecology report confirms that bat boxes were affixed to tree identified as T1 (sycamore). These bat boxes formed part of the mitigation to the works to the bridge undertaken under permitted development. Natural England issued an European Protected Species Licence 2014-4541-EPS-MIT and the provision of bat boxes (20). A Sycamore tree identified as T1 has been identified as being removed. Therefore there is a possibility that the previous mitigation will be impacted by the removal of this tree containing bat boxes.

3.19 Otters do use the River Ouse, however no signs of Otter were found within 250m of the site and this section of the river is too heavily modified to provide good resting and shelter sites. Otters are likely to use this section of the river as part of their territory or territories and one of the reasons why it is designated as a SINC.

3.20 No other protected species were identified.

Planning And Environmental Management (Archaeology)

3.21 Works to the southern approach to the bridge are taking place in the Central Area of Archaeological Importance, specifically in an area which produced Roman inhumation burials in the 19th century during the creation of the railway. It is unclear how much disturbance occurred during the construction of the embankment. It is possible that archaeological deposits, in particular burials, may survive outside of the disturbed embankment area or at a greater depth. The construction of a retaining wall and stairs and the repositioning of the wing wall may have an impact on any surviving archaeological remains in this area. Groundworks which cut into the lower levels of the existing embankment and below the present riverside path level should be monitored by an archaeological watching brief.

3.22 It appears that the majority of the bridge structure will remain intact with only the top part of the original 1840s abutments proposed for removal. As the scheme impacts part of the original structure and the appearance of the bridge as a whole a level 2 building recording is required to take place prior to the amendments taking place. Background information has already been provided in the Statement of Significance – this should be supplemented by a series of photographs showing all aspects of the bridge and a location plan showing the orientation of the images.

3.23 It is recommended that the watching brief and building recording are

undertaken by the same archaeologist and the results rolled into one report.

Flood Risk Management Team

3.24 Any response to be reported verbally at the meeting.

Public Protection Unit (Ppu)

3.25 No details have been provided in regards to possible construction impacts, however it is recommended that a construction environmental management plan (CEMP) could be secured via condition prior to construction. The applicant has confirmed that the element of the work relating to the lifting of the new bridge will require the railway lines to be closed and so there will be some proposed night time works required. Full details, however, of this schedule of work including times and number of night time works has not yet been confirmed. As night time work will be necessary it would not be appropriate to attach a condition restricting hours of work to day time periods and this can be covered in the CEMP.

EXTERNAL

Micklegate Planning Panel

3.26 Support the application

Guildhall Planning Panel

3.27 Any comments will be reported verbally

Holgate Planning Panel

3.28 Any comments will be reported verbally

Environment Agency

3.29 No objection

Natural England

3.30 No comments

Police Designing Out Crime Officer

3.31 Support the external steps which remove a potential hiding place for offenders that exists with the current arrangement, thereby increasing natural surveillance and making it safer for users. The proposed ramps, lighting and landscaping will also make it easier for cyclists and parents with pushchairs to use the footbridge, which

will increase the likelihood that legitimate users will make use of the space and subsequently provide additional surveillance.

Conservation Area Advisory Panel

3.32 Welcome the principle of improving the footbridge and there are no major objections, but concern is expressed about the use of high level lighting columns on approach ramps.

NEIGHBOUR NOTIFICATION AND PUBLICITY

3.33 Ten letters of support have been received. In summary the alterations to the bridge is considered to;

- improve accessibility over the bridge and within the city for bike users, those with disabilities and pedestrians
- provide an attractive alternative route to Lendal Bridge
- encourage more people to cycle

3.34 Further general comments raise the following;

- signage should be good to reduce conflict between pedestrians and fast moving cyclists
- tunnels under the bridge will be longer and darker-will they be lit?
- needs for lighting at junctions
- will iconic views towards the city centre be maintained whilst ensuring there is no easy access for people to jump off the bridge
- can work be done so access to the bridge is restricted for the least possible time?
- it is hoped that other cycle routes will be improved
- will it be open 24/7 and accessible during adverse weather conditions (snow/ice)?
- will it contribute to the public realm and be a focus point of the city and source of local pride

3.35 Two letters of objection have been received. In summary the objections include;

- should be considered as a pedestrian bridge; there are too many limitations (width, access, location and limitations on access routes, inclines) on its design to enable a shared use bridge
- increased capacity will result in conflict with all users of the bridge
- it does not reflect the aims of the NPPF or the accessible aspirations of the Local Plan
- does not reflect the challenges that face an aging population

- the steps must have gulleys to enable people to push their bikes up
- there is already insufficient cycle parking at the station and difficulty to pass through the station with bikes
- access/exit routes to/from the bridge are not currently fit for purpose or accessible to all
- objection to the off-the-peg design and the demolition of the upper stonework. These stonework details could remain in-situ with a pedestrian zone and cycle zone on either side of the stone piers. If the application is approved it is suggested that the removed stonework is moth-balled and buried into the large earth banks of the flood defences, enabling the bridge to be reassembled when a dedicated cycle bridge is built. The proposal would then be reversible and accord with preferred heritage practice.

Sustrans North

3.36 The proposal will improve a key part of the National Cycle Network (NCN) in York and its link with the station. It will provide a welcome alternative to using Lendal Bridge which is often congested and offers limited space for non-motorised users. The lighting will assist after dark use.

3.37 To realise the full potential of the scheme, onward links of commensurate quality need to be provided, comprehensive destination signage will need to be provided including appropriate 'share, respect and enjoy' notices should be considered. During construction a suitable diversion will need to be agreed and publicised well in advance.

York Cycle Campaign

3.38 Generally welcome and support this application, although they do have concerns in respect to the proposals;

- anticipate a significant increase in the number of cyclists using the bridge and would like to see a dedicated cycle and pedestrian routes heading south, to join Station Road and then join onward routes to the A59
- would like to see a maximum gradient of 1:40 and a maximum turning space is given on the bends to enable disabled cyclists and cyclists towing buggies/trailers etc to negotiate them.
- visibility is poor joining the paths on the riverside and ask for mirrors to see around blind spots.
- more cycle parking should be provided at York Railway Station
- a 3.6m width is unlikely to accommodate two-way streams of pedestrians and cyclists at all times of the day and suggest that the bridge be shared surface rather than segregated paths with shared route 'guidelines' fixed and permanent signs displayed at all entrances

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of upgrading Scarborough Bridge and improvements to access
- Impact of the works upon the non-designated heritage asset and the conservation area
- Crime and Security
- Trees/Landscaping
- Ecology
- Archaeology
- Flood Risk

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 Paragraph 17 sets out 12 core planning principles, three of which are relevant to this application:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.5 Section 4 of the framework promotes sustainable development and paragraph 35 of the framework states that developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter;
- consider the needs of people with disabilities

4.6 Section 12 sets out how the historic environment should be conserved and enhanced. Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.7 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.8 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.9 Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.10 Paragraph 136 states that the loss of whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred should not be permitted.

4.11 Section 11 explains how the planning system should contribute to and enhance natural and local environment. Paragraph 118 of the framework advise that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

4.12 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application should be considered.

EMERGING LOCAL PLAN

4.13 The bridge itself is earmarked as ‘potential new bridge enhancement’. Policy T5 (Strategic Cycle and Pedestrian Network Links and Improvements) identifies cycle and pedestrian links and improvements. An identified short term (2017/18 – 2022/23) improvement includes the Widening of footway / cycle way on east side of Scarborough Bridge and new approach ramps (includes direct link into York Station).

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.14 The following draft policies are considered to be of some relevance, in that they are in accordance with the principles of the NPPF, albeit they are given very little weight.

4.15 Policy GP1 'Design' expects new development to respect or enhance the local environment and to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials and to ensure that residents living nearby are not unduly affected by noise and disturbance.

4.16 Policy H2 'Development in Historic Locations' requires proposals to respect adjacent buildings, open spaces, landmarks and settings and will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 'Conservation Areas' advise that consent will only be granted for external alterations where there is not adverse effect on the character or appearance of the area.

4.17 New landscape features should utilise natural features to enhance ecological value (Policy GP9) whilst also achieving natural surveillance of public spaces and paths (Policy GP3). Where existing trees and landscape area a part of the setting of conservation areas will be required to be retained and provision made for planting within new developments (Policy HE11).

APPRAISAL

PRINCIPLE OF UPGRADING SCARBOROUGH BRIDGE AND IMPROVEMENTS TO ACCESS

4.18 The proposal to replace and upgrade the existing footbridge has been developed by the Council's Highway project team in partnership with Network Rail. Its primary objective is to improve the river crossing on this part of the Rive Ouse.

4.19 The works will involve the replacement and widening of the existing deck supported by ramps on both the northern and southern side of the river embankment. New external stairs will be connected to the widened deck, with the existing internal stairs made redundant.

4.20 The project aims to provide a continuous traffic-free and step-free route from York Railway Station to the northern embankment and city centre beyond over the River Ouse. Access for pedestrians, cyclists, wheelchair users and people with pushchairs is likely to be improved. The works to the bridge and associated infrastructure will enable increased capacity and assist in reducing the cycle/vehicle conflict in other areas of the city, including Lendal Bridge. Further, the bridge will enable the River Ouse to be crossed during high river levels.

4.21 Responses to the publicity and consultation generally consider, the improvement works to be positive; however an objection reported at 3.35 above, does raise concerns as to the possible limitations of the scheme.

4.22 A feasibility study was undertaken which assessed other design options prior to the development of the current scheme. These included a cable-stayed bridge supported from a central pier, a freestanding suspension bridge as well as the current scheme involving the widening of the bridge deck. The former options were discounted due to excessive impact loading, cost and potential visual impact. Taking into account all possible options, the extension of the existing foot deck was considered to be the viable solution. It is unfortunate that there are limitations to the bridge design as detailed by the objector; however the scheme is limited by cost, access and ownership constraints as well as any impact loading. The new structure relies on the removal of stonework on the main bridge supports for the existing stone piers to bear the weight of the new structure without reinforcing foundations. The bridge width is considered adequate to enable shared use, between cyclists and pedestrians and other users. It will link with existing cycle and pedestrian routes along the river and towards the city centre and Railway Station. By the nature of the widening of the bridge deck, it will accommodate an increase in capacity, which is currently restricted.

4.23 The proposed improvements to Scarborough Bridge will assist in providing opportunities for sustainable development in the immediate and wider locality of the city. In this regard, the proposal complies with paragraph 35 of the NPPF in terms of the priority given to pedestrian and cycle movements. The scheme is considered to meet the requirements of the NPPF, and the scheme being brought forward now, is considered to meet the aspirations of the emerging local plan, which has earmarked bridge enhancement within Policy T5.

4.24 In respect to the operation of the bridge and surrounding infrastructure (ramps and steps) these have been designed with all users (pedestrians, cyclists, pushchairs and wheelchairs) in mind and designed to comply with BS8300 which achieves accessible and inclusive built environments. It is therefore not considered that further design features such as gulleys to enable people to push their bikes up are incorporated and the ramps (excluding the earth ramp) in their current form are likely to be suitable. It is anticipated that the Council will adopt best practice when managing users of the bridge to avoid conflict.

4.25 A number of comments have been received regarding the lack of continuity with cycle access routes to and from the Bridge requiring upgrading. The Council, as Local Highway Authority have a statutory duty to protect and maintain public rights of ways and will undertake improvements when funding is available. It is further acknowledged that some of the improvements may be required to areas on third party land (such as cycle storage at York Railway Station). These aspects are outside of the scope of this planning application. It is noted that the bridge and

access ramps will be maintained by the Council allowing for use at all time of the day and night and during most adverse weather conditions.

IMPACT OF THE WORKS ON THE NON DESIGNATED HERITAGE ASSET AND CONSERVATION AREA

4.26 Scarborough Bridge is not designated for its historic or architectural interest. It however does form the boundary of the Central Historic Core Conservation Area and it appears that the eastern footpath part of the bridge is within the conservation area.

4.27 The bridge was designed in the office of Robert Stephenson and dates from 1845. The most significant alterations took place in 1873-75 with the raising of the track and the replacement of the original deck with a new superstructure of wrought iron lattice girders and more recently in 2015 with a new steel deck to replace the 1870s superstructure. The primary significance of the bridge lies in the surviving stonework from the 1845 bridge.

4.28 The northern part of the application site is located within Character Area 3 'Marygate' with the properties along Earlsborough Terrace (No's. 5-14) are designated as buildings of merit. The character appraisal states that Scarborough Bridge is in poor condition and well used by pedestrians, and the walkway could be replaced with a more attractive and well lit design. The southern part of the application site is located within Character Area 22 'Railway Area' with the adjacent Royal Mail Sorting Office identified as a detractor.

4.29 City of York Council does not have an adopted Local List, and it is not locally valued on the York Open Planning Forum, which is a community created register of buildings and structures that are of importance and interest to local communities because of their historic or architectural interest. However, the bridge has been considered as a non designated heritage asset; it is one of a kind, and one of a small number of bridges across the River Ouse. It has aesthetic, historical and communal value and therefore attributes some significance.

4.30 There has been substantial negotiation and amendment to the design of the bridge, along with the associated access ramps and steps in order that the design reduces the impact upon the significance of the bridge. The associated narrative and structural implications as a result of any design changes are also an integral part of balancing the primary objective of the proposal which is to facilitate increased free flow of pedestrians and cyclists with the effect upon the asset's significance.

4.31 One of the primary considerations is the removal of the parapet, which dates from the 1870s phase. Some of the alterations in the 1870s phase are considered to detract from the significance of the earlier phase. The removal of the parapets will diminish the aesthetic, historical and communal value of the bridge. However it is

understood that the retention of the parapets would impede the flow of users of the bridge and require additional structural supports which due to impact loading would be unable to be accommodated.

4.32 An objector has cited the detrimental heritage impact to the demolition/removal of the parapets and has suggested that these are retained and mothballed within earth banks and used as flood defences with a view that they could then be re-used when a dedicated cycle bridge is built. Whilst this is a valid approach to conserving parts of the bridge, there is little prospect of a dedicated cycle bridge to be provided at this part of the river and therefore reduced benefit of storing the stone in this manner. However, it is the intention that the stonework from the parapets will be re-used in the abutments to block the existing internal steps. The re-use of the stonework is considered to retain some level of character to the Bridge, rather than introducing new non-weathered stone.

4.33 In respect to the secondary elements of the proposal, the ramps and steps have been designed to facilitate the least impactful approach has been taken. However the need for linkages to various existing cycleways/footpaths leads to a need for extensive ramps. It is also acknowledged that with a construction of a bridge, there is a requirement to comply with construction standards, which limits the ability to achieve a more visually appealing design. The measures to reduce the visual impact of the lighting are welcomed, with a reduction in their height and number by incorporating lighting into the railings. Their impact could be further reduced with an appropriate maintenance plan for trees on both the northern and southern embankments.

4.34 In relation to the balancing exercise, the significance of the bridge, in terms of the impact arising from this application is the removal of the parapets, part of the 1870s phase. Whilst considering the balanced judgement required in paragraph 135 of the NPPF it has to be born in mind that the City of York Council does not have an adopted local list. Therefore, the weight that needs to be given to retaining this structure in its current form is considerably less than if it was a designated heritage asset. Accordingly, a "balanced judgement" has to be reached weighing up the benefits of this application as a whole against the dis-benefits that would result from the loss of the parapet. The retention of the parapets will not facilitate a usable footbridge to enable shared use; the public benefits have been identified as the provision of an upgrade to the footbridge deck to enable shared use for pedestrian, cycles, pushchairs and wheelchairs, rather than the current arrangement which limits user access to pedestrians only (cyclists currently carry their bikes across).

4.35 In reaching a balanced judgement, it is considered that the overall impact would be less than substantial and the loss of part of this non-designated heritage asset does not significantly and demonstrably outweigh the benefit of providing improved access over the River Ouse.

4.36 The site is located within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general legal duty that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The NPPF gives considerable weight to conserving the heritage asset (Paragraph 132) and where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (Paragraph 134). On balance, the proposals for the alterations to the bridge and the new ramp and steps are considered to result in less than substantial harm to the character and appearance of the conservation area. There has been substantial work to the background of the application in order to understand the impact of other alternative designs. The main consideration for the application in this form, with the removal of the stone parapets, is the impact loading (the current design is at the limit to be able to bear the weight of the new structure without reinforcing foundations). The removal of the parapet is considered to diminish the aesthetic, historic and communal value of the bridge. However the primary objective of the application is to allow for the free flow of pedestrians and cyclists along the bridge and if the parapets were retained, this objective would not be achieved. Considerable weight has been given to the preservation of the character and appearance of the conservation area, however it is considered that the public benefits outweigh any harm to the conservation area. It is demonstrated that the works to improve the crossing for pedestrians, cyclists and disabled users will be of a substantial benefit to the public and achieve wider Council aims, in terms of facilitating greater accessibility for and to sustainable transport modes. It is therefore considered that paragraphs 132 and 134 of the NPPF have been satisfied.

ARCHAEOLOGY

4.37 The works to the bridge involve the removal of the original 1840s abutments. A level 2 building recording is requested to be undertaken and secured via condition.

4.38 On the southern approach, the works are taking place in the Central Area of Archaeological Importance, specifically in an area which produced Roman inhumation burials in the 19th century during the creation of the railway. The construction of a retaining wall and stairs and the repositioning of the wing wall may have an impact on any surviving archaeological remains in this area. Groundworks which cut into the lower levels of the existing embankment and below the present riverside path level should be monitored by an archaeological watching brief.

TREES/LANDSCAPING

4.39 A tree report has been submitted with the application. In respect to the trees identified on the southern bank, the majority of trees on this side of the embankment are to be removed to enable the development, with some trees unlikely to be sustained following the completion of the development. T1, T2 and T5 are identified to be retained in the tree report. However the retention of T1 is subject to the

relocation of the cycle path. Unfortunately there is no scope to pull the pavement any significant distance away from the tree, which would have a detrimental impact upon achieving the principle aims of the proposal. This particular tree has a large spreading canopy and has the greatest visual impact. This specific tree, due to its size, stature and location on the railway embankment to the southern embankment is worthy of retention, the construction will more than likely result in significant root damage and the early demise of T1. It is likely that construction in this area will also impact upon T2. Whilst the quality of the visual environment will be lost, it had not been demonstrated that it is feasible to employ an engineering solution to enable the retention of the trees and specifically T1 on this southern embankment. On balance therefore, the public benefit of improved pedestrian/cycle routes to the railway station and over the river is considered to outweigh the loss of these trees and the impact on the conservation area. It is important that conditions secure a comprehensive replanting scheme to mitigate the impacts as a result of the loss of trees on this southern embankment.

4.40 On the northern embankment, the trees are covered by a TPO and the young trees were planted as mitigation for the loss of trees resulting from works to the replacement of the bridge deck in 2015. The trees have been well maintained, are of good quality with excellent future potential. They are classed as category C trees within the tree survey, not because they are low quality but because of their young age. As such it is acknowledged that it would be feasible to remove them and replace them with like for like, provided the same level of maintenance was re-applied. However, due to the quantity of land taken up with the additional earth ramp, not just the surface of it but also the associated shoulders and compacted earthworks, it would not be possible to replace the quantity of canopy cover with the same number of trees. Whilst the loss of tree canopy cover will result in less than substantial harm to the conservation area, consideration is given to the provision of this earth ramp, which would have demonstrable public benefits by taking cyclists away from the main ramp access, which could create a bottle-neck between other bridge users and pedestrians using the riverside paths. This considered to outweigh the loss of these trees and the impact on the conservation area. In addition, further mitigation is provided in the form of four new feature trees within the area of hardstanding to the front of the northern ramp, which will improve soft landscaping at this part of the bridge.

ECOLOGY

4.41 The maintenance work undertaken on the Scarborough line railway bridge in 2014-2015 resulted in the destruction of a common pipistrelle (*Pipistrellus pipistrellus*) day roost with low numbers of bats which were using gaps in timbers beneath the span of the bridge for roosting. A European Protected Species Licence (ESPL) was issued by Natural England (ref: 2014-4541-EPS-MIT) which required mitigation in the form of 20 bat boxes cited in the vicinity of the bridge prior to commencement of works. To proceed with any development that may affect a bat roost, there is a legal

requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species Licence granted by Natural England.

4.42 Two of the mitigation bat boxes were fixed to a sycamore tree on the station side of Scarborough Bridge, referenced as T1 in the arboricultural assessment. It has now been confirmed that this tree is unlikely to be retained as part of the proposed scheme.

4.43 A condition of the EPSL was two years monitoring of the bat boxes. The boxes on T1 were checked in 2015 and 2016 for the presence of bats and were not found to be in use (NGL Ecology Ltd *pers. comms.*). In 2015 a bat box to the west of the railway bridge and one citied with the York Museum Gardens were found to be used by bats. However, bats are highly mobile and there has not been a more recent (i.e. 2017) check of the bat boxes on tree T1.

4.44 The removal of the two unused bat boxes in the context of the 20 provided is unlikely to have a significant impact on the success of the previously agreed mitigation, although this is not best practice. The removal and re-siting of the bat boxes will require an amendment to the EPSL which must be agreed by Natural England. The removal of these bat boxes would not impact the Favourable Conservation Status of the species and it is reasonable to assume that they will grant the required modification. As the impact has been previously assessed by Natural England and through the use of the suggested planning condition, the legal duty as a competent authority to have regard to the Habitats Directive has been satisfied.

4.45 Otters have been identified to use the river bank, although they have not been spotted 250m within the bridge. It is considered that the construction environmental management plan (CEMP) will be acceptable in terms of limiting the impact of construction upon these species.

FLOOD RISK

4.46 The bridge deck is located within Flood Zone 3, however the Flood Risk Assessment submitted supporting the application concludes that the footbridge is not liable to flooding as it is above the 1:100 year flood level (plus climate change). The base of the approach ramp on the northern bank is at a lower level below the 1:100 year flood level, but it is sited behind the current flood defences.

4.47 The extension to the footbridge will retain the current soffit level and freeboard of the existing bridge structure. The proposed works to increase the footbridge deck is not considered to have an adverse effect on watercourses, floodplains, or existing flood defences.

CRIME AND SECURITY

4.48 The lighting scheme on the approach ramps has been amended following concern that the height of the lighting columns, along with the number, particularly on the northern approach ramps would be visually intrusive. Lighting has now been incorporated into the handrails on the steps at both sides reducing the total number of lighting columns. Furthermore, the lighting columns have been reduced in height by 1m and will be up to 5m high. The bridge itself will have lighting incorporated into the handrails.

4.49 The existing internal step access will be blocked off avoiding potential hiding places. Maintenance will be achievable from the upper deck.

4.50 With the lighting levels, the scheme will provide a high degree of natural surveillance, making it safer for its users.

5.0 CONCLUSION

5.1 The proposal will result in less than substantial harm to designated and non-designated heritage assets. Considerable weight has been given to their conservation under the requirements of the Act and the NPPF. It is demonstrated that the works to improve the crossing over the bridge, for pedestrians, cyclists and disabled users will be of a substantial benefit to the public and achieve wider Council aims, in terms of facilitating greater accessibility for and to sustainable transport modes. It is therefore considered that in the planning balance the public benefits outweigh the less than substantial harm and that paragraphs 132, 134 and 135 of the NPPF have been satisfied.

5.2 The development raises some concerns in regards to the environmental impacts. This position is balanced. It achieves the aims of improving local access routes for pedestrian and cyclists and those with disabilities across the river, providing a greater range of sustainable transport options and will help to alleviate vehicle/cycle conflict in other parts of the city. However this is balanced with the loss of trees on both the northern and southern embankments. Along with the loss of the trees, one of the trees to be removed contains two unused bat boxes.

5.3 On balance weighing the environmental and heritage impacts of the proposal against the public benefits of providing improved sustainable transport option for pedestrian, cycling and disabled access along the river Ouse, the application is considered to be acceptable and accords with national policies contained within the NPPF, and local policies contained within the DCLP 2005 and the 2018 Draft Local Plan. The proposals are considered to preserve this part of the Central Historic Core Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:

-BDG0377/DRG/A110 P03 Proposed bridge and ramps and works -overall layout
-157346-IDGB&C-FB-YMS1-DRG-E-EP-000601 A02 Proposed general arrangement Sheet 1 of 2 (Lighting)
-157346-IDGB&C-FB-YMS1-DRG-E-EP-000602 A02 Proposed general arrangement sheet 2 of 2 (Lighting)
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000111 A03 Proposed ramp sections and bridge end details
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000109 A03 Proposed end span layout
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000108 A04 Outline construction methodology
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000106 A04 Proposed section through new footbridge
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000105 A04 cross sections existing underbridge & proposed footbridge
-157346-IDGB&C-FB-YMS1-DRG-D-DR-000101 A01 Proposed surface water drainage strategy
-157346-IDGB&C-FB-YMS1-DRG-C-CV-000107 A04 Proposed steel box beam general arrangement details
-157346-IDGB&C-FB-YMS1-DRG-E-EP-000100 A02 Proposed electrical schematic
-BDG0377/DRG/A105 P03 Fence and screen details
-BDG0377/DRG/A106 P01 Main elevations of bridge and ramps
-BDG0377/DRG/A107 P01 Ramp sections
-BDG0377/DRG/A108 P01 General View
-BDG0377/DRG/A109 P01 Northern steps
-BDG0377/DRG/A110 P03 Southern Steps
-BDG0377/DRG/A113 P01 Proposed Stairs 3D
-BDG0377/DRG/A114 P01 Proposed wall pier repositioning

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

3 A programme of archaeological building recording, specifically a photographic recording of Scarborough Bridge to Historic England Level of Recording 2, is required for this application.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be

discharged.

A) No alteration shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The structure on this site is of archaeological interest and must be recorded prior to alteration in accordance with Section 12 of NPPF.

4 No groundwork 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 approved 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 may affect important archaeological deposits which must be recorded during the construction programme.

5 The soffit of the bridge must be set at a minimum of 11.6mAOD (no lower than the existing footbridge).

Reason: To ensure that there is no unacceptable increase in flood risk due to obstruction to flood flows.

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to

be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situations, including the location of positions, recording of results and identification of mitigation measures required.

For vibration: Details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust: Details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washers, road sweepers, storage of materials and stock piles, use of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting: Details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above I would also expect the CEMP to provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: In order that the amenity of the area, adjoining land uses and local habitats are protected.

7 Prior to the commencement of development including demolition, excavations, building operations, a finalised Arboricultural 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. Amongst others, this statement shall include details and locations of protective fencing, ground protection, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

8 Prior to the construction of the earth ramp on the northern embankment and the ramp and steps on the southern embankment, a detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. The landscaping scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate; and maintenance regimes. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development and necessary for the mitigation of tree loss.

9 Prior to the installation of any railings along the bridge, ramps or stairs on either side of the river bank, scaled drawings (at 1:10) detailing their height, design and external finish (including samples) shall be submitted to and approved in writing to the Local Planning Authority. The railings shall be installed as per the approved details.

Reason: To ensure that the railings contribute to the character and appearance of the Central Historic Core Conservation Area and do not detract from the design of the Bridge.

10 Notwithstanding the approved plans, the area of hardstanding shown hatched on plan BDG0377/DRG/A110 P03 shall be finished in reclaimed York stone slab.

Samples of the York stone slab shall be submitted to and approved in writing by the Local Planning Authority. No other stone shall be used for this area of hardstanding.

Reason: To ensure that it contributes to the character and appearance of this part (Character Area 3 Marygate) of the Central Historic Core Conservation Area.

11 Notwithstanding the approved plans, any lighting columns/within the handrails shall be installed as per the approved drawings and retained for the lifetime of the development:

157346-IDGB&C-FB-YMS1-DRG-E-EP-000601 A02
157346-IDGB&C-FB-YMS1-DRG-E-EP-000602 A02

Reason: To ensure that the development is well lit, providing natural surveillance and make it safe for users.

12 Notwithstanding the approved plans, the stone from the removal of the parapet shall be re-used to infill the abutments. Full details of the coursing method and finish to show how the stone will be re-used shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that it contributes to the character and appearance of the Central Historic Core Conservation Area and to preserve the appearance of the bridge.

13 The removal of bat boxes from tree T1 as identified in the Arboricultural Impact Assessment & Arboricultural Method Statement report by John Burrow Arboriculturalist and dated February 2018, shall not commence unless the local planning authority has been provided with either;

a) an amendment to licence 2014-4541-EPS-MIT issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To maintain the favourable conservation status of a protected species.

14 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority and the

work shall not be undertaken without the subsequent approval of the local planning authority.

Reason: All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

15 Notwithstanding the details shown on approved plans BDG0377/DRG/A114 P01, large scale details (1:10) shall be submitted prior to the commencement of the reduction to the southern pier end and approved in writing by the Local Planning Authority. The reduction to the southern pier end shall only be undertaken in accordance with the approved details.

Reason: In order that the Local Planning Authority are satisfied that the proportions of this pier end are retained and to ensure that the pier continues to contribute to the character and appearance of this part of the Central Historic Core Conservation Area.

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:

- Negotiation in regards to ecology, trees and landscaping, heritage impacts, lighting and general design.

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