

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 14 February 2008

**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 07/02519/FUL  
**Application at:** The Bonding Warehouse Skeldergate York YO1 6DH  
**For:** Use of upper floors as 9no. residential units and ground floor as office (B1 use) including new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate  
**By:** Mr W Legard  
**Application Type:** Full Application  
**Target Date:** 18 December 2007

### 1.0 PROPOSAL

1.1 The Bonding Warehouse is one of the few surviving warehouses on the west bank of the River Ouse and as such it marks the earlier industrial and commercial role of former wharfs in this area. From the late medieval period the south west bank of the Ouse was one of the principal dock areas of York. The building itself was built around 1875 by the Corporation of York, replacing an earlier smaller warehouse which had been built over the line of the former medieval city wall. It pre-dates Skeldergate Bridge by less than 10 years. Both structures are listed grade 11 and are situated within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 Planning permission is sought for the conversion of the Bonding Warehouse to office and residential use (9 flats). External alterations include a new mansard roof storey to the existing two storey eastern section of the building, a stair and lift tower and a bridge link over Terry Avenue to Skeldergate. A companion listed building consent application (07/02520/LBC) is reported elsewhere on this agenda.

1.4 The permitted use as a bar ceased in 2000 following the flooding of the building. The bar conversion and the addition of balconies on the river frontage had taken place in about 1980. Planning permission for the conversion of the building into offices was granted in 1994 (ref:7/009/02218G/FUL) but not implemented.

1.5 A site visit is required as objections have been received and the application is recommended for approval.

### 2.0 POLICY CONTEXT

## 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYHE2  
Development in historic locations

CYHE4  
Listed Buildings

CYHE11  
Trees and landscape

CYT4  
Cycle parking standards

CYH1  
Housing Allocations

CYE7  
B1 office devt in Existing Buildings

CYED4  
Developer contributions towards Educational facilities

CYL1C  
Provision of New Open Space in Development

CYHE10  
Archaeology

CYH2  
Affordable housing on housing sites

CYH5  
Residential densities over 25 per ha

### **3.0 CONSULTATIONS**

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

#### Conservation Architect

3.1 The building has been unoccupied since the late 1990's having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor level above the anticipated flood level without losing a viable storey height, a scheme of tanking the ground floor is being implemented (LBC approval obtained last year). Implementation of flood measures is the first step in securing a long term future for the building.

3.2 The roof is in a poor state of repair and the building would remain a "building at risk" if it continued to be unoccupied (vandalism and decay). The current proposals are therefore welcome, and they have been already been supplemented by a schedule of temporary repairs for immediate protection of the roof.

3.3 Proposals seek to create two linked commercial units at ground floor with 9 apartments above. All but one of the apartments are of a generous size and have storage. The scheme has a number of implications for the conservation area as well as for the building as a listed building.

3.4 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. Otherwise the scheme would have very little impact on the character and appearance of the conservation area given the onerous criteria imposed by flooding conditions. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

#### Countryside Officer

3.5 A recommendation of the Bat Report submitted with the application is that features be incorporated into the building to enhance its value for bats. Suggest a condition to cover this aspect.

#### Landscape Architect

3.6 The bridge would involve the removal of a Norway Maple (reference T2 in Popplewell Associates tree survey). Whilst there are no arboricultural reasons to remove the tree at this time, it is poorly formed and exhibits some decay. It is therefore considered a category C tree, so it is not of sufficiently high quality to impose a restriction on this fairly critical element of the development.

3.7 I would expect a replacement tree to be planted in front of the bridge. Therefore please include a condition to that effect.

#### EDUCATION PLANNING OFFICER

3.8 Education seek a total contribution of £53,836 towards additional school places at Scarcroft Primary (£21,296) and Millthorpe School (£32,540).

#### ENVIRONMENTAL PROTECTION UNIT

3.9 In the past, EPU have dealt with complaints about noise and odour from the boats on the river from residents in properties located close to the River Ouse. Whilst none of the complaints constituted a statutory nuisance under the Environmental Protection Act 1990 a condition is recommended to ensure the future residents of the building do not suffer a loss of amenity due to the river traffic or road traffic noise on Skeldergate bridge and a condition to ensure that any that the any plant and machinery installed to prevent a loss of amenity within the residential and business units.

Suggest as the property lies close to the Air Quality Management Area (AQMA) there be limited parking facilities associated with this development.

#### HIGHWAY NETWORK MANAGEMENT

3.10 No objection to car parking on the assumption that the parking spaces are for the residential use and not office/commuter use.

3.11 Cycle storage and refuse bin storage is confined to a space of approximately only 5m x 1.5m and would not accommodate the recommended number of cycle spaces (14 for the residential aspect and 9 for the B1 use). All spaces should be covered and secure and preferably not communal. Revised plans have been submitted and any further comments will be reported verbally.

3.12 Comments regarding the bridge have been superseded by the submission of plans showing a retractable bridge. Any further comments will be reported verbally.

## EXTERNAL

### BRITISH WATERWAYS

3.13 No impact on the waterway.

### CONSERVATION AREA ADVISORY PANEL

3.14 The panel were broadly supportive of this scheme. However they were felt that the ground floor should retain as much of the existing openness as possible. The panel were also concerned with regard to the extra floor and the implications that had for the roofing material. The panel did not feel that the roof material suggested was suitable for a listed building and feel that lead was the only suitable material. The panel also felt that the bridge was too heavy, they felt that a light slim metal bridge would be more suitable in that location.

### ENVIRONMENT AGENCY

3.15 The Agency is not objecting to this development because of the access route provided by the proposed bridge onto Skeldergate, as well as the various protection measures set out in the Flood Risk Assessment. However, the applicant is advised to ensure that the ground floor commercial area can be insured to be sure that the proposed use is sustainable. As explained in the FRA, the building has been empty since the 2000 flood because of the damage caused in that event.

Conditions regarding flood protection measures are recommended.

### ENGLISH HERITAGE (Comment on the LBC reported here for completeness)

3.16 Do not object to the proposed details of the conversion of the building to another use, but do not support the principle or design detail of the proposed bridge which would harm the appearance of Skeldergate. Suggest that the detailing could be made more slim and refined). If this is the only option with regard to providing flood risk access to the building for residential use, question whether such a use for the building is appropriate.

### POLICE ARCHITECTURAL LIAISON OFFICER

3.17 No objections.

### VICTORIAN SOCIETY (Comment on the LBC - reported here for completeness)

3.18 The Society is supportive of the proposed scheme in principle, which would clearly help to deliver a viable long term future for a building of both local and national significance.

3.19 Consider that the design of the stair tower and bridge is inappropriate. The design of the stair tower makes very strong references to the Bonding Warehouse both in terms of design and materials, this creates the potential for confusion between old and new. The proposed bridge appears to be over-engineered, and the design and materials, being of a more rustic nature, are not suitable for the context of a polite building in a city centre location. The opportunity for a coherent modern intervention is being missed. The stair tower and bridge should be designed in a modern idiom making use of lightweight modern materials.

3.20 Feel it would be more appropriate to use roof lights than dormers in the roofspace of the three storey building as dormer windows are very domestic in nature.

## NEIGHBOURS/INTERESTED PARTIES

Three letters have been received in response to the application.

3.21 No objection to any internal reconfiguration building work, we do strongly object to any work which would significantly change the exterior of the building. We can see no reason why this is necessary as there is an alternative - both stairs and lift (if a lift is really required) could be located internally. We are not objecting to the plans to build a bridge from Skeldergate to the 1st floor of the building. However, we would object to the removal of any trees to facilitate the building of this bridge as the trees in question provide privacy to our 1st floor flat from the traffic (both foot and motor) on Skeldergate Bridge.

3.22 Welcome the proposal to restore the building. Concerned regarding the proposed mansard roof which has a weak appearance at the Skeldergate Bridge end. Concerned with the design of the pedestrian bridge, should be an elegant lightweight construction in steel. The present design is clumsy and crude and would be vulnerable to vehicle strike. The link to Skeldergate is not properly thought out, masonry should be used to integrate to the present bridge rather than the proposed landscaped bank.

3.23 Welcome proposals to bring building back into use. Object to the design of the bridge which conflicts with the line of Skeldergate Bridge and presents an unwelcome interruption to the long-distance view. The warehouse is of a robust design, to emulate this in the proposed bridge structure is a mistake. It would be far better to play down the structure as far as possible so it has minimal visual impact.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The main planning issues with this application are:

- Acceptability of the proposed uses
- Flood risk
- Impact on the listed building and the conservation area

- Highways
- Living conditions of nearby residents
- Bats
- Education contributions
- Open space contributions

## PROPOSED USES

4.2 The application site is allocated for residential development under policy H1.30 of the local plan. This estimates that the capacity of the site is 20 dwellings and as such suggests an indicative affordable housing target of 10 dwellings. However the application proposes 9 dwellings, which is below the affordable housing threshold (15 dwellings or more) as set out in policy H2a. The density of the proposal equates to about 90 dwellings to the hectare, policy H5a aims for all applications for new residential development in the city centre should achieve a density of greater than 60 dwellings per hectare. The application provides for a mix of 1, 2 and 3 bed flats and while the unit sizes are reasonably generous it is not considered that the scheme is being developed at an unduly low density.

4.3 The ground floor of the building is proposed to be used for office purposes, about 510m<sup>2</sup> of B1 accommodation is proposed which could be split into two units. The ground floor is less suitable for residential purposes than the upper floors because of flood risk issues, which helps to explain the reduction in the number of residential units from that indicated by policy H1.30. It is considered that the office use of the ground floor is acceptable in its own right when assessed against policy E7 which states that B1 uses will be permitted at ground floor level where it would not harm the vitality and viability of the City Centre.

## FLOOD RISK

4.4 The building is prone to flooding in times of high river levels. The is normally confined to be basement level, but during the floods of November 2000 the ground floor flooded to a depth of about 0.5m. The building has been unused since. To address this issue the ground floor is to be "tanked" to protect against similar flood events. Listed Building Consent for the ground floor internal flood defence works was granted in November 2007.

4.5 The application was accompanied by a Flood Risk Assessment (FRA). The FRA concludes that the re-development of the building will be dependent on reducing flood risk to an acceptable level without increasing floodrisk elsewhere. The strategy recommends allowing the basement to flood at its current frequency and making the ground floor flood resistant (as described in 4.4). It looks at the option of constructing flood defences around the building but does not recommend this option due the visual impact of the flood walls and gates and the loss of flood plain storage. The FRA recommends that a bridge link to higher ground on Skeldergate be considered.

4.6 There does not appear to be a reasonable alternative to the bridge link, which is therefore the key to the re-use of the building and the long term protection of the listed building. The revised drawings show a retractable bridge which overcomes the

impact and townscape issues regarding a fixed bridge. The bridge is acceptable to the Environment Agency and in conjunction with the other flood risk measures would satisfy the provisions of policy GP15a 'Development and Flood Risk' and PPS25 'Planning and Flood Risk' which requires that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

## IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.7 Policy HE4 of the City of York Deposit Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for development involving internal alterations where there is no adverse effect on the character, appearance or setting of the building. Policy HE2 requires that development proposals within conservation areas must respect adjacent buildings, open spaces, landmarks and settings and that proposals must maintain or enhance existing urban spaces, views and other townscape elements which contribute to the character and appearance of the area.

4.8 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". PPG15 states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

### Bridge Link

4.9 As discussed above this is an Environment Agency requirement and is the key to the future use of the building. The original proposal for a permanent bridge has been superseded by a bi-fold bridge proposal which would only be lowered in times of flood. This is an ingenious solution with very little impact on the conservation area. However it depends on there being a permanent landing structure within the landscape opposite to enable occupants to escape at higher level close to Skeldergate Bridge. This permanent structure would have a minor adverse impact on the conservation area. Drawings indicate that the design would be based on forms derived from Skeldergate bridge, albeit much simpler. Good detailed design of this element would moderate concerns and this would need to be subject of conditions.

Subject to an acceptable replacement tree being planted the loss of the Maple for the construction of the link is considered to be acceptable and the proposals would meet the requirements of policy HE11 (Trees and Landscape within Conservation Areas).

The fixed structure which links to Skeldergate passes through land designated as open space in the local plan. Policy GP7 normally requires for a compensatory provision of an equivalent size and standard to be provided in the vicinity of the site.



It is not considered that such a requirement is necessary in this case given the area concerned and the nature of the open space.

### New Stair Tower

4.10 This would replace the existing, later single storey entrance. The original built-in staircase is in the wrong place to serve both sides of the building off the service yard/forecourt. The new design would be a simple tower with details based on those of the existing building, with a glazed section linking to the original building. Revised drawings have been received showing the tower separated from the adjacent building (as originally submitted it overlapped at high level), the supports for the glazed link unexpressed on the outside of the building, the doorway position changed so that the flood door can open against the return brick wall.

### Yard

4.11 Layout and access to the former service yard would be altered to meet access requirements and allow for parking. Existing setts should be reused to demark the new layout. The small gateway is undamaged and it would remain in-situ, with the plinth wall continues at low level to hide the ramp. The wider gateway has received excessive plastic repair (pillars are smothered in concrete) which indicates extensive damage in this vulnerable position. These will be replaced by new pillars (to match original in design) to be set in the new location. Existing coping stones will be reused. The perimeter wall and railings are mentioned in the list description, though railings and gates have been modernised. The new gate will be of an open steel type to be similar to the railings. Proposals represent a minor change to the listed building and there should be a slight enhancement of the conservation area.

### Roof (3 storey section of building)

4.12 The higher roof would receive a limited number of dormers and rooflights. Revised plans show the originally submitted wider rooflights, which would be highly visible from Skeldergate bridge and the east bank, reduced to match the those on the frontage and supplemented with rooflights. Dormer cheeks will be tile hung or in lead. The rooflights will be of conservation type, subdivided with two bars, to give a more industrial appearance. Given the slope of the roof and the size of the interventions in relation to roof size the minor physical and visual impact on the listed building would appear justified.

### Roof (2 storey section of building)

4.13 The viability of the scheme would appear to depend on maximizing useable floor space. It is proposed to remove the existing roof and replace it with a mansard roof structure. The existing roof is a shallow slate one which has been subdivided into three elements. There are 4 valley gutters as well as the perimeter gutter and these are vulnerable points in the building. The structural support system has had to be supplemented with additional internal columns as the trusses appear to have been supported on the tie-beam at mid span which is totally inefficient. Existing column positions present restrictions in designing a layout and the existing roofspace is unusable. The additional floor covered by a mansard structure could be

achieved within the maximum roof height of the existing structure. This roof would be more bulky in appearance than that existing but the parapet would help to reduce the visual depth of the inclined walls. Windows have been recessed which will reduce their impact. Careful choice of the finish and layout of the covering material will be necessary to avoid this roof being unduly noticeable from Skeldergate Bridge. The nature of the flat roof means that a sheet material must be used. This should be in metal to achieve quality, durability and a standing seam layout. Subject to detail and finish this element of the proposals would appear justified, though they represent a change to the "as built" construction.

### Windows

4.14 These are of a multi-pane type with a centre pivot section. Few of the original cast iron windows survive and a majority have been replaced in timber with fixed openers. Photographs from the 1970s show that all the windows of the two storey part had been removed and window openings have been blocked. It is intended to replace the windows in steel. Ground floor windows would have to be specially adapted at low level to receive the pressure valve required by the tanking system (or they might break). Whilst the overall design can be copied as a fixed light, the introduction of opening vents would cause some thickening of the frame. Alternative designs are being investigated to minimize the effect of the vents. It should be possible to achieve a satisfactory window design, though there would be a slight variation at the opener (still to remain as a hopper type though). Sub Committee will be updated on this issue. It is intended to retain original windows associated with the original staircase. As the majority of windows have already been altered the impact on the special interest of the building should be minimized.

### Conclusion

4.15 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. Otherwise the scheme would have very little impact on the character and appearance of the conservation area given the onerous criteria imposed by flooding conditions. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

### HIGHWAYS

4.16 The application proposes 9 parking spaces for the residential use. There would be no parking for the office uses. The existing vehicle access would be relocated away from the junction of Terry Avenue with Skeldergate. Revised plans have been received which show separate and secure cycle parking for the office and the residential element. An update on the highway aspects of the application will be reported verbally at the meeting.

### LIVING CONDITIONS OF NEARBY RESIDENTS

4.17 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. It is unlikely that the proposed uses will have any detrimental impact on properties within these developments, similarly the new lift and stair tower are not considered to result in overshadowing or to be overbearing. An objection has been received to the loss of trees affecting the outlook from a nearby property. One tree is to be removed. The loss of the single tree, given the wooded nature of the bank and the imperative for the bridge is not objected to by officers. The proposals are considered to comply with the provisions of policy GP1 in this regard.

## BATS

4.18 The Bat Survey submitted with the application recorded significant bat activity in the vicinity of the site, but there was no evidence that bats were using the building or trees for roosting. Although there is no anticipated adverse impact on bats from the development, the survey recommends that bat access features are incorporated into the building during works because the building is ideally located to support roosting bats. Policy NE6 states that where proposals may have a significant effect on species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for developments that would not cause demonstrable harm to animal or plant species protected by law, or their habitat. A condition is recommended and it is considered that the application is in accordance with policy NE6.

## EDUCATION

4.19 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in additional demand for primary and secondary school places at Scarcroft and Millthorpe schools respectively. The developer has agreed to pay a contribution of £53,836 towards the provision of additional school places.

## OPEN SPACE

4.20 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. The developer has agreed to provide a contribution of £14,856 towards local play, amenity and sports pitches. This is in accordance with the Council's "Commuted Sum Payments for Open Space in New Developments - A Guide for Developers" and policy L1c.

## 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 link to Skeldergate, the new stair tower and the mansard roof are contentious but officer's are of the opinion that these elements are justified to ensure the use and continued existence of this important listed building.

5.3 Overall the proposals are considered to have an acceptable impact on the listed building and the conservation area given the constraints of the site and be in compliance with the policies of the local plan and with the guidance contained within PPG15 (Planning and the Historic Environment) and PPS25 (Development and Flood Risk).

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

- |   |        |  |
|---|--------|--|
| 1 | TIME2  | Development start within three years     |
| 2 | PLANS2 | Apprvd plans and other submitted details |
| 3 | S106E  | IN Section 106 Education                 |
| 4 | S106OS | IN Section 106 Open Space                |

5 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved by the Council and a Natural England Licence approving these mitigation measures received. A copy of the Natural England licence should be supplied to the Council prior to any work taking place.

The measures should include :

- i. An emergent survey shall be carried out at the appropriate time of year as approved by the local planning authority (if the work is to be carried out between April and September) and submitted to the Council no more than one month prior to the commencement of development.
- ii. Details of how the work is to be implemented to take account of the possible presence of bats.
- iii. Details of what provision is to be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards and bat lofts.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To take account of and enhance habitat for a protected species in accordance with policy NE6 of the Development Control Local Plan and Planning Policy Statement 9

which requires that the replacement/mitigation proposed should provide a net gain in wildlife value.

Informative: If bats are discovered during the course of work, then work should cease and Natural England should be consulted before continuing.

6 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.

7 An evacuation procedure from all parts of the development (including the ground floor commercial area) shall be submitted to and approved in writing by the Local Planning Authority and be in place before occupation 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 PPS 25 and policy GP15a of the Local Plan.

8 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary 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 the proposed premises and those of nearby buildings.

9 The building envelope of the property shall be constructed so as to achieve an internal noise level of not more than 30 dB(A)  $L_{Aeq}$  1 hour (23.00 - 07.00 hours) in the bedrooms, 35 dB(A)  $L_{Aeq}$  1 hour (07.00 - 23.00 hours) in all other habitable rooms and 45 dB(A)  $L_{Amax}$  in all habitable rooms with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

10 The floors and walls between each of the proposed flats and the office units on the ground floor dwellings shall be so adapted as to achieve a reasonable

resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

11 VISQ7 Sample panel ext materials to be approv

12 VISQ8 Samples of exterior materials to be app

13 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 relevant part of the development and the works shall be carried out in accordance with the approved details.

i/ Glazed link

ii/ Retractable bridge and walkway to Skeldergate

iii/ New gate (to be of an open steel type to match the existing railings)

iv/ New dormer windows

v/ Rooflights (to be conservation type sub-divided by two glazing bars)

vi/ All new windows

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.

14 The replacement entrance pillars shall match the existing in design and detailed execution and the existing coping stones shall be re-used.

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.

15 A sample panel of the roof material of the new mansard roof including standing seams shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of works to construct the mansard. The mansard shall be 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.

16 The Maple to be removed shall be replaced with a tree in a location to be

shown on a plan to be submitted and approved by the local planning authority (LPA). The replacement tree shall be to the following specification: 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* or other similar species agreed in writing with the LPA. The tree shall be planted within 6 months of completion of the development. 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 perpetuate the tree cover that adds to the amenity value of the conservation area.

17 Before the commencement of development, including implementation of utilities, site preparation, building operations, any excavations, or the importing of materials, 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, phasing of works, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, storage of materials, and location of marketing cabin.

Reason

In the interest of the character and appearance of the conservation area.

18 ARCH2 Watching brief required

## **7.0 INFORMATIVES: Notes to Applicant**

1. An "oversailing licence" would be required for structures over the highway, further details of which can be obtained from Alistair Briggs 551368 (Highway Network Management - Traffic).
2. The Environment Agency is not objecting to this development because of the access route provided by the proposed bridge onto Skeldergate, as well as the various protection measures set out in the Flood Risk Assessment. However, the applicant is advised to ensure that the ground floor commercial area can be insured to be sure that the proposed use is sustainable. As explained in the FRA, the building has been empty since the 2000 flood because of the damage caused in that event.
3. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the

satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. 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.	

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

#### 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 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 Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).



**Contact details:**

**Author:** Gareth Arnold City Centre/West Team Leader

**Tel No:** 01904 551320