

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 19 March 2009

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

**Reference:** 09/00031/FULM  
**Application at:** The Bonding Warehouse Terry Avenue York YO1 6DH  
**For:** Use as office (B1 use) with 2no apartments in roof space with new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate (revised scheme)  
**By:** Mr W Legard  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 9 April 2009

### 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 II 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 and listed building consent were granted on 13th March 2008 for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats). As part of these consents, permission was also granted for the construction of a new mansard roof to the southern wing of the building, the erection of a stair and lift tower within the building courtyard to Terry Avenue and a bridge link to Skeldergate to facilitate access and exit in time of flood.

1.4 In view of the current economic climate, this revised application seeks to use the ground, first and second floors of the building for office use with the upper second floor on the northern wing of the building retained for residential use (2 flats). The application submission includes elements of alterations/uses that were granted consent last year but they have been included in this application in the interests of clarification of the overall scheme. Work is ongoing on site to carry out the external

physical improvement and extension works to the building in accordance with the 2008 permissions.

1.5 An associated listed building consent application (09/00150/LBC) is reported elsewhere on this agenda.

1.6 In terms of planning history, the building was converted for use as a restaurant and pub in the early 1980s. External alterations dating from this time include reopening the previously blocked windows of the lower section, adding external platforms and balconies to the river frontage and altering the access off Terry Avenue. Planning permission for the conversion of the building into offices was granted in 1994 (ref:7/009/02218G/FUL) but not implemented. The use of the building as a bar ceased in 2000 following the flooding of the building and it has remained unoccupied since then.

## **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

Listed Buildings : Grade 2; Skeldergate Bridge, Tollhouse, Walls And Steps

Listed Buildings : Grade 2; Skeldergate Bridge And Tollhouse, Walls And Steps 0934

Listed Buildings : Grade 2; The Bonding Warehouse Skeldegate York YO1 6DH 0926

### 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

CYT4  
Cycle parking standards

CYH9  
loss of dwellings or housing land

CYE7  
B1 office devt in Existing Buildings

CYL1C  
Provision of New Open Space in Development

CYHE10  
Archaeology

CYH1  
Housing Allocations

### **3.0 CONSULTATIONS**

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

3.1 The building has been unoccupied since 2000 having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor above the anticipated flood level without losing a viable storey height, a recent scheme of tanking has been implemented. Also the roof of the northern section was recently recovered as it had been in a poor state of repair. These have been the first steps in securing a long term future for the building.

3.2 The external appearance of the building would remain largely as detailed in the approved scheme and therefore the following comments relate to the impact of the proposal on the character and appearance of the Conservation Area.

3.3 Justification is sought for the additional floor over Building B (the 2 storey section of building). The proposed new roof would not be higher than the existing ridge height but it would be more bulky. The new stair tower, escape bridge and

alterations to the yard are as previously approved and the previous justification remains. It is queried whether the escape route would be necessary if the apartments were to be removed from the scheme.

3.4 Further information is requested with regards to the alterations to the balconies and revised plans are requested showing the elevations of Block B to be compatible with the upper second floor plan and showing the retention of the "taking in" doors and the hoist.

3.5 Subject to these considerations being resolved, it is considered that the minor adverse effect on the appearance of the conservation area, caused by the Environment Agency's requirement for the new bridge and platform access arrangement, would be compensated by the building being returned to active use

Countryside Officer

3.6 A full bat survey was carried out for the property in August 2007 and whilst no evidence of bats using the building was found at the time of survey, the building does have potential for roosting bats and there was also a lot of bat activity in the surrounding area. A recommendation of the bat survey is that features be incorporated into the building to enhance its value for bats. Suggest a condition to cover this aspect.

Sustainability Officer

(In response to the sustainability statement)

3.7 The Interim Planning Statement (IPS) should be adhered to for all new applications. Listed buildings are not exempt from this just special care should be considered. If the technology needed to generate the 10% target adversely affects the building and contradicts conservation policy, the applicant might be able to install smaller scale, discrete solutions that might not achieve the full 10% but would still contribute something towards the target.

3.8 A more detailed account/evaluation of the variety of renewable energy source(s) considered for this specific site, and details of why the renewable energy technologies were considered unviable for inclusion in this scheme is requested. The applicants are also asked to look at what is achievable and suitable for the site.

3.9 A supplementary statement has been submitted in response to the above comments. The views of the Sustainability Officer in relation to this statement will be reported at the Meeting.

## ENVIRONMENTAL PROTECTION UNIT

3.10 No objections. 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. A condition to require details of all plant

and machinery to be installed to ensure a loss of amenity within the residential and business units is prevented, is also recommended.

3.11 It is suggested that as the property lies close to the Air Quality Management Area (AQMA) there be limited parking facilities associated with this development.

#### HIGHWAY NETWORK MANAGEMENT

3.12 No objections to the principle of this development however it is requested that the scheme be amended in line with the following points:

- (i) The application states that 42 cycle parking spaces are to be provided but only 23 are shown. There is no apparent segregation between residents and employees.
- (ii) Although the application is considered speculative, it is anticipated that the increased employment use would be likely to require a minimum of two disabled parking spaces to comply with the D.D.A. The spaces should be adjacent to the entrance ramps for convenience.
- (iii) No gradients are shown for the entrance ramps. It is recommended that they comply with the preferred minimum dimensions for disabled access; these being a maximum gradient of 1:20.
- (iv) A Travel Plan condition is recommended.
- (v) The positioning of the refuse bins obstructs the cycle parking. Consideration should be given to the bins being stored adjacent to the main entrance.

#### EXTERNAL

#### BRITISH WATERWAYS

3.13 No impact on the waterway.

#### CONSERVATION AREA ADVISORY PANEL

3.14 The panel supported the revised proposals for additional office space on three floors, which would enable the retention of more open space within the building than previous proposals.

#### ENVIRONMENT AGENCY

3.15 No objection providing that the measures, as detailed in the Flood Risk Assessment, are implemented and secured by means of conditions on the planning permission.

#### ENGLISH HERITAGE

3.16 The applications should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### POLICE ARCHITECTURAL LIAISON OFFICER

3.17 No comments to make.

## MICKLEGATE PLANNING PANEL

### 3.18 No objections

## 4.0 APPRAISAL

### KEY ISSUES

#### 4.1 The main planning issues with this application are :

- Acceptability of the proposed uses
- Impact on the listed building and the conservation area
- Highways
- Living conditions of nearby residents
- Flood Risk
- Sustainable Design and Construction
- Bats
- 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. Given that the application proposes only two dwellings ((which is below the affordable housing threshold as set out in policy H2a), Policy H9 (Loss of Dwellings or Housing Land) is relevant. Policy H9 contains a general presumption against the loss of allocated housing land however notes that exceptions can be made in circumstances where an appropriate use is needed to conserve a historic building. Given the circumstances of the site and the fact that the building is located within the defined limits of the city centre, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use. The Council's "Planning Statement: Bonding Warehouse, Skeldergate, York" (December 2006), although not formally approved by the Council but prepared as advice to potential developers, indicates that it would be supportive of employment uses.

4.3 The ground, first and second floors of the building are proposed to be used for Class B1 office use with the development providing 2400 square metres of office space. The proposed office use is acceptable when assessed against policy E7 which states that permission will be granted at first floor level or above for B1 (Office) uses in York City Centre and B1 uses at ground floor level will be permitted where it would not harm the vitality and viability of the City Centre.

### IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.4 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.

4.5 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.

4.6 The current proposal is for open plan offices on the ground, first and second floors and for two apartments in the attic. The external appearance of the building would remain largely as detailed in the approved scheme however justification is sought for the alterations to the roof on the two storey section of the building to create an additional floor, on the basis that this is a predominantly office rather than a residential scheme. The work involves the removal of the existing roof and its replacement with a mansard roof structure. This roof would not be higher than the existing ridge height but would be more bulky in appearance than the existing. These alterations were justified in the approved scheme on viability grounds and the need to maximise useable floor space.

4.7 Together with a justification for the alterations to the roof, further details in relation to the balconies and for confirmation of the retention of the "taking in" doors and the hoist, have been requested. Members will be updated at the Meeting.

4.8 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. Subject to the receipt of satisfactory additional/amended information, Officers consider that the minor adverse effect on the appearance of the conservation area would be compensated by the return of the building to active use.

## HIGHWAYS

4.9 As per the approved scheme, the existing vehicle access would be relocated away from the junction of Terry Avenue with Skeldergate and 9 parking spaces would be provided. Highways have raised concern that the gradient of the entrance ramp does not comply with the preferred minimum dimensions for disabled access. Whilst it is noted that the ramp is as approved in the "residential" scheme, the agent has responded with a supplementary statement confirming that the ramp has been designed so that the recommended distances between landing areas are achieved and that ramps running between these landing areas have gradients of 1:10.5. The agent states that to achieve a gradient of 1:20, the ramp would need to extend for a length of 22.9 metres, excluding landings. This would result in three lengths of ramp doubling back on each other and occupying the area currently allocated for four car

parking spaces, which would impact on the setting of this part of the listed building. Comments from Building Control are awaited.

4.10 Two disabled parking spaces adjacent to the ramped access together with an increased number of cycle spaces and the repositioning of the refuse bins are expected to be detailed on a revised plan. An update on the highway aspects of the application will be reported at the meeting.

## LIVING CONDITIONS OF NEARBY RESIDENTS

4.11 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 and no comments have been received from local residents. The proposals are considered to comply with the provisions of policy GP1 in this regard.

## BATS

4.12 The Bat Survey submitted with the previous scheme 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 be 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.

## FLOOD RISK

4.13 The 2007 application for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats) was accompanied by a Flood Risk Assessment (dated February 2007). The FRA has been updated through a statement confirming that the resilience and resistance measures proposed in the FRA will remain the same with the increase in commercial uses.

4.14 The building is prone to flooding in times of high river levels. This is normally confined to the basement level but during the floods of November 2000, the ground floor flooded to a depth of about 0.5 metres. The building has been unused since. To address this issue, the ground floor has been sealed against water penetration by the construction of an internal concrete lining. These works were granted Listed Building Consent in November 2007. This provides flood protection to a level of 11.00 m AOD in line with the FRA recommendations.



4.15 As per the 2008 approval, it is proposed to retain the bi-fold bridge to enable access and exit to and from the building. This retractable 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.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.16 A sustainability statement and supplementary statement describing how the proposal fits with the criteria listed in Policy GP4a and the Interim Planning Statement : Sustainable Design and Construction, has been submitted. The statement explores the various options for the provision of on-site renewable energy; wind turbines, solar photovoltaic panels, solar thermal hot water and biomass boiler. The report concludes that the options for providing a proportion of renewable energy generated on site are limited as a result of the character and appearance of the listed building. Comments from the Council's Sustainability Officer in response to the supplementary sustainability statement will be reported at the meeting.

## OPEN SPACE

4.17 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 £4308 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 principle of converting the ground floor of this building to offices and the upper floors into residential use and the physical alterations to construct a new mansard roof, to erect a stair and lift tower and to create a bridge link to Skeldergate, were established in 2008. Indeed work is ongoing on site to carry out the external physical improvement and extension works to the building in accordance with the 2008 permissions.

5.2 Central to this revised application therefore is the principle of creating office space on the first and second floors and reducing the number of residential units to two, together with the effect this would have on the appearance of the listed building and the setting of the Conservation Area.

5.3 The proposed office use would not be considered to harm the vitality and viability of the City Centre and instead would create a viable use for the building, which is an important component of the riverside environment. It would remove dereliction and provide new life in this area. Indeed by virtue of the proposed office use, this

scheme would allow a more open plan use of the space retaining the open character of the former use thereby lessening the impact on the fabric of the listed building.

5.4 In summary, the proposals are considered to have an acceptable impact on the listed building and the Conservation Area given the constraints of the site and are in compliance with the policies of the Local Plan and with guidance contained within PPG15 (Planning and the Historic Environment) and PPS25 (Development and Flood Risk).

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4308.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

4 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.

5 Details of all machinery, plant and equipment to be installed in 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.

6 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.

7 The floors and walls between each of the proposed flats and the office units 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.

8 VISQ7 Sample panel ext materials to be approv

9 VISQ8 Samples of exterior materials to be app

10 Large scale details (1:20 and 1:5 as appropriate) )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 entrance area including main door
- ii) Stairtower, retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii) Alterations to balconies
- iv) New dormer windows
- v) Rooflights (to be conservation type sub-divided by two glazing bars)
- vi) All new windows and doors (scale 1:5)
- vii) Full sectional details and plans of the new mansard roof in relation to the parapet walls, gutters and the walls of Block A
- viii) Layout and details of the roof covering
- viv) New platform and ramp
- x) Yard ramp and balustrade
- xi) Alterations to the yard wall, piers and gates

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.

11 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.

12 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.

13 Details of all external ductwork and pipework runs including external rainwater disposal and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

14 Prior to the development commencing, full details of the landscaping proposals showing levels, hard and soft materials, planting, external lighting and any other fixed artifacts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

15 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.

16 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.

17 ARCH2 Watching brief required

18 Prior to the commencement of any part of the development hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when required by a flooding event.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

19 HWAY10 Vehicular areas surfaced, details reqd

20 HWAY14 Access to be approved, details reqd

21 HWAY19 Car and cycle parking laid out

22 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

23 Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

24 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of

yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

25 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2008 and additional detail in letter dated 122 February 2009 and the following mitigation measures detailed within the FRA:

Flood proofing measures detailed within the letter dated 12 February 2009

Reason: To reduce the impact of flooding on the proposed development and future occupants.

26 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.

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

Reason: To ensure the users of the building remains 'safe' for its entire occupation, in line with PPS 25 and policy GP15a of the Local Plan.

28 The uses hereby permitted shall not be occupied until the footbridge has been constructed and is operational.

Reason; To ensure the users of the building remain "safe" for its entire occupation, in line with PPS25 and policy GP15a of the Local Plan.

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

1. 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).

2. 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).

3. 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.

4. The applicant / developer is advised to contact (Ken Fowler 0113 281 6875) in order to ensure that any necessary consents are obtained and that the works comply with British Waterways "Code of Practice for Works affecting British Waterways".

#### 5. Demolition and Construction

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.

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

Restriction on construction of bridges over highways - Section 176  
Mr M Kitchen 01904 551336

**Contact details:**

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