

## **COMMITTEE REPORT**

**Reference:** 15/02208/FULM  
**Application at:** Student Union York St John University Lord Mayors Walk York  
**For:** Erection of three-storey teaching building following demolition of existing Student Union building  
**By:** York St John University  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 December 2015  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 The application site is located within the north east quarter of the York St John University campus which is located close to the city centre. It is proposed to demolish the existing rather none-descript Students Union building and erect in its place a three storey teaching building of contemporary design. The building is intended to cater for a maximum of 700 students and will contain a mix of learning spaces and break out areas.

1.2 The students union building that is due to be demolished will be re-located to the former art department building and a building previously used as living accommodation for around 15 students. Earlier this year planning permission was granted for the adaption/extension of these buildings (15/01809/FUL).

1.3 The new teaching block is part of the University's master plan to optimize the potential and quality of the city centre university campus for higher educational purposes.

1.4 The site of the new building is outside the northern boundaries of the Central Historic Core conservation area. The conservation area encompasses the south-west section of the campus and also includes St John Street to the east. The campus contains several listed buildings.

## Planning History

1.5 There have been a large number of relatively minor applications for listed building consent and planning permission on the campus in recent years. The last major planning application was for a new academic building and conversion of 56 and 58 Lord Mayors Walk in 2006 (06/01482/FULM). This is the contemporary brick building that has been erected on the corner of Clarence Street and Lord Mayors Walk

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

### 2.2 Policies:

- CYED10 Student Housing
- CYGP1 Design
- CYHE3 Conservation Areas
- CYHE4 Listed Buildings
- CYED5 Further and Higher Education Institutions
- CYGP15 Development and Flood Risk
- CYHE10 Archaeology

## **3.0 CONSULTATIONS**

### INTERNAL

#### Planning and Environmental Management

##### City Archaeologist

3.1 This site is located within the Central Area of Archaeological Importance close to known areas of Roman burial, the medieval horse fair and in the vicinity of a medieval friary. A watching brief condition should be included.

##### Landscape Architect

3.2 No objections subject to conditions requiring the protection of trees.

### **Conservation Architect**

3.3 The proposed teaching and learning building is part of the early twenty first century phase of development on campus as a university. The building is required to complement and update existing facilities. The campus is constrained by surrounding development and by reusing a previously developed site important landscape qualities of the site would be conserved. In its location, orientation and massing the building has been designed to be distinctive whilst complimenting existing buildings, to contain a new quad, and to open up a new route and views adjacent to the chapel. The new building would have a neutral effect on the setting of adjacent designated heritage assets such the existing Quad and the conservation area and it would preserve the most important qualities and settings of the chapel.

### **Flood Risk Management Team**

3.4 No objections subject to conditions.

### **Highway Network Management**

3.5 The information supplied by the applicant indicates the proposal will enhance provision rather than increase staff or student numbers. No objections. No changes are proposed to the approach to or number of car spaces available within the site and cycle parking will be unaffected by the development proposals.

The only highways impact will be during demolition/construction activities and will be for a short period in the life of the building. This aspect can be controlled by condition.

### **Public Protection**

3.6 No objections subject to conditions controlling noise from construction and building plant and machinery.

## **EXTERNAL**

### **Yorkshire Water**

3.7 No objections to the works subject to suitable conditions.

### **North Yorkshire Police**

3.8 No objections on crime or security grounds.

## Neighbour Notification and Publicity

3.9 Two letters of objection received from residents living on St John Street. The specific issues raised were:

- The building will lead to the loss of light, views of sky and outlook from rear rooms.
- Concerns in regard to noise from the building's plant/air conditioning.
- The building is too high and intrusive and could be made higher in the future.
- It will block local views of the Minster.
- It will be seen from the city walls.
- The demolition and construction work will create noise and disturbance and traffic concerns.

3.10 Amended plans were received on 20 November 2015 slightly increasing the height of the building. As the increase of the parapet height was 30cm and the top of the plant 15cm it was not considered in the context necessary to re-consult neighbours. The scheme also slightly changed the position of the roof plant so that though slightly wider it is proposed further from St John Street.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- Principle of development
- Impact on neighbours living conditions.
- Design/conservation
- Highways
- Archaeology
- Drainage

4.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and a set of twelve core land-use planning principles to underpin plan-making and decision-taking. These principles include the advice that planning should secure a high quality design and a good standard of amenity for all and should 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.

4.3 The National Planning Policy Framework advises that local planning authorities should conserve and enhance the historic environment. It states that 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.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations where they reflect the National Planning Policy Framework. Policy HE2 refers to development in historic locations and requires proposals to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.5 Policy GP1 (Design) of the Local Plan includes criteria for development including the need to respect the environment, incorporate landscaping where appropriate and ensure people are not affected by buildings and related noise.

4.6 Local Plan Policy HE4 seeks to protect Listed Buildings and their settings.

4.7 Policy ED5 supports the development of University Campuses subject to adequate measures providing necessary student housing.

4.8 Policy ED10 states that York St John College will be expected to accommodate any extra demand created by an increase in student numbers on their campuses or on land in their ownership or control.

### **Principle of development**

4.9 The enhancement of educational facilities on existing campuses is generally supported. The new building would better meet modern student learning requirements. It is understood that the changes are generally proposed to provide better on site learning facilities for students and respond to the previous growth in student numbers,

however, it is envisaged that the additional space will give some potential for a further growth in student numbers if so desired.

4.10 The proposal to develop the campus is supported by Policy ED5 subject to providing the necessary levels of student housing. It is noted that the proposal does not include accompanying provision of student living accommodation on campus. The constraints of the site are such that this would be difficult to achieve. Although no new student living accommodation is being provided on campus, it is the case that in recent years considerable new purpose built student rooms for the University have been provided close to the city centre. York St John guarantees all first year students a place in purpose built accommodation. Recent new student blocks for York St John students accessible to the site include accommodation for around 260 students at Hungate (completed 2013) and 232 students at Grays Wharf (completed 2010). In addition, independently built student accommodation open to any students registered at the different Universities in York has been provided. This includes around 750 bed spaces currently being occupied at the former York Press site in Walmgate.

4.11 The Local Plan requirement for on-site accommodation pre-dates the approval of the 2012 supplementary planning document that sets out to control concentrations of houses in multiple occupation (HMO's) in residential areas. This will help to avoid any potential increase in student numbers unbalancing nearby residential communities.

### **Impact on neighbours living conditions**

4.12 The key issue is the impact on the rear of several dwellings on St John Street and those properties fronting Garden Street.

4.13 The proposed three storey building has a similar footprint to the building it is intended to replace but is significantly taller than the two storey building.

4.14 When viewed from homes on Garden Street the proposed building will be partly screened by existing landscaping. The closest properties on Garden Street that the new building is proposed to back on to are three terraced properties within the ownership of York St John. Although the block is relatively close to these homes, they are in effect part of the campus and in the context of this, amenity levels are considered acceptable.

4.15 The nearest habitable rooms of homes on St John Street would be around 38 metres away. They are located at a slightly lower ground level. The boundary of the rear gardens would be around 26m away in the case of 52 and around 34m away in the case of 54-58 (which have shorter rear gardens). The development will change the character of the outlook from the rear of these properties and their gardens. Because buildings within the campus close to the section of St John Street closest to the application site are low in height they have a generally open aspect and views towards significant trees from rear facing windows. This openness will be lessened, however it is not considered that the change is so harmful to living conditions to justify refusal. Separation is adequate to avoid the new structure being unduly dominant or cutting out undue daylight in the context of an urban setting close to the city centre. It is noted that the proposed building is not particularly wide on the elevation facing the rear of St John Street and its tapered design will further lessen its impact.

4.16 The applicant has included a sunpath analysis indicating the likely impact of the development in terms of overshadowing. As the building is to the north west of the nearest homes on St John Street there will be no significant impact outside the summer months. In the summer the building would block some sunlight from some rear gardens/openings in the early evening, however, this would be at times when the sun is low in the sky and the development is considered within the parameters of acceptability.

4.17 The elevation of the proposed teaching block that faces St John Street contains limited glazing and is largely free of space used for learning. In the context there is limited impact from overlooking.

4.18 Neighbours have expressed concerns regarding noise from plant and the extraction system on the new building. The applicants accept the inclusion of a condition controlling plant noise.

## **Design and Conservation**

4.19 The proposals affect the setting of listed buildings and the site is within close proximity to a designated conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local

planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of a conservation area.

4.20 The building intends to be distinctive, attractive to the student community and of its time. The building would express its own architectural discipline whilst respecting the scale and massing of adjacent buildings. Its design is influenced to a degree by the more recent developments on the campus. The building incorporates a wider pallet of materials than the predominantly brick built adjacent buildings. The use of glazing and timber cladding helps to break up its monolithic appearance and create a more human scale. The footprint is similar to the existing student union, however, the slight shift to the south-east and internal permeability of the building creates improved pedestrian links across the site.

4.21 The building will not have a negative impact on key views from the conservation area. It is screened from St John Street from the east by the terrace of homes. The applicants have submitted a section to show that the proposed building will not be visible above the quad buildings when viewed from the city walls. The building is adequately separate from the quad buildings not to harm their setting

4.22 There is sufficient separation to the majority of listed buildings on the campus to avoid any significant impact on their setting. The height of the building is proportionate with other teaching blocks on the west of the site. The key consideration is the impact on the post war chapel immediately to the west of the new block. The chapel is grade II listed. The proposed building is pulled further back from the chapel than the existing Students Union and this helps to create an improved pedestrian route between the two as well as opening up new views of the chapel. The proposed building will not harm the chapel or its setting.

4.23 The existing tree copse to the north will remain.

## **Archaeology**

4.24 This site is located within the Central Area of Archaeological Importance. It is possible that groundwork's associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman-post-medieval period. In accordance with the advice of the city Archaeologist and policy HE10 of the Local Plan a condition has been included requiring an archaeological watching brief on all groundworks.

## **Highways**

4.25 The proposal will increase the teaching space on the campus. Limited car parking space is available on campus and the works do not seek to change this. Cycle parking is contained in hubs around the edge of the campus. Given the accessible city centre location it is not considered necessary or beneficial to have high levels of car parking on site. A method of works condition relating to demolition and construction vehicles is included.

## **Drainage**

4.26 The building is not in a location at a high risk of flooding from watercourses. In accordance with policy GP15A a condition has been included limiting run off rates to below existing levels to ensure that the scheme does not increase flood risk elsewhere.

## **5.0 CONCLUSION**

5.1 The proposal will enhance and update student learning facilities on the York St John city centre campus. It will also create the opportunity to increase student numbers on the site. Policies in the Local Plan seek an associated increase in the provision of student housing on campus when learning facilities are expanded. In this instance it is not considered reasonable to seek additional living accommodation on site. This is because in the past few years there has been substantial investment by the University on city centre/edge of city centre student living blocks.

5.2 It is considered that the development, though modern in style, respects the scale and form of the campus. Although the development will impact on the outlook of several properties on St John Street it is not

considered the degree of harm is sufficient to justify the refusal of the application. The proposal would not harm the setting of nearby listed buildings nor would it harm views from the Central Historic Core Conservation Area.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 28 September 2015 :-

Proposed site plan 3895-016 PL03 B  
Proposed site sections 3895-016 PL11 A  
Proposed elevations 3895-016 PL08 E  
Proposed ground floor plan 3895-016 PL04 C  
Proposed first floor plan 3895-016 PL05 D  
Proposed second floor plan 3895-016 PL06 D  
Proposed roof level plan 3895-016 PL07 G  
Perspective view 3895-016 PL10 A

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority on a sample panel prior to the commencement of the development of the building above ground level. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of development of the building above ground floor level large scale details (1:20 & 1:5 sections, plan and elevations as appropriate) shall be provided of the following:

- a) Typical details for each of the various types of elevations, including soffits and parapets and details of how neighbouring sections abut each other. This is to show how elements are assembled in relation to each other and the different types of modelling of the facade.
- b) Details of windows and external doors.
- c) The plant screen (to be shown in relation to the outline of roof top mounted equipment).
- d) Any vents, extracts or other apertures in the building walls or emanating from the roof above parapet level.

Reason: To ensure that the quality of the detailing of the building is appropriate to its setting.

5 The building shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and any paving, lighting, compounds and street furniture. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the neighbouring existing trees and buildings and structure 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 to create exclusion zones for the entire duration of the demolition and development. The method statement shall include site access during demolition/construction, type 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 storage of materials, location of site compound.

Reason: To protect existing trees and important/protected structures which are considered to make a significant contribution to the amenity of the area and development this element should be addressed before development commences.

7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

8 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment

carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site this element should be addressed before development commences

9 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has

been made for their disposal.

10 ARCH2 Watching brief required

11 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, and dust during the demolition, 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, delivery and parking locations, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, shall be detailed within the CEMP. Where particularly noisy activities are expected to take place then details shall 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 situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration, details shall 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 shall 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 shall be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. All monitoring results shall be recorded and include what was found and mitigation measures employed (if any).

For dust details shall be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition details shall 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. If deemed necessary all monitoring results shall 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 shall 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 a complaints procedure shall be provided, 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 shall 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. To protect the amenity of local residents and businesses this element should be addressed before development commences.

12 No demolition or construction works, including deliveries to and dispatched from site, which are audible beyond the boundary of the University campus shall be carried outside of the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents and businesses

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 0dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, this being the design criteria adopted by Public Protection, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: To protect the amenity of local residents and businesses

14 Prior to first occupation or use, a clean cover layer must be installed into areas of soft landscaping and a verification report demonstrating its suitability must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land are minimised.

15 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

16 The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

1) Routing of construction traffic, including signage where appropriate

- 2) Arrangements for site compound and contractor parking
- 3) Measures to prevent the egress of mud and other detritus onto the public highway
- 4) Program of works
- 5) Details of any road/footpath closures as may be required
- 6) Details of any temporary highway works that may be necessary to facilitate access routing for construction vehicles and timeframes for the making good of these works

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users this element should be addressed before development commences.

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

### **1. For Information (drainage)**

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate all other means of surface water disposal.

### **2. Statement of the Council's Positive and Proactive Approach**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and taken account of all relevant local policies, and considers the proposal to be satisfactory. The application was subject of pre-application discussions and necessary planning conditions were imposed to mitigate the impact of the proposal. It was not necessary to work further with the applicant/agent in order to identify solutions to problems arising from the proposed development.

#### **Contact details:**

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