

1.6 The creative centre will replace existing teaching accommodation provided on campus and will enable more specialist space, in Art and Design, Computer Science, Performance and Media Production to be provided.

1.7 Most teaching will take place between 09:00 and 18:00 Monday to Friday. During these hours the standard capacity of the teaching spaces within the creative centre will be between 250 and 350 people. Access to some areas such as the music practice rooms could be accessed outside of these hours through key card access.

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN (2018)

H7	Student Housing
ED4	York St. John Lord Mayor's Walk Campus
ED5	York St John Further Expansion
D1	Placemaking
D2	Landscape and Setting
D4	Conservation Areas

2.2 The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of the application.

2.3 DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1	Design
GP4	Sustainability
ED5	Further and Higher Education Institutions
H11	Trees and Landscape
ED10	Student Housing
HE4	Conservation Areas
NE6	Species protected by Law

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Design)

3.1 The scheme is consistent with the scheme developed during the pre-app process, with no significant changes. The scheme was largely good design and supported for most aspects. The main negative assessment at the time was the elevation to Brook Street/Garden Street which imposed a bulkier appearance onto the

public street scene (compared to existing) and in its modelling presented an undifferentiated flat rectangular façade.

3.2 It is recommended that the building should be set back further to allow more meaningful modulation (variation) in the plane of the wall to reflect the different wall materials along with meaningful tree planting to soften the street edge and the garden street elevation. .

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.3 The proposed tree cover within the landscape layout of the main space would compensate for the loss of existing trees. There are currently no trees immediately adjacent to Garden Street within the application site; the position and treatment of the north elevation on Garden Street does have a domineering effect. Nonetheless trees are a characteristic of the wider environment associated with Garden Street and the neighbouring 'Groves'. The proposed scheme includes some tree planting at either end of the Garden Street elevation; this would be feasible using small fastigate species, provided there are no utilities running through this strip.

Design, Conservation and Sustainable Development (DCSD) (Ecologist)

3.4 The submitted ecology surveys confirm a roost of Common Pipstrelle bats in one on the student accommodation blocks. Its demolition will result in the destruction of a bat roost and requires a scheme of mitigation and compensation under a European Protected species Licence from Natural England.

3.5 The building will be demolished in its entirety and therefore it will not be possible to retain the roost. It is considered possible to implement a method of working to avoid harming bats during demolition and provide a bat box (or other appropriate features) on site to maintain roosting opportunities, these can be secured via condition. There are no ecological grounds to object to this application, subject to the implementation of conditions to mitigate any potential adverse impacts and enhance the quality of development.

Design, Conservation and Sustainable Development (DCSD) (Archaeology)

3.6 The development lies in the AAI and in an area where archaeological features and deposits have been observed.

3.7 The applicant submitted a Desk-Based Assessment and Heritage Statement (YAT DBA & Heritage Statement 2018/176 November 2018) concludes that "the probability of encountering deposits relating to the prehistoric, Roman and Anglo-Scandinavian periods is thought to be low ... There is a high probability of finding deposits relating to these periods [medieval and post-medieval] of activity ... There is a high probability of encountering the foundations and/or demolition deposits

relating to [19th century] structures, although there may be a high level of truncation following the construction of the present Residence Blocks in the 1960s."

3.8 On this basis it is considered that the application will cause less than substantial harm to undesignated heritage assets that are likely to be of local importance. No objections are raised, subject to an archaeological watching brief on all groundworks for the development.

Highways Network Management

3.9 Any comments will be reported verbally.

Flood Risk Management Team (FRMT)

3.10 Any comments will be reported verbally.

Public Protection Unit (PPU)

3.11 The application has been reviewed in terms of the potential environmental impact as a result of noise, light, dust odour.

3.12 The application is accompanied by an Environmental Noise Assessment (dated 1 August 2018). The methodology of the report is satisfactory and this provides noise limits at the nearest residential premises to be achieved after the installation of plant and completion of the development. This includes the completion of the auditorium and any operations that may take place within it. The glazing and roof specification has not yet been specified and therefore further information is required on this aspect of the building design, and can be secured via appropriate condition.

3.13 A Construction Environmental Management Plan (CEMP) is recommended to minimise the creation of noise, vibration and dust during demolition, site preparation and construction phases of the development.

EXTERNAL

Guildhall Planning Panel

3.14 Any comments will be reported verbally.

Yorkshire Water

3.15 No objections, subject to conditions.

Designing out Crime Officer

3.16 In relation to designing out crime the proposal is considered acceptable. The Design and Access Statement makes reference to a BREEAM Security Needs Assessment carried out.

York Civic Trust

3.17 Support the application. The 1960s accommodation blocks facing Garden Street are some of the low quality buildings and do not contribute to the setting of the listed buildings.

3.18 Of note, the demolition of the easternmost student block, which is in close proximity to the 1966 chapel, and its replacement with garden landscaping, has the potential to improve the setting of the listed building.

3.19 The proposed use of timber cladding as excessive. The design for the new building is of a high quality, use appropriate massing and materials and overall would make a positive contribution to the quality of the York St John campus, which is already an effective mix of old and new buildings.

PUBLICITY

3.20 One letter of objection has been received raising the following concerns:

- Construction impacts- construction of previous buildings resulted in construction workers ignoring construction regulations.

4.0 APPRAISAL

4.1 Key issues:

- Principle of the development
- Community uses
- Impact upon setting of Conservation Area and neighbouring Listed Buildings
- Design
- Landscaping
- Residential Amenity inc Daylight/Sunlight
- Ecology
- Sustainability
- Transport and Access
- Safety and Security

LEGISLATION

4.2 In the exercise of an LPA's planning function with respect to development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

POLICY CONTEXT

National Planning Policy Framework (NPPF) (February 2019)

4.3 The revised National Planning Policy Framework (NPPF) (2019) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications.

4.4 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

Education and Community Uses

4.5 Section 8 of the NPPF seeks to promote health and safe communities, and specifically paragraph 94 states that local planning authorities should take a proactive, positive and collaborative approach to widen choice in education.

4.6 Paragraph 92 seeks to ensure that planning policies and decisions plan positively for the provision and use of shared spaces, community facilities and other local services to enhance sustainability of communities and residential environments.

Heritage

4.7 Section 16 of the NPPF considers the conservation and enhancement of the historic environment. Great weight should be given to the asset's conservation.

4.8 Paragraph 192(c) of the NPPF requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Achieving well designed places

4.9 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Publication Draft Local Plan (2018)

4.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.11 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Development Control Local Plan (2005)

4.12 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight.

ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT

4.13 Policy ED4 of the 2018 Draft Plan states that development and redevelopment of the Lord Mayor's Walk campus will be permitted provided it is limited to higher education and related uses and the design should take into account the sensitive location of the campus and its setting. It also states that the University must address the need for any additional student housing which arises because of their future expansion of student numbers. The reduction of on-campus student provision will be supported subject to adequate provision being made off-campus. Paragraph 7.13 of the 2018 Draft Plan states the "University is not expected to retain the existing small number of bed spaces on campus subject to adequate provision being made off campus for the accommodation to be decommissioned."

4.14 The existing on-site campus student accommodation blocks contain 80 bedrooms in total. The applicant advise that these accommodation blocks are the lowest in demand and have been underutilised for a number of years. The quality of accommodation provided here is significantly poorer than in other student

accommodation options provided by York St John University. The rooms contain shared facilities' and due to their construction are unable to be converted to provide en-suite facilities without undertaking expensive and inefficient works.

4.15 York St John University provides around 1,600 bedrooms to meet its commitment to providing accommodation for every first year undergraduate. Returning students are expected to make their own arrangements, either within the City or by commuting. The University state that there are around 3,000 other bedrooms in specialist built accommodation, available for rent by students of both universities.

4.16 The applicant has provided details setting out that the loss of the on-site accommodation would equate to 5% of the current University managed stock (and 3% of the stock in the city). The University have entered into several contracts for additional dedicated student accommodation from either 2108/19 or 2019/20. This includes 100 bedrooms at Coal Yard, Mansfield Street, 20 rooms at 49 Clarence Street and 36 rooms at Hello Student developments (presumably across the three sites; Foss Studios, Percy's Place and Samuel Tuke apartments). These developments will provide an additional 156 rooms. It is considered that the proposal complies with the education aims of the NPPF and draft policy ED4.

COMMUNITY USES

4.17 York St John University considers the creative centre as a place to house events, exhibitions, film, musical and theatrical performance and a hub for small business growth in the culture and creative industries, specifically supporting the educational needs of the University. Events may complement the academic provision and it is clarified that it will not be used to provide events or performances that compete with major venues within the vicinity, such as York Theatre Royal and the Joseph Rowntree Theatre. The accommodation of small scale community events could take place here, which enhances sustainability in line with paragraph 92 of the NPPF.

IMPACT UPON SETTING OF CONSERVATION AREA AND NEIGHBOURING LISTED BUILDINGS

4.18 The Central Historic Core Conservation Area boundary runs through the Lord Mayor's campus. The northern part of the site is outside the conservation area boundary, where the existing student buildings are located. Outside of the conservation area and situated in close proximity to the accommodation block A - B is the grade II listed New Chapel.

4.19 Paragraph 193 of the NPPF requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.20 The demolition of the accommodation block A - B would improve the setting of the listed New Chapel. The Creative Centre would not be developed in the majority of the area that is currently occupied by the accommodation block A - B and the proposals indicate the area to be reserved as a space for future development and will be landscaped as a temporary measure. The potential impact of any future development upon the setting of this Listed Chapel would be considered at that time.

4.21 The listed Chapel is set in a complex of buildings with a courtyard area to the north abutting the boundary with Garden Street, flanked by transepts. The proposed creative centre building would be set further away from the Chapel than existing buildings and the setting of this listed building would not be harmed. The proposed building is set to the northern end of the campus, and the separation from the Conservation Area is sufficient to ensure that there will be harm to its setting.

DESIGN

4.22 National planning policies contained within paragraph 127 of the NPPF expect developments to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and ensure that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy D1 of the 2018 Draft Plan seek to improve poor existing urban and natural environments considering the design points of urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards.

4.23 The proposed student accommodation blocks for demolition are modest and in keeping with neighbouring buildings outside the campus along Garden Street to the north. This northern part of the campus feels somewhat underutilised and the location of the creative hub is considered to appropriately reinvigorate this northern end of the campus. It is complimented in use by the adjacent student union and the public square it creates, which should be a lively and positive contribution to the campus.

4.24 The building has been designed with the primary interest when viewed from the southern public open spaces, with an entrance atrium and sculptural auditorium. Two wings part enclose a public open space, this layout is logical and supported.

4.25 However, whilst the design of the building when viewed within the campus site is considered appropriate, the Garden Street (northern) elevation is considered to result in harm to the street scene contrary to the NPPF and policy D1. This is designed with a flat and uniform elevation, which with an increase in massing over and above the existing accommodation blocks, is considered to create an undesirable imposition on the street that is not typical of the area. Whilst there has been a set back from the road from the proposals presented at pre-application, this is only a marginal

improvement. This rear elevation is proposed to be timber clad, with up to six different timber clad treatments.

4.26 There are opportunities for this elevation to more appropriately respond to the positive urban characteristics of the current neighbourhood architecture. The applicants are amenable for further negotiations to be undertaken to enable a more appropriate arrangement with Garden Street. It is recommended that the revisions involve a less relentless uniform elevation with a significant step-back from the road. It is acknowledged that this step-back may be at the expense of main green space to the south; however there is already extensive green spaces within the campus and the overall relationship of the proposed building to the existing buildings within the campus and neighbouring properties would be significantly improved.

LANDSCAPING

4.27 There are a few attractive, young-mature trees within the existing courtyard garden that are worthy of retention due to their quality and general amenity value. All of these are to be removed as part of the redevelopment of the site. The university grounds are private but publicly accessible. Views of the existing garden and trees are semi public/private and visually contained on three sides by the surrounding buildings.

4.28 The current landscape is that of a quiet enclosed courtyard garden, which is residential and sedate in its nature. The proposed arrangement and building function creates a much busier and potentially appealing central space with a strong identity. The outdoor space is fairly limited in size, but with the right landscape detailing, within and beyond the site, the result could be a good quality environment at an important central node. The proposed tree cover within the landscape layout of the main space would compensate for the loss of existing trees.

4.29 There are currently no trees immediately adjacent to Garden Street within the application site; nonetheless trees are a characteristic of the wider environment associated with Garden Street and the neighbouring Groves area. The proposed scheme includes some tree planting at either end of the Garden Street elevation. Taking account the potential to improve the arrangement of the building with Garden Street, it is considered feasible at this stage to use small fastigiated species along to soften the street edge and the garden street elevation. This can be responded to by the applicant during further negotiations.

ARCHAEOLOGY

4.30 The development lies in the Area of Archaeological Importance and in an area where archaeological features and deposits have been observed. These are undesignated heritage assets.

4.31 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.32 Paragraph 199 of the NPPF advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), and to make this evidence publicly accessible. It states the ability to record evidence should not be a factor in deciding whether such loss should be permitted.

4.33 There is a high probability of finding deposits relating to medieval and post medieval periods of activity. Whilst the development proposal will cause harm to locally significant archaeological resources, this harm is considered to be less than substantial. The proposals seek to provide improved teaching and performing spaces within the University campus, at an established and recognised higher education institution serving the city and wider area, as well as supporting small community events. In line with paragraph 197 of the NPPF, these economic and social benefits of the development are considered to outweigh the harm to these locally significant archaeological resources. A watching brief covering all groundworks is recommended to be secured by condition.

RESIDENTIAL AMENITY

4.34 National planning policies seek development that provides a high standard of amenity for existing and future users (NPPF para 127 (f)). Policy D1 of the 2018 Draft Plan seeks to ensure that design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

Daylight/Sunlight

4.35 The existing accommodation blocks (A - B, E – G) positioned along the Garden Street boundary have staggered rear elevations and at their widest points are positioned 8m (approx) from this northern boundary. The distance of the proposed creative centre from this northern boundary is reduced to 6m. The properties most affected by the proposal are within Burnestone House, Cole Street and Castleton House.

4.36 The application is supported by a daylight and sunlight assessment that has assessed the impact of the proposed creative centre upon neighbouring buildings. In respect to daylight, the report concludes that the proposed development will have limited impact upon neighbouring properties, with the assessed windows in neighbouring properties meeting the Building Research Establishment (BRE) Site Layout Planning for daylight and Sunlight (2011) guidelines for impact upon daylight and sunlight. It is not considered therefore that the Creative Centre would have a

detrimental impact upon the residential amenities of neighbouring properties, in terms of overshadowing.

Outlook

4.37 The windows proposed in the rear (Garden Street) elevation of the creative centre will predominately serve teaching spaces. The majority of the properties along Garden Street do not directly face the University campus, and their existing outlook would not be significantly harmed..

Noise

4.38 The Creative Centre is expected to be used for teaching, performances and practises connected with the creative and performing arts. The Council's Public Protection team are satisfied with the methodology and conclusion of the supporting Environmental Noise Assessment (dated 1 August 2018) that the noise limits at the nearest residential premises are acceptable and noise and other operations undertaken within it, could be adequately contained within the envelope of the building. Subject to conditions requiring glazing and roofing specifications, the application is considered to protect neighbouring residents from noise, emanating from the proposed building.

4.39 It is noted that there will be areas for students to congregate outside the building, however these areas are likely to be within the site, to the south of the building near to its entrance and therefore will likely result in little disturbance to residents residing at Garden St and to the north of the site, to warrant refusal of the application.

Construction Impacts

4.40 It is noted that the objector raises construction impacts and Public Protection has requested a condition requiring a Construction Environmental Management Plan (CEMP) in order to minimise construction impacts during demolition, site preparation and construction phases of the development. The campus is a contained site and separated from neighbouring residential properties by Garden Street. There are specific controls outside planning legislation that are considered appropriate to manage construction impacts and therefore it is not necessary to seek a CEMP in this respect. In addition, the objection raising construction matters carries little weight in the assessment of the application. An informative shall draw the applicants attention to the requirements of the Control of Pollution Act 1974.

ECOLOGY

4.41 All species of bat are protected by the Wildlife and Countryside Act (1981) as amended, and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

4.42 The buildings on site have been assessed for their potential to support roosting bats. A bat roost emergence and return to roost survey of two of the site's accommodation blocks were identified as having low bat roost potential were undertaken in August 2018. Four Common Pipistrelle bats were seen to emerge from/return to multiple soffit gaps on the front, east facing side of student block identified as I - H.

4.43 The proposals relate to the demolition of the student accommodation blocks and therefore the retention of the roost will be unachievable. The applicant has put forward a method of working to avoid harming bats during demolition and provide a bat box (or other appropriate features) on site to maintain roosting opportunities.
Habitat Directives

4.44 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the Local Planning Authority (LPA) must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

4.45 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 are as follows:

- that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- that there is no satisfactory alternative; and
- that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

4.46 With regards to test 3), the building currently supports a small Common Pipistrelle day roost. Common Pipistrelle bats are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence or works to be undertaken with a Bat Class Low Impact Licence will prevent any direct harm, and it is considered it will be possible to provide a bat box on site to maintain roosting opportunities.

4.47 Given the species supported are a species of 'least' conservation concern and there are opportunities to maintain roosting opportunities within the campus, it is considered that the proposal would maintain the species and favourable conservation status and the three derogation test are met.

4.48 As such, there are no ecological grounds to refuse this application subject to planning conditions which mitigate any potential adverse impacts and enhance the quality of development.

SUSTAINABILITY

4.49 A BREEAM pre-assessment has been undertaken under 'New Constructions: Higher Education' which concludes the proposals will meet BREEAM level 'excellent'. Development meeting this high level of sustainable design and construction is welcomed and is considered to comply with Policy CC2 of the 2018 Draft Plan. Compliance will be secured via condition.

TRANSPORT AND ACCESS

4.50 The transport statement advises that given the accessibility of the site by non-car modes and local parking restrictions, the majority of students regularly walk, cycle or use public transport to access the campus.

4.51 The campus provides a total of 30 car parking spaces including 10 disabled spaces. Surrounding areas including Garden Street and Lord Mayor's Walk have parking restrictions in the form of residents' priority parking scheme (ResPark) zone. Two public car parks are located close to the campus (Union Terrace and Monk Bar). No new car parking spaces will be provided.

4.52 There are covered and uncovered 'Sheffield' stands for cycle parking. A total of 382 cycle parking spaces are available throughout the campus. An additional 14 cycle parking spaces will be provided although it is unclear where these stands will be located and can be secured via condition.

4.53 The campus is served by a number of bus routes and is within walking distance of the city centre.

4.54 Existing service accesses will be retained. The teaching spaces are unlikely to generate additional deliveries over and above the existing stationary and office deliveries. Stage equipment and props may be delivered in connection with external performances and these will be ad hoc. Furthermore the University intend to implement a planning and management strategy to ensure that day-to-day disruption is minimised and this type of delivery can be managed.

4.55 Given the accessibility of the site by non-car modes and proximity to the city centre, and the primary intention of the creative centre to replace existing teaching accommodation provided on campus, it would not result in significant trip generation. The measures put forward to increase accessibility by non-car modes of transport such as increasing cycle parking, the proposal is considered to be acceptable in this regards.

SAFETY AND SECURITY

4.56 An analysis of crime and anti-social behaviour levels undertaken between 1 October 2017 and 30 September 2018 within the vicinity of the proposal are low. Burglary and theft, particularly of pedal cycles are areas of concern.

4.57 The University advise that the campus is monitored by a 24hr security team and CCTV system. The Designing out Crime officer is satisfied that the application has considered requirements of BREEAM security needs assessment and therefore the proposal is acceptable in this regards.

5.0 CONCLUSION

5.1 This application relates to the demolition of three existing student accommodation blocks with a creative centre which would provide teaching and breakout space, along with a multi-function auditorium. The applicant has demonstrated that they have secured dedicated student accommodation, within the vicinity of the campus, to off-set the loss of student accommodation.

5.2 There are concerns that the proposed development, predominately the Garden Street elevation does not appropriately address the visual amenity of the street and take the opportunities to improve the overall visual quality of the area. Officers consider that further discussions relating to this elevational treatment and relationship to the Garden Street and overall landscaping impacts can address these concerns and the applicant has agreed to address this issue.

5.3 Notwithstanding the above, the overall quality of the proposal, including impacts upon neighbouring residential amenity, ecology, heritage, sustainability and highways are satisfied and the proposal represent an acceptable form of development in this regards.

COMMITTEE TO VISIT

6.0 RECOMMENDATION

That Delegated Authority be given to the Assistant Director responsible for Planning and Public Protection to:

- (1) agree and accept such amended plans for the Garden Street elevation and frontage as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary and thereafter to approve the application as amended and grant conditional planning permission;

(2)finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary.

1 TIME2 Development start within three years

2 ARCH2 Watching brief required

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation 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. 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 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

5 No demolition, including the removal of roof tiles, guttering and soffit boards and any other features suitable for roosting bats as identified in the Preliminary Ecological

Appraisal, BREEAM Ecology Assessment & Bat Activity Survey Report by Applied Ecology Ltd dated October 2018 shall be undertaken to the existing student accommodation block identified as H - I, shall be undertaken unless the local planning authority has been provided with either:

- a) Confirmed registration of the site under a Natural England Bat Class Low Impact Licence; or
- b) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) Confirmation from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a European Protected Species.

6 No demolition, including the removal of roof tiles, guttering and soffit boards and any other features suitable for roosting bats as identified in the Preliminary Ecological Appraisal, BREEAM Ecology Assessment & Bat Activity Survey Report by Applied Ecology Ltd dated October 2018 shall be undertaken to the existing student accommodation block identified as H - I until at least one tree or building mounted bat box (typically a Schwegler 1F model) has been installed in a suitable south/south east facing location on campus.

Reason: To maintain habitat for a European Protected Species.

7 Details of all machinery, plant and equipment to be installed in or located on the premises which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures in order to achieve the rated noise levels of daytime 31dB(A) and night-time 22dB(A) at the nearest noise sensitive premises. 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 the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

8 All electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device, the levels set and the installation shall be approved in writing by the Local Planning Authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the planning permission; at no time shall they be modified without the written approval of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

9 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'excellent'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'excellent'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the 2018 Draft Plan and GP4a of the City of York Development Control Local plan.

10 Prior to the operation of the creative centre hereby approved, a plan showing the location of bike stands for 14 additional cycle parking spaces within the campus shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

11 LC4 Land contamination - unexpected contam

12 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.

13 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for
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the proper drainage of the site.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Negotiation and discussion surrounding Garden Street elevation
- Pre-application discussions
- Additional details including Daylight and Sunlight Assessment

2. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

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