

COMMITTEE REPORT

Date: 2 February 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/02024/FULM
Application at: Peppermill Court Ramsay Close York YO31 8SS
For: Erection of 3-storey student accommodation with associated landscaping
By: York St John University
Application Type: Major Full Application
Target Date: 8 February 2023
Recommendation: Approve

1.0 PROPOSAL

Site context

1.1 The application site contains Peppermill Court, formerly an NHS care home which became surplus to requirements. The applicant is York St John University who have acquired the site and intend to redevelop it for student housing. The applicants have previously submitted a prior notification application to demolish the building (22/01297/DMNOT).

1.2 Surrounding the site are 3-storey houses to the north; the rear elevations of these houses look towards the site (there is an intervening group of trees which the university do not own and are outside of the application site). There are terraced houses to the west, with side elevations facing the site. To the east and south is existing student accommodation operated by York St John. The majority of Ramsey Close, to the east of Peppermill Court is not adopted highway and is within the application site.

1.3 St Mary's House to the east is Grade II listed. The site is not in either flood zones 2 or 3.

Proposals

1.4 The application proposes three-storey in height blocks containing managed student accommodation operated by St John. A total of 210 bedspaces, comprised of 34 clusters varying in size from 4 to 8 rooms are proposed. The clusters will each

contain kitchen and living/dining areas. The scheme would also contain facilities including social study areas, laundry, and study zones and would have continuous on-site management by University staff. The applicants advise the intent is that the building achieves BREEAM Excellent.

1.5 There would be six linked student blocks arranged around two landscaped courtyards with perimeter planting. 19 trees are proposed for removal. The replacement landscaping scheme proposes approx. 100 trees (at the time of planting trees will range from 2-5 m in height, as illustrated on the planting plan strategy drawing).

1.6 Street trees are proposed along Ramsey Court limiting options for on-street parking (to the extent it still allows for deliveries / servicing). Trees are also proposed at the perimeter of the Grange car park along with the introduction of 4 disabled parking bays.

1.7 The development does not include standard parking spaces for students. Disabled occupants will be eligible for parking permits, within the car park to the east of Ramsey Close. A higher quality cycle store is proposed with Sheffield type stands and accessible sized spaces.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable travel
- 11 Making effective use of land
- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

2.3 The Publication Draft City of York Local Plan 2018 ('DLP 2018') was submitted for examination on 25 May 2018. Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP3 Sustainable Communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York
D1 Place-making
D5 Listed Buildings
CC2 Sustainable Design and Construction of New Development
ENV5 Sustainable Drainage
H7 Student Housing
T1 Sustainable Access

3.0 CONSULTATIONS

Design & Conservation - Archaeology

3.1 No objections; no conditions necessary.

Design & Conservation - Ecology

3.2 No objection. Recommend conditions in respect of habitat provision, biodiversity net gain and control of external lighting.

Design & Conservation – Architect

3.3 Officers provided advice at pre-application stage on this scheme. It was considered the existing buildings on-site detract from the historic setting due to their form and layout. The car parking to the rear of the listed St Marys also detracts from its setting; it was noted the red line boundary for this scheme includes a section of the car park. Redevelopment of the site was welcomed; an opportunity to enhance the setting of the listed buildings.

3.4 The site itself appears to be part of the former workhouse site historically, though any real sense of the remaining buildings historic setting to the rear has already largely been lost through previous redevelopment.

3.5 In respect of detailed design officers asked that the scheme did not challenge the authority of the Grade II St Mary's and encouraged a vernacular that respected the very simple lines and the ratio of solid to void on the listed building.

3.6 In respect of effect on the Heworth Green / East Parade Conservation Area it was noted views of replacement buildings on the site will be visible from within the conservation area, albeit fairly limited. The impact on the setting of the conservation area is likely to be negligible.

Design & Conservation - Landscape

3.7 Officers objected to the original scheme (since revised) considering it overdevelopment of the site. A risk was identified that there would be pressure to prune or remove existing and proposed trees on the east and south sides of the site due to the proximity of development.

There are 4 category B trees on-site.

- T10 and T12 are towards the south-west side of the site. T10 is to be retained. T12 (birch) is a fast growing species and located out of sight; its removal could be mitigated.
- T25 and T28 (Norway maple) are considered worthy of a tree preservation order due to their size and visibility from Ramsay Close, and the contribution they make to the amenity of the street. These are positioned on the east and south sides of the site. Removal is proposed to accommodate development.

3.8 Approximately 19 trees require removal to implement the design. These are a variety of trees that have been wilfully planted as part of the ground's evolution. The proposed landscape scheme includes the planting of approximately 100 new trees. In terms of quantity, the loss is mitigated, however in terms of design and effect, the visual impact of the loss of trees was considered not robustly mitigated along Ramsay Close and towards the south side of the site.

3.9 On the south side of the site officers advised proposed trees were located too close (2-2.5m) to existing and proposed buildings. The current arrangement is more spacious.

3.10 Block 6 is considered too close to Ramsey Close. Such a long block, in this relatively leafy residential area (this is not the city centre) should be set much further back from the pavement edge and be settled into the street scene with trees – whether by way of significant groups of trees or lines of trees. Officers would accept the removal of all the trees along the frontage with Ramsay Close if the replacement planting were more convincing and sustainable. (Officer note since comments revised plans have been issued amending the species of trees and providing a further row of trees further away from block 6 (on what is currently the access road). The east side of Ramsey Close is currently relatively bleak and the installation of trees (which is proposed) would be a very positive addition to the street.

Flood Risk Management Team

3.11 Sustainable drainage requirements dictate that 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 soakaways.

3.12 Officers advise that if soakaways are evidenced to be unsuitable at this site then the surface water discharge rate shall be no greater than 37 litres per second.

Public protection

3.13 Noise – the noise assessment by Dragonfly Consulting ref DC3826-R2v3 is suitable in terms of the noise mitigation measures to ensure future residents are not adversely affected by noise. The proposed mitigation measures within the report should be adhered to. Ask for a condition that any plant and machinery that would be audible outside of the site (above background noise level) be submitted for approval.

3.14 Land contamination – the applicant's desk-based study and Ground Condition assessment dated August 2022 with groundwater and gas monitoring demonstrate that the land is suitable for the proposed use.

3.15 Electric vehicle facilities – officers advise that as of June 2022 Building Regulations approved document S provide the national requires on electric vehicle provision.

3.16 Construction – recommend conditions to control hours of working and deliveries and measures to deal with noise, dust, vibration and lighting.

Police – designing out crime officer

3.17 Consideration should be given to the installation of a CCTV system to cover the main entrances to the building, fire escape doors, the cycle store, internal communal space and mail delivery facilities. Recommendations are also provided regarding lighting to assist with natural surveillance at night.

3.18 The crime analysis showed that the theft of cycles from communal cycle stores is prevalent in the area. Cycle storage should be:

- Open to surveillance.
- Lit after dark using vandal resistant, dedicated energy efficient light fittings and energy efficient lamps.
- Access controlled with an electronic fob key that only gives access to the store required.
- The design of the stands within the store should enable the cycle to be secured at two separate parts of the cycle, for example a 'Sheffield Bar'.

3.19 Recommend access to the side and rear of the development be restricted. Also the existing route south joining Eldon Street is considered not to be a safe route. The police officer acknowledges that paths and cycle routes are important to be incorporated into all development proposals to encourage movement and permeability in a neighbourhood. However, such routes should be:

- Provided where they can be well used, providing fewer opportunities for crime and generally increase safety.
- Overlooked and illuminated.
- Short, direct, wide and attractive to use and avoid passing along rear boundaries.
- Where appropriate, combined with roads to achieve surveillance from passing cars as well as pedestrians.

NHS

3.20 Directly impacted practices from this development will be GP practices within approximately 1 mile from the proposed development. The closest surgeries are Priory Medical Group: Heworth Green Surgery, York Medical Group: Student Health Centre and York Medical Group: Monkgate Medical, all located circa 0.7 miles from the subject site. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development will give rise to a need for improvements to capacity, by way of improvements to, reconfiguration of, or extension of existing premises or providing additional resource for a new build health development. A S106 contribution has been requested to fund works within the York Medical Group Primary Care Network to accommodate the additional population created by the proposed development.

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3.21 Object

- Blocks 1 and 2 too close to houses to north. Top floor windows will cause overlooking. The trees may not survive due to proximity to buildings.
- Block 6 is too close to the pavement edge and provides insufficient space for the proposed trees.
- The site is too overdeveloped. Perhaps the blocks should all be separated, with the linking units removed to provide more of an open feel to the site.
- No parking is provided. Although the university policy is no student vehicles this will not work in reality, and parking will occur on surrounding roads unless residents parking is introduced.
- The design is soulless. It should provide more amenities for students.

Yorkshire Water

3.22 Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer. Otherwise the proposals are acceptable, subject to conditions.

4.0 REPRESENTATIONS

4.1 13 objections have been received, which raise the following issues -

Design

- Objection to scale & prominence of building fronting Ramsay Close
- The east side the new building will extend almost to the roadway and footpath with no attempt to ameliorate the undesirable massing of the block on this frontage. The proximity to the road and lack of space for landscaping will be detrimental to the setting, of the street and the listed building.

Amenity

- Block 2 (north side of site) is 3-storey; concern it will block views from existing houses, lead to overlooking and reduce light gain. The neighbouring houses are deliberately orientated south and have living spaces on upper floors facing the site.
- Neighbours at 17 Mapelhurst Avenue reference a loss of privacy as there is not tree cover between them and the proposed development.
- Noise and disturbance due to north facing social space within block 2 and also kitchens and communal areas. Request these spaces be moved further away from neighbouring houses.
- Detrimental impact on amenity by reducing crown of trees 17 and 18 (by the north boundary).
- Proximity to houses to west questioned.
- Light pollution.
- Due to limited car parking students would park on surrounding streets. Officer note – all surrounding residential terraced streets to the east and south are subject to the residents parking (permit) scheme.
- Effect on locality of changing demographic due to increased student population.
- Nearly all local resident's complaints to the university regarding students involve noise from students returning home late and/or communal parties in their accommodation. The university do employ people to informally patrol these areas at night giving advice to students. Unlike the majority of University of York accommodation, Peppermill Court and the existing Grange facility is closely surrounded on three sides by private residences. The addition of another 200+

students and with residential blocks 100m closer and facing directly onto the previously sheltered backs of private houses will inevitably lead to friction, especially on Huntington Mews and Maplehurst Avenue through to the City Residence. The use of security patrols and CCTV will not prevent such.

Land ownership

- Queries regarding owner of the group of trees to the immediate north of the site (which is not the university and not the Council) and access rights.

5.0 APPRAISAL

Key issues

5.1 The key issues in assessment of this scheme are -

- Principle of the proposed development
- Heritage Assets / Archaeology
- Design of the scheme
- Carbon reduction
- Ecology
- Neighbour's amenity
- Public protection
- Drainage
- Health impacts

Assessment

Principle of the proposed development

5.2 The previous NHS use of the site has ceased. The NHS have sold the site and relocated. There is no loss of facility involved. Paragraph 11d of the NPPF applies. There is a presumption in favour of sustainable development and planning permission should be granted unless

- the application of policies in the NPPF that protect areas or assets of particular importance (Heritage Assets in this case) provides a clear reason for refusing the development proposed, or,
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when applying the policies within the NPPF.

5.3 Key sections in the NPPF, which determine the proposed development would be acceptable in principle, are Section 5. Delivering a sufficient supply of homes and

11. Making effective use of land. In particular most relevant paragraphs of the NPPF are -

- 120 - Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 123 - Take a positive approach to applications for alternative uses of land, where it is developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

5.4 2018 DLP policy H7 states The University of York and York St. John University must address the need for any additional student housing which arises because of their future expansion of student numbers. To meet any projected shortfall, provision by York St. John University is expected to be off campus but in locations convenient to the main campus. Proposals for new student accommodation will be supported where:

- there is a proven need for student housing; and
- it is in an appropriate location for education institutions and accessible by sustainable transport modes; and
- development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.5 The applicants are York St. John University and this scheme would form an extension to an existing campus of accommodation. The site is within walking distance of the university and has existing access arrangements. The University's accommodation policy guarantees housing offers to all UK, EU and international first year students who meet application deadlines. In addition, accommodation is guaranteed where necessary for students with special requirements, such as certain disabilities, for the duration of their course. The number of York based students is projected to grow from 7,500 (2020-21) to 9,000 in 2026. The university has a current portfolio of 1,600 student bedrooms. To meet these policies the university needs to expand its portfolio of its own student housing. Further to this the universities accommodation is means tested and aims to provide more affordable accommodation compared to other Purpose Build Student Accommodation schemes. The proposals are regarded compliant with policy H7. The impact on residential amenity is discussed under neighbour's amenity below.

Heritage Assets / Archaeology

5.6 The NPPF in section 16 advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). It goes on to advise how applications should be determined, taking into account potential impacts. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of

preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

5.7 To the east of the application site, on the opposite side of Ramsey Court is the Grade II listed St Marys' House. Grange House, also grade II, sits in-front of St Marys House on its east side. The Heworth Green / East Parade Conservation area is to the east, on the opposite side of the Grade II listed St Marys' House. The main relevant element of the conservation area are the substantial suburban villas along Huntington Road. The site is outside of the conservation area and is subordinate to St Marys House, which faces the conservation area. The scheme would not detract from the eminence of substantial villas along Huntington Road. It would have neutral effect on the conservation area.

Significance of St Marys House

5.8 The buildings were constructed 1848-49 as a workhouse and associated offices. The facility provided accommodation for up to 300, the principal elevation faced east and the building set in landscaped / exercise grounds. Ancillary buildings to the west were later demolished.

5.9 The workhouse was extended west in 1868-9 to include an infirmary on the application site. The NHS acquired the facilities around 1948. The infirmary buildings were removed in the C20. The Grange became student accommodation around 1990.

5.10 The significance of the listed buildings are their historic and architectural interest in respect of being York's first purpose built workhouse. The historic plan form of the buildings and site allows an understanding of the functionality of the historic use. However the land to the west of the listed buildings (where ancillary recreational outdoor space and associated buildings were previously accommodated) was separated from the curtilage of the listed building when the site was purchased by the NHS and redeveloped in the C20, to accommodate car parking, access road and the former NHS building at Peppermill Court.

Impact on significance

5.11 The development proposed is on land to the west of the listed buildings, where their historic curtilage has been substantially altered and lost in the C20. As such the proposed development would not harm the significance of listed buildings.

Archaeology

5.12 The site is not in designated area and has been subject to redevelopment in the C20. A desk-based assessment of potential impacts on archaeology has been issued. The Council's Archaeologist has advised that no further investigation is required.

Design of the scheme

5.13 NPPF paragraph 130 sets out design considerations. In addition paragraph 131 emphasises the importance of trees in urban environments. Paragraph 130 advises developments should -

- a) function well and add to the overall quality of the area over the lifetime of the development;
- b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.14 The scheme has been revised since the initial submission and consultation; it broadly accords with NPPF design policy. The scheme includes an acceptable landscape scheme that re-introduces street trees and landscape along Ramsay Court and provides a reasonable amount of soft landscaping and open space / amenity space for future occupants.

5.15 The proposed development's layout has been selected to relate to the linear form of surrounding streets, to allow reasonable separation distances from housing to the north and west, provide an active frontage onto Ramsay Close and the provision of courtyard spaces providing external amenity space for residents, whilst being respectful of neighbours. Larger tree specimens have been introduced in the north-west corner of the site following feedback from neighbouring residents.

5.16 The landscape and tree cover between the site and the houses to the north is not in the applicants ownership. The proposals acknowledge some pruning would be required to these trees to facilitate construction. The applicants have advised the pruning would involve shortening of side branches only and would not significantly affect the screening value or amenity value of the trees. The trees could co-exist with the development; following pruning there would be a 3.4m clearance from the edge of the tree canopies to the face of the building which could be maintained by routine pruning every 4-5 years.

5.17 The scheme has been revised altering the proposed landscaping along Ramsay Close. In response to comments by the Council's Landscape architect the species of trees proposed along Ramsey Close has been amended, to a smaller ornamental variety, and a further row of trees introduced within what is currently the carriageway. There are also a row of tree proposed on the opposite side of the street at the boundary to the car park. These public realm works would make the street greener and more attractive. Removal of the existing trees, of which one is category B is required to enable efficient and effective re-use of the site and the mitigation proposed is adequate.

5.18 Building heights and form have been informed by the architecture of the grade II St Mary's House to the east and surrounding building heights. The parapet and ridge levels of the blocks being aligned with the eaves on St Mary's House (i.e. the proposed building is lower). Blocks 1 and 2 on the north side of the site are reduced in massing as they face neighbouring houses. They have a mansard roof form, with the upper floor contained within the roof space, and are therefore lower in eaves and overall height compared to neighbouring houses.

5.19 The building form and detailing are informed by the proportions, simplicity and order (such as regular window patterns of diminishing scale on upper floors) of St Mary's House. PV panels will be installed across flat roofs. The design and access statement provides commentary on the building's articulation and materials. There will be planning conditions to approve the exact palette of materials and typical large-scale details of the façade.

5.20 The amount of outside amenity space is appropriate. The scheme includes two outside courtyards for recreation, approximately 900 sqm and 670 sqm (there are also other landscaped areas).

5.21 The scheme proposes 210 bedspaces; 34 clusters (with communal kitchen and lounge areas) comprising 4-8 bedrooms. The amenities for residents would be appropriate. There are also study spaces on each floor and a social space by the ground floor entrance, the latter is 235 sqm. The rooms have been sized to the universities' own standards. Accessible rooms are proposed adjacent circulation cores and there will be 10 overall. There is lift access to each floor.

5.22 The scheme does not include any car parking although there are existing spaces at St Mary's House opposite. The plans show that 4 of the spaces there will be converted to disabled bays and the applicants advise that residents with a blue badge are guaranteed parking permits if required.

5.23 A replacement cycle store is proposed and its specification will be secured through condition. The storage includes accessible sized spaces is covered and secure and set out sufficiently, according to LTN 1/20 (national) advice. The provision at the site will therefore be enhanced in quality terms. There is no

increase in spaces proposed across the accommodation; existing provision is 210 spaces (being reduced to 198 due to the space required for accessible spaces). Further spaces would be provided in the St Mary's car park to the east subject to demand. The university have evidenced up to 80% of the existing spaces are not currently used, citing that the main campus is only a 7-minute walk away. The approach is considered reasonable in this case where existing accommodation is being added to. A condition will require a travel plan that would continuously promote cycle use and trigger the need for additional spaces in future if necessary.

5.24 Waste collection is by a private operator; there will be no change to the existing arrangements.

5.25 The comments from the designing out crime officer regarding access control have been considered but they conflict with other place-making aspirations and the promotion of sustainable travel and healthy communities. To allow permeability through the site accords with NPPF paragraph 92 regarding healthy and safe communities, which aims to “achieve places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, ... street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages”. Other recommendations regarding surveillance and cycle storage will be secured through condition.

5.26 The link onto Eldon Street is established and is closed at night (after 23.00). During the day it provides a convenient and direct route for students (& the general public) walking and cycling to gain access to the university. It is existing, outside of the application site, overlooked and the proposed use would increase its use (therefore enhancing safety). There are not sufficient planning grounds to seek any amendments to this link through this application.

5.27 The existing student accommodation to the east and south is not gated; this assists permeability, providing attractive landscaped routes that encourage sustainable travel and recreation, and helps assimilate the accommodation into its setting and community. The public spaces will be well-overlooked and there will be on site staff and CCTV.

Carbon Reduction

5.28 Local requirements for buildings in terms of addressing climate change are DLP 2018 policies CC1 and CC2, which seek to secure enhancements over the 2013 Building Regulations. New buildings are expected to have a dwelling emission rate that is a 28% improvement over the 2013 regulations. This can be achieved through fabric efficiency and the use of low or zero carbon technology.

5.29 The applicants have provided an energy statement that sets out how the buildings will be designed to reduce energy demand through efficient building fabric (the universities new build targets exceed the new 2022 Building Regulations targets for floors walls and roofs) and be provided with renewable and low carbon energy. It is anticipated some 500 sqm of PV panels will be provided on site. The scheme is being designed to comply with the new Building Regulations which means the dwelling emission rate target in policy CC1 will be achieved.

5.30 The energy statement also advises that the universities' aspirations are for new buildings to achieve BREEAM Excellent also. A pre-assessment for this scheme has been supplied which confirms Excellent is achievable. A planning condition will be applied to meet local policy requirements in respect of BREEAM Excellent.

Ecology

5.31 NPPF paragraph 174d decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180 goes on to advise that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.32 The building previously on-site has prior approval for its demolition. That approval was subject to an ecology report that determined there would be no adverse effect on protected species.

5.33 The preliminary ecological assessment undertaken for the site includes reports from field surveys that investigated the site, including vegetation for protected species. No potential bat roosts were identified on site and the trees had a lack of suitable roosting cavities. Adequate evidence has been provided to demonstrate the scheme does not harm protected species and habitats. A planning condition is recommended in respect of the proposed vegetation removal in respect of habitat.

5.34 Biodiversity net gain recommendations, to be secured through condition, are as follows -

- At least 1 bat box on the new buildings.
- Bird boxes x6.
- Lighting design to minimise light-spill.

Neighbour's amenity

5.35 NPPF paragraph 130 advises planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.36 The site is surrounded by residential uses; market housing to the north and west and student accommodation within the YSJ campus to the east and south

5.37 Due to the layout and orientation of the proposed buildings (running parallel to houses to the west and being inset from the west boundary) there are no amenity issues in respect of neighbours on the surrounding streets of Walpole Street and Nelson Street.

5.38 Mapelhurst Avenue is to the north of the application site. The rear elevation and rear gardens are on the south side of the houses. In assessing impact on amenity, considering daylight / sunlight, and whether the scheme would lead to overlooking or be overbearing, the following is relevant -

- There would be a separation distance of approx. 23m between buildings. There is existing intervening tree cover behind all but one of the houses to the north. The applicants landscaping scheme proposes a continuation of the landscape strip, extending to the west edge of the site.
- The houses to the north and the proposed building are both 3-storey in height.
- The proposed building (blocks 1 and 2) would be 13.5m away from the boundary, 7m high to eaves, 10m high to ridge height.

5.39 The impact of a proposed development over daylight, to neighbouring buildings and gardens can be determined using the BRE sight layout – planning for daylight and sunlight good practice guide. Applying the Vertical Sky Component (VSC) in the guide concludes that the proposed development would not lead to a material effect on sunlight and daylight at the neighbouring houses.

5.40 In respect of overlooking, there are no objections to the scheme. A standard separation distance of 21m between rear elevations in low density suburban locations is generally applied. Blocks 1 and 2 are some 23m from the rear elevation of the houses on Mapelhurst Avenue to the north. The application site is within an urban area, containing development of a higher density than a more suburban site. Typical separation distances in the immediate surrounds to the north and to the west, can range between 17m to 20m (including 3-storey houses). Neighbours did object to a communal room facing north, towards their homes, due to disturbance. The applicants have advised this is intended as a study space and will be closed at 10pm.

5.41 The proposed buildings and houses to the north are of similar scale, both 3-storey. The top floor of the accommodation proposed on the north side of the site (blocks 1 and 2) is within a mansard style roof. The massing of the proposed building reduces its scale; blocks 1 and 2 are lower than the existing houses to the north. Although blocks 1 and 2 are linked forming a continuous building, this is in-keeping with the urban grain; the terraced housing to the west and university

buildings to the east and south. The houses to the north are in blocks and have nominal 1m wide gaps between each block. Given the separation distance involved (23m) and the context, the proposed development would not be over-dominant or overbearing.

5.42 The scheme is a proposed extension to the existing managed university accommodation in this area. There are no changes proposed in respect of movement patterns of students / access egress arrangements into the site. The scheme has been set out so communal areas and outside amenity spaces where residents are likely to gather are orientated / located away from the houses to the north and west, taking into account any potential noise disturbance. The site will also be managed and overall officers are satisfied reasonable measures are proposed in respect of avoiding possible noise disturbance.

Public protection

5.43 Land contamination – the applicant's desk-based study concludes that further site investigation is required. Conditions will secure approval of the typical procedure of site investigation, remediation strategy followed by verification.

5.44 Construction – recommend conditions to control hours of working and deliveries and measures to deal with noise, dust, vibration and lighting.

Drainage & flood risk

5.45 The site is outside of flood zones 2 and 3. In terms of flood risk the development accords with section 14 of the NPPF in terms of steering new development to areas with the lowest risk of flooding.

5.46 On drainage the NPPF (169) states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority. DLP 2018 policy ENV5: Drainage states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff

5.47 The sustainable drainage hierarchy means a soakaway approach must be proven unviable before a connection into sewer systems is proposed. A condition will require that soakaway feasibility is undertaken. If soakaways are not suitable (which is anticipated) then there is an agreed fallback, with connection into the network. The revised drainage strategy incorporates the surface water runoff rate agreed with the Flood Risk Management Team, which is compliant with policy ENV5.

Health impacts

5.48 NPPF paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

5.49 Policy HW5 of the DLP; Healthcare Services advises that improved, enlarged or additional primary healthcare facilities will be required to support residential developments that place additional demands on services beyond their current capacity, in line with the National Planning Policy Framework. Developer contributions will be required to support the increase in provision. An assessment of the accessibility and capacity of existing primary care services will be required at the application stage.

5.50 A contribution is not sought in this case as it would not meet the NPPF tests for developer contributions (which mirror the statutory tests in the CIL Regulations). A contribution is considered not necessary, fairly and reasonably related in scale and kind to the proposed development and nor would it be precise in terms of how the contribution would be utilised. Residents are transient and this is not their permanent or primary place of residency. Furthermore, we understand that the university have arrangements with health services that take into account students health and well-being. There is no evidence the impacts on local capacity would be unacceptable without mitigation. The contribution sought is not precise or reasonably related as no evidence or information has been provided which explains what or which facilities could be delivered or upgraded.

6.0 CONCLUSION

6.1 The proposed development is acceptable in principle and having regard to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there would be no harm on designated heritage assets; the setting of the Grade II listed St Mary's student accommodation block to the east.

6.2 The NPPF requirement is therefore to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when applying the policies within the NPPF taken as a whole.

6.3 The benefits of the scheme are re-use of a previously developed site, an improved streetscene along Ramsay Close (including rows of new street trees as advocated by the NPPF) and the provision of student accommodation for which there is need, in a building that is targeted to achieve BREEAM Excellent, in a highly

sustainable location where trips to local amenities and services can be made without the need for private car travel. Whilst trees are proposed to be removed (including 3 Category B trees) some 100 replacement trees are proposed and landscaped amenity spaces are proposed for the building's future occupants.

6.4 The relationship of the proposed buildings to their neighbours are regarded to be acceptable, there are no conflicts with the NPPF requirements on the promotion of sustainable travel and no ecology, flood risk or other technical planning issues that cannot be addressed by imposing planning conditions. Approval is recommended.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Site Location Plan - 0001 Rev. E
Existing Site Plan - 0002 Rev. C
Proposed Site Plan - 0004 Rev. H

Proposed Ground Floor GA Plan - 0100 Rev. S
Proposed First Floor GA Plan - 0101 Rev. P
Proposed Second Floor GA Plan - 0102 Rev. Q
Proposed Roof Plan - 0103 Rev. L

Proposed Site Elevations - 0020 Rev. F
Proposed Block 1 and 2 Elevations - 0120 Rev. H
Proposed Block 3 Elevations - 0121 Rev. F
Proposed Block 4 and 5 Elevations - 0122 Rev. F
Proposed Block 6 Elevations - 0123 Rev. F
Proposed Site Sections - 0030 Rev. C

Illustrative Landscape Plan - 0001 Rev. PL08
Illustrative Landscape Sections 1 of 2 - 0002 Rev. PL06
Illustrative Landscape Sections 2 of 2 - 0003 Rev. PL06
Planting Strategy and Indicative Species - 0011 Rev. PL06

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

3 Construction management

All demolition and construction works and ancillary operations, including deliveries
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to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: In the interests of the amenity of surrounding residents.

4 Construction management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- Details of measures to keep the highway clean (such as wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type).
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

5 Vegetation removal

No vegetation removal or demolition works shall take place between 1st March and

31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests, and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended and NPPF section 15.

6 Drainage

Prior to commencement of development (apart from demolition) site-specific details of the proposed means of foul and surface water drainage including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Site-specific details shall include:

- The use of Sustainable Drainage Systems (SuDs); consideration given to discharge to soakaway, infiltration system and watercourse in that priority order. 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 accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.
- The flow control manholes and the means by which the surface water discharge rate shall be restricted to a maximum rate of 37 litres per second.
- The attenuation features by which the surface water attenuation up to the 1 in 100 year event with a 40% climate change allowance shall be achieved (note any sub-base attenuation features should include a sealed tank arrangement; so ground water cannot enter the attenuation and living/green roofs cannot be offered/included as a reduction in surface water run-off, as once saturated these become 100% impermeable).
- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- Details of future management and maintenance.

Reason: In accordance with NPPF section 14 and policy ENV4 of the 2018 Draft Local Plan.

7 Large scale details and materials

Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the approved buildings and the works shall be carried out in accordance with the approved details.

- a) Typical section drawings at 1:20 or 1:10 of main blocks and ancillary buildings
- b) Manufacturers details of external materials

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

8 Brickwork

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of the construction of the approved buildings. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

9 Landscaping

Prior to first occupation of the development hereby permitted the approved landscaping scheme, as shown on Reform drawings 0910-RFM-XX-00-DR-L-0001 PL08 and 0910-RFM-XX-00-DR-L-0010 PL07, shall have been fully completed (This shall extend to all hard and soft measures within the hatched red line as shown on the plan).

Typical tree pit details shall be submitted to the council and approved in writing prior to the commencement of landscaping works. The approved details shall be installed as part of the landscaping scheme.

The soft landscaping shall be in accordance with the re-form drawing 'planting plan strategy & indicative species' drawing 0910-RFM-XX-00-DR-L-0011 PL06.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The areas of landscaping, as shown on the approved plans, shall be maintained as such at all times.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of amenity, good design and the character and appearance of the conservation area.

10 Cycle storage

Details of the construction of the 'new cycle' store shall be approved in writing by the Local Planning Authority prior to construction. The store shall be covered and secure and include the following security measures -

- Open to surveillance by having an extent of the walls constructed from materials such as welded mesh, grilles or bars, polycarbonate or other secure glazing such as glass composites.
- Lit after dark using vandal resistant, dedicated energy efficient light fittings and energy efficient lamps.
- Access controlled with an electronic fob key that only gives access to the store required.

The store shall be provided in accordance with the approved landscaping plans (that show setting out of the Sheffield type stands) and the above details prior to first occupation and shall thereafter be retained as such.

Reason: To promote sustainable travel in accordance with NPPF section 9.

11 Disabled parking

The disabled parking spaces, as shown on the approved site plan and landscaping plans, shall be provided prior to first occupation of the development hereby permitted and shall thereafter be retained as such.

Reason: To provide safe and suitable access to the site for all users address the needs of people with disabilities and reduced mobility in accordance with NPPF section 9.

12 Ecology - biodiversity net gain

Prior to first occupation the following biodiversity gains shall be provided on site, in accordance with the recommendations in the Preliminary Ecological Appraisal by Wold Ecology (issue 3 dated February 2022).

- At least 1 bat box on the new buildings.
- Bird boxes x6
- External lighting design to minimise light pollution.

Reason: to provide net gains for biodiversity in accordance with NPPF 174d.

13 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 BREEAM

The development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 6 months of first occupation (unless otherwise agreed).

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC2 of the Publication Draft Local Plan 2018.

15 Plant & machinery

Details of any machinery, plant and equipment to be installed in or located on the site, which would be audible outside of the site, shall be submitted to the local planning authority for approval in writing prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be implemented in accordance with the approved details 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.

16 Travel Plan

A Travel Plan for the development hereby permitted shall be in operation at all times following first use of the development hereby permitted. The Travel Plan shall adhere to the measures and actions as set out in the Travel Plan by Bryan G Hall ref. 22-173-002.05 dated September 2022.

The travel plan for the site shall include regular surveys of cycle parking facilities; the demand for such and extent of use. It shall include actions for increasing and improving cycle storage subject to demand.

Reason: to encourage sustainable travel in accordance with NPPF section 9.

17 Management Strategy

The site shall operate in accordance at all times with a management strategy implemented by the site operator. The strategy shall include the following measures

-
- On site management staff
- Measures to address noise pollution and noise complaints
- Only residents that are blue badge holders are eligible to park on-site
- Measures to monitor and prevent residents parking cars on surrounding streets.
- Provision of CCTV to cover the main entrances to the building, fire escape doors, the cycle store, internal communal space and mail delivery facilities. and lighting in accordance with Secure by Design recommendations in respect of natural surveillance.

Reason: In the interests of the amenity of surrounding occupants and highway safety in accordance with NPPF sections 9 and 12.

18 Communal uses

The development hereby permitted shall include the whole of the communal / amenity space and facilities for occupants, in accordance with the approved floor plans, and retain them as such at all times.

Reason: In the interests of good design and amenity, in accordance with NPPF

sections 8 and 12.

19 Student accommodation only

The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City. The operator of the development shall keep an up-to-date register of the name of each person in occupation of the development together with course(s) or conference(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H7 of the 2018 Publication Draft Plan.

8.0 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: sought revised plans in respect of design, regarding landscape and cycle storage and neighbours amenity and through the use of planning conditions.

Contact details:

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