

COMMITTEE REPORT

Date: 12 March 2026 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 25/01608/FULM
Application at: Car Care Centre 5 James Street York YO10 3WW
For: Demolition of existing motor cycle showroom (sui generis) and erection of a purpose-built student accommodation (sui generis) with up to 110 units and associated landscaping and parking
By: Study Inn Investments (James Street) Limited
Application Type: Major Full Application
Target Date: 20 February 2026
Recommendation: Refuse

1.0 THE SITE & PROPOSAL

The Site

1.1. The site, 5 James Street, occupies a plot at the junction of Elvington Terrace and James Street. The site is occupied by a motorcycle and car care centre. To the north of the site is a Bus Depot and to the east are commercial uses within the James Street commercial/industrial area. To the south of the site is a recently erected purpose-built student accommodation (PBSA). This PBSA, Raffles Hall, came into use in autumn 2025. To the west of the site is another consented PBSA currently under construction (Ref: 23/01647/FULM – Enterprise Rent-A-Car, permitted 26.04.2024).

1.2. The buildings of the motorcycle and car care centre are single storey and industrial/commercial in character with the exception of a large conservatory extension which faces James Street.

1.3. The site is within Flood Zone 1.

The Proposed Development

1.4. The proposed development is a 4-storey PBSA building provided as a mix of studios and cluster apartments alongside shared amenity spaces for residents. In total there would be provision of up to 102no. student beds made up of a mix of 54no. (53%) studios and 48no. (47%) cluster study bedrooms.

1.5. The main entrance would be located on Elvington Terrace. Much of the ground floor would comprise of shared amenity spaces include a gym, spa, study spaces and amenity area. A cycle store would also be situated on the ground floor alongside 6no. studios, 5no. of which would be accessible. A garden space with two air source heat pumps would be located to the west of the site. An additional controlled gate would provide access to James Street.

1.6. At first floor, second and third floor level, accommodation would be provided in a mix of cluster apartments and studios accessed from two circulation cores. Each floor would have 16no. studios and 16 no. cluster beds. The roof would incorporate solar photovoltaic panels.

1.7. The elevations would be finished in red brickwork with small areas of feature brickwork panel. The roof would be pitched slate with roof mounted PV panels. Flat dormers with dark grey infill panels would be located at intervals along the south and north elevations. On the south and west elevations, grey brickwork would be used within setbacks on the ground floor. Boundaries would be a combination of 1.8m weld mesh fence with vertical planting on the north boundary and ornamental hedging elsewhere.

1.8. To the west of the plot would be an area of grasscrete surface which doubles as a parking area alongside a refuse store and air source heat pump (ASHP) enclosure. There would also be a garden for the use of residents comprising of a resin bound gravel surface with seating; and areas of fastigiate tree and native shrub planting behind a 1.8m high wall screening the area from Elvington Terrace. Existing trees and vegetation on the northern boundary are to be retained. Additional fastigiate tree planting, decorative shrub and herbaceous planting would be provided on the frontage to James Street.

1.9. Typical studio accommodation (excluding accessible accommodation) would have a floorspace of 17 sqm (range approx. 16.77 sqm - 19.76 sqm) and typical study bedroom (cluster) accommodation would have a floorspace of 15 sqm (range approx. 13.27 sqm – 19.07 sqm). Typical shared kitchen/living spaces for cluster accommodation would have a floorspace of 28 sqm (range approx. 25.23 sqm – 29.34 sqm). All accessible studios have an approx. floorspace of 21.53 sqm.

Relevant Planning History

1.10. The applicant sought pre-application advice prior to submission of the application and the proposed development has been revised following receipt of pre-application feedback.

1.11. Other site history relates to minor alterations to the existing buildings associated with their operation as a motorcycle care centre and is not relevant to the current proposal.

2.0 POLICY CONTEXT

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is the City of York Local Plan.

CITY OF YORK LOCAL PLAN

2.2. The City of York Local Plan was adopted on 27 February 2025. Local Plan Policies relevant to the determination of this application are:

DP1 – York Sub Area
DP2 – Sustainable Development
DP3 – Sustainable Communities
SS1 – Delivering Sustainable Growth for York
EC2 – Loss of Employment Land
H3 – Balancing the Housing Market
H7 – Student Housing
HW7 – Healthy Places
D1 – Place Making
D2 – Landscape and Setting
GI1 – Green Infrastructure
GI2 – Biodiversity and Access to Nature
GI4 – Trees and Hedgerows
GI6 – New Open Space Provision
CC1 – Renewable and Low Carbon Energy Generation and Storage
CC2 – Sustainable Design and Construction of New Development
ENV1 – Air Quality
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV5 – Sustainable Drainage
T1 – Sustainable Access
T8 – Demand Management
DM1 – Infrastructure and Developer Contributions

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.3. The NPPF is a material consideration relevant to the determination of this application. The relevant sections of the NPPF for the determination of this planning application are:

Section 1: Introduction
Section 2: Achieving Sustainable Development
Section 4: Decision Making

Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

3.0 CONSULTATIONS

INTERNAL

Strategic Planning Policy

3.1. Initial consultation comments (16.09.25) set out that there is concern about the principle of the proposed development, with regard to the potential loss of the existing employment generating uses, and compliance with Local Plan Policy EC2, in particular whether adequate marketing of the site has been undertaken. Additionally, the Council's Economic Strategy recognises the importance of protecting existing employment and commercial land that is both high and low in value. Moreover, this part of the city has experienced significant and piecemeal change over recent years, which has resulted in cumulative loss of such sites, which provide valuable commercial services within the urban area.

3.2. Additionally, there are concerns that the applicants have failed to provide adequate evidence to support the scheme in terms of the requirements of Local Plan Policy H7. In particular, Strategic Planning Policy Council does not currently agree that there is a need for further PBSA, no nomination agreement has been provided and no affordable housing contribution is provided.

3.3. Further comments (23.12.25) set out "*at this stage it would be difficult to give an accurate appraisal of the appropriateness of the level it [the property] was marketed at.*"

3.4. Additionally, comments state that "*instead of a formal nomination agreement the applicant should seek a written letter of support (or provide evidence of efforts made to secure a nomination agreement as part of the planning application) that the University agrees to the principle of the development (a letter of comfort or soft agreement).*"

Design and Conservation (Conservation Architect)

3.5. The loss of the existing buildings is not objected to. The proposals are considered to be an overdevelopment of the site in terms of footprint and

relationship to boundaries. There is no meaningful external amenity space for residents; there are multiple bedrooms fronting onto/in very close proximity to adjacent land over which the applicant has no control; there is limited defensible space which is especially important for the single aspect ground floor bedrooms on Elvington Terrace; there are limited separation distances and north facing ground floor bedrooms will have very limited opportunity for direct sunlight; limited opportunity for any meaningful planting/soft landscaping; and the arrangement of the service area and car parking spaces is cramped. Comments were also made regarding ways in which the design could be improved.

Flood Risk Engineer & Lead Local Flood Authority

3.6. The submitted Flood Risk & Drainage Strategy (FR&DS) – Re: T/25/2955 Version 1.1 dated 5th August 2025 by Tier Consult is satisfactory in principle but requires amendments. Amendments were submitted February 2026 and were found to be acceptable. A drainage condition and drainage notes are recommended in the event of an approval.

Public Protection

3.7. Public Protection has considered the plans for this application in terms of all environmental impacts (noise, air quality, contaminated land and dust) and the following comments apply:

Noise

3.8. The application is accompanied by a noise assessment by Red Acoustics Environmental Noise Study dated 9/7/25. This assessment is suitable in terms of the noise mitigation measures to ensure future residents are not adversely affected by noise and the proposed mitigation measures within the report should be adhered to. A condition is recommended in the event of an approval to ensure that the mitigation measures are adhered to.

Air Quality

3.9. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities. The assessment was carried out in line with best practice guidance from the Institute of Air Quality Management (IAQM). It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. Conditions are recommended relating to a Construction Environmental Management Plan (CEMP).

Land Contamination

3.10. The applicant has submitted a SP Associates Phase 1 assessment dated August 2025. This assessment is suitable and requires a Phase 2 assessment to be completed. Conditions are recommended in the event of approval.

Lighting

3.11. The proposed site for the student accommodation is located close to residential premises. The applicant has provided a lighting spillage plan however it is noted that the lighting at the nearest residential property will be 5 lux. If this lighting is to be on 24 hours then the level should be less than 2 lux after 11pm. Therefore, a lighting condition is recommended in the event of an approval.

Design and Conservation (Landscape Architect)

3.12. The proposed building is too long for the site. Much more space is required at either end of the building (or in the middle) in order to achieve feasible tree planting and effective functional outdoor amenity space, as would be appropriate for the location, the wellbeing of residents, and the amenity and character of the streets and neighbourhood.

3.13. A much greater provision for outdoor amenity space is required for the number of units, especially given the size of the rooms and their single aspect. Outdoor space provides a landscaped setting but there is extremely little functional amenity space. Students need some accessible, wide, open spaces for recreational purposes, access to nature, and for nurturing health and wellbeing. The provision of open space must also be considered in the context of the increasing quantity of student accommodation and residential development in this part of the city.

3.14. The proposed street trees on James Street and Elvington Terrace are impractical due to their close proximity to the building to achieve good size and also because the surface water and foul water drainage systems would prevent the trees from being located within these narrow strips.

3.15. The development of the application site should, by design, connect with the tree-lined component of James Street and the neighbouring, quieter, residential area off Elvington & Brinkworth Terrace.

3.16. The trees and shrubbery just beyond the northern boundary, overhang the site. It is advised that a survey is carried out on these to allow an assessment of the effect on the health of the vegetation from pruning these back, and to what extent they might influence the amenity of the single aspect rooms, and the practicalities of maintenance. Especially as some of the rooms are incredibly tight to this boundary.

Design and Conservation (City Archaeologist)

3.17. The plot at 5 James St has not been archaeologically investigated. However, there have been several pieces of archaeological investigation in the immediate vicinity of this site which have yielded significant archaeological features/deposits. A Desk-Based Assessment (DBA) has been submitted with this application that requires revision and re-submission due to errors.

3.18. Prior to any construction on this site, an archaeological evaluation will be required. This should consist of trial trenches, of sufficient size to permit stepping to allow excavation below 1.2m BGL. Given the current site use, character and survival of the archaeological resource anticipated this can be secured by planning condition. However, any early GI works should be archaeologically monitored, to confirm expected levels on the site and inform the evaluation design.

Highways Development Control

3.19. Object. It is unclear who has access to the 2no. car parking bays. If these relate to accessible units, accessible parking should be indicated and must be designed as per the (BS 8300-2:2018). Regardless, the location of proposed car parking bays will hinder access to the refuse store.

3.20. The applicant must provide a pick-up and drop-off area within the development (including delivery aggregate), especially as Elvington Terrace has a Traffic Regulation Order in place (double yellow lines). This is not clearly indicated on the drawings.

3.21. Cycle parking must adhere to Local Transport Note (LTN) 1/20. A provision of 5% of overall cycle parking must be for non-standard cycles to accommodate people with mobility impairments. Full details of the proposed cycle storage will be required.

3.22. The applicant must provide tracking and swept path analysis for refuse vehicles and widen the footpath.

Design and Conservation (Countryside and Ecology Officer)

3.23. No objection subject to conditions and informative related to Biodiversity Net Gain (BNG), Landscape and Ecological Management Plan (LEMP), Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) and Biodiversity Enhancements.

EXTERNAL

Guildhall Planning Panel

3.24. Object. Concerns raised regarding loss of employment land, lack of a dropping off area, over development of the site, and questioned what is going to be the benefit to the community of the CIL payment.

North Yorkshire Police

3.25. The crime analysis shows that PBSA in the area is vulnerable to crime, as such recommendations are made to ensure future residents are provided with a safe and secure environment.

4.0 REPRESENTATIONS

4.1. At the time of writing, 1 no. objection comment has been received which raises the following matters:

- Loss of viable light industrial commercial premises (loss of non-hospitality employment opportunities)
- Intentional over-saturation of student accommodation
- Comment asks that the landlord openly market the proposed site for commercial use for not less than 12 months from the date of the planning committee decision

5.0 APPRAISAL

Key Issues

5.1. The key issues to consider in determining this planning application are as follows:

- Principle of development
- Accommodation Mix and Affordability
- Design
- Flood Risk and Drainage
- Open Space
- Residential Amenity
- Archaeology
- Sustainable Transport and Access
- Ecology
- Planning Obligations

Principle of development

5.2. In assessing the principle of development, the following Local Plan policies are considered most relevant: Policies EC2 (Loss of Employment Land) and H7 (Off Campus Purpose Built Student Accommodation).

Loss of employment land

Policy Context

5.3. Local Plan Policy EC2 (Loss of Employment Land) sets out that when considering proposals which involve the loss of land and/or buildings which were last used for employment uses, the Council will expect developers to provide a statement to the satisfaction of the Council demonstrating that: (i) the existing land/buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and (ii) the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.4. The supporting text of Policy EC2 (paragraph 3.10) sets out that when considering the loss of employment land and/or buildings, the Council will expect the applicant to provide evidence, proportionate to the size of the site of effective marketing of the site/premises for employment uses for a reasonable period of time, and in most cases not less than 18 months. Additionally paragraph 3.10 sets out that where an applicant is seeking to prove a site is no longer appropriate for employment uses because of business operations, and/or condition, the Council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrate why it is no longer appropriate for employment use. Furthermore, paragraph 3.10 states that where there have been changes to adjacent uses which are creating an incompatibility with employment uses, the Council will expect a clearly argued assessment of what changes have taken place and when, and why this has led to an incompatibility between uses.

5.5. NPPF paragraph 127 requires that planning decisions “reflect changes in the demand for land” and NPPF paragraph 128 states Local Planning Authorities “should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.”

Assessment

5.6. The applicant has supplied:

- Marketing, Viability & Employment Land Use Report prepared by Garness Jones in partnership with Barry Crux & Co. dated July 2025.
- Marketing Summary and Commentary prepared by Garness Jones in partnership with Barry Crux & Co. dated November 2025
- Marketing Information prepared by Garness Jones in partnership with Barry Crux & Co. dated January 2026.

(Referred to hereafter respectively as 'July 2025 document', 'November 2025 document' and 'January 2026 document').

5.7. The July 2025 document sets out that the premises has been let for at least 25 years to individuals trading as Car Care Centre, and that the property became vacant in September 2022 due to business owner's retirement. It also notes that on average 5 full-time members of staff were employed at any one time during the previous occupant's tenure. The July 2025 document goes on to state that the property was marketed by Barry Crux & Co. for a period of 3 years beginning in 2021, however this was on a confidential basis due to the business continuing to trade from the premises. The property was advertised on the Barry Crux and Co. website as a confidential showroom/workshop, however it is reported that only limited enquiries were received from potential purchasers wishing to use the property for continued motor use and that the main interest in the property was from property investors and developers looking at alternative uses or redevelopment of the site.

5.8. The July 2025 document further states that the property would require improvements and refurbishment to reach levels required by modern occupiers and that this view was reflected in feedback from potential purchasers. Finally, the July 2025 document presents the view that the building has limited viability for modern occupiers due to the following factors:

- Limited yard space which does not easily service the rear of the building
- Access difficulties from Elvington Terrace which is a narrow road leading to residential dwellings
- Significant investment in the buildings would be required
- The area around the property has changed over recent years with an emphasis on a mix of residential and commercial uses with heavy industry declining

5.9. Finally, the July 2025 document sets out that 15no. full-time staff will be employed by the developer to operate the PBSA once operational. These are mainly in housekeeping and concierge/security roles.

5.10. Officers did not consider that the information contained within the July 2025 document was sufficient to meet the requirements of Policy EC2 and advised the applicant that there were concerns about the effectiveness of the marketing exercise. In seeking to address this the applicant provided the November 2025 document. This document builds on the July 2025 document stating that the objective of the November 2025 document is to demonstrate that the marketing has been effective. It sets out that in relative terms the site is not a large employment site and thus the evidence presented in July 2025 should be proportionate and that the site has been marketed for significantly in excess of the 18-month period that Policy EC2 requires. The November 2025 document explains that the marketing

strategy involved listing the site on Barry Crux & Co.'s website and sending direct mailshots to registered parties. It also sets out the reasons why Barry Crux & Co. chose not to use other marketing methods, such as For Sale boards and third-party platforms like Costar, EG Property Link, and Rightmove Commercial. The reason given for non-utilisation of third-party platforms is that at the commencement of marketing there was not a clear market leading online platform for the advertising of commercial property.

5.11. Officers continued to raise concerns about the effectiveness of the marketing and thus the applicant submitted the January 2026 document. This sets out that the property was marketed as 'Price on Application' with interested properties invited to make an offer rather than a specific price being quoted. Additionally, the January 2026 document sets out that mailshot marketing consisted of two mailshots which were issued to advertise the property (28 July 2021 and 12 August 2021) and the distribution lists of the mailshots were issued to a total of 96no. individuals and companies. The January 2026 information also sets out that 52no. direct enquiries were received from the website listing during the initial months of marketing and additional telephone enquiries were received but no records were kept of these. The January 2026 information includes the sales literature which was used to advertise the property. The literature shows the site was advertised as a "Showroom & Workshop with Development Potential" and the "opportunity to purchase a site with potential for residential development, subject to obtaining planning consent."

5.12. The requirement of criterion (i) of Local Plan Policy EC2 is that a statement is provided to the satisfaction of the Council to demonstrate that the existing land/building are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses. Supporting paragraph 3.10 sets out the requirements of a marketing campaign and, where it is argued that changes to adjacent uses have led to incompatibility, the need for an assessment of what changes have taken place, when, and why this has led to an incompatibility between uses. Evidence provided by the applicant indicate the property was marketed as a residential development opportunity. Therefore there are shortcomings in the marketing campaign in terms of demonstrating the existing land/building are not viable. No evidence has been presented that the site was marketed on the basis of continuing the current or a similar use. The July 2025 document provides some detail that the building has limited viability for modern occupiers due to access, yard space, need for refurbishment and surrounding uses.

5.13. The reports state that limited enquiries were received and the main interest in the property was from property investors and developers looking at alternative uses or redevelopment for the site. Officers note this is likely to be the case as this was the principal basis on which the property appears to have been advertised and that this does not preclude that the existing industrial/commercial use is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses.

5.14. Overall, the information submitted is considered to be insufficient to demonstrate that the existing building is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses. Furthermore, the evidence submitted in January 2026 indicates that the site was marketed primarily as a redevelopment opportunity rather than for its continued use for Class E or B2 purposes. As a result, the apparent lack of interest in operating the site for such uses cannot be taken at face value, given that is not how the site was presented to the market.

5.15. Criterion (ii) of Local Plan Policy EC2 requires that a proposal must not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. Whilst the Local Plan allocates sites to accommodate growth, criterion (ii) of EC2 is written because existing sites are required to accommodate overall needs. The application does not address this criterion directly but makes a case regarding the limitations of the site, and that the changing nature of the surroundings has diminished the requirement for industrial space.

5.16. The proposed redevelopment of the site would conflict with policy EC2 Loss of Employment Land. The application is for a redevelopment of the site for residential purposes, albeit with some ancillary employment. The application does not demonstrate that the site is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and nor does it demonstrate that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The proposals are therefore contrary to the Local Plan in respect of delivering the city's economic ambitions by providing sufficient land to meet the level of growth set out in the Spatial Strategy in policy SS1.

Off Campus PBSA

Policy Context

5.17. Policy H7 (Off Campus Purpose Built Student Housing) requires that for off campus PBSA, all of the following criteria must be satisfied:

- i. it can be demonstrated that there is a need for student housing which cannot be met on campus;
- ii. it is in an appropriate location for education institutions and accessible by sustainable transport modes;

- iii. The rooms in the development are secured through a nomination agreement for occupation by students of one or more of the University of York and York St. John University;
- iv. The 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; and
- v. The accommodation shall be occupied only by full-time students enrolled in courses of one academic year or more and conditions or obligations shall be imposed to secure compliance with this requirement and for the proper management of the properties.

The policy also states that for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. This matter is assessed in the planning obligations section.

Assessment

5.18. Regarding criteria (i) of Policy H7, a York Student Needs Report dated May 2025 prepared by Study Inn Investments (the applicant) was provided. This report was updated (October 2025) and an Addendum produced (October 2025). The October 2025 version of the report estimates that there are 4779 – 7429 full time students studying in York who cannot access university-owned student beds or private sector PBSA. Students who do not live in PBSA or university stock tend to either live in HMOs or live at home. The Student Needs Report presents the case that international student recruitment is becoming increasingly important in terms of their contribution to university finances and international students are more likely to live in PBSA and therefore provision of PBSA will make York more attractive to international students.

The Council is in the process of producing a Student Housing Needs Assessment and acknowledges that there is ongoing need for PBSA accommodation in the City, but also that institutions are experiencing changing pressures with growth patterns hard to predict. The current position is that York already has a slightly higher proportion of PBSA than nationally as well as a smaller percentage of students in HMOs (other rented accommodation).

Data provided by the Higher Education Statistics Agency (HESA) shows there were 29,915 full-time students across the University of York and York St John University in 2023/24. Strategic Planning Policy's monitoring data regarding student accommodation across York shows there are:

- 8,125 on-campus bed spaces across both the University of York and York St John
- 3,788 student bedspaces in operational PBSA across the city

- 735 student bedspaces with extant consent and 358 bedspaces with resolution to grant consent
- 276 planning approvals for HMOs since 2013, equating to approximately 1000 bedspaces
- A Local Plan allocation (SH1) for about 400 student bedspaces at Heworth Croft

This data suggests there are 12,913 existing student bed spaces across the City and a further 1,493 in the pipe-line for delivery. These figures don't include pre-2013 HMOs. Not accounting for full-time students who may live at home, even if all pipe-line bedspaces are delivered, there would be a gap between the provision of student bedspaces for the number of full-time students in York. There is some concern regarding the delivery of affordable accommodation for students which is discussed elsewhere in the report, however the currently available evidence does not suggest that there no need for off-campus PBSA.

5.19. Regarding criteria (ii) of Policy H7, the location is considered to be appropriate for PBSA as evidenced by other large scale PBSA developments nearby. The site is an approx. 17-minute walk / 14-minute bus / 5-minute cycle to the University of York campus and an approx. 19-minute walk / 19-minute bus / 6-minute cycle to the York St John University Campus at Lord Mayor's Walk. These travel times are considered to be suitable.

5.20. Regarding criteria (iii) of Policy H7, the development does not have a nomination agreement for occupation by students of one or more the University of York and York St. John University. However, the applicant has provided correspondence with the Accommodation Directorate at the University of York (August 2025) which sets out that neither university has provided any letters of nomination for PBSA in general. The absence of a nominations agreement is contrary to Policy H7. However, evidence presented by the applicant indicates that they have engaged with the universities and that a nomination agreement does not appear to be possible. Furthermore the University of York has confirmed that they will not comment as to whether the proposal is aligned with the expectations and needs of existing and incoming students in terms of social space provision, amenities and indicative student rent cost. York St John University have not provided a response. On balance it is considered that in this case it would be unreasonable for the application to be refused because of the lack of a nomination agreement or the lack of a letter of support, or otherwise, from the universities for the scheme.

5.21. Regarding criteria (iv) of Policy H7, the impact on amenity of nearby residents and impact of the design and access arrangements on the local area are discussed in more detail elsewhere in the report.

5.22. Regarding criteria (v) of Policy H7, the applicant (Study Inn Limited) is a specialist PBSA provider, and the application documents are clear that the intended residents are students. In the event of an approval, conditions can be used to ensure compliance with the requirement that the accommodation shall be occupied only by full-time students enrolled in courses of one academic year or more.

Accommodation Mix and Affordability

Policy Context

5.23. Policy H3 (Balancing the Housing Market) requires housing solutions are provided that contribute to meeting York's housing needs as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. The final mix of dwelling types and sizes will be subject to negotiation with the applicant. Applicants will be required to provide sufficient evidence to support their proposals.

5.24. A core theme of the Council Plan 'One city, for all' (2023-2027) is tackling affordability. Ensuring affordable accommodation for students within the city is important as part of tackling this core commitment.

Assessment

5.25. Data collected by Strategic Planning Policy shows that 50.5% of total bedspaces in PBSA delivered in York between 2012-2025 are in the form of studio accommodation. The remaining 49.5% of delivered bedspaces are within a combination of cluster flats and shared houses. There is a consistent trend that studio accommodation is more expensive than cluster flat/shared house accommodation for students to rent. Research by Strategic Planning Policy shows weekly rents for studio flats range from £175-414 and cluster flats have a range between £190-255. No data has been collected at present regarding prices in shared houses. Although the lowest studio cost (£175) is cheaper than the lowest cluster flat cost (£190), these cheaper studios appear to only be available from a single provider who is significantly undercutting the cost of other studio accommodation in the city. The next cheapest studio flats begin at £260 per week with the majority being in the upper reaches of the £175-414 price bracket. For comparison, university managed accommodation fees range from £99 - £241 and are typically let over a shorter term (e.g. term time only). This university managed weekly rent is generally lower than private accommodation and annualised remains lower due to shorter tenure options available.

5.26. Data suggests that PBSA development with a high number of studios cannot be considered affordable student accommodation options for the City of York. While a mix of accommodation options is recognised to be important in Policy H3, it is

considered the availability of accommodation across the City has more high-cost studio accommodation options than more affordable options.

5.27. For the proposed development, 54no. rooms (53%) would be studios and 48no. rooms (47%) would be in cluster flats. The number of studios has increased since submission to provide more accessible studios. Application documents suggest the development is aimed at the higher end of the student housing market, in particular international students considering both universities in York appear to be focusing on more international student recruitment. However, the scheme is broadly in accordance with overall trend for other PBSA planning permissions.

Placemaking, Design and Landscape Setting

Policy Context

5.28. Local Plan Policy D1 (Placemaking) states development proposals will be supported where they improve poor existing urban and natural environments and that development proposals that fail to make a positive design contribution to the city, and/or cause damage to the character and quality of an area will be refused. Policy D1 also contains detailed design points relating to urban structure and grain; density and massing; Streets and Spaces; Building Heights and Views; and Character and Design Standards.

5.29. Local Plan Policy D2 (Landscape and Setting) states development proposals will be encouraged and supported where they protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities; create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces; include sustainable, practical and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes.

Assessment

5.30. The loss of the current building on site is not objected to from a Placemaking, Design or Landscape Setting perspective. The Conservation Architect notes that, given recent permissions and development in the area, redevelopment of the site offers the opportunity to "finish" the urban block. However, the footprint, layout and quantum of the proposed development is not considered to have achieved this successfully and instead amounts to an overdevelopment of the site. This concern is shared by both the Landscape Architect and Conservation Architect in their

consultee comments. The overdevelopment would result in poor-quality living conditions for future occupiers.

5.31. It is recognised that this quarter of the city - which includes Layerthorpe, Foss Islands Road, and Lawrence Street - is undergoing change and becoming a more residential neighbourhood. The existing residential blocks off Brinkworth Terrace and Elvington Terrace are part of this emerging neighbourhood and stand within a setting of soft landscaping and pedestrian routes. However, the overall quality of the public realm for residential purposes in this part of the city remains limited due to the continued presence of industrial and commercial uses, despite recent changes into a more residential neighbourhood. This heightens the need for proposed residential development to make a meaningful contribution to the public realm for the benefit of both future residents and the wider community. However, the proposed development does not satisfactorily respond to the evolving residential qualities.

5.32. The site is relatively small, measuring approx. 18.7m wide at the James Street end (east), narrowing to around 16.4m at the middle and narrowing again to 11.7m at the western end. The site is at its narrowest at the vehicular access point where it is just approx. 7.2m wide. This results in a linear build form fronting Elvington Terrace with very limited buffer space around the building. Consequently, the scheme represents a highly intensive residential use of the site with very little opportunity for meaningful landscaping or tree planting. This level of intensive residential use is not wholly compatible with the industrial use to the north (the First Bus bus depot) and would not provide a comfortable living environment for future occupiers.

5.33. There is very limited opportunity for any meaningful planting / soft landscaping around the building, with trees shown very close to the elevations. The proposals show fastigate trees, specialised species which will grow narrow and column like rather than with spreading crowns. While such trees are not objectional in principle, their use here highlights the cramped nature of the layout. Of particular concern is the proposed street tree in the south-east corner of the site which at 2m from the building is thought to be too close to be viable, even for a fastigate specimen. There is a lack of meaningful external amenity space for residents. The amenity area (excluding the area for parking) measures approx. 135sqm. The space is considered to be of relatively low amenity value due to its limited size in the context of up to 102no. residents, the extent of hard surfacing, and the high boundary wall that separates it from the public realm.

5.34. The height of the proposed building (4-storeys) is comparable to other nearby residential buildings and is considered acceptable. The roofscape, including the use of gables is also appropriate. Materials proposed are predominantly a traditional palette of red brick and slate roof which is appropriate to York. On the advice of the Conservation Architect, cladding at ground floor level has been replaced with a contrasting colour brick for a more high-quality finish at pedestrian level. Also on the

advice of the Conservation Architect, the applicant has taken steps to enhance the architectural presence of the James Street gable, adding additional fenestration. There is some activation at street level for James Street and Elvington Terrace with full height glazing serving the internal amenity area. However, these improvements, along with the acceptable materials and building height, do not compensate for the overdevelopment of the plot as a whole.

5.35. Overall the absence of meaningful on-site external amenity space for residents; limited opportunities for meaningful planting and soft landscaping to enhance the public realm; and the number of bedrooms with poor outlook fronting land over which the applicant has no control are considered to be symptomatic of the overdevelopment of the site. This would result in poor-quality living conditions for future occupiers and would be contrary to Policies D1 and D2 of the Local Plan.

Flood Risk and Drainage

Policy Context

5.36. Local Plan Policy ENV4 (Flood Risk) requires new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events.

5.37. Local Plan Policy ENV5 (Sustainable Drainage) requires for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate. Sufficient attenuation and long-term storage should be provided to ensure surface water flow does not exceed the restricted runoff rate.

Assessment

5.38. Initial comment from the Flood Risk Engineer and Lead Local Flood Authority (LLFA) stated that the Flood Risk & Drainage Strategy (Reference: T/25/2955 Version 1.1 dated 5th August 2025 by Tier Consult) in principle is satisfactory but required amendment to address concerns over the connection point of both foul and surface water to separate points. Following the submission of a revised proposed drainage layout in January 2026, the Flood Risk Engineer and Lead Local Flood Authority (LLFA) have confirmed that along with the associated surface water drainage calculations dated 14 July 2025, concerns previously raised have been addressed. A compliance condition for the drainage strategy and layout is recommended in the event planning permission is granted.

Amenity of future residents

Policy Context

5.39. Paragraph 135 of the NPPF (December 2024) requires planning decisions should ensure that developments 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.

Assessment

5.40. The amenity of future residents in terms of rooms sizes of studios and cluster flats is considered to be comparable to other recently consented PBSA across the City. Room sizes across the development vary by location and type (Studio/cluster). Typical studio accommodation (excluding accessible accommodation) would have a floorspace of 17 sqm (range approx. 16.77 sqm - 19.76 sqm) and typical study bedroom (cluster) accommodation would have a floorspace of 15 sqm (range approx. 13.27 sqm – 19.07 sqm). Typical shared kitchen/living spaces for cluster accommodation would have a floorspace of 28 sqm (range approx. 25.23 sqm – 29.34 sqm).

5.41. In terms of accessible studios, 5no. are proposed for the ground floor (provision of 4.9%). All accessible studios have an approx. floorspace of 21.53 sqm.

5.42. The Council has comparison data from recently permitted PBSA schemes in York (figures shown are minimum room sizes; some units are larger, and accessible room data is not readily available):

	Alton Cars	Brickworks	Mecca Bingo	Frederick House	Aubrey House
	22/00367/FULM	13/03522/FULM	21/01605/FULM	19/00603/FULM	20/01200/FULM
Cluster bedroom	12.5sqm	12.5sqm	12.5sqm	N/A	12.0sqm
Studio	20sqm	N/A	18sqm	17.2sqm	16sqm
KDL	35.6sqm	24.86sqm	31.29sqm	N/A	24.41sqm

For comparison, the proposed PBSA room sizes are as follows:

- Cluster Bedrooms: Typical 15 sqm (range approx. 13.27 sqm – 19.07 sqm)
- Studios: Typical 17 sqm (range approx. 16.77 sqm - 19.76 sqm)
- Kitchen/Dining/Living (KDL) for cluster flats: Typical 27.9sqm (range approx. 25.23 sqm – 29.34 sqm)

5.43. Proposed room sizes of the proposed sit broadly within the range of recently approved PBSA in the city with the cluster bedrooms generally larger than the minimums seen elsewhere and studio sizes comparable to other developments. Kitchen/Dining/Living areas for cluster flats are also comparable to PBSA

development elsewhere in the City. Considering this, room sizes are generally considered to be satisfactory when compared against the standards of PBSA approved elsewhere in the City.

5.44. The proposed building includes communal facilities such as the gym and spa, the space specifically designated as general amenity, where residents might reasonably be expected to meet and socialise, totals 124 sqm. It is unclear how this space (labelled 'amenity' on the plans) would be used.

5.45. The accommodation in the northern half of the building is positioned very close to the boundary with the bus depot, with the northern elevation sitting between 1.9m and 2.8m from the plot boundary. Across the development, 33no. of the 102no. bedrooms (32.35%), made up of 15no. cluster bedrooms and 18no. studios, have their only window in this north elevation, facing directly towards the bus depot. In addition, nine of the KDL (kitchen, dining, living) rooms for the cluster flats also look out at the depot, although six of these KDLs are at the ends of the building so benefit from dual aspect. The outlook from these north-facing windows would be of very poor quality, and the rooms would be highly exposed to the operational activity of the bus depot.

5.46. The activities of the bus depot, which are outside the control of the applicant, are high intensity, not considered to be compatible with residential uses, and take place across the extent of the depot site. Noise generated by activities including jet washing and mechanical plant are addressed in the submitted Noise Assessment by Red Acoustics Environmental Noise which proposes noise mitigation measures. The noise mitigation proposed has been found acceptable by the Environmental Health officer. However, it would not be uncommon for night-time operations at the depot to be accompanied by external illumination. The depot is equipped with floodlighting for this purpose, including one floodlighting mast located approx. 3m from the north elevation of the proposed building. The potential for artificial light spill into north-facing bedrooms does not appear to have been assessed within the application submission and would add to a poor-quality living environment for residents.

Archaeology

Policy Context

5.47. Policy D6 (archaeology) states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for

deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

5.48. Following submission of an updated Archaeological Desk Based Assessment (Rev1 – September 2025), the City Archaeologist has advised that prior to any construction on this site, an archaeological evaluation will be required. This should consist of trial trenches, of sufficient size to permit stepping to allow excavation 1.2m below ground level. Given the current site use, character and survival of the archaeological resource anticipated this can be secured by planning condition. However, any early ground investigation works should be archaeologically monitored, to confirm expected levels on the site and inform the evaluation design. The results of the evaluation must be presented with a foundation plan and a resubmitted desk based assessment to adequately assess impact and inform mitigation measures. If sensitive archaeological features are present, mitigation in the form of a watching brief, a targeted excavation or a strip, map and record condition, may be required. A condition is recommended on the application in the event of an approval. With this condition, the proposals are considered to meet the requirements of Policy D6.

Sustainable Transport and Access

Policy Context

5.49. Local Plan Policy T1 (Sustainable Access) states development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

5.50. Local Plan Policy T8 (Demand Management) states that to improve the overall flow of traffic, improve road safety and provide an environment more conducive to walking and cycling, development should ease pedestrian and cycle access to, within and through the development and improve the streetscape.

Assessment

5.51. Comment from the Highways Development Control Officer was that the development should have at least one accessible car parking space for accessible studios; there is nowhere for delivery aggregators (e.g. Uber Eats, Deliveroo, Just Eat) to park as the entire area has double yellow lines; and there was no internal access to the cycle store.

5.52. Two car spaces are provided at the west of the plot with a grasscrete surface. These are intended to be used for drop-off/pick-up purposes and not to provide

permanent parking spaces for staff or residents. It is recognised that there is no blue badge parking associated with the accessible studios. The plot has very limited space for car parking of any variety. No residents in any room type, including accessible rooms, will be permitted to keep a car on site. The absence of blue badge parking would be a clear disadvantage to future residents. However, there is no policy requirement within the Local Plan that parking should be provided for student accommodation.

The delivery spaces at the west of the site mean drop-off/pick-up of residents is possible, as is use of these spaces by delivery aggregators. An internal access from the cycle store into the building has been added.

5.53. As noted in the submitted Travel Plan (July 2025), the site is well connected to foot and cycle ways and with good public transport connections within close proximity that provide access to local and regional destinations. Internally, 30 spaces on Sheffield Stands, 68 two-tier rack spaces and spaces for 4 adaptable cycles will be provided in the cycle store plus an additional 14 visitor cycle parking spaces outside the building at the main entrance. This totals 116 cycle parking spaces across the development which would provide a space for each resident plus visitor parking. This is considered to be sufficient cycle parking. Details of cycle parking could be conditioned.

5.54. The main access to the site would be from Elvington Terrace. This would provide access to pedestrians and to the cycle store. By virtue of the site's location and type of development, the majority of associated journeys would be by sustainable modes of travel. However, 2no. car parking spaces are provided for drop-off/pick-up and servicing. These are located to the west of the site. Previously the site was dominated by parked vehicles associated with the Car Care Centre business. The scheme would result in a reduction of parked vehicles.

5.55. Waste collection would be by a private company. The applicant has supplied tracking data which shows the refuse vehicle would need to utilise the carpark of Dunlin House to turn. It would be fair to assume this route would also be used by other larger vehicles accessing the PBSA. This would have a detrimental impact on the amenity of residents of Dunlin House and it is unclear if the refuse or other vehicles would have the right to access this land as it is not adopted highway. Therefore the waste collection and vehicle access arrangements are not considered to be satisfactory.

Ecology

5.56. The Council's ecologist has no objection to the application subject to the statutory BNG condition, provision of a Landscape and Ecological Management Plan (LEMP), Construction Environmental Management Plan (Biodiversity), and biodiversity enhancements.

Planning obligations

Affordable Housing

5.57. Policy H7 (Off Campus Purpose Built Student Housing) requires for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. The contribution will be calculated on a pro rate basis per bedroom using the following formula: Average York Property price – Average York Fixed RP Price x 2.5% = OSFC per student bedroom.

5.58. Comment from the Affordable Housing officer advises:

Average York Property price – £308,763

Average York Fixed RP Price – £94,400

Number of student bedrooms – 102

5.59. Applying these parameters results in a calculation of: $(£308,763 - £94,400) \times 2.5\% = £5,359$ per student bedroom. Accordingly the total affordable housing contribution requirement for this scheme of 102 student rooms would be £546,618.

Open Space

5.60. Policy GI6 (Open Space Provision) states residential development proposals should contribute to the provision of open space for recreation and amenity with current local standards and using the Council's up to date open space assessment. The Council will require on-site provision where possible but off-site provision will be considered acceptable in certain circumstances. Circumstance (i) is considered to apply in the case of 5 James Street which is that the proposed development site is of insufficient size in itself to make the appropriate provision feasible within the site.

5.61. Using the standards set out within paragraph 2.5 of the *City of York Local Plan Evidence Base: Open Space and GI update* (Sept 2017) and repeated within Table 1 of the CYC advice note titled '*Commuted Sum Payments for Open Space in New Developments*' (January 2026), open space provision for 102no. student residents should be as follows:

- Amenity Space – 1,479sqm
- Outdoor Sports Facilities – 1,815.6 sqm

It is recognised that the site cannot accommodate this level of provision, commuted sums can therefore be sought.

5.62. For a scheme of 102 residents this would be as follows:

- Amenity Space – £20,658.17
- Outdoor Sports Facilities – £32,067.78

5.63. The commuted sum for Outdoor Sports Facilities is calculated using 102no. bedrooms, each charged at £314.39, in accordance with the CYC advice note ‘*Commuted Sum Payments for Open Space in New Developments*’ (January 2026).

5.64. For amenity space, the development provides 135sqm on site, which represents 9.13% of the total required provision. This results in a 90.87% shortfall. It is therefore considered appropriate to seek 90.87% of the full commuted sum to address this deficit. Based on 102no. bedrooms at a rate of £222.88 per 1-bedroom dwelling (as set out in the same CYC advice note), the resulting commuted sum is £20,658.17.

Public Sector Equalities Duty (PSED)

5.65. Public Sector Equalities Duty 5.180 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.66. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.67. The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1. The height of the development is considered to be comparable to other nearby residential development and materials and detailing appear to be of good quality and appropriate for the location, however the overall footprint of the building is considered to be too large offering limited opportunities for meaningfully landscaping or amenity space. It is unclear if proposed planting would be viable. This is contrary to policy D1 and D2 of the Local Plan.

6.2. The development would result in the loss of a site previously used for Use Class B2 and Use Class E uses. There are recognised constraints to the market attractiveness of the site including its proximity to residential uses. Marketing appears to present the site as a development opportunity, fundamentally the application has been unable to demonstrate that the proposal would meet the requirements of policies EC2 .

6.3. The site is well located for the universities and evidence suggests that there remains a general need for PBSA in the city. In general terms, individual room sizes are considered to be satisfactory. However, most rooms are single outlook with the outlook from the north elevation overlooking the bus depot considered to be poor. The poor quality amenity space and limited landscaping does little to create a suitable living environment. On balance the proposals are not considered to result in high quality living accommodation.

7.0 RECOMMENDATION: Refuse

1 The proposed redevelopment of the site would conflict with policy EC2: Loss of Employment Land. The application does not demonstrate that the site is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses. The proposals are therefore contrary to the Local Plan in respect of delivering the city's economic ambitions by providing sufficient land to meet the level of growth set out in the Spatial Strategy in policy SS1: Delivering Sustainable Growth for York.

2 The proposed development fails to provide an acceptable quality of development by reason of the limited provision of external shared amenity space,

limited planting and soft landscaping to provide an appropriate setting for a new residential building, together with a significant number of bedrooms that would provide a poor outlook. The scheme fails to meet the vision and development principles of the Local Plan and is contrary to policies DP2, SS1, D1 and D2 and paragraph 135 of the National Planning Policy Framework.

8.0 INFORMATIVES:

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