

Notice of meeting of

Planning Committee

To: Councillors Cunningham-Cross (Chair), Galvin (Vice-Chair), Ayre, Boyce, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams

Date: Thursday, 16 February 2012

Time: 4.30 pm

Venue: The Guildhall, York

The site visits will commence at 9.30am on Tuesday 14 February meeting at the Memorial Gardens.

AGENDA

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 10)

To approve and sign the minutes of the last meeting of the Planning Committee held on 19 January 2012.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5.00pm** on **Wednesday 15 February 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning applications:

a) Plot 8B, Great North Way, Nether Poppleton, York (11/03253/FULM) (Pages 11 - 46)

Erection of garden centre retail development incorporating restaurant/cafe and farm food hall with associated access, landscaping, car park, outdoor display areas and hand car wash.
[Rural West York Ward] **[Site Visit]**

b) The Abattoir, Murton Lane, Murton, York YO19 5UF (11/03259/FULM) (Pages 47 - 70)

Development of a new abattoir and food production facility with associated landscaping and access following demolition of existing abattoir *[Osbaldwick Ward]* **[Site Visit]**

5. Public Consultation on Draft Supplementary Planning Documents (Pages 71 - 164)

This report informs members that the Council is currently out to public consultation on the following draft Supplementary Planning Documents (SPD's):

- Controlling the Concentration of Houses in Multiple Occupation
- Subdivision of Dwellings
- House Extensions and Alterations

6. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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- Business of the meeting
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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

TUESDAY 14 FEBRUARY 2012

TIME (Approx)	SITE	ITEM
9.30am	Bus leaves Memorial Gardens	
9.50am	Abattoir, Murton Lane, Murton (11/03259/FULM)	4b
10.30am	Plot 8b, Great North Way, Nether Poppleton (11/03253/FULM)	4a

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City of York Council

Committee Minutes

MEETING PLANNING COMMITTEE

DATE 19 JANUARY 2012

PRESENT COUNCILLORS CUNNINGHAM-CROSS (CHAIR), AYRE, BOYCE, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS AND RICHARDSON (SUB FOR CLLR GALVIN)

APOLOGIES COUNCILLOR GALVIN

29. INSPECTION OF SITES

Site	Reason for Visit	Members Attended
Former Tarmac site, Ouse Acres, York (11/02943/REMM)	To enable Members to view the site in respect of the reserved matters proposals.	Cllrs Cunningham – Cross, Boyce, Doughty, Funnell, McIlveen, Reid and Watson
Proposed Hotel, Barbican site, Paragon Street, York (11/02658/FULM)	To enable Members to view the site in respect of the schemes impact on the surrounding area in particular the city walls, and conservation area.	Cllrs Cunningham – Cross, Boyce, Doughty, Funnell, McIlveen, Merrett, Reid and Watson

30. DECLARATIONS OF INTEREST

Councillor Williams declared a personal non prejudicial interest in relation to Plans items 4a (Tarmac Ltd, Ouse Acres, York) and 4b (Proposed Hotel at Barbican site, Paragon Street, York) as an employee of Yorkshire Water a consultee in respect of both applications.

Councillor Merrett declared a personal non prejudicial interest in relation to Plans item 4a (Tarmac Ltd, Ouse Acres, York) in respect of the cycle provision on the site as a member of the York Cycle Campaign and Honorary Member of the CTC.

Councillor D'Agorne also declared a personal non prejudicial interest in relation to Plans item 4a (Tarmac Ltd, Ouse Acres,

York) in respect of the cycle provision on the site as a member of the York Cycle Campaign and the CTC.

31. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 15 December 2011 be approved and signed by the Chair as a correct record subject to the amendment of Minute 25 (Declarations of Interest) in respect of Cllr Merrett's second declaration being amended to read:

‘as he was employed by Amey Consulting a parallel organisation to the joint venture’

32. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

33. PLANS LIST

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

33a Tarmac Limited, Ouse Acres, York (11/02943/REMM)

The Committee considered a major reserved matters application, submitted by Andy Cramer, for the erection of 57 dwellings after the demolition of existing buildings following the previous approval of outline application 07/00056/OUTM.

Officers reported receipt of revised site layout plans from the applicants which detailed:

- hard and soft landscaping.
- 2m strip of land being retained on the western boundary to accommodate a pedestrian/cycle route (to be provided at a later date) between the British Sugar/Manor school development site.
- LEAP amenity space which would be provided by the developer and maintained by a management company

funded by the residents. Officers confirmed that the applicants had declined the CYC offer to run the amenity space.

- A financial contribution of £60,000, rather than £160,000 mentioned in the officers report, would be required for the provision of off-site public open space for use in the Clifton Bridge/Leeman Road area.

Members commented and questioned a number of points, including:

- Confirmation play areas adopted by CYC had worked well on a number of housing sites in area.
- The possibility of future complaints by residents from play area use by children other than from the development.
- Need for all parking courts to be visible from adjacent properties.
- Retention of land adjacent to the railway lines for provision of sustainable transport corridor as discussed at the outline application stage.

Officers confirmed that, as far as they were aware, there were no emerging proposals for retention of a route adjacent to the rail line. Land at this point had been shown on the illustrative masterplan as a landscape buffer.

The legal officer confirmed that, following the points raised by members and to any clarify the position in relation to the retention of a buffer zone that the plans approved at the outline stage required further examination.

RESOLVED: That further consideration of the application be deferred to:

- i) Allow officers to clarify the status of a possible sustainable transport route along the north east boundary of the site.
- ii) Enable officers, if required, to undertake further discussions with the developer any possible amendments to accommodate the route if warranted by the British Sugar/York Central master planning stage.^{1 and 2.}

REASON: To allow officers to clarify the outline details to fully inform members' consideration of the reserved matters application.

Action Required

- | | |
|---|----|
| 1. Clarify details of sustainable traffic route and undertake discussions with applicant. | KO |
| 2. Prepare report back to Committee. | KO |

33b Proposed Hotel at York Barbican Site, Paragon Street, York (11/02658/FULM)

Consideration was given to a major full application, submitted by Michael Davies, for the erection of a 165 bedroom hotel with public space, landscaping and access.

Updated information was circulated at the meeting relating to the following points, full details of which were outlined by officers and attached to the online agenda for the meeting:

- Details of alterations made to the scheme, following further dialogue with the applicants, relating to a reduction in size of the entrance feature, cladding materials, set back of the top floor facing Paragon Street, plant room enclosure reduced in height and set back, Kent Street facade lowered in accordance with approved scheme and reduction in rooms to 163.
- Considered that additional work still required in respect of detailing in what was a sensitive location.
- Approval now recommended subject to approval of these details prior to the 13 week determination date of 2 February 2012.
- Details of additional conditions required in any approval.
- English Heritage now welcomed the height reduction and removal of limestone cladding but reserved judgement on the proposed zinc cladding pending receipt of a sample.
- Revised plans were also circulated.

A letter received from the applicant's developers, in support of the application, was also circulated at the meeting. In this their Principal Planning Manager requested members to support the application following extensive work undertaken to resolve the outstanding matters of concern.

The developers representative spoke in support of the application and answered points that had been raised by members at the site meeting. He referred to discussions regarding car parking on the adjacent 270 space site, details of job creation and the funding in place to proceed with the development following finalisation of details.

Members went on to question a number of points including:

- Community involvement strategy – brief details of which were outlined by officers and the developer.
- Hotel grading to compliment the adjacent Barbican.
- Request for additional visitor cycle parking.
- The previously approved scheme had proposed a step down on the Barbican elevation.
- Suggested exploration of agreement with Q Park in conjunction with hotel.
- Further information/sample required of zinc cladding.
- Suggested delegation of approval of final conditions to Chair, Vice-Chair and Assistant Director, with draft conditions forwarded to Committee for comments.
- Work place travel plan and effect on air quality management area.
- Design in relation to close proximity of city walls, including visibility of plant room.
- Details of pedestrian/cycle route segregation.

Some members continued to express concerns in respect of the over domination of the proposed development on the surrounding area but following further discussion it was

RESOLVED: That authority be delegated to the Chair and Vice Chair of the Committee, in consultation with the Assistant Director (Planning and Sustainable Development) to approve the application subject to agreement of the following, prior to 2 February 2012 :

- Receipt of acceptable plans
- A schedule of conditions being agreed following circulation of a draft for members agreement .
- Cladding materials. ^{1 and 2.}

REASON: To allow approval of the application prior to the end of the 13 week determination period.

Action Required

1. Undertake further discussions with applicant and agree schedule of conditions with Chair and Vice Chair. JK
2. Circulate draft conditions to members for comment. JK

34. APPEALS PERFORMANCE AND DECISION SUMMARY

Members considered a report which detailed the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 September 2011. The report also provided a summary of the salient points from appeals determined in that period and set out details of the outstanding appeals as at 22 December 2011.

RESOLVED: That the appeals performance report be received and noted.

REASON: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference when determining planning applications.

CLLR L CUNNINGHAM-CROSS, Chair
[The meeting started at 4.30 pm and finished at 6.05 pm].

COMMITTEE REPORT

Date: 16 February 2012 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 11/03253/FULM

Application at: Plot 8B Great North Way Nether Poppleton York

For: Erection of garden centre retail development incorporating restaurant/cafe and farm food hall with associated access, landscaping, car park, outdoor display areas and hand car wash

By: Dobbies Garden Centre Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 15 March 2012

Recommendation: Approved subject to Section 106 and Secretary of State

1.0 PROPOSAL

1.1 The site is a 3.3 hectare plot within the York Business Park. The site is bounded to the east by the East Coast rail line, to the south by industrial units. To the north by White Rose Way and the recent office development of Tudor Court and the office/workshop units of Opus Avenue. To the west is the Great North Way, further to the west and south (min 85 metres) is a large housing estate. The site is designated as employment land in the Local Plan and the emerging Core Strategy.

1.2 The application is for the erection of a garden centre retail development. In addition to the main retail area the building would incorporate a restaurant/cafe and a food hall. Fronting onto Great North Way would be a 351 space car park, with parking spaces for two coaches, and a carwash. The car park would be enclosed by landscaping. The customer vehicle access to the site would be from Great North Way, with servicing vehicles gaining access from Opus Avenue. To the rear of the building would be a large paved area for plant sales, polytunnels and an area for concessions. The building footprint would be 5,332sq metres (including the polytunnels - 7,033 sqm). The open air plant retail area would be 3,342sqm. The external concessions area to the east of the site would be 1,579 sqm, with a resulting total retail floor area of 11,954sqm.

RELEVANT SITE HISTORY

11/02809/EIASN - Screening opinion for development of retail garden centre: EIA not required

01/02169/REM - Reserved matters application for mixed use development of offices and industrial warehousing at Plot 7, 8 and 9 - Approved

99/00238/OUT - Renewal of planning permission 6/116/164Q/OUT for a mixed business, commercial and industrial employment park (Appeal against Non-Determination Allowed 29.12.99)

6/116/164Q/OUT - Outline application for mixed business, commercial and industrial employment park, land at Grid Ref. 457000/453900 Mill field Lane - Approved

6/116/164/F/OA and 6/116/164/G/OA (1990) - Office park including B1 accommodation with ancillary services together with a hotel with conference and ancillary services, and a railway station - Deferred for S106, not completed

6/0116/164/A/OA (1988) and 6/116/164/H/OA (1990) - Business Park including new buildings for high technology including industrial office warehouses and ancillary use - Deferred for S106, not completed

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYSP7A

The sequential approach to development

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP9

Landscaping

CYGP11

Accessibility

CGP15A

Development and Flood Risk

CYNE5

Non-statutory nature conservation sites

CYNE5B

Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

CYNE6

Species protected by law

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYT13A

Travel Plans and Contributions

CYT20

Planning agreements

CYE3A

Standard Employment Allocations

CYE3B

Existing and Proposed Employment Sites

CYS2

Out of centre retail warehouse criteria

CYS12

Criteria for garden centres

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 States the 351 space car park is below CYC's maximum parking standards for this type of use (401 spaces). The developer is also proposing to introduce 36 covered cycle parking spaces to serve the needs of customers and staff. There are two bus services which are in close proximity to the site. The First No. 10 service and the Transdev No. 20 service. Both services provide a 30 minute week day service and have stops on Millfield Lane.

3.2 In determining the expected trip generations from the new development, the applicant has used data obtained from the Company's existing Garden Centres. Vehicle trips are shown to peak between late morning and early afternoon on a weekday with a maximum combined flow (in and out) of 208 vehicle movements per hour. On a Saturday it occurs mid-afternoon with a maximum combined flow of 385 vehicles per hour. In comparison, the peak traffic periods on the adjoining highway network occur between 8:00am and 9:00am and 5:00pm and 6:00pm on a weekday and between 11.45am and 12.45pm on a Saturday. The percentage impact of the Dobbies development is as follows: -

Great North Way/A1237 Roundabout: -

- 1.4% during the AM network peak;
- 2.7% during the PM network peak;
- 9.3% during the Saturday network peak;

A59/A1237 Roundabout:-

- 0.4% during the AM network peak;
- 0.7% during the PM network peak;
- 2.4% during the Saturday network peak;

A19/A1237/Park & Ride Roundabout: -

- 2.6% during the AM network peak;
- 1.3% during the PM network peak;
- 5.4% during the Saturday network peak;

3.3 The above figures shows that the impact associated with the garden centre will be at its highest on the A19 Roundabout. However the improvement works which have taken place on this roundabout would suggest that it is capable of accommodating the additional percentages especially since they do not coincide with network peak flows.

3.4 Whilst Dobbies percentage impact is the highest on the A19, it is the A59 which raises the most concern. The A59 Roundabout is already running over capacity and whilst the increase from Dobbies development is minimal it will further impact on the situation. However the already planned improvements to this roundabout will result in extra capacity. The development would derive benefit from the proposed improvements and as such it is considered reasonable that the applicant should contribute appropriately towards these improvements, if the application were to be approved. The applicant has agreed to a contribution of £59,000 which has been calculated based on the impact. This would be secured through a Section 106 Agreement.

3.5 Standard conditions HWAY9, HWAY19, HWAY21, HWAY40, and conditions for a travel plan and method of works are suggested.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

ECOLOGY OFFICER

3.6 No objections. The site is designated as a Site of Importance for Nature Conservation (SINC), containing a Great Crested Newt population. However, the extant outline planning consent was approved before the conservation designation was made and before the Great Crested Newt population was identified, and it is therefore considered unreasonable to prevent development if an acceptable alternative site for them can be found.

3.7 The submitted mitigation strategy largely follows the proposals agreed previously in discussions with the applicant. This would involve compensation for the loss of the grassland habitat by carrying out an extensive grassland recreation scheme on land on the other side of the railway to the development site and to the relocation of the Great Crested Newt population.

3.8 The shallow roof lends itself to use as a 'living roof', which could compensate for the loss of vegetation that has colonised the vacant site, and create a further valuable habitat. A mitigation plan via a condition is requested.

LANDSCAPE ARCHITECT

3.9 States the development presents a sufficient width of planting along Great North Way and White Rose Way to allow for tree planting, backed by a hedge and complemented with some wildflower areas. These serve not to screen the development but to create a landscaped setting. There is already a line of established trees along White Rose Way and alongside the roundabout, plus a mixed Beech hedge. The vast majority of these could be retained without compromising the development proposals. However should good reason be given for their removal, they should be replaced with trees of a similar size.

3.10 The car park would comprise a range of materials to visually break down its expanse. Adequately sized planting beds are given to trees within the car park which will be of visual benefit and in the longer term when they reach their mature size, help to reduce the urban heat island effect by creating shade over the areas of hardstanding.

3.11 Given that the car park light columns do not take up much space at ground level they could be located between parking bays rather than in the planting beds, allowing them to be separated from the trees. The routes of the ducts should avoid the potential root growth of the trees.

3.12 Considers that whilst it is noted that this is the service area, the landscaping scheme should at least provide a generous area of planting to continue the aesthetic planting along the Opus Way boundary, in order to respect the setting of the existing blocks and provide a better end vista to Opus Way, rather than a 3.5m close boarded fence. For example the legume and clover mix could be extended; and/or a hedgerow wildflower mix included along the front of the hedge. The Beech hedge would tie in with other hedging in the vicinity, but its seasonal amenity value should be increased by including some Holly and Hawthorn, whilst still offering a neat boundary. A landscaping condition is requested to cover the issues raised.

ARCHAEOLOGIST

3.13 No comments to make.

SUSTAINABILITY PROJECTS OFFICER

3.14 States the installation of various energy efficiency measures is proposed as the method for demonstrating compliance with the Interim Planning Statement (IPS). While addressing energy efficiency is entirely the right approach prior to installation of low/zero carbon technologies, there is still a requirement to install such technologies. To comply with the IPS the applicant is required to provide, as a minimum, a commitment to installing low / zero carbon technology which provides at least 10% of the developments energy demand. There is a requirement to achieve a BREEAM 'Very Good' rating as a minimum. There is a commitment from the applicant to achieving a 'Very Good' rating and the BREEAM Pre-Assessment Report indicates this could be achieved.

FLOOD RISK MANAGEMENT TEAM

3.15 No objections to the application. Request condition that development in line with information submitted.

ENVIRONMENTAL PROTECTION UNIT

3.16 States no information has been submitted with regard to plant and equipment to be installed; a noise impact survey is requested. Also information on light spill is required as well as classification of the site in terms of the Institute of Lighting Engineers. Insufficient information regarding air quality assessment and no assessment of construction impacts on nearby sensitive receptors has been undertaken

3.17 In line with the Council's draft Low Emission Strategy (framework approved June 2011), any developer of the site should demonstrate how they are meeting 'best endeavours' for reducing emissions during construction and operational phases. EPU would like a number of electric vehicles recharge points installed within the development site boundary to promote the uptake of low emission vehicles on site. The submitted energy statement stated that biomass would not be used on this site as it was not considered to be economically viable however if it was considered at a later date would require assessment of emission and information about the operation and maintenance of the installation

3.18 A Construction Environmental Management Plan should be submitted, and conditions for Environmental Management Scheme, hours of construction, treatment and extraction of cooking odours, contamination of land are requested.

ECONOMIC DEVELOPMENT UNIT

3.19 The proposal involves a loss of employment land and therefore not in line with the economic ambitions of the city. However the proposal will create new jobs on a plot that has stood empty for some time. Not maximising the level of employment that the size of site could accommodate but brings new 120 jobs.

INTERGRATED STRATGEY

3.20 States the submitted Planning and Retail Statement indicates that the site has been marketed for 10 months. The emerging Core Strategy seeks the delivery of up to 1,000 jobs per annum and sufficient employment land and premises to meet this growth. This is based on the findings of both the Employment Land Review, validated recently by the conclusions of Arup's work to explore employment land provision in the city. PPS4's widening of the term 'employment' is not relevant in this case given that the evidence base for the proposed job growth and employment does not relate to 'employment' but rather its specific components. For example, B1a employment land is intended for B1a, not simply 'employment use'.

3.21 The emerging Policy CS16 continues the approach to existing employment land set out under E3b in the Local Plan. Policy CS16 sets out that the loss of land and/or buildings which are either identified, currently used or were last used for

industrial, business, office or other employment uses, will only be permitted where it can be demonstrated that the proposal would not have a detrimental effect on the future supply of employment land in either quantitative or qualitative terms. This is important given the conclusions of Arup's recent work relating to margin of choice of employment sites, to enable sufficient churn and flexibility in employment space in York.

3.22 The Core Strategy indicates the level of employment land needed until 2029 to meet the level of employment growth in York during the plan period. This equates to 35.29 hectares in total. The proposal is for a 3.34 hectare site within a site known as Land North of Great North Way, York Business Park, identified within the ELR and emerging Core Strategy for B1(a) and B1(c), B2, B8 uses. The proposal would lead to the loss of employment land and thus contrary to policy. However excluding the Green Belt, a business park location such as the proposed would be the most suitable location should it be decided that the proposal would be economically beneficial to the city. This clearly reflects the scale and nature of the proposal.

3.23 PPS4 and Policy SP7a require that a sequential approach be taken and that sites within the city centre are looked at first. A Sequential Site Assessment has been submitted. It concludes that none of the sites satisfy all three tests of the PPS4 sequential assessment. The Section is satisfied that there are no sequentially preferable sites for the type of development proposed.

3.24 In terms of retail impact the information submitted suggests a trade diversion from York centre of 60,000 or 0.00065% of the comparison goods turnover, and 0.29% for the unrestricted ancillary goods sold at the site based on 15% of floorspace being unrestricted. A 'primary' range of goods to be sold has been supplied by the applicant. It is considered essential that unrestricted goods sold from the premises are restricted to 15% of the floorspace ensure there is not a significant adverse impact on the centre, and that comparison goods identified on the 'primary goods' list are restricted to 15 % of the total floorspace. Conditions to address these restrictions are suggested.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.25 No objections. Concerns of local residents and retailers about the possible impact on the several village shops especially in regards of the proposed food hall which may conflict with local sales.

YORKSHIRE WATER

3.26 No comments received, update will be provided at the committee meeting.

ENVIRONMENT AGENCY

3.27 Request conditions for surface water scheme based upon unsustainable drainage principles and an assessment of the hydrological context of the development, surface water drainage from hardstanding shall be drained through a trapped gully.

NETWORK RAIL

3.28 No objections, states:-

- All surface and foul water arising from proposed works must be collected and diverted away from NR property
- All operations adjacent to NR property must be carried out in a safe manner and be within a falling distance of 3m of the nearest rail or electrical equipment and supports
- All earthworks/excavations carried out within the vicinity of NR property should be designed and executed so there is no interference with the integrity of the property/structure. Temporary works compounds sited adjacent to operational railway should be included in method statement submitted to NR
- Security of railway boundary needs to be maintained. If works require temporary or permanent alterations to the mutual boundary must contact NR
- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing. NR existing fencing must not be removed or damaged
- Developer must provide a suitable trespass proof fence adjacent to NR and make provision for future maintenance and renewal
- If excavations/piling/buildings are to be located within 10m of the railway boundary will require a method statement
- All buildings should be situated at least 2 metres from the NR boundary
- Where trees/shrubs are to be planted adjacent to the NR boundary these shrubs should be positioned at a minimum distance greater than their predicted height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the boundary; any hedging along this boundary should not damage the fences or provide means to get over the fences
- Lighting to be erected adjacent to the railway the potential for train drivers to be dazzled should be eliminated, the location and colour should not give rise to confusion with the signalling arrangements, details of position of lighting should be conditioned
- All means of providing access to the railway should be kept open at all times
- All children's play areas adjacent to the boundary shall be secured by at least 2 metre high secure fence

POLICE ARCHITECTURAL LIAISON OFFICER

3.29 With respect of 'designing out crime' would support the application.

AINSTY INTERNAL DRAINAGE BOARD

3.30 The original design for the business park identified this plot as being connected to the proposed Yorkshire Water surface water system with direct discharge to the River Ouse

- Request conditions for surface water drainage works; demonstrate the suitability of proposed SUD system

YORK NATURAL ENVIRONMENT PANEL

3.31 The Panel advocate creating a suitably sized green corridor along the south-eastern boundary of the site leading from the pond on the adjacent land to the railway corridor. Suggest the creation of a Sustainable Urban Drainage System (SUDS) to collect water from watering function of the nursery, located away from the neighbouring pond, for example in the eastern corner of the site. With suitable native planting the SUDS could also provide wildlife habitat all the better to enhance the previously suggested green corridor.

3.32 Compared to the existing conditions the proposals, with suitable landscaping, could have a leavening affect on the site. The site is a better location for a proposed garden centre than that previously proposed at Naburn designer outlet. Also states the landscape plan could do with more imagination and detail to better reflect the nature of Dobbies as a nursery. The scheme represents a good opportunity to enhance the landscaping of areas beyond the site itself at the same time as showcasing the plants to be sold at the garden centre.

INTERESTED PARTIES

3.33 3 Letters of objection have been received as summarised below:-

- The proposed garden centre is without value and will compound the traffic issues. A full rebuild of the junction will not improve the situation, and will have detrimental impact on the environment

- Would like to avoid the noise and disturbance of the construction

- Lack of direct public transport means all employees have to travel to work by car

- Would like public transport to the site and parking spaces provided within the development for general use. There is insufficient parking provision within Opus Avenue and Tudor Court development and as such there are cars parked on the road. Concerned regarding the use of Opus Avenue as an access road for deliveries, compound the parking issues.

- Opus Avenue and Tudor Court are too narrow to accommodate heavy delivery traffic, would like all access to the development to be from Great North Way

- Connection between the Great North Way and A1237 Ring Road. Currently traffic flow does not allow vehicles leaving the Business Park to safely enter the traffic flow. Proposed development will compound the issue. Request traffic lights

- The retail assessment states that they used a catchment area of 20 mins drive of the site; however the catchment area shown on the map would seem to indicate a much smaller site. A 20 min drive will extend beyond the boundaries of CYC and neighbouring councils should be consulted.
- With regards to Policy S12 do not consider that the site has been adequately screened, accept that given its location a degree of flexibility may be allowed. Insufficient information to establish if the majority of the site will be used for the cultivation or sale of plants as required by the policy. The majority of the site should be used for cultivation or sale of plants not simply retail horticultural goods as seems to be suggested by the submission. Difficult to tell from the supporting information how much floorspace is given to the sale and cultivation of plants
- The range of goods provided has not been split into horticultural, convenience, and ancillary goods, as such difficult to assess what will make up the ancillary sales and the 15% of the proposed retail floor space. The proposed ancillary retail floor space will be 1800sqm, a large amount of unrestricted sales space, the impact of which has not been fully assessed in the retail assessment, as the report deals primarily with trade diversion. Not all of the goods within the primary range of goods relate to horticulture.
- 'Concessions associated with a garden centre use' and 'eco living and environmental products' are vague and wide ranging, request more information as to the meaning of the terms
- Table 7.7 is likely to be inaccurate as trade draw will encompass a far greater number of retailers than examined by the application, the applicant has not assessed those retailers selling goods which match the proposed concessions or other goods unrelated to horticulture. Therefore does not meet Policy EC16d of PPS4
- The sequential test has looked at available development sites but has not assessed existing retail opportunities. A consequence of the sequential test it that the larger a retail proposal, the less likely it is that a suitable alternative will be able to be found, the appropriateness of the proposed scale of the development should be assessed
- The applicant should demonstrate flexibility that the proposal cannot be located on smaller sites to meet Policy EC15 of PPS4. Such flexibility could include reducing the floorspace and car parking, and consideration of innovative layouts (multi-storey/mezzanines), before discounting smaller sites
- Using the applicant's Retail Planning Statement and Arup report's forecast, there is an oversupply of 12.92 hectares of employment land. However, if land is deducted for the Dobbies application, the proposal at the Vanguard site, and the proposed care home at Great North Way, 16.17 hectares of employment land will potentially be lost. Therefore there would be an undersupply of 3.25 hectares of employment land, albeit using Arup's higher growth figures. There may be insufficient employment land in the near future should faster growth be experienced. Part a) of Policy E3b has not been adhered to as there is potentially insufficient supply of employment land to meet both immediate and longer term requirements over the plan period.

- The applicant argues the proposed development will meet part c) of Policy E3b by creating 120 jobs, but these will potentially be offset by jobs lost at other horticultural businesses. The supporting information states a potential trade diversion of 29% from Poppleton Garden Centre, and similar amounts from other garden centres. (It should be noted table 6b of appendix 4 lists higher trade diversion figures from surrounding businesses, and indeed assesses more businesses than listed in the main body of the report). It is unlikely that any of the businesses listed will be able to absorb such impact without significant job losses, potentially more than those created. The issue of potential job losses is highlighted further as consider there will be a greater overlap between goods retailed at the proposed development and those retailed in protected centres.
- Policy CS16 of the Core Strategy picks up the aims of Policy E3b but also specifies York Business Park as providing B1, B2, and B8
- Marketing report shows that the site has only been marketed for 10 months and does not demonstrate that efforts to secure employment have been exhausted
- There are no other A1 uses within the business park, York has significant out of town retail development existing - Clifton Moor and Monks cross. In allowing retail on this site will be difficult to resist further retail development when an applicant argues that articular business needs are not best suited to the town centre.
- Inadequate parking provision for office units on Tudor Court, causing parking on Opus Avenue, further compounded as the other units become occupied. Would like additional parking provision. Request that some of the proposed site be allocated as car parking for the office units, may prevent future problems
- Will cause an increase in traffic, the junction is of Great North Way and the ring road is already very busy, request a box junction or traffic lights at this junction.

4.0 APPRAISAL

KEY ISSUES

4.1 These are considered to be:-

- Principle of development
- SINC and protected species
- Highways
- Design and impact on the streetscene
- Sustainability
- Impact to residential amenity

PLANNING POLICY

4.2 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The

Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 PPS4 'Planning for Sustainable Growth' states that all planning applications for economic development should be assessed against the following impact considerations: whether the proposal has been planned over the lifetime of the development to a. limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change; the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels and congestion after public transport and traffic management measures have been secured; whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions; the impact on economic and physical regeneration in the area; and the impact on local employment.

4.4 The site is designated a Site of Importance for Nature Conservation ('SINC'). Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. Local Planning Authorities should ensure appropriate weight is attached to designated sites of local importance. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, the LPA will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

4.5 PPS9 states that sites of local biodiversity and geological interest, which include Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites will be judged. Policy CS20 of the emerging core strategy states that proposed development should result in no net loss to, and helps to improve, biodiversity (any unavoidable impacts must be appropriately mitigated or compensated for, and secured through the planning process).

4.6 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets

of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.7 The Core Strategy Submission (Publication) went out for consultation between 26th September - 7th November 2011. The Submission stage of the Core Strategy follows on from the Issues and Options stage which was consulted on in June 2006 (Core Strategy: Issues and Options 1 (2006)) and again in August 2007 (Core Strategy: Issues and Options 2 (2007)) and the Preferred Options stage (Core Strategy: Preferred Options (2009)), which was consulted on from June until August 2009 (but with an extension to allow additional comments until October 2009). The emerging Core Strategy document draws from the responses that were received during the consultation events as well as feeding in the evidence base findings and higher level policy such as national planning policy. As such it is considered to be a material consideration.

4.8 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.9 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.10 Policy NE6 'Species Protected by Law' states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to animal or plant species protected by law, or their habitats. The translocation of species or habitats will be an approach of last resort.

4.11 Policy S12 'Garden Centres' states that Planning permission will be granted for garden centres within or adjacent to defined settlement limits, provided: (a) the site is sufficiently screened to minimise any adverse effect on the character of the area; and (b) the majority of the site is used for the cultivation or sale of plants; and (c) the

type of goods sold is restricted to those directly related, or ancillary, to horticultural purposes.

4.12 Policy T7c 'Access to Public Transport' states that all new built development on sites exceeding 5000sqm of gross floor space should be: a) within 400 metres of a bus service offering a day time frequency of 15 minutes or better; or b) within 1000 metres of an existing railway station.

4.13 The site is just outside the settlement limit specified in the Proposals Map and the Poppleton Village Design Statement (2003). The VDS contains a number of design guidelines which are considered to be relevant. The design guidelines state that the village's rural character /atmosphere should be maintained and that there should be open land between Poppleton and York, to prevent unsightly urban sprawl. Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village (3). Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed the existing height, and should protect the open views of the surrounding flat landscape (28). The effects on the villages of any planned expansion of industry around the ring road, especially concerning road traffic, should be carefully examined before any planning permission is given (43).

PRINCIPLE OF DEVELOPMENT

Retail

4.14 Dobbies had previously submitted applications on a Greenbelt site adjacent to the Designer Outlet, Fulford. That site was considered inappropriate for the type of development by virtue of its Greenbelt location. The site now proposed is large enough to accommodate the Dobbies layout requirements, and is within the settlement limits for the urban area of York. Policies SP7a, CS17, and PPS4 require a sequential test to be carried out to assess the suitability of sites within the urban area for retail development of the size proposed. The applicant has submitted a sequential test showing that other sites that were considered for the development include Castle-Piccadilly, George Hudson Street, land at Foss Islands, York Central, British Sugar site, Stonebow House, and the Telephone Exchange. The sites were found to be unsuitable because of land values, the sites were either occupied or not available, the sites are not in a position to be brought forward, or the sites were considered to be too small. In line with PPS4 the applicant should demonstrate that they have shown a level of flexibility in considering sites in or on the edge of existing centres, the applicant should demonstrate flexibility in terms of: scale, format, car parking provision, the scope for disaggregating specific parts of a retail development. The applicant maintains that by virtue of the type of retailing proposal i.e. a garden centre, with particular internal and external space requirements, it is

impractical to significantly modify the format and layout to reduce the space requirements whilst retaining viability. This is considered to be a reasonable position given the nature of the proposal which restricts the options for alternative sites in the urban area.

4.15 The site is within the settlement limits of the city, and whilst the proposed relatively generous landscaping would not screen the proposal (required by Policy S12a above) as such, the lack of screening is not considered to have a negative impact on the visual amenity of the area. The plants would not be grown on site but would be transported to the site for sale. To comply with this aspect of the policy (12b) the majority of the site would need to be used for the retail of plants and horticultural equipment.

4.16 There are concerns regarding the proposed list of 'primary goods' submitted by the applicant in that some of the goods are not considered to be directly related to horticulture. It is considered that these items could be classed as ancillary goods and as such restricted to 15% of the indoor retail floorspace along with other ancillary sales of items not directly related to horticulture. This approach has been adopted by Local Authorities elsewhere in relation to garden centre sales, including other Dobbies sites and in York most recently at the Poppleton Garden Centre. Appropriate restriction would contain the level of retail impact particularly in relation to comparison goods to an acceptable level. Whilst concerns have been raised on behalf of an existing garden centre operator in respect of the impact of comparison goods sales and also on goods sold at the rival outlets, the proposals would be subject to conditions restricting the type and extent of goods sold to an acceptable level. A condition to restrict the sales of comparison goods has been suggested should members be minded to approve the application.

4.17 The proposal would have a restaurant/café, and a food hall selling fresh garden and farm produce with emphasis on local products. Whilst such facilities are becoming a standard feature of larger garden centres, it is considered that it would be prudent to condition that the restaurant/cafe and outside seating area and the food hall do not increase in size, to guard against any impact upon the city and district centres, and to ensure they remain ancillary to the main garden centre use.

Loss of employment land

4.18 The relevant Local Plan policy in establishing the principle of developing this site for a non-employment use (typically only B1, B2, or B8 uses are considered to be employment uses) is E3b. The Local Plan identifies York Business Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and

- b) Unacceptable environmental problems exist; or
- c) The development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) The use is ancillary to an employment use.

4.19 Policy CS15 of the emerging Core Strategy aims to ensure the provision of a range of employment sites to meet the needs of existing businesses and to maximise inward investment; and safeguarding existing employment, and commercial locations.

4.20 The emerging Core Strategy (Policy CS16) also identifies York Business Park for employment use. The policy states that "To ensure continued economic success and prosperity the LDF will provide sufficient land and protect existing employment sites to allow York's economy to realise its potential". Proposals for non-employment uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, will only be permitted where it can be demonstrated that the proposal would not have a detrimental effect on the future supply of employment land in either quantitative or qualitative terms. The Core Strategy has come forward together with the supporting information on employment land in the Employment Land Review (ELR) Stage 1 and 2 (Entec 2007 and 2009), the Arup Employment Paper, October 2010 and the Core Strategy Supporting Paper 2: Economic Growth.

4.21 The proposed retail garden centre is an A1 use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c), and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site. The applicant states that the identified supply of land far exceeds the net land requirements and as such the loss of 3.3 hectares would be insignificant. The Core Strategy Submission document indicates the level of employment land needed until 2029 to meet the level of employment growth in York during the plan period. This equates to 35.29 hectares in total. The proposal is for a 3.34 hectare site within a site identified within the ELR and emerging Core Strategy for B1(a) and B1(c), B2, B8 uses. The supporting paper for the core strategy - Economic Growth - favours this land for office development. The impact to the overall supply of land should also be considered but also the quality of the remaining employment land. There are current applications on employment land: the stadium and retail development at Monks Cross (12.14 hectares of employment land) and the appeal for a care home on Plot 6 of York Business Park (on allocated employment land). Both of these proposals are undetermined but the cumulative loss of employment land would have potential significant implications for York's future employment land provision. Committee should be aware that the application for the care home on Plot 6 was refused on the grounds of loss of employment land (West and Centre Planning sub committee December 2011). It is considered that more appropriate sites could be found for a care home within residential areas; the proposed garden centre use does not have this flexibility.

4.22 The site has been marketed for 10 months with a limited amount of interest. The proposal would result in a 120 full and part time jobs, and bring economic benefits to the City in terms of for example use local suppliers. Whilst it is acknowledged that this proposal would lead to the loss of employment land, potentially at odds with policy e3b, it is recognised that there are different circumstances involved in that excluding the Green Belt; a business park would be the most suitable location for this type of development proposal. The sequential test of the urban area did not identify any other suitable sites in the short to medium term.

4.23 The Economic Development Unit makes the point that the proposed use would not create high value jobs at the site but would create new jobs on a site that has remained vacant for some time. On balance given the nature of the development proposed, the lack of alternative sites within the urban area, the time for which the site has remained undeveloped and the marketing period exceeding the 6 months normally expected, it is felt that the loss of employment land can be justified in this instance.

'SINC' SITE AND PROTECTED SPECIES

4.24 The site is designated as a Site of Importance for Nature Conservation for its calcareous grassland. As the site was allocated for business use before it was designated as a SINC site it has been the understanding that the site could still be developed as long as the application secured a mitigation strategy. The details of the applicant's Ecological Statement suggests there is a clear intent to carry out this work. This will involve compensation for the loss of the grassland habitat by carrying out a grassland recreation scheme on land on the other side of the railway to the development site. The proposed site and the adjacent open space with ponds have a medium level population of Great Crested Newts. Again given the extant planning approval for development on the site, allowing the translocation of the population to the appropriate alternative site is considered to be reasonable in this case. The transference of the population will require a license from Natural England. It is considered that a condition requesting additional information to the specifics of the grassland recreation scheme and the newt relocation would be prudent.

HIGHWAY ISSUES

4.25 As set out by Highway Network Management comments at 3.1, the A59 Roundabout is already running over capacity and whilst the increase from Dobbies development is minimal it will further impact on the situation. The proposed garden centre would benefit from the proposed improvements and as such the applicant has agreed to a contribution of £59K which has been calculated on an impact basis. These funds would be secured through a Section 106 Agreement if the application were to be approved. It is considered that this development would not have a significant adverse impact on the movement of traffic on the adjoining highway

network due to the off-peak nature of the peak customer demand and the proposed improvements to the A59 Roundabout.

4.26 The developer is also proposing to introduce 36 covered cycle parking spaces. A cycle shelter to the front of the building would provide customer parking for 16 cycles. There would be covered cycle parking within the kitchen service yard. The internal and external retail space would total 8,954 sq m and as such the total number of cycle spaces provides is significantly lower than the standards set out in Appendix E of the Local Plan. However given the nature of the retail offer (and the potential restriction on retail goods sold) it is considered unlikely that a significant number of customers wanting to buy garden plants etc would travel to the site by cycle.

4.27 The site is within 400 metres of a bus service that runs at a frequency of 30 mins: Service 20/20a (Acomb - Clifton Moor - Wigginton - Haxby - Monks Cross - University - Fulford) and Service 10 (Stamford Bridge - City Centre- Poppleton) and as such provide access to public transport for staff and customers. By virtue of the type of development proposed and the minimum level of public transport use expected in relation to the use it is considered that it would be unreasonable for the developers to fund the provision of further public transport. The targets for Policy CS18 of the emerging core strategy in this regard are less restrictive and refer to new developments being are located within a five minute (400 metres) walkable route of a frequent public transport service and a range of local facilities and within 100 metres of an existing or proposed cycle route. It is recommended that if the application is approved, then a green travel plan be required by condition, to comply with Draft Local Plan Policy T13a.

DESIGN AND IMPACT ON STREETSCENE

4.28 The proposed building would be single storey; the external materials for the front/south west elevation would be timber boarding and feature sandstone rubble walls with a projecting feature entrance with three flag poles above. There would be large glazed horizontal emphasis windows. The external materials to the side elevations would be metal cladding in a grey finish. Both side elevations would be screened from view by a 3.5 metre high timber and steel fence. The rear elevation would be made up of timber cladding with full height glazing to the restaurant. Much of this elevation would be screened by the polytunnel canopies. The proposed roof is made up of light grey metal clad gently sloping roof with 5 groups of rooflights. The maximum height of the building (excluding the main entrance) would be 5.95 metres. The general appearance of the building would be low level with a strong horizontal emphasis, filling the width of the plot.

4.29 The 351 space car park would span almost the full width of the plot, however the proposed landscaping around the boundary (including hedging) together with the difference surface materials of the car park (tarmac, paviers, and gravel) and the

tree and shrub planting within the car park, would help to soften the appearance of the car park and development when viewed from Great North Way. A car wash is also proposed within the car park, include a metal structure to act as an office with a canopy above the area. When viewed within the context of the site including the adjacent tree planting, the utilitarian appearance of the car wash is not considered to cause significant visual harm. The landscaping to the boundary with Great North Way would be at its narrowest 8 metres although would gradually become deeper towards the roundabout. The depth of the landscaping is considered to be sufficient to create a visual break between the hardstanding of the road and the car park. The extent of new tree planting on this boundary is considered to more than sufficiently compensate for the loss of trees along Great North Way. The siting of the lighting and some of the trees are considered to clash however it is considered that this issue can be overcome by a suitably worded condition.

4.30 The Landscape Architect has requested that there be more width to the south east boundary to create an effective green link between the adjacent public open space and the land to the east. Revised plans have been submitted showing additional tree planting along the majority of this boundary.

4.31 The access to the service yard would be from Opus Avenue. The service yard would be enclosed by a 3.5 metre high fence to the boundary which would appear at odds with the landscaping and the attractive relatively open character of the office development of Tudor Court and Opus Avenue. There are two existing access points to the proposed site from Opus Avenue. Whilst one would be utilised for the service yard the other road will be blocked by the fence. The applicant has stated an intent to soften the appearance of the fence with climbers and to add three trees to the elevation. Whilst this elevation at the end of the Opus Way cul-de-sac spur will not enjoy the same extent of landscape setting as the main site frontages along Great North Way and White Rose Way, it is not considered there would be unacceptable visual harm within the business park.

SUSTAINABILITY

4.32 Policy GP4a states that proposals for all development should have regard to the principles of sustainable development. The applicants have confirmed their commitment to achieving BREEAM 'Very good', therefore complying with the Interim Planning Statement on Sustainable Design and Construction and Policy CS21 of the emerging Core Strategy. It is considered prudent to secure further details and compliance through the appropriate condition.

4.33 The targets of the CYC Interim Planning Statement on Sustainable Design and Construction differ with the emerging Core Strategy Policy CS21 'Sustainable Design and Construction'. The policy requires onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10% rather than providing at least 10% of the expected energy demand for the development

through on site renewable generation as requested by the Interim Planning Statement. The applicant has confirmed the intention to provide 10% of the energy demand through low/zero carbon technologies in line with the Interim Planning Statement rather than Policy CS21. By virtue of the overlap in the policies this is considered to be acceptable and it is considered that further details of these methods can be conditioned to ensure they form part of the development and comply with the CYC Interim Planning Statement on Sustainable Design and Construction.

IMPACT ON AMENITY

4.34 Although requested by Environmental Protection Unit, the applicant has not submitted a noise assessment, pointing out the location of the site on a business park, distances from the nearest residential properties (around 100 m), and the adjacency to the east coast railway line. The nature of the operation, with on average only 3 HGV deliveries per week and the screening of the service yard by a 3.5 m fence mitigates against any potential for significant noise disturbance. The use would potentially generate much less noise than other types of industrial uses at the site. The ancillary car wash is located away from the nearest residential properties and would be screened by landscaping. It is felt that the noise impact would be relatively limited and that therefore any additional information required on noise output levels and mitigation measures could be adequately controlled by condition.

4.35 In addition EPU has requested information on lighting and light spill given that although residential properties may not be affected other businesses are closer and the proposal involves lighting the car park, service yard and signage. The applicant has responded that the information supplied shows the lighting will be low level and low diffusion, and switched off outside trading hours (9.00 to 18.00 weekdays except to 20.00 Thursdays; 9.00 to 18.00 Saturdays; 10.00 to 16.00 Sundays and Bank Holidays). The lighting would be not be significantly different or more intense that that on adjacent sites, it is not felt it would be reasonable to require further information at this stage. An appropriate condition requiring final details is suggested.

4.36 The level of detailing in the air quality assessment has caused concern for EPU, although the air quality assessment that was submitted showed that the development would not generate sufficient additional traffic to significantly affect air quality. Whilst the assessment submitted does not follow the methodology in the national guidance note on air quality , it is not considered that there is a firm basis (given the information that has been supplied and the conclusions that can be drawn from it) to reasonably ask for a further assessment prior to determination of the application.

4.37 Again whilst an assessment of impacts during the construction phase has not been submitted, in particular dust impacts, there are currently no buildings on the site. The development proposed is not unconventional and in accordance with normal practice a Construction Environmental Management Plan could be required as a condition of any approval.

5.0 CONCLUSION

5.1 The development for a garden centre follows a previous refusal of an application by the same applicant for a site in the green belt, and follows an extensive search for a site within the urban area of York. A sequential test carried out to ascertain suitability of other sites has shown that this site is the only potential option insofar as being able to accommodate a garden centre use. Whilst PPS4 requires a flexible approach in terms of floorspace and parking levels in carrying out a sequential test for retailing, a garden centre proposed is distinct in terms of the space requirements and the parking requirement to serve a particular customer base.

5.2 The proposal involves the loss of employment land. However the site has remained undeveloped for a considerable period since the land was allocated, and the site itself has been marketed for a period of 10 months prior to submission of the application, in excess of the 6 months normally required. Again the specific use would be difficult to accommodate elsewhere within the urban area, and such centres are historically located in edge of centre or rural locations.

5.3 The retail impact of this out of centre development is again limited by the specific type of retailing involved and can be further controlled by the imposition of conditions to restrict the sale of comparison goods.

5.4 The traffic impact of the development can be mitigated by the planned improvements to the A59/A1237 roundabout to which the applicant would be expected to contribute a sum of £59,000. The site is located close to good public transport links. The peak hours of traffic generated by the development would not coincide with the peak hours on the adjacent highway network again helping to ensure the impact of the network is not so significant as to warrant refusal of the scheme. A travel plan would be expected as part of any approval.

5.5 The distances from the nearest properties and the nature of the use help to limit the potential impact on amenity from factors such as noise and lighting. Such matters could be adequately controlled by means of conditions.

5.6 The matters raised by third parties including those relating to loss of employment land; economic impact; retail impact and range of goods sold; traffic generation, parking and highway issues; and amenity issues have been given consideration in assessing the application.

5.7 The development involves creating retail floorspace of over 5,000sq.m in an out of centre location and therefore the application would need to be referred to the Secretary of State should members be minded to approve it.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approved subject to Section 106 and Secretary of State.

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

Drawing Number 1858(PL)303 Revision C received 26 January 2012

Drawing Number 1858(PL)304 received 7 December 2011

Drawing Number 1858(PL)305 received 7 December 2011

Drawing Number 1858(PL)306 Revision A received 7 December 2011

Drawing Number 1858(PL)307 Revision A received 7 December 2011

Drawing Number 1858 (PL)308 received 7 December 2011

Drawing Number 1858(PL)309 Revision A received 27 January 2012

Drawing Number 1858(PL)310 received 7 December 2011

Drawing Number 1858(PL)311 Revision A received 7 December 2011

Drawing Number 1858(PL)312 received 7 December 2011

Drawing Number 1858(PL)313 received 7 December 2011

Document 5: Floodrisk Assessment and Drainage Statement submitted 7 December 2011

Document 8: Ecological Survey Report submitted 7 December 2011

Drawing Number SB/YK/P/01 Revision C received 30 January 2012

Drawing Number E14 received 6 December 2011;

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

2 TIME2 Development start within three years -

3 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 5 per cent of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

4 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the CYC Interim Planning Statement 'Sustainable Design and Construction' .

5 HWAY9 Vehicle areas surfaced -

6 HWAY19 Car and cycle parking laid out -

7 HWAY21 Internal turning areas to be provided -

8 HWAY40 Dilapidation survey -

9 Within six months of occupation of the site, a Green Travel Plan will be submitted and approved in writing by the Local Planning Authority. The Green Travel Plan for employees and guests, will sett out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy T13a of the City of York Council Development Control Local Plan.

10 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials, and the hours during which this will be permitted site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents and to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent highway.

11 The landscaping scheme shall be in accordance with (Drawing Number). Prior to development a specification for ground preparation for all planting and seeding, and tree pit details shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

12 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours: Monday to Friday 08.00 to 18.00; Saturday 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses

13 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the cooking extraction plant or machinery and any filtration systems required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

14 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

16 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

17 The premises shall be used as a garden centre (incorporating a cafe/restaurant and food hall) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site and to ensure the protection of the vitality and viability of other existing retail centres in the York urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

18 The cafe/restaurant shall not exceed in floor area (700 sqm) specified on drawing number 1858(PL)308.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres and in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

19 The food hall hereby permitted shall not exceed in floor area (450 sqm) specified on drawing number 1858(PL) 308, and shall only be used for the sale of specialist foodstuffs and not general foodstuffs commonly sold from supermarkets and food superstores.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres and in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

20 Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,

- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazeboes, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,
- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment, and their accessories, water recycling products,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) books, magazines, periodicals, videos and CD and DVDs; all relating to gardening,
- (n) pets, pet accessories, pet care and advice,
- (o) indoor and outdoor: hobbies, camping equipment, toys, games, crafts and garden play equipment,
- (p) baskets, wickerwork and country crafts,
- (q) Christmas trees (live and artificial) decorations,
- (r) china, glass, vases and pots,
- (s) soft furnishing associated with garden and conservatory furniture,
- (t) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (u) restaurant/coffee shop
- (v) Gift lines and greetings cards

(w) eco living, solar and environmental products

(x) live poultry and bird care products

(y) wood /biomass burning products and wood burning stoves

The goods specified above as m, o, p, r, t ,v, and w shall collectively be limited to no more than 15% of the total internal floorspace of the garden centre building including cold house and polytunnels.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

21 Prior to the commencement of development a detailed mitigation plan, including method statements and details of the timing of works related to all the matters as set out in the Ecological Report (Document 8: Ecological Survey Report, prepared by Envirotech), has been submitted to and approved in writing by the Local Planning Authority. All works should be carried out in accordance with the approved details.

Reason: To ensure the appropriate compensatory measures for the loss of the SINC site are created and to comply with Policy NE5b. To ensure there is no harm to a species protected by law and to comply with Policy NE6 and PPS9.

22 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

23 The proposed unit shall not be subdivided in to smaller retailing operations.

Reason: In the interests of the amenities of occupants of nearby residential properties and in compliance with Policy SP7a of the City of York Council Development Control Local Plan.

24 The hours of operation of this approved use shall be confined to:
Mondays to Fridays 08.00 hours to 20.00 hours; Saturdays 09.00 hours to 18.00 hours; Sundays and Bank Holidays 10.00 hours to 18.00 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

25 There shall be no external sales on any part of the application site other than those areas annotated on the approved plans as 'plant sales' ; and 'external concessions' (for the sales of garden sheds, garden buildings, greenhouses, summerhouses, gazeboes, pergolas, garden offices, and conservatories).

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

26 The sale of other comparison goods not listed within condition 20 above shall be permitted and restricted to no more than 10% of the total internal floorspace of the garden centre building, including the coldhouse and polytunnels.

Reason: To control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to retail impact, safeguarding of employment land, residential amenity, visual amenity, highway impact, contamination, air quality, Flood risk, nature conservation. As such the proposal complies with Policies SP7A,SP8,GP1,GP3,GP4A,GP4B,GP9,GP11,GP15A,NE5,NE5B,NE6,T2,T7C,T13 A,T20,E3A,E3B,S2,S12 of the City of York Development Control Local Plan.

2. NETWORK RAIL INFORMATIVE

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebra"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

3. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

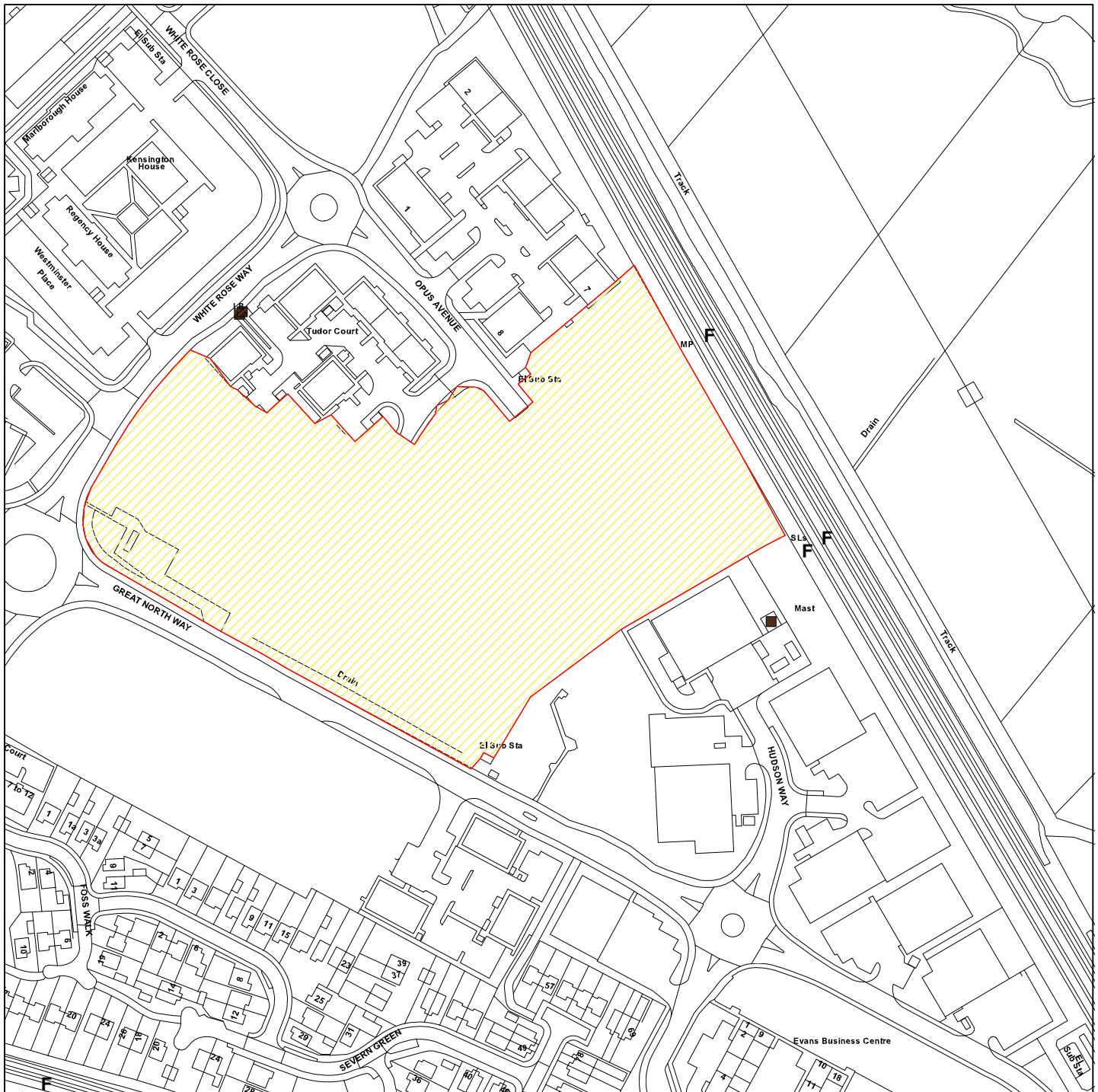
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

11/03253/FULM

Plot 8b Great North Way



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	07 February 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 February 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 11/03259/FULM
Application at: The Abattoir Murton Lane Murton York YO19 5UF
For: Development of new abattoir and food production facility with associated landscaping and access following demolition of existing abattoir
By: Mr Tom Kirwan
Application Type: Major Full Application (13 weeks)
Target Date: 9 March 2012
Recommendation: Approve after referral to Secretary of State

1.0 PROPOSAL

1.1 The proposal involves demolition of an existing abattoir building and ancillary storage buildings (approximate total floor area 3,100sqm) and redevelopment with a new food production building including a new abattoir and lairage (approximate total floor area 12,100sqm). The food production element of the building would be part single-storey and part 2-storey with a stepped flat roof ranging from 9m high to 10.8m high. The building would have an industrial-type character, albeit with a glazed reception, and be clad in polished techcrete panels. Attached to the rear of this element of the building would be the lairage. This part of the building would range in height from 6.6m to 8.8m and be entirely Cedar-clad to give it a more agricultural appearance. 125 car parking spaces and five loading bays would be provided in front of the building and storage would be provided for 25 bicycles. A new access would be provided from Murton Lane and the perimeter of the site would be landscaped. A small security hut would be built next to the vehicular access into the site.

1.2 As the south west end of the building extends beyond the settlement limit, the application technically constitutes inappropriate development in the green belt where the floor space to be created by the development is 1,000 square metres or more. Therefore, if the committee were to resolve to approve the application it would have to be referred to the Secretary of State prior to determination.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYE4

Employment devt on unallocated land

CYGP1

Design

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP9

Landscaping

CGP15A

Development and Flood Risk

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

CYT4

Cycle parking standards

CYNE1

Trees, woodlands, hedgerows

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6

Species protected by law

CYNE7

Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation & Sustainable Development (Landscape) - Tree cover is generally limited to the perimeter of the existing site therefore those trees that are established are of considerable value. Due to the increased footprint of the building and operational area the development would result in the loss of virtually all of the mature trees on site. It would also entail removal of the rear hedge, and much of the ditch-side vegetation. The landscape proposals include replacement tree and hedge planting along all the boundaries but they will not attain the same volume. In the short to medium term there will be a significant detrimental loss to the amenity of the immediate area due to the loss of mature trees. If planning permission is to be granted greater habitat mitigation should be sought.

3.2 Design, Conservation & Sustainable Development (Countryside) -The trees and hedges to be lost provide good habitats and commuting corridors for birds and bats. Mitigation for the loss of habitat is difficult because the new building would occupy such a large proportion of the site. The proposed replacement hedgerows would ensure that the local hedgerow network is enhanced and strengthened and the replacement mature trees to the south east would retain a commuting and foraging corridor for bats. In the short term foraging and commuting would be affected while the new planting matures.

3.3 Design, Conservation & Sustainable Development (Sustainability) - No evidence has been submitted to explain why BREEAM cannot be achieved nor why 10% renewable cannot be provided on site. These matters should be made conditions of approval.

3.4 Environmental Protection Unit - No objections subject to conditions being attached to protect nearby occupiers and the environment.

3.5 Economic Development Unit - Welcomes this reinvestment in the city and supports the application, subject to satisfying planning controls.

3.6 Highway Network Management - Comments awaited.

EXTERNAL

3.7 Murton Parish Council - supports the application subject to the following comments/provisos. The design appears to have taken into account points raised by the parish council. Screening along all boundaries should be effective once established. Construction traffic should not approach the site via Murton village. Construction operations/deliveries should be confined to normal working hours. The height of lighting columns should be reduced to minimise light spillage. Will truck-wash water discharge into the foul drain?

3.8 Environment Agency - Add conditions requiring drainage details and attenuation.

3.9 YNEP – States the removal of the beck by culverting is unacceptable. Culverting is an engineering solution with little regard for the natural environment. Open water habitat is part of the natural environment and should be retained and enhanced with suitable landscaping. If relocating the buildings is unfeasible the preference would be to re-align the beck in order to keep it open. The depth of the proposed boundary planting should be increased and more consideration given to on-site landscaping that will enhance the function of the adjacent agricultural museum.

3.10 Yorkshire Water - No objections to the principle of the application. Suggests conditions requiring compliance with the submitted drainage details or as agreed with the Local Planning Authority.

3.11 Foss IDB – Suggests conditions requiring drainage details to be agreed.

3.12 Police Liaison - The surrounding area has suffered from crime, particularly vehicle crime and thefts. The existing abattoir has not generated any problems. This indicates that existing security measures are fit for purpose. No objection to the proposal. Confirmation should be obtained from the applicant that the new development will have the same level of security or better [Officers' response - Confirmation from the applicant has since been received].

3.13 Public consultation - The consultation period expired on 18 January 2012. One representation has been received stating that there was no access to the application online [Officers' response: Applications could not be viewed online from 9 December to 21 December 2011 due to a computer fault. On 21 December access was resumed].

4.0 APPRAISAL

4.1 KEY ISSUES

Economic Impact

Impact on the Green Belt

Design and Appearance

Neighbour Amenity

Landscape

Bio-Diversity

Drainage

Environmental Protection

Highway Matters

Sustainability

THE APPLICATION SITE

4.2 Most of the site comprises the applicant's operational abattoir and beef deboning plant occupying 1.7ha within an industrial enclave to the south of Murton village. The buildings on the site are mainly utilitarian and single-storey with car parking to the front and access from Murton Lane. This part of the site has mature trees and hedges along all boundaries, at least in part. Immediately to the rear of the plant (the south-west) is open land in the green belt. The application site includes 0.4ha of this land, which is undeveloped but is used from time to time for the parking of vehicles and equipment in connection with Murton Livestock Centre. Alongside the application site, and partly across it, is an open drainage ditch (Murton Station Dyke). To the south-east of the site is Murton Livestock Centre and to the north-west is the Yorkshire Museum of Farming.

POLICY CONTEXT

4.3 The most recent and over-arching national planning policy on economic development is set out in a ministerial statement dated 23 March 2011. It states that [in the current economic climate] there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. Further, that the government's clear expectation is that the answer to development and growth should be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy. When deciding whether to grant planning permission local planning authorities should support enterprise and facilitate housing, economic and other forms of development.

4.4 PPG2: "Green Belts" identifies the purposes and uses of land within the Green Belt, and states that their most important attribute is their openness. The construction of new industrial buildings in the green belt is inappropriate and, by definition, harmful to the green belt. Such development should not be approved unless very special circumstances exist to outweigh the harm caused by inappropriateness or any other harm caused by the development.

4.5 Local plan policy E4 - Within defined settlement limits, planning permission will only be granted for employment use of a scale and design appropriate to the locality where: (a) the site is vacant, derelict or underused or (b) it involves infilling, extension, redevelopment or conversion of existing buildings.

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.7 GP4a - All proposals should have regard to the principles of sustainable development.

4.8 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted, it should assess risks to the environment and establish remediation objectives for the site.

4.9 GP9 - Where appropriate, development proposals will be required to incorporate a suitable landscaping scheme that: is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.10 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.11 GB1 'Development in the Green Belt' of the City of York draft local plan follows the advice in PPG2. The policy states that permission for development will only be granted where: the scale, location and design would not detract from the open character of the green belt; it would not conflict with the purposes of including land within the green belt; and it would not prejudice the setting and special character of the city, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.12 GB11 - Planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt where (a) it involves the re-use or adaptation of an existing building or is for a small-scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

4.13 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

4.14 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.15 NE2 - Development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced.

4.16 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.17 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

ECONOMIC IMPACT

4.18 The plant is occupied by one of the largest beef processing companies in Britain (ABP), processing more than 300,000 cattle per year. It operates as an abattoir and de-boning facility. In addition to the direct employment of approximately 120 people the plant makes an important contribution towards sustaining the rural economy around York, with over 60% of the cattle processed at the plant being sourced from within a 50-mile radius of the site.

4.19 Produce from the plant is currently sent to another ABP facility in Doncaster for further processing for, among other retailers, ASDA. The new plant would enable much of this further processing to be carried out at Murton. The enlarged premises would also enable the operator to provide modern standards of animal welfare. Employment at the site would increase from 120 jobs to almost 200. This increase in the level of activity at the site would have further knock-on benefits, due to the multiplier effect, for the local economy. The applicant states that redevelopment is critical to ensuring the continued and sustained operation of the plant. Overall the proposal would have significant benefits for the local economy in terms of providing and sustaining local jobs. The application therefore accords with latest government policy, which is to support economic development.

IMPACT ON THE GREEN BELT

4.20 81% of the new plant would be contained within the boundaries of the existing plant, which is entirely within the settlement boundary. However, the redeveloped plant would require an additional area of land (0.68ha). This additional land, which is at the south-western end of the application site, is in the green belt. Of this additional land, 0.28ha would be used solely for the diversion and culverting of a drainage ditch that currently runs through the existing plant. Once the ditch has been laid the ground would be reinstated. These works would have no material impact on the openness of the green belt. However, the remaining part of the green belt land would be occupied by the new lairage. National guidance in PPG2 and policy GB1 of the local plan state that such development in the green belt should not be approved unless very special circumstances exist to outweigh the harm caused by inappropriateness or any other harm caused by the development. These policies are qualified by policy GB11 of the local plan, which states, inter alia, that small-

scale extensions to an existing building could be acceptable in the green belt where they provide a direct benefit to the rural economy and the local residential workforce.

4.21 The application is accompanied by a supporting statement, which sets out very special circumstances to justify the extension into the green belt. It includes:

- * The plant cannot readily relocate because it serves the surrounding farming community and is dependant on its present location to source its beef and for its sales;
- * The plant's network of suppliers and customers has taken 30 years to build and could not easily be replicated elsewhere;
- * A location further from meat producers/farms would have welfare implications for the cattle, which would have to travel longer distances;
- * 80% of staff live in a York postcode area. If the plant had to relocate these workers would have to either travel further to work or be replaced.
- * The existing plant is cramped, dated and the welfare standards for the animals need to be improved;
- * The plant needs to be replaced if it is to survive and prosper;
- * The plant, with its abattoir, is not suited to a traditional industrial estate environment;
- * The existing site is in a good location being on the urban/rural fringe with good road access;
- * The site has good connections to local infrastructure, especially a local sewer;
- * To find and get approval for an alternative site would be very difficult;
- * The plant's activities will be improved, especially by enabling more operations to be carried out outdoors;
- * The linear nature of the production process at the plant requires a long building which, with its vehicular areas, cannot be contained within the existing site;
- * In order for the existing plant to remain in operation during redevelopment the first phase of the redevelopment has to be largely outside the footprint of the existing building. The only suitable open area of land on which to build this first phase is to the south-west of the existing building, i.e. in the green belt.
- * The only part of the building to be located in the green belt is the lairage. It would be lower than the main part of the building to minimise its visual impact and be timber-clad to give it, as far as possible, an agricultural appearance.

4.22 Officers consider that, to varying degrees, all of these arguments have merit and that, together, they constitute very special circumstances that outweigh the harm to the green belt.

DESIGN AND APPEARANCE

4.23 The existing plant appears to have been enlarged many times and has a utilitarian, rather unattractive appearance. Nevertheless, it is fairly discreet in that it is low in height, is partially screened by trees along the boundaries and is set back from the public highway. Whilst the floor area of the new plant would be approximately four times the size of the existing plant it would have a more modern,

purpose-built appearance, whilst having a moderate height. In particular the front elevation would include a large area of glazing, in addition to the polished techcrete panels, to give the building a less industrial appearance. Notwithstanding that this would be a large industrial building its length and mass would not be easily noticeable from any public viewpoint and it would not look out of place in its surroundings.

4.24 The lairage would be entirely within the green belt. Its barn-like appearance together with its timber cladding would weather to give it a fairly unobtrusive appearance behind the new hedge, in keeping with the rural, agricultural character of the adjacent green belt land.

NEIGHBOUR AMENITY

4.25 The nearest residential dwelling is approximately 100m to the north of the site. Two other dwellings are 120m and 230m respectively to the south. The redevelopment of the site would have no material impact on the occupiers of these dwellings. The new plant would be significantly larger and more visible than the existing plant when viewed from the livestock centre and the farming museum. Nevertheless, this would be mitigated by the improved appearance and the enclosure of many of the operations that are currently carried out in the open air. No other premises would be affected.

LANDSCAPE

4.26 Tree cover is generally limited to the perimeter of the existing site. Whilst the tree cover provides a degree of screening it mostly serves to distract the eye and add to the amenity of views from Murton Lane and neighbouring uses. Despite the rural situation, the margins for planting around the various businesses on both sides of Murton Lane are extremely limited, resulting in an ill-defined landscape structure. Therefore those trees that are established are of considerable value.

4.27 The line of willows and two poplars along the south-east boundary with the auction centre are a strong mature feature. From Murton Lane they are partially screened from the existing buildings and other vegetation. It is only the front few that have a high public amenity value. Nevertheless the full row can be fully appreciated from the auction centre. The development would result in the removal of this feature. Whilst the proposal includes a replacement line of trees, they would be set within a narrower margin closer to the new building and would not provide the same degree of canopy cover. The applicant intends to restore the character of the site as far as possible by planting three trees for every tree that would be removed. All would be advanced nursery stock, and approximately 35 per cent would be native tree species.

4.28 The trees along the north-east boundary with Murton Lane would be removed to accommodate the revised layout and new entrance. The proposals include new tree planting along this boundary. In the short term the removal of these trees will

cause loss to the amenity of Murton Lane but will probably provide adequate visual mitigation in the longer term.

4.29 The application includes the culverting of the ditch along the north-west boundary with the farming museum and across the auction centre land to the south-west. The aim should be wherever possible to leave water courses open and improve their environs, and even reverse existing culverts back to open water if environmental factors allow. In this case the applicant does not control sufficient land to provide a new abattoir whilst still being able to retain the open ditch. Furthermore, whilst the applicant has been able to negotiate a new route across adjacent land the landowners have required the land to be reinstated afterwards. Hence the need for the new route to be culverted.

4.30 There are three birches and some sycamores within the site that are visible from Murton Way, especially as viewed across the museum grounds. There is also a group of Ash in the northwest corner. Nearly all of these trees would be removed. The replacement planting would mitigate for these losses in the longer term but the intermediate loss would be detrimental to views from Murton Lane and the setting of the museum.

4.31 The rear of the current site is bound to the south-west with a native hedge and a fine mature Turkey Oak. Both would be removed but the quantity of hedge to be lost would be replaced within a significantly increased length of boundary hedging. The replacement planting would increase the extent of hedgerows on the site from 180 linear metres to 430 linear metres. 65% would comprise native shrub species.

4.32 The development's most exposed edge is to the south-west of the site, as enlarged. A public right of way runs along the bottom of the A64 embankment, from where there are views of the rear of the site. These views are restricted by young, established tree planting. Similarly views from the A64 and A166 are restricted due to vegetation on the verges/bank of the road and other intermediate trees. In the winter months the development would be discernible from the raised section of the A64 through the winter tracery of the branches. But given the high traffic speeds the impact on a 'fleeting view' would not be severe.

4.33 On balance, the economical/employment benefits of the application, along with the improved welfare standards for animals, and the 'tidying up' of the site, outweigh the extensive tree removal and consequent short term impacts on the character and appearance of the site and surroundings. Negotiations are continuing with the developer to identify other potential mitigation measures, either within the site or on adjacent land.

BIO-DIVERSITY

4.34 Whilst the site has a fairly low ecological value, the boundaries and surrounding area are of interest. The hedgerows provide important habitat for a

range of wildlife species, in particular nesting habitat for a range of bird species and commuting for bats. The new hedgerow planting would help to compensate for the loss of these habitats in the long term and strengthen existing local hedgerow networks.

4.35 The trees that would be lost provide good foraging habitat and are an important commuting corridor for bats. The trees also provide good bird nesting habitat. Whilst large stock replacement trees would be provided as part of the proposed landscaping scheme for the site, they would not immediately provide habitat of the same quality or value and so would not in the short term fully mitigate for this loss of habitat. The loss of the ditch would result in loss of associated ditch-side habitat. Whilst the ditch has not been managed in recent years and is in fairly poor condition the adjacent hedge is species rich and the bank-side habitat has good floristic interest.

4.36 The site has little value to great crested newts and the field to the south west is unlikely to be used by newts for foraging or for dispersal. Nevertheless, a survey carried out in September 2011 suggests that there may be a good population of great crested newts in ponds within 250m of the site. Bat surveys and inspections have been carried out, which found that buildings on the site have a low or negligible potential for supporting roosts. However, the surveys found foraging and commuting activity within and over the site. There was also foraging and commuting behaviour along the line of weeping willows and along the western boundary hedgerow. The times of activity would suggest that there is a roost close by, possibly to the south of the site.

4.37 Mitigation for the loss of habitat is difficult because the new building would occupy such a large proportion of the site. The proposed replacement hedgerows would ensure that the local hedgerow network is enhanced and strengthened and the replacement mature trees to the south-east would retain a commuting and foraging corridor for bats. But in the short term foraging and commuting would be affected while the new planting matures. Officers will discuss with the applicant opportunities for further mitigation, including for loss of wetland habitat, on or near the site. Such mitigation strategies, wildlife protection plans and landscaping details should be made conditions of approval.

DRAINAGE

4.38 The site lies in flood zone 1 and is unlikely to suffer from river flooding. Surface water currently discharges to the drainage ditch, alongside the site. The ditch, which is managed by Foss IDB, will be diverted around the new development and culverted for a distance of 110m. The method for constructing the culvert has been agreed with the IDB. At present 47% of the site is Impermeable. This will rise to 94% post-construction. Part of the impermeable area drains into the foul drainage system. In total, surface water run-off from 80% of the site area will drain into the adjacent ditch/culvert. The proposals include an attenuation tank and

discharge controls. In accordance with council policy discharge from the attenuation tank will be restricted to 70% of pre-development run-off rates. In addition rainwater harvesting measures will be incorporated into the development. The Environment Agency, Foss IDB and the council's drainage officers are all content with the proposals, subject to the details being submitted for approval.

4.39 The plant generates waste water from production processes, washing (including the truck wash) and cleaning operations. At present minimal treatment of waste water is undertaken on site, as agreed with Yorkshire Water. The redevelopment proposals include a new effluent treatment plant and drainage network. Process water will be directed to an interceptor where fats, oils and greases will be collected prior to discharge to the foul sewer. Sanitary waste water will discharge directly into the foul sewer, with the agreement of Yorkshire Water.

ENVIRONMENTAL PROTECTION

4.40 Whilst there is the potential for odour associated with the development, the site will be operated under an environmental permit issued by the Environment Agency. The permit will require the operator to employ best available techniques for the control of operational noise, vibration, odour, dust and smoke emissions, as well as controlling energy use and waste production from site. As a result the site will be highly regulated and controlled so the Environmental Protection Unit require no further conditions.

4.41 Due to the potential for noise, vibration and dust during construction a planning condition should require an Environmental Management Scheme for minimising the creation of noise, vibration and dust during construction and a condition limiting hours of construction.

4.42 The redevelopment will involved the internalisation of a number of existing duties and items of plant such that it is anticipated that noise levels will be lower than existing. The submitted noise assessment considered the impact of the proposed building plant on three locations, i.e. two residential and the farming museum. The nearest residential occupiers are 120m, 150m and 230m respectively from the site. Murton village lies approximately 300m from the site. Environmental protection officers are content that the proposed plant and equipment will not result in loss of amenity. The assessment shows that the predicted noise levels for the farming museum would be well below existing noise levels. Whilst the operation of the redeveloped plant is not expected to cause a significant noise nuisance to neighbours the submitted noise assessment does not appear to accurately reflect the hours of operation. Officers are seeking clarification from the applicant.

4.43 Details of the proposed lighting have been submitted to show that it would comply with various guidelines about lighting levels in rural areas. EPU are content that the proposed development can be carried out in such a way as not to cause

loss of amenity but a condition should be attached requiring an independent lighting impact assessment.

4.44 The planning statement submitted with the planning application identifies a number of potential sources of land contamination at this site. These sources include fuel tanks, the use of detergents and refrigerants, waste products, made ground and asbestos in buildings. Soil sampling is required in order to determine whether land contamination is present. If significant contamination is detected cleanup work (remediation) will be required. The council's standard contamination conditions should be attached. Emissions from boiler plant will be controlled by the Environment Agency.

HIGHWAY MATTERS

4.45 The site currently has parking for approximately 60 cars plus use of parking at the adjacent auction centre. Whilst approximately 30% of staff cycle to work no formal cycle storage is provided. The redeveloped site will provide a total of 125 car parking spaces and, initially, secure cycle storage for 25 bicycles. If demand for the cycle stands is high the developer will increase the number of cycle stands. The level of parking and cycle storage is adequate; Provision should be made a condition of approval. The location and design of the relocated access are acceptable and the traffic movements associated with the redeveloped plant would not have a detrimental impact on the capacity of the highway network. The applicant has submitted a travel plan, which is being considered by the council's highways officers. Members will be updated at the meeting.

SUSTAINABILITY

4.46 The applicant has stated that they will use best endeavours to provide at least 10% of energy from on-site renewable sources. Also that they will use reasonable endeavours to achieve a sustainability standard appropriate to the type of development proposed. Officers have accepted that a standard or bespoke BREAAAM assessment would not be appropriate for development of an abattoir. Nevertheless, the applicant has not provided any explanation as to why 10% of energy from renewable sources cannot be a commitment. Unless such information is provided provision of 10% renewable energy should be made a condition of approval. Negotiations are continuing; Members will be updated at the meeting.

5.0 CONCLUSION

5.1 On balance, the economical/employment benefits, along with the improved welfare standards for animals and the improved appearance of the site, outweigh the tree removal and the impact on the openness of the greenbelt. Negotiations are continuing to try to provide further mitigation for the loss of trees and habitats. The proposal otherwise accords with national planning policy on economic development and relevant policies of the City of York Local Plan Deposit Draft.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Secretary of State

- 1 TIME2 Development start within three years -
- 2 PLANS2 Apprvd plans and other submitted details -
- 3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, planting details and position of trees, shrubs and other plants as compensatory planting for the loss of trees. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species as compensation for loss of trees.

5 Prior to the commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

INFORMATIVE:

To satisfy this condition details of the surface water drainage works should include:

- (i) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.
- (ii) Calculations and invert levels of the existing surface water system together with calculations and invert levels of the proposed new development.
- (iii) An appropriate assessment under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. City of York Council's Drainage Section

should witness the BRE Digest 365 test.

(iv) Existing and proposed surfacing.

In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven a greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

6 Prior to the development commencing full details of car parking, delivery/service vehicle parking, cycle storage (including means of enclosure), vehicle turning areas and the means of access into the site shall be submitted to and approved in writing by the local planning authority and thereafter such areas shall be retained solely for their intended purpose.

Reason: In the interests of highway safety and to promote the use of cycles

7 The site shall not be occupied until a full travel plan, in line with local and national guidelines, has been submitted to and approved in writing by the local planning authority and implemented. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the travel plan.

Reason: To promote sustainable travel and minimise the number of car-borne trips by staff and visitors.

8 In accordance with the Council's Interim Planning Statement on Sustainable Design and Construction, the applicant will incorporate on-site renewable energy/low carbon energy generation equipment to provide at least 10 per cent of the developments regulated energy demand. In addition, the applicant will achieve a sustainability measurement standard appropriate to the type of development proposed. Details will be agreed with the Planning Authority prior to the commencement of development.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

9 No development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of the development has been submitted to and approved in writing by the local planning authority. The plan shall include the following:

- i. A Wildlife Protection Plan of how development work to be carried out will take account of the presence of Great Crested Newts;
- ii. Details of the mitigation/compensation provision to be made to replace the habitat lost through development to ensure that there is no significant impact on the population overall;
- iii. The measures to ensure that no Great Crested Newt would be harmed by the development work;
- iv. The timing of all operations.

The mitigation plan shall thereafter be implemented on site in accordance with a timetable previously agreed in writing with the local planning authority.

Reason: In the interest of protecting a protected species and its habitat.

10 No demolition shall take place until full details of bat mitigation and conservation measures have been submitted to and approved in writing by the local planning Authority. The measures shall include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. The timing of all operations.

The works shall be carried out in accordance with the approved details and timing unless otherwise approved in writing by the local planning authority. If bats are discovered during the course of the work, it shall cease and Natural England consulted before continuing.

Reason: To take account of and to enhance the habitat for a protected species.

11 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be

submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and businesses

12 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours: Monday to Friday 08.00 to 18.00; Saturday 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses

13 The roller shutter door located to the loading bay shall be kept closed at all times except for ingress and egress.

Reason: To protect the amenity of local residents and businesses

14 The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 23 dB (Rw), with windows shut and other means of ventilation provided.

Reason: To protect the amenity of local residents and businesses

15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any business, residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents and businesses.

16 Prior to commencement of development an independent Lighting Impact Assessment for any proposals involving floodlighting, shall be submitted and approved in writing and implemented prior to occupation of the development. The assessment shall include:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item

listed)

- Plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres of the edge of the site boundary.
- Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the edge of the site boundary
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the reduction of Light Pollution.
- A statement of the need for floodlighting.

REASON: to safeguard the amenity of local residents

INFORMATIVE:

E_v is the average vertical illuminance, which is a measurement of the quantity of light at height of 1.5 metres above the ground.

E_h is the average horizontal illuminance, which is a measurement of the quantity of light falling on a horizontal plane.

17 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

18 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Economic Impact

Impact on the Green Belt

Design and Appearance

Neighbour Amenity

Landscape

Bio-Diversity

Drainage

Environmental Protection

Highway Matters

Sustainability

As such the proposal complies with policies E4, GP1, GP4a, GP6, GP9, GP15a, GB1, GB11, T4, NE1, NE2, NE6 and NE7 of the City of York Local Plan Deposit Draft.

2. LOW EMISSION STRATEGY

In line with the Council's emerging Low Emission Strategy, the Environmental Protection Unit would welcome the applicant's thoughts on the feasibility of bio-methane refuelling infrastructure to service heavy duty vehicles using the site

Contact details:

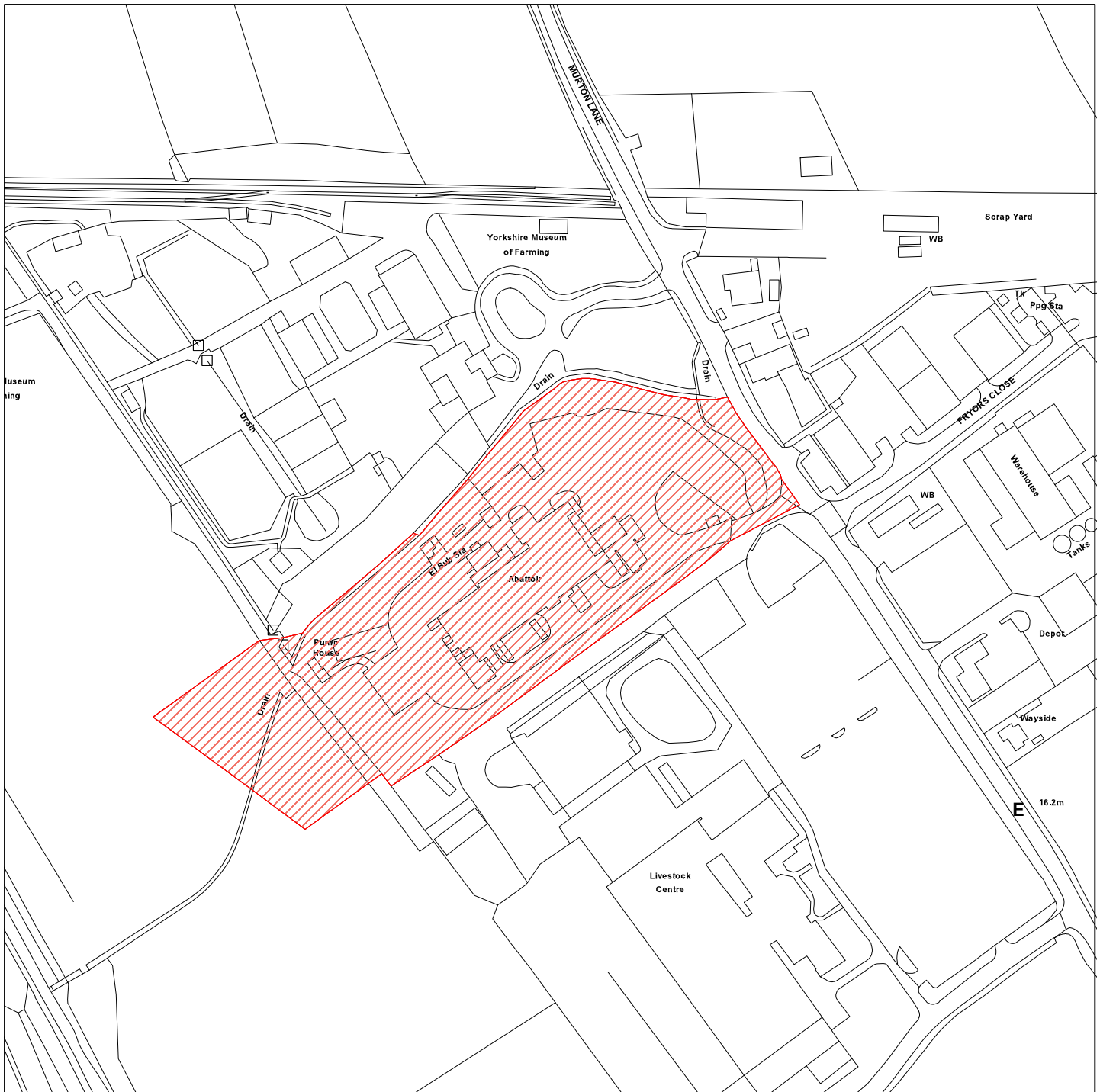
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The Abattoir, Murton Lane



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	07 February 2012
SLA Number	Not Set

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Planning Committee**16th February 2012**

Report of the Director of City Strategy

Public Consultation on draft Supplementary Planning Documents**Summary**

1. The purpose of this report is to inform members of Planning Committee that the Council is currently out to public consultation on 3 draft Supplementary Planning Documents (SPD's), as follows:
 - Controlling the Concentration of Houses in Multiple Occupation SPD;
 - Subdivision of Dwellings SPD;
 - House Extensions and Alterations SPD.

These documents are attached as Annexes A, B and C to this Report. Members of the Planning Committee are given the opportunity to comment on the SPD's if required.
2. Public consultation runs from Monday 23rd January until Monday 5th March 2012. Following consultation, the responses to the consultation exercise and any subsequent changes to the SPD's will be reported back to the LDFWG and Cabinet, when the SPD's will be approved as Council policy. In terms of the Controlling the Concentration of Houses in Multiple Occupation SPD, this will support an Article 4 Direction, which comes into force on 20th April 2012.
3. The purpose of SPD's are to expand upon policy or provide further detail to policies in Development Plan Documents such as the Local Plan or Core Strategy. SPD's do not have development plan status, but once adopted they afford significant weight as a material planning consideration in the determination of planning applications.

Background

Controlling the Concentration of Houses in Multiple Occupation SPD

4. Houses in Multiple Occupation or HMO's as they are commonly referred to, represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students and young professionals, alongside low income households who may be economically inactive or working in low paid jobs. Whilst HMO's are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts concentrations of HMO's are having on neighbourhoods. This debate has mainly been driven by the increasing number of student households in the city and focuses on the detrimental impact large concentrations of HMO's can have on neighbourhoods, such as loss of family and starter homes.
5. An evidence base has been developed to explore the spatial distribution and impact of HMO's, typically occupied by student households, which indicates that it is necessary to control the number of HMO's to ensure that communities do not become imbalanced. This control will be achieved through an Article 4 Direction which will come into force on 20th April 2012. This removes permitted development rights, requiring a planning application to be submitted to change a property into a HMO. The Controlling the Concentrations of HMO's SPD provides guidance on how these planning applications will be determined.
6. The proposed approach set out in the SPD has been guided by the LDF Vision for all of York's current and future residents, having access to decent, safe and accessible homes through their lifetime. A key element of this is maintaining community cohesion and helping the development of strong, supportive and durable communities.

Subdivision of Dwellings SPD

7. The subdivision of existing buildings into smaller residential units can be an important source of new housing in York. It is also a sustainable form of development as it gives a new lease of life to existing buildings which might be redundant or economically unviable in their current use.

8. However, unsatisfactory conversion work can sometimes result in accommodation which is of an inadequate size and poor quality. The occupants could be exposed to a number of potential problems such as overlooking, poor outlook, overcrowding, lack of amenity space, noise and disturbance from neighbouring premises and inconvenient and unsafe access.
9. The draft SPD provides guidance to developers to ensure that where subdivision of dwellings is proposed, they:
 - provide adequate internal space;
 - are of a suitable layout;
 - have acceptable amounts of internal and external storage space ;
 - have acceptable levels of facilities;
 - do not have an adverse impact on the amenity of neighbouring residents; and
 - are built and designed to a high standard of sustainability.
10. These principles clarify that the character of a neighbourhood is important when considering this type of dwelling which will be assessed on a site by site basis. The SPD confirms what is acceptable in terms of the size of a property suitable for subdivision, as well as the physical size of the rooms available. The guidance goes into specific detail of would be expected to be considered as part of a proposal, for example, room heights, access, sound insulation, parking, waste, sunlight issues.

House Extensions and Alterations SPD

11. The existing Council guidance note on house extensions and alterations (Guide to Extensions and Alterations to Private Dwelling Houses) was approved in 2001 and has been a valuable resource for applicants and decision makers. However, it pre-dates existing and emerging guidance and policies on house extensions. In addition, in 2008 there was a major overhaul of national legislation relating to permitted development rights for enlarging dwelling houses.
12. One of the biggest challenges in developing any guidance on proposals such as house extensions is finding a way to offer advice that strikes a balance between providing certainty and consistency whilst not making guidelines so rigid that they deter imaginative proposals, or block proposals that because of site specific circumstances are otherwise acceptable.

13. The draft SPD updates the Council's guidance. The document includes standards that can help provide a framework for applicants, but emphasises the importance of understanding the local context and how a proposal will impact on neighbours. It seeks to be more comprehensive than the existing guidance and emphasises the need and benefits from having regard to sustainability.

Current Consultation

14. All three SPD's are subject to a joint 6 week consultation exercise which runs from Monday 23rd January until Monday 5th March 2012. All 3 documents are published on the Council website, with hard copies being placed for public viewing in Council Receptions at 9 St Leonard's Place, Guildhall Reception and Library Square, and all Council libraries. Copies have also been placed in the Members Library for Members information. All Members have been sent an email informing them of the consultation.
15. Consultees on the LDF database have also been informed of the consultation exercise via letter or email. Additionally, a Press Release has been issued, as well as a public notice being published in the Press on Wednesday 25th January.
16. The consultation exercise is also being highlighted through the Ward Committee meetings where possible.
17. Each of the LSP Boards, as well as other groups such as the Open Planning Forum, Youth Council, Environment Forum and Property Forum have been informed of the consultation and how to make comments. In addition, information about the consultation has been emailed to members of the Inclusive York Forum via their distribution list.
18. In addition, for the Controlling the Concentrations of HMO's SPD, key stakeholders were contacted to inform them of the consultation. A Focus event has also been set up for 21st February which will involve a range of consultees.
19. Those individuals who have expressed an interest in HMO's, either through councillor queries or the Article 4 Direction, have been sent a letter or email informing them of the opportunity to comment. For the Subdivision and House Extensions and Alterations SPD's, those on the Development Management

database of planning agents have been sent a letter or email informing them of the consultation.

Consultation

20. All 3 draft SPD's have been subject to internal consultation with colleagues from relevant professional disciplines. Additionally, in relation to the Controlling the Concentration of Houses in Multiple Occupation SPD, previous consultation has taken place on the proposed Article 4 Direction, and those who responded to that consultation exercise will also be contacted in relation to this SPD.
21. The Subdivision of Dwellings and House Extensions and Alterations SPD's were approved by the LDF Working Group on 7th November, and Cabinet on 6th December 2011. The Controlling the Concentration of Houses in Multiple Occupation SPD was approved by the LDF Working Group on 9th January and Cabinet on 10th January 2012.

Council Plan

22. The three SPD's out to consultation relate to the following Corporate Strategy Priorities:
 - Build strong communities;
 - Protect vulnerable people;
 - Protect the environment.

Implications

23. The following implications have been assessed:
 - **Financial** – None
 - **Human Resources (HR)** - None
 - **Equalities** - None
 - **Legal** – None
 - **Crime and Disorder** - None
 - **Information Technology (IT)** - None
 - **Property** - None
 - **Other** – None

Risk Management

24. In compliance with the Council's Risk Management Strategy, there are no risks associated with the recommendations of this report.

Recommendations

25. That Members of the Planning Committee note that the 3 SPD's are currently out to public consultation between 23rd January and 5th March 2012 and provide comments as appropriate.

Reason: To give Members of the Planning Committee the opportunity to comment on the SPD's if required.

Contact Details

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Report
Approved



Date 27/1/2012

Specialist Implications Officer(s)

N/A

Wards Affected: *List wards or tick box to indicate all*

All ☒

For further information please contact the author of the report

Background Papers:

Annex A: Controlling the Concentration of Houses in Multiple Occupation SPD;

Annex B: Subdivision of Dwellings SPD;

Annex C: House Extensions and Alterations SPD.



SUPPLEMENTARY PLANNING DOCUMENT

CONSULTATION DRAFT

Controlling the Concentration of Houses in Multiple Occupation

January 2012

City of York
Local Development Framework Controlling the Concentration of
Houses in Multiple Occupation Supplementary Planning Document
Consultation Draft January 2012

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Please contact us if you would like this information in an accessible format (for example, large print or by email) or another language.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

Ta informacja może być dostarczona w twoim
własnym języku. **(Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. **(Turkish)**

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The Council is inviting comments on this Supplementary Planning Document. Representations can be made online or in writing (see details above). A comments form is available however representations by letter or email will also be accepted. Please do not hesitate to contact the Integrated Strategy Unit who will be happy to answer any queries about the consultation (contact details above).

All comments must be received by the Integrated Strategy Unit by **5pm on Monday 5 March 2012.**

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Background Papers

Annex 1: Spread of Student Households 2000-2010

Annex 2: Local Plan Extract

Annex 3: Core Strategy Submission (Publication) Extract

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1.0 Introduction

- 1.1 National policy guidance¹ provides the context for local planning policy to ensure that balanced and mixed communities are developed. With the aim of avoiding situations where existing communities become unbalanced by the narrowing of household types and the domination by a particular type of housing. Within this context, a key City of York Council priority from its *Sustainable Community Strategy, York – A City Making History 2008 -2025 (2008)* is building confident, creative and inclusive communities that are strong, supportive and durable.
- 1.2 Houses in Multiple Occupation² or HMOs as they are commonly referred to represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students and young professionals, alongside low-income households who may be economically inactive or working in low paid jobs. Whilst HMOs are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts concentrations of HMOs are having on neighbourhoods and increasing rental costs. This debate has mainly been driven by the increasing number of student households in the city and focuses on the detrimental impact large concentrations of HMOs can have on neighbourhoods, such as the loss of family and starter housing.
- 1.3 An evidence base has been developed to explore the spatial distribution and impact of HMOs, typically occupied by student households, which indicates that it is necessary to control the number of HMOs to ensure that communities do not become imbalanced. This control will be achieved through an Article 4 Direction which will come into force on 20 April 2012. This removes permitted development rights, requiring a planning application to be submitted to change a property into an HMO. This Draft Supplement Planning Document (SPD) provides guidance on how these planning applications could be determined, providing a number of options for consideration through consultation.

2.0 Supplementary Planning Documents

Purpose

- 2.1 An SPD is intended to expand upon policy or provide further detail to policies in Development Plan Documents. It does not have development plan status, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.

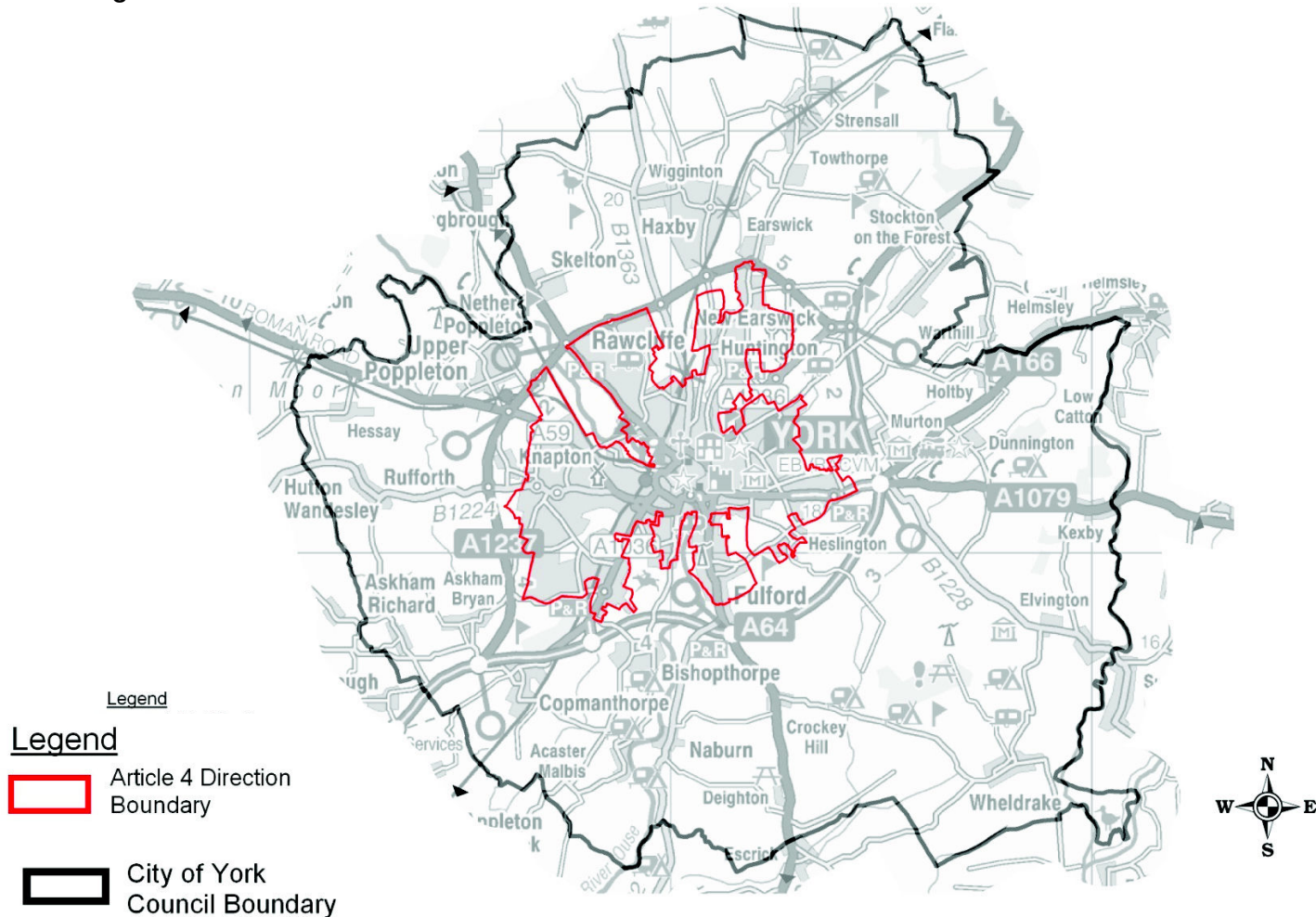
¹ Planning Policy Statement 1 'Creating Sustainable Communities' (2005) and Planning Policy Statement 3 'Housing' (2011)

² A House in Multiple Occupation or HMO can be defined as a dwelling house that contains between three and six unrelated occupants who share basic amenities

Scope

- 2.2 The guidance will apply to all planning applications for change of use from dwelling house (Use Class C3) to HMO (Use Class C4) within the main urban area, as shown at Figure 1. It will also apply to planning applications for the change of use from dwelling house (Use Class C3) to 'sui generis' large HMOs across the Local Authority area. The guidance will not apply to purpose-built student accommodation and will not apply retrospectively to existing HMOs. Please see Section 3.0 below for further information with regard to what constitutes an HMO and Section 5.0 for detail on the Council's decision to implement an Article 4 Direction.

Figure 1: Extent of Article 4 Direction – The Main Urban Area



3.0 Context

HMO Definition

- 3.1 Previously, Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended 2005) provided no distinction between a dwelling occupied by one household, such as a family, and that of a dwelling occupied by up to 6 unrelated people. Shared houses where there are 6 or more residents did not fall within Class C3, and were defined as Houses in Multiple Occupation and classed as Sui Generis 'of its own kind'. In a planning sense

Sui Generis relates to uses that do not fit within the four main use class categories.

- 3.2 On 6 April 2010, amendments were made to the Use Classes Order and the General Permitted Development Order to introduce a new class of type C development – C4 ‘Houses in Multiple Occupation’. These are commonly referred to as ‘small HMOs’. The Sui Generis HMOs which existed under the previous legislation are still considered as HMOs, but these are now commonly referred to as ‘large HMOs’ which, in broad terms, consist of more than six occupants. The new use class, C4, describes a house that contains three, four or five unrelated occupants who share basic amenities. However, properties that contain the owner and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Powers under planning legislation to manage the spatial distribution of HMOs

- 3.3 Initially, the changes made to the Use Class Order in April 2010 meant that planning permission would be required for any change from a single household dwelling to either a small or a large HMO. However, following the formation of the new Coalition Government, further changes were made to the General Permitted Development Order on 1 October 2010 making changes of use from Class C3 (single household dwelling houses) to C4 (HMOs) permitted development. This means that planning permission for this change in use is not required. Should Local Authorities wish to exert tighter planning controls on the development of HMOs, permitted development rights would have to be removed through a planning mechanism called an Article 4 Direction.
- 3.4 An Article 4 Direction would mean that planning permission, within a given area, would then be required for a change of use from a dwelling house to an HMO. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted for development proposals, to which it applies, in a particular geographical area.

Powers under housing legislation to improve the management and condition of HMOs

- 3.5 The standard and management of existing HMOs is primarily controlled through the Housing Act 2004 (the Act) and Regulations. Under this Act Local Authorities have a duty to license any HMOs that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. Authorities also have the option of extending licensing (additional licensing) to other types of HMO or to specific areas (selective licensing under certain conditions. Other actions may include a landlord accreditation scheme or street/community wardens to deal with anti-social behaviour.

- 3.6 The Council's current approach recognises that HMOs are a vital source of accommodation within the city used by a range of tenants and is to:
- rigorously enforce the mandatory provisions of the Act by licensing larger HMOs (three storey and more with five or more unrelated occupants);
 - ensure that we fulfil our duty to inspect all licensed HMOs;
 - respond to and investigate complaints about general housing conditions and management; we use the legal tool called the Housing Health and Safety Rating System to assess the condition and the HMO management regulations which provides a framework for managers to ensure that the accommodation including the outside space is kept in a good order, tidy and clean; and
 - investigate complaints of overcrowding; although the problem of overcrowding in the city is low we have found that HMOs can be more prone to overcrowding than other sectors.
- 3.7 This approach is complemented by the Code of Best Practice³ for shared student accommodation. This has been developed in partnership with the universities. It provides clear information about housing standards and is part of the Council's strategy to ensure that students feel welcome and reassured by removing some of the uncertainties from house hunting.
- 3.8 The Council are currently pursuing the implementation of an accreditation scheme. This will seek voluntary compliance by private landlords with good standards in the condition and management of their properties and their relationship with their tenants.
- 3.9 The exercise of powers available to the Council under the Housing Act 2004 does not directly control the scale and distribution of HMOs but importantly, it does provide opportunities for intervention to secure improvements to the management and maintenance of HMOs. Accordingly, it presents the Council with the opportunity to pursue complementary measures to support its planning policies. These measures cannot be developed through this SPD and are instead covered by separate legislation.

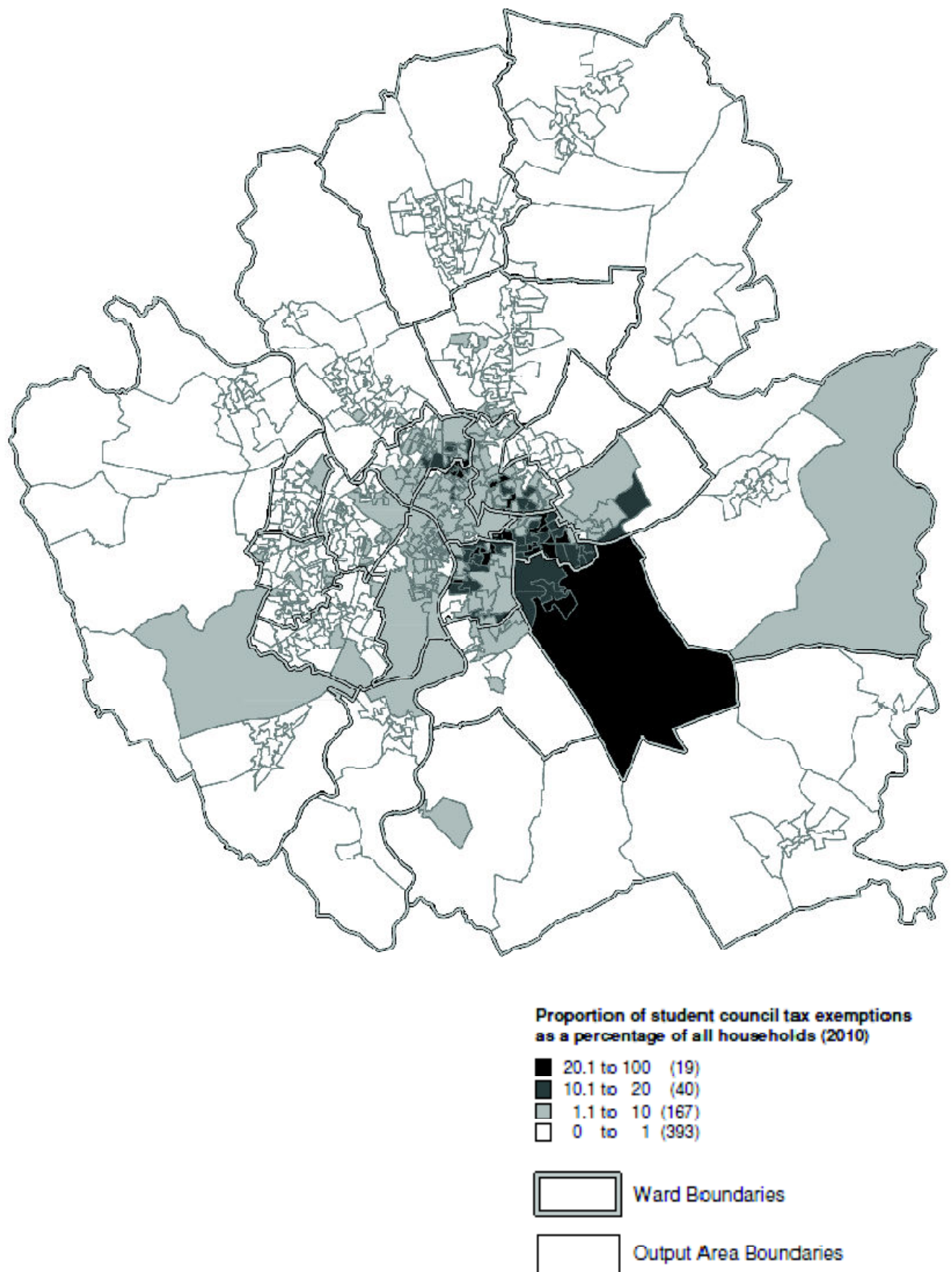
HMOs in York

- 3.10 A detailed evidence base has been undertaken to explore HMOs in York, which has focused on student households. This is because in York, HMO issues are driven by the large student population in the City and because Council Tax student exemption data is the most robust information available to indicate the location of potential HMOs. It is not intended to replicate this evidence in this SPD, however a summary of the headline outcomes are presented below. For more detail please see the *Houses in Multiple Occupation Technical Paper (2011)* that supports the emerging Core Strategy.

³ Please see http://www.york.gov.uk/housing/hmo/Landlords_accreditation_scheme/

- 3.11 Historic mapping shown at Annex 1 undertaken to explore the spatial extent of HMOs shows a clear spread of student households in several of the city's Wards over a ten year period between 2000 and 2010, indicating clustering in the Clifton/Guildhall Wards and Hull Road but there have also been more general rises over much of the rest of the main urban area. Council Tax student housing exemption data has been mapped. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus have not been included. It does however include some off campus accommodation owned or managed by the universities. Based on these past trends it would be reasonable to assert that permitted development comprising a change of use to student HMO would be likely to take place in the future. Moreover, given the clustering that has already taken place in the Clifton/Guildhall Wards and in Hull Road in particular it is likely that if unmanaged this would continue and could create unbalanced communities. It is also likely that new clusters may develop. Current concentrations of HMOs are shown overleaf at Figure 2.
- 3.12 Work undertaken indicates that areas with high concentrations of student households can suffer from increased levels of crime, burglary, noise nuisance, parking pressures and poor quality of environment. Although it is important to note that it is not suggested that this is attributed to students themselves who can often be the victims of crime for example or suffer from a poor quality environment.
- 3.13 It is also recognised that there is likely to be an increase in the number of HMOs in York following the changes to the national benefit rules on 1 April 2012. The new rules will mean that single working age people under 35 years old will only be eligible to receive benefits for a single room in a shared house, currently the age limit is 25 years. As such, it is anticipated that there will be an increase in the number of claimants seeking accommodation in HMOs.

Figure 2: Concentrations of HMOs



4.0 Policy Framework

Local Plan

- 4.1 At the time of preparing the City of York Draft Local Plan the use class order provided no distinction between a dwelling occupied by one household, such as a family, and that of a dwelling occupied by up to 6 unrelated people. Albeit, shared houses where there are 6 or more residents did not fall within Class C3, and were defined as HMOs and fell within the Sui Generis use class. Accordingly, the Council had very limited control over the occupation of dwellings in the private rented sector by groups of up to 6 people.
- 4.2 It was within this context that Policy H7 'Residential Extensions' and Policy H8 'Conversions' of the City of York Draft Local Plan were written to control the conversion of properties to flats and for Houses in Multiple Occupation (for more than 6 people). These policies, appended at Annex 2 for information, essentially seek to ensure that residential amenity is protected. To support local plan policies Supplementary Planning Guidance on extensions and alterations to private dwelling houses was prepared which provides a reference for householders, builders and developers intending to alter or extend residential buildings.

Core Strategy Submission (Publication)

- 4.3 Policy CS7 'Balancing York's Housing Market' of the emerging Core Strategy supports housing development which helps to balance York's housing market, addresses local housing need, and ensure that housing is adaptable to the needs of all of York's residents throughout their lives. This will be achieved in a number of ways as set out in the policy, which is shown at Annex 3. With regard to HMOs, the Local Development Framework (LDF) will seek to control the concentration of Houses in Multiple Occupation, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.
- 4.4 The Core Strategy recognises that higher education institutions and the student population form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the City and to the local economy. The Council are committed to ensuring their needs are met and will continue to work with the City's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in HMOs, can cause an imbalance in the community which can have negative effects. These can include a rise in anti social behaviour, increases in crime levels, parking pressures and decreased demand for local shops and services, sometimes leading to closures. It can also put pressures on family and starter housing as owner occupiers and buy to let landlords compete for similar properties and have implications for non students seeking accommodation in the private rented sector.

- 4.5 It is considered that monitoring the spatial distribution and impacts of student housing will allow the Council to identify if it is necessary to prevent an increase in the number of student households in certain areas to ensure communities do not become imbalanced. As discussed in Section 3.0, this control can be achieved through an Article 4 Direction and the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

5.0 Article 4 Direction

- 5.1 As set out in Section 3.0 an Article 4 Direction is a decision made by a Local Planning Authority preventing certain specified development from enjoying the benefit of permitted development rights. On 15 April 2011 the Council published its intention to implement an Article 4 Direction relating to development comprising change of use from Class C3 (dwellinghouse) to a use falling within Class C4 (HMO). The effect of the Direction is that within the main urban area of York (see Figure 1 on page 2), permitted development rights are removed for this type of development. Planning permission will therefore be required for a change of use within the defined area from Class C3 to Class C4 once the Article 4 Direction is in force. The Article 4 Direction, confirmed at Cabinet on 1 November 2011, applies to the main urban area as shown within the red line boundary on the map at Figure 1 and will come into effect from 20 April 2012.
- 5.2 For York, the justification for making an Article 4 Direction to control HMOs lies in the harm that would be caused to local amenity and the proper planning of the area. The evidence of the spread of student housing provides a strong justification for implementing an Article 4 Direction in York on a wide scale. The purpose of introducing the planning control is not to unreasonably suppress an appropriate level of HMOs in the city. Its purpose is to ensure that the supply of shared housing is managed to avoid localised high concentrations of HMOs which could create unbalanced communities.
- 5.3 It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted. Accordingly this SPD is required to develop a policy response to provide guidance for determining planning applications.

6.0 Proposed Approaches

- 6.1 The following proposed approaches to determining planning applications for change of use to HMO are guided by the LDF Vision for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime. A key element of the LDF is its role in maintaining community cohesion and helping the development of strong, supportive and durable communities.
- 6.2 There is evidence to demonstrate that it is necessary to control the number of HMOs across the city to ensure that communities do not become imbalanced. A policy approach for the development management for HMOs of all sizes is

required. A threshold based policy approach is considered most appropriate as this tackles concentrations of HMOs and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

- 6.3 Whilst there is no formal definition of what constitutes a balanced community, recently, there have been attempts to establish what constitutes a large HMO proportion and the threshold at which a community can be said to be/or becoming imbalanced. Useful precedents have been set in a number of Authorities. For York, a threshold of 20% of all properties being HMOs is considered to be the point at which a community can tip from balanced to unbalanced.
- 6.4 Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area. To capture as many different types of shared accommodation as possible the Council will use the following:
- council tax records - households made up entirely of students can seek exemption from Council Tax and the address of each exempt property is held by the Council. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus will not be included, however some accommodation owned or managed by the universities off campus will included;
 - licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. These are those properties that are three storeys or over and are occupied by five or more persons;
 - properties benefiting from C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties; and
 - properties known to the Council to be HMOs – this can be established through site visits undertaken by the Council's Housing team in response to complaints for example.
- 6.5 The above data sets will be collated to calculate the proportion of shared households as a percentage of all households. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent. Given that the information collated may be expected to change over the course of the calendar year as houses and households move in and out of the private rented sector it is considered appropriate to base the assessment on a single point in time.
- 6.6 It is important to understand the appropriate geographic level at which the threshold approach should be applied. Below are three options for assessing

concentrations of HMOs and we would like your views on which option is the right approach to managing concentrations of HMOs.

Assessing concentrations of HMOs

Option 1 - Neighbourhood Level

6.7 It is considered that for York, some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs, particularly a decreasing demand for local schools and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways. Accordingly, a consistent and robust understanding of a 'neighbourhood area' has been developed as explained in the following methodology section.

6.8 The following approach could be used to determine planning applications relating to HMOs:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

6.9 In neighbourhood areas where there is an existing high concentration of HMOs (i.e. more than 20% of all households) further change of use to HMO would be resisted. In marginal cases, where an area is approaching a 20% concentration of HMOs, a thorough assessment of existing HMOs and the impact additional HMOs will have on the neighbourhood area will be undertaken to establish if it is appropriate for further change of use to take place.

You Tell Us

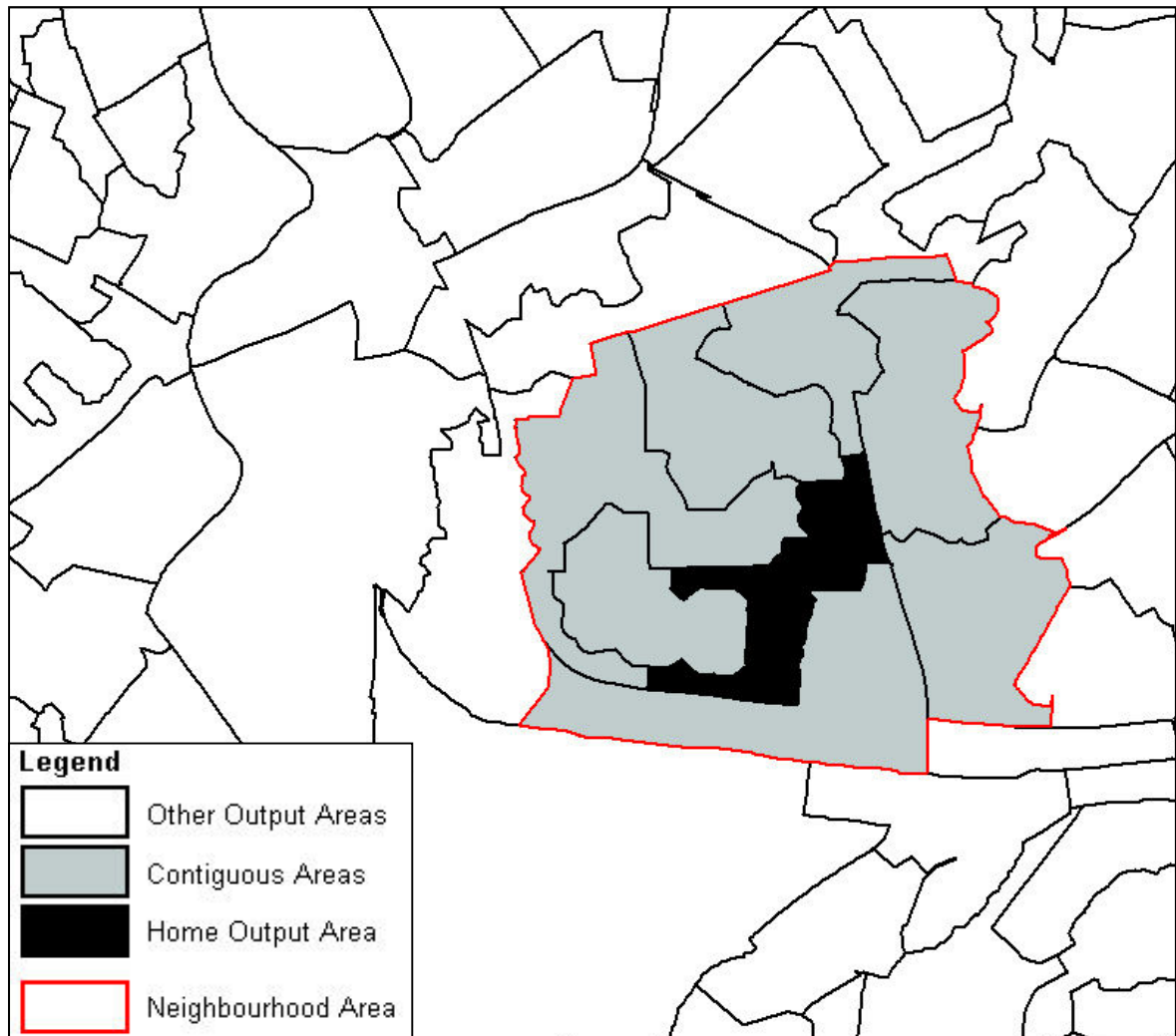
Question 1

Do you think a threshold of 20% is appropriate across a neighbourhood area? If not what would be an appropriate percentage?

6.10 It has been necessary to establish a definition of a neighbourhood area. For the purpose of this guidance, this must be consistent and robust as well as being related to available statistical information and of a sufficiently large area to be statistically significant. There is a risk that if too small an area is used the assessment will be statistically unreliable.

- 6.11 On this basis, the Output Areas (capturing approximately 125 households), defined by the Office National Statistics were considered to provide the only independently defined and convenient geographical units for the purposes of such an approach. Following best practice, it is considered that one Output Area is too small to properly represent a neighbourhood and accordingly, in assessing concentrations of HMOs a cluster of contiguous Output Areas will be applied. The number of contiguous Output Areas varies depending upon local circumstances but typically clusters comprised of between 5 and 7 Output Areas capturing 625 to 875 households will be used to calculate concentrations of HMOs. It is considered that this size of an area will be statistically significant when assessing the impact of additional HMOs. An example of a cluster of Output Areas is shown below at Figure 3. The 'home output area' is where the planning application is located. To ensure a consistent and robust approach, all adjoining output areas to the output area where the planning application is located will be used to form the neighbourhood area in all cases.

Figure 3: Neighbourhood Area



- 6.12 It is considered that some issues arising from HMOs can most reliably be measured across a neighbourhood area. This is because some of the impacts associated with high concentrations of HMOs, as highlighted in the evidence base underpinning the Article 4 Direction, go beyond the immediate area of individual HMOs. A neighbourhood approach would in particular address the impact large numbers of HMOs can have on decreasing demand for some local services such as the examples included in paragraph 6.7 above.
- 6.13 A neighbourhood approach based on contiguous output areas has been taken by Charnwood Borough Council and Nottingham City Council and has been developed following an appeal decision whereby the Inspector concluded that assessing HMOs on two output areas (approximately 250 properties) was statistically unreliable. The Inspector considered that it would be more statistically relevant and significant to assess the potential impacts of concentrations of HMOs across a cluster of Output Areas. He asserted that using this approach would give a more reliable picture of the impact HMOs have on communities.









Option 2 - Street Level

- 6.14 A number of Local Authorities are currently progressing Article 4 Directions to control HMOs in their area. Most Authorities are proposing a threshold approach to identify when a tipping point has been reached when a community becomes unbalanced. However different policy approaches are emerging on how authorities propose to assess concentrations of HMOs.
- 6.15 Some Authorities have decided to assess HMO concentrations using street level data. For example, Manchester City Council and Oxford City Council are proposing to adopt a policy approach whereby concentrations of HMOs are calculated on a street by street basis, across an area of within a 100 metre radius of the HMO change of use planning application site. In Oxford a threshold of 20% is proposed and in Manchester, 10%.
- 6.16 For Oxford City Council a threshold of 20% on a given length of street represents 1 in 5 properties potentially being HMOs. In areas of Oxford dominated by terraced housing, a row of houses unbroken by cross-streets is typically a minimum of about 100 metres. Accordingly, it is considered that this length of frontage can reasonably be considered to constitute a property's more immediate neighbours and is therefore the proposed distance threshold. This is proposed to be measured along the adjacent street frontage on either side, crossing any bisecting roads, and also continuing round street corners. This measurement would also apply to the opposite street frontage, from a point directly opposite the application site. This is illustrated at Figure 4.

Figure 4: Street Level



Legend

-  100m starting point
-  100 metres
-  100 metres
-  Properties not included
-  Properties within 100m on application street on opposite side of the road
-  Properties within 100m on same side of the road
-  Properties within 100m that turn the corner from applicaiton street
-  Application Property

6.17 Should a street by street analysis of concentrations of HMOs be taken the following approach could be used to determine planning applications relating to HMOs:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *Less than 20% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the*

- Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

You Tell Us

Question 2

Do you think a threshold of 20% is appropriate for a street level assessment of concentrations of HMOs? If not what would be an appropriate percentage?

- 6.18 This approach would allow the Council to manage the clustering of HMOs at street level. This would prevent whole streets from changing use from dwellinghouses to HMO. Such control may be beneficial for those streets with property types that are particularly suited to HMO use and would protect the character of a street by maintaining a mixed and balanced community. This could avoid the situation where whole streets or large sections of streets change use to HMOs; the effects of which are most keenly felt out of term time when properties are empty.
- 6.19 A street by street approach would address the impacts large concentrations of HMOs can have on increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, increased parking pressures, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night.
- 6.20 However, the relevance of the street level as the basis for assessing concentrations of HMOs has not been tested at examination or appeal. Manchester City Council's street level approach is currently being considered at the examination of their Core Strategy. For Oxford, their approach to HMOs is being progressed through their Sites and Housing Development Plan Document which is currently at the preferred options stage. Mindful of the appeal decision in Nottingham whereby the Inspector called into question the appropriateness of assessing HMOs on a narrow geographic scale there is a risk that in taking a street level approach to assessing HMOs the Council would be open to challenge at appeal.

Option 3 - Neighbourhood and Street Level

- 6.21 A combined approach of both a neighbourhood and street level analysis of HMOs could be undertaken to determine HMO planning applications. This would seek to control concentrations of HMOs of less than 20% of all households at both a neighbourhood area and at the street level. The following approach could be used:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and*
- *Less than 20% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

6.22 An approach that covered both neighbourhood and street level assessment of HMO concentrations would give the council greater control in managing concentrations of HMOs. Under this approach, concentrations at a neighbourhood and street level would both be controlled, acknowledging that issues arising from concentrations of HMOs affect both neighbourhoods and individual streets. However, there is a risk that this approach could be seen to be overly onerous and given that street level assessment of HMOs is untested, the Council could be open to challenge at appeal.

You Tell Us

Question 3

Which of the following options do you think is appropriate for managing HMOs?

Option 1: Do you think the neighbourhood area approach set out in Option 1 is the best way to manage concentrations of HMOs?

Option 2: Do you think the street by street approach set out in Option 2 is the best way to manage concentrations of HMOs?

Option 3: Do you think a neighbourhood and street level approach set out in Option 3 is the best way to manage concentrations of HMOs?

Option 4: Do you think there is another approach not covered by Options 1, 2 or 3 that would be the best way to manage concentrations of HMOs?

Residential Amenity

6.23 This purpose of this SDP is to provide guidance on the change of use from a dwellinghouse to an HMO. This may not involve any internal or external alterations to the property but the change of use in itself constitutes

‘development’. The Council seeks a standard of development that maintains or enhances the general amenity of an area and provides a safe and attractive environment for all.

6.24 It is recognised that HMOs can impact upon residential amenity and can create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

6.25 Several of these issues can be most keenly felt during out of term times when properties can be empty for long periods of time.

6.26 In assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

6.27 In some cases, such as parking and bin storage there are Council standards which may be useful for applicants to refer to. For further advice on the above please see the planning guidance section of www.york.gov.uk.

- 6.28 Permitted development rights under the General Permitted Development Order (GPDO)⁴ allow certain types of development to proceed without the need for planning permission. The most commonly used permitted development rights relate to dwelling houses. The GPDO permits householders to undertake alterations, minor extensions as well as erect buildings and structures within the curtilage of a property, without planning permission. Local Authorities have the power to remove all or some of these rights on single dwellings by conditions attached to planning permissions.
- 6.29 In York, properties benefiting from a Sui Generis HMO planning permission have permitted development rights removed for certain types of development within the curtilage of the property, such as small scale extensions and alterations to the roof, such as dormer windows. Where it is considered reasonable to do so, the Council may decide that it is necessary to remove permitted development rights for properties benefiting from C4 HMO planning permission. This would be achieved through attaching planning conditions to permission for change of use to C4 HMO. In the interest of residential amenity, such planning conditions may seek to resist inappropriate alteration or extension to properties and to avoid the hard surfacing of gardens. This will ensure that HMOs with gardens are able to revert back to dwelling houses for family occupation over the lifetime of the property. In some cases it may also be considered necessary to attach a condition to retain garages for the purposes of vehicle parking and the storage of cycles and bins.
- 6.30 Should the change of use from dwelling house to HMO also involve alteration, extension, or subdivision detailed guidance is provided in the Draft House Alterations and Extensions SPD and Draft Subdivision of Dwellings SPD. These SPDs set out the planning principles that the Council will use to assess such developments and in essence, seeks to ensure that they do not have an adverse impact on residential amenity, including noise impacts. They cover issues such as bin storage, parking, good design, appropriate extensions to protect the character of an area and private amenity space. Applicants should also consult the Interim Planning Statement on Sustainable Design and Construction which is designed to help achieve the Council's objectives for sustainable development.
- 6.31 Given the important role shared housing plays as part of the city's housing offer, the condition of HMO properties should be of a high standard and this high standard is maintained. This is particularly important given that the Private Sector Stock Condition Survey (2008) identified that nearly 40% of HMOs failed the decent homes standard⁵. As such, in the interest of visual amenity and where considered reasonable to do so, the Council may request that the applicant submit and implement a management plan for external

⁴ Permitted development rights are provided by the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

⁵ To meet the Decent Homes Standard, dwellings are required to be in a reasonable state of repair. For more information please see http://www.york.gov.uk/housing/Housing_plans_and_strategies/stockcon/

areas of the property, including arrangements or the regular maintenance of gardens and bin storage. This will be secured by planning condition.

- 6.32 As set out in Section 3.0, the Council are able to secure improvements to the management and maintenance of HMOs under the Housing Act 2004. In particular, applicants are encouraged to sign up to the forthcoming accreditation scheme.

You Tell Us

Question 4

Do you think the right amenity issues have been adequately covered in this section?

Question 5

Do you think the guidance in this section would contribute to addressing amenity issues arising from concentrations of HMOs?

7.0 Conclusion

- 7.1 The guidance in this document, setting out the approaches to determining planning applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) aims to contribute to delivering the LDF Vision for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime. This guidance seeks to control the concentration of HMOs across the city in order to maintain community cohesion and help the development of strong, supportive and durable communities for all of York's residents. We would like your views on the approaches set out to help us determine which is the most appropriate way to assess change of use to HMO planning applications.

Background Papers

'Student Housing' Report to the Local Development Framework Working Group 6 September 2010 and Minutes

'HMOs and Article 4 Directions' Report to the Local Development Framework Working Group 10 January 2011 and Minutes

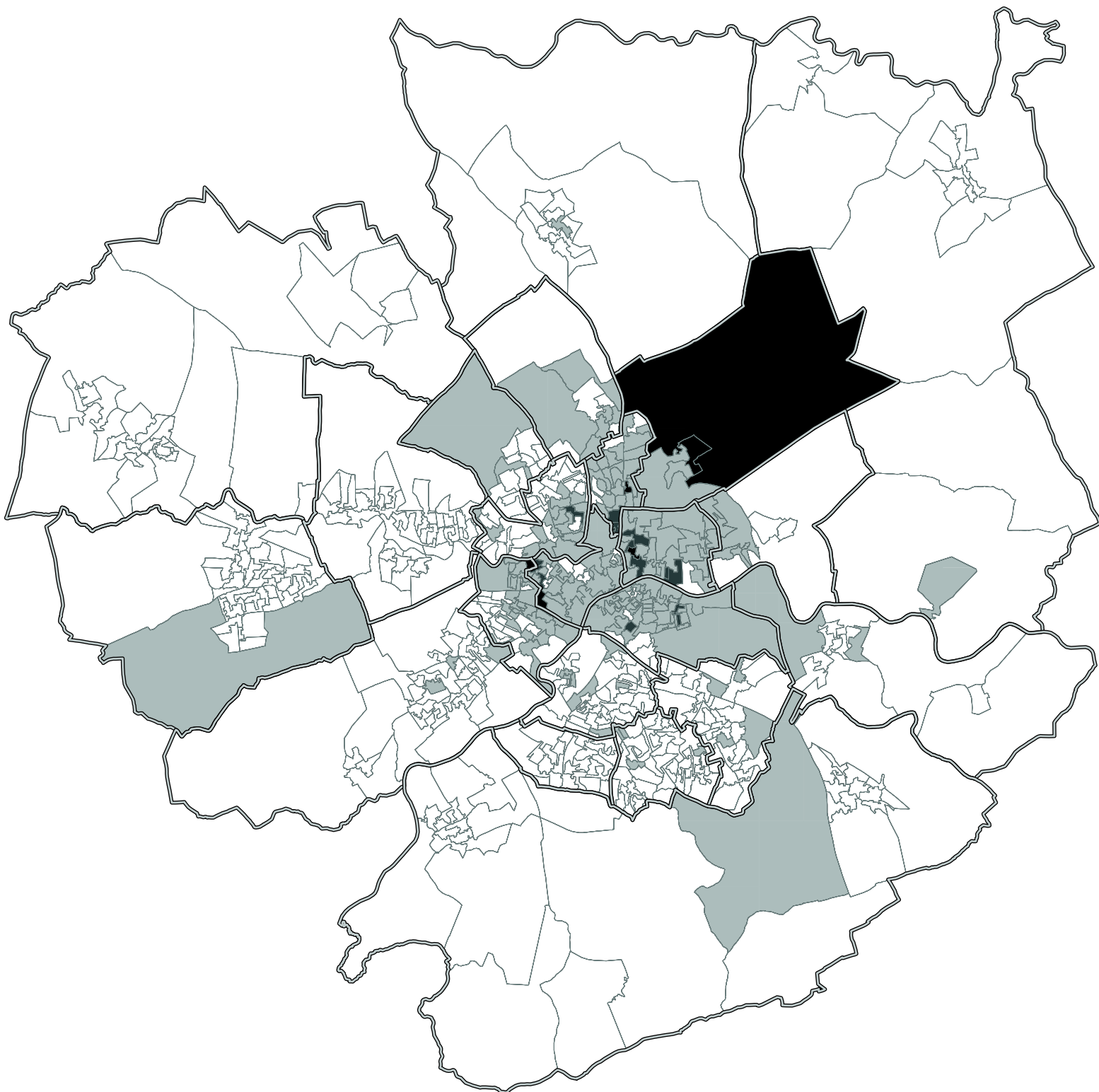
'Minutes of Working Groups' Report to Executive 1 February 2011 and Minutes

'The Distribution and Condition of HMOs in York' Report to Cabinet 1 November 2011 and Minutes

Houses in Multiple Occupation Technical Paper (2011) CYC

Article 4 Direction and Plan

Annex 1: Spread of Student Housing 2000-2010



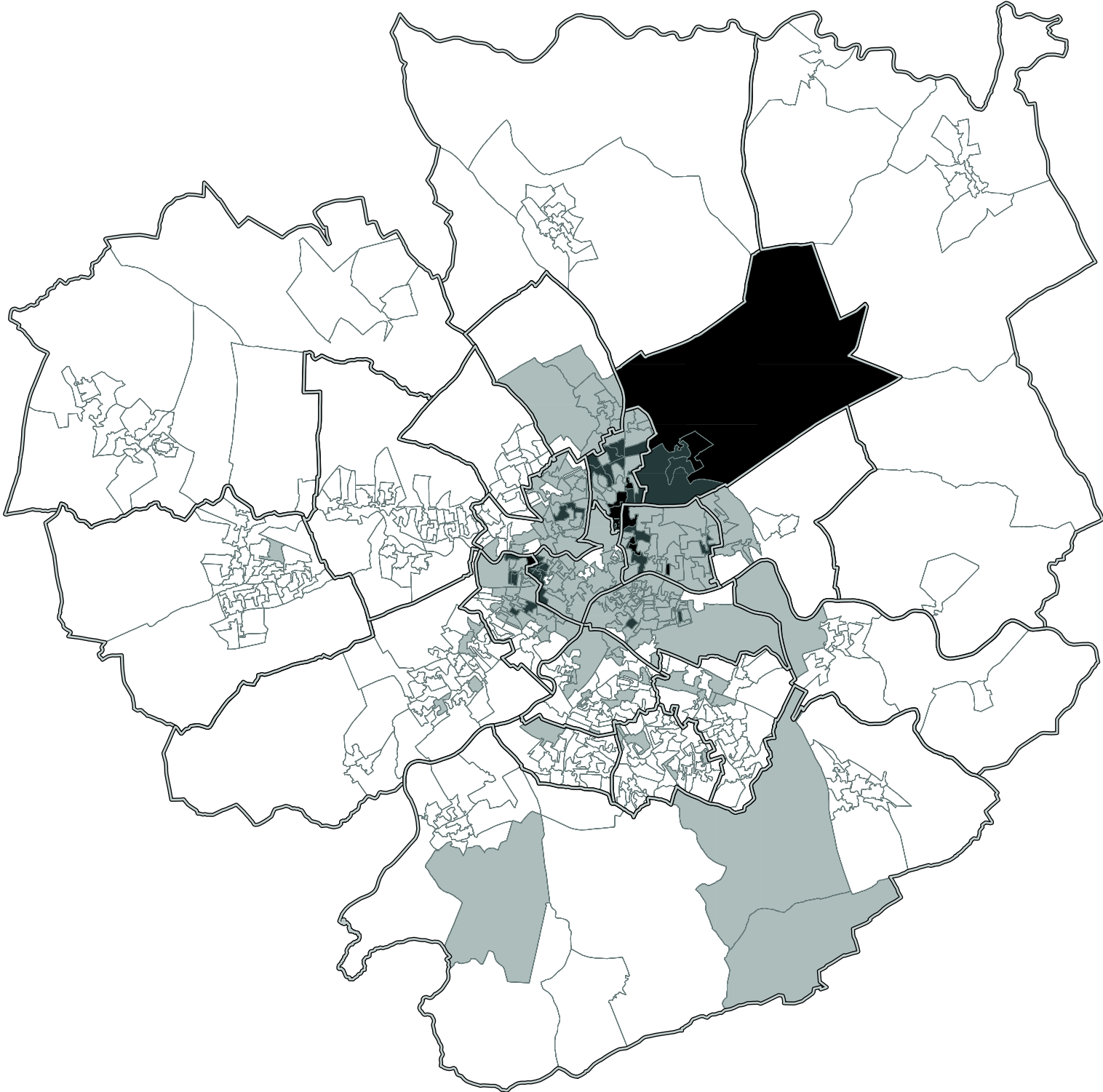
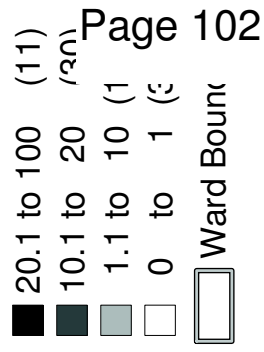
Proportion of student council tax
exemptions as a percentage
of all households (2000)

- 20.1 to 100 (6)
- 10.1 to 20 (15)
- 1.1 to 10 (1)
- 0 to 1 (4)

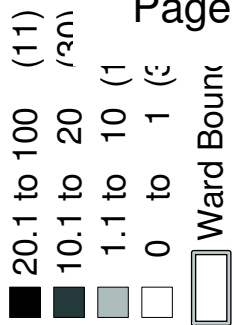
Ward Bounc

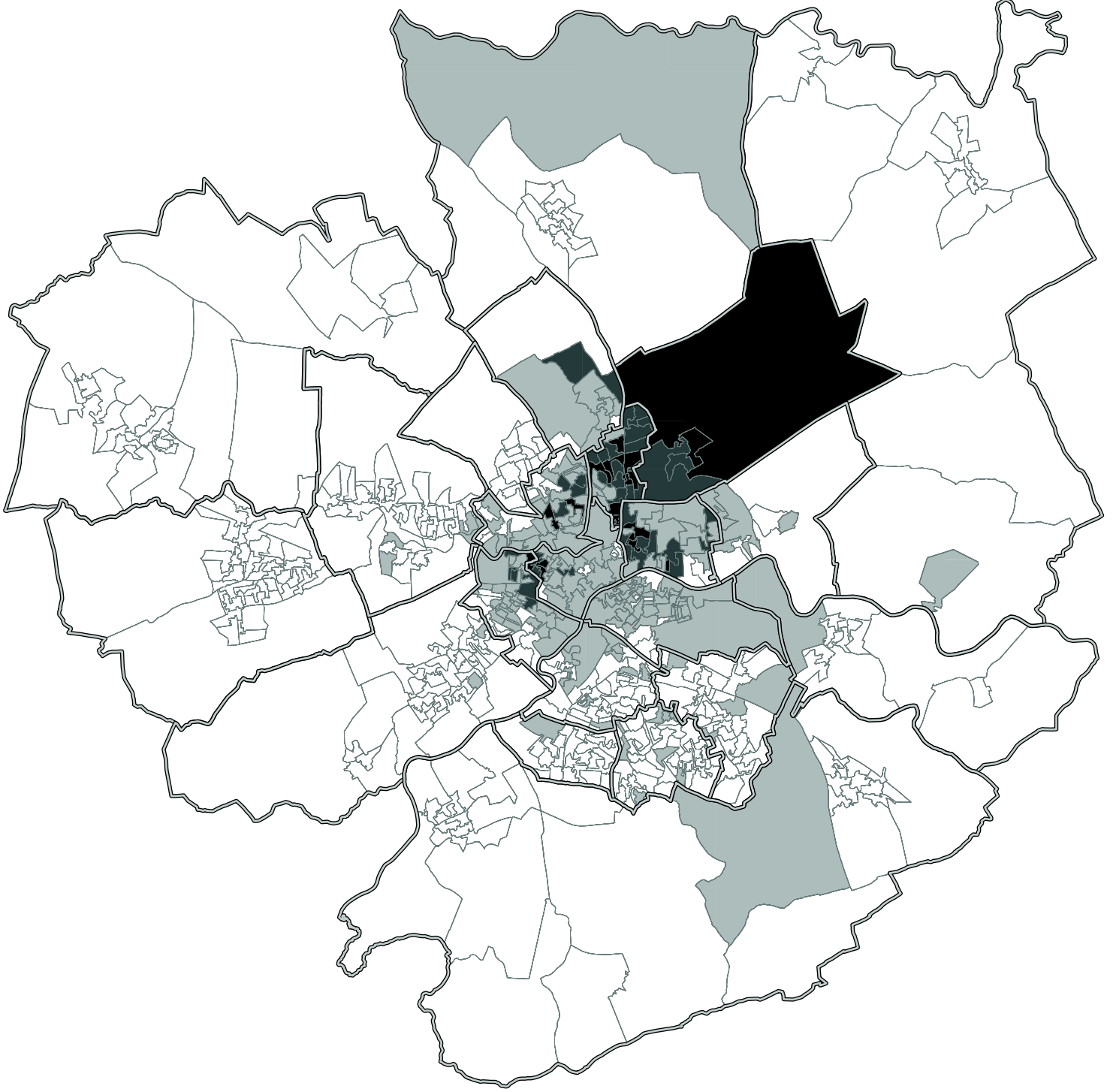
Output Area
Boundaries





Proportion of student council tax
exemptions as a percentage
of all households (2005)





Proportion of student council tax
exemptions as a percentage
of all households (2010)

- 20.1 to 100 (19)
- 10.1 to 20 (10)
- 1.1 to 10 (1)
- 0 to 1 (3)
- Ward Boundaries

- Output Areas
- Boundaries



Annex 2: Local Plan Extract

Policy H7: Residential Extensions

Planning permission will be granted for residential extensions where:

- a) the design and materials are sympathetic to the main dwelling and the locality of the development; and
- b) the design and scale are appropriate in relation the main building; and
- d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- e) proposals respect the spaces between dwellings; and
- g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

Justification for Policy H7

Residential extensions are generally acceptable provided they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the residential amenity of existing neighbours. Particular care is needed, however, in the design of front extensions and dormer extensions. Pitched roofs on extensions will normally be the most appropriate with large, box-style roof extensions being resisted in most cases.

Policy H8: Conversions

Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.
- external alterations to the building would not cause harm to the character or appearance of the building or area; and
- adequate off and on street parking and cycle parking is incorporated; and
- it would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.
- adequate provision is made for the storage and collection of refuse and recycling.

Justification for Policy H8

Houses in multiple occupation (HMO's) are those occupied by a number of unrelated people who do not live together as a single household. They include

bed sits, hostels lodgings and bed and breakfasts not primarily used for holiday purposes.

The Use Classes Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore a change of use from a family dwelling to one occupied by no more than six individuals does not constitute as a change of use.

There is potential for the number of dwellings in the City to be increased by the sensitive conversion of large dwellings. Such conversion can ensure a continued life for properties and can contribute to meeting housing need. Nonetheless, in certain situations, a concentration of such conversions can have an adverse impact on the residential environment. In considering this impact, attention will be given to the character of the street, the effect on and the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

The number of residential conversions will be monitored to calculate the contribution that they make to the Local Plan's housing requirement and so that the cumulative impact of several conversions in any one location can be ascertained.

Annex 3: Core Strategy Submission (Publication) Extract

Policy CS7: Balancing York's Housing Market

Proposals for residential development must respond to the current evidence base, including the findings of the *Strategic Housing Market Assessment*, *North Yorkshire Gypsy and Traveller Accommodation Assessment (2008)*, *North Yorkshire Accommodation Requirements of Showmen (2009)*, and/or other local assessments of housing need. The Local Development Framework (LDF) will support housing development which helps to balance York's housing market, address local housing need, and ensure that housing is adaptable to the needs of all of York's residents throughout their lives. This will be achieved in the following way:

- i. identifying appropriate housing sites through the Allocations Development Plan Document (DPD) and Area Action Plan (AAP) in accordance with Spatial Principles 1 and 2;
- ii. identifying sites through the Allocations DPD and AAP for at least 36 additional Gypsy and Traveller pitches in the plan period, and land to accommodate at least 13 permanent plots for Showpeople by 2019;
- iii. securing the provision of new specialist housing schemes within major housing developments, including to accommodate those with severe learning disabilities, physical disabilities and dementia;
- iv. enabling higher density development in the most accessible locations, to provide homes for young people (aged 18-25 years). These locations will offer the best access to the City Centre, higher education institutions and a range of day to day services;
- v. delivering an overall mix of 70% houses:30% flats. Sites required for specific housing types and site-specific mix standards will be identified through the Allocations DPD and AAP;
- vi. requiring that all new housing is built to Lifetime Homes standard; and
- vii. controlling the concentration of Houses in Multiple Occupation, avoiding the division of small properties, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.

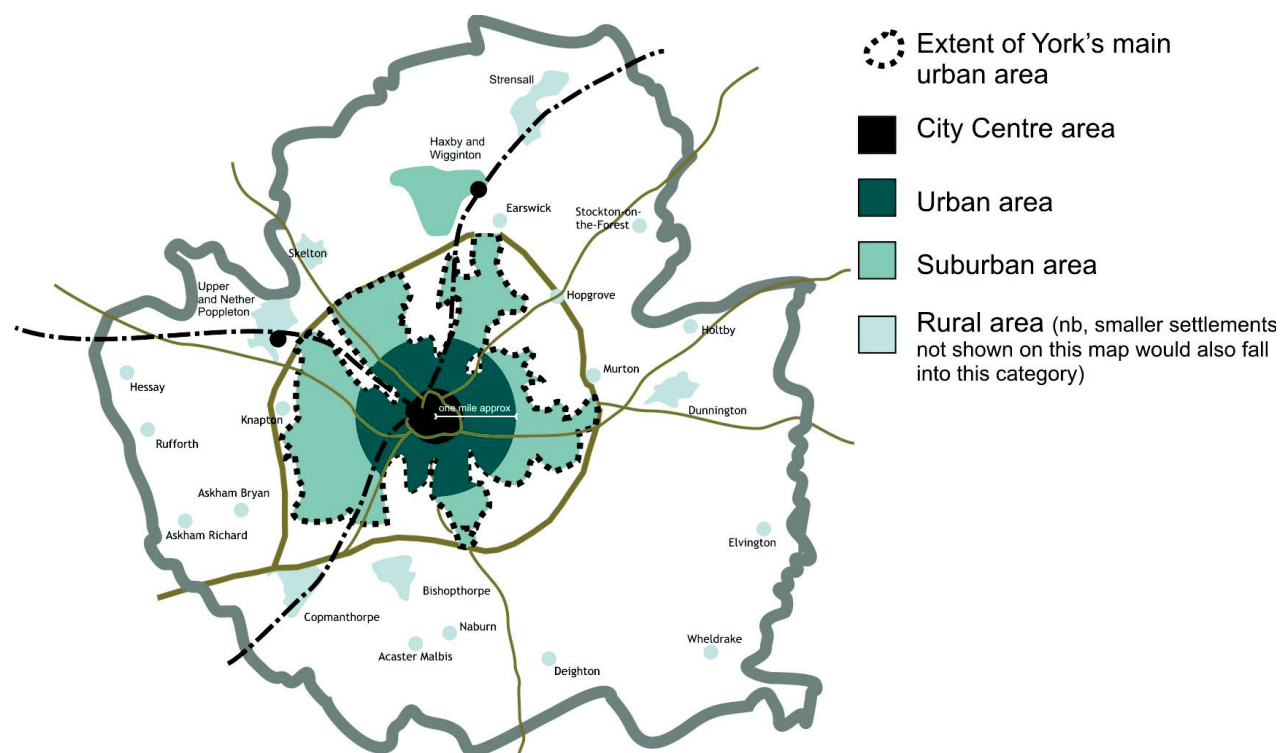
Explanation

- 9.1 *Planning Policy Statement 1 (2005)* makes clear the commitment to building sustainable communities where people want to live. Section 3 'Spatial Strategy' has set out our overall strategy guiding the level and broad location of future strategic housing growth but it is not simply a question of providing more homes, policy has to consider housing quality and choice in order to help future proof communities and help deliver lifetime neighbourhoods. The Housing Strategy for York is regularly updated and reviews the housing market, conditions and needs in York and picks up on some of the headline priorities within local service plans, as well as those that have a wider regional and sub-regional significance. Strategically, its focus is on reducing the number of those in housing need, providing better access to support for those in crisis, and improving housing options across the wide range of housing

need. The supply of homes is only one part of this - alongside other partners, the LDF will help to deliver the priorities of York's Housing Strategy, and, as priorities change, undertake regular policy reviews to assess whether current and emerging needs are being addressed.

- 9.2 The Core Strategy will use the results of the *Strategic Housing Market Assessment (2007)* (SHMA) and, in light of recent housing mix, will prioritise houses rather than flatted development in order to help redress imbalance in the City's housing market overall. The SHMA and other housing needs assessments will be regularly reviewed in order to provide a relevant evidence base reflecting changes in the housing market over the plan period.
- 9.3 York's current housing areas are shown at Figure 9.1.

Figure 9.1 York's Housing Areas



- 9.4 At the heart of a successful policy for meeting future housing pressures must be a policy which provides for people as they grow up and leave home, grow older, and as their circumstances, options and preferences change. We must plan for homes and communities so that people can live out their lives, as long as possible, independently and safely with their families and friends around them. Building new homes and communities designed with older people in mind not only makes sense in terms of meeting the diverse needs of an ageing population, it can also help to open up housing opportunities and choices for younger people. A housing policy for an ageing society is therefore a good housing policy for everyone.
- 9.5 As Section 8 'Housing Growth and Distribution' made clear, this means building lifetime homes and neighbourhoods that are capable of adapting as

people's circumstances change. Lifetime Homes Standards are inexpensive, simple features designed to make homes more flexible and functional for all.

- 9.6 Over the years different housing solutions have evolved as a response to older peoples' needs. These include retirement housing for independent living, and specifically designed housing with support for frail older people and those with specific needs such as dementia. In recent years there has been a shift away from the traditional 'old peoples' home' towards models that offer much more independence and choice. In line with many other areas York has seen the development of 'extra care' housing - self contained housing with options to receive appropriate levels of care as required to sustain independent living.
- 9.7 The emerging Housing Strategy for 2011- 2015 indicates that within York there are currently around 80 specialist housing schemes providing various kinds of housing with some element of on-site care and shared facilities. Most is rented, despite there being a significant preference for owner occupation. There is also an oversupply of 1-bed affordable specialist accommodation and an undersupply of affordable 2-bed accommodation.
- 9.8 It is estimated that there are around 4,000 adults in the York area with a learning disability. There are a growing number of people with complex needs, people living longer with the possibility of early on-set dementia. Until recently, housing options were limited, with a significant number of households living in 'residential care' settings. The growing trend is for households to live independently in their own homes, with appropriate support.
- 9.9 However, we also recognise that there will be a need for further specialist housing options for a small proportion of households. Where specialist provision is required, often by those needing higher levels of care, we must ensure it serves to maximise independence by being a minimum of two bedrooms, self contained and well connected to local amenities and transport networks. We would also encourage a greater range of tenure options, including full and shared home ownership. Housing is central to health and well-being, so associated services need to be planned and integrated to reflect this.
- 9.10 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the City and to the local economy. The Council are committed to ensuring their needs are met and will continue to work with the City's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in Houses in Multiple Occupation (HMOs), can cause an imbalance in the community which can have negative effects. These can include a rise in anti social behaviour, increases in crime levels, parking pressures and decreased demand for local shops and services, sometimes leading to closures. It can also put pressures on family housing as owner occupiers and buy to let landlords compete for similar properties and have implications for non students seeking accommodation in the private rented sector. The impacts of concentrations of student housing in York is explored in the *Houses in Multiple Occupation*

Technical Paper (2011). Monitoring the spatial distribution and impacts of student housing will allow us to identify if it is necessary to control the number of student households in certain areas to ensure communities do not become imbalanced. This control can be achieved through the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

- 9.11 The LDF will support housing development at density levels which reduce overall demand for greenfield land and help engender community cohesion by making more intensive use of land which offers the best access to facilities and services. As would be expected, mixed development sites (those including flatted development) could achieve much higher net densities, however this would not help achieve other aspirations to deliver greater levels of family housing. As such, policy CS9 guides net 'housing' density. Higher density development will be expected in those areas with access to a quality public transport service and a good mix of shops and services. Specific sites will be identified to provide housing options for young people aged 18-25 years, offering the best access to the City Centre, higher education institutions and a range of day to day services. As such, they will be built out at higher densities and with an emphasis on providing communal, flatted development. The dual priorities of providing more family housing and raising suburban densities are compatible, and offer future residents the advantage of the best access to shops, services, and most importantly, public transport linkages.
- 9.12 Site specific density, mix and type targets will be established through the Allocations DPD, AAP and Supplementary Planning Documents and through negotiations undertaken on a site by site basis, to ensure that proposals for housing development reflect local circumstances and the outcomes of the SHMA and to restrain housing types where concentrations are unduly high. Negotiation will also be guided by local visual and amenity considerations in order to help safeguard the character of the City and its villages.

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SUPPLEMENTARY PLANNING DOCUMENT

CONSULTATION DRAFT

Subdivision of Dwellings

January 2012

City of York
Local Development Framework Subdivision of Dwellings
Supplementary Planning Document
Consultation Draft January 2012

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Please contact us if you would like this information in an accessible format (for example, large print or by email) or another language.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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The Council is inviting comments on this Supplementary Planning Document. Representations can be made online or in writing (see details above). A comments form is available however representations by letter or email will also be accepted. Please do not hesitate to contact the Integrated Strategy Unit who will be happy to answer any queries about the consultation (contact details above).

All comments must be received by the Integrated Strategy Unit by **5pm on Monday 5 March 2012.**

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1. Introduction

“Adequate space is a pre-requisite for basic living. There should be enough room for residents to cook, eat, relax and socialise. There should be sufficient space for furniture and the storage of personal possessions. If homes are to have a long life, they must offer functional and adaptable spaces that meet the needs of families, children, older people and disabled residents.”

(CABE – Space in New Homes: What Residents Think - 2009)

- 1.1 The subdivision of existing buildings into smaller residential units can be an important source of new housing in York. It might take different forms such as:
 - Conversion of existing non-residential buildings and vacant properties into dwellings;
 - Subdivision of existing houses into maisonette and/or flats;
 - Conversion of accommodation above shops into flats.
- 1.2 This SPD does not cover existing residential properties where existing rooms are divided to create additional living facilities for the existing single family unit, it only is applicable when a separate living unit is provided.
- 1.3 Conversion and sub-division of existing buildings can be a sustainable form of development as it gives a new lease of life to the existing buildings which might be redundant or economically unviable in their current use. It would reduce the waste and carbon emissions arising from the demolition of the old buildings, the embodied energy in the materials of a demolished building and the construction of new buildings.
- 1.4 With sympathetic alterations to the exterior of the existing buildings, conversion is likely to have a lower visual impact on the street scene by preserving the existing building frontage and respecting the character of the area.
- 1.5 However, unsatisfactory conversion work can result in accommodation which is of an inadequate size and poor quality. The occupants could be exposed to a number of potential problems, such as overlooking, poor outlook, overcrowding and lack of amenity space, noise and disturbance from neighbouring premises, and inconvenient and unsafe access.

What is this Supplementary Planning Document for?

- 1.6 The City of York Local Development Framework Core Strategy sets out a Vision, which is linked to the York Sustainable Community Strategy, through the following themes:

- York's Special Historic and Built Environment;
 - Building Confident, Creative and Inclusive Communities;
 - A Prosperous and Thriving Economy;
 - A Leading Environmentally Friendly City;
 - A World Class Centre for Education and Learning for all.
- 1.7 In line with this Vision, the City of York Council recognises that providing a variety of housing opportunities and allowing people to grow and adapt within their homes helps to encourage strong and sustainable communities. Good quality homes which are well designed will:
- a) cost less to heat, light and maintain;
 - b) add value to other homes in the area;
 - c) be more flexible in use;
 - d) have improved accessibility, safety and security; and
 - e) have a reduced environmental impact and lower carbon emissions
- 1.8 In recent years however, there has been an increasing concern that some of the proposals for subdivision of dwellings in the City have not been of an adequate standard, particularly with regards to their size, access and effects on the amenity of neighbouring occupants.
- 1.9 Therefore this SPD aims to ensure that where the subdivision of dwellings are proposed, they:
- provide adequate internal space;
 - are of a suitable layout;
 - have acceptable amounts of internal and external storage space;
 - have acceptable levels of facilities;
 - do not have an adverse impact on the amenity of neighbouring residents;
 - are designed and built to a high standard of sustainability;

How should this SPD be used?

- 1.10 This SPD is intended for the use of developers and architects concerned with the subdivision of properties into smaller properties for residential use. It will be used as a material consideration when determining planning applications.

Does one size fit all?

- 1.11 This SPD sets out the Council's overall principles to ensure a high quality approach and design to safeguard residential amenity in the subdivision of properties. Each individual scheme will be considered on its merits, allowing for flexibility in the design of the scheme to reflect constraints and individual site circumstances.

2. The Planning Context:

National Planning Policies and Guidance:

- 2.1 National policies and guidance in relation to housing design and standards can be found in the following government documents:
- Planning Policy Statements (PPS)1: Delivering Sustainable Development,
 - Planning and Climate Change - Supplement to Planning Policy Statement 1
 - PPS3: Housing
 - PPS9: Biodiversity and Geological Conservation
 - PPS10: Planning for Waste Management
 - Planning Policy Guidance (PPG)13 Transport
 - PPS22: Renewable Energy
 - PPS23: Planning and Pollution Control
 - PPS25: Development and Flood Risk

Local Policies – City of York Local Plan and City of York LDF:

- 2.2 The City of York Local Plan policies are currently adopted for Development Management purposes. Those relevant to subdivision are:
- H8 (Conversions);
 - GP1 (Design);
 - GP4a (Sustainability);
 - GP11 (Accessibility);
 - GP12 (Access to Upper Floors)

2.3 The emerging LDF Core Strategy is at an advanced stage in its production and it is anticipated that it will be examined in early 2012. The policies relevant to subdivision are:

- CS5: Urban Design and the Historic Environment;
- CS7: Balancing York's Housing Market;
- CS21: Sustainable Design and Construction.

2.4 The strategic impact of these policies is aimed to ensure that:

- only existing dwellings of 4 or more bedrooms as originally built are subdivided, therefore protecting the existing stock of smaller family dwellings for family use, which is vital to ensure a balance of family dwellings to meet current and future needs;
- local form, character, scale, density, mass and design in residential areas is protected;
- homes are adaptable to the needs of all York's residents throughout their lives;
- subdivided homes contribute to York's renewable energy / low carbon targets;
- high standards of sustainable design and construction are delivered;
- subdivided dwellings should be accessible to people with mobility problems, sensory impairment, and carers with children;
- where dwellings on upper floors above independent ground floor uses such as shops and offices are subdivided, independent accesses to the dwellings are provided or maintained;
- dwellings are resilient to a changing climate throughout their useful life.

Examples of good practice and guidance from external bodies:

2.5 The guidelines set out in this SPD are based on a number of recommended standards and guidelines from external organisations with respect to subdivision. Website links to these guidelines are included in Annex A.

3. Guidance for the Subdivision of Dwellings - the key principles:

i) Is the original dwelling big enough to be converted?

- 3.1 In order to maintain the variety of housing stock in the City to meet future needs, in particular the needs for family housing, Policy H8 of the City of York Local Plan (4th Set of Changes 2005) states that only existing dwellings with 4 or more bedrooms will be considered suitable for subdivision. It is also to ensure that the new units created provide an acceptable standard of accommodation in terms of internal arrangement and room sizes.
- 3.2 Therefore, in order to protect the existing small family housing stock, and to allow for adequate residential space standards in the proposed subdivided dwelling, the subdivision of existing properties of less than 4 bedrooms will not be permitted.
- 3.3 Small houses are versatile, being suitable for families with children who need access to a garden as well as meeting the needs of household with more flexible accommodation. It is also often in the form of older terraced houses, one of the main sources of lower price family housing in the City.

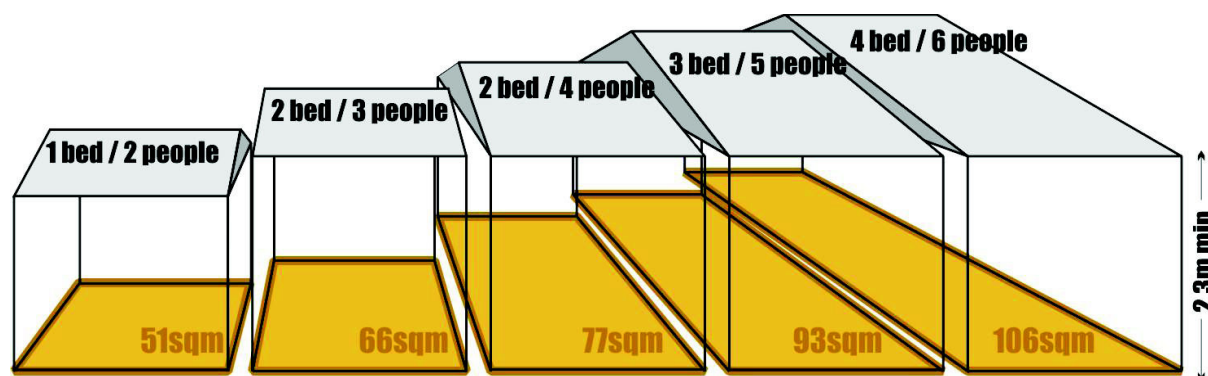
ii) Location of Proposed Development:

- 3.4 If the subdivision of a property results in a House of Multiple Occupation, and is located in the main urban area (and therefore subject to the Article 4 Direction) consideration should be given to the draft Supplementary Planning Document on 'Controlling the Concentration of Houses in Multiple Occupation' (currently the subject of a separate consultation). In other cases, the Council considers that houses in areas or long stretches of road consisting of mostly family housing, will not be suitable for subdivision, in order to protect the current character of the area. This will be based on the merits of individual streets and neighbourhoods.

iii) Residential Space Standards:

- 3.5 The new dwellings formed by sub-division and conversion of existing buildings are required to provide satisfactory accommodation in terms of size and layout and to meet the minimum size standard for individual dwellings and habitable rooms.
- 3.6 In line with the requirements of the English Partnerships Minimum Space Standards, the following minimum internal space standards should be applied to new subdivided dwellings:

Number of bedrooms / persons	Minimum internal space (m ²)
1 bedroom / 2 person homes	51sqm
2 bedroom / 3 person homes	66sqm
2 bedroom / 4 person homes	77sqm
3 bedroom / 5 person homes	93sqm
4 bedroom / 6 person homes	106sqm



Minimum Space Standards

- 3.7 These standards apply to net internal floor spaces. These standards are intended to help ensure that subdivided homes are comfortable, convenient, able to accommodate the appropriate amount and level of furniture and fittings in line with the number of people resident in the property.

iv) Internal Layout:

- 3.8 In the case of conversions and sub-division schemes, the internal layout of flats should provide satisfactory circulation spaces which provide convenient and easy access to individual rooms. The 'habitable' floor area is the useable floor area of a room used as a bedroom, living room or kitchen, and excludes the area of the bathroom, staircase, landing, passageway or access lobby. Where additional soundproofing is required, any reduction in space to facilitate this must be deducted from the calculation of habitable area.
- 3.9 All rooms should be accessed from a corridor and rooms should not be entered from one another. However, a long corridor running the length of the flat provides poor ratio between habitable rooms and circulation space and should be avoided. An exception may be acceptable in a 1 bedroom flat, where the bedroom or kitchen may be entered through a living room. In certain circumstances it may be acceptable to have en-suite bathrooms leading off bedrooms.
- 3.10 In terms of primary / main bathrooms, shower rooms and wc's, these should be accessed from a corridor area, rather than from another room. All

bathroom / shower rooms should be of an adequate size to incorporate a bath, even if a shower only is initially installed.

- 3.11 Only one flat per floor will normally be acceptable in terraced and closely spaced semi-detached properties. Single aspect ground floor flats facing the street or parking area are normally not acceptable in order to protect residents from fumes, noise, overlooking and disturbance.
- 3.12 It would be desirable in a scheme sub-dividing a house to provide a larger unit on the ground floor with direct access to a private garden area which can meet the needs of family housing.

v) *Ceiling Heights:*

- 3.13 The minimum floor to ceiling height of habitable rooms should be 2.3m between finished floor level and finished ceiling level. Good floor to ceiling heights in subdivided dwellings facilitates a sense of wellbeing, particularly if matched with generous window sizes. In some instances good floor to ceiling heights can assist in improving ventilation, which contributes to the ability to adapt to future temperature increases due to climate change and reduces the need for mechanical air conditioning (with high energy demand and harmful emissions).

vi) *Self Containment:*

- 3.14 The new dwellings should be self-contained with their own living, cooking, sleeping space, as well as their own bathroom/toilet facilities. They should have their own convenient access to the street level without infringing private space belonging to another property.

vii) *General Storage Areas:*

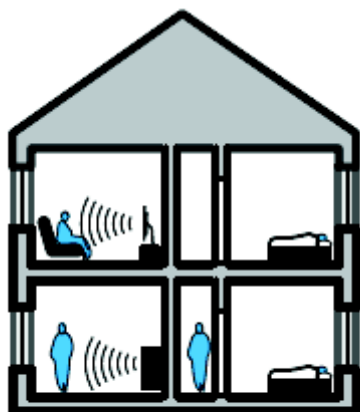
- 3.15 Provision should be made in subdivided properties for general storage, particularly for bulky items which aren't used regularly – for example, suitcases or sports gear. This would be within the minimum unit area.
- 3.16 General storage should be additional to kitchen units and bedroom furniture, but it is accepted that some items may be stored in these rooms. Additionally, areas for boilers and other operational fixtures within the subdivided dwelling should not be used for such storage of bulky items outlined above.
- 3.17 As a general rule, no individual storage room within a subdivided dwelling should exceed 3.5sqm, in order to ensure that rooms designated specifically for uses such as bedrooms are not expected to become general storage rooms, resulting in cramped living conditions for the occupiers of the dwelling.

viii) Street Access:

- 3.18 The residential units in a mixed use development should have their own access to the street to avoid potential conflict with the pedestrian traffic generated by the commercial premises on the ground and lower floors. The residential entrance and access should be safe, secure, accessible and convenient. The access should be well-paved, well-lit and wide enough to allow the use of pushchair. It should have natural surveillance in the street level entrance.
- 3.19 Rear passageways should only be used as the primary access to subdivided dwellings if they are sufficiently wide, well lit and already extensively used for this purpose. No rear entrances to subdivided dwellings should be more than 20m from the end of passageways to ensure safe access.
- 3.20 If the upper floors above shops are to be subdivided into flats, it is normally recommended to form the street access using an internal staircase at the front of the building. This requirement is only exempted when it is demonstrated that the front street entrance would prejudice the economic viability of the shop unit. Applicants can also consider forming the street access through the staircase of other residential units to the front of the building. External stairs at the back of the building via a back alleyway and service yard are not acceptable for the main access to new flats.

ix) Stacking of Rooms and Sound Insulation:

- 3.21 One of the most frequent complaints in flatted and mixed use residential developments is the noise and disturbance from the neighbours, whether it is from the person living next door or the restaurant below. This problem arises from poor internal layout and inadequate sound insulation.
- 3.22 The first and foremost emphasis therefore is to minimise the potential conflict of noise-generating and noise-sensitive rooms by paying attention in the design of internal layout and stacking rooms of similar purpose on top of and adjoining each other. This includes avoiding putting living rooms (with audio equipment) and kitchen (with washing machine) on top of, underneath or next to the bedrooms of the adjoining dwellings.



The arrangement of rooms to avoid the transfer of noise within and between dwellings

- 3.23 Sufficient sound insulation with reasonable resistance to airborne sound should be installed in all walls and floors between flats and between flats and public or communal areas. Floors between dwellings and between dwellings and public or communal areas should have reasonable resistance to impact sound.
- 3.24 In addition, sound insulation should be provided to any internal walls which separate proposed individual dwellings from others and to walls which separate dwellings from any parts of the building which will be in public or communal use, e.g. hallways, staircases, WCs etc. Again, the level of sound insulation to be provided should be at least to the standard specified in "The Building Regulations 2010 Amendments".
- 3.25 In higher density development or mixed use development, a better standard of noise insulation will be sought. Floating floor or independent ceiling construction is required to separate a residential dwelling from another residential dwelling or commercial development e.g. restaurant or office, within the same building. The minimum level of sound insulation is set out in the standard specified in "The Building Regulations 2010 ". Special consideration and sound proofing measures will be required for residential units above commercial or retail premises.

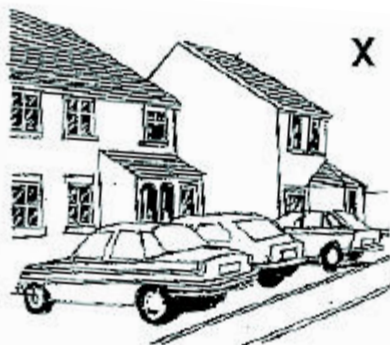
x) *Alterations and Extensions:*

- 3.26 Any conversion involving external alterations and extension should respect the form, scale and materials of the original building and the visual character of the area in which it is located. New development should generally conform to the established line of building frontages, except where side extensions are visually subservient to the main building, in which case they should generally be set back behind the building frontage. Any proposed works to existing dwellings must also comply with the Building Regulations 2010. Further advice on alterations and extensions is available in the draft SPD on house extensions.

xi) *Parking Spaces:*

- 3.27 Additional parking spaces may be required to cater for the needs arising from new housing in sub-divided houses. An assessment of the parking situation will be made, including referral to Council and national guidelines, together with the local and individual circumstances, for example on street parking. Any parking and access arrangement should be attractive, safe, convenient and appropriate to the scale of the development, and designed to minimise their visual impact and to ensure that residential amenity is not unduly affected. It will not be acceptable to transform the whole front garden into an extensive hardstanding with an extra wide dropped kerb and dominated by multiple parked vehicles. If the property is located within an

existing Residential Parking Zone (RPZ), again the situation will be reviewed and removal of the property from the RPZ is possible, if undue additional burden is considered likely to result.



Transforming the front garden for parking is not acceptable

- 3.28 Provision should be made for adequate, secure cycle parking. Where these are to be outside, they should be provided in a well lit, secure under cover location. In addition, it will be necessary to ensure that adequate means of access is provided to the cycle storage area, so an assessment of entrances, widths and manoeuvrability is important. Additional guidance on cycle parking will be available in a separate document, to include details of acceptable specifications. (See also para. 3.40).

xii) Waste Storage and Recycling Areas:

- 3.29 All households are provided with an alternate weekly collection of recycling and residual waste. This means that recycling and green waste (at suitable properties with gardens) is collected one week and refuse is collected in the following week.
- 3.30 Each subdivided unit should make external storage provision for the following waste / recycling containers:
- Residual waste - 1 x 180 litre capacity black wheelie bin for refuse (this can be combined into larger communal bins by using a simple calculation – for example, a block of 6 properties = $6 \times 180 = 1080$ litres – therefore 1 x 1100 litre bin could be used instead of 6 individual 180 litre bins);
 - Green waste - 1 x 180 litre capacity green wheelie bin for suitable properties with gardens (this can be combined into larger communal bins by using a simple calculation – for example, a block of 6 properties = $6 \times 180 = 1080$ litres – therefore 1 x 1100 litre bin could be used instead of individual 180 litre bins);
 - Kerbside recycling -
 - 1 x 55 litre box for paper / cardboard;
 - 1 x 55 litre box for glass bottles and jars;

- 1 x 55 litre box for plastic bottles / food and drink tins and cans.
- As an alternative to the 3 box scheme, wheeled bins can be used to provide communal recycling facilities for a number of properties.

- 3.31 All waste and recycling containers should be stored in a suitable enclosure area within the curtilage of the property and be located in an accessible and adequately lit area where they do not present any safety risks to users (such as a tripping hazard). Such areas should be adequately ventilated to avoid smells from waste and recycling containers. Access to the waste / recycling storage areas should not be from outside the curtilage of the property (for example, along a back lane or path). (See also para. 3.39).
- 3.32 Waste / recycling collectors will not normally enter private land to make a collection – therefore all subdivided properties should ideally allow provision to put the bins / recycling boxes out at the front edge of the property for collection but without adversely affecting the amenity and safety of residents of the property, neighbours or the general public. Specific consideration should be given to allowing adequate space to allow pedestrians with prams or wheelchairs to pass safely.
- 3.33 Further guidance about waste / recycling containers, storage requirements and collection arrangements is provided in the 'Information for Developers of Residential Proposals' document produced by Waste Services.
- 3.34 In-sink mascerators should be avoided, as they place additional burden on drainage systems.

xiii) Conversion of Attics or Basements:

- 3.35 In order to convert an attic or a cellar into a habitable room, it will need to provide a minimum of 6.5 sq. m. of usable area and to achieve a minimum headroom of 2.3m for at least 80% of the floor area. Areas with less than the minimum headroom can be used as household storage space.
- 3.36 The attic or basement room should be adequately lit with daylight and ventilated with openable windows. If skylights are the only form of windows, they need to be installed in a position where the occupants can look out and observe the surrounding environs.
- 3.37 Basement rooms will require a light-well deep and wide enough to provide reasonable daylight and outlook from the window. It is recommended that basement rooms are incorporated with the ground floor accommodation to form a larger dwelling.
- 3.38 Within flood risk zones 3a, 3a(i) and 3b, the subdivision to create basement flats would be regarded as 'highly vulnerable' and would therefore not be permitted. Within flood risk zone 2, an exceptions test would be required. Basement dwellings in flood risk zone 1 are classed as acceptable uses.

xiv) Communal Areas:

- 3.39 Extensive loss of front garden for formation of parking, hard-standing and refuse storage areas could be an indicator of overdevelopment and is unacceptable as it would detract from the appearance of the street scene. Care should be given to provide sympathetic boundary treatment, planting and other forms of screening to preserve the visual amenity and privacy of the occupants and adjoining residents.
- 3.40 There should be adequate separation between private areas, semi-private areas and public spaces in order to encourage natural surveillance and to safeguard the security and amenity of the occupants. A decent planting or buffer area is required under the main windows of the ground floor dwellings to protect their privacy. Waste / recycling bins, cycle racks or parking spaces should be positioned away from the windows.

xv) Drying Facilities:

- 3.41 There may be opportunities for communal facilities for drying clothes in some schemes. These should be located in well ventilated areas. Where this is not done, consideration should be given to the provision of drying facilities in well ventilated areas of individual subdivided dwellings – for example, on screened balconies where provided.

xvi) Residential Amenity Areas:

- 3.42 Communal and private residential amenity areas are necessary for the enjoyment of future occupants. In house sub-division schemes, the existing rear gardens need to be retained to meet the needs of residents of the new housing. If it is practicable, part of the rear garden can be fenced off to become private garden of the ground floor unit. Consideration should be given for the provision of composting facilities in gardens / communal areas.

xvii) Communal Satellite Dishes:

- 3.43 To avoid subsequent demands for the installation of numerous individual satellite dishes on subdivided dwellings, developers should be encouraged to consider the potential for locating communal dishes as part of the overall design – for example, at roof level.

xviii) Daylight and Sunlight issues:

- 3.44 The amount of natural sunlight within a dwelling significantly affects the amenity of its occupants. Consequently, the internal layout of a subdivided dwelling should be considered, to provide maximum natural sunlight in main rooms, such as living rooms. Ideally, living rooms should face south, west or east, to make maximum use of solar gain – north facing living rooms should

be avoided. Particular care is needed where windows are located on lower floors, which may be overshadowed by adjoining buildings.

- 3.45 The orientation of subdivided dwellings in relation to maximising natural sunlight can also minimise energy consumption and reduce CO₂ emissions, by reducing the need for heating and artificial lighting.

xix) Sustainable Design and Construction:

- 3.46 All proposals for subdivided properties must submit a Sustainability Statement as part of the planning application process. The Sustainability Statement will need to demonstrate that the development will be a high standard of sustainable design and construction using techniques to ensure building design, including orientation and layout (for passive solar benefits), reducing energy consumption and construction material selection ensures sustainable use of resources.
- 3.47 An assessment of rainwater harvesting systems, grey water systems and sustainable urban drainage systems (SUDS) is encouraged in the sustainability statement. The Council encourages the following water efficiency measures to be met in subdivided dwellings: Dual flush Ecs (4/6) litre; shower nominal flow rates less than 9 litres/minute; controls on urinals or waterless urinals (where installed); flow restricted spray taps; water meters with pulsed output for each building/dwelling. The sustainability statement encourages also include an evaluation of rainwater harvesting systems, grey water systems and Sustainable Drainage Systems (SUDS). Water butts should be incorporated in all new residential developments with gardens or landscaped areas.
- 3.48 In addition, where subdivided proposals include 10 or more units, all of Policy CS21 (Sustainable Design and Construction) in the LDF Core Strategy should be considered.

xx) Considerate Constructors Scheme:

- 3.49 The Considerate Constructors Scheme, started in 1997, is a voluntary Code of Practice, which is adopted by participating construction companies and all personnel involved with the construction site. The scheme aims to improve the image of construction sites and any proposals for the subdivision of dwellings are encouraged to sign up to the scheme and commit to achieving the performance levels outlined in the scheme. For more information, visit www.considerateconstructorsscheme.org.uk

Annex A: Document / website list

The following documents and websites provided useful sources of supporting information to this SPD. Further information can be gained from these documents / websites.

a) Documents:

1. City of York Local Development Framework Core Strategy Submission (Publication), September 2011;
2. City of York Local Plan (4th Set of Changes, April 2005);
3. Planning Policy Statements (PPS)1: Delivering Sustainable Development;
4. Planning and Climate Change - Supplement to Planning Policy Statement 1
5. PPS3: Housing
6. PPS9: Biodiversity and Geological Conservation
7. PPS10: Planning for Waste Management
8. Planning Policy Guidance (PPG)13 Transport
9. PPS22: Renewable energy
10. PPS23: Planning and Pollution Control
11. PPS25: Development and Flood Risk
12. Consultation Draft Controlling the Concentration of Houses in Multiple Occupation SPD (CYC)
13. Consultation Draft House Extensions and Alterations SPD (CYC)

b) Websites:

1. www.lifetimehomes.org.uk (Lifetime Homes criteria);
2. www.homesandcommunities.co.uk (English Partnerships Minimum Space Standards);
3. www.communities.gov.uk (Code For Sustainable Homes);
4. www.buildingforlife.org (Building For Life);
5. www.securedbydesign.com (Secured By Design)

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SUPPLEMENTARY PLANNING DOCUMENT

CONSULTATION DRAFT

House Extensions and Alterations

January 2012

City of York
Local Development Framework House Alterations and Extensions
Supplementary Planning Document
Consultation Draft January 2012

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Please contact us if you would like this information in an accessible format (for example, large print or by email) or another language.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

Ta informacja może być dostarczona w twoim
własnym języku. **(Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. **(Turkish)**

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The Council is inviting comments on this Supplementary Planning Document. Representations can be made online or in writing (see details above). A comments form is available however representations by letter or email will also be accepted. Please do not hesitate to contact the Integrated Strategy Unit who will be happy to answer any queries about the consultation (contact details above).

All comments must be received by the Integrated Strategy Unit by **5pm on Monday 5 March 2012.**

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1. Overview

- 1.1 This document sets out the planning principles that the council uses to assess proposals to extend a house or flat or undertake alterations within the garden. Information contained within the document will be relevant when planning applications are determined. The advice is consistent with and expands upon the content of the City of York Local Development Framework (LDF) and the City of York Local Plan. The main relevant policies of the Local Plan and the most applicable strategic objectives of the LDF Core Strategy are contained in the annex.
- 1.2 The guide covers the most widely encountered circumstances and is relevant whether your extension requires planning permission or not. It is the case however, that if your home is Listed, or located in a Conservation Area, design criteria additional to those listed in this note will typically apply. A well-designed extension is likely to enhance the overall appearance of your home with the minimum impact on the living conditions of your neighbours and the established street scene. The council will normally consult neighbours on any planning application so it is usually a good idea to discuss your proposals with them before drawing up plans.
- 1.3 Under planning legislation some extensions to houses might not need planning permission (extensions to flats will always need permission). Such works are referred to as permitted development. Legislation that relates to this area can be quite complex and vary depending on the history of a particular property. If you are planning to extend or alter a property it is strongly advised that you check first whether planning permission is required. It is recommended you submit a householder enquiry form, with brief details of your proposed works. The council will advise you in writing, normally within 10 working days, whether planning permission (and Building Regulations Consent) will be required. There is a charge for this service. The form can be downloaded from the council's website.
- 1.4 This document does not cover any other legislation, including Building Regulations. Building Regulations normally relates to issues such as the structural stability, energy efficiency, or fire safety of a building. The document also does not look at disputes neighbours might have over land ownership or shared walls. Boundary issues are normally civil matters, advice contained in the Party Wall Act may be helpful in this respect - further advice on this matter is contained in the annex.
- 1.5 The guidance is in three sections. Section 1 gives general guidance that will be relevant for all applications. Section 2 looks at specific proposals such as side extensions or dormer windows. The annex includes useful contacts and procedural information.

2. General Advice

- 2.1 Central government planning guidance contained in Planning Policy Statement 1 (PPS1) requires planning authorities to plan positively for high quality design. It states that good design should contribute positively to making places better for people and that inappropriate design should not be accepted.
- 2.2 In accordance with planning legislation the council must consider a wide number of issues when assessing a planning application. The most common factors that lead to a proposal being refused are the harmful affect it will have on neighbour amenity (such as overshadowing and overlooking) and/or the damage caused to the visual appearance of the area. Issues relating to car and cycle parking can also often be significant.
- 2.3 In some streets it is possible to point to extensions and alterations that have been approved in the past that do not follow the guidance on visual amenity contained in this document. Policies and guidance relating to development inevitably changes over time and isolated examples of extensions that are of a poor quality will not be used as a yardstick for assessing future extensions. Where there are a large number of developments in a street that conflict with the guidance in this document the council will only consider approving similar proposals where it can be argued that they have become so typical as to be considered characteristic of the area.
- 2.4 The main considerations for assessing planning applications submitted to the council are set out below:

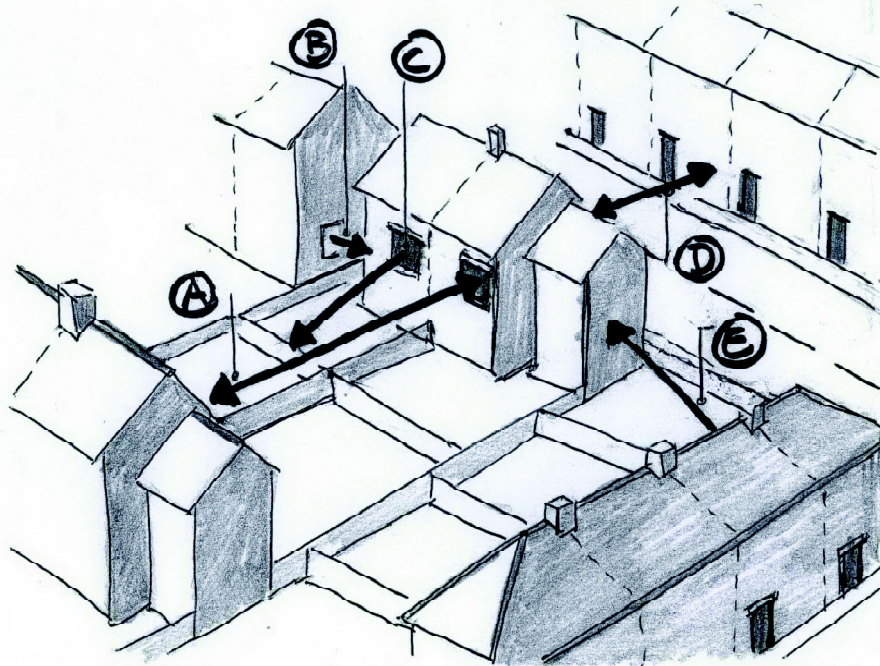
i) Privacy

- 3.1 Proposals should not result in direct overlooking of rooms in neighbouring dwellings or excessive overlooking of adjacent garden areas. The diagram overleaf illustrates separation distances that will normally be required to preserve reasonable privacy levels (as well as ensuring adequate light and outlook).
- 3.2 It should be noted that the separation distances shown on the diagram are for general guidance and the council will have regard to the specific context of each development. Of particular relevance will be the relationship to the passage of the sun, the width and height of the proposed development and the function and number of rooms impacted. Regard will also be given to how the separation distances relate to the existing character of the area. In parts of the city where houses are located close together and existing privacy levels are lower, shorter

separation distances could be appropriate providing the form of the proposed development respects the area's appearance.

- 3.3 In some circumstances harmful overlooking can be avoided by using obscure glazing and fixing shut windows at a height up to 1.7m above the internal floor level. Roof lights can also sometimes be an appropriate solution. When modifying window designs to overcome privacy concerns regard should be given to the impact on the quality of the room as well as whether a suitable fire escape remains. Obscure glazing should only be used in rooms or areas of an extension that are non-habitable, or are also served by a clear glazed opening. Clear glazed first floor side windows should be avoided where they overlook adjoining gardens.

Diagram 1. Separation Distances



- A – First floor rear window overlooking property to rear (21 metres).
 B – Side window to side elevation (see section 'Habitable rooms and side windows').
 C – First floor rear window overlooking garden to rear (7 metres).
 D – Cross Street separation (will have regard to existing character).
 E – Rear ground floor widow to proposed two-storey side extension (12 metres). This is required to protect light and outlook from existing rear windows.

- 3.4 Balconies and roof gardens can cause particular concern as overlooking of neighbouring gardens or adjacent windows is normally much more direct. Issues relating to noise can also be significant. Balconies and roof gardens will only normally be acceptable where they overlook public or communal areas, or areas of neighbouring gardens that are not typically used for sitting out or already have a low level of privacy. In some instances sensitively designed balcony screens can help to retain adequate levels of privacy, however, care should be taken to ensure that any screening does not detract from the appearance of the area or unduly harm neighbours light and outlook.
- 3.5 The separation distances shown on the diagram will be used as a 'minimum' figure. It should be noted, however, that they are only a general guide and regard will be had to any local circumstances including the existing character of the area, the specific design of the proposal, the relationship to the passage of the sun and the amount of a property affected.

ii) Overshadowing and Loss of Light

- 4.1 Most residents gain much pleasure from good levels of light and sunlight in their homes and gardens. Clearly light is important for people's health and happiness. Environmentally it is significant for reducing the need to use energy to heat and light rooms. Externally it creates attractive amenity areas and helps to dry clothes and encourage plant growth. Sunlight can also be important for domestic energy generation - regard should be given to the impact on existing solar panels on nearby homes.
- 4.2 When assessing proposals care will be taken to ensure that they do not cause undue harm to neighbours' light. Rear extensions tend to be most significant in this respect.
- 4.3 When considering erecting a building or extension regard should be given to how much sunlight will be lost to neighbouring properties and gardens and at what times of the day and year. The diagram overleaf may be of help in indicating in what direction the sun will be in at different times of the day and its approximate height in the sky at different times of the year.

Northerly

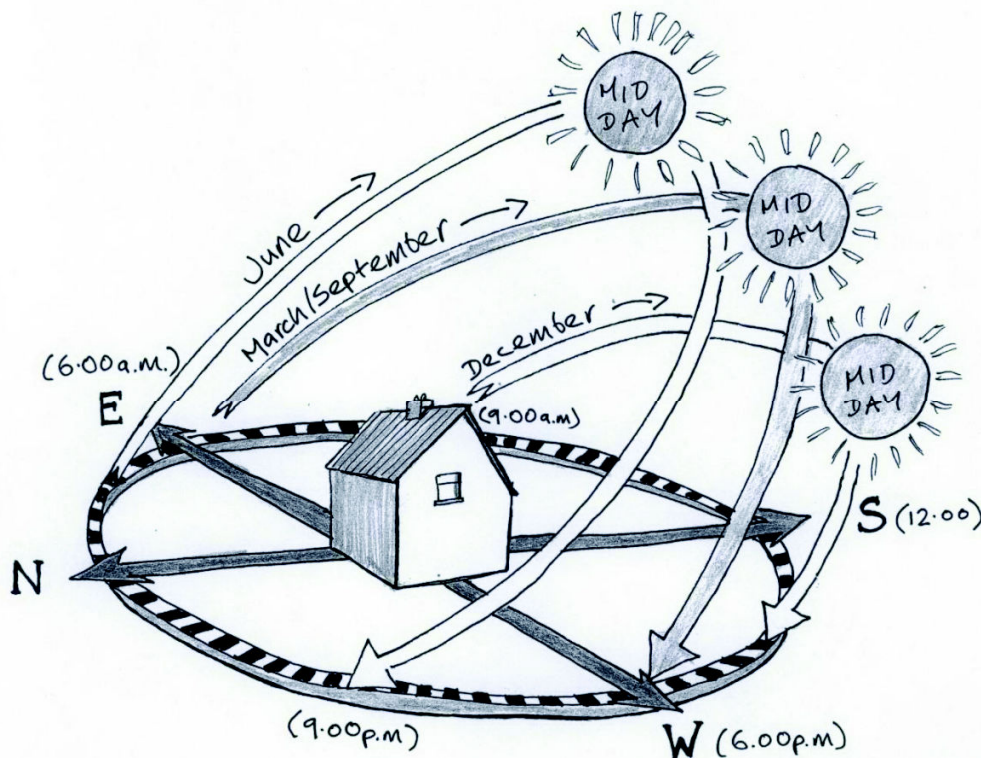
- 4.4 Extensions located to the north of a neighbouring house or garden can reduce indirect light levels, however, it will have little impact on direct sunlight. In some instances extensions to the north of a garden can be welcomed as they provide increased shelter from the elements and improve the feeling of privacy.

Southerly

- 4.5 During the summer when the sun is in a generally southerly direction (approximately between 12.00 – 14.00 hrs) it will be high enough in the sky so that any shadows cast will be relatively short. Loss of direct

sunlight from a southerly direction to a garden in the late spring and summer from single storey buildings will normally be limited. The greatest concern in respect to proposed single-storey extensions will be the impact on sunlight entering nearby windows during the autumn or winter months when the sun is lower in the sky. Two-storey extensions because of their height can be of concern year round, particularly in respect to blocking sun from nearby habitable rooms and overshadowing small gardens and yards.

Diagram 2 – sun path



The diagram is for illustrative purposes. It shows the approximate sun rise and sun set times and orientations at different times of the year. It also indicates that the sun is at a much higher angle in the sky during the summer months than the winter.

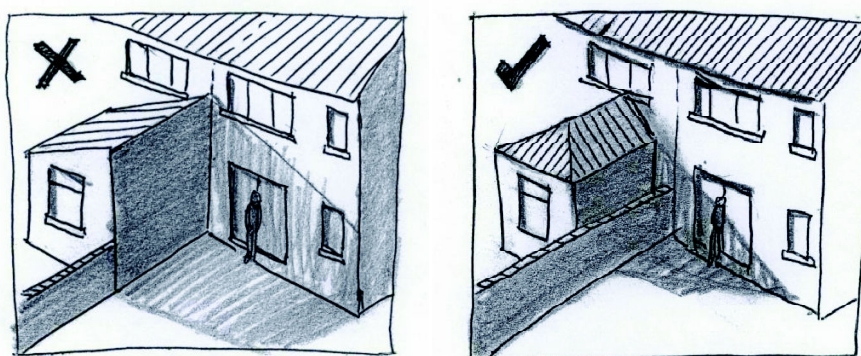
Easterly and Westerly

- 4.6 The sun rises in the east and as such the impact of development in this direction will be on morning sunlight. Proposals to the west of a house or

garden will impact on afternoon and evening sunlight. In the winter months the sun is relatively low in the sky when to the east and west.

- 4.7 Proposals for a two-storey rear extension projecting from the rear elevation of a semi-detached or terraced house, the rear of which faces north-east or north-west, can be of particular concern. This is because the rear of an adjoining house facing either of these directions will only receive sunlight in the morning (north-east facing) or late afternoon and evening (north-west facing). A large extension located to the side is capable of blocking almost all sunlight that the rear of the property currently receives. Applicant's should have particular regard to this when considering the location of extensions.

Diagram 3 - Single storey rear extensions.



Keeping eaves heights low reduces overshadowing of neighbouring properties.

iii) *Dominance and Outlook*

- 5.1 In some instances an extension may not cut out much direct sun light or significantly reduce light levels but could still be deemed unacceptable. Dominance and outlook relates to how an extension will change the character of the neighbouring house and garden and affect the outlook from nearby windows. Outlook differs from a view in that it relates to the openness enjoyed by occupants of a property, this includes, for example, having a reasonable sight of the sky through windows and being able to look an appropriate distance beyond a property. A view typically refers to a view of a particular thing such as an attractive building or open countryside. A view in itself is not normally protected when assessing the impact of development on the living conditions of a home.
- 5.2 When assessing the impact that a proposal will have on an outlook, regard will be had to the established character of an area and the existing feeling

of openness. It is important that neighbours' do not feel unduly hemmed in by proposals.

iv) Habitable rooms and side windows

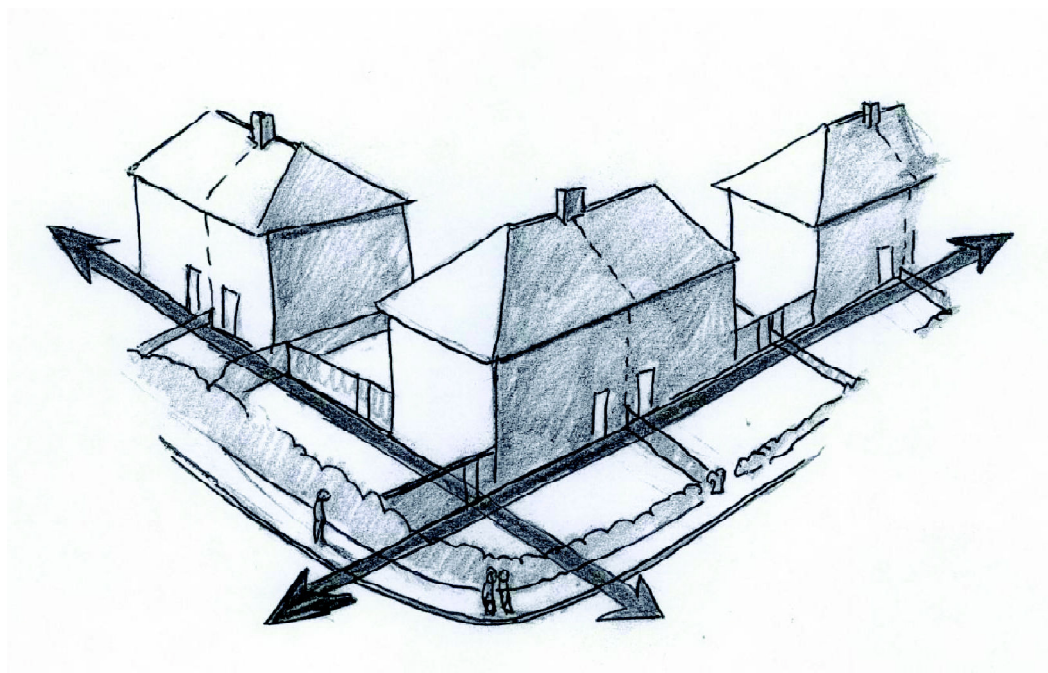
- 6.1 It is the case that light and outlook can be of greater importance for some rooms than others. Limited protection will be given to protecting light and outlook to non-habitable 'rooms' such as bathrooms, utility rooms, hallways and landings. The greatest protection will be given to living rooms given that most people typically spend much of the day in them. In respect to kitchens, greater weight will be given to protecting light levels and outlook where they include a dining area.
- 6.2 Some properties in York, though having the vast majority of openings on the front and rear of the home have a main kitchen or bedroom window on the side of the house. In such circumstances development will normally be allowed closer to the affected windows than if development were impacting on a window to the front or rear, however, modifications to the height and/or depth will normally be required to allow the retention of an outlook past the proposed new development.
- 6.3 Side windows should not be installed in extensions where they would unacceptably overlook neighbouring gardens or potentially 'sterilise' what would otherwise be the reasonable development potential of adjoining land. Where a clear glazed side window is inserted in an existing house (or a room altered so that the existing side window becomes the main opening) less weight will be given to protecting the outlook to the side. Planning permission is needed to install any upper floor clear glazed window in the wall or roof of a side elevation of an existing house.

v) Townscape

- 7.1 A basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance.
- 7.2 The character of an area will be a major factor in determining the appropriate form, size and relationship to the boundary of an extension. Key criteria include the degree of enclosure of the street, the character of the space between the buildings, the form and detail of the buildings, and the form and detail of the landscaping. In most instances, where a street has a relatively uniform housing type and building line this should be respected in submitted proposals.

- 7.3 In some villages, residents and the parish council have produced Village Design Statements. These documents contain important advice on how to ensure that developments harmonise with the particular characteristics of individual villages. It is important that you have regard to their content. A list of the villages that have produced such statements at the time of preparing this guidance are contained in the annex.

Diagram 4 – Building Line



Prominent extensions to the front or side of a property should not extend beyond a clearly defined front or side building line by a significant degree.

- 7.4 Adherence to the following principles should help to ensure that townscape criteria are met:
- a) The siting of an extension should not be detrimental to the pattern of buildings and the spacing between them. Where a street or group of buildings has a clearly defined building line it should be retained and extending forward of a street's building line should be avoided. Only in exceptional circumstances will this be appropriate (e.g. where the building line is not well defined or the front gardens of properties in the vicinity or general area are well screened).
 - b) Extensions should normally appear subservient to, yet in keeping with, the original building.

- c) Extensions should respect the architectural period, style and detailing of the existing dwelling and the area.
- d) External materials, e.g. bricks and tiles, should match the colour, size, shape and texture of the materials of the existing dwelling. The use of contrasting materials will be considered case by case.
- e) Windows and other openings should be in scale with the extension. They should be in line with and match the proportions, style and method of opening of existing windows.
- f) Extensions to dwellings should generally have a roof pitch and/or style that reflects that of the existing house.
- g) Where possible the opportunity should be taken to improve the appearance of an existing building, particularly by the removal/replacement of unsightly alterations or extensions that have been added in the past.
- h) Existing trees should normally be retained where they make a significant contribution to the appearance and wildlife value of an area. Sufficient space should be left between an extension and existing trees in order to ensure that their root systems are not damaged and to ensure that the trees do not cause a nuisance, reduce daylight to windows or pose a risk from falling branches. Mature shrubs should also be retained where possible. In most residential areas a sensitive balance between built development and space for landscaping will be needed if a development is to respect an areas character.

7.5 In many cases proposals that do not respect the character of a house or location are a result of the owners desire to create too much new living space (overdevelopment) and/or give insufficient attention to retaining or duplicating important local details and landscaping (poor design). The council does not, however, automatically oppose schemes because they do not conform with the style and layout of the existing home and area. When well thought through, imaginative or contemporary additions to existing housing can add interest to the streetscene and showcase modern architectural techniques. Where a householder wishes to alter their property in a way that does not relate to the existing form it is well advised to employ an architect with a successful record of bringing forward such schemes. To gain consent it will be necessary to fully explain and justify the approach taken and make it clear why the scheme would enhance the appearance of the locality rather than detracting from its most attractive characteristics. Diagrams and photo-montages can be very helpful in this respect.

VI) *Provision for Storage and Parking*

- 8.1 A site should retain adequate access, parking and turning facilities for vehicles, including secure storage for cycles. The number of parking

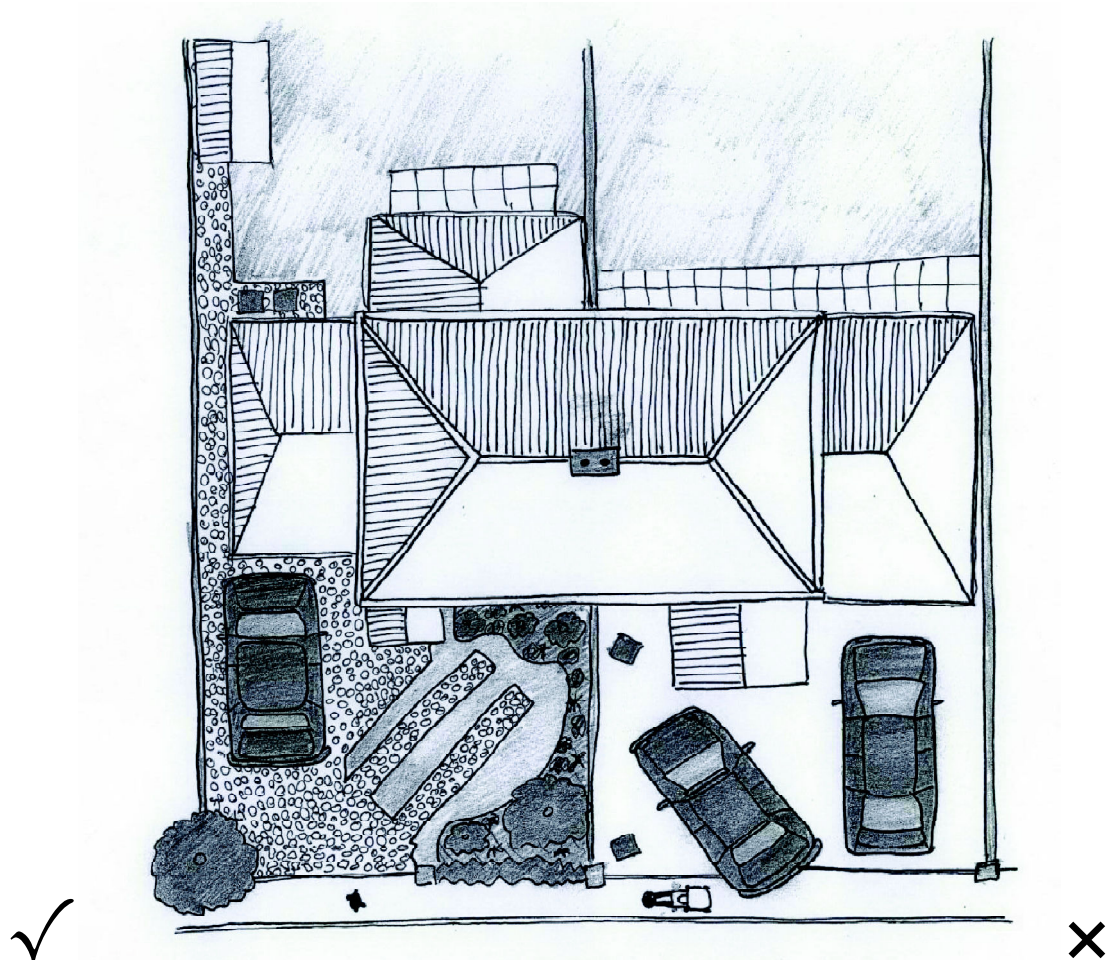
spaces required will depend on the council's parking standards for the area, on-street parking availability and any pertinent highway safety considerations. When altering car parking areas, care should be taken to retain as much of the garden boundary and existing vegetation as possible. Barren hard surfaced gardens which serve only as car parking areas erode the character of the street, detract from the security of the site and can increase flood risk through high levels of surface water run-off. Further advice relating to drainage is contained in paragraph 10.1.

- 8.2 Where a first floor or two-storey side extension is proposed and there is no pedestrian access to the rear garden, a garage or cycle store should be incorporated within the front of the house.
- 8.3 Regard should also be given to the storage of bins and recycling boxes. If an extension is taking place at a property that has a large well screened front garden, open un-enclosed storage will normally be acceptable. However, where a garden is small or open plan, or a house abuts the street, provision should be made for storage within the building or within a sensitively designed external area.
- 8.4 Where a property is reliant on access to the rear garden for the storage of cycles a minimum gap of 0.9m will normally be required between the extension and side boundary.

VII) Private Amenity Space

- 9.1 Proposals should seek to retain adequate, useable private amenity space for the occupiers of the enlarged or altered dwelling. Front gardens are often not sufficiently private to be treated as amenity space.
- 9.2 In respect to the functionality of the property the council will only require that (in addition to parking and storage provision), all homes should as a minimum retain sufficient land for drying clothes and space that is suitable and welcoming to sit out in. Prospective applicants should note, however, that a 'visual appearance' assessment will also be made and in most cases proposals to erect buildings across a large area of garden will cause concern, as it would be likely to conflict with policies that seek to protect neighbours living conditions and the open landscaped character of the area.
- 9.3 When considering a future extension or outbuilding it should be noted that developing too large a proportion of a garden may reduce the home's value and limit the range of people who might want to occupy it in the future.

Diagram 5 – Hard surfacing front gardens



The plan above shows a 'good' and 'bad' example of the hard surfacing of the front garden of a property and provision for bins, cycles and car parking. It is always necessary to ensure that the surfacing is permeable or drains to the garden. Vegetation and boundary walls should also be retained where practical.

viii) *Drainage*

10.1 Care should be taken to ensure that extensions are not at risk of flooding and do not significantly increase flood risk to adjoining land. In areas most

at risk of flooding (Flood Zone 3) regard should be given to internal floor levels and the height of electrical sockets and so forth. Details of York's flood zones can be found on the following website:

<http://localview.york.gov.uk/Sites/lv/>

- 10.2 A surface water drainage method should be used that is most appropriate to the local ground conditions. In this regard rainwater recycling and other sustainable approaches should be given priority.
- 10.3 The hard surfacing of front gardens can need planning permission. Permission would be unlikely to be given for a non-permeable surface as the relatively minor works can have a significant impact on flood risk. Householders should ensure that surfacing is permeable or only covers a small part of the front garden with water directed to drain into remaining undeveloped areas of land.

Advice for Specific Extensions and Alterations

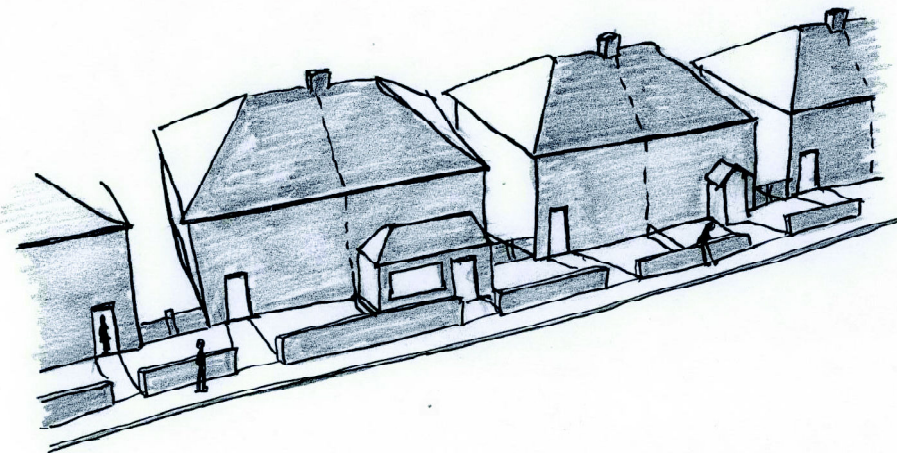
ix) Porches and other Front Extensions

- 11.1 The fronts of houses and their distance from the pavement are generally important visual features of residential areas. Front extensions if poorly designed or located can have a significant adverse impact. An extension forward of the front wall of a house will not normally be permitted, unless:
- the house is set well back from the pavement, or is well screened,
 - the extension is small, well-designed and it would not harm the character of the house/area; and
 - the extension would not unduly affect neighbours.
- 11.2 Front extensions are normally most suitable for detached properties that are set back from the road, or where the street has no established building line.
- 11.3 Small porches sometimes do not require planning permission. Where they do require permission they will only be acceptable if they are not detrimental to the character of the street or unduly affect neighbours. Porches should not normally project excessively beyond the front of the house or be overly wide. The glazing style, door location, materials and roof pitch should respect the original building.
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Diagram 6 – Front Extensions

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Normally only small porches are suitable as front extensions.

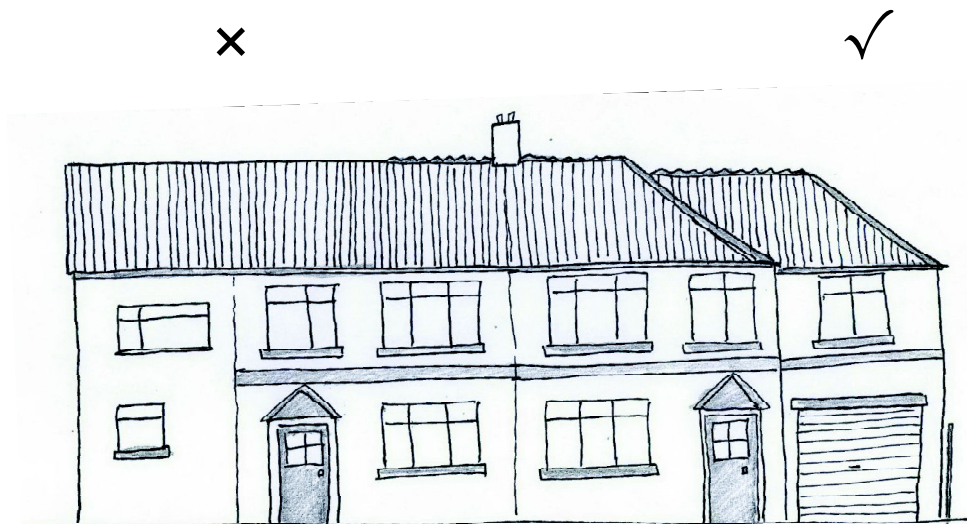
x) *Side Extensions*

- 12.1 Side extensions (particularly when two-storey) are often seen as an efficient way of creating new internal space. The council receives numerous applications each year for two-storey side extensions that incorporate a garage and kitchen space on the ground floor and additional bed space above accessed from the first floor landing. Such extensions often have less impact on neighbours living conditions than extensions to the rear and also have the benefit that they do not lead to the loss of valuable rear garden space.
- 12.2 Side extensions will not however be suitable for all detached and semi-detached properties and where they are proposed care should be taken to ensure that they are designed to harmonise with the property and avoid undue harm to neighbours living conditions. If not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled.
- 12.3 Side extensions should normally be subservient to the main house and should not unduly block sunlight reaching solar panels on existing properties. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. Unduly wide extensions should normally be avoided, typically a two-storey extension should not exceed around 50% of the width of the original house unless its width has been designed to successfully harmonise with architectural features contained in the original property.
- 12.4 Where a side extension is proposed to extend to the side garden boundary the first floor (or all of the extension) should be set back a minimum of 0.5 metres from the front elevation (the exact distance will depend on how significant the spacing in the street is to the character of the area).
- 12.5 Where the spacing between houses (and often associated landscaping) is a very important intact characteristic of the street it may be the case that a clear gap will need to be retained between the side of the extension and the side boundary. This is likely to be the case in a street containing a mix of house types as in such circumstances proposals to build adjacent to another house can lead to an uncomfortable 'clash of styles'. Spacing is also often a particularly important characteristic between short groups of terraced properties and in such circumstances two-storey side extensions to end terraced houses will be resisted. It is important that the erection of two-storey side extensions does not through overdevelopment, lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of a street's spaciousness and character.
- 12.6 Side extensions along a boundary with a road (or footpath) raise additional issues. The extension should not have an overbearing impact on

pedestrians using the footpath or affect highway sight lines. It should also not have a detrimental impact on the streetscene by significantly projecting beyond a clearly defined building line of the adjacent street, or detract from the spaciousness of the area. Any rear projection of a side extension should accord with the requirements for rear extensions.

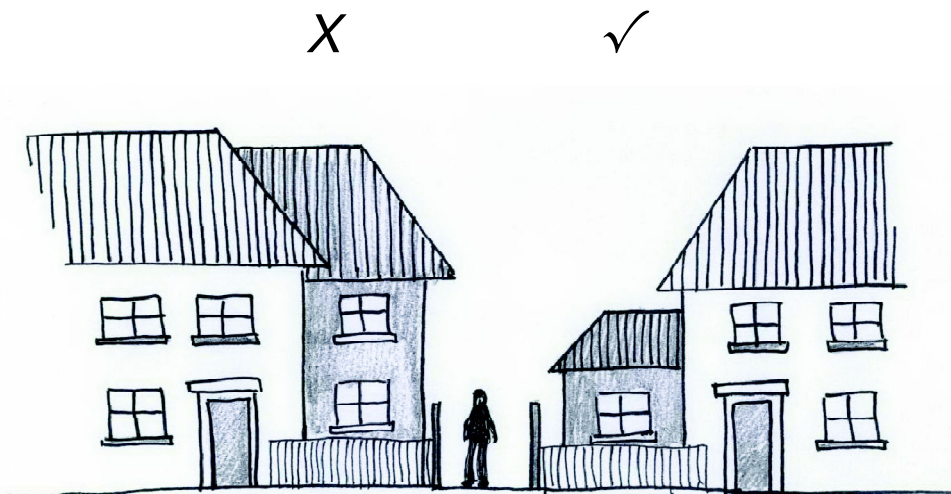
- 12.7 It is often good practice to try and retain a 90cm gap to the rear garden to ensure that access remains for cycle storage and so forth. Access to the side of an exposed extension can also be important for allowing future external maintenance. Where a two-storey extension (or first floor extension) is proposed and no access is available to the rear garden it will be necessary to show how cycles and bins will be sensitively accommodated within the house or front garden.
- 12.8 Extensions should stay within the boundaries of the site. For example, eaves and gutters should not overhang adjacent properties unless neighbours have given consent for this to occur.
- 12.9 Proposals for dormer windows on the side roof slope of two-storey extensions will rarely be acceptable as the resulting roof slope would normally not match that of the existing house and when combined with the extension the development would not appear subservient to the building.

Diagram 8 - Two-storey side extensions.



Normally it is important that the shape and detailing of the extension, including the size and position of windows relates to the original house.

Diagram 7 - Side extensions near footpaths.



Tall and/or deep extensions located too close to footpaths can make routes much less open and attractive.

xi) Rear Extensions

Single-Storey

- 13.1 In most cases single storey rear extensions up to 3 metres in length can be erected to attached properties and up to 4m in length to detached properties without needing planning permission. If such works are proposed however, it is essential that you check first with the council to ensure that there are no further restrictions on the property concerned that might mean that the proposal does need planning permission. Information should also be sought in respect to restrictions that apply with regard to the acceptable height and materials.
- 13.2 In assessing proposed extensions beyond 3 and 4 metres the council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. Where a planning officer is uncertain in respect to the acceptability of a proposal he or she will typically try and gain information in respect to the function and layout of the neighbours' affected room(s). Key issues to consider will include whether the affected room has windows on more than one elevation and whether the rooms shape/size and the location of windows is such that the proposed extension would be particularly prominent from much of the room. Where a neighbouring property has a small garden, care will need to be taken to ensure that it retains adequate levels of sunlight and

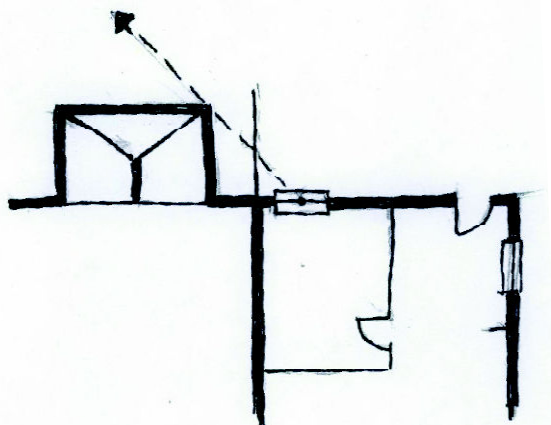
openness. In most cases it is good practice to try and keep the eaves height of extensions as low as possible.

- 13.3 Conservatories are usually to the rear and therefore have similar requirements to single-storey rear extensions. Privacy (for users of the conservatory and for neighbours) is often of greater importance than for other rear extensions. Privacy can be protected by blank side walls, obscure glazing (frosted glass) along sensitive elevations, or by screening along shared garden boundaries.

Two-Storey

- 13.4 Rear extensions are usually screened by the house and therefore have less impact on the street scene than side extensions. However, the additional mass of an extension does have an impact on the space around buildings (including gardens) and can have a significant affect on adjoining occupiers.
- 13.5 Two-storey extensions on terraced properties with small rear gardens will generally not be acceptable due to the impact on the neighbouring property and sometimes almost complete loss of amenity space for the house to be extended.
- 13.6 On detached and semi-detached houses a two-storey rear extension may be acceptable subject to the usual townscape and amenity principles, referred to previously being satisfied. When deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule'. This involves drawing a line from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property.

Diagram 9 - The 45 degrees 'rule'.



The dashed line is at an angle of 45 degrees drawn from the centre of the nearest ground floor window towards the location of the neighbouring two-storey side extension. Extensions that project beyond this line will normally be unacceptable. To avoid cutting through this line the extension can be reduced in length and/or moved further from the neighbouring window.

xii) Dormer windows and Roof Extensions

- 14.1 The roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic affect on a building's visual appearance. When integral to a dwelling or located on a steep roof slope dormers can add visual interest and rhythm to a street. However, if poorly located or designed, dormers can make a building appear 'top-heavy', cluttered and harm its balance, or symmetry.
- 14.2 Dormers can also detract from the living conditions of neighbours. The loss of privacy can be of concern - particularly where they overlook previously sheltered areas of nearby gardens. Regard should also be given to the impact that large dormers can have on neighbours' light or outlook.
- 14.3 In some instances dormers proposed to the side or rear of a property might not require planning permission. It is strongly advised that people check with the council in respect to the need for consent before pursuing such works.
- 14.4 Proposals to raise the roof of a dwelling to create adequate internal roof space will normally be refused unless the building is detached and/or such works can be undertaken without creating a structure that is out of character with neighbouring properties. Care should also be taken to ensure that the works do not block undue sunlight from solar panels on roofs of nearby properties.

- 14.5 Dormers should be designed so that they do not dominate the roof. The style, materials and shape of dormers should relate to the appearance of the house, including the position of existing windows. For bungalows, a single well proportioned flat roofed front dormer might be acceptable on the front roof slope providing it is set in comfortably from the edges and ridge of the roof. For this to be the case the roof pitch of the existing house will have to be relatively steep. When located on bungalows with a shallow roof pitch, dormers are unacceptable on the front roof slope as to create adequate head height they will inevitably dominate the roof slope and make the building appear 'top heavy'. In streets where there are few or no front dormer windows it is unlikely that new dormers will be allowed on the front elevation unless it can be clearly shown that they will not detract from its character. In respect to privacy, separation distances set out in the 'General Advice' section should be adhered to.

Diagram 10 – Front dormers on bungalows

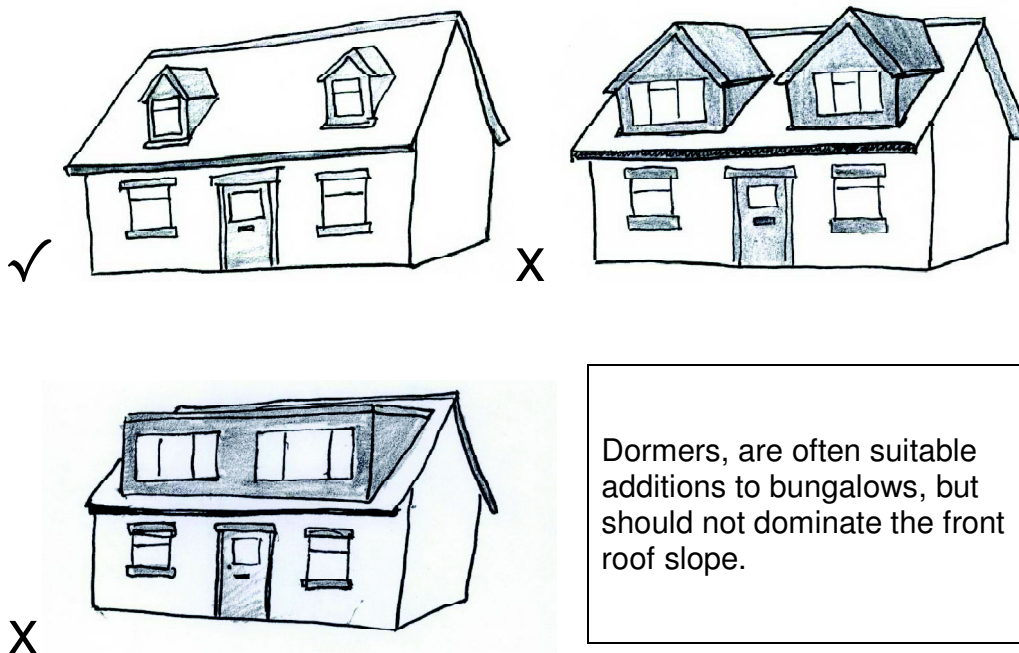


Diagram 11 - Front dormers on houses

Dormers will appear out of place and unduly prominent on the front roof slope of most two-storey houses, unless the dormer is very modest in size and characteristic of the street, or characteristic of the type of house on which it is proposed.



xiii) Detached Garages and other Outbuildings

- 15.1 Garages and other outbuildings can have as much impact on the overall visual appearance of a property as any other addition. Wherever possible they should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it. Care should be taken to avoid the loss of vegetation and retain space for planting that can often soften a building's impact. Outbuildings should clearly be smaller in scale to the house. Particular problems occur with large double garages, which can appear out of scale with adjacent dwellings and gardens. Special care must be taken to disguise or reduce their bulk. In most instances it will be better to use twin doors with a central column instead of one large double door which can appear 'industrial' in appearance and overpower the rest of the building.
- 15.2 Outbuildings should normally not be in front of dwellings unless, within the development, there is an irregular arrangement of buildings. Doors should be in keeping with the character of the building and not obstruct the public highway. There must be enough space on the driveway in front of a proposed garage for a car to be parked without any part of it overhanging

the footpath or road. It will also be necessary to ensure that the garage door can be opened when a car is parked in front of it. Typically a minimum drive length of 5.5m will be sought in front of garages.

- 15.3 Garages and other outbuildings must not have a detrimental impact on the residential amenity of neighbours.

xiv) Granny Annexes

- 16.1 Any new building work related to the construction of 'granny annexes' should comply with guidance contained within this document. Granny annexes will normally only be approved when they are small in scale (1 bedroom) and occupied by direct relatives of family living in the original house. When considering creating or adapting accommodation for relatives regard should be given to future alternative uses for the accommodation and whether if no longer needed it can be incorporated back into the main house. Proposals to use an annex for a separate dwelling not occupied by family members or for self contained holiday accommodation will only be acceptable where such proposals comply with national and local policies that relate to new dwellings or flat conversions.

xv) Boundaries

- 17.1 Fences and walls though relatively minor alterations can have a very great impact on the appearance of a street. When considering erecting a new boundary it is important to look at others in the road and consider what height, design and materials are characteristic of the area. Boundary types normally differ according to the age of the property and whether the street is in an urban, sub-urban or village location - a boundary that is appropriate around a Georgian townhouse close to the city centre will normally appear out of place in front of a suburban semi (and vice versa).
- 17.2 Normally fences and walls that are to the front of a house should not exceed 1 – 1.2 metres in height. High front boundary walls and fences can make a street appear unwelcoming and block what is often the most attractive view of a garden and property. Where a higher screen is required to the front, a hedgerow would be the most appropriate solution. Boundaries formed from vegetation have the additional benefit that they can help support birds and other wildlife.
- 17.3 Where a side or rear garden boundary adjoins a road a 1.8 – 2.0m brick wall will normally be acceptable. Wooden fences will be appropriate where they are characteristic of the area and they are of a robust design. Care should be taken to ensure that a boundary does not obscure sight lines for vehicles entering or exiting a property or turning a corner.

- 17.4 In most cases a boundary lower than 1 m will not require planning permission. Boundaries between 1 and 2 metres will typically need permission where they adjoin a road. Some post-war areas of York have open plan restrictions and permission will be needed for all front boundaries. If in doubt about the need for planning permission you should always contact the council.

xvi) Extensions in the Green Belt

- 18.1 Much of the open land in the City of York council area is classified as Green Belt. A key function of this land is to retain openness between built up areas and safeguard the historic setting of the city. If you are intending to extend a home that is located within the Green Belt it is important that you have regard to national and local policies on development in such areas.
- 18.2 If a home is located in the Green Belt outside a settlement it has traditionally been unacceptable to extend it by more than 25% of its original footprint. It is the case, however, that changes to national permitted development legislation in 2008 meant that in many instances homes in the Green Belt could be extended by more than 25% without requiring planning permission. When assessing a planning application to extend a home by more than 25% of its original footprint, the Council will, in making a decision, have regard to what could reasonably be undertaken without the need to apply for planning permission. In some instances it might be acceptable to approve an extension above 25% of the footprint of the home providing the owner agrees to a condition that no further extensions (or outbuildings) are erected using permitted development rights.
- 18.3 Some areas of the Green Belt 'wash-over' defined settlements. In these situations limited infilling will typically be allowed.
- 18.4 All proposals for extensions in Green Belts will also need to have regard to other guidance within this document. It is particularly important in the Green Belt that extensions do not cause homes to become significantly more prominent within the landscape. Proposals at first floor level or changes to the roof are particularly sensitive in this respect.

Annex: Contacts and Additional Information

3.1 Key Council Contacts

A) Development Management

The Council's Development Management section make recommendations on planning applications and can offer advice on whether planning permission is required for a proposal and whether a proposal is likely to receive consent.

There is a charge for most services that are provided and requests for advice must be submitted on forms that can be obtained from the Council or downloaded from our website.

The following site can be useful for assessing whether your works will require planning permission. (<http://www.planningportal.gov.uk/permission/house>). If you think that your works will not require permission it is recommended that you double check in writing with the Council before progressing.

The contact details for the Development Management Service are:

Plans Processing Unit
City of York Council, 9 St Leonard's Place, York YO1 7ET
tel: (01904) 551553

email: [**planning.enquiries@york.gov.uk**](mailto:planning.enquiries@york.gov.uk)

website: <http://www.york.gov.uk/environment/Planning/>

A) Building Control

You will probably need Building Regulations approval for most works or changes of use that you carry out to a building.

It is useful to have written confirmation that your proposal doesn't need planning permission or building regulations consents, especially when it comes to selling your property. This confirmation shows any prospective purchaser that you haven't carried out any unauthorised work.

The contact details for the Building Control Service are:

Building Control, City of York Council,
7 St Leonards Place, York YO1 7ET

Site inspection tel: (01904) 551354 or 551333

email: [**building.control@york.gov.uk**](mailto:building.control@york.gov.uk)

Website: http://www.york.gov.uk/environment/Building_control/

3.2 Further Information

A) Map Based Information

It is important that you check whether your property is in a conservation area or flood zone 2 or 3. Information can be found at the following map based site.

<http://localview.york.gov.uk/Sites/lv/>

Information showing York's **Greenbelt** can be seen at:

[http://www.york.gov.uk/environment/Planning/Local_Plan/View the local plan/](http://www.york.gov.uk/environment/Planning/Local_Plan/View_the_local_plan/)

Please see under 'Local Plan Proposals Map' heading.

B) Village Design Statements

The following villages currently have Village Design Statements:
Askham Bryan; Askham Richard; Copmanthorpe; Dunnington; Heslington;
Holtby; Knapton; Murton; Poppleton; Rufforth; Skelton.

These documents have been produced by the local community. If you live in one of the villages the advice contained within them will be relevant to your proposal. The documents can be viewed at:

http://www.york.gov.uk/environment/Planning/guidance/Village_design_statements/

c) The Party Wall Act 1996

The City Council does not adjudicate in disputes over property ownership/boundaries. Where an applicant or neighbour requires information in

respect to issues such as building on property boundaries or seeking access to a neighbour's land it is recommended that they initially view the Party Wall Act for advice.

An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place, or at:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

3.3 Submitting a Planning Application

Planning applications for house extensions usually take around 7 weeks to be decided. The Council will normally contact neighbours to give them the opportunity to comment on the proposals. The vast majority of decisions are taken by planning officers under 'delegated' authority, however, those that are contentious or unusual will sometimes be decided by elected Members at regular planning sub-committee meetings.

The current fee for submitting a planning application for a house extension or alteration is £150. Applications must be submitted on appropriate forms and be supported by plans and drawings of an acceptable standard. Further advice on how to submit a planning application is available at the following link:

http://www.york.gov.uk/environment/Planning/Planning_applications/309159/

3.4 Sustainability

A number of elements of this guidance note on house extensions support proposals to make better use of resources and discourage harm to the natural environment. For example, it sets out the importance of ensuring that proposals leave space to store cycles and rubbish/recycling, do not increase flood risk and retain appropriate levels of garden space and landscaping.

The council has also produced a specific guidance note purely on sustainability for various forms of development. The note contains much useful advice and can be seen at the following website link:

http://www.york.gov.uk/environment/Planning/guidance/Design_and_construct_draft_SPG/

3.5 Policy Background

Local Development Framework (2011)

The Local Development Framework (LDF) is the plan for the future development of York. It will be a blueprint for the economic, social and environmental future of York which will provide the framework for implementing the Council's aims and objectives that affect the use of land and buildings.

The Core Strategy lies at the heart of the LDF. Its purpose is to set out a vision, strategic objectives, targets and policies to guide where development goes in a way that will ensure the protection and enhancement of the City's historical and green assets whilst ensuring that carefully designed new developments are brought

The emerging Core Strategy is at an advanced stage in its production and it is anticipated that it will be examined in early 2012.

Strategic Objective – York's Special Historic and Built Environment

To continue to protect, preserve and enhance York's exceptional historic legacy, including its architecture and archaeology, significant views, landscape setting and the distinctive characteristics of York's villages and neighbourhoods. The Local Development Framework (LDF) will ensure that all new development delivers the highest quality standards in urban design, architecture and public realm, delivering its share of exceptional contemporary development that will be equally valued by future generations.

Strategic Objective – The Role of York's Green Belt

To set a permanent Green Belt for York that will not need to be reviewed for at least 20 years which will preserve the setting and special character of York, including retaining and protecting special features such as the strays, green wedges and views of the Minster. The Local Development Framework (LDF) will also address, within the York context, the other purposes of Green Belts set out in *Planning Policy Guidance 2 (1995)*.

Local Plan (2005)

The City of York Draft Local Plan (fourth set of changes) approved April 2005 is currently the main Council document setting out the policies that will be used when assessing planning application for house extension and alterations in York. The policies in the Local Plan form a framework for the advice contained in the guidance note. The content of the policies that are likely to be most relevant for your proposals are copied below:

H7: Residential Extensions

Planning permission will be granted for residential extensions where:

- a) the design and materials are sympathetic to the main dwelling and the locality of the development; and
- b) the design and scale are appropriate in relation the main building; and
- d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- e) proposals respect the spaces between dwellings; and
- g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

GP1: Design

Development proposals will be expected to:

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;
- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;
- g) provide and protect private, individual or communal amenity space for residential and commercial developments;
- h) provide individual or communal storage space for waste recycling and litter collection;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;
- j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;

- k) provide disabled toilets/parent baby changing facilities in public, non-residential buildings;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

GB4: Extensions to Existing Dwellings in the Green Belt

The extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal:

- a) would not cause undue visual intrusion; and
- b) is appropriate in terms of design and materials; and
- c) is small scale

GB2: Development in Settlements “Washed Over” by the Green Belt

Within the defined settlement limits of villages in the Green Belt, planning permission for the erection of new buildings or the change of use, redevelopment or extension of existing buildings will be permitted provided:

- a) the proposed development would be located within the built-up area of the settlement; and
- b) the location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and
- c) the proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

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