

|               |                                                                                                                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting       | Planning Committee A                                                                                                                                                                             |
| Date          | 19 June 2025                                                                                                                                                                                     |
| Present       | Councillors Crawshaw (Chair), Ayre, J Burton, Coles (Substitute), Cullwick, Melly, Steward, Whitcroft, Merrett (Substitute), Orrell (Substitute) and Vassie (Substitute)                         |
| In Attendance | Sandra Branigan – Senior Lawyer<br>Becky Eades – Head of Planning and Development<br>Lindsay Jenkins – Senior Planning Officer<br>Ian Stokes - Principal Development Control Engineer (Planning) |

---

The Chair reminded the Committee that application needed to be considered against the Local Plan.

#### **7. Apologies for Absence (4:30pm)**

Apologies for absence were received and noted for Cllrs Fisher, Ben Burton and Clarke.

#### **8. Declarations of Interest (4:36pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Coles noted her paid role as Deputy Mayor for Policing, Fire and Crime which was responsible for enforcing speed limits. Cllr Melly noted she that she undertook a small amount of freelance work for an organisation that had previously put in an objection to a previous application and that that objection was no longer relevant. Cllr Merrett noted that he sat on a Board that advised Yorkshire Water. Cllr Steward noted that he knew Tony Richardson and Cllr Gates.

#### **9. Minutes (4:38pm)**

Resolved: That the minutes of the last meeting held on 19 May 2025 were approved as a correct record.

## **10. Public Participation (4:38pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

### Election of Vice Chair

Due to apologies from Cllr Fisher (Vice Chair), Cllr Cullwick was elected as Vice Chair for the meeting.

## **11. Plans List (4:39pm)**

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

Members considered an application from Mr L Tate and Mr M Elliot for the major Outline application with all matters reserved except for access for up to 700 dwellings (Class C3 with a potential element of C2 for older persons accommodation), self build plots, provision of open space including informal sports pitches and allotments, flood storage measures, Gypsy and Traveller pitch provision, early years nursery (Class E), landscaping and associated infrastructure (revised description) at Land to the South of Rose Cottage Farm and The Lodge, Moor Lane, Haxby, York.

The Head of Planning and Development gave a presentation on the application. The Senior Planning Officer gave an update noting that an additional representation had been received from the Public Rights of Way (PRoW) team requesting a developer contribution. She noted the officer response to the request and additional neighbour representations. She noted an amendment to condition 7 and updates to paragraphs 5.115 and 6.4. She detailed updates to the plans and the updated recommendation. She noted that additional information had been submitted by the applicant, requesting changes to a number of conditions. She detailed the officer response to the requests and suggested amendments to conditions. She was asked and noted the PRoW request for a developer contribution.

[The Chair paused the meeting from 4.55pm until 5.15pm to allow Members to read the committee update].

### Public Speakers

Former Cllr Tony Richardson spoke in objection to the application and explained he took part in the Local Plan consultations. He noted that an area of land was missing from the application and he asked for a document to be circulated around the Committee, which was not allowed by the Chair. He noted his concerns about highways drawings being unacceptable and concerns regarding flooding. He was asked and noted that Rose cottage was part of the application.

Cllr Fisher on behalf of Haxby Town Council, spoke in objection to the application. He noted their reasons for objecting, and where the application did not meet Local Plan policy. He noted where Haxby Town Council disagreed with City of York Council over the cemetery. He was asked and explained:

- How the site could not cope with water because of the sewage works being very old and after heavy rain the storm tanks overflowed and increased demand would exacerbate the problem.
- The application should provide a different housing balance with a reduction from 4 bedroom houses to 2-3 bedroom houses.
- Regarding the site being allocated in the Local Plan, the problem was getting the site developed in the appropriate way.
- The extension of the cemetery was essential and there were ground water problems in Haxby. The problem was getting the housing mix right and mitigations were needed.

Cllr Gates on behalf of Wigginton Parish Council, spoke in objection to the application. He noted that residents attended the Parish Council meetings and were against the development due to concerns regarding Green Belt protection, omission of the cemetery extension, detrimental impact on traffic, strain on local facilities, and impact on water and sewage. He added that Yorkshire Water had confirmed that the pumping station could not cope. He noted the loss of priority species and impact on biodiversity. He asked for the application to be refused.

In answer to Member questions Cllr Gates noted:

- When the application was first proposed it addressed the seven areas of concern.
- Regarding the demography of over 60s in the Ward and the development attracting more people of working age to the Ward, the initial purchase of homes was welcomed but the Parish Council concerns remained.

Cllr Hollyer, Ward Cllr for Haxby and Wigginton, spoke in objection to the application. He was joined by Cllrs Cuthbertson and Watson, Ward Cllrs for Haxby and Wigginton. Cllr Hollyer noted there had been hundreds of local residents' letters of objection. He detailed the concerns of residents,

the application not meeting planning policy, concerns regarding the cemetery and parking and the impact on the road network. He also noted concerns regarding moving a curb, Usher Lane access and bus provision. He asked for the application to be refused.

Cllrs Hollyer, Cuthberson and Watson were asked and explained that:

- In the north of York there was huge amounts of traffic and two roads were currently gridlocked in the Ward. The main issue was the lack of roads joining the ring road which was not likely to go ahead.
- The current journey time from Haxby to the centre of York was 40 minutes and the development would add 15 minutes onto the journey. There was potential for the bus route to be extended to Haxby station and it would be useful to have a hopper service.
- There was sufficient provision for affordable housing.
- The community facilities assessment wasn't completed and it could have identified a need to provide sports provision.
- Having a shop would negate the need for car journeys to shops. There was a small number of shops in the village.
- The housing mix was an issue because people in the community wanted more starter homes.
- The cycling infrastructure in Haxby was woeful and a proper infrastructure for cycling was needed. The cycle routes through Haxby were explained.
- Regarding the S106 obligations mitigating health and education provision, the health centre could be extended vertically and there was limited parking. The birth rate had reduced and the three schools were full. 700 houses would make the situation worse and health services were under huge pressure.
- Regarding the inadequacy of open space provision, in the original plan the area of open space was large and there was an under provision of open space in Haxby.

Stuart Natkus, planning agent for the applicant, spoke in support of the application. He explained that the site was an allocated site in the Local Plan and was in the neighbourhood plan and complied with Local Plan policies. He explained that the extension of the cemetery was included in the planning application but was objected to by the Environment Agency. He noted that sewage could be accommodated and that it was not true that the application was reliant on the ring road. He noted that the site was 3 hectares and had more open space than required. He explained that the housing mix would be dealt with at the reserved matters stage. He added the scheme delivered 320 affordable homes and was fully policy compliant. In response to Member questions, he explained:

- The site was in the Haxby and Wigginton neighbourhood plan.

- The design of the scheme allowed a change of bus route and a contribution was provided towards a bus service.
- If 100% N4 homes was applied, if there was a condition on it, the applicant would have to deal with the condition.
- Regarding paragraphs 5.79 and 5.244 regarding the Health Impact Assessment, childcare and community facilities had been audited. Policy didn't state that an audit needed to be carried out.
- Paragraph 3.50 regarding Haxby Town Council's objections were the comments of the community.
- An audit of what facilities were in Haxby was undertaken and there were shops and community facilities in Haxby.
- Regarding minimising the development on local people, colleagues had met with Haxby Town Council and Wigginton Parish Council and had well attended sessions. The scheme mitigated impact on peoples lives. There would be a traffic management plan that the Town and Parish Councils could be involved with and the applicant was about creating good working relationships.
- Solar panels could be put on the development depending on what government policy was.
- Regarding any scope for affordable housing, the number of affordable houses was noted. It was noted that two developers on other developments delivered more affordable houses and the application was delivering more affordable houses than the S106 required. Government policy would bring in a requirement for solar panels and they would meet building regulations.
- The possible Gypsy and Traveller areas were shown in orange on the site.
- There was a condition for one car club pitch.
- Regarding the split of self builds between the two housebuilders, the applicant saw the site as one site.
- The house types were linked to the strategic housing markets assessment.
- Concerning not meeting housing density on site A, the scheme was policy compliant with a 5% reduction in housing. There were lots of constraints on site and the loss of 65 dwellings was due to the size of the land around the open space.
- The applicant had not objected to the strategic housing markets assessment and the application was policy compliant with 30% affordable housing. The contributions to be made were noted.
- Links had been provided for pedestrians and cyclists.
- The aim of the travel plan was to reduce car journeys and the applicant did not have issues with how the £637k contribution was spent.
- There was 5 years for the scheme and within a 5 year period they would not be near to delivering 500 dwellings.

- The applicant was not in a position to make a commitment to commit to a viability review at the end of the process to ensure that maximum amount of affordable housing was delivered.

[The meeting adjourned from 6.58pm until 7.11pm].

The Head of Planning and Development Services was asked and explained what was in the scope of the outline planning application. In response to questions from Members, Officers explained that:

- If approved the phasing strategy would be negotiated with Yorkshire. It was confirmed that Yorkshire Water knew about the site allocation.
- The Senior Lawyer explained that there was no need to have a formal Equalities Impact Assessment and there had to be due regard to equalities issues.
- The scheme was PSED compliant.
- The Traffic Management Plan was a condition to be discharged at outline consent.

[Following a comment from a Member the Chair noted the Committee could only determine planning applications under current planning policy].

- Regarding whether rerouting the bus route could be conditioned, there had been discussions with colleagues in the sustainable travel team and the site access was not sufficiently wide enough to route a bus service through the site. There would be a little change in travel time for bus route 1A.
- The applicant had not given any evidence of meeting capacity for additional bus passengers which was why they had been asked for a contribution. The applicant had offered each dwelling a £400 travel voucher per dwelling.
- The PROW team had asked for the kissing gates to replace the styles. It was noted that there may be livestock to be considered. The Head of Planning and Development Services undertook to check if it was possible to not limit to kissing gates.
- The car club contribution was for the use of the car club by the first occupants.
- The £210,000 contribution for the monitoring of travel plan by CYC was offered by the applicant.
- If there was piling below ground a noise survey would be required for the dwellings and noise control came under the management plan.
- There were other alternatives to discounted sale and the 80% affordable housing social rented and 20% discount sale tenure would still be there.
- The Environment Agency objected based on paragraph 170 of the NPPF regarding the contamination of ground water.

- The open space provision provided a number of spaces for recreational activity.
- It was not reasonable to condition the interment of ashes.

[The Chair reminded the Committee that it could only determine the application before it].

- Officers had pushed to make the site as sustainable as possible and they noted areas of improved infrastructure for walking and cycling through the site. The approach to the travel plan was explained.
- There was a number of conditions regarding the applicant considering biodiversity. The biodiversity net gain was set out in the application.
- The monitoring of the development would be dealt with through planning enforcement, which was fully staffed.
- The consultation response to sports provision was provided through Sport England.
- Regarding whether New Earswick Sports Club would bet a contribution had not yet been determined.
- Officers had made a balanced view that the education contribution was acceptable.
- There was no named neighbourhood plan.
- Officers had made a balanced view on the viability of the district centre.
- The S106 contribution would be index linked.
- The application site was one hectare less than the site allocation and the applicant had increased density levels. The application delivered 5% less density than Local Plan policy and it was noted that a number of constraints had not been picked up at the Local Plan process.
- Officers had taken the view that the application would achieve the 30% affordable housing requirement.
- The extension of time to determine the application was the end of June, if determined beyond that date, the developer could go to appeal for non determination.
- Once there was agreement from Members to approve the application, detail of the S106 agreement would be negotiated.
- There would be different levels of indexing (RPI/CPI) for different contributions.
- Regarding amended condition 32, it could be conditioned that the statement was subject to approval in writing.
- In 2023 amendments to the Local Plan added in higher affordable housing provisions.
- There was no mechanism for the final assessment for viability to see it was Local Plan compliant as there wasn't agreement from the applicant for a planning obligation for a viability assessment.

- The applicant offered a contribution equating to circa £449,000 to deliver the mitigation measures, to enable capacity to be increased at these junctions including kerb realignment. The estimate from the council's consultants (AECOM) was over £1million.
- Under a section 278 agreement the applicant could undertake work on highways.
- The Council was the Highways Authority for adopted highways and could ask the developer to undertake highways work on highways affected by the site.
- The plans if approved matched the red line on pages 136 and 137 of the agenda pack and there was no other parcel of land associated with the site.
- The outline application was for up to 700 dwellings and it would not go over that amount at reserved matters stage.

During debate Members were advised that the 80% social rent could be put in the heads of terms. A Member asked and was advised for an amendment to condition 6 regarding physical barriers had not been requested by the Ecologist.

Cllr Steward proposed the officer recommendations as detailed in the report and committee update, an increase in car club spaces to two, kissing gates being amended to appropriate gates and a minor amendment to condition 32. This was seconded by Cllr Whitcroft. Following a vote with seven Members voting in favour, three voting against and one abstention, it was:

Resolved:

1. That the application be approved with the conditions in the report and committee update, an increase in car club spaces to two, kissing gates being amended to appropriate gates and a minor amendment to condition 32, and subject to the completion of a s106 agreement
2. That delegated authority to be given to the Head of Planning and Development Services to:
  - a. The completion of a Section 106 Agreement to secure the following planning obligations:
    - management and maintenance of public open space

Reasons:

1. The Council has an adopted Local Plan. The application site is allocated as a strategic housing site (ST9) to which policy SS11



relates. The southern parcel of the allocation is identified in the policies map and to which policy G16 relates, as open space (OS9). The application boundary excludes an area to the north of Cyprus Grove, although this is within the boundary of the ST9 allocation.

2. The application seeks outline consent with all matters reserved except access for residential development for up to 700 dwellings. Open space, informal sports pitches, allotments and play spaces, along with a 50-place early years nursery, landscaping and drainage infrastructure will be provided within the site. During the consideration of the application, a number of changes have been made, with key areas of infrastructure changes resulting in the removal of an on-site primary school.
3. The applicant has now sought to provide on-site gypsy and traveller provision amounting to 3no. pitches, in line with policy H5. In addition, the applicant is now proposing an increase in the quantum of residential development of up to 700 dwellings. This is reduced from an original (circa) 800 dwellings, but an increase from 640 dwellings (December 2024 proposals). The Local Plan allocation outlines that approximately 735 dwellings are expected to be delivered. This number is reduced to 704 to take into account the smaller application site than the Local Plan allocation. Alongside these changes, the density has also been increased, and whilst not complying with the required 40dph, 38dph is an improvement on the previous proposals, and the proposed development, on balance, would make optimal use of the potential of the site.
4. Highways matters, particularly in respect of public transport provision has now been addressed, with a bus service contribution agreed to provide additional frequency (half hour service) and capacity on a bus service that would be re-routed and looped into the site, allowing at least 85% of the dwellings being within 400m of a bus route, ensuring that the modal split targets outlined in the applicant's Travel Plan are much more achievable, whilst also aligning with the Council's aspirations and policies in respect of sustainable travel. Further, the proposals would optimise pedestrian and cycling integration, connection and accessibility in and out of the site, encouraging more active forms of transport to enable prospective residents to access the range of facilities and services located in Haxby town centre and beyond to York city centre and beyond. A commitment (through a s278 condition) to undertaking off-site

highway works to improve the capacity of the four junctions of the A1237 with result in the proposal having neither an unacceptable impact on highway safety nor a cumulative impact on the highway network. There will be further enhancements to the public right of way, that runs through the site (north to south).

5. Updates and clarification have been provided in respect of ecology and landscaping and the proposals have considered and would reflect local character and the existing framework or field patterns and hedges/trees. There is the provision of open space to the south of the site, which will provide facilities in the form of allotments and paying pitch along with informal amenity greenspace and play provision throughout the site. The SANG footpath is a key element to the proposals and is required in order to mitigate the impact to Strensall Common SAC.
6. The approach to education provision has been revisited during the assessment of the application, arising from the variation in the number of dwellings. The provision of an on-site primary school has been agreed to be less viable in the long-term. Whilst the yields for the development justify a request to expand primary provision the approach that secures developer contributions for education infrastructure via S106 legal agreement, is agreed. Early years provision is also accounted for, with an on-site nursery to be delivered and financial contribution for the rest of the steady state yield is also agreed.
7. Overall, and on balance, it is demonstrated that the proposal would achieve sustainable development in providing housing, supporting strong and healthy communities whilst making efficient use of land and enhancing the natural environment. As detailed above, the proposals, are broadly in line with the relevant Local Plan policies, particularly SS11, DP2, SS1, GI6 and H3.
8. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and in this context, this means approving development proposals that accord with an up-to-date development plan without delay. Approval is recommended subject to the completion of a S106 agreement and the imposition of conditions.

Cllr J Crawshaw, Chair

[The meeting started at 4.30pm and finished at 9.41pm].