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| Meeting       | Planning Committee A  |
| Date          | 11 July 2022  |
| Present       | Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne [until 17:09], Kilbane, Fisher, Looker and Daubeney (Substitute for Cllr Melly) |
| In Attendance | Gareth Arnold (Development Manager)<br>Sandra Branigan (Senior Solicitor)<br>Alison Stockdale (Development Management Officer)                              |
| Apologies     | Councillors Waudby, Doughty and Melly   |

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**10. Declarations of Interest****17:08**

The Chair opened the meeting by explaining that it was being held at the Grand hotel as the council offices (West Offices) were temporarily closed. He expressed gratitude to the Grand for the use of its board room. A Member sought assurances over the lawfulness of the meeting and the Chair stated that he had received assurances that the meeting was legal.

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr D'Agorne noted that Lars Kramm, a registered speaker for the planning application was on the Green Group. He also noted that as Executive Member for Transport he had made a decision on the replacement bridge in Copmanthorpe and as such there may be a preconception that he was predetermined on the application and he would therefore leave the meeting for that item. No further interests were declared.

[Cllr D'Agorne left the meeting at 17:09]

**11. Public Participation****17:09**

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.

## **12. Plans List**

### **17:10**

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

### **2a) OS Field Lying to the South of and Adjacent to no 1 Tadcaster Road, Copmanthorpe, York [18/00680/OUTM] 17:10**

Members considered a major Outline planning application from Mr Gladman with all matters reserved except for means of access for the erection of 158no. dwellings with public open space, landscaping and drainage at OS Field Lying to the South of and adjacent to no 1 Tadcaster Road, Copmanthorpe, York.

The Development Manager gave a presentation on the application detailing the site allocation in the draft Local Plan and the very special circumstances that would clearly outweigh any harm to the Green Belt. The presentation demonstrated the site location, aerial photographs, the development framework plan, housing types and photos across the site.

A committee update was given and Members were informed of a change to paragraph 5.12 in the report, and two further letters of objection from local residents, additional consultation responses from ecology following pipistrel bat day roosts being found in tree T22, amended recommendation to refer to the Secretary of State, additional conditions relating to the recreational impacts on Askham Bog and amended conditions 2, 7, 15, 23 and 29.

#### Public Speakers

Lars Kramm spoke on behalf of Copmanthorpe Parish Council. He noted that the Parish Council did not object to the application and the site was one of two sites identified by residents for development and it was included in their draft Neighbourhood Plan. He asked the committee to approve 75 dwellings. He requested that the application be deferred citing concerns and suggested changes regarding access proposals. He also requested passivhaus standards for the dwellings.

Chris Lee spoke in support on behalf of the applicant. He thanked the case officer for her work on the application. He addressed the very special circumstances outweighing any harm to the Green Belt. He noted that the applications would provide 111 market dwellings, and if approved the site would be sold quickly to a developer. He advised that the development

would deliver 47 affordable homes and would enable the delivery of a key strategic site. He noted that 44% of the site would be open space, the economic benefits of the development, opportunity to delivery of biodiversity and contributions in excess of £2million. In response to Member questions he confirmed that:

- The play area would have play equipment and it was preferable for the maintenance of it to be taken on by a management company paid for by the residents.
- Regarding the play area being near the railway, it had been moved further north so that it was further away from the proposed railway crossing.
- The plans for the play area, sustainability and heating system would be submitted as part of the reserved matters application.
- Regarding a contribution to the bridge over the crossing, the level crossing had not been fixed and this was a pre-existing issue not directly caused by the development.
- The request for the mix of affordable housing came from the council.
- The market housing mix had not been made at this stage and representations could be made to the developer when the reserved matters application came forward.

Members then asked questions to officers, to which officers clarified that:

- The local plan suggested 35 dwellings per hectare in rural settings and the application was five dwellings over that figure.
- The density did not need to include open space.
- ST31 in the draft Local Plan included 138 houses.
- The density in the neighbouring development was 35 to 40 dwellings per hectare
- Calculations for contributions were made according to S106 calculations.
- The Senior Solicitor clarified that there needed to be a project for the S106 healthcare contribution. The money from the S106 agreement would usually have to be spent within a set period or else it would need to be paid back.
- The request for the S106 contribution for healthcare was made by the CCG and the need for an additional dental surgery was not identified during consultation.
- 20% affordable housing was required on this greenfield site of which 80% should be social rented

Following debate Cllr Pavlovic proposed the updated officer recommendation to delegated authority to the Head of Planning and Development Services to APPROVE the application subject to referral to the Secretary of State under The Town and Country Planning

(Consultation) (England) Direction 2021 and the completion of a Section 106 Planning Obligation. This was seconded by Cllr Fisher. On being put the vote with Members unanimously voting in support

Resolved: That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

**1. Referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021**

2. The completion of a Section 106 Planning Obligation to secure:

i The provision of 48 affordable housing units

ii **Open space and play areas** management plan

iii £1,347,568 toward the provision of Early Years, Primary and Secondary school places

iv £102,240 towards off site sports provision

v Between approximately £199,698 and £291,264 towards primary healthcare provision (doctors' surgery)

vi Provision of dropped crossings on Millers Croft, Flaxman Croft, Saddlers Close and Sutor Close (£8,800); and changes to the speed limit location on Tadcaster Road (£5,000) through a Traffic Regulation Order

vii Provision of a £200 per dwelling contribution towards a public transport pass or cycling equipment to be awarded to the first occupier, and £100 per dwelling to be awarded to the first occupier towards car club incentives, up to a total of £40,000

viii Travel plan co-ordinator £32,500 for 5 years and another £32,500 if target is not met

ix £66,000 to upgrade Yorkfield Lane from site to Ploughman's Lane

x £66,000 to upgrade track from Farmer's Way to school

xi £40,000 towards A1036/ Sim Balk Lane signal controller update

**xii Mitigation measures for recreational impacts on Askham Bog SSSI – Replacement of entire wooden boardwalk at Askham Bog with longer life recycled plastic option £300,000, and £20,400 towards engagement work with the residents on the development, starting from first occupation and continuing for 3 years in total.**

All contributions to be index linked.

3. The conditions set out below, and

The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 obligations and conditions.

Additional conditions

1. Details of play space and play areas to be submitted and approved in writing prior to commencement. Details to include means of enclosure, equipment and area of play space to be delivered in accordance with policy GI6. Approved play areas to be delivered in accordance with a time scale to be approved in writing and retained for the lifetime of the development unless otherwise approved in writing by the LPA through the submission of a planning application.

2. The development shall not be begun until full details of a connection between the internal cycle / pedestrian paths and Yorkfield Lane and the internal cycle / pedestrian paths and the existing cycle/pedestrian path on Tadcaster Road have been submitted and approved in writing by the Local Planning Authority. The adjacent phase of the development shall not be first occupied until the relevant connection has been constructed in accordance with the approved plans unless an alternative trigger point has been approved in writing by the LPA.

3. The felling of the Ash tree (T22) shall not commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- Confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure bats are protected from harm during demolition works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

4. Prior to first occupation, details of measures to mitigate for the loss of the ash tree (T22), and to provide enhancements, in relation to bat habitat to be submitted and approved in writing by the Local Planning Authority. Approved details to be implemented in accordance with an approved timescale.

#### Amended conditions

2. 'Building heights plan Fig 5.8' replaced by '**Building heights plan July 2022**'.

7. Prior to commencement of construction of the development, or phase of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved. The scheme shall adhere to the principles of the approved parameter plans and the open space provision and shall detail-

a) A planting plan showing a minimum of 10 replacement trees, **of a minimum size of 10-12cm girth (measured at 1m) and 3 metres in height**, as mitigation for the loss of ash tree T22 as indicated on the Tree Retention & Removal Plan [BHA\_316\_02, CSA, March 2018], **and in addition to the trees required under (b) and (c).**

b) The number, species, stock size / height and position of trees and shrubs.

c) The provision of street trees throughout the residential development area.

d) Location and specification of street furniture / seating within public open spaces.

e) Management and maintenance.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In accordance with NPPF sections 8 and 12. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and to ensure adequate play facilities for future residents and in the interests of railway safety.

15. To be deleted as covered under condition 17.

23. To be deleted as now covered under Building Regulations.

29. Before or concurrently with the first application for the approval of reserved matters, a strategy for the development of at least 5% self or custom build plots across the whole site shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include a design code setting out the following details:

- Appearance
- Landscaping
- Layout
- Scale

**It shall also align with the general phasing of the site and include the means of marketing and time frames for delivery of the plots.**

The self and custom build housing shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in The Self-build and Custom Housebuilding Regulations 2016.

The development of the self and custom build dwellings hereby approved shall not be carried out unless as 'self-build or custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

**Where dwellings/plots have been appropriately marketed for at least 12 months, in accordance with the approved details, and have not sold, the relevant plots may be built out as conventional plots for market housing by the developer.**

All applications for approval of reserved matters for the self-build dwellings shall be in accordance with this strategy and other approved details.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and in the interests of local housing need.

#### Additional informatives

- Enhanced energy efficiency
- Segregated cycle link through site
- Location of play area

#### Reasons:

- i. The report outlined how the proposed development, subject to conditions, can be compliant with the NPPF with regards to impacts upon the highway network, sustainable travel, residential amenity, archaeology, biodiversity, landscape, flood risk and drainage. In addition to this there were considered to be suitable mechanisms to ensure that the infrastructure required to support the development could be secured.
- ii. At present the site was considered to remain within the general extent of the Green Belt. However as is set out above, it was identified as part of the portfolio of sites to meet identified needs in the city and is therefore excluded from the green belt in the defined green belt

boundaries. It was considered that there are very special circumstances that would clearly outweigh any harm to the Green Belt. Further, there is no case for refusing the scheme on prematurity grounds.

- iii. Based on the merits of the case it was recommended that planning permission be granted subject to conditions and completion of a Section 106 Agreement.

Cllr Cullwick, Chair

[The meeting started at 17:00 and finished at 18:05].