
Meeting	Planning Committee A
Date	5 February 2025
Present	Councillors Crawshaw (Chair), J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney, Watson and Hollyer (Substitute for Cllr Hollyer)
In Attendance	Becky Eades – Head of Planning and Development Lindsay Jenkins - Senior Planning Officer (Large-scale sites) Sandra Branigan – Senior Lawyer Helene Vergereau – Head of Highway Access and Development
Apologies	Councillors Fisher and Ayre

148. Apologies for Absence (4.41pm)

Apologies for absence were received and noted for Cllrs Ayre and Fisher.

149. Declarations of Interest (4.42pm)

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. There were none.

150. Public Participation (4.42pm)

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.

151. Plans List (4.43pm)

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.

Due to the Vice Chair not being present, Cllr Whitcroft proposed and Cllr Melly proposed Cllr Cullwick as Vice Chair for the meeting. Following a unanimous vote, Cllr Cullwick was appointed as Vice Chair for the meeting.

152. Land to the South of Sim Balk Lane, York [24/00129/FULM] (4.43pm)

Members considered a major full application from Gateway Developments/Joseph Rowntree Housing Trust (JRHT) for the erection of 114 dwellings with access, open space, landscaping and sustainable drainage on land to the south of Sim Balk Lane, York.

The Head of Planning and Development Services gave a presentation on the application. She noted that the scheme was 100% affordable housing. In response to Member questions she and officers showed on the screen in room:

- Where the park and ride, cycle route and bus stops were.
- Where the hedgerow on Sim Balk Lane was and confirmed that it was outside the red line boundary.
- The area highlighted by the Police Architectural Liaison Officer on the northwest corner of the site.
- Where the open drainage infrastructure was.

An update on the application was given and it was reported that there had been additional information from the Agent/Applicant regarding grey belt policy, transport and highways technical response note, travel and ecology advice. There had also been additional consultee comments from Highways Network Management, Design and Conservation (Ecology), Open Space and Recreation, and Yorkshire Wildlife Trust. Officer responses to the points raised by the Agent/Applicant were also included in the update.

Public Speakers

Joe Nasson spoke in objection to the application on behalf of Bishopthorpe White Rose Football Club. He explained that 600 players from around the city used the pitches. He noted that there had been damage to the facility from unauthorised access and that maintenance costs was high and the club relied on volunteers. He noted that the scheme would bring a risk to safety from traffic and the significant safety measures needed to mitigate risk. He noted the flood risk and expressed concern that the site could flood. In response to Member questions, he explained that the concern was regarding the fence and the club was not objecting to the housing. Regarding engagement from the applicant, he explained that there was a meeting that the club didn't go to early on in the planning stage about potential parking for the club.

Stephen White, a resident in Bishopthorpe, spoke in objection to application. He explained that the applicant was not the owner of the site and expressed concern regarding the signage erected by developer on application site. He noted that affordable housing should be in a sustainable location and he noted the council brownfield register. He expressed concern that the scheme would cause congestion from the average of two cars per dwelling. In response to a question from a Member, the Chair noted that the signage was not part of the application.

Cllr Fenton, Ward Cllr for Dringhouses and Woodthorpe spoke in objection to the application. He supported the officer recommendation to refuse the application. He thanked the applicant for their engagement. He noted his support for affordable housing and the drawbacks of the scheme. The drawbacks included cycle parking not being LTN compliant, no alternative access points for emergency vehicles, the bus stop being 500m from the furthest point of the site, the scheme not being inclusive, the concerns of Yorkshire Wildlife Trust and the White Rose Football Club and there being no contribution to primary healthcare. He noted that the harm to the Green Belt was not clearly outweighed by the benefits of the scheme.

Robert Waite, Agent for the Applicant, spoke in favour of the application. He explained that the scheme would deliver 114 affordable units and brought a significant contribution to the housing needs of families. He noted that the scheme provided 1.3 hectares of open space. He noted the support from Bishopthorpe Parish Council regarding the site of the development. He explained that consultation responses were still coming in in December and that the report had been drafted before the end of the consultation. He asked that the applicant have more time to establish common ground and asked that the application be deferred.

In response to questions from Members he explained that:

- The traffic survey was redone in April when the college was open and showed that the overall effect of traffic was neutral.
- National Highways accepted that there was drainage that connected to National Highways drainage and that would be a condition.
- There was an agreement in principle with National Highways. He added that it was possible to go into the drain on the A64.
- The run off rates were controlled by the water attenuation system.
- National Highways would like to have further discussions with the applicant's drainage consultant.
- The run off rate onto the National Highways network would need to be calculated.

- There wasn't an agreement in place with National Highways and there was a property right to connect into an existing part of the connection.
- There would be no hydrological harm to Askham Bog.
- The applicant had had initial discussions with the authority and had carried out a degree of consultation.
- Recent changes to the development were not as a result of public consultation, they were as a result of technical consultation.
- 14 wheelchair accessible bungalows had parking.
- Because the scheme was affordable, residents would have less cars.
- The pedestrian route from the site was explained.
- Natural England were not concerned regarding visitor pressure to Askham Bog.
- Within the design there was a play area, kick about area and 1.3 hectares of public open space.
- He was not aware of conversations with Yorkshire Water.
- Regarding the reasons for a deferral, given more time the applicant would address concerns. When the grey belt test was applied to the application there would be a different outcome. The Chair advised that the application was in Green Belt.
- Regarding highways, there was a travel plan. There had not been a conversation between the highway consultant and the council as they were waiting for the new NPPF in December.

[The meeting adjourned from 5.55pm until 6.01pm]

Members asked officers further questions to which officers responded that:

- There had been no consultation responses from the Environment Agency, Clinical Commissioning Group or Integrated Care Board.
- Regarding the period of non-determination, the holding date was 13 December and officers had not had anything through from the applicant.
- Consent was needed from Highways England. to use their drains. Consent from Highways England had not been seen.
- The site was not considered to be in grey belt.
- In the balance of housing need as very special circumstances and the balance of harms identified, officers felt that the application should be refused. The Senior Lawyer advised that in the planning balance, substantial weight was given to the harm to the Green Belt.
- There was no indication that seeking a S106 contribution could condition further mitigation regarding information on walking routes
- The loss of agricultural land was not significant. The NPPF gave weight to the loss of agricultural land and 5 acres was not significant.
- Cycle parking would be negotiated with the applicant. If officers thought that the application was in a situation to be approved, they would have

negotiated cycle parking with the applicant as it was not believed that there was enough cycle parking.

- The acoustic report set out the requirement for acoustic fencing.

Cllr Cullwick moved the officer recommendation to refuse the application. Following debate this was seconded by Cllr Steward. Following a vote with nine Members voting in favour and one abstention, it was:

Resolved: That the application be refused.

Reason:

1. The proposed development has been assessed as causing harm to the York Green Belt. There would be a considerable adverse impact on openness, which would be permanent; so, a detrimental impact on the essential characteristics of Green Belts; their openness and permanence. Conflict with three of the five Green Belt purposes has been identified. There would be a permanent change in land use across the site; the site is considered to contribute significantly to the separation between the city's urban edge, the ring road (A64) and outlying settlements including Copmanthorpe and Bishopthorpe and the development would be harmful to the current open approaches along the transport corridors into the city that are currently viewed and experienced, which as outlined in DLP policy 2018, are key elements of contributing to the special character and setting of the historic city.
2. There is also other harm identified, which extends to the following issues. The proposed uncontrolled crossing point on Sim Balk Lane does not accommodate both pedestrians and cyclists to enable all users (such as people with mobility impairments, children), to link to existing footpath and cycleway networks (particularly the National Cycle Network), facilitate access to high quality public transport and to access the social, recreational and community including education (primary and secondary) facilities and services the community may need access too. The lack of a representative traffic survey relating to Sim Balk Lane means that the uncontrolled crossing point is not accompanied by any other measures, including speed reduction and/or signalisation, which may be required to mitigate the impacts of speed and level of traffic. The lack of suitable connection to pedestrian, cycle and public transport networks and along with other measures and alternatives, such as car club parking space(s) and membership means that the Travel

Plan is unlikely to facilitate measures to encourage a modal shift. The proposed development does not therefore comply with the requirements set out in para. 115 of the NPPF.

3. Within the site, and in respect to the application details, the impact of the length and height of acoustic fencing in two areas adjacent to Sim Balk Lane, along with the layout and orientation of the bungalow plots identified as no's 96 and 108, the boundary treatment in this location will be visually prominent and out of character with the proposed residential development. Further concern is highlighted in respect to the curtilage boundaries to the cluster of dwellings in the far western corner of the site, which has been designed with a separate parking courtyard. The properties have not been orientated so that habitable rooms overlook it, meaning that the parking courtyard would be vulnerable to crime. The proposed development fails to demonstrate that street-lined trees cannot be accommodated within the site given that the sustainability of trees within front gardens cannot be guaranteed.
4. Officers do not consider that these matters could be dealt with by condition, given the area and number of dwellings concerned and the potential extent of changes include but not limited to design and orientation of dwellings, boundary treatments and landscaping arrangements and associated parking and access. As such, the development fails to achieve the requirements set out by NPPF para. 135 sub section (b) development are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
5. The LLFA has also raised an objection, that the drainage strategy shows a connection to the Highways England open watercourse at the bottom of the embankment of the A64. Officers are unable to grant consent for such a connection unless the Applicant has consent from Highways England, which does not appear to have been secured. The application does not demonstrate that an acceptable means of surface water drainage can be achieved in this location.

6. The Draft Local Plan 2018 and its evidence base regarding the proposed Green Belt boundaries and housing need are advanced and in the process of examination. Alternative sites to the application site have been identified as preferable for development, considering the special character of the city and other purposes of the York Green Belt and sustainable development principles, to meeting development needs over the emerging plan period.
7. The scheme is inappropriate development in the Green Belt. The identified harms to the Green Belt must be given substantial weight in the planning balance. York does not have a 5-year housing land supply and therefore the proposed housing, and particularly the affordable housing provision, are benefits that carry significant weight in decision-making. These benefits do not though, individually or cumulatively, clearly outweigh the substantial harm to the Green Belt and the other identified harms.
8. The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Overall, the benefits of the scheme are considered not to clearly outweigh the totality of the harm to the Green Belt, and any other harm resulting from the proposal in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Cllr J Crawshaw, Chair

[The meeting started at 4.36 pm and finished at 6.27 pm].

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