

Meeting	Planning Committee A
Date	18 January 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Merrett, Nelson, Steward, Whitcroft, Melly (Substitute for Cllr Steels-Walshaw), Fenton (Substitute for Cllr Hollyer) and Widdowson (Substitute for Cllr Waudby)
In Attendance	Sandra Branigan (Senior Solicitor) Becky Eades (Head of Planning and Development Services) Ian Stokes (Principal Development Control Engineer (Planning) Transport) Rachel Tyas (Development Management Officer)
Apologies	Councillors Hollyer, Kelly, Steels-Walshaw and Waudby

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#### **75. Declarations of Interest (16:33)**

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. None were declared.

#### **76. Minutes (16:33)**

Resolved: That the minutes of the last meeting held on 6 December 2023 were approved and signed as a correct record.

#### **77. Public Participation (16:33)**

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.

#### **78. Plans List (16:34)**

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.

## **2a) Paddock Lying Between Park Lodge and Willow Bank, Haxby Road, York [20 02495 FULM] (16:34)**

Members considered a major full application from the Joseph Rowntree Housing Trust for the erection of 117 dwellings, pumping station and substation together with means of vehicular and pedestrian access, associated parking, landscaping and open space at the Paddock lying between Park Lodge and Willow Bank Haxby Road, York. Head of Planning and Development Services gave a presentation on the plans. The Development Management Officer provided a written update which detailed an amendment to an error at paragraph 7.2 of the report that detailed the inclusion of a contribution towards improvements to sports facilities. It was clarified that the Section 106 Agreement would secure £40,000 towards extending the existing 20mph speed zone, £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre and 100% of the homes to be affordable.

In response to questions from Members, the plans were further clarified and the sound proofing for houses located near the industrial estate was explained in more detail. It was reported that the applicant was to fund the ventilation system that would deal with potential smells from the nearby industrial estate. Members were also advised on additional text provided within Condition 31 to ensure the Travel Plan included an action plan with measures, indicative targets and costings. The additional information had been assessed and the officers recommendation remains for approval.

Members then asked officers questions to which Officers clarified:

- Why a contribution to open space was not requested.
- The shared road surface on the eastern side of the site.
- The wildlife habitat was in the open space and would be secured by a condition.
- The amendment to Condition 31.

### Public Speakers

Martina Weitsch spoke in objection to the application. She noted that she was in support of affordable social housing in principle but had concerns relating to the development in relation to the flood risk of the site, the

sustainability of the development and the impact on traffic in adjacent areas.

Cllr Orrell (Ward Cllr), spoke in objection to the application. He explained that due to the number of extra new houses in the area, an extra development was not needed. He detailed his concerns regarding flooding and the overflow of sewage. In response to questions from Members, he explained that:

- The cause of the flooding was from the land retaining water, not from the river Foss.
- The issues with sewage in the area.
- Affordable and shared housing was suitable, however the land on the site was unsuitable for housing.
- The timeline of Local Plan and housing allocations, noting that since the Local Plan had been written climate change had accelerated. He added with the Secretary of State decision for 300 houses on New Lane there was an oversupply of houses.

Cllr Runciman (Ward Cllr), spoke in objection to the application. She explained the history of New Earswick as a garden village. She noted concerns about more development putting pressure on local services, including medical services and local schools needing more places. She noted that the field retained water and the roads in area were narrow, with existing parking problems. She asked why there was no S106 funding for the swimming pool and that the number of houses in the Local Plan had been exceeded. In response to Member questions she explained:

- Concerns regarding the number of new homes on healthcare services.
- There was an overprovision of sports provision in New Earswick and an under provision in surrounding areas.
- The process for the allocation of the site in the Local Plan.
- The sports teams that practised and played at New Earswick Sports Club.

The Applicant, David Boyes-Watson (Joseph Rowntree Housing Trust), spoke in support of the application. He explained that York had a housing crisis with affordable homes, and that the application site was allocated for residential housing. He explained the housing mix on the site and added that the development would contribute to sustainable housing and allow residents to make sustainable travel choices. He noted the 20mph zone on the site and that a third of the site was open space.

Members asked David Boyes-Watson a number of questions to which he explained that:

- The existing garages on the site were not in use and those in use were mainly used for storage. It was deemed that affordable housing outweighed the need for the garages.
- In respect of concerns regarding flooding, they had worked closely with the council flood risk officer. The site had to restrict the flow of water from the development and there was extensive water attenuation to the north of the site. There would be improvements to drainage on the site.
- Regarding the housing, a fabric first approach had been taken and air source heat pumps were to be used. The scheme could not bear the cost of solar panels. There would be double glazing and EV charging would be agreed through a condition.
- The six unallocated car parking spaces were located in curtilage spaces and were deemed to be the best place to locate those spaces.
- Water was held in an attenuation tank and Yorkshire Water had approved the plans.
- Phase 1 of the ground investigation had been undertaken and Phase 2 was in progress. The applicant was not aware that the site had previously been a tip.
- The Joseph Rowntree Housing Trust made a significant contribution to the Joseph Rowntree School. There had been a viability process and the Trust could not afford an education contribution.
- The cost of solar panels was several thousands of pounds per property.
- The previous percentage of affordable housing was 30% and it was always the intention to deliver 100% affordable housing.

[The meeting adjourned from 17:38 to 17:45]

The Head of Planning and Development Services was asked and outlined the status of the site in relation to and how it related to the Local Plan and other related policies. Members were referred to section 6.7 of the report onwards. The Head of Planning and Development Services explained that:

- The application site was located in the Green Belt and would therefore need very special circumstances to approve it. In addition to the harm to the Green Belt by reason of inappropriateness, it was considered that the proposal would lead to a degree of harm to its openness.
- There were unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relied on was material and could be afforded significant weight.
- The Council was unable to demonstrate a 5-year housing land supply and, in this context it is considered that significant weight should be given to the provision of new housing. Also, the shortfall of affordable homes in the York area, significant weight is given to the ability to deliver 117 affordable homes on the site.

- The site allocation has been based on comprehensive evidence with the allocation and it was considered in the round that the provision of 117 affordable new homes are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the harm to the Green Belt and any other harm as a result of development.

Members asked further questions of officers. Officers clarified that:

- The site was not a strategic site and therefore the policy for travellers pitches was not applicable.
- Since the application was made in 2020 it had reached a point where there had been a viability assessment and it was not viable to make a contribution to healthcare. The site was not a strategic site in the Local Plan, and this had been balanced, and there was no request for a healthcare contribution as it was known it was not viable. Policy HW5 stated that the assessment of accessibility and capacity of existing primary and secondary care services would be required at the application stage for all residential strategic sites and as this was not a residential strategic site it wasn't deemed necessary to require that assessment. The Senior Solicitor explained that therefore this was not a material consideration as the policy did not call for a healthcare contribution for a non-strategic site.
- Concerning there being a transport contribution and no education contribution, it was needed to be considered that the development was 100% affordable housing and the contribution to education would not have had the same mitigation.
- Travel through the site was demonstrated to Members, including pedestrian and cycle links through the site. Regarding disabled car parking there was no information as to whether any properties would be enhanced access and when the highway would become adopted there was a process for allocating disabled parking.
- The widening of the footways and lowered boundaries on the site improved permeability through the site.
- Access to public transport was through bus stops to the north and south of the site and a contribution was sought to reduce the speed limit. There was a modified crossing in the middle of the site and the crossings were deemed necessary to meet the three tests of the NPPF.
- The additional wording to condition 31 provided the evidence for the travel plan.
- Condition 38 detailed EV charging for 100% EV and charging for EV and hybrid vehicles could be added as an informative.
- The applicant had offered the roads for adoption and this was included in a condition.
- Regarding the hectarage of the site for traveller provision, the size of the site was taken from the applicant.

- Detail on water attenuation was given and consultees for drainage were satisfied with the drainage solutions.
- A measure to reduce parking on green space had not been considered before.
- Clarification was given on the drainage of foul and surface water. It was noted that Yorkshire Water had not objected to the application. Water discharge rates could be controlled.
- The wetland area would be retained to attract birds.
- Education colleagues were aware of the planning balance that development management colleagues made and an explanation on the weight given to different aspects and balance of the application was given.

[The meeting adjourned from 18:37 to 18:45]

- Policy HW5 covered a number of issues, for example it stated that the council would support the provision of new or enhanced primary and secondary care services in line with the national policy framework. It also stated that a developer contribution would be required in support of the increase in provision. Following this it stated that an assessment of the accessibility and capacity of existing primary and secondary care services would be required at the application stage for residential and strategic sites. This application had not got to that stage because it was not a residential strategic site, hence why at that point officers had made an assessment and had not engaged with the developer at the start of the application process. As the application progressed it became clear that the site had viability issues and as such, officers had then not sought further a further evidence base knowing that there were viability issues at the site. There was a difference in the interpretation of the policy. Officers would consider looking at an assessment of the accessibility and capacity of existing primary and secondary care services for future applications.

Following debate, Cllr Whitcroft moved the officer recommendation to approve the application subject to the conditions within the report, condition 31 as detailed in the additional information and an amendment to condition 28 for hybrid and EV. The motion was seconded by Cllr Nelson. On being put to a vote, with seven votes in favour, two against, and one abstention, it was:

Resolved: That delegated authority to be given to the Head of Development Services to:

1. Refer the application to the Secretary of State for Communities and Local Government under the

requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to:

2. The completion of a Section 106 Agreement to secure the following planning obligations:
  - £40,000 towards extending the existing 20mph speed zone along Haxby Road/Hawthorn Terrace from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue
  - £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre stated above
  - £57,297 to be spent on improvements to sports facilities at New Earswick Sports Club, New Earswick and District Indoor Bowls or Huntington Sports Club.
  - 100% affordable housing provision.
3. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
4. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions as set out in the report.
5. Amended Condition 31 (Travel Plan)  
No part of the development shall be occupied until a Travel Plan (based on the submitted North of Willow Bank, New Earswick, York, Travel Plan, December 2020) has been submitted and approved in writing by the LPA. The submitted Travel Plan shall include an action plan with measures, indicative targets and costings where appropriate. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall

then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely.

6. Amended Condition 38

A strategy for the provision of EV **and hybrid vehicle** charging facilities on the site shall be agreed in writing with CYC prior to commencement of development and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted.

- Charging points to be located in a prominent position on the site and to be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage shall reflect this.
- The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance.

Reasons:

1. The scheme has been designed to represent an extension of New Earswick rather than a stand-alone development, with the design principles picking up on the spatial pattern and landscape features that are inherent to the defining principles established in the design of the original Garden Village. Buildings are arranged in small terraces of 3, 4 or 5 and semi-detached blocks similar to the existing urban grain of New Earswick. Officers consider that the scheme, through its layout, scale, massing, use of materials and detailing, creates a relationship between the site and the original Garden village and therefore respects local character. It is also not considered that it would detract from the character or appearance of the adjacent Conservation Area.
2. In terms of landscaping, the scheme involves the retention of the broad open space to the east of the site, the inclusion of a new area of equipped play space, the safe



retention of the line of mature trees along the northern boundary and good landscape design within the housing complex, which includes generous tree planting and a central greenway which provides a good connection between the Haxby Road roundabout and the open space. Accordingly, Officers consider that the scheme sufficiently retains the critical GI credentials of the application site. Furthermore, it is considered that the recommendations detailed within the ecological appraisal and revised landscape masterplan will have a beneficial impact on habitats and biodiversity in providing ecological enhancement. These recommendations and proposals for biodiversity enhancement will be secured via conditions.

3. In respect to highway matters, suitable numbers of (unallocated) car parking spaces are provided, and each dwelling would have an external store for two bikes. Good pedestrian and cycling links are provided from and through the site including a segregated cycle-track / footway on the east side of Haxby Road between Park Lodge and Willow Bank. As part of the scheme and as a means to encourage more active travel to and from the site and enable safer cycle journeys, the existing 20mph speed zone along Haxby Road would be extended. The site is located adjacent to Haxby Road where there is a regular bus service.
4. The layout of the scheme has been designed so as to secure a good standard of amenity for future residents. All the properties are set back from the road behind defined front gardens and also have access to private rear gardens – the blocks of flats have communal gardens. The provisions of gardens results in sufficient distances between dwellings to ensure the proposal does not give rise to unacceptable levels of overlooking, overshadowing, or overbearing. In terms of the impact on existing residents who live close to the site, separation distances and the existing and supplementary hedge and tree boundaries proposed are such that no harm would be caused to their amenity.
5. A review of the Financial Viability Assessment demonstrates that viability is a material consideration in this case and that the proposed 100% affordable housing scheme is unable to provide any S106 contributions

towards meeting the need for pre-school, primary and secondary places. This is balanced against the contribution this development would make towards meeting the significant need for affordable homes, a high proportion of which are 2 and 3 bedroomed.

6. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, design, landscape, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.
7. The application site is located within the general extent of the York Green Belt and as such is assessed against paragraph 152 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations.
8. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would lead to a degree of harm to its openness. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.
9. There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relies is material and can be afforded significant weight.
10. The City Council is unable to demonstrate a 5-year housing land supply. In this context it is considered that significant weight should be given to the provision of new housing. Furthermore, given the shortage of affordable homes in the York area, significant weight is given to the ability to deliver 117 affordable homes on the site.
11. It is considered that the site allocation in the DLP 2018, the comprehensive associated evidence on which the allocation of the site relies and the provision of 117 affordable new homes are considered to amount

cumulatively to 'very special circumstances' that clearly outweigh the harm to the Green Belt and any other harm as a result of development.

12. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

Cllr J Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 7.22 pm].

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