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Meeting	Planning Committee
Date	4 November 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Melly, Pavlovic (Vice-Chair), Warters, Waudby and Fitzpatrick (Substitute for Cllr Lomas)
Apologies	Councillors Lomas

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### 51. **Declarations of Interest**

As a point of order the Vice Chair reported that he had received a number of complaints concerning the comments made by the Chair at the meeting held on 9 October 2021. The Vice Chair read out a statement outlining the concerns. The Chair advised that he had taken independent legal advice and noted that he had voted in favour of applications in the Green Belt on four occasions. He clarified what he meant to imply at the previous meeting and noted that he had abstained from the vote on the Dunnington planning application at that meeting. He noted that he had no history of predetermined Green Belt applications and in response to a question from the Vice Chair confirmed that the Monitoring Officer had given advice in which she confirmed that it was for the Chair to decide what his position is.

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 Looked noted that as Lord Mayor she had opened the building site at the Gas Works and was presented with the gift of a trowel at the opening. Cllr Fitzpatrick noted that at residents' request she had called in an earlier application at the Gas Works site. The Chair declared a personal non pecuniary interest in agenda items 4a and 4b as a retired teacher and soon to be volunteer at Huntington School which would be a beneficiary of S106 funding.

### 52. **Minutes**

In response to a question from a Member, the Democracy Officer confirmed that the minutes of the meeting held on 7 October 2021 would be approved at the meeting on 2 December 2021.

Resolved: That the minutes of the meeting held on 2 September 2021 be approved and signed by the Chair as a correct record.

### **53. Public Participation**

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.

### **54. Appeals**

#### **55. Site to the west of the A1237 and south of North Lane Huntington York [18/00017/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the approach to be presented to the Planning Inspectorate as the Council's case at the public inquiry.

The application was for outline consent with full details of means of access. It proposed a residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road. It was submitted with the intention to align the determination of the Outline application with the adoption of the Local Plan.

The Head of Planning and Development Services noted a correction to paragraph 5.3 of the report. In response to questions from Members, Officers clarified that:

- They did not have the information regarding the potential for the middle part of the development to be used for
- The cycle access link was under the control of the applicant.
- The planning application was submitted in 2018 and there had been issues with the Local Plan and technical issues with highways.
- The applicant would be able to provide the information needed to show that policies HW2, HW3, HW4, HW7 and D3 had been met. It was a complicated application due to the number of complexities.
- The master plan was indicative of whether the overall housing densities were similar to that of estates in the immediate area. The density was considered to be acceptable.
- The applicant was proposing an area of self builds equivalent to 49 homes.
- At present highways were not seeking to provide LTN 1/20 for the link road.
- Presently there were no proposals for vehicular access from North Lane.
- Highways had asked for parking provision for public open spaces on the site.
- The council could secure a contribution for bus services but did not have agreement on this from the developers.
- The offsite contribution for Gypsy and Traveller pitches was consistent with other decisions that had been made. These were looked at on a case by case basis.
- There had not been any additional information regarding area 5 being designated as a play area. The detailed layout would be included as part of the reserved matters application.
- The country park was required to mitigate the impact on Strensall Common.
- The location of the western hedge line on the boundary was explained.
- Regarding questions around the provision of shops, there were highways issues unresolved which would be addressed at the public inquiry.
- A caveat for the provision of sufficient shops and amenities was not unreasonable and would continue to be requested.
- A request for health provision would be subject to discussions with the NHS and this had not been provided as part of the application at that stage.

### Public Speakers

Geoff Beacon spoke in objection to the application on the climate aspects of the development in relation to the declaration of a climate emergency. He suggested alternative uses for the land on the site.

David Gregg (Chairman of Shepherd Group Brass Band) spoke on their use of one of Portakabin's buildings adjacent to the south west boundary for Brass Band rehearsals creating noise that may encroach on new residents. He requested that a further noise assessment be carried out on Tuesdays or Fridays when the band was at its loudest. He was asked and confirmed that he would be happy to work with officers on this.

Cllr Orrell, Ward Councillor for Huntington and New Earswick Ward, spoke on behalf of Councillors for the Ward. He noted that the principle for the development was made in 2018 and it was supported by the Huntington Neighbourhood Plan. He noted the objection to the exit on North Lane and asked for stringent conditions on lorry routes and for the protection of biodiversity.

Members were then given the opportunity to ask further questions to officers who were asked and advised that they were trying to resolve whether the changes to shared pedestrian and cycleway between the two new junctions on Monks Cross Link road would be updated in line with LTN 1/20.

It was moved by Cllr Looker and seconded by Cllr Barker that the Committee endorse the conclusions of the report as recommended by officers. Members agreed to include a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of amenities as detailed at paragraph 5.21 of the committee report. It was clarified by officers that the policy allowed developers to provide offsite provision for Traveller pitches. A vote was taken with 13 Members in support, one against and one abstention.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the conclusions of the report, with the addition of a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of

amenities as detailed at paragraph 5.21 of the committee report and that subject to the satisfactory resolution of the issues identified in 6.2 they will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

The proposed development was located within the general extent of the Green Belt; however the emerging Local Plan strategy set out that the land had been allocated for development as a strategic housing site to help meet the overall needs of the city. The 2018 Draft Plan and its evidence base regarding the proposed Green Belt boundaries and housing need were advanced and in the process of examination. York did not have a 5 year housing land supply and therefore the proposed housing was a benefit that carried significant weight in decision making. It was considered the lack of a 5 year housing land supply, along with the delivery of affordable housing and delivery of key infrastructure, would, subject to the satisfactory resolution of transport, highway and access issues, clearly outweigh the totality of identified harm and very special circumstances would exist in this case. Further, it was considered to be no case for refusing the scheme on prematurity grounds.

The impact of the proposed development on the wider highway network was yet to be fully determined, following initially proposed pedestrian and cycle links in and out of the site via Garth Road and Alpha Court, to the west and south being removed from application, the trip rates adjusted to take account of improved bus provision and walking and cycling rates, were not considered to be representative of the likely trip rates for the proposed development site. There was also a reliance on committed highway schemes (A1237 Ring Road/Strensall Junction 1, A1237/North Lane/Monks Cross Link Junction 2) to be delivered by City of York Council, however whilst these schemes were progressing, there remained a risk that the

junction improvements may not be delivered, or they may take longer than anticipated. The transport assessment had not assessed the impact of the proposed development on the existing A1237 junctions. As such, currently the proposed development did not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 17:51 to 18:00]

**55a Huntington South Moor, New Lane, Huntington, York  
[21/00305/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the reasons for refusal that will be presented to the Planning Inspectorate as the Council's case at the public inquiry, the hearing opening on 11th January 2022.

The application was for outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane.

The Head of Planning and Development Services gave an update noting that two letters in support of the application had been received. In answer to a question from a Member she noted that there had been an up to date sustainability appraisal. Members asked a number of questions to which officers responded that:

- The site was considered to remain as a Green Belt site.
- There were technical and highways issues within the application that had not been resolved.
- The application decision date passed in July and the Applicant had appealed non determination.

Public Speakers

David Jobling (Vice Chair of Huntington Parish Council) spoke in objection to the application on behalf of the Parish Council. He explained the history and three core principles of the Huntington Neighbourhood Plan and selection of sites within it.

The noted the legal standing of the plan and the rejection of the site within it.

Gwen Swinburn spoke in support of the application with its access to local amenities, and cycling and walking access to the city. She noted the need to provide homes for new arrivals to the city and with reference to S106 expressed concern that there were no 4 or 5 bedroom houses in light of the need for homes for larger families of refugees. In response to Member questions she noted Lib Dem support for the 970 homes and that concerning the golf club being open to everyone, that it was an elite sport.

Cllr Orrell (Ward Councillor) spoke on the application on behalf of the Ward Councillors for Huntington and New Earswick. He noted that the site was in the Green Belt, was not included in the Local Plan for development and was not supported by the Huntington Neighbourhood Plan for development. He noted there had been a number of developments in recent years and that Huntington was a densely built area.

Cllr Hollyer moved the officer recommendation to endorse the reasons to contest the appeal. This was seconded by Cllr Ayre. During debate a number of views were expressed, during which the Chair clarified that the Neighbourhood Plan was part of the development plan for the area. A vote was taken with 8 Members in favour, 5 against and 2 abstentions.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.
- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

- i. The proposed development was located within the Green Belt. It would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a permanent detrimental impact on openness of the Green Belt due to its scale and location and would conflict with the Green Belt's purposes, as identified in NPPF paragraphs 137 and 138.
- ii. The site was not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The benefits put forward by the applicant did not, either individually or cumulatively, clearly outweigh the totality of the identified harm and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF.
- iii. The proposal was considered contrary to advice within the National Planning Policy Framework, in particular section 13 'Protecting Green Belt Land', and the following local policies: Huntington Neighbourhood Plan 2021, policy H14 'Green Belt'; the Publication Draft Local Plan 2018 spatial strategy as detailed in policies SS1, and SS2 and Green Belt policy GB1, and the 2005 Draft Local Plan policies SP2, SP3 and GB1.
- iv. The impact of the proposed development on the wider highway network, and highway safety was yet to be determined. The required level of mitigation in this respect was yet to be determined and agreed. As such the proposed development may not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 18:43 to 18:50]

## **56. Plans List**

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.

**56a Former Gas Works Heworth Green York [21/00854/REMM]**

Members considered a Major Reserved Matters Application from Heworth Green Development for appearance and landscaping - Zone A only for 119 dwellings and a commercial/community use unit. Ltd at Former Gas Works Heworth Green York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed section plans and visualisations. She advised that there had been an updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- The community space was established during the outline stage of the application.
- The intention was for dark red/brown bricks as shown in the visualisation.
- The widths of the paths for use by pedestrians and cyclists were explained.

Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was a key part of bringing together the former gasworks following the 2020 planning consent. He added that if approved, building would commence as soon as possible and he noted the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. In answer to questions from Members, they explained that:

- There was a condition in the report detailing samples of building materials. The types of bricks to be used would be in line with the buildings in the area.
- The only area of tarmac was in the car park serving zone C.

- Regarding drainage there were attenuation tanks in zones A and C.
- The intention was the commercial/community space in zone A would be a pocket park.
- There was one access road that ran around zone B and it was anticipated that cyclists would enter via Heworth Green. There were links to the Sustrans routes.
- The level of detail regarding the sustainability of materials used for car parks had not been reached yet.

At this point in response to questions from Members, Officers advised that it would not be reasonable to put in a condition regarding the use of the commercial/community space in zone A as there were reserved matters yet to be determined.

Concerning the number of disabled car parking spaces, Officers were asked and noted that there was no specified percentage in the council policy for disabled spaces and car parking standards were included in the 2018 draft Local Plan. Referring to the proposed site plan, Officers demonstrated where the disabled parking spaces were located in zone A. It was noted that there had been no objections from highways officers regarding the number of disabled car parking spaces.

Members noted that when the application was approved at outline stage, there was no opportunity to state that the commercial/community space should be for community use. Officers detailed the outlined planning permission and demonstrated the 130m<sup>2</sup> for commercial/community use on the proposed floor plan. It was clarified that commercial use referred to retail/restaurant/café use.

Cllr Hollyer moved approval of the application. This was seconded by Cllr Daubeney. Following debate vote was taken with unanimous approval of the application. The motion carried and it was therefore:

Resolved: That the application be approved subject to the including an additional condition stating that the disabled car parking had to be policy compliant and the following amended/deleted conditions:

Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

### Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

### Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. The reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. The application detailed the design and appearance of the

buildings and the landscaping. The details accorded with the expectations established at outline stage and national policy within the NPPF and Publication Draft Local Plan 2018 policy regarding design and landscaping.

- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in the application related to the detailed design and landscaping. A condition was also included to give clarity regarding Travel Plan implementation, ongoing monitoring and, if necessary the additional measures to be engaged should the travel plan targets not be met.

#### **56b Former Gas Works, Heworth Green, York [21/00855/REMM]**

Members considered a major reserved matters application from Heworth Green Development Ltd for appearance and landscaping - Zone C only for 96 dwellings from at the Former Gas Works, Heworth Green, York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed site layout and elevation floor plans. She noted corrections to paragraphs 5.15 and 5.16 in the committee report and then detailed the updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- Regarding the temporary Sustrans connection, long term cyclists would use the road around the public open space, and as land was needed for the construction of zone B, a temporary connection was needed.
- Trees were protected for 5 years by a condition in the outline planning permission.
- The future maintenance of the dutch style paving would depend on the road adoption process.

#### Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was another key part of bringing the contaminated site forward as part of the 2018

planning permission. He noted that the new Sustrans link and phone mast had planning permission and that if approved, construction would commence as soon as possible. He listed the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. They were asked and explained that:

- The brickwork used would be conditioned. Additional elevation drawings had been provided which stated what bricks would be used.
- Additional disabled car parking spaces could be possible at the expense of the loss of trees. Regarding designated existing car parking spaces as disabled spaces, this would be to the detriment of other spaces due to the space needed for the parking spaces to be accessible.

At this point, a Member requested as a matter of urgency the development of a disabled car parking policy. Officers advised that additional spaces could be conditioned. Tim Ross was asked and explained that other Local Authorities often requested that 10% of car parking spaces be for disabled parking. He confirmed that zone A and C provided nine electric vehicle charging spaces with zone C providing passive provision for electric vehicle charging. He added that there would be ducting in place for this.

Officers then answered further questions to officers as follows:

- A further four disabled car parking spaces could be conditioned and this would be at a loss of other car parking spaces. The outline planning permission was noted and Members were informed that additional car parking spaces would be at the expense of soft landscaping. The Committee could ask for a car parking scheme (whilst complying with outline planning permission).

It was clarified that the first sentence paragraph 5.15 of the committee report should state that the outline planning permission stated that the number of car parking spaces for Zone C was at least 60 but allowed for a further 10 spaces across the site overall.

Cllr Warters moved deferral of the application. This was seconded by Cllr Melly. A vote was taken with 5 for and 9 against. The motion fell.

Cllr Ayre moved approval (delegated Chair and Vice Chair in consultation with officers) with amended/deleted conditions detailed in the committee update, and the addition of the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking. This was seconded by Cllr Pavlovic. A vote was taken with 14 for and one against.

It was therefore

Resolved: That the approval be delegated to the Chair and Vice Chair in consultation with officers, subject to:

- i. An additional condition on the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking.
- ii. The following amended/deleted conditions:

#### Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

#### Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

#### Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. This reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. This application detailed the design and appearance of the building and the landscaping. The details accorded with national policy within the NPPF, the National Design Guide and Publication Draft Local Plan 2018 policy regarding design and landscaping.
- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in this application related to the detailed design and landscaping.

## **Chair's Remarks**

A Member requested a return to onsite site visits. It was confirmed that this was being investigated. A Member

welcomed the remote site visits via Zoom.

Cllr Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.16 pm].