

Meeting	Planning Committee
Date	2 July 2019
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters and Widdowson

9. Declarations of Interest

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 Ayre declared a personal non prejudicial interest as a member of the Civil Service Sports Club. No further interests were declared.

10. 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.

11. Former Civil Service Club and Agricultural Land to the North of Boroughbridge Road, York [14/02979/FULM]

Members considered a major full application from Miller Homes Ltd for a residential development of 266 dwellings with associated access, public open space, landscaping and infrastructure at the Former Civil Service Club and agricultural land to the north, Boroughbridge Road, York.

The Senior Solicitor gave a legal update in which she explained that the 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 at the meeting due to the urgency of the matter, as the appeal was to be determined by a Planning Inspector by way of a public inquiry that would follow an

accelerated timetable. As part of the appeal process the Local Planning Authority (LPA) was required to submit evidence in explanation of its assessment of the application. Whilst jurisdiction to determine the development proposal rested with the Secretary of State and not the Council, it was necessary for the LPA to determine how it would have been minded to determine the application in order for Officers to present that case for the LPA at the Inquiry. It was noted that the application site was in the Green Belt and that time extension expired on 1 March 2019.

The Development Management Officer outlined the scheme noting the layout, housing mix, access, landscaping and surrounding land uses. An update was given, explaining the change in the content of the Section 106 agreement, additional conditions, details of further representations and comments from a neighbour. In response to a Member question he explained that colleagues in Education had advised that Manor CE Academy intended to extend the school by 36 places and the triangle of land opposite the school had been allocated for the school expansion.

In answer to questions raised by Members, the Assistant Director for Planning and Public Protection clarified that:

- In terms of the City of York Council (CYC) position, there had been multiple consultations and the preferred position was outlined in the Local Plan that had been submitted.
- The clear advice from two Planning Barristers was that this was a modest site in terms of scale for the city and it would not undermine the process in terms of maturity.
- Concerning the age of the assessment data and whether they remained relevant (for example the Ecology assessment being carried out in 2016), Officers felt there was sufficient information from the Applicant and CYC itself to inform the Committee's decision. With reference to the 2016 Ecology survey, the Ecology Officer explained that surveys were taken on a case by case basis and she noted the reasons for this. She added that during a site visit the previous week, the site was overgrown, however there was no substantive information to affect the decision. Highways Officers clarified that the highways assessments, based on 2016 surveys (which included the British Sugar site) were still considered to be valid.

Officers answered further questions raised by Members, noting that:

- There were two vehicle access points. The bollard on Millfield Road had been removed and would be replaced with a camera.
- In respect of the effect of the development on the doctors surgery, on a strategic level there had been consideration on a city wide level with Public Health and NHS colleagues. Services and local utilities would progress as the Local Plan progressed. It was noted that these were not planning matters in themselves for consideration.
- The number of car charging points could be considered by Members.
- The building guidelines were compliant with policy CC2.
- Regarding the offsite contributions to gypsy dwellings and pitches, CYC may have to acquire a site for the pitches as they would require communal facilities.
- The CEMP was for consideration at that meeting.
- The site included in the neighbourhood plan consultation followed the Local Plan consultation.
- The cycle and pedestrian network connected beyond the site but not into the city and the committee could only request from the developer to do what was reasonable.
- It was not possible to include a contribution to the cycle network in the Section 106 agreement as this was included in the British Sugar planning application and it could be added through the sustainable travel plan.
- The York Central traffic modelling was based on a worst case scenario on the maximum number of journeys and the report noted what would happen without mitigation. The traffic modelling for the site was explained.
- The mix of housing type was supported by studies for the Local Plan in which different sites in the city would provide different opportunities for different types of housing.
- Highways officers monitored the travel plans and the application would Section 106 funding to undertake traffic surveys. CYC would be in charge of monitoring this.

Stephen Winston spoke in objection to the application on behalf of a number of local residents living in 15 properties on Miller Court. He expressed concern regarding the loss of grade 1 agricultural land and noted that the development would create problems with traffic and access around the school which would

be exacerbated when the British Sugar went ahead. He further noted that there was no more capacity at local schools.

Peter Sheaf, a York resident, requested an additional condition to provide a safer cycling infrastructure. He explained that the extra car journeys generated would have an impact on air pollution and expressed concern regarding the road conditions for cycling. He asked that CYC introduce a community infrastructure levy. The Assistant Director for Planning and Public Protection clarified that there would need to be a Local Plan and resulting infrastructure delivery plan to inform whether there was a community infrastructure levy.

Lionel Lennox, a local resident, spoke in objection to the application. He noted his concerns regarding the impact of the development on traffic and the Green Belt. He explained that the three Parish Councils had objected to the application based on the housing spread in York. He added that there was no reason why the land should be taken out of the Green Belt.

Jason Tait, Agent for the Applicant, spoke in support of the application. He explained that the site was allocated in the Local Plan. He explained that there had been meetings with neighbours, Manor CE Academy, the neighbourhood plan group and the Parish Councils. He outlined the reasons for very special circumstances in provided much needed housing of which 30% would be affordable. He explained that the scheme included quality design and hoped that Members would see it as a positive scheme.

Members raised a number of questions to which Mr Tait responded that:

- The scheme would provide a new affordable housing scheme. The affordable housing was currently clustered but the applicant would be happy to be flexible with this. He added that the affordable housing would be built to exactly the same standard as all housing on the site.
- With regard to sustainability, there were opportunities to future proof sustainability and this may include the opportunity to look at the non use of cars.
- The scheme provided a parking space for each residential property.
- Ground source heat pumps had not been investigated.
- 'Passive' housing had not been looked at.

Officers then clarified that:

- There could be a condition for a scheme for sustainability measures.
- The Planning Inspector would expect that the Local Planning Authority put forward proposed conditions for the appeal, even the LPA does not support the application. In the event that the Committee does not support the grant of planning permission, those would be drafted in line with local policy requirements.
- All sites in the Local Plan had been modelled.

Following debate it was moved and seconded that the application be refused. On being put to the vote this motion fell.

The Officer recommendation was moved and seconded it was:

Resolved:

- i. That, for the purposes of the Local Planning Authority to present the case for the LPA at the Public Inquiry that the Committee would be minded to grant permission subject to:

- a) Completion of a Section 106 Agreement to secure off site contributions towards –

Affordable housing

- 30% affordable units (80 dwellings) to be provided on site

Self build and custom house-building

- At least 5% of the dwelling plots for sale to self builders or small/custom house builders, subject to appropriate demand being identified

Gypsy and traveller accommodation

- The provision of 2 pitches – off site contribution amount to be agreed

Education

- Primary education – contribution of £1,148,931 for 63 places at Carr Infant & Junior school, with any excess to allow future expansion of British Sugar school

- Secondary education – contribution of £899,532 for 36 places at Manor school
- Pre-school education – contribution of £300,927 for 33 places at a pre-school education provider within 1.5km of site

Open Space

- Off site sport contribution of £184,671 - the off site sports payment will be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches.

Sustainable travel measures

- Contribution to improve the frequency of bus service number 10 (Poppleton – York – Stamford Bridge) in the evenings and on Sundays. Cost estimate £80k/year (required over 5 years)
- Sustainable travel packs £260 per dwelling - to include free bus tickets and/or bike vouchers for the first occupiers and a contribution to the car club for them to provide a car on site
- Implementation of the proposed Travel Plan (includes funding for annual monitoring)

Highways works

- Improved pedestrian crossing over A59
- Improved bus stops on the A59 (existing ones to be relocated closer to the site with associated crossing and footway) and Millfield Lane. Cost of £30k per stop.
- Bus gate / bus lane for a maximum length of 400m (design based on review of queues and bus delays which could include bus lanes and gates on either side of the new junction to the site or a single outbound bus lane bypassing the junction. Cost £480,000.

- b) The conditions outlined in the officer's report and the following additional conditions (as outlined in the officer update):

Additional Conditions

1. At least 10% of the dwellings shall be provided to Wheelchair Adaptable/Wheelchair Accessible Standards and such provision shall be provided

across a mix of bed-sizes and tenures. The details of such provision shall be submitted prior to construction of the dwellings hereby permitted, approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

2. The Wheelchair Accessible/Wheelchair Adaptable dwellings shall be provided prior to the first occupation of the dwellings within that phase or sub-phase (including a building) within which the wheelchair dwellings are located.

Reason: To ensure the provision of wheelchair accessible housing in a timely fashion that would address housing need, produce a sustainable mix of accommodation and provide appropriate choices and housing opportunities for wheelchair users and their families in accordance with Policies DP3 and H3 of the City of York Publication Draft Local Plan and Paragraph 61 of the NPPF.

- ii. That Officers be delegated the final working of additional conditions relating to electric charging point, planting on the site for perpetuity, a scheme for sustainability measures, a scattered affordable housing layout and an informative regarding cycle routes.
- iii. The Assistant Director be granted delegated powers to finalise the terms and details of the Section 106 Agreement.

Reasons:

- i. In order for the Local Planning Authority to determine how it would have been minded to determine the application in order for Officers to present the case for the LPA at the Public Inquiry.
- ii. The officer report explains how the scheme, subject to conditions can be NPPF compliant, in particular with regards to the impacts on the highway network and promoting sustainable travel, residential amenity,

biodiversity, flood risk and drainage, archaeology and there are mechanisms to provide adequate infrastructure needed to support the development.

- iii. The site is considered at this time to remain within the general extent of the Green Belt. However, it has been assessed as to not serve the purposes of the Green Belt (as defined in the NPPF) and it is 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.
- iv. On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning Committee, it would have been one of approval subject to appropriate conditions and planning obligations incorporated within a section 106 agreement.

Cllr C Cullwick, Chair

[The meeting started at 6.00 pm and finished at 8.15 pm].