

Meeting	Planning Committee A
Date	6 December 2023
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Hollyer, Melly (Substitute for Cllr Kelly), Merrett, Nelson, Steels-Walshaw, Steward, Waudby, Whitcroft and Widdowson (Substitute for Cllr Ayre)
Apologies	Councillors Ayre and Kelly
Officers Present	Becky Eades, Head of Planning and Development Neil Massey, Development Management Officer Ian Stokes, Principal Development Control Engineer Emma Tindal, Public Protection Officer Sandra Branigan, Senior Solicitor

Chair's Opening Remarks

The Chair addressed comments that had been made at the recent full council meeting and reminded Committee Members that planning decisions were made on a planning basis and were not political. He stated that the Monitoring Officer had written to Members to remind them of their statutory duties.

70. Declarations of Interest (4.36 pm)

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.

71. Public Participation (4.36 pm)

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.

72. Plans List (4.36 pm)

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.

73. Land To The East Of Millfield Industrial Estate, Main Street, Wheldrake, York [21/02283/FULM] (4.36 pm)

Members considered a major full application by Liam Tate for the erection of 139 dwellings with associated landscaping and infrastructure at the above site.

The Head of Planning and Development gave a presentation on the plans and noted the late representation which had been emailed to Members. The Development Management Officer provided a written update which covered additional correspondence and updated conditions 2, 4 and 13, and recommendation 7.2. He confirmed that the additional information had been assessed and did not change the officer's recommendation for approval.

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.

Public Speakers

Suzie Mercer, a resident and former Ward Councillor, spoke in objection to the application and raised concerns about the existing infrastructure namely the C road network, a poor bus service, the primary school capacity, drainage and the lack of services such as pub and shops. She went on to request, if planning was approved, that a contribution be made from the s106 funding to the Wheldrake Recreation Association for a MUGA.

In response to questions she explained that a site for the MUGA had been identified on the tennis courts. She confirmed that there was no Sunday

bus service and the recreation ground was the only sports facility in the village.

Cllr Vassie, Ward Councillor, questioned the sustainability of the development and highlighted that there was a lack of accessible services, with no pharmacy, dentist or doctors surgery in the village. He stated that there was no safe cycle route and raised concerns regarding carbon emissions, loss of wildlife habitat and biodiversity.

In response to questions, he stated that the NHS could match fund the s106 payment to site a pharmacy and surgery within walking distance. He noted that sport and recreation facilities should be within a 30 minutes of public transport and he requested that funding for public transport be ring fenced for improvements to bus services and cycle routes. He requested swift bricks and hedgehog highways to improve biodiversity and an increase in car club spaces.

Liam Tate, the applicant, spoke in support of the application and noted that the residential allocation was in the council's emerging local plan. He highlighted the plans for the private management company and that the acoustic barrier was to be managed in perpetuity. Additional contributions totalled £1.5m, the NHS was match funding the allocation for the doctors surgery to be located in Elvington.

In response to questions, he explained the details of management fees for social housing was set out in the s106 agreement, the local authority had decided where the funding was needed for schools, the details relating to the sustainable development, such as solar and heat pumps, were yet to be decided and measures to support wildlife such as swift bricks would be agreed with the ecologist. He confirmed that the biodiversity net gain was not expected to achieve 10% and all properties could have EV chargers.

Officers responded to further questions from Members and reported that:

- S106 agreements had to be directly related to the development and fair and reasonable; in scale and kind, in relation to the development. Funds were released to the relevant departments on request, escrow accounts were not used.
- Officers had spoken with the Integrated Care Board (ICB) to decide on the health funding aspect of the agreement. The Clinical Trust had no intention to re-open Wheldrake surgery.
- Public Protection had undertaken two acoustic surveys between 7am and 11pm, noise was not considered an issue during the day and glazing and ventilation was sufficient mitigation. There were existing conditions that prevented the food manufacturer from operating outside hours, the noise levels were acceptable within a bedroom.

- It was the intention to spend the sport funding within Wheldrake.
- Highways officers considered there were no safety or road improvements necessary; it was not reasonable to ask the applicant to contribute to the Sustrans cycle route.
- EV numbers were stipulated by building regulations.
- The travel plan allowed for greater flexibility and there were a range of measures that should meet sustainable transport aims.
- The LA can decide on the best use of how public transport funding can be dispersed to optimise bus services.
- It was not known if the rest of the site would be developed, but it would be accessible and could be brought forward independently.
- Cycle racks in the village could not be considered for s106 funding as the village shops were not related to the development.
- This application had been submitted before the new regulations; future applications would be required to provide on-site Traveller pitches.

[6.30-6.38pm, the meeting adjourned for a short comfort break.]

In response to further questions, officers reported that:

- An informative could be added to highlight to the applicant the importance of the discussed wildlife protection measures.
- It was not considered reasonable to condition for a biodiversity net gain, it was not a material consideration.

Following debate, Cllr Merrett moved the officer recommendation to approve the application subject to the conditions within the report and the additional information. At the request of Members, the following changes were also made:

- condition 18 was to be amended to include the word 'minimum' when referring to a designated care club car parking space
- the removal of the word 'peak' when referring to bus services
- the addition of an informative for swift bricks and hedgehog highways

There was also to be a discussion with the applicant with regard to biodiversity net gain.

The motion was seconded by Cllr Fisher. On being put to a vote, with ten votes in favour and one against, it was:

Resolved: That the application be approved, subject to the amendments outlined above.

Reason:

It is considered that the proposed development would provide new housing of a scale and form appropriate to the established layout of the village. The village is made up of a historic linear centre with modern estates developed to the north and south. The proposed development is consistent with this. The layout and housing style, though of an 'estate type' character includes elements that reflect the historic core of Wheldrake including the use of appropriate materials and the provision of landscaping and verges to the fronts of many homes. The vehicular approach to the site from Main Street will be enhanced. It is not considered it would detract from the general character of the village, nor will it detract from the appearance or character of the Conservation Area.

In respect to highway matters, suitable car and cycle parking is provided on site and good pedestrian and cycling links are provided from and through the site. National Highways are satisfied that the proposal will not put unacceptable pressure on the A19/A64 interchange subject to the proposed planning obligation measures to help reduce car movements. Bus travel to York is available and of a frequency to allow day time trips to York for leisure as well as offering some ability to seek employment outside the village.

The site is well related to travel to a range of day-to-day local facilities on foot or by cycle. The patronage of residents who would live in the proposed homes will contribute to the future vitality of the village facilities. It is considered that the development has a suitable relationship to existing neighbours in regard to separation distances and measures are proposed which will allow the businesses to the west and adjacent homes to co-exist satisfactorily. Living conditions on the site as a whole will be acceptable.

The proposal, subject to the conditions, will not harm sites of ecological importance. The proposed

planting is also such that it will provide gains in biodiversity on site.

Planning contributions have been agreed for needed improvements to local education and health provision. In respect to leisure and recreation a small park with an equipped play area is provided on site and contributions will be made to improving sports provision in the vicinity.

The proposal will provide much needed housing within the City of York and will also provide affordable housing. It will also provide a significant contribution towards gypsy and traveller pitches to be provided within the City Council boundaries off the application site.

The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that 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.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

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.

The City Council is unable to demonstrate a 5 year housing land supply. In the context it is considered that significant weight should be given to the provision of new housing. Furthermore, given the shortage in affordable homes in the York area significant weight is given to the ability to deliver 42 affordable homes on the site.

A small well landscaped park is proposed in the development, the scale and location of the park is such that it will provide recreational opportunities not just for future occupants of the development but also other residents in the village. This is given limited weight.

It is considered that the site allocation in the 2018 DLP, the comprehensive associated evidence on which the allocation of the site relies, the provision of 139 new homes (including 42 affordable homes) and the provision of a small park are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the definitional harm to the green belt and the harm to the openness and permanence of the green belt arising from the proposed development as well as the very modest impact regarding the loss of Grade 2 agricultural land and an employment unit.

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.

**74. York Designer Outlet, St Nicholas Avenue, York, YO19 4TA
[23/01147/FUL]**

This item was withdrawn by the applicant prior to the meeting and was therefore not considered by the Committee.

Cllr J Crawshaw, Chair

[The meeting started at 4.31 pm and finished at 7.00 pm].