

Meeting	Planning Committee A
Date	7 November 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, B Burton (Substitute for Cllr Whitcroft) J Burton, Clarke, Melly, Steward, Moroney, Fenton (Substitute for Cllr Wann) and Widdowson (Substitute for Cllr Cullwick)
In Attendance	Gareth Arnold - Development Manager Jonathan Kenyon – Principal Planning Officer Lindsay Jenkins – Senior Planning Officer Sandra Branigan – Senior Lawyer
Apologies	Councillors Cullwick, Wann and Whitcroft

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### **129. Apologies for Absence (4.36pm)**

Apologies for absence were received and noted for Cllrs Cullwick, Wann and Whitcroft.

### **130. Declarations of Interest (4.36pm)**

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. Cllr Melly noted that she would withdraw for agenda item 4b [Elvington Water Treatment Works, Kexby Lane, Elvington, York [24/01238/FULM] as she had a close personal relationship with a person in connection with the application. There were no further declarations of interest.

### **131. Public Participation (4.37pm)**

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.

### **132. Plans List (4.37pm)**

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.

### **133. Land to South and East of the Cemetery, New Lane, Huntington, York [23/01016/OUTM] (4.37pm)**

Members considered an outline planning application with all matters reserved except access from Jomast Developments and GBL Projects for up to 107 dwellings (use class C3) with associated landscaping, public open space, and vehicular access from New Lane.

The Development Manager gave a presentation on the application. In response to questions from Members, he explained that:

- Regarding the southern end of the cycleway, the cycleway had been designed on the basis of The Island being built. If The Island was not built, the cycle way would end at the hedge.
- Where the land granted permission from the Secretary of State was located.
- The bus stop was behind the two-way cycle lane.
- The new cycle lane would result in the loss of hedgerow.
- The cycle lane width was based on the number of users expected.
- The self-seeded ash trees were to be removed.

The Principal Planning Officer gave an update on the application. The update included a summary of the Ward Councillors representation, an update on the impact of the scheme on green belt purposes 2, 4 and 5, correction to paragraph 5.34 and proposed additional conditions regarding the accommodation mix and phasing plan.

#### Public Speakers

Cllr Cullwick (Huntington and New Earswick Ward Cllr) spoke in objection to the application representing some local concerns. He asked if the benefit of affordable housing were very special circumstances outweighing harm to the Green Belt. He noted that the application offered no significant contribution to health provision or local services. He added that the scheme would result in the loss of one of the last open spaces in the area and that the loss of part of the vital green wedge was substantial. He noted the impact of the development on Strensall Common and that there was a lack of local support for the scheme.

In response to questions from Members, Cllr Cullwick noted that:

- Strensall Common was within the zone of influence.
- Regarding transport links to Strensall Common, there was a bus that ran through Huntington to Strensall and people also used private transport to get there.

- There had been very little consultation with Ward and Parish Councillors.
- Strensall Common was a Site of Special Scientific Interest (SSSI) and most people travelled there in their cars.
- He was not involved in the creation of the Huntington Neighbourhood Plan.
- The Huntington Neighbourhood Plan should carry weight.

Adam Hearld (Director of Jomast Developments) spoke in support of the application on behalf of Jomast, joint applicant for the application. He explained that Jomast were working with Together Homes which was one of the biggest providers affordable homes. He noted that the scheme was 100% affordable homes and would offer a period of exclusivity to key workers. He noted that the site had strong pedestrian and transport links. He noted the ecology measures and that these would result in a net gain in biodiversity. He added that it was a windfall site needed by the city for its affordable housing needs.

Colleagues Adam Smout and Philip Holmes joined Adam Hearld to answer Member questions. They were asked and explained that:

- They had focussed on making a period of exclusivity for key workers and the offer was there from the outset.
- They were happy for the houses for social rent to be nominated from the council.
- A windfall site was any site not provided with an allocation in the Local Plan. [The Chair advised that the report set out the windfall site and very special circumstances].
- A segregated cycle lane had been considered. The problem with that was that more of the existing hedge would need to be removed which was why there was a 3m width for the shared cycleway.
- People from outside the site using the cycleway had been factored in which was why there was a signalised crossing and they wanted to minimise damage to hedges and trees.
- Concerning car use a detailed plan would be worked through with officers at reserved matters and the site was in an accessible location.
- The mix of affordable housing and social housing had not been set yet and they were currently at threshold levels.

Members then asked further questions to officers to which they responded that:

- The mitigation measures for the site were the same as the site to the north of the site. The indicative open spaces were shown on the layout plans and there was suitable mitigation based on the plans to the north of the site.

- A Habitat Regulations Assessment (HRA) was undertaken for the site north of the site.
- Reserved matters would consider the layout and landscaping of the scheme.
- Regarding the Secretary of State's comments on cumulative impact, the Principal Planning Officer read out the Secretary of State's comments regarding mitigation measures to address the impact on Strensall Common and it was confirmed that officers did not consider the application site to have an impact on it.
- The number of bedrooms in houses would be considered at reserved matters. This was an outline application that set out the principles of the scheme. There could be a condition regarding the accommodation schedule to be approved by officers.
- The neighbourhood plan asked for smaller homes to be provided.
- There was different funding for education and health contributions. The information on education contributions came from officers and regarding health this was reliant on evidence provided by the NHS.
- Regarding there being no contribution to secondary school places, the response from education officers requested early years and primary school places.
- Condition 3 (bus stop and cycle path) would go through the highway road safety audit process.
- The types of affordable would be detailed in the legal agreement and would meet NPPF requirements.
- Social rent was of a higher need than part ownership.
- 26 of the homes for social rent and all homes met the NPPF definition of affordable housing.
- 100% affordable housing weighed heavily in the planning balance.
- Officers' assessment was the site had limited green belt purposes.
- A number of strategic sites in the Local Plan had been brought to committee already.
- The nomination rights were normally in the S106 agreement and higher nomination rights could be sought.
- The S106 for transport was the same as Secretary of State decision on the application to the north of the site. The travel plan would be developed based on national guidance.
- After the Inquiry on the land to the north of the site there was correspondence between the planning inspector and Natural England and Natural England had been consulted on the HRA.
- The affordable housing officer had been consulted on affordable housing.

[The meeting adjourned from 6.00pm until 6.11pm]

During debate, officers confirmed that:

- A 3m cycle lane width was acceptable for LTN 1/20.
- If the committee were minded to approve the application, Natural England would have to be notified, and there would be a 21 day period for consultation with them.
- The definition of a windfall site.
- Exclusivity for key workers could be examined as part of the S106 negotiation around the tenure mix.

Cllr Burton proposed the officer recommendation to delegate authority to be given to the Head of Planning and Development Services to determine the final detail of the planning conditions and planning obligations following referral to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then approve the application subject to planning conditions and completion of a s106 legal agreement to secure priority options for keyworkers in addition to the items listed and additional condition and informative as follows:

- Additional conditions regarding the accommodation mix and phasing plan taking into account the neighbourhood plan and housing needs assessment.
- Additional informative regarding the bus stop and walk/cycle way.

This was seconded by Cllr Melly. Following a vote with six voting in favour and five against (including Cllr Fisher voting against), it was:

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

1. Determine the final detail of the planning conditions and planning obligations.
2. Refer the application to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions and completion of a s106 legal agreement to secure priority options for keyworkers in addition to the items listed and additional conditions and informative as follows:
  - i. Additional condition regarding accommodation mix and phasing plan taking into account the neighbourhood plan and housing needs assessment: The reserved matters applications shall demonstrate that no more than 10 (ten)

dwellings within the development hereby permitted contain more than 3 bedrooms at the time of construction.

Reason: to ensure that the accommodation mix is appropriate, in accordance with DLP 2018 policy H3: Balancing the housing market and Huntington Neighbourhood Plan policy H2: Housing mix in new housing development proposals.

- ii. Additional condition regarding Phasing Plan: Prior to commencement of construction, a phasing plan detailing the installation of the highway network, pedestrian and cycle access points and the open space and green infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The roads shall be constructed to adoptable standards. The development shall be carried out in accordance with the approved phasing plan.

Reason: In the interests of safety, and good design in accordance with NPPF paragraph 135.

- iii. Additional informative regarding the bus stop and walk/cycle way.

## Reasons

1. The site is in a sustainable location for housing and is of a design that promotes active travel and health and well-being. The scheme would provide affordable housing for which there is an identified need. Windfall schemes such as this, offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of meeting 45% of affordable housing need in the period of 2017-2033. The benefits of the affordable housing proposed carries very substantial weight in favour of the scheme.
2. The harm to the Green Belt would be limited and moderate weight is given to the visual and landscape adverse impacts as a consequence of developing the site. The scheme is also unable to provide a full contribution towards the education and NHS requests for planning obligations. There is no other harm arising from the development that cannot be addressed through planning obligations and conditions.

3. The proposals comply with the relevant policies in the Huntington Neighbourhood Plan in respect of housing need, housing mix, design principles, active travel and biodiversity. The benefits of the scheme are considered to clearly outweigh the identified harms.

[Cllr Melly left the meeting at 7.00pm]

[The meeting adjourned from 7.00pm until 7.06pm]

### **134. Elvington Water Treatment Works, Kexby Lane, Elvington, York [24/01238/FULM] (7.06pm)**

Members considered a major full application from Ameet Juttla for the installation of a solar photovoltaic array with associated infrastructure including transformer, security fencing, pole mounted CCTV, temporary construction access and compound.

The Development Manager gave a presentation on the application. The Senior Planning Officer gave an update on the application noting a further consultation response from the Ouse and Derwent Internal Drainage Board (IBD), amendments to paragraphs 5.60 and 5.86, amendment to the recommendation, amendment to condition 10, additional condition 17 (new access track) and informative regarding drainage notes.

#### Public Speakers

Ryo Kikuchi spoke in support on behalf of the applicant. He explained the compliance of the development with policies of the Local Plan as well as the NPPF. He explained that the renewable energy generated would be used by Yorkshire Water at the water treatment works. He noted that the applicant had worked with officers and the local community. He added that the scheme would provide biodiversity net gain and that residents were in support of the development. He was asked and explained that all power generated would go to Yorkshire Water.

Officers were asked and confirmed there had been no response on the application from Elvington Parish Council and the Civil Aviation Authority. Following debate, Cllr Ben Burton proposed the officer recommendation to delegate authority to the Head of Planning and Development Services to approve the application subject to the referral of the application to the Secretary of State, the completion of a Section 106 Agreement to secure a monitoring contribution of £3,300, to secure the planning obligations regarding on-site Biodiversity Net Gain, finalise the S106 agreement, amendment to condition 10 and amendment to condition 10, additional

condition 17 (new access track) and informative regarding drainage notes. This was seconded by Cllr Fenton. Following a unanimous vote in favour it was:

Resolved:

- i. That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:
  - a) The referral of the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021, and subject to the application not being called-in by the Secretary of State for their own determination:
  - b) The completion of a Section 106 Agreement to secure a monitoring contribution of £3,300 to secure the following planning obligations:
    - On-site Biodiversity Net Gain – to secure a monitoring contribution in respect of biodiversity net gain monitoring where a development will deliver some biodiversity net gain on-site and the maintenance and monitoring of any biodiversity is secured by a condition imposed on the development.
- ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
- iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions listed in the published report, following amendment to condition 10 amendment to condition 10, additional condition 17 (new access track) and informative regarding drainage notes:

**Amendment to condition 10**

10 A programme of post-determination archaeological evaluation is required.



Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be discharged/approved.

A) No archaeological evaluation or development of any kind shall take place until a written scheme of investigation (WSI) for **3%** trenching evaluation has been submitted to and approved by the local planning authority in writing. The final sampling strategy for trenching evaluation shall be agreed through consultation with the LPA prior to submitting any WSI. The WSI should conform to standards and guidance set by the LPA and the Chartered Institute for Archaeologists.

### **Additional Condition 17**

17 The new access track hereby permitted shall be constructed using a permeable surface that is a type 3 (free draining) material with details of the extent of the access track and its construction including materials to be submitted and approved in writing by the Local Planning Authority prior to the construction of the access track. The access track shall be constructed in accordance with the approved details and shall be retained for the lifetime for the development. Reason: To ensure that the construction of the access track does not increase surface water runoff, in accordance with the NPPF and ENV5 of the DLP 2018.

### **Additional Informative**

#### 4. Drainage Notes

- i. The applicant should be advised that the proposed development is within the Ouse and Derwent Internal Drainage Board's area and is adjacent to Horse Dyke which, at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991.
- ii. The applicant should be advised that the Ouse and Derwent Internal Drainage Board's prior consent is required (outside the planning process) for access to the watercourse for maintenance or improvements, a strip of land 9m wide adjacent to the top of the embankment of the watercourse known as Horse Dyke, to be kept clear of all new structures, solar panels, fencing and hardstanding. Any new planting must be located a minimum of one metre from the bank top on the northern side of the watercourse.
- iii. The written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

Reasons:

1. This application, with an Environmental Statement relates to the development of solar photovoltaic array to generate 3200 Kilowatts (KW) (3.2 Megawatt (MW) and be used to power the operations of the Elvington WWTW.
2. The site is located within the general extent of the Green Belt. In the overall balancing exercise, substantial weight should be given to the harm to the Green Belt. The benefits of the generation of significant amount of renewable energy are considered to clearly outweigh the harm to the Green Belt. These therefore amount to very special circumstances necessary to justify the inappropriate development in the Green Belt. The proposals are therefore found to accord with Green Belt policy in the NPPF.
3. The visual effects of the development and impact on landscape character is set to improve from a minor-moderate adverse effect in year 1 to negligible beneficial at year 15 depending on the rate of establishment and continue to lessen overtime due to retention of key hedgerows and trees and additional landscape planting around the perimeter of the site. There would be minimal impact of the development when viewed from neighbouring residential properties, given the arable landscape and landscape features and the existing WWTW as a major developed industrial site, in the background, and overall distances would result in the solar panels forming a relatively thin visual strip.
4. On-site habitat enhancements for BNG would be achieved and this would be secured via condition (habitat management and monitoring plan) and a S106 (to secure the monitoring requirements). The applicant will be advised of their requirements to secure the onsite habitat enhancements for 30years through the Biodiversity Gain Plan via an informative. Additionally, despite the close proximity of the site to statutory nature conservation sites of international and national importance, there are no concerns in respect to significant impacts arising from the proposed development, specifically during the operation phases. Conditions are recommended to ensure that the ecological

habitats are protected during de-commissioning, when the requirements of BNG remain a requirement.

Cllr J Crawshaw, Chair

[The meeting started at 4.30pm and finished at 7.20pm].