

Fulford Parish Council

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17th March 2017

Dear Hannah

APPLICATION FOR RESERVED MATTERS 12/01749/REMM) LAND AT GERMANY BECK FULFORD YORK

This letter is to set out the objection by the Parish Council to the decision by the City of York Council to accept the new details submitted by Persimmon Homes Yorkshire Ltd as an amendment to the application for reserved matters (12/01749/REMM) which was submitted nearly five years ago in May 2012 and has been effectively dormant since then. We will write separately to you with our comments on the merits of the proposals.

The starting point to consider the matter is that the proposed amendments to the original scheme are very substantial in that they change the house types on nearly one-quarter (154) of the house plots on the site, including layout changes. The extent of changes to the original application are such that the Applicant has felt it necessary to submit an Environmental Statement Addendum running to several hundred pages to assess their potential impact. The ES addendum also incorporates a change to the nature park to include a water area to accommodate water voles. This amendment to the nature park has no basis whatsoever in the Updated Development Principles Report which formed part of the Outline Planning Permission, and which showed the subject area as grassland habitat. In this light, the Parish Council considers that the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted in line with National Planning Practice Guidance (14-061-20140306).

There is also another reason why a new application should be submitted. It is now nearly five years since the original application for reserved matters was submitted and nearly ten years since the outline application was approved by the Secretary of State. The application that Persimmon seeks to amend has been effectively dormant since it was submitted nearly five years ago. The proposed amendments do not arise in any way

from deficiencies in the original application or from ongoing discussions between the Applicant and the Local Planning Authority. Instead they are a direct result of a change in the control of the site which took place well after the date when the last reserved matters application should have been submitted under the Outline Permission. This fact is confirmed by the letter from Persimmon dated 7 February 2017 which says:

“At the time of the approval (of the alternative reserved matters application for the site) in May 2013, the development was a joint venture between Persimmon Homes and Hogg the Builder and the scheme was designed accordingly. **Hogg are no longer involved in project (sic) and as such we would like to amend the scheme to include units commensurate with the Persimmon Homes product and we have re-planned these areas of the site accordingly.** In doing so we have sought to undertake plot substitutions rather than a wholesale redesign of these areas (although there are some area (sic) where this has been necessary) to ensure the overall design rationale is commensurate with previously approved. The design of the new units has also been approached to match the approach adopted on the remainder of the site.”

Section 92 of the Town and Country Planning Act imposes strict time limits on the submission of all applications for reserved matters following the grant of outline planning permission. This is to ensure that developers cannot continue amending schemes indefinitely into the future after the grant of outline permission so as to provide a degree of certainty to communities affected by development. In this case, the Secretary of State imposed under Condition 1 of the Outline Permission a time-limit for the submission of applications of reserved matters of “not later than” the expiration of five years after the date of the outline consent of 9 May 2007. In other words, all reserved matters should have been submitted by 9 May 2012. The present proposed amendments to an application which has lain dormant since its submission just before that date is an obvious and deliberate attempt to frustrate the intentions of the Act and the Secretary of State.

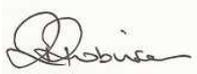
As we have made clear above, the amendments now being proposed by Persimmon are substantial and do not arise in any way from discussions with the Local Planning Authority about the original submitted proposal. In effect the proposals represent a new reserved matters application and should be treated as such.

We are aware that the City of York Council and Persimmon have agreed extensions of time to determine this duplicate reserved matters application. However, the first of these agreements was only dated 22 June 2016, nearly four years after the target date for the determination of the application. It also says that the application could not be determined earlier because “we have received a consultation response which will need to be addressed by the submission of revised drawings or additional information.” However, there are no consultation responses on-file, let alone any that would require four years to respond to. This is best demonstrated by the fact that the City of York Council

approved an alternative reserved matters application for the development in 2013. Since then, the local planning authority has allowed the present reserved matters application to lie dormant for three and more years, presumably as a contrivance to allow Persimmon to submit amendments to the approved scheme without the need for new full applications in direct conflict with the intentions of the Act and the Secretary of State.

The Parish Council would be grateful for an early response to this letter

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachel Robinson', is written on a light yellow rectangular background.

Rachel Robinson
Clerk to Fulford Parish Council

c.c. Michael Slater