

## CITY PLANS PANEL

THURSDAY, 5TH NOVEMBER, 2015

**PRESENT:** Councillor C Gruen in the Chair

Councillors P Gruen, D Blackburn,  
S Hamilton, G Latty, T Leadley,  
N Walshaw, M Ingham, C Campbell,  
A Khan, K Ritchie, E Taylor and  
G Wilkinson

### 53 Appointment of Chair

In the absence of Councillor J McKenna, nominations were sought to chair the meeting, with Councillor Caroline Gruen being appointed as Chair for the duration of the meeting

### 54 Late Items

There were no formal late items. However the Panel was in receipt of a revised report in of Application 13/05134/OT – Land at Breary Lane East, Bramhope, which Officers circulated to Members prior to the start of the meeting (minute 60 refers)

### 55 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest, however in respect of application 13/05423/OT – Land at Bradford Road East Ardsley – Councillor Leadley brought to the Panel's attention that he knew the agricultural tenant of the land (minute 62 refers)

### 56 Apologies for Absence

Apologies for absence were received from Councillor J McKenna and Councillor R Procter, with Councillors C Gruen and G Wilkinson substituting for their respective colleagues

### 57 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 15<sup>th</sup> October 2015 be approved

### 58 Matters arising

With reference to minute 48 of the City Plans Panel meeting held on 15<sup>th</sup> October 2015, relating to Application 15/03167/FU – residential and commercial development at David Street Holbeck - the Head of Planning

Services advised that following the meeting further discussions had taken place on the affordable housing provision and that a successful outcome had been achieved, with the full 5% affordable housing being provided as a commuted sum for off-site provision, with the S106 Agreement being close to completion

**59 Applications 13/05134/OT/ 14/00315/OT/ 13/05423/OT and 14/01211/OT - Land at Breary Lane East; Land at Leeds Road Collingham; Land at Bradford Road East Ardsley and Land at East Scholes - Covering report for PAS appeals**

The North East and East Area Planning Manager presented a report which set the context for the meeting, in that the agenda items related to outline planning permissions on land designated as Protected Area of Search (PAS), which had been refused by City Plans Panel in August to October 2014. Appeals had since been lodged against these refusals. Due to changes in the planning policy context, some of the reasons for refusal given at that time were now out of date as they referred to a historic policy context and some of the policies had since been superseded or deleted. However, the principles that underpinned the reasons and their general intent closely followed that of the original reasons. Members were being asked to consider revised reasons for refusal, where relevant, on which the Council would contest the appeals which were scheduled to take place in February and April 2016. It was stressed that the applications were not for redetermination; that there were no opportunities to add new reasons for refusal, although it was possible to remove reasons and in one case, Breary Lane East, Bramhope, this was being proposed (minute 60 refers) and that Members were being asked to note the reports and endorse the updated reasons for refusal of each of these applications

In respect of the reason in each case relating to the absence of a signed S106 Agreement, Members were informed that often at the appeal hearing the appellant would have sought to rectify this and present a near final draft S106 for both parties to agree. As such, there was a strong likelihood that this reason would have been negotiated out by the time the appeals were considered

Updated information was provided in relation to paragraph 2.9 of the submitted report, with Members being informed that the Planning Inspectorate had refused a request by the appellants for the East of Scholes and East Ardsley appeals for these two appeals to be postponed, pending the High Court Challenge concerning the Kirklees Knoll decision

The Head of Planning Services informed the Panel that the judgement on Kirklees Knoll had been handed out earlier in the day and reminded Members of the history of this case. Of the six grounds brought before the Judge by the appellant, only one ground was found in their favour, this being Ground B which related to the failure of the Secretary of State to understand and take into account the material consideration of the withdrawal of the Interim PAS Policy, which was agreed by Executive Board on 11<sup>th</sup> February 2015. It was reported that the Judge did not accept the appellant's grounds of claim about the Council's 5 year housing land supply and that policy N34 was out of date.

In terms of Ground B, the Judge concluded that the failure to take into account the withdrawal of the Interim PAS Policy was not merely a factual error by the Secretary of State but was an error in law and so quashed the Secretary of State's decision. Members were informed that a further decision would now be awaited from the Secretary of State

The Panel discussed the covering report and the information provided on the Kirklees Knoll decision, with the main issues being raised relating to:

- the disparity in the time periods allowed for Local Planning Authorities (LPAs) to determine planning applications compared to the lengthy time periods being adopted by the Planning Inspectorate to deal with appeals
- the impact which delays in the appeal process had on local communities
- that as a major Planning Authority, whether pressure could be brought to bear to improve the current imbalance between the LPA, the Inspectorate and appellants. The Head of Planning Services advised that whilst channels did exist for Officers to make representations on this, the greatest pressure would be through the political process
- whether planning policy changes were conveyed to the Planning Inspectorate and Secretary of State to ensure they were aware of the LPAs latest policy position. The Head of Planning Services outlined the processes which were in place and accepted that in respect of a recent appeal decision at Haigh Moor Road, this had fallen short of what had been required
- the inability to introduce new reasons for refusal and that the process could be viewed by the public as being weighted towards the appellants. The Head of Planning Services advised that where there was a significant material change in circumstance, new reasons could be added but that was not the case here
- the Council's 5 year land supply. The Panel's Legal adviser stated that the Inspector on the Kirklees Knoll Inquiry had concluded that the Council had a 5 year land supply and since that time, the Council's position had strengthened. Members were also advised that there was no reason why the Secretary of State could not determine this matter quickly and that there was no reason to see how the Kirklees Knoll judgement changed the fundamentals of the reports being presented at this meeting

**RESOLVED** - To note the report

**60 Application 13/05134/OT - Outline application for residential development (up to 380 dwellings), a convenience store and public open space - Breary Lane East Bramhope - PAS Update report**

Members considered a revised covering report which had been tabled prior to the meeting. A copy of the report setting out the application which had been submitted to City Plans Panel at its meeting on 28<sup>th</sup> August 2014 had been provided to the Panel for information

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which set out updated reasons for refusal of an outline application for residential development of up to 380 dwellings together with a convenience store and public open space at Breary Lane East Bramhope

Members were informed that the revised report related primarily to revisions to the first reason for refusal, with an additional sentence being included which was highlighted to the Panel. Other alterations to wording were also outlined

Attention was drawn to the original reason for refusal based on standards of design, landscaping, residential amenity and provision of on-site Greenspace. Members were informed this reason would not be fought at appeal in view of the Consultation Draft Site Allocation Plan having allocated the site for 376 dwellings, as opposed to the 250 shown on the plan displayed at the meeting

In response to a question about CIL liability, Members were informed that if the Inspector decided to allow the appeal, it would be liable for CIL, with this being the same for all of the cases being considered at this meeting

**RESOLVED** - To note the report and to endorse the updated reasons as set out in the revised report tabled at the meeting

**61 Application 14/00315/OT - Outline application for residential development up to 150 dwellings, including means of access - Land at Leeds Road Collingham Wetherby - PAS Update report**

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which set out updated reasons for refusal of outline planning permission for a residential development of up to 150 dwellings, including means of access on a PAS site at Leeds Road Collingham, which had been refused by City Plans Panel at its meeting held on 30<sup>th</sup> October 2014. A copy of the report considered at that meeting was appended for Members' information

The updated reasons were outlined to the Panel. In respect of reason no. 6, relating to the absence of a detailed tree survey and further habitat and ecology surveys, Members were informed that the appellant had submitted updated information and whilst agreement on this had not been reached, in the event it was, this reason for refusal could be removed

**RESOLVED** - To note the content of the report and to endorse the updated reasons for refusal

**62 Application 13/05423/OT - Outline application for means of access from Bradford Road and to erect residential development - Land at Bradford Road East Ardsley WF3 - PAS Update report**

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which set out updated reasons for refusal of an application for outline planning permission for means of access and to

erect residential development on a PAS site at Bradford Road East Ardsley, which had been refused by City Plans Panel at its meeting held on 7<sup>th</sup> August 2014. A copy of the report considered at that meeting was appended for Members' information

The updated reasons for refusal were outlined to the Panel. On the issue of prematurity, a Member referred to a suggestion which had been made when the application was determined, that whilst a primary school might be proposed for a corner of the site, the whole of the site might be suitable for a further High School in the area

The issue of sustainability was also commented on with details being provided to Officers of the poor public transport links from the site to Leeds and that consideration should be given to the bus timetables when the appeal was dealt with

**RESOLVED** - To note the content of the report and endorse the updated reasons for refusal

**63 Application 14/01211/OT - Outline application for mixed use development comprising up to 700 dwellings including extra care (C2), retail and community uses (A1 to A5), health care (D1) and education uses (D1), car parking, means of access, infrastructure, open space, landscaping, including demolition of existing house and agricultural building - Land at East Scholes LS15 - PAS Update report**

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which set out updated reasons for refusal of an outline application for a residential-led mixed use development on a PAS site at East Scholes, which had been refused planning permission by City Plans Panel at its meeting held on 28<sup>th</sup> August 2014. A copy of the report considered at that meeting was appended for Members' information

The updated reasons were outlined to the Panel with Members also being informed that the appellants had submitted an updated Environmental Impact Assessment which sought to alter the scheme to remove certain parts of the development proposals. The housing numbers were proposed to be reduced to 650, with additional green space being provided. In terms of the primary school, this had now been omitted, with the appellants proposing an area of land at West Scholes to be gifted to Leeds to enable an extension of the existing primary school

Officers had contested the submission of this information with the view being this was a new scheme which had not been consulted upon. Members were informed that this matter was currently with the Planning Inspectorate for consideration

Concerns were raised about the approach being taken by the appellants in this case with the Head of Planning Services informing Panel that discussions had taken place with a senior representative of Barratt Homes on the reasons for pursuing this application at this time; that time was being spent on dealing with such sites when other more acceptable sites, including brownfield sites were available and could be developed, with a response on this being awaited

Members proposed that a letter be sent from the Panel to Barratt Homes expressing disappointment at the approach being adopted to pursue a different scheme with no public consultation and inviting them to withdraw the application. In terms of the other appellants, it was proposed that discussions take place with the Executive Member Regeneration, Transport and Planning and the Plans Panel Chairs to consider how these issues be taken forward

**RESOLVED** - i) To note the content of the report and to endorse the updated reasons for refusal

ii) That a letter be sent from the Panel to Barratt Homes setting out the concerns expressed on the approach being taken by the appellant and inviting a withdrawal of the application

#### **64 Date and Time of Next Meeting**

Thursday 26<sup>th</sup> November 2015 at 1.30pm in the Civic Hall