



**Leeds**  
CITY COUNCIL

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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 5 November 2015**

**Subject: Planning Appeals:**

**13/05134/OT – Outline planning application (all matters reserved except for partial means of access to, but not within the site) for residential development (up to 380 dwellings), a convenience store (up to 372sq.m.) and public open space at land at Breary Lane East, Bramhope, Leeds**

**14/00315/OT – Outline application for residential development up to 150 dwellings including means of access at land at Leeds Road, Collingham, Leeds**

**13/05423/OT – Outline application for means of access from Bradford Road and to erect residential development at land off Bradford Road, East Ardsley, Leeds**

**14/01211/OT – Outline application for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2), retail and community uses (A1 to A5), health care (D1), and educational uses (D1), car parking, means of access, infrastructure, open space, landscaping, and other associated works including demolition of existing house and agricultural building at land at East Scholes, Scholes, Leeds**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes	4 November 2013	N/A
Miller Homes and the Hills Family	28 January 2014	N/A
Barratt David Wilson Homes And the Ramsden Partnership	4 December 2013	N/A
Scholes Dev. Co. & Barratt David Wilson	5 March 2014	N/A

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be needed to support sustainable growth. The release of these sites would be prejudicial to that work. The proposal also failed to meet the terms of the council's interim housing delivery policy that was in place at that time. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. The policy, in its most general terms, facilitated the release of sites depending on factors relating to matters such as their relationship to the settlement hierarchy, their sustainability credentials, their size or if they brought forward significant planning benefits.

- 2.3 The second reason that was common to the appeals, save for the Bramhope application, was that the proposals failed to have regard to the strategy set out in the emerging Core Strategy to concentrate the majority of new development within or adjacent to the main urban area and major settlements. The reason for refusal progressed to set out that the SAP was the right vehicle to consider the scale and location of new development. The proposals represented a significant expansion of an existing smaller settlement that is likely to adversely impact on the sustainability, character and identity of the respective villages.
- 2.4 In addition to these additional site specific reasons for refusal were identified and these related to matters including highway safety, accessibility, the failure to provide an appropriate Section 106 Agreement, ecology, design and layout and the provision of relevant infrastructure.
- 2.5 Following the refusal of planning permission appeals were lodged. Subsequently, and following discussions, the Planning Inspectorate decided that the appeals at Bramhope and Collingham would be con-joined as would the appeals at East of Scholes and East Ardsley. This reflects the fact that the appellants were common to these appeals.
- 2.6 As part of the appeal process the appellants and the council is required to produce certain key documents. Each party has to produce a Statement of Case. This in effect sets out the skeleton of the argument that will be presented at the appeal. The appellant submits theirs at the time of the lodging of the appeal and the council at an identified date thereafter. The Inquiry rules also require the parties to work together to produce what is known as a Statement of Common Ground. In effect this statement sets out matters of fact that are not in dispute between the parties. The purpose of this document is to save time at the Inquiry by avoiding the need to establish factual matters. Each of the witnesses who are to appear at the inquiries is also required to produce a Proof of Evidence. This sets out their evidence in relation to the case and the reasons for refusal. Inquiry dates have been set by the planning Inspectorate and due to the size of the developments proposed and the complexity of the cases a bespoke timetable has been agreed for the submission of key documents:

#### Bramhope/Collingham

Inquiry start date: 12/4/16

Exchange of Proofs of Evidence of witnesses: 1/3/16

Statement of Common Ground: Submission date - 2/2/16

Leeds City Council Statement of Case: Submission date - 13/11/15

#### East of Scholes/East Ardsley

Inquiry date: 28/2/16

Exchange of Proofs: 26/1/16

Statement of Common Ground: Submission date: 18/12/15

Statement of Case: Suggested date - 6/11/15

- 2.7 The government's Planning Practice Guidance sets out how the rules of engagement when going through the appeal process. It states that "...all parties are expected to behave reasonably to support an efficient and timely process..". If a party is considered to behave in an unreasonable way then an award of costs can be made against it. Examples of such behaviour include a "lack of co-operation with the other party or parties" and "delay in providing information or other failure to adhere to deadlines". In these circumstances the respective appeal parties are required to engage with each other in a positive way including through continued discussion to narrow issues between them.
- 2.8 In light of the passage of time since the refusals of planning permission and the lodging of the appeals the planning policy context has changed (in terms of the status of policy documents). This is described at 1.2 above. In preparing for the appeals advice has been sought from Counsel. One of the matters raised was that the reasons for refusal as originally drafted have now become out-dated. For the purposes of clarity Counsel has advised that the development proposals should be revisited and considered against the current planning policies. The four reports that follow do this and address each of the appeals proposals in turn. Members will see that it is considered that each appeal should still be contested and that the reasons for refusal that relate to the harm to the council's strategy for plan making and determining the location and scale of new development are redrafted in light of the requirements of saved UDP Policy N34, the Core Strategy and the Consultation Draft of the Site Allocations Plan. The other reasons for refusal have been updated so that they also refer to the current policy context. If there are further significant changes in the circumstances to the appeals these will have to be similarly addressed at the appropriate time.
- 2.9 Members should also be aware that the appellants for the East of Scholes and East Ardsley appeals have written to the Planning Inspectorate requesting that those appeals be postponed pending the High Court challenge concerning the Kirklees Knoll appeal decision and the receipt of the Secretary of State's decision concerning Grove Road, Boston Spa. Both of these concern planning appeals against the refusal of planning permission for residential development on PAS land. Each decision may have a significant bearing on the formulation of evidence and consideration of the merits of the outstanding four appeals. The Planning Inspectorate have declined that request and set out that the appeals should continue as scheduled. Members will be updated if there is any significant change in circumstance.

**Background Papers:**

Planning application files: 13/05134/OT, 14/00315/OT, 13/05423/OT, 14/01211/OT