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Dear Tim

Location of pelican crossing on land at Spofforth Hill, Wetherby - Application reference 17/02534/COND

I am informed that officers have prepared a panel report to members regarding the above development, specifically on the issue of the location of the pelican crossing. I am perplexed by the content of the report given the very clear planning history and am concerned that members are being asked to determine a matter that is already very clearly approved under the outline consent (13/03051/OT).

I enclose a legal opinion on the matter which I have sought in response to the panel report because I do not understand exactly what members are being asked to determine. The pelican crossing forms part of the description of development, its location has been safety audited and been subject to public consultation and scrutiny by officers and members. Most importantly, the pelican crossing location is clearly shown on a plan which is conditioned both under the outline approval (drawing 7029/025C) and as the approved reserved matters layout (3570/10/01H and 3570/11 J).

Bellway Yorkshire has always sought to work positively and proactively with the City Council. We responded to requests for changes to the access arrangements by members through the application process. Although negotiations to secure planning consent on this site were protracted we continued to engage with officers and members and did not resort to the appeal process. We have continued to seek to work with the City Council post approval despite the frustration of still not having received consent to discharge conditions one year after details were submitted.

I find myself bewildered by the position we are now in, as I genuinely do not understand what the City Council expects us to do if members do not 'approve' the approved location. Officers acknowledge in the report that an alternative location would require a separate consent, however no alternative schemes are subject to planning applications so no such approval can be granted. Even if such approval were to be granted how could I be sure, based on the position we are currently in, that further reconsideration of the location would be required if other residents object? We have been through the process of securing a consent which included the location of the pelican crossing. We have submitted the details required by the condition and sought to progress a S278 agreement for months to agree the details. To find that the location of the crossing is now being called into question is incomprehensible.

This situation has arisen due to the continued objection of two residents close to the crossing location through the Community Forum. The objections raised to the location of the crossing were considered at the time the application was determined. The location is not a matter for the Forum to determine. The report to panel misleads both members and objectors into thinking that another decision on the location can now be made. I believe that the way the report is drafted gives members a choice of locations to consider when the reality is that the position is already established.

I can only reiterate that I am at a loss to understand how we have arrived at this position and request that the legal opinion contain herein is presented to members in full at the plans panel on Thursday.

Yours sincerely



 **John Carter**
Managing Director