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## Report of the Acting Director of City Development

### Executive Board

Date: 30 March 2011

Subject: Deputation to Council, 19<sup>th</sup> January 2011  
Horsforth Residents re The Cumulative Effect of Planning Issues

#### Electoral Wards Affected:

Horsforth

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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## EXECUTIVE SUMMARY

1. A deputation to Full Council on 19 January was made by Horsforth Residents. The deputation was entitled "The Cumulative Effect of Planning Issues" and included a number of related concerns. This report seeks to reply to the issues and concerns raised by the deputation.

## **1.0 Purpose Of This Report**

- 1.1 A deputation to Full Council was made by a group of Horsforth residents on 19 January. The deputation raised a number of matters in relation to the cumulative effect of planning issues. A full transcript of the deputation is attached at Appendix 1. This report seeks to reply to the issues and concerns raised by the deputation.

## **2.0 Background Information**

- 2.1 Town and Parish Councils are statutory consultees who are notified of planning applications as required by the Town and Country Planning (Development Management Procedure) (England) Order 2010. Under this Order Parish Councils must, as soon as practicable, notify the local planning authority whether they propose to make any representations and to make those representations within 21 days of the notification to them of the application. Local planning authorities cannot determine applications before the council of the parish have informed them they do not propose to make any representations or representations have been made or 21 days have elapsed since the notification, whichever occurs first and in determining the application the local planning authority shall take into account any representations received from the parish council.
- 2.2 Local planning authorities are encouraged by national guidance and good practice to enter into pre application discussions with applicants and their agents. In doing so officers would normally recommend community consultation including Ward Members, Town / Parish Councils and the local community unless the matter was confidential at that stage. The requirement for community consultation at pre application stage, however is not mandatory at present. A clause has been included in the Localism Bill making its way at present through Parliament. The present proposal in the Bill is for mandatory community consultation to be required at pre application stage for all "major" major developments i.e. those involving 200 dwellings or more or 10,000 sq m of floorspace or more although CLG have recently consulted more widely on what that trigger should be.
- 2.3 A Charter setting out the links between Parish and Town Councils and the Planning Service has been operational since the start of 2010, was reviewed in July 2010 and considered at the Annual Parish Council Forum held on 24 January 2011.

## **3.0 Main Issues**

- 3.1 The following section seeks to identify the main points and issues raised in the deputation and provide a response to each:

### **3.2 Notifications and response times**

- 3.2.1 Horsforth Town Council do receive notification of applications but they consider that they do not have enough time to consider their impact. The statutory time given for response is 21 days for most applications. It is understood that the Planning Committee of the Town Council have monthly meetings and so there are times with the present arrangements when extensions of time are requested. We do seek to respond positively to this when we can. The notification process however is a standard approach in the country and the city and is designed to give a reasonable time to comment but without unduly influencing the speed of process in dealing with applications. In practice there is often dialogue with the Clerk to check if a response is to be made and when.

- 3.2.2 When there are changes to schemes in the process then renotification can take place when the changes are considered to be material but less time is given to comment than the usual 21 days. Again a balance has to be struck between giving time to comment and speed of processing.
- 3.2.3 The introduction of the Public Access scheme has given opportunity for individuals and groups to track applications and view documents/ plans and comment on line. Horsforth Town Council are registered on public access to receive email alerts when there is a change to the status of applications if they are tracking them. From our records however it does not appear that they are yet self serving and using this facility. The next stage in rolling out electronic consultations is to engage with Parish and Town Councils and give them training in relation to the facilities that are now available and can be used to improve the notification / consultation process and enable early alerting of changes.

### 3.3 **Pre application engagement**

- 3.3.1 The deputation calls for greater engagement at pre application stage by officers. The need for the engagement of local communities at the earliest possible stage is recognised as good practice. However developers are not required to consult by law at present although there are clauses in the Localism Bill which if enacted will make this compulsory for some of the larger developments. Encouragement is given by officers to developers to consult with local ward Members, Town and Parish Councils and local people, particularly on major or controversial schemes which are likely to have the greatest impact. It is certainly true that during the recession there have been less major schemes being brought forward and a greater reluctance from some developers to be involved in pre application engagement as part of the process.
- 3.3.2 There are good examples where developers have been willing to engage at the earliest stages and have continued the dialogue e.g. the setting up of the Kirkstall Forge Liaison Group which also involved groups and the Town Council in Horsforth. Officers were also instrumental in helping to establish the Liaison Group at Leeds Trinity ( formerly Trinity and All Saints College ) where after some contentious student housing proposals a Group was successfully established with local groups and organisations to improve communication and discuss ongoing and future projects.
- 3.3.3 To date the onus has been placed on developers due to the resource implications for the Council. It is expected that in the present climate resourcing will continue to be an issue for the Planning Service and will limit what pre application engagement officers can do. However the Service is intending to issue guidance to developers later in the year about the need to engage with local communities prior to submitting applications. The Service is also in the process of implementing a restructure which aligns teams closer to local areas and provides named points of contact to improve local engagement.
- 3.3.4 It is likely that the Localism Bill working its way through Parliament will have a significant impact on the way that we work and could reshape the provision of the Planning service, however it is too early at present to understand the full implications of neighbourhood planning on day to day work and what additional resources, if any, will be made available to deal with the changes proposed.

### **3.4 Balancing of major issues**

- 3.4.1 It is recognised that there have been some substantial developments in recent years that will have impacts on Horsforth and its residents as well as other local areas for years to come. Where this has taken place such as at Kirkstall Forge and Woodside Quarry the process that has been followed has been open and transparent. Opportunity has been given for local comment and officers reports have sought to set out all the main issues for Members who have made the final decisions. The Plans Panel meetings have been open to the public and people given an opportunity to speak if they wished to do so. In these cases the reports have been carefully considered and the issues examined in some detail.
- 3.4.2 It is also recognised that in some of these cases there are choices to be made, the choices are not easy and the decisions can be finely balanced. What is common to most of these sites is that they have been brownfield sites within the city which need redevelopment and should be recycled and reused according to both national and local policy. The need for housing and employment for people who live and work in the city and how people travel and the impacts that development can have are key issues for the city both now and in the future. Often in resolving these applications there has to be a recognition that there are judgments to be made and some impacts from allowing development to proceed. This is what the planning system is there to do but it is open and transparent system where decisions can be challenged either at appeal or through judicial review.
- 3.4.3 The applications for the redevelopment of the Clariant/Riverside Mills were reported to West Plans Panel on 3 March with a recommendation for approval. After a full discussion of all the issues, notwithstanding the officer recommendations, members determined to refuse the application on a 7-2 vote. Officers were requested to draft reasons for refusal for consideration at the next Panel relating to the unsustainability of the proposal.

### **3.5 Leeds Bradford International Airport Expansion**

- 3.5.1 The deputation raises concerns about the lack of consultation with the Town Council about additional car parking spaces at the airport and the detrimental impact on Horsforth. The application referred to was submitted back in 2005 and approved in January 2007 and has now been fully implemented. The traffic figures used in the assessment of the provision of additional car parking spaces followed government guidance at the time.
- 3.5.2 The application to extend the terminal building was submitted in late 2008 and was the subject of a number of discussions at Plans Panel during 2009 before being approved subject to conditions and a legal agreement. The Plans Panel heard representations both in support and opposition to the terminal building covering a range of issues including the impact on the local road network. Having carefully considered all the issues and representations Members resolved to approve the terminal extension.
- 3.5.3 As part of the legal agreement the airport are committed to reviewing and updating the Airport Master Plan, the Surface Access Strategy and Travel Plan during 2011 and to complete them by the end of the year. The Airport Master Plan and Surface Access Strategy will be subject to public consultation once produced. Officers have also been encouraging the airport to engage with local communities around the airport on a more regular basis to improve dialogue and there are examples now of

this type of meeting happening. Such dialogue can only be helpful in raising awareness of the future plans of the airport and local issues which need to be addressed.

### **3.6 Unjoined up thinking**

- 3.6.1 The deputation raised issues and concerns that there appears to be unjoined up thinking in considering the wider effects of planning proposals and raise educational provision, transport links and sustainability ( capacity of infrastructure) as examples under this heading.
- 3.6.2 In considering major redevelopment proposals all these issues are important and need to be considered in some detail prior to reaching a conclusion and recommendation. It is important that developments do make adequate provision for any traffic which is generated and the educational needs of children who may live on future schemes. All major schemes are submitted with a Transport assessment which considers the effect the development has on the surrounding highway network, taking into account traffic generated by the current land use. In relation to educational provision then there is an approved Supplementary Planning Guidance document which sets out how this will be dealt with for both primary and secondary provision. This will normally result in a commuted sum payment if permission is to be granted. It is then for Education to consider how this need for additional places should be met looking at local schools, roll numbers, projections and catchments.
- 3.6.3 There are future changes which are likely in the coming year with the introduction of the Community Infrastructure Levy (CIL) Regulations. The Council is actively looking at the likely future infrastructure needs of the city and therefore what possible charges should be made on future development and will be consulting on possible charges in due course. The strategy for the future development of the city is also being actively pursued through work on the Core Strategy and the Site Allocations DPD which is considering housing and employment land requirements as well as ensuring that the city is developed in a sustainable way.

### **3.7 The Outer Ring Road and A65 Quality Bus Initiative**

- 3.7.1 The A6120 Outer Ring road forms an important part of the Leeds road network and its improvement is a key element of the transport strategy. The congestion and difficulties at key parts of the route have been recognised for some years.
- 3.7.2 An independent consultants study in 2006 concluded that significant works to dual the route and improve junctions was the preferred option ( at a cost of about £165m). Given the likely availability of Government funding a reduced scheme to improve 6 of the major junctions on the route was submitted for Regional Funding Allocation in 2008 at a cost of about £31m. This bid was not successful and now the potential funding streams for works of this order are fully subscribed up to 2014.
- 3.7.3 Highways are currently designing a signalisation scheme for Horsforth roundabout to be funded from the Local Transport Plan and any developer contributions received. This scheme is the largest single scheme in Leeds over the next 3 years and hence shows the priority being given to the Ring Road in this location. Signalisation of the junction will relieve congestion on the primary route network including improving access to the airport, improving road safety including significant benefits for vulnerable users, providing additional cycle and pedestrian facilities and facilitating traffic light priority for buses.

- 3.7.4 The journey time and reliability benefits of the A65 Quality Bus Initiative will be realised by passengers on the route between Leeds City Centre, Horsforth and beyond. The signalisation of the junction will allow signal priority to be given to bus services and will further improve the bus journey time on the A65 route.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 There are not considered to be any implications for Council policy and governance which arise directly from this report. There are likely to be implications from the Localism Bill when it is enacted as an Act of Parliament later in the year.

#### **5.0 Legal And Resource Implications**

- 5.1 There are not considered to be any legal or resource implications arising directly from this report. There are implications for resourcing of the service arising from the Localism Bill and the effects of neighbourhood planning but what they are and whether any additional Government funding will be provided to cover this is not known at present.

#### **6.0 Conclusions**

- 6.1 The concerns and issues raised by the deputation from Horsforth residents are acknowledged. There are procedures in place to ensure consultation/ engagement occurs and some examples of good practice - these are likely to be strengthened by national changes in the Localism Bill as well as technological advancements and organisational change taking place. The increasing move towards Development management and community engagement will help to develop closer relationships with communities but much will depend on adequate resourcing and the willingness of developers to fully embrace community engagement at the earliest stage.
- 6.2 The planning process is often about resolving competing demands for land and it is important that the needs of the city in future years is met in a sustainable way. The reuse of redundant brownfield sites within the city remains a key priority. The way that applications are dealt with offers an open, transparent method where the main issues and impacts are identified and weighed before decisions are reached. The future development of the city is being planned at a strategic level via the Core Strategy taking into account needed infrastructure improvements. It is recognised that sometimes choices have to be made and there may be consequences which can impact on local communities but those decisions are always taken within a context and after careful consideration.

#### **7.0 Recommendation**

- 7.1 Executive Board is recommended to note the contents of this report

#### **8.0 Background Papers**

- 8.1 Deputation to Full Council dated 19 January 2011