

# Comments for Planning Application 17/02594/OT

## Application Summary

Application Number: 17/02594/OT

Address: Land Off Racecourse Approach Wetherby LS22

Proposal: Outline application for 800 dwellings, primary school, convenience store, PoS and landscaping

Case Officer: Mr Adam Ward

## Customer Details

Name: M

Address:

## Comment Details

Commenter Type: Neighbour response

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 1. I refer to your letter dated 21 July 2020 on the above planning application and the issues for consideration by the City Plans Panel at the meeting scheduled for 6 August.

2. I should firstly wish to thank you for bringing this matter to my attention. As you will no doubt be aware, I have objected to the planning application previously alongside many of the residents of Wetherby.

3. I am therefore taking this opportunity to briefly set out below what I consider to be a further set of valid reasons for refusal, based on the three pieces of additional evidence mentioned in your letter.

Illustrative Masterplan (Drawing No. 16 5043 12) uploaded 10th June 2020

4. The Site Allocation Plan (CD1/1g Page 363) clearly states "a comprehensive design brief needs to be produced prior to the development of the site". The City Plans Panel has pursued this requirement with the applicant on at least two occasions. In October 2018 Members "requested to receive further information as to what was proposed for the whole site". Then in March 2019 they asked that "determination of the application be deferred to await further information the Master Plan of the SAP site as a whole".

5. Despite several opportunities to do so, Taylor Wimpey has singularly failed to respond positively to the requirements of the Plans Panel. Instead they have recently submitted a modified "illustrative plan" which only covers their part of the development. They also provided a separate "feasibility layout" drawing for the other parcel of (Newis) land, which I comment on below. Neither

document taken individually or collectively comes close to meeting Plans Panel expectations.

6. It is noteworthy that at Paragraph 2.07 of the latest Officers' Report (dated 30 January 2020) it sets out in detail what should be included in the Master Plan. I believe that this is what both the Planning Inspector and members of the City Panel envisaged when requesting that this document should be prepared in advance of making any decisions about applications for this site.

7. The Plans Panel should therefore be cognisant of the fact that according to Officers' own expectations for the Master Plan, it must set out "Points of vehicular access including a public transport link into the allocation off York Road and details of its timing" i.e. more than one point of access, as envisaged by the SAP.

8. The critical importance of a comprehensive Master Plan cannot be downplayed and I would argue that this is further reinforced by a recent planning appeal decision (June 2020) which led to a refusal of a planning application in a neighbouring authority (APP/R4408/W/19/3242646). In this particular case, the appeal was against the failure of Barnsley Council to give notice on the decision within the prescribed period. The Inspector found inter alia that the proposed development had come forward in advance of an approved Master Plan and concluded that this had significant potential to prejudice delivery and comprehensive development of the wider site allocation. This was one of the main grounds for refusal by the Council which was eventually upheld by the Inspector.

9. Finally, I would add that NPPF Paragraph 12 makes it quite clear that under these circumstances i.e. where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The Wetherby Neighbourhood Plan (WNP) is mentioned in the Officers latest report but in truth it appears that nothing more than lip service is paid to this relatively new planning document despite its legal status. It should however be borne in mind that "Connectivity" to and from the development site has been at the heart of several of the past considerations by the Plans Panel. It could therefore be argued that failure by Taylor Wimpey to secure vehicular access to the SW of the site could ultimately jeopardise the viability of the new primary school due to be located there which therefore places the application at odds with the WNP and policies therein.  
Feasibility Layout on 3rd Party Land (Drawing No. 16 5043 SK101) uploaded 1 May 2020

10. The aforementioned drawing, prepared by JRP (dated 20 February 2020) on behalf of Taylor Wimpey purports to show the layout of the third-party land (owned by the Newis family) which forms part of the designated SAP site and runs adjacent to their 800-house development. This drawing is provided without a supporting narrative from Taylor Wimpey nor is it mentioned in the Officers' report to the Plans Panel dated 16 July 2020.

11. It is therefore difficult for the layperson to form many conclusions solely on the drawing given

the lack of supporting evidence. I do however hope that the following observations will prove useful to Plans Panel Members in their future deliberations.

i) The drawing only identifies 62 separate housing units, yet the SAP envisages up to 300 houses for this land. There is clearly an abundance of green space which is to be welcomed, however, a cynic might suggest that the drawing is simply a means of presenting a rosy picture of a development that runs adjacent to one of the country's busiest stretches of motorway.

ii) At the Plans Panel meeting in January 2020, the Taylor Wimpey representative offered some warm words of assurance that Affordable Homes would not be located immediately parallel to A1 Motorway, and yet their Feasibility Layout drawing clearly shows that 19 out of 22 (86%) of these houses would be positioned accordingly, thereby exposing possibly vulnerable residents to the inherent risks of air pollution.

12. The aforementioned Officers' report does however make several references Taylor Wimpey's failure so far to purchase this land which in turn would prevent them from creating the necessary access points onto York Road and thereby satisfying the SAP Inspector's criteria.

13. With regards to this critical piece of land, I was surprised to read about the steps Leeds City Council's Planning Department have taken to examine its value and that they formed a conclusion (in a public report) that the offer put forward by Taylor Wimpey is "reasonable in the current economic climate, particularly taking into account the location of the site adjacent to the A1(M) motorway and Young Offenders Institute" (paragraph 20 refers).

14. I would therefore politely suggest that Leeds City Council Officers are at risk of acting "ultra vires" in this regard and that their report might indeed be viewed as a deliberate attempt to depict the landowner as a person not acting in good faith, in order to influence the Plans Panel's decision. Furthermore, their suggestion that the land ought to be somehow diminished in value by its proximity to the A1 motorway and a juvenile prison should raise significant alarm bells amongst Plans Panel Members as to the overall sustainability of the site and of this particular development.

Email from Agent relating to Notification to Appeal dated 9 June 2020

15. I understand that having failed to secure the land which would facilitate vehicular access points onto York Road, Taylor Wimpey now wants the Plans Panel to consider the application as currently submitted. Taylor Wimpey has also recently given notice of their intention to appeal the Council's decision on the grounds of non-determination should this not be forthcoming (and presumably in their favour) at the next scheduled meeting of the Plans Panel (6 August 2020), which they are perfectly entitled to do.

16. Looking ahead and based on past performance I fully expect that the Planning Officers' report for the August meeting will recommend that the Plans Panel approve the application. In fact, that

was the Officers' position at the last meeting held on 16 July 2020, in which they also set out the consequences facing Leeds City Council should an appeal go ahead, and forming the view that there are insufficient grounds for them to fight an appeal (Paragraphs 23-29 refers).

17. It is understood that the Plans Panel is not bound by the recommendations of its Officers, which is just as well given that there are real concerns about the objectivity of the Planning Officers having been severely compromised in this case as demonstrated by the extraordinary actions they took in order to support the applicant's case that a reasonable offer had been made for the third party's land. Furthermore, a recent decision by Leeds Council to refuse a planning application for this land (12-month extended permission for a car wash) might also be viewed as a cynical mechanism to exert further undue pressure on the landowner to sell.

## Conclusion

18. Against this backdrop, and bearing in mind the points made above, I would strongly urge that Panel Members should attach very limited weight to the Officers' recommendations on this occasion, particularly with regards to any advice on the outcome of a future appeal and instead formally refuse this planning application on the following grounds:

- i) Applicant failed to submit an agreed Master Plan for the whole site.
- ii) Development does not comply with SAP criteria for vehicular access points on York Road
- iii) Approval would be contrary to the development plan and thereby compromise the comprehensive development of the site
- iv) Connectivity from central Wetherby and the surrounding area to the proposed primary school in the SW corner of the development could be adversely affected thereby threatening its long-term viability.

For expediency, a copy of this letter has been forwarded to Councillor James McKenna, Chair, City Plans Panel.