

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25th June 2020

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Subject:

To report to Committee the appeal decision and award of costs in favour of the appellant for planning application reference: 16/08422/MAO

Summary statement:

Application reference: 16/08422/MAO - Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut.

Site: Holme Mills Holme Mill Lane Keighley West Yorkshire BD22 6BN

Members are advised that an appeal against the refusal of planning permission for application reference 16/08422/MAO has been allowed (decision made by a Planning Inspector on behalf of the Secretary of State). Planning permission has therefore been granted. The Inspector has also made a partial award of costs against the Council in favour of the appellants. This report gives full detail of the outcome of the appeal process and the costs incurred to the Council.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

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2. BACKGROUND

Planning application reference 16/08422/MAO was presented to the Regulatory and Appeals Committee on 14th May 2018 recommended by Officers for approval subject to conditions and a Section 106 Agreement (to secure £25,000 related to South Pennines Special Protection Area mitigation measures).

Members resolved to refuse planning permission for the following reasons:

- 1. The proposed development would lead to the loss of a valuable asset for the local community with a potential impact on social cohesion, contrary to Paragraphs 92, 93 and 98 of the National Planning Policy Framework.*
- 2. The proposed development does not offer any affordable housing provision in an area where there is significant need, contrary to Core Strategy Policy HO11.*
- 3. The proposed points of access/egress, by reason of layout and proximity to each other, would have a severe impact on highway safety, contrary to Core Strategy Policy DS4.*
- 4. The proposed development would have an adverse impact on a Bradford Wildlife Area, contrary to Replacement Unitary Development Plan (RUDP) Policy K/NE9.57 and Core Strategy Policy EN2.*
- 5. The proposed development would lead to the loss of woodland/protected trees with no replacement planting or mitigation identified, contrary to Core Strategy Policy EN5.*

Following the refusal the applicants for the planning application made an appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal was considered by way of "written representations" Attached at Appendix 1 is the Inspectors decision notice which allows the appeal and grants planning permission subject to conditions with a S106 to cover the £25,000 related to South Pennines Special Protection Area mitigation measures. A separate decision was made (Appendix 2) which constitutes a partial award of costs against the Council under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).

The decision to award partial costs is based on the Council acting with unreasonable behaviour resulting in unnecessary or wasted expense for the applicants. Members are reminded that the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Specifically, members will see from the attached Inspectors Report that he highlighted that reasons 1, 2 and 3 constituted unreasonable behaviour by the Local Planning Authority.

Following the decision to award costs to the Appellants the Council has agreed a figure of £8,294.32p

3. OTHER CONSIDERATIONS

none

4. FINANCIAL & RESOURCE APPRAISAL

There is no specific budget allocated for appeal costs in the Council's budget allocation. The payment of costs awarded to appellants following an award of costs decision is made from Development Services (Planning Service) base budget. Staffing costs are also incurred in any appeal case with officer time in preparing statements. This is not covered in the planning application submission fee.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

none

6. LEGAL APPRAISAL

none

7. OTHER IMPLICATIONS

none

7.1 EQUALITY & DIVERSITY

No issues

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The appeal decision includes a requirement (planning condition) for EV (Electric Vehicle) charging points for each new dwelling in accordance with Council policy and as requested by Officers as part of the appeal process.

7.4 COMMUNITY SAFETY IMPLICATIONS

None.

7.5 HUMAN RIGHTS ACT

The planning application and planning appeal were considered in the light of the full requirements of the Human Rights Act.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

None.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

n/a

10. RECOMMENDATIONS

Members are asked to note the content of this report including the decisions made by the Secretary of State.

11. APPENDICES

Appendix 1.: Decision of the Secretary of State dated 16th April 2020: Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

Appendix 2: Decision of the Secretary of State dated 16th April 2020: Costs application in relation to Appeal Ref: APP/W4705/W/18/3217011
Land at Holme Mill Lane, Keighley, West Yorkshire BD22 6BL

12. BACKGROUND DOCUMENTS

1. Planning Application 16/08422/MAO: Outline application for the construction of up to 102 dwellings, access roads and 90-bed nursing home with relocation of scout hut. Land at Holme Mills Holme Mill Lane Keighley West Yorkshire BD22 6BN
2. Item 6 (Document "AU") Officers Report to the Regulatory and Appeals Committee dated 14th May 2018
3. Minute 90 : LAND AT HOLME MILL LANE, KEIGHLEY – Approved Minutes of the Regulatory and Appeals Committee dated 14th May 2018