Department for Communities and Local Government

Our Ref: APP/N4720/W/14/3001559

Mr Jonathan Dunbavin
ID Planning
Atlas House
31 King Street
LEEDS
LS12HL

22 December 2016

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEAL BY MILLER HOMES AND THE HILLS FAMILY, LEEDS ROAD, COLLINGHAM, LEEDS APPLICATION REF: 14/00315/OT

1. I am directed by the Secretary of State to say that consideration has been given to the report of K D Barton BA (Hons) DipArch DipArb RIBA FCIArb, who held a public local inquiry between 12 and 29 April 2016 into your clients' appeal against the decision of Leeds City Council ("the Council") to refuse your clients' application for outline planning permission for the erection of circa 150 dwellings at land at Leeds Road, Collingham, Leeds, in accordance with application ref: 14/00315/OT, dated 17 January 2014. This included consideration of the matter of Housing Land Supply (HLS) in Leeds jointly with two other appeals between 19 and 21 April 2016, with closing submissions on 29 April 2016.

2. On 29 May 2015, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal was for a residential development of over 150 dwellings, on a site over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and outline planning permission granted, subject to the conditions set out in IR Appendix C, pages 78-82.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. He has decided to allow the appeal and grant outline planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Procedural matters

5. As described by the Inspector at IR1.1, amendments were made to the application at the inquiry so that it now reads "outline planning permission (all matters reserved except for means of access to, but not within, the site) for the erection of up to 150 dwellings". The Secretary of State notes that this is the basis on which the evidence has been given, the report has been written and the recommendation has been made. He is therefore satisfied that no interests will be prejudiced by making his decision on that basis.

6. Furthermore, as mentioned in paragraph 1 above, the Secretary of State is satisfied that, in order to avoid repetition and make efficient use of Inquiry time, it was appropriate to hear the matter of HLS in Leeds in conjunction with two other appeals (APP/N4720/W/15/3004034 Bradford Road, East Ardsley and APP/N4720/W/15/3004106 Breary Lane East, Bramhope) on 19 – 21 April 2016.

Matters arising following the close of the Inquiry

7. Following the close of the Inquiry, the Planning Inspectorate received letters from Eversheds LLP dated (i) 16 May 2016 relating to the 5 year HLS supply position and (ii) 5 September 2016 drawing attention to an appeal decision at Kippax; but the Secretary of State is satisfied that these raised no new matters upon which he needed to refer back to parties. The Planning Inspectorate also received an email from Leeds City Council enclosing a letter from the Collingham Residents Action Group relating to flooding risk. However, the Secretary of State is satisfied that the Inspector's proposed condition covers this matter adequately and that there was no need to seek further views from parties. Copies of all this correspondence may be obtained on written request to the address at the foot of the first page of this letter.

Policy considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan comprises the adopted Leeds Core Strategy (CS), adopted in 12 November 2014; and the saved policies of the Leeds Unitary Development Plan Review (UDPR) adopted in July 2006. The Secretary of State agrees with the Inspector at IR8.3.5 that the most relevant UDPR policy is Policy N34.

10. The Inspector refers at IR4.2 to the emerging Leeds Site Allocations Plan (SAP), but the Secretary of State agrees with the Inspector that, as the SAP is still an early stage, he can give it only limited weight in considering this appeal.

11. The Inspector also refers at IR4.2 and IR8.3.3 to the fact that, at the time the Council reached its decision on this case, an Interim Housing Delivery Policy was in place relating to the potential release of sites allocated as Protected Areas of Search (PAS) in the UPDR (including the appeal site (IR8.1.2)), but that that interim policy was subsequently withdrawn so that such sites were taken back to the Plans Panel for assessment in the light of the current policy context. Like the Inspector (IR8.3.3), the Secretary of State is satisfied that no-one has been disadvantaged by the fact that this rendered it necessary for the Inspector to consider this case in the context of the revised reasons for refusal.

12. The Secretary of State has also taken account of the fact that the final draft of the *Collingham Neighbourhood Plan* was in preparation at the time of the Inquiry (IR8.3.44), and he is aware that the Examiner's Report has now been submitted to the Council. Having regard to paragraph 216 of the Framework and the fact that the Neighbourhood Plan has not yet reached Referendum stage, the Secretary of State gives it limited weight.

13. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning Guidance; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Main issues

14. The Secretary of State agrees with the Inspector that the main issues are those referred to at IR8.1.1.

Assessment of Housing Land Supply

15. Having carefully considered the Inspector's arguments at IR8.2.1-8.2.10, the Secretary of State agrees with him at IR8.2.11 that, on past performance, the buffer must by 20% - so that the 5-year HLS requirement across the City would be 31,898, or 6,379 units per annum (IR8.2.12). The Secretary of State notes the Inspector's comparison with recent levels of performance (IR8.2.13) before turning to the supply side as set out by the Inspector at IR8.2.14-8.2.25. He agrees with the Inspector at IR8.2.25 that the position on supply is difficult as the SAP will not be adopted until at least December 2017, but that the available evidence based on the December 2015 draft of the SHLAA indicates that there is a serious shortfall of supply in the next two years, a heavy dependence on sites that do not have planning permission and reliance on sites that are currently in other use.

16. The Secretary of State has given careful consideration to the Inspector's analysis of the uncertainties relating to the potential supply of land at IR8.2.26-8.2.28 and he agrees that there are a number of differences between the parties as to delivery rates and lead-in times (IR8.2.29-8.2.38). Overall, he agrees with Inspector's conclusion at IR8.2.39 that the failure to produce an adopted SAP until December 2017 means that there is no policy set out to show how delivery of any houses, never mind the magnitude required, will actually take place; that the safety margin of 2,262 dwellings can soon be whittled away when realism is applied and that the Council has failed to demonstrate a robust 5 year HLS. The Secretary of State therefore agrees with the Inspector's conclusion that the solution is to deliver housing now, including much needed affordable housing (IR8.2.40.8.2.41).

Development Plan Policy

17. Having regard to the Development Plan position as set out in paragraphs 9 - 11 above and by the Inspector at IR8.3.1, the Secretary of State agrees with the Inspector at IR8.3.2 that, as there is no 5 year HLS, paragraphs 14 and 49 of the Framework must be applied. Therefore, while he agrees with the Inspector that UDPR policy N34 is a policy for the supply of housing, he also agrees with the Inspector's conclusion at IR8.3.2 that policy N34 cannot be considered up-to-date. He further agrees with the Inspector that, rather than being a restrictive policy, the purpose of Policy N34 was to safeguard land to meet longer term development needs so that, as it envisages development, the appropriate test to apply is whether any adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

18. Having carefully considered the Inspector's arguments at IR8.3.4-8.3.24, the Secretary of State agrees (i) with his conclusions at IR8.3.14 that the use of Policy N34 to prevent development would be contrary to the Framework and that, in the absence of a 5 year HLS the provisions of paragraphs 14 and 49 of the Framework should apply; and (ii) with his conclusions at IR8.3.24 that any adverse impacts due to the development should be balanced against the benefit of granting permission now to see if they significantly and demonstrably outweigh them so as to lead to a presumption in favour of sustainable development.

19. For the reasons given at IR8.3.25-8.3.33, the Secretary of State agrees with the Inspector's conclusion at IR8.3.34 that, overall, the proposal would be generally compliant with the CS and would not undermine its implementation. He therefore agrees with the Inspector's conclusion at IR8.3.35 that, in terms of the development plan, only UDPR Policy N34 would be breached and that this should attract little weight as it is time expired. The Secretary of State therefore also agrees that there needs to be a balancing exercise within the parameter that there is a presumption in favour of granting permission. He further agrees with the Inspector's findings and reasoning at IR8.3.36-8.3.43 concerning the outstanding uncertainties in relation to the timing and content of the emerging SAP; and shares his concerns about the poor rate of delivery in the Outer North East HMCA highlighted at IR8.3.43.

Accessibility of proposed site to shops and services

20. Having carefully considered the Inspector's discussion at IR8.4.1-8.4.16, the Secretary of State agrees with his conclusion at IR8.4.17 that, with a modicum of flexibility, the site would satisfy the objectives of the CS Accessibility Standards, so that these would not represent a sufficient reason to justify withholding planning permission.

Effect on the Highway Network

21. For the reasons given at IR8.5.1-8.5.3, the Secretary of State agrees with the Inspector that, in the light of the work referred to at IR8.5.2 and 8.5.3, there is now little evidence to justify reaching a different conclusion to that of the highway authority with regard to the capability of the highway network to absorb the additional pressures which the scheme would place on it. He therefore regards this as being neutral in the overall balance.

Effect on the character and identity of Collingham

22. For the reasons given at IR8.6.1-8.6.5, the Secretary of State agrees with the Inspector that the provision of a vehicular access to the appeal site would not necessarily harm the appearance of the settlement (IR8.6.3); that its character would not be significantly affected (IR8.6.4); and that there would be no adverse impact on the living conditions of those already living in the vicinity (IR8.6.5). The Secretary of State also notes the Inspector's comments on dwelling size and density at IR8.6.6-8.6.7; and he agrees with the Inspector at IR8.6.6 that there is nothing exceptional in terms of character nor any overriding concern in design terms to justify a lower density than the minimum of 30 dph specified in the CS. The Secretary of State agrees with the Inspector's points at IR8.6.8 and with his overall conclusion at IR8.6.9 that the appeal proposal would preserve the

character and identity of Collingham in accordance with the aims of CS Policies SP1(iii), H3 and H4.

Other matters

23. The Secretary of State agrees with the Inspector at IR8.7.1 that, in view of the desperate need for affordable housing in Leeds, the provision of affordable housing in accordance with policy requirements is to be welcomed. The Secretary of State also welcomes the improvements to flood defence measures which would be provided both on- and off-site (IR8.7.2) and agrees with the Inspector that these would provide a general benefit to the village. The Secretary of State also agrees with the Inspector's conclusions with regard to the other matters considered at IR8.7.3-8.7.5 that there is little evidence on which to justify refusing planning permission.

Conditions

24. The Secretary of State has considered the suggested conditions set out at Appendix C to the IR and the Inspector's comments on them at IR8.8.7-8.8.11. He agrees with the Inspector that those conditions – which are now set out at Annex A to this letter – are reasonable and necessary and meet the tests of the Framework and guidance. He is satisfied that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Obligations

25. The Secretary of State notes (IR8.8.1) that a number of facilities are covered by the Leeds CIL Charging Schedule adopted in April 2015. In addition, having regard to the Inspector's analysis at IR8.8.1-8.8.6, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State is satisfied that the signed section 106 Agreement dated 29 April 2016 complies with Regulation 122 of the CIL Regulations. He therefore agrees with the Inspector's conclusion at IR8.8.11 that its terms comply with the tests at paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms, and are fairly and reasonably related in scale and kind to the development.

Overall conclusions

26. The Secretary of State concludes that granting permission for the appeal scheme would be contrary to the development plan as a whole, particularly having regard to the conflict with saved policy N34 of the UDPR. He has therefore gone on to consider whether there are any material considerations that indicate that the proposal should be determined other than in accordance with the development plan.

27. As he has not found evidence of a five year supply of deliverable housing sites across the local authority area, the Secretary of State concludes that the relevant development plan policies for the supply of housing are out-of-date. Therefore, in line with the presumption in favour of sustainable development at paragraphs 14 and 49 of the Framework, he considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

28. Having carefully assessed the evidence before him, the Secretary of State is satisfied that there are no adverse impacts which, either individually or together, are of sufficient

weight to indicate that the development of the appeal site should be restricted. Overall, therefore, the Secretary of State finds that, when taking the policies of the Development Plan and the Framework as a whole, the adverse impacts of granting consent for the proposed development are limited and that there are no material harms that significantly and demonstrably outweigh the very real benefits of providing new homes to boost the supply of housing as required by the Framework.

Formal decision

29. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission (all matters reserved except for means of access to, but not within, the site) for the erection of up to 150 dwellings at land at Leeds Road, Collingham, Leeds, in accordance with application ref: 14/00315/OT, dated 17 January 2014, subject to the imposition of the conditions set out in Annex A to this letter.

30. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

31. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

33. A copy of this letter has been sent to Leeds City Council. Notification has also been sent to all other parties who asked to be informed.

Yours faithfully,

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Annex A

List of conditions

Approval of details

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.

2) The development hereby permitted shall comprise no more than 150 dwellings.

3) The development hereby permitted shall be carried out in accordance with the following plans:

   Site Location Plan P13 4827 02
   Sections/Cross Sections 35800/001 Rev A
   Block Plan/Layout Plan 35800/002 Rev A
   Sections/Cross Sections 35800/04 Rev A

Timing of Implementation

4) Application for approval of all reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

Archaeology

5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by, the local planning authority.

Flood Risk and Drainage

6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Weetwood dated January 2014 v1.2, and the mitigation measures detailed in paragraphs 4.2, 4.3, and 4.4 of the FRA.

   The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

7) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

8) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the FRA prepared by Weetwood dated January 2014 (Reference 2300/FRA_Final v1.2) with details to be submitted to, and approved in writing by, the local planning authority before development commences.

9) Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

10) The development shall not be occupied until details of the management and long term maintenance of the Sustainable Urban Drainage System and flood alleviation and mitigation works within the site has been submitted to and approved in writing by the local planning authority. The approved details, including maintenance, shall be implemented before the development is brought into use, or as set out in the approved phasing details

Ground Conditions

11) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the local planning authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil, or soil forming material, is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the local planning authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

12) If Remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the local planning authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the local planning authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised Remediation Statements.

13) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works the verification report(s) shall be submitted to the local planning authority in accordance with the approved programme. The site, or phase of a site, shall not be brought into use until such time as all verification information has been approved in writing by the local planning authority.

Ecology and Trees

14) Removal of trees T1, T2, and T3 and retention of Trees T4, T5, and T6 as shown in Figure 1 of the Bat Impact Assessment report dated October 2015 by Brooks Ecological ref R-1485-o6 shall be carried out in full accordance with the recommendations of the same report. Written confirmation by an appropriately qualified ecologist will be provided to the local planning authority within 6 weeks of tree removal taking place.

15) No development shall take place until the following ecological reports and details, including details for implementation, have been submitted to and approved in writing by, the local planning authority:

    a) An Ecological Bridge Design Statement (EBDS) that addresses any adverse impacts on bats commuting and foraging below and above the new bridge;

b) A “Lighting Design Strategy for Bats”;

c) A Construction Environmental Management Plan (CEMP);

d) A Biodiversity Enhancement and Management Plan (BEMP);

e) Details of bat roosting and bird nesting opportunities

The approved plans and reports shall be implemented in accordance with the approved details.

16) No site clearance, preparatory work or development shall take place until a scheme has been drawn up that identifies the trees to be retained on the site (the retained trees), the measures to be taken for their protection (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with BS5837 (2012): *Trees in relation to construction – Recommendations* and submitted to and approved in writing by the local planning authority. The retained trees shall be protected as described and approved. Both the tree protection plan and the arboricultural method statement shall be accompanied by appropriate drawings showing details of changes in level, foundations and paving, boundary treatment, utilities routes and proposed landscaping operations, in so far as they may affect the retained trees. Such measures shall be retained for the duration of any approved works.

Public Open Space

17) The development hereby permitted shall not begin until a scheme has been submitted to, and approved in writing by, the local planning authority for the provision of 80m² of on-site public open space per dwelling or 1.2 hectares overall based upon a maximum development of 150 dwellings. The scheme shall include details of the siting, layout, landscaping, maintenance, and long term management of the open space. The on-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.

18) The development hereby permitted shall not begin until a scheme for the provision of a landscaped buffer zone on the western boundary has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the location, layout, planting plans, schedule of species, timetable for implementation and long term management scheme. The scheme should include for the provision of native tree planting in order to provide a transition from open countryside to development and should provide for the retention and improvement of any public rights of way that falls within it. The buffer zone shall be laid out in accordance with the approved details and maintained as a buffer zone for the lifetime of the development.

Highways

19) Prior to the commencement of development, details shall be submitted to, and approved in writing by, the local planning authority of arrangements to secure the following highway improvement works which shall be implemented and completed prior to occupation of the first dwelling:

a) The site access as shown indicatively on Drawing No 7119-005 rev F, including the provision of street lighting for the area of the proposed 30 mph limit, relocation of speed limit and VAS sign as well as the two new bus stops;

b) The widening of the footway between the proposed site access and Crabtree Green shown indicatively on Drawing No 7119-015; and

c) The works to widen the footway to Leeds Road identified on Drawing No 7119-019 Rev A.

20) No development shall take place until details have been submitted to and approved in writing by the local planning authority of arrangements to secure the following highway improvements which shall be implemented and completed prior to occupation of the first dwelling or other approved timetable but not later than occupation of the 50th dwelling:

a) The highway works at the Wattlesyke junction shown indicatively on Drawing No 71119-006 rev D road incorporating MOVA with associated queue detection equipment;

b) The highway works at the junction of the A58 Main Street and A659 Harewood Road shown indicatively on Drawing NO 7119-016 Rev B, incorporating MOVA with associated queue detection equipment; and

c) The culvert strengthening works at Wattlesyke junction to accommodate the proposed highway works.

21) No development shall take place until a scheme for the provision of electric vehicle charging points, to be provided within each garage hereby approved, shall have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to occupation of the respective dwellings.

22) The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on approved Drawing No 7119-005 Rev F.

23) The development shall not be occupied until details of the proposed pedestrian/cycle link through the site as part of route 66 of the National Cycle Network has been submitted to, and approved in writing by, the local planning authority. The route shall be implemented prior to occupation of any of the houses hereby approved and subsequently maintained and kept unobstructed.

24) Cycle storage shall be provided for each dwelling in accordance with details that have been submitted to, and approved in writing by, the local planning authority.

25) The development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

Construction

26) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

a) The parking of site operatives and visitors vehicles within the site;

b) The loading and unloading of plant and materials within the site;

c) The storage of plant and materials within the site;

d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;

e) Wheel washing facilities;

f) Measures to control the emissions of dust and dirt during construction;

g) A scheme for the recycling/disposing of waste resulting from the construction works; and,

h) Routes of construction traffic.

27) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 to 1600 hours on Saturdays; nor at any time on Sundays or Bank Holidays.

The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by K D Barton BA(Hons) DipArch DipArb RIBA FCIArb

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 20 September 2016

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MILLER HOMES AND THE HILLS FAMILY

AGAINST A DECISION BY

LEEDS CITY COUNCIL

RELATING TO A SITE AT LEEDS ROAD, COLLINGHAM

Inquiry opened on 12 April 2016

Land at Leeds Road, Collingham, Leeds

File Ref: APP/N4720/W/14/3001559

Contents

File Ref: APP/N4720/W/14/3001559
Land at Leeds Road, Collingham, Leeds

- The appeal is made under Section 78 of the *Town and Country Planning Act 1990* against a refusal to grant outline planning permission.
- The appeal is made by Miller Homes and the Hills Family against the decision of Leeds City Council.
- The application Ref 14/00315/OT, dated 17 January 2014, was refused by notice dated 30 October 2014.
- The development proposed is in outline (all matters reserved except for means of access to, but not within, the site) for the erection of circa 150 dwellings.

Summary of Recommendation: The Appeal be allowed, subject to the conditions set out in Appendix C to this report.

1. Procedural Matters

1.1. At the Inquiry the Inspector proposed, and the parties agreed in the interests of clarity and precision, to amend the application to read: "outline planning permission (all matters reserved except for means of access to, but not within, the site) for the erection of up to 150 dwellings". This is the basis on which the evidence was given, the report has been written, and the recommendation has been made.

1.2. The appeal was recovered by the Secretary of State (SoS) by a Direction dated 29 May 2015 (SSD). The reason for the direction is that the appeal involves a proposal for residential development of over 150 units, or a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and the creation of high quality, sustainable, mixed and inclusive communities.

1.3. A Direction, dated 9 June 2009, extended the saved policies listed within it. The Direction indicates that local planning authorities should "make good progress with local development frameworks" and states that "Policies have been extended in the expectation that they will be replaced promptly". The *National Planning Policy Framework* (*Framework)* makes clear that "It is highly desirable that local planning authorities should have an up-to-date plan in place" and where development plans are "absent, silent or relevant policies are out-of-date it expects planning permission to be granted unless "adverse impacts significantly and demonstrably outweigh the benefits" or "specific policies" apply.[1]

1.4. A Pre-Inquiry Note was issued to set out the administrative arrangements for the Inquiry, which sat for 12 days between 12 and 29 April 2016. Accompanied and unaccompanied visits were made to the site and the surrounding area on 28 April 2016. In addition, to avoid repetition and make efficient use of Inquiry time, the matter of Housing Land Supply (HLS) in Leeds was heard in conjunction with two other appeals, APP/N4720/W/15/3004034 Land off Bradford Road East Ardsley and APP/N4720/W/15/3004106 Land at Breary Lane East, Bramhope, on 19-21

[1] MHH/3/C APP ID2, MHH/12 Paras 7-8

April 2016. Closing submissions in relation to this appeal, on all matters, including HLS, were made on 29 April 2016[2].

1.5. Subsequent to the close of the Inquiry an appeal decision was issued relating to development at Grove Road, Boston Spa (APP/N4720/A/13/2208551). The parties were given an opportunity to comment on this decision and their comments have been taken into consideration. The Council confirms that it is challenging the Grove Road decision, the conclusions of which it maintains are divergent from those relating to an earlier decision at Bagley Lane, Farsley (APP/N4720/A/13/2208551)[3]. The Council states that its evidence on HLS has changed significantly since it was given at the Grove Road Inquiry in May 2014. It therefore asks that the conclusions on the three appeals mentioned at paragraph 1.4 above should be reached based on the latest evidence from all parties as presented and tested at the Inquiries in April 2016. The general consensus of the Appellants is also that the most up to date evidence given to this Inquiry should be used although response has been made to some of the detailed points raised by the Council.[4]

1.6. This report includes a description of the site and its surroundings, a summary of the planning policy background, the gist of the representations made at the Inquiry, and in writing, and my conclusion and recommendation. Lists of appearances and documents, a schedule of conditions should the Secretary of State be minded to allow the appeal, and a glossary of abbreviations, are also attached as appendices.

2. The Site and Its Surroundings[5]

2.1. The appeal site has an area of approximately 8.79 hectares, of which 4.43 hectares would be developed as residential. It is currently an open area of Grade 2 and 3 agricultural land on the western side of Collingham bounded on two sides by residential development. The site lies between the Collingham Beck and A58, which run roughly parallel to the south, with residential properties to the north accessed from Harewood Road. To the east is the predominantly 1960s, one and two storey residential, development on Millbeck Green.

2.2. The southernmost part of the site is relatively flat but the land rises to the north with houses in South View and Hastings Way being elevated above the site. The land on which the proposed dwellings and associated green space would stand is designated as a Protected Area of Search (PAS), which is land that was removed from the Green Belt for future development needs. Land to the west of the PAS which comprises open space and flood alleviation measures is within the Green Belt, as is the open countryside on the south side of the A58. A number of trees within the site and along the A58 frontage are subject to a Tree Preservation Order (TPO).

[2] CD/F9, LCC/7, LCC/18 Paras 48-115, BDW/7, BDW/8
[3] Since the Inquiry the Grove Lane decision has been challenged
[4] LCC/10/H Letter incorrectly dated 12 July 2015, BDW/5/C, and MHH/8/D
[5] CD/L4 Section 2

3. The Proposal[6]

3.1. The application sought outline permission with appearance, landscaping, scale and internal access reserved for future consideration. An indicative Masterplan seeks to demonstrate that, in principle, residential development of no more than 150 homes could be accommodated on the site. It is agreed that detailed layout, massing and townscape can be dealt with at reserved matters stage through the imposition of conditions.

3.2. The indicative Masterplan shows a vehicular access from the A58 and the Council does not object to that access in terms of location, capacity, highway safety or effect on trees. The Masterplan also shows areas of open space distributed throughout the site. These areas would be in excess of those required by development plan policies. The proposals would also provide flood risk mitigation for the proposed development and also off-site betterment in terms of reduced flood risk to existing residential properties. Part of these works would be secured through a Section 106 Agreement.

4. Planning Policy Context

4.1. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* indicates that determinations under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case includes the *Leeds Core Strategy* (CS) adopted in November 2014, and the saved provisions of the Leeds Unitary Development Plan Review (UDPR) 2006.[7]

4.2. The Council is progressing a Site Allocations Plan (SAP) but it is agreed that as this is at an early stage only limited weight can be attached to it. At the time the Council reached its decision on this proposal, an Interim Housing Delivery Policy was in place. However, since adoption of the CS, the Interim Policy has been withdrawn and the reasons for refusal have been revised to reflect adopted and emerging policy.[8]

5. The Case for Leeds City Council

5.1. Introduction

5.1.1 Collingham is a Smaller Settlement within the CS settlement hierarchy, whilst under the UDPR the site was designated as a Protected Area of Search (PAS) site. When the Council reached its decision on the appeal proposal it was against the background of the Interim Housing Policy. However, this was withdrawn in February 2015 in light of the stage reached by the SAP process. The SAP will resolve the Council's view as to which PAS sites should be included on the basis of their planning merits. This accords with CS policies and meeting the Council's housing delivery and locational strategies.[9]

[6] CD/L/4
[7] CD/L/4 Section 6, CD/A/3, CD/A/5, CD/A/5(A), CD/A/6, CD/A/6(A), CD/A/7, CD/A/7(A), MHH/12 Para7
[8] CD/A/8, CD/A/10
[9] LCC/7 Para 2

5.1.2 Consequently, assessment against the Interim Policy is not appropriate and the proposal was taken back to the Plans Panel Committee for assessment in the light of the current policy context. The amended reasons for refusal are the outcome of that assessment and the Council relies on them.[10]

5.2 Assessment of Housing Land Supply

5.2.1 The housing requirement for the purposes of *Framework* paragraph 47 is largely common ground. The 5 year period is 1 April 2016 to 31 March 2021. The annual requirement derives from CS Policy SP6 which contains a step-up in the requirement with the first five years of the plan being at a lower rate. The consequent annual figures are 1x3,660 + 4x4,700 although the requirement is not a maximum.[11]

5.2.2 The CS requirements for the first three years of the plan period have not been met but the completions for the period 20112/13 to 2014/15 are agreed as the table below.[12]

Year	Adopted CS Policy SP6	Contribution from sources to Core Strategy target			Demolitions	Total
		New & converted units	Empty homes	Older persons housing		
2012/13	3,660	1,650	149	29	27	1,801
2013/14	3,660	2,235	880	86	6	3,195
2014/15	3,660	2,076	215	322	97	2,226
Total	10,980	5,961	1,244	147	130	7,222
Backlog2012 to 2015						

5.2.3 There are two issues in dispute between the parties:

a) The precise level of completions in 2015/16; and

b) The appropriate buffer.[13]

5.2.4 The precise level of completions in 2015/16 is not an issue of principle but of quantum. The figure submitted by the Council has been compiled in exactly the same way as other years, where the Appellant accepts the figures, and is the figure submitted to Government for the purpose of the New Homes Bonus. The base information comes from individuals' Council

[10] CD/F/5 Para 4.11, LCC/7 Para 2
[11] CD/A/1, CD/A/3, CD/F/6, CD/L/5, LCC/18 Paras 48-50
[12] CD/L/5, LCC/18 Paras 49-50
[13] CD/L/5, LCC/18 Para 50

Tax information and cannot simply be disclosed. However, the figure sits in the range of annual figures accepted for 2012/15.[14]

5.2.5 Turning to the matter of the buffer, this is a matter of judgement that the *Guidance* makes clear will vary from place to place. Notwithstanding this the *Guidance* notes that a more robust assessment will be made by considering a longer term view such as a complete housing market cycle. The Appellants' joint 5 years assessment does not do this.[15]

5.2.6 The purpose and function of the buffer derives from Framework paragraph 47. The purpose is to ensure choice and competition and, in relation to the 20% buffer, to provide a realistic prospect of the planned supply being achieved. The function is to move sites forward from later in the plan period. This is consistent with the core policy principles and promoting, not undermining, the plan-led system. The objective is not to penalize an authority.[16]

5.2.7 In this case, the Appellants seek the release of safeguarded land that would be contrary to the CS and would undermine the emerging SAP. A 20% buffer would have the opposite purpose and function to that set out in *Framework* paragraph 47. There is a large volume of permitted residential development and large areas of the inner area and city centre available for development. The issue is not an absence of competition and supply but that the volume house builders seek to build other than in accordance with the Council's adopted CS.[17]

5.2.8 In terms of figures, there is agreement except for Empties in 2015/16 as set out above and they can be considered in three parts.[18]

Plan	Context	Year	Net Completions	Target Min	Target Max	Under delivery Min	Under delivery Max
UDP	Rising	2003/4	2,991	1,930	1,930	1,061	1,061
UDP/RSS	Rising	2004/5	2,633	2,260	2,260	373	373
UDP/RSS	Boom	2005/6	3,436	2,260	2,260	1,176	1,176
UDP/RSS	Boom	2006/7	3,327	2,260	2,260	1,067	1,067
UDP/RSS	Boom	2007/8	3,576	2,260	2,260	1,316	1,316
UDP/RSS	Recession	2008/9	3,828	2,260	4,300	1,568	-472

[14] LCC/18 Para 51
[15] LCC/18 Para 52, CD/A/2 Para 3-035, MHH/3/C APP ID9 Table 2.2
[16] LCC/18 para 53
[17] LCC/18 Paras 53
[18] LCC/18 Para 54, LCC/11//B Table 7

UDP/RSS	Recession	2009/10	2,238	2,260	4,300	-22	-2062
UDP/RSS	Recession	2010/11	1,686	2,260	4,300	-574	-2,614
UDP/RSS	Recovery	2011/12	1,931	2,260	4,300	-329	-2,369
CS	Recovery	2012/13	1,801	3,660	3,360	-1,859	-1,859
CS	Recovery	2013/14	3,195	3,660	3,660	-465	-465
CS	Recovery	2014/15	2,226	3,660	3,660	-1,434	-1,434
CS	Rising	2015/16		3,660	3,660		
						1,878	-6,282

5.2.9 Firstly, pre-recession the requirement was 1,930 rising to 2,260 and in these 5 years the requirement was exceeded by around 5,000 homes. During the recession the requirement was debatable. Adopted targets were 2,260 and 4,300. The lower target was exceeded by 643 but against the step up RSS requirement there was an undersupply of 7,517. However, it is acknowledged that the RSS requirement was inaccurate. Post-recession the CS requirement for 2013 to 2016 was 3,660 and there has been a cumulative undersupply of 4,122. However, the most recent year is the best since the adoption of the CS delivering 3,296 units.[19]

5.2.10 If a cumulative approach is taken to the whole cycle and assessment made against the lower requirement for 2008/12, targets were exceeded by 1,514. The RSS is accepted as being unrealistic and the figure is based on job growth of 24,000 when in practice there was a loss of 8,000 jobs, a swing of over 32,000. An assessment against this is meaningless and the Bagley Lane Inspector concluded it was unrealistic.[20]

5.2.11 The CS Inspector also considered the matter. "The Regional Strategy has been revoked and its housing targets were underpinned by assumptions that the 2011 census and later projections have shown to be inaccurate. This significantly reduces the weight to be attributed to under delivery against the Regional Strategy target and the need to address any shortfall against the RS through the CS".[21]

5.2.12 No weight should be given to non-compliance with the RSS target. The lower target is more meaningful and against that there is no cumulative shortfall. In any event, the CS requirement was based on demographic projections and encapsulates any shortfall properly found to have occurred therefore counting non-compliance against the higher RSS target would lead to double counting of any actual undersupply. This was recognised by the Bagley Lane Inspector.[22]

5.2.13 Secondly, turning to performance against the CS, the requirement has not been met. However, completions are increasing as the market recovers

[19] LCC/18 Para 54
[20] LCC/18 Paras 55-58
[21] CD/G/4 Para 16, LCC/18 Para 59
[22] LCC/18 Para 60, CD/G/17 2nd report Para 185

and are just short of the CS requirement. A robust approach over a market cycle, in line with the *Guidance*, has met the cumulative need and is moving into line with the CS requirement. This is similar to the conclusion of the Bagley Lane Inspector. Although time has passed he was informed that the target for 2014/15 would not be met. His conclusions should continue to apply as the practical difference is one additional year in which supply only fell by 364 units.[23]

5.2.14 The Appellants' make much of how substantial the CS requirement is but the Council has always acknowledged that and is committed to meeting the target. To add a 20% buffer would be unproductive, contrary to the intentions of the *Framework*, and would undermine the strategy for meeting the target. A 20% buffer would effectively increase the CS target to allow remote greenfield sites to get permission at the expense of urban regeneration. With a 5% buffer the Council maintains that the 5 year housing requirement is 27,911 units.[24]

5.2.15 Many of the sources of supply are agreed. Over 5 years these would be; 2500 smaller windfalls, those sites too small to be identified by the SHLAA; 1000 empty homes; and -225 demolitions. In terms of large windfalls the Council includes an average of 167 such units a year whereas large windfalls have actually produced an average of 388 units over the last three years. This allowance was accepted by the Bagley Lane Inspector with only 2 years of evidence and should be allowed in this case.[25]

5.2.16 *Framework* paragraph 47 requires five year supply sites to be "deliverable" and sets out advice in Footnote 11. Firstly, "sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not be implemented within 5 years". Secondly, "sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.[26]

5.2.17 The Appellants acknowledge and identify 16,571 units in the 5 year supply deriving from the 2015/2020 that have planning permission or are under construction. The equivalent figure for 2016/2021 is 14,770. All these units must count in the absence of clear evidence otherwise. The real challenge is to the achievability although predictions of delivery are inherently uncertain. Consequently the Framework looks only for a realistic prospect of delivery. The *Guidance* addresses the Footnote 11 factors of Availability, Achievability and Deliverability.[27]

5.2.18 Reference has also been made to Wain Homes (SW) Holdings Ltd v SSCLG. This agrees that sites should not be 'assumed' to be deliverable. The Council has considered each site against the Footnote 11 tests and the same methodology has been used by the Appellant. Another occupier is

[23] LCC/18 Paras 61-62, CD/G17 2nd Report Para 187
[24] CD/A/38A, CD/L/14, LCC/18 Paras63-64
[25] LCC/18 Paras 65-66, CD/A/1 Para 48, LCC/11/B Para 3.13 & App 2, CD/L/5 Para 3.16, CD/G/17 Para 200, CD/A/3 Paras 4.6.4, 4.6.8 & 4.6.10
[26] LCC/18 Paras 67
[27] LCC/18 Para 68-71

not a bar to inclusion of the site in the five year supply but rather consideration should be given as to whether any problem could be overcome to allow delivery within 5 years. The inclusion of a site in the SHLAA provides a starting point and some evidence a site is deliverable.[28]

5.2.19 The SHLAA takes on board an enormous amount of information and is the result of an iterative process. The 2015 SHLAA, from which the 5 year supply derives, used the same methodology as the 2014 SHLAA which was the subject of extensive consultation with the development industry. It didn't agree with a number of issues which has influenced the approach to consultation. Criticisms in the Appellants' case reflect the intractable differences between the parties. Both the SHLAA and the SAP inform each other and each allows promoters to be heard and for availability and achievability to be confirmed creating a rebuttable presumption as to their delivery.[29]

5.2.20 The Appellants' criticisms of the SHLAA differences were raised at the Bagley Lane Inquiry and the Inspector's conclusions below hold good in this case.

a) Supply cannot be approached in a policy vacuum. Allocations and the 5 year supply need to reflect the CS strategy;

b) Although volume house builders reject much of the supply from the city centre and the inner area, there are factors that would assist supply in those areas such as PRS and low cost builders;

c) The viability of some city centre and inner area sites indicates that many sites are likely to be viable, albeit not with volume builders profit margins;

d) The Council's build out rates based on past performance and publically stated anticipated rates are to be preferred;

e) The input of the development industry is important; and

f) The SHLAA is a snapshot in time.

Taking account of policy context and the other factors referred to above the Council's analysis is to be preferred. [30]

5.2.21 All this needs to be seen in the context of whether the Council's approach to achievability is realistic and reasonable, a fact already confirmed by the Bagley Lane Inspector:

a) Challenges to a number of HLS matters were dismissed confirming there was no error in the legal approach to housing land supply;

b) This endorsed the Council's approach to the SHLAA and its methodology to ensure consistency;

[28] LCC/18 Paras 72-73, MMH/3/C App ID8
[29] CD/A/3 Para 4.6.17, LCC/18 Paras 74-78
[30] LCC/18 Para78

c) A number of arguments in this case were also raised at Bagley Lane and dismissed. Arguments have narrowed and viability is no longer questioned. House price growth has strengthened to 6.5-7.5% in the city centre and inner area and sales have increased.[31]

5.2.22 The supply of housing should not be seen in isolation from the Strategy. Both the CS and Community Infrastructure Levy (CIL) Inspectors noted the housing requirement was large but concluded the Strategy was effective and deliverable. It has begun to deliver and the considerable activity will act as a catalyst for further growth. In addition the Council is being proactive with measures, including, amongst others, delivering housing itself and selling brownfield land in its ownership. The Strategy is delivering, albeit perhaps less rapidly than originally hoped.[32]

5.2.23 Some particular concerns were raised by the Appellants but must be put in context. Leeds is a large area with very many sites coming forward. It is therefore impossible for the Inspector to replicate the SHLAA or 5 year supply exercise. A broad range of sources of supply have been used in a realistic way. Whilst there is a need for robust evidence to support decisions that does not mean a letter from the landowner setting out his intentions. What it does mean is that the Council's assessment should be capable of being explained and evidenced. Where there is new information the details are updated hence following the round table session the Council reduced the number of units assessed as deliverable to 30,385. Although the Appellants disagree on key issues, the Council's position is realistic and none of the points raised are a bar to the inclusion of particular sites. The SHLAA and SAP are objective and can be tested.[33]

5.2.24 Wain Homes is illustrative in terms of 'other active uses'. In that case "factory that has not been derequisitioned" was considered unavailable but that is different to a surface car park such as Site 445 Jack Lane/Sweet Street. It previously had outline permission for residential development and has now been sold to the developer Caddick. It is close to Holbeck Urban Village, a key regeneration area, and is being actively promoted for development. The Appellants assert that there is no realistic prospect of housing in the 5 years from 2016. This defies the evidence.[34]

5.2.25 Regard has to be had to the Footnote 11 advice about planning permission. Site 200-401 Quarry Hill has outline planning permission for a mixed use including 715 flats. It has been in use as a temporary car park but was acquired in 2015 by a developer in association with Moda Living. A newspaper article indicates a start on site in 2017 with the first homes ready to rent by 2019. The Appellants do not allow for any development in the 5 years from 2016. This is impossible to justify and whilst there may be some room for an alternative view that falls far short of showing that the Council's view is unrealistic.[35]

[31] CD/A/32 App 1 Sect 4, CD/G/18 Para 30 onwards, LCC/18 Para 79-81
[32] LCC/18 Paras 81-82
[33] CD/A/2 Para 3-012, LCC/18 Para 83-87
[34] LCC/18 Paras 91-94
[35] CD/A/32 Para 4.18 App 5, LCC/18 Para 95

5.2.26 Sites without planning permission, including those with expired consents, should be assessed against the Footnote 11 tests and a judgement formed in the light of all the information. The Council agrees that where there is evidence of an intention by a specific developer to develop in an identified timescale it is valuable but not a pre-requisite. Many of the sites are not greenfield sites outside settlements such that gaining permission is an uphill task. Most are brownfield sites in the Major Urban Area (MUA) where the Council's strategy supports development. In addition, viability appraisals have been carried out to identify areas where there is a real prospect of the market delivering housing. Indeed, at the CS EiP the development industry supported the Council's strategy and argued for even higher delivery figures.[36]

5.2.27 The Appellants' approach is unduly pessimistic. It is unrealistic to expect explicit commitment on each urban site when many are Council owned and made ready for sale through the Brownfield Land Programme. If a site is going to be offered to the market ready for development and offering a profitable development opportunity following a robust SHLAA process, there is a realistic prospect of housing delivery. For example site 649 Charity Farm Swinnow is questioned by the Appellants as there is no developer interest. However, the Council is brokering the sale for housing and the District Valuer has found the site to offer a profitable housing opportunity. There are no constraints and it would be realistic to include the site in the 5 year supply.[37]

5.2.28 In respect of delivery rates and lead-in times, the parties agree that specific information may be used or standardised information based on the average performance of other sites. Consequently the differences are matters of judgement that relate to the build out rates of traditional family housing in the outer areas rather than the inner areas and city centre.[38]

5.2.29 The Council's delivery rate is an average from completed sites in the district of 78 dpa and should be preferred to the unsubstantiated standardised figure of 50 dpa. The up-to-date averaged figures cannot be called unrealistic and suggest the house builders' figures are pessimistic, as the Bagley Lane Inspector concluded. The figures for flats are based on specific information from developers. Different views may be reasonable but the house builders seem to have been influenced by a pessimistic view of delivery by the PRS model.[39]

5.2.30 In addition, the SHLAA is based on 2015-2020 whereas the 5 year supply covers the period 2016-2021 and the lead-in times have been reconsidered as a result. As an example at East Leeds (707) the Appellants have only included 365 units but it is the single largest allocation in the district, it is high value greenfield land that will be central to the SAP and deliver a wide range of unit types. The capacity to 2028 is 4,446 units. No allowance has been made until 2018-19. The Council has reasonably assumed 50 dpa and it would be realistic to assume a number of outlets. In addition,

[36] LCC/10/A Para 4.37, LCC/18 Para 96-97
[37] LCC/18 Paras 97-98
[38] LCC/18 Paras 99-101
[39] LCC/10/A Para 4.112, LCC/18 Para 102-103

the East Leeds site and Skelton Gate (5217) are examples of where infrastructure requirements have been considered for provision alongside housing development.[40]

5.2.31 No sites have had their viability questioned and it is acknowledged that the primary and secondary markets are attractive to developers and investors. Indeed, in the tertiary market there is an active land market with specialist developers successfully developing and keen to acquire more land. Measures by the Council to make land available are highly relevant.[41]

5.2.32 The Appellants raise capability concerns relating to the specialist development sector. There is no evidence that sites identified through the SHLAA and SAP process would not be developed and the concern appears to be based on only three letters, each of which sets out plans for expansion. There is no justification for a blanket restriction on supply just because the development industry is not up to the job. This matter was also raised at Bagley Lane but the Inspector concluded, in a worse economic climate, that a supply of 26,500 units was deliverable.[42]

5.2.33 The ability of the PRS, particularly in the city centre, to perform, is also questioned by the Appellants but their view is pessimistic and does not reflect the evidence. The clearest example is site 407 the Dandara scheme in the Holbeck Urban Village area. The Appellants stance is that the site is only potentially viable, and is in a fringe location with doubts over funding and commitment. However, planning permission has been granted and the developer has committed to completion within two years of commencement. Public statements demonstrate that the PRS has looked at Leeds, which is currently the single primary target for investment. Quarry Hill already mentioned above is another example. This is a PRS scheme promoted by Moda Living which is party to a joint venture fund of £1bn. Moda intends to commence in early 2017 and deliver the first homes by 2019 with all units completed within 5 years. Not to include this site, as the Appellants don't, is absurd on the evidence.[43]

5.2.34 The note on tipping point indicates the safety margin that exists in the 5 year housing land supply figures. If the Council's position in relation to the 2015-16 completions is accepted, then after the round table session and with a 5% buffer the safety margin would be 6,249 houses. Even with a 20% buffer it would be 2,262. [44]

5.2.35 A view must be formed on the realism of the Council's position. Sites will come and go over time, and delivery rates alter, but with a safety margin of this magnitude, even accepting the Appellants' full case on requirement there would be a margin of 1,546 units. The Council's position is entirely realistic and reasonable and the Inspector and the SoS can have every confidence that there is a 5 year supply of land.[45]

[40] See SHLAA, LCC/18 Paras 104-105
[41] LCC/18 Paras 106-108, Mr Roebuck XX Mr Williams
[42] LCC/10/A Para 4.82, LCC/18 Para 109
[43] CD/A/32 Paras 4.10, 4.14iii) App 2, LCC/10/A Para 4.64, LCC/18 Paras 111-114
[44] CD/A/38A, LCC/18 Para 115
[45] LCC/18 Para 115

5.3 Assessment Against Development Plan Policy

5.3.1 The Council considers that the proposal deliberately steps outside the plan-led system by seeking the release of the site for housing whilst it is under consideration for such a use through the SAP process. Only the SAP process, and not a Section 78 appeal, can conduct a comprehensive review of the relative merits of sites to allow the most sustainable to be chosen to provide housing. The proposal is contrary to the development plan and would cause significant harm to the plan-led system.[46]

5.3.2 The same position was adopted at the Bagley Lane appeal. The Inspector concluded UDPR Policy N34 was a saved policy that allowed review of PAS land through the plan system consistent with *Framework* paragraph 85. The SoS concluded in March 2015 that the CS was up to date, and that the Council had a 5 year supply of housing land, as a result of which it was appropriate for the SAP process to continue. It has advanced since that date. Although the SoS decision has since been quashed it was not on grounds relating to those conclusions. The judgement concluded that UDPR Policy N34 was not out of date and that there was no legal error in the approach to the issue of 5YHLS.[47]

5.3.3 N34 remains an up to date, saved, policy as the written justification for the policy sets out. "The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan".[48]

5.3.4 This is reinforced by the UDPR Inspector who stated "the Policy does not and should not contain a presumption in favour of long-term development of these sites as firm decisions as to whether they should or should not be allocated for development cannot and should not be made until such time as the present plan is reviewed. The Appellant treats the PAS sites as akin to reserve housing allocations and maintains that they have been judged suitable and sustainable sites for development although they need to be assessed against the current policy context. However, they are not allocated for housing but placed in a policy restriction. The need for them, their role, their suitability and their specific function were all left to be considered at the end of the plan period.[49]

5.3.5 The Appellants' rely on extracts from *Planning Policy Guidance 2: Green Belts* but it is clear that a high level assessment was to be followed by a local plan review after 2016. In any event, the approach to sustainability as set out in the *Framework* is now different. The local plan review is underway and to grant permission now would be contrary to N34 which is in line with *Framework* paragraph 85.[50]

[46] LCC/18 Para 10
[47] CD/G17 Paras 14 - 22 and 215-220, CD/G18
[48] CD/A/5, LVV/18 Para 12
[49] CD/A6 Paras 106.7-13, LCC/18 Para 13
[50] LCC/18 Paras 14-17

5.3.6 The Appellants' view is that PAS sites should be released for housing rather than Green Belt sites reviewed or released. The Council does not intend to allocate all the PAS sites but does intend to release a substantial amount of Green Belt land. However, that does not go to the weight to N34 or its breach. It is playing out the strategy endorsed by the CS, which in turn was found by an Inspector to be sound and compliant with the *Framework*. The large housing requirement makes it unsurprising that both Green Belt and non-Green Belt land will be required and a full review would enable the most sustainable to be identified.[51]

5.3.7 The Council is accused of being inconsistent, particularly in respect of Headley Hall a large site in the Green Belt. Policy in *Framework* paragraph 52 and CS Policy SP10 indicates that a new settlement can be sustainable by providing the infrastructure it needs. The alleged inconsistency would not warrant doing away with the process and simply planning by appeal. Whether the site should be released for housing is a question for the SAP. The plan process allows for the relative assessment of a large number of competing sites and full public engagement.[52]

5.3.8 The fact that the UDPR has a plan period to 31 March 2016 does not render Policy N34 out of date. It is saved with a role of ensuring that safeguarded land is assessed through a local plan review which is underway.[53]

5.3.9 Turning to the CS, it was adopted in November 2014 and is up-to-date. The spatial strategy within it is contained most relevantly in Policies SP1, SP6 and SP7, together with the role of the SAP. It includes a balance between greenfield and brownfield land, in CS Policy H1, and a quantum to be provided in the Major Urban Area (MUA), see Policy SP1 Table 2 and SP7. The CS must be read as a whole.[54]

5.3.10 It is also accepted that the CS has a development control function and CS Policies SP1 and SP6 should be used to assess development for conformity with the development strategy. The Policies should be applied in a common-sense way and when that is done the proposals are contrary to the central strategy of the CS. The site is agricultural land that contributes to the character and identity of the 'small settlement' which is below the MUA and Major Settlements in the development hierarchy and only provides basic services. Providing a significant amount of housing in such a settlement would not accord with CS Policies SP1 and SP6.[55]

5.3.11 CS Policy SP1 refers to the distribution and scale of development reflecting the hierarchy. The Appellants appear to suggest that any development in a smaller settlement would be acceptable in principle but this is difficult to square with the considered settlement hierarchy and spatial strategy. The proposals fail to accord with the development plan through CS Policies SP1, SP6, SP7 and H1.

[51] CD/A/39, LCC/18/19
[52] LCC/18 Paras 19-21
[53] LCC/18 para 46
[54] LCC/18 Para 22-24
[55] LCC/18 Paras 25 and 26

5.3.12 The phased release of housing allocations is to support CS Policies SP1, SP6, SP7, and SP10. The SAP identifies existing permissions and former allocations and the balance is allocated by applying CS Policies. This includes the spatial strategy, with its focus on the MUA and major settlements, as well as its priorities for previously developed land and regeneration. Greenfield land in outer areas and smaller settlements fall well down the hierarchy and CS Policies H1 and SP6 require a relative assessment of sites to consider their overall sustainability and appropriateness in the light of the CS strategy. In advance of the SAP debate the proposal must be considered against the CS Policies. Phasing reflects the relative performance against CS strategy and the need for other more sustainable sites to come forward first.[56]

5.3.13 The Council's SAP is progressing but the Collingham site is not considered necessary during the plan period to 2028 as there are more sustainable sites to meet the need. The allocation of sites involves inter-related issues such as provision of necessary infrastructure. When considered in the round a Green Belt site may be more sustainable than a non-Green Belt site. The SAP allocates housing to make up the target through CS Policy H2 as explained in the supporting text. Policy H3 follows *Framework* paragraph 85 and identifies safeguarded land that is not allocated pending a local plan review.[57]

5.3.14 The Council accepts that the proposal, in itself, would not give rise to a prematurity reason for refusal but it would pre-judge the outcome of the SAP and undermine the process as the Inspector and SOS concluded in the Farsley case. This is what UDPR Policy N34 and CS Policies SP10 and H1 seek to avoid. Moreover there are about half a dozen appeals on safeguarded land currently undetermined. Even without the SAP there is a large supply of housing permissions, in 2014/15 permission was granted for 8,000 units. Consequently, the release of the site is unnecessary.[58]

5.3.15 UDPR Policy N34 is consistent with Framework paragraph 85, as the Farsley Inspector concluded, and identifies land safeguarded to meet longer-term development plan needs following a local plan review. It does not allocate such land. Moreover, this policy approach was recently endorsed by the CS Inspector as sound and consistent with the *Framework*.[59]

5.3.16 Reference has been made to Colman v SSCLG [2013] EWHC 1138 but that did not consider a safeguarding policy. The *Framework* is straightforward, the detailed merits of the sites should be addressed through a local plan review. N34 is consistent with the *Framework* and any balancing exercise should be considered through Section 38(6) and an appraisal as to whether the proposals amount to sustainable development applying the *Framework.* The Appellants' argument is hard to square with a refusal to accept that paragraph 85 is not a policy within the meaning of Footnote 9 which "indicate(s) development should be restricted".[60]

[56] CD/A/10 5.2.2, Sect 1 and 2, table 1 p14, LCC/18 Paras 30-31
[57] CD/A/10, LCC/18 Paras 32-34
[58] LCC/18/Paras 35-36
[59] LCC/18 Paras 38-39
[60] CD/G4, LCC/18 Para 40

5.3.17 *Framework* paragraph 85 is a policy that "indicates development should be restricted" within the meaning of paragraph 14. It expressly stipulates that planning permission should only be generated following a local plan review. Footnote 9 only provides examples. The Appellants maintain that restrictions in Footnote 9 are permanent, but any restriction can be created, amended, or ended.[61]

5.3.18 The Appellants refer to "a policy vacuum on where new housing will come from". *Framework* paragraph 14 refers to the development plan being silent in relation to decision taking and the consequence of the Appellants' approach is that any authority that did not have an allocations plan would have a silent development plan, which is obviously absurd. The development plan is not silent in this case. Relevant policies are stated in the reasons for refusal and apply for development control purposes. The Council has granted permission for 8,000 units in the last year using those development plan policies.[62]

5.3.19 The CS is accepted to be up-to-date. The Council accepts that UDPR Policy N34 would be out of date in the absence of a 5 year HLS, in light of the Hopkins judgment, but there remains the question of what weight to give it given the consistency with the *Framework* and its objectives. The fact that the UDPR has a plan period to 31 March 2016 does not render it out of date. Policy N34 is saved and in force. Its purpose of safeguarding land is current and not out of date and was always intended to last beyond the plan period. Indeed, the Bagley Lane Inspector considered N34 to be up to date. Although that decision was prior to the end of the plan period that does not affect the policy's purpose or currency. To argue otherwise would simply repeat the view that the PAS sites should be considered as reserve housing allocations with an identified trigger point, which they are not. The proposal fails to accord with development plan policies.[63]

5.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services

5.4.1 The sustainability of the site relative to others in the HMCA in terms of facilities and access would be significantly affected by the proposal and site selection should be guided by the Settlement Hierarchy as reflected in the SAP. The addition of 150 units in Collingham would be significant increasing the size of the settlement by approximately 14-15%.[64]

5.4.2 Where development is contrary to the settlement hierarchy, as here, then CS Policy SP1 requires accessibility to be carefully assessed. This is also addressed through CS Policy SP6 i) and the supporting text. This is done through Accessibility Standards in the CS which "define the minimum standard that a new development will need to meet" echoing *Framework* paragraphs 32 and 34.[65]

[61] MHH/12 Para 157
[62] LCC/18 Paras 42-43, MHH/3/A&B Para 3.2
[63] CD/L/8, LCC/18 Paras 44-47, MHH/3/A&B Para 3.2
[64] LCC/18 Para 123 & 126
[65] CD/A/3 Para 5.4.3, LCC/18 Para 124

5.4.3 The appeal proposals fail by some way to meet all the Standards. The village is remote from the MUA and in the context of Leeds has a poor bus service. The village has few local services and the site is not only distant from the centre of the village but the routes are substandard due to gradient or footpath width. These were considered and the Appellant could not suggest that the Standards could be met[66]

5.4.4 Collingham Primary School is at capacity and even when combined with Bardsey the two schools would not be able to absorb the 38 pupils that would be generated by the development. Either new facilities would have to be provided, for which there are no plans, or the children must go elsewhere. The same is true of the surgery, the expansion of which is not in the appellants' or the Council's gift. This is the consequence of promoting a large development in a smaller settlement.[67]

5.4.5 In summary, the proposal cannot be considered as sustainable within the meaning of the *Framework* as embodied in the adopted CS. The proposals would depart from key strategies and subvert the intended means of delivering them through the SAP.[68]

5.5 Effect on the Highway Network

5.5.1 Revised reason for refusal 4 relates to the effect of the proposals on the wider highway network and states that "the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network that will be affected by additional traffic as a result of this development, is capable of absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will be brought about the proposed development".[69]

5.5.2 The Council's evidence indicated that investigations were on-going between the Appellants and the Highway Authority to devise a scheme to mitigate the development impact on the A58/A659 Harewood Road junction. An acceptable form of mitigation has now been identified, which for the avoidance of doubt does not propose the signalisation of the A58/Mill Lane/School Lane junction.[70]

5.5.3 Details of footpath widening have also been submitted to the Council as shown on drawing no 7119-015 and it is agreed that this could be secured by a condition. An *Addendum Highways Statement of Common Ground* sets out that as a consequence of agreeing the proposed junction improvements the revised reason for refusal 4 has been satisfied and will no longer be pursued by the Council.[71]

5.6 Effect on the Character and Identity of Collingham

5.6.1 CS Policy SP1(iii), which is consistent with paragraph 64 of the *Framework*, requires development to respect and enhance the local character and

[66] LCC/18 Para 125
[67] LCC/18 Para126
[68] LCC/18 Para 127
[69] CD/L/4 Para 1.5 rfr4
[70] CD/L/6CParas 1.5-1.6
[71] CD/L/6C Paras 1.7-1.8, App A

identity of places. It is agreed that the site exhibits many of the key characteristics of the surrounding countryside. The landscape strategy is to maintain the integrity of settlements, conserve characteristic features, and reinforce the pattern of small rural villages whilst preserving their character and individual identities. New housing around villages is identified as a negative feature.[72]

5.6.2 The appeal site is open agricultural land that provides a setting to the village and separation from Bardsey. The approach from Bardsey is rural and the trees alongside the A58 and the Beck are unbroken by accesses and driveways until Millbeck Green is reached making an important contribution to the character of the area.[73]

5.6.3 The Appellants maintain that the site is more related to the village than the countryside, a view also reached by the UDPR Inspector. There will always be a degree of inter-relationship but the impact must be assessed. It is accepted that the countryside setting is important to the character of the village. Indeed, the UDPR Inspector recognised the countryside's role in providing separation from Bardsey and highlighted the value of the trees along the beck, albeit that he considered their controlled loss might be acceptable. The proposed development would urbanise views, lead to a loss of woodland and the introduction of an access road and bridge. The perceived separation from Bardsey would be reduced. The village would be extended west remote from its core, accentuated by the new access, to the detriment of the village's setting and character.[74]

5.6.4 Unusually, the 150 houses proposed are not shown on the illustrative plan, only some 110 units, so the impact cannot be assessed to enable a decision maker to say the proposal would be acceptable. In any event, the proposed housing would be intense, unlike the soft rural approach to this edge of the village. CS Policy H3 requires housing in Smaller Settlements to meet or exceed a density of 30 dph. The density of the proposal would be 35 dph compared to Crabtree Green, which is 7.6 dph and Millbeck Green which, even ignoring those properties with long gardens, is only 13 dph. Whilst this is only one parameter it is highly relevant.[75]

5.6.5 An area of Public Open Space is proposed in a part of the site that is in the Green Belt. This would not necessarily be inappropriate development but in the absence of levels the Council has taken a cautious approach. The proposal would be detrimental to the character and integrity of the surrounding area.[76]

5.7 Other Matters

5.7.1 Since the submission of the appeal, further ecology surveys and a tree survey have been submitted and considered in detail. The Council considers that the surveys address the concerns set out in revised reason

[72] CD/I1, LCC/18 Para 116-118
[73] LCC/18 Para 119
[74] CD/A/6 Para 849.3, LCC/18 Para 120
[75] MHH/7/B Para 4.24, MHH/7/C2 Fig RT-08, LLC/18 Para 121
[76] LCC/13/B, LCC/18

for refusal 6 and, consequently, that reason for refusal is no longer contested by the Council.[77]

5.7.2 A Flood Risk Assessment report and a Flood Risk Sequential Test report were submitted with the application and considered by the Environment Agency and the Council's Flood Risk Management Section. The proposed flood mitigation works would address direct flooding of the A58 and Crabtree Green from Collingham Beck, and significantly reduce the risk of flooding to a number of properties in Collingham and specifically to 22 properties on Millbeck Green.[78]

5.7.3 The Council's Highways Department and Highways England have raised no objection to the engineering design of the proposed access bridge and the Environment Agency is satisfied it would allow the required water flow beneath it. Appearance and materials could be controlled by conditions.[79]

5.7.4 Affordable housing would be provided in accordance with policy requirements and the Council accepts that noise, archaeology and heritage matters have no implications for developing the site and would not provide a basis for refusing planning permission.[80]

5.8 Section 106 Agreement and Conditions

5.8.1 At application stage, planning obligations were to be provided by an agreement or undertaking. Subsequently, a Community Infrastructure Levy was adopted in April 2015 and the CIL amount in this case would be £90/m² of residential floor space. However, some matters, affordable housing and a verification fee, a Metro Card contribution, an off-site works contribution, a flood prevention contribution, and a Travel Plan and a review fee, still require to be addressed through the S106 procedure. A note setting out the justification for the measures in the Agreement in respect of the tests set out in *Framework* paragraph 204 has been submitted.[81]

5.8.2 Through a process of iteration, the two main parties have agreed a list of suggested conditions for the Inspector's consideration against the tests set out in *Framework* paragraph 206.[82]

5.9 Planning Balance

5.9.1 The overall planning balance will be affected by the situation in respect of Housing Land Supply. The approach in Suffolk Coastal DC v Hopkins Homes Ltd [2016] EWCA Civ 168 should be followed. If there is no 5 year Housing Land Supply the policies relevant to the supply of housing will be deemed out-of-date. UDPR Policy N34 is such a policy but even so the weight to be given to the policy, and its breach, is a matter of judgement reflecting consistency with the *Framework*, the purpose of the policy and potentially the degree of any housing shortfall. In this case, N34 is the

[77] LCC/13/B Para 4.5, CD/L/4 Para 1.9 and 6.1
[78] CD/J/11, CD/J/17, LCC/13/B Para 4.6, CD/L/13 Paras 6.3-6.4
[79] CD/L/4 Para 6.7
[80] LCC/13/B Paras 4.6, 6.2 and 6.5
[81] CD/L18, CD/L/19A, LCC/13/B Sect 8
[82] CD/L/17C

only policy suggested to be out-of-date and it should be given very substantial weight.[83]

5.9.2 The presumption against the development through Section 38(6) is very strong regardless of whether there is a 5 year housing land supply. The benefits would to a large extent be generic and in any event would be provided if the SAP were allowed to run its course but in a comprehensive and balanced way. No case is made of any local need or benefit and no additional affordable housing is offered.[84]

5.9.3 The proposal would be contrary to, and undermine, the adopted CS and *Framework* paragraph 85. The proposal would deny the public expectation that PAS sites would be considered through a local plan review, which the SoS gave very considerable weight in a Gilden Way, Harlow decision, APP/N1540/A/11/2167480, a process already begun in Leeds.[85]

5.9.4 The appeal would cause significant and demonstrated harm, through breach of the development plan, through undermining the plan-led system, through predetermining decisions that are progressing through the due process, as well as the specific social and environmental harms caused by breaches of the spatial strategy and the settlement hierarchy, the lack of sustainability and accessibility relatively within Leeds, the harm to the environment, to the character of villages and the unsustainable strain on services due to the sale of development and harm to the highway network.[86]

5.9.5 The proposals are contrary to the development plan and the issues raised in this appeal are most properly addressed through the plan-led system and the conclusion of the SAP. In these circumstances, however struck, the development would be unacceptable, unsustainable and should be refused.[87]

6. The Case for Miller Homes and the Hills Family

6.1. Introduction

6.1.1 In the Collingham section of the Inquiry the Council called 3 witnesses, and the Appellants 4, as ecology evidence was not required. A number of interested persons, including the local MP, spoke. The 5 year HLS session for all three appeals received 3 days of evidence from 6 witnesses. This gives rise to two observations.[88]

6.1.2 Firstly, there can be no basis for anyone, including the public, to contend they have not had an opportunity to be heard. The sites have been put under a microscope for three weeks and time slots have been set aside for members of the public to comment. All planning points made have been addressed in evidence and submissions. Secondly, although the process is

[83] MHH/12/Paras 151-152, CD/L/8 Para 49
[84] MHH/12 Para153 and 155
[85] MHH/3/C App ID15, MHH/12 Para 154
[86] MHH/12 Para 155
[87] MHH/12 Paras 158 and 156
[88] MHH/12 Paras 1-2

lengthy, the evidence of both sides has been tested in a thorough, fair and robust manner.[89]

6.2 Assessment of Housing Land Supply

6.2.1 The basis for taking this decision is set out in the *Framework* and *Guidance*. *Framework* paragraph 47 requires an objective assessment of housing need in the relevant administrative district, in this case Leeds City Council, and then to identify and update annually a supply of specific deliverable sites. That is sites which not only can, but will, come forward for housing. Paragraph 47 is refined by the *Guidance* which requires robust, up-to-date evidence to support the deliverability of sites ensuring its judgements are clearly and transparently set out.[90]

6.2.2 The adopted development plan sets out the housing requirement in CS Policy SP6. For the first 5 years, 2012 to 2017, the annual requirement is 3,660 units. For the next 11 years to 1 April 2028 the requirement is 4,700 units. An average over 16 years of 4,375 dwellings per annum.[91]

6.2.3 *Framework* paragraph 49 states that relevant policies for the supply of housing will be considered out of date if the local planning authority cannot demonstrate a 5 year supply of housing. Paragraph 14 states that if relevant policies are out of date then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* taken as a whole.[92]

6.2.4 There needs to be a balancing exercise, but within the parameter that there is a presumption in favour of granting permission. In doing that the Council needs to demonstrate that the harm from any grant would cause adverse impacts that would significantly and demonstrably outweigh the benefits. That is a high hurdle that is not met in these appeals.[93]

6.2.5 Significantly boosting the supply of housing is of critical importance but the supply of housing land is fraught with difficulties as judgements have to be made about what will happen in the future. The Appellants' experts have consistently stated that Leeds over predicts supply. The experts' evidence in relation to 2015-16 was only 16 units out, which is 99% accurate. In contrast the Council has a dismal record. Over the past 4 years of the CS requirement it has always got it completely and utterly wrong.[94]

6.2.6 It is agreed that the base line requirement in Leeds is 22,460. To that the shortfall must be added which is between 4,122-4,718 depending on which figure for empty homes is used. This shortfall has emerged during the lower requirement in the CS of 3,660 dwelling per annum that is set to rise to 4,700 in the coming years. The shortfall is to be met using the Sedgefield method with the full shortfall being met during 2016-2021.[95]

[89] MHH/12 Paras 3-5
[90] BDW/8 Paras 4.10-4.10.3
[91] BDW/7 Paras 13.1-13.6
[92] BDW/8 Paras 4.10.4-4.10.5
[93] BDW/8 Paras 4.11-4.14
[94] BDW/8 Paras 5.1.1-5.3.3
[95] CD/A/38A, BDW/8 Pra6.2.1-6.2.7

6.2.7 The buffer, of either 5% or 20%, required by *Framework* paragraph 47 needs to be added to the requirement. The Council has missed its target in each of the last 7 years and its evidence is that they will fail for another two years. In the first three years of the CS there has been a failure to meet targets every year and 2015-16 looks as if it will be no different on current figures. The shortfall for the three CS years at the lower target of 3,700 amounts to the equivalent of almost a whole year without any delivery.[96]

6.2.8 On past performance the buffer must be 20%. When the shortfall and the buffer are added to the requirement it comes to over 6,000 units in Leeds for the next 5 years. A daunting target. Statistics such as these prompted the SoS at Hardingstone to find a 20% buffer was required. All are agreed that the 20% buffer is not a punishment and would not require more houses in the plan period overall. 20% is justified because it is the only means, as paragraph 47 requires "…to provide a realistic prospect of achieving the planned supply".[97]

6.2.9 It is agreed that the base requirement in CS Policy SP6 is 22,460. It is also agreed that the shortfall and buffer have to be applied to the base requirement. The Council's figure with 5% buffer and more empties would be 27,911 whilst the Appellants' figure with less empties and 20% buffer would be 32,614. That equates to either 5,582 or 6,523 but the Appellants' should be preferred as the Council relies heavily on empties but with no evidential basis.[98]

6.2.10 The requirement is a minimum as CS Policy SP6 seeks "at least" the requirement set. The magnitude of the task is shown by the fact that before this Inquiry Leeds best year of completions was 3,800 in 2008. It is also material to look at completion levels for comparative cities. None gets even close to a figure of at least 5,582 units per annum.[99]

6.2.11 The position on supply is difficult as the timetable for adopting the SAP has not been met. Adoption is not now expected until at least December 2017. The best proxy is the December draft SHMAA 2015 but this is only a draft and is not finalised. Consequently there are a number of criticisms of the Council's assessment of housing land supply. Some of the sites will not deliver housing in the next 5 years and the document would not comply with Footnote 11 of the *Framework,* the *Guidance*, or the views of the Court in Wain Homes.[100]

6.2.12 Secondly, the document has emerged with little involvement of the house building industry, despite the *Framework* requiring them to be involved. Effectively Leeds has given up on the house builders as it considers them to be too pessimistic.[101]

[96] BDW/7 Paras 13.7-13.11, BDW/8 Paras 5.4.1-5.4.4
[97] BDW/7 Paras 13.7-13.11, BDW/8 Paras 5.4.1-5.4.4
[98] CD/A/38A, BDW/8 Paras7.1-7.7
[99] LCC/11/B App 1, BDW/8 Paras 7.7-7.12
[100] BDW/8 Paras 8.1-8.4.1.3
[101] BDW/8 Paras 8.4.2.1-8.4.2.3

6.2.13 Much turns on the Council's assertion that City Centre sites will come forward, but in the past it has seriously over calculated its area of supply. The volume house builders cannot bring forward viable development on centre sites. Some low cost builders with a different model can and whilst new low cost builders might pick up some slack there is no evidence that all sites will come forward. The Private Rented Sector (PRS) will not in itself solve the problem. As a concept it has not delivered in the past but what is needed is certainty now.[102]

6.2.14 The document also fails as there is a serious shortfall of supply in the next two years and it would not meet the requirement for 2016-17 and 2017-18. In addition it relies on sites, some 6,000 dwellings, that are not available now as there are other uses on them. Moreover there is speculative expectation of delivery of sites that do not have planning permission. Wain Homes determined that a factory that has not been derequisitioned was not available.[103]

6.2.15 The supply would be dependent on a huge number, 18,000, city centre units. An over optimistic reduction factor of 16.8% alone means that a tipping point is reached on the Appellants' figures with a 20% buffer. The document is also dependent on 15,347 dwellings, almost half the Council's supply case, that do not have planning permission. If 15,347 dwelling are removed then a tipping point is reached irrespective of which figures or buffer is used.[104]

6.2.16 Blanket lead in times based on site area have been used by the Council whereas the Appellants' have used a more sophisticated approach, including speaking with house builders. This latter is to be preferred. In any event, the estimate of supply does not conform with CS policies. The Farsley Inspector noted that the reliance on Centre sites would restrict delivery of affordable housing because policy only requires 5% in such locations. The distribution strategy SP7 would not be complied with because the vast majority of supply would be in just two areas.[105]

6.2.17 There is an element of double counting of windfalls. The Council has included a 2,500 windfall allowance but has also included 764 houses approved post 1 April 2015. There is also an allowance for large windfalls but there is no such provision in the CS and no evidence to justify an amount of 500. Finally the introduction of national space standards and optional Building Regulations will affect the actual numbers that can be physically achieved on sites.[106]

6.2.18 The position of the Council following the latest round table session is a supply of 34,160 dwellings. Unfortunately its approach does not meet the requirement for such sites to be robust and supported by evidence. Rather it is better characterised as if a site has a possibility of development then it must be considered in the supply. That leads only to a failure to hit the requirement which is what has happened far too often. The Appellants

[102] BDW/8 Paras 8.4.2.4.1-8.4.2.4.5
[103] BDW/8 Para 8.4.2.4.6-8.4.4.3
[104] BDW/8 Paras 8.4.5.1-8.4.6.2
[105] BDW/8 Paras 8.4.7.1-8.4.8.3
[106] BDW/8 Paras 8.4.9-8.4.11.1

only accept around 55% of the Councils predicted supply. This would lead to it only having 2.87 years of supply if a 20% buffer is applied together with a proper assessment of supply.[107]

6.2.19 The Council repeatedly falls back on the Farsley decision. However, there can be no doubt that if the Farsley Inspector had known that there would be two subsequent years of under supply he would not have found a 5 year supply. The Inspector was misled by the Council's evidence to conclude that the Appellants' evidence was 'pessimistic'. However, on the contrary it has been proven to be accurate.[108]

6.2.20 The Council's delivery record for affordable housing is also poor and the target amounts to over 1,000 units a year. Delivery over the last 5 years is only around 49% of the SHMA requirement, a serious record of failure. There is therefore, a massive need for additional delivery for both market and affordable housing.[109]

6.2.21 The need for additional delivery is more marked since March 2016 as there is no development plan for delivery. The failure to produce an adopted SAP until December 2016 means there is no policy to set out how delivery of any houses, never mind the magnitude required, will actually take place. Housing in Leeds is at breaking point.[110]

6.2.22 The only hope offered by the Council is an expectation that the SAP will be adopted in December 2017. However, Leeds has failed to meet targets on any timetable and its optimism has always been misplaced. The only solution is to deliver housing now, not in December 2017 when even after the adoption of the SAP there will be a significant lead-in time. If the adoption of the SAP is awaited there would be no delivery until late 2018 early 2019.[111]

6.3 Assessment Against Development Plan Policy

6.3.1 The 2009 SSD required completion of the development plan "promptly" but nearly 7 years later there is still no completed development plan in Leeds. The UDPR only makes housing land allocations up to 21 March 2016, whilst the CS indicates that it is not its role to identify individual sites and that the SAP will identify specific housing sites for 2012-2028. The SAP has not yet been adopted, or even submitted to the SoS for examination.[112]

6.3.2 In 2001 and 2006 the UDP and UDPR Inspectors tested the suitability of the site against the criteria in PPG2 Annex B and found it was: genuinely capable of development when required; located so as to promote sustainable development; and had regard to PPG3 Housing, PPG13 Transport, and environmental and landscape quality. The reasons for refusal ignore this development plan pedigree.[113]

[107] BDW/8 Para 8.5
[108] BDW/8 Para 5.3.4
[109] BDW/7 Paras 13.11-13.13
[110] BDW/7 Paras 13.14-13.16.4
[111] BDW/7 Paras 13.16.5-13.17
[112] CD/A/3 Para 4.6.14, MHH/12 Paras 9 and 35
[113] CD/A/22 Annex B B2, B3, B4, MHH/12 Para 57

6.3.3 Paragraph 14 of the *Framework* addresses the situation where the development plan is absent, silent or where relevant policies are out-of-date. In those circumstances permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* as a whole, or specific policies of the *Framework* indicate development should be restricted.[114]

6.3.4 Having regard to Colman [2013] EWHC 1138 (Admin) and Bloor [2014] EWHC 754 (Admin) the text of UDPR Policy N34 must be compared to *Framework* paragraphs 49 and 197. UDPR Policy N34 is clearly inconsistent with paragraphs 49 and 197 of the *Framework* as it acts as an outright bar to development with no allowance for any counteracting benefits. The reference to safeguarded land is in the context of expecting to have an up-to-date plan. With an up-to-date plan there would be no need to release safeguarded land. That does not apply here because the SAP is silent. There is no development plan document for allocation of housing, the development plan is silent and *Framework* paragraph 14 is engaged. Moreover, if there is no 5 year HLS the obvious choice for housing would be sites safeguarded for that purpose.[115]

6.3.5 The Council confirmed that N34 is a policy for the supply of land and that it was drawn up under a different policy regime and is not in accordance with current guidance. The UDPR expired on 31 March 2016 and there is no adopted development plan policy for housing allocation. Moreover the UDP policies relating to housing are time limited by the document itself as being "Over the period covered by the housing land policies of this plan (2003-16)." Despite this the Council was unable to concede that N34 is out of date although it confirmed that if a 5 year HLS could not be demonstrated then it would be.[116]

6.3.6 The argument that N34, which is consistent with *Framework* paragraph 85, is a Footnote 9 policy is misguided as those policies are intended to have long term effect, many are based in statute, and exclude housing use. By contrast N34 is expressly temporary in effect, controls land whose suitability has been assessed pursuant to PPG2 Annex B and during the intervening period protects against uses that would prejudice the uses of the land for development. N34 is, therefore, out of date on its own terms, inconsistent with Colman and out of date on that basis, and is only relevant as far as the development plan history demonstrates the suitability of the site in terms of PPG2 Annex B criteria.[117]

6.3.7 The development plan is silent on where 66,000 new dwellings should be located. Bloor [2014] EWHC 754 (Admin) found the development plan in that case was not silent because although there was no site allocation DPD to direct the delivery of 110 homes, there was a green wedge policy that prevented housing development on that site. This case differs as all 66,000 homes need to be allocated and there is no equivalent of the green

[114] MHH/12 Para 70, CD/A/1 Para 14
[115] MHH/12 Paras 38-39, 58,60 and 71
[116] MHH/12 Paras 59 and 72, CD/A/5 Para 7.1.3
[117] MHH/12 Paras 45-46 and 73

wedge policy. There is only UDPR Policy N34 that is out-of-date due to being time expired, failing the test of consistency in *Framework* paragraph 215, and because policies for the supply of housing are out-of-date as there is no 5 year HLS. The development plan is clearly 'silent' on the facts of this case.[118]

6.3.8 The CS was adopted after the introduction of the *Framework* and is up-to-date. It is ambitious as "The level of growth expected to occur by 2028 within Leeds is greater than any other authority within England". CS Policy SP6 sets a target of 'at least' 3,660 a year from 2012/13 to the end of 2016/17 but it is accepted that in the first 4 years LCC has fallen behind its target by 4,122 (LCC) or 4,718 (MHH). Worse still it has not met the minimum annual target of 3,660 in any of the first 4 years.[119]

6.3.9 A Settlement Hierarchy is at the heart of CS Policy SP1: Location of Development, whilst CS Policy SP6 indicates that the Settlement Hierarchy will "guide" the identification of where 66,000 new dwellings would be located. In addition to the housing requirement, CS Policy SP6 sets out a number of considerations to aid identification of sites including:

i) Sustainable locations (which meet standards of public transport accessibility) supported by existing, or access to new, local facilities and services,(including Educational and Health Infrastructure);

ii) Preference for brownfield and regeneration sites;

iii) The least impact on Green Belt purposes;

iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes;

v) The need for realistic lead-in-times and build-out rates for housing construction;

vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation; and,

vii) Generally avoiding or mitigating areas of flood risk.

The Collingham site is consistent with i), ii), vi) and vii). The Council's main contention is that the site does not, in its view, comply with Policy SP6 i) that requires sustainable locations. Despite seeking to have "the least impact on Green Belt purposes" the SAP proposed 3,000 homes at Headley Hall that lies in the Green Belt some distance from any settlement.[120]

6.3.10 CS Table 1 and Map 3 identify Collingham as a "Smaller Settlement" whilst Maps 4 and 15 also denote it as a "Lower Order Local Centre". CS Policy SP7 requires housing provision in Smaller Settlements (2,300 infill and 5,200 extension) and also a distribution across Housing Market

[118] MHH/12 Paras 10 and 61
[119] CD/A/3 Para 4.1.3, Table 1 p24, Map 3 facing p25, MHH/12 Paras 12-13, 16 and 62
[120] CD/A/3 SP6, MHH/121 Paras 14-18 and 63-64

Characteristic Areas. Collingham is in the Outer North East HMCA where 5,000 units are required. When SP6 and SP7 are read together it is apparent that Collingham is a suitable location for development which is why the Council was unable to demonstrate any conflict with SP6 and SP7.[121]

6.3.11 The supporting text to CS Policy SP10 refers back to the UDPR and introduces PAS land that "will provide one of the prime sources for housing allocations in the LDF". Collingham is identified as a PAS site and the CS reference to a realistic supply of land presumably requires the PAS land to be suitable for development if and when required.[122]

6.3.12 CS Policy H1 commits the Council to maintaining a 5 year HLS. It also requires the SAP to phase the release of its allocations based on:

i) Geographical distribution in accordance with SP7;

ii) Previously developed land targets (65% first five years and 55% thereafter;

iii) Locations that have the best public transport accessibility;

iv) Locations with the best accessibility to local services; and,

v) Locations with least impact on Green Belt objectives.

It has been accepted that the release of Collingham would not lead to excessive greenbelt development in terms of Policy H1. Whether it has 'best' public transport is debatable but it is a Lower Order Local Centre and so accords with H1iii) and is not in the Green Belt and so accords with H1iv).[123]

6.3.13 HLS is considered above but the Outer North East HMCA is under supplied in terms of Policy SP7. It should provide 5,000 units (8%) but in 2015-2020 only 858 (3%) are anticipated. This ought to trigger monitoring as set out in CS App 4 and CS Policy ID1. It has been suggested that monitoring cannot be undertaken here as the SAP is not adopted and consequently there are no allocated sites. If true, the supply in the HMCAs would remain unaddressed until the SAP is adopted in 2017 at the earliest. This is inconsistent with the *Framework's* commitment to boost housing.[124]

6.3.14 This conclusion brings the CS 'General Policy' into play which requires that proposals that accord with the CS "will be approved without delay unless material considerations indicate otherwise." The appeal proposal would be compliant with the CS and its policies should not be used to withhold planning permission.[125]

6.3.15 The Publication Draft SAP was published in September 2015, over two years after publication of the Issues and Options Plan that generated 7,000 representations. The realism of having a plan ready for submission to the

[121] CD/A/3 2nd map after p 43, CD/A/3 Paras 4.6.14 and 4.8.6, MHH/12 Paras 18-19
[122] MHH/12 Paras 21-23 and 62-64
[123] CD/A/3 Policy H1, Mr Elliot XE by App, MHH/12 Para 27
[124] MHH/12 Paras 28-29, CD/A/3 PP 133 and 167, Mr Elliot XE by App
[125] MHH/12 Paras 68-69

SoS by December 2017 when the Draft SAP has generated 10,000 representations needs to be considered. Indeed, the SCG states that the Council consider that limited weight can be accorded to the emerging SAP whilst the Appellant considers that only very limited weight should be afforded to it.[126]

6.3.16 A Green Belt Release document shows that 14,372 homes are proposed to be provided on the Green Belt. The UDPR safeguarded land to avoid the use of Green Belt land when the UDPR was replaced. The Council will need to demonstrate exceptional circumstances to justify this release of land against a background of the SAP Examiner knowing that 5,285 of the 14,372 could be provided on non Green Belt land removed from the Green Belt previously for exactly that purpose.[127]

6.3.17 The EiP is not a foregone conclusion and the appeal cannot be premature when the SAP intention to release considerable Green Belt land has not been tested. In the Outer North East the Draft SAP proposes 3,153 in the Green Belt whilst ignoring the capacity of non-Green Belt land at Collingham. Moreover, now that the proposal for 3,000 dwellings at Headley Hall has been abandoned the Council needs to decide how to deliver 5,000 dwellings in the Outer North East HMCA. Headley Hall, and other alternative locations suggested, conflict with CS Policy SP10 as the required Green Belt release would not be around a smaller settlement but freestanding development in open Green Belt countryside. 150 dwellings at Collingham would not prejudice the outcome of the plan process.[128]

6.3.18 In terms of prematurity, the *Guidance* notes "arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking policies in the *Framework* and any other material considerations into account". The Council's evidence does not carry out any balancing exercise and so fails.[129]

6.3.19 Paragraph 14 also sets out two tests both of which must be met to justify refusal. In respect of ii) the emerging plan in the form of the SAP is not at an advanced stage. At best it might be adopted by the end of 2017. Indeed, 60% of the homes required in the Outer North East HMCA are now at large with the withdrawal of the Headley Hall site. New sites may be coming forward as the Council claims but are unlikely to rapidly fill such a large gap. Indeed, such sites should already be in the SAP and the PAS sites should be quickly revisited for inclusion. Since the adoption of the CS only 236 units have been delivered in the Outer North East HMCA against a requirement of 1,200. In terms of policy for, and actual delivery of, housing the Council is in crisis.[130]

6.3.20 The test in *Framework* paragraph i) considers development that would be so substantial that to grant permission would undermine the plan process.

[126] CD/L/4 Para 5.9, MHH/12 Paras 47 and 51
[127] CD/A/39, MHH/12 Para 48
[128] MHH/12 Para 49
[129] MHH/12 Paras 75-76
[130] MHH/12 Paras 77-79

The proposal would represent only 3% of the total need in the Outer North East HMCA and a tiny fraction of the overall need. The floodgates argument does not bear scrutiny and the proposal would not set a precedent. If the Council is unable to demonstrate a 5 year HLS then prematurity ceases to be an issue but is in any event unsustainable as the Council has not undertaken a balancing exercise, the 'scale' test is not met and the SAP is not at an advanced stage.[131]

6.3.21 A *Collingham Neighbourhood Plan* is being produced. Consultation was undertaken on a pre-submission draft plan and the Parish Council has considered all the comments made and is revising it in preparation for submitting the final draft to the City Council for examination. The document does not specifically allocate any sites for housing and as such is in accordance with the Publication Draft SAP. However, it does include Policy D on the design of future development. Given the status of the emerging *Neighbourhood Plan*, the City Council considers that only limited weight can be given to it.[132]

6.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services

6.4.1 CS Policy SP11 is linked to CS Policy T2, which requires new development to meet Accessibility Standards set out in the CS. Collingham is identified as a safeguarded site and as such is required by the CS to be a realistic site. In those circumstances, the site must be suitable for development if required. That means the reasons for refusal relating to settlement suitability and the Accessibility Standards are not arguable.[133]

6.4.2 The proposal is not in conflict with the *Framework* or the development plan as it currently exists. Indeed, significant benefits flow from the proposal falling within the three strands of sustainable development. In Economic terms there are no identified adverse impacts whilst construction employment opportunities, National Homes Bonus payments, spend in the local economy and increased potential customers for bus services would be a bonus.[134]

6.4.3 In Social terms the Council identify adverse impacts due to social exclusion if there were insufficient school places, the location at the edge of the settlement, and reliance on the private car. The Appellants consider that benefits would flow from the provision of affordable and market housing, taking up unused primary school places, the positive impact on the vitality and viability of the village together with amenity and recreational benefits and educational opportunities in terms of wildlife/greenspace.[135]

6.4.4 Finally, in terms of the environment, the Council maintains that the urbanising influence of a high density development and the loss of a greenfield site would be compounded by reliance on the private car. This would be counteracted by the provision of more than 4 hectares of multi-

[131] MHH/12 Paras 80-81
[132] LCC/132/B Paras 5.14-5.15
[133] CD/A/3 p107 and APP 3, MHH/12 Paras 25, 52 and 85
[134] MHH/12 Para 83
[135] MHH/12 Para 83

functional greenspace improving provision for wildlife. Green infrastructure would provide visual amenity. Flood prevention would be improved, a cycle path provided, and tree planting would help tackle climate change.[136]

6.4.5 The balance falls comprehensively in favour of granting permission and would do so even more if fewer alleged adverse impacts were considered realistic.[137]

6.4.6 The Council has concerns about the impact on the Lady Elizabeth Hastings CoE Primary School in Collingham. It assumes that 5 pupils per year group would be generated by the proposed 150 houses. Evidence indicates that in the likely year of first occupation of the dwellings there would be 7 places available in the reception year with 5 available spaces in the following year. The new pupils could, therefore, be accommodated. The Council then asserted that the 5 pupils could not be accommodated in the other year groups. This was not substantiated by evidence.[138]

6.4.7 Similarly, no account has been taken of the CIL contribution or whether the school could make use of CIL funds to expand its infrastructure or resources. The Council could have provided the Inquiry with such evidence but did not do so. CIL contributions are exactly the right mechanism for delivering required school places should there be a shortfall.[139]

6.4.8 A similar point was taken in relation to healthcare as the GP's surgery in Collingham has indicated it has no plans to expand. Again CIL contributions would be available but the expansion of a local surgery is a market decision for the providers. If such an argument were to succeed surgeries could dictate where residential development should be built.[140]

6.4.9 Turning to the CS Accessibility Standards, the Council originally sought to represent them as a minimum requirement but that was shown to be untenable when other sites such as Spofforth Hill, Wetherby, had lower Accessibility scores but had been granted planning permission. This demonstrates that there is flexibility in the application of the Standards.[141]

6.4.10 The site has been a PAS site since 2001 and so was considered by Inspectors for the UDP in 2001 and the UDPR in 2006. Guidance required the site to be "sustainable" and "genuinely capable of development". Little, other than the bus timetables, has changed in the intervening period. At the time of safeguarding the site the Council's preferred option was to allocate it for housing and the Inspector's principal reason for not allocating the site was the existence of an alternative site that would not involve the loss of Grade 2 agricultural land, not accessibility. The Council has now 'changed its shirt' and relies on current guidance and the Accessibility Standards to support that position although the site is still a PAS site that must be a 'realistic' allocation.[142]

[136] MHH/12 Para 83
[137] MHH/12 Para 84
[138] MHH/12 Paras 117-119
[139] MHH/12 Para 120
[140] MHH/12 Para 121
[141] CD/A/3 p165 Table 2, MHH/12 Para 86
[142] CD/A/22 Annex B2 and B3, CD/A/3 App 3 Table 2p165, MHH/3/C App ID1 Paras 839.8-11, MHH12 Paras 87-89

6.4.11 Criterion 1 of the Standards is for housing to be within a 15 minute walk (1200 metres) of local services. There would be two routes, both of which the Council maintains would be inadequate. The first along the A659 would be 1400 metres from the centre of the site with an average gradient of 1in10. This would not meet the Standard but would not be an obstacle to many residents.[143]

6.4.12 The alternative route is 800 metres and runs alongside the A58, as it did in 2001 when the Inspector, concluded "Even allowing for the fact that it is alongside the A58 this would not be such a long distance as to mean that all or even most residents should find it necessary to get in a car to go to them (the local services)". The Council now contends that it is not only a question of distance but also quality. Part of the site would be widened to 1.5 metres and a 600 metres long section that appears to be 1 metre or less wide is in fact some 1.2 metres wide but has become overgrown. This width of footway would allow residents and those with pushchairs to use the footway and pass each other.[144]

6.4.13 The Council accepted that street lighting could be funded from CIL contributions and did not challenge that restoration of the footway was at the Council's discretion. The improvements identified could be secured by the proposals and ensure that the site meets Criterion 1.[145]

6.4.14 New bus stops would be provided with provision for real time service information and shelters. The stops would be within 250 metres on Leeds Road and 500 metres on Harewood Road. The requirement for a 15 minute service to a major public transport interchange is unduly inflexible. Cottingham is towards the outer edge of the district and so much closer to other high-order centres such as Wetherby, Boston Spa and Harrogate. Residents of the proposal would be more likely to work in those centres than residents living nearer to Leeds. Services to these high-order centres meet the Standard of a 15 minutes journey and it is considered that the objective of providing choice of public transport to employment opportunities would be met.[146]

6.4.15 Notwithstanding the difference between the parties over the footway, it is agreed that primary education and healthcare facilities would be within a 20 minute walk. Subject to the proposed footway improvements Criterion 3 would therefore be met. In respect of secondary education, there is no school in Collingham and interchange in Leeds would not help. The secondary school in Wetherby is accessible by a half hourly service. However, there are dedicated bus services with 16 school buses running between Collingham and secondary schools daily. The capacity of the school buses might need to be increased but alternative provision already exists to fulfil the objectives of this criterion.[147]

6.4.16 In terms of Criterion 5, Access to City/Town Centres within a 5 minute walk to a bus stop offering a 15 minute service frequency, the nearest

[143] MHH/12 PAras 90-91
[144] MHH/12 Paras 91-93, MHH/3/C AppID1 Para 839.8, CD/H/3 p68, CD/H/14 Para 5.9 p74
[145] MHH/12 Para 94
[146] MHH/12 Paras 95-97
[147] MHH/12 Paras 98-99

town centre is Wetherby which offers a further link to Harrogate. Ignoring the Harrogate link, there are two bus services to Wetherby an hour, and two to Leeds city centre giving a combined service of 4 buses an hour. Whilst the Council notes that there is a reduced evening service, the Accessibility Standard criteria relate to weekday daytime service levels. If a flexible approach is taken the objective, if not the precise requirement, of the Standard is met.[148]

6.4.17 If the Council's contention that the Standards are a minimum is accepted, the entire Outer North East HMCA requirement of 5,000 homes would have to be delivered in Wetherby and Harewood. The 16 other settlements in the HMCA do not meet the criterion of 4 buses an hour to a city centre. The appeal site has been given an accessibility rank of 2 which is "Public transport not in line with CS Standards" but this ignores the availability of local services. Under the Council's own guidance the site's accessibility rank should be '3', "Public transport not in line with CS Standards but availability of local services (local centre, schools etc)". This leads to a sustainability score of 7 which would make the site the highest scoring safeguarded site in accessibility terms in the Outer North East HMCA. Of the allocated sites only Wetherby scores higher and a number such as Scarcroft Lodge and Bramham score lower.[149]

6.4.18 Collingham has a greater proportion of single occupant car journeys to work (84.6%) than the district average (59.1%), partly due to its geographic location compared to dwellings in the main urban areas. However, the Council is sceptical about the potential of a Travel Plan to encourage measures to reduce journeys such as car sharing. Whilst conceding that such Plans are a tool to address reliance on the private car, the Council could not demonstrate any assessment of benefits or any form of balancing exercise. Inflexibility will not assist in meeting housing needs, and the Standards have been relaxed in respect of other residential schemes. In any event, an objective assessment under the SAP criteria shows the appeal site to be the most accessible of the safeguarded sites and ranks highly amongst the allocated sites. With a modicum of flexibility the site would satisfy the objectives of the CS Accessibility Standards and would not represent a sufficient reason to justify withholding planning permission.[150]

6.5 Effect on the Highway Network

6.5.1 Revised reason for refusal 4, relating to site access and the ability of the highway network to accommodate the traffic generated, is no longer pursued by the Council. It is accepted that the site access and the Wattle Syke junction would be acceptable, and that the impact on the A58/A659 junction can be made acceptable by the implementation of mitigation measures. It is also agreed that the mitigation measures could be secured by condition.[151]

[148] MHH/12 Para 100
[149] CD/A/110 p231, MHH/12 PAras 101-102
[150] MHH/12 Paras 104-107
[151] CD/L/6C Para 4.3, MHH/12 Para 55

6.6 Effect on the Character and Integrity of Collingham

6.6.1 The appeal site is a greenfield site in agricultural use and was removed from the Green Belt in the 2001 UDP. The Council's evidence does not identify that the development is unacceptable in principle, but maintains that it is of vital importance. There has been no change in the setting of the site since 2001 but the Council's view differs fundamentally from that of the UDP Inspector who considered that it relates "as much to the urban area as to the wider area of open countryside" and that its contribution toward protecting the open countryside "is limited". Notably neither the draft *Neighbourhood Plan* nor the *Village Design Statement* identify the site as vital to the character of the settlement. Indeed, the latter acknowledges the SAP designation and that the site may be developed at some stage. It also sets out key views across the village, none of which are of, or include, the appeal site.[152]

6.6.2 The appeal site continues to be PAS land in the SAP and so cannot be vital to the character of Collingham. The requirement to designate 10% of the housing land for the plan period as PAS inescapably means the appeal site could be developed. Indeed, the next port of call would be Green Belt which would be contrary to the objective of safeguarding land.[153]

6.6.3 Although the Council contends that the loss of approximately 6 trees to create an access would be harmful, it does not object to the loss in principle and withdrew reason for refusal 6. In relation to the loss of trees, the UDP Inspector noted that "Provided that the replacements were sufficient in number and carefully located, I do not consider that the provision of a vehicular access to the site would necessarily harm the appearance of either this part of Collingham or the adjacent SLA". The contention that the removal of those trees would make the site more visible ignores the moderating effect of the proposed tree planting creating a woodland some 10metres deep. Existing housing would also be seen first before the proposed when approaching Collingham. Limited glimpses would be seen on approach and the character of the settlement would not be significantly affected.[154]

6.6.4 In relation to the creation of a development platform outside flood zone 1, only 9.3% of the developable site would require raising with a maximum increase of 1-1.1 metres tapering down to meet existing levels. The Council acknowledged that re-grading would be minimal and was no longer in issue. It was also agreed that an acceptable design and appearance of the proposed bridge could be ensured by condition.[155]

6.6.5 The Council contends that on the basis of the Masterplan, which shows 110-120 dwellings, a development of 150 units as proposed would lead to over-development. This ignores two principles. Firstly, the application is in outline with layout and design reserved matters. The scheme follows the existing built form and will be largely self-contained. The report to

[152] CD/A/33, CD/A/17, LCC/13/B Para 6.11, MHH/3/C App ID1 Para839.3, MHH/12 Paras 108-109
[153] MHH/12 Para 109
[154] CD/L/4 Para 1.8, MHH/3/C App ID1 Para 839.5, MHH/7/C2 Photo RT-04-01, MHH/12 Paras 110-111
[155] MHH/12 Para112

Committee notes that bungalows on the eastern boundary will not have an unacceptable impact on the living conditions of neighbours whilst houses on the northern boundary would be a sufficient distance from the boundary to ensure no adverse impact. In addition, it was accepted that the distance between the built form of Collingham and Bardsey would not be reduced.[156]

6.6.6 The second principle is compliance with the development plan. Density levels are required to meet or exceed the levels identified in CS Policy H3, which is 30 dph in Smaller Settlements and would mean 132 dwellings on this site. The CS states that levels should only be reduced for "exceptional townscape reasons". There is nothing exceptional in terms of character or any overriding concern in design terms that would justify a lower density. Indeed, density is a key driver in meeting housing requirement figures.[157]

6.6.7 CS Policy H4 states that 40% of all dwellings shall be three bedrooms or more. As most apartments in the inner area and city centre will be 1-2 bedroom, many of the larger scale homes will be in the outer HMCAs of Leeds affecting the density of any development in those locations.[158]

6.7 Other Matters

6.7.1 The need for additional Affordable Housing in Leeds is acute and the most recent SHMA identified an annual need of 1,158 affordable housing dwellings. On the Council's latest figures 54% of overall delivery would be in the city centre and inner area where only 5% of units would be required to be affordable. In these circumstances one might expect considerable weight to be attached to the delivery of Affordable Houses in Collingham. The proposal would provide 35% affordable houses leading to 52 affordable homes if 150 were built.[159]

6.7.2 The scheme would provide improvements to the flood defence measures provided by the Environment Agency in 2010. On site engineering works would moderate the surge potential of Collingham Beck reducing the peak water level during a flood event. A contribution would also be made towards a new off-site flood wall along the A58. The wall would reduce the likelihood of the road, and properties in Crabtree Green, from flooding.[160]

6.7.3 The proposed public open space would provide some 4.45 hectares of new recreation and leisure facilities and the extensive green infrastructure would be a significant benefit. The Council's concerns about the future management of such provision can be allayed by the provision of an ecological management plan, which is good practice.[161]

6.7.4 That part of the site within the Green Belt would provide a semi-natural habitat without compromising the openness. The amenity space adjacent to the development would be open to all, not just residents, and would also

[156] CD/J/2 Para 10.54, MHH/7/A Paras 1.9-1.12, MHH/12 Para 114
[157] MHH/12 Paras 15 and 32
[158] MHH/12 Paras 31-32, CD/A/3 Para 5.2..9
[159] MHH/12 Para 1682, CD/A/3 Para 5.2.13
[160] MHH/6/B Para 7.26, MHH/12 PAras 123-124
[161] MHH/12 Paras 125-126

provide a cycleway linkage, and has the potential to incorporate footpath linkages, including a secondary route to the primary school.[162]

6.8 Section 106 Agreement and Conditions

6.8.1 A signed Section 106 Agreement was submitted to the Inquiry which would provide for affordable housing, public transport, travel planning, off-site highway works, drainage and flood alleviation works. In the event permission is granted, CIL will be payable in accordance with the Council's Charging Schedule. Consequently, reason for refusal 7 no longer stands.[163]

6.8.2 An agreed list of suggested conditions has been prepared by the parties and is a matter for the Inspector.[164]

6.9 Planning Balance

6.9.1 LCC faces a housing crisis as, on its own figures, housing delivery has not reached the minimum requirement for the last 7 consecutive years, and nor will it for a further 2 years. This is against the background of having the largest housing requirement in the country. The site has been appraised over the long term and identified as a potential residential site. The site is safeguarded in the PAS and planning permission should have been given for a number of reasons:

i) It comes under CS General Policy;

ii) The Council does not have a 5 year HLS;

iii) *Framework* paragraph 14 is in play as policies are out of date and the development plan is silent; and,

iv) The proposal represents sustainable development.

The notion that any city could deliver over 11,000 units in a single year is absurd and over reliance on the, as yet untested, PRS model to solve the problem of delivery is naïve. [165]

6.9.2 The appeal site is safeguarded and in a sustainable location. It is also compliant with the CS spatial distribution policy and would help meet the need for 5,000 homes in the Outer North East HMCA, a deficit of 60%. The reasons for refusal have been thoroughly tested through the Inquiry process. There are clear economic, social and environmental benefits that stem from the proposal that far outweigh the adverse impacts identified and planning permission should be granted.[166]

7. The Cases for Interested Persons

7.1. At application stage, the 30 October 2014 report to the City Plans Panel states that there had been 560 representations relating to the proposal

[162] MHH/7/B Paras 5.23, 5.29, and Paras 5.35-39, MHH/12 Para 126
[163] CD/L/19A,
[164] CD/L/17C
[165] MHH/12 Para 170-171
[166] MHH/12 Paras 172-173

and summarises the issues raised. At appeal stage there were five written representations, and in addition oral submissions were made by Mrs Harrigan, Julian Holmes, Mr Armitage, Jeremy Lenighan, Alex Shelbrooke MP, Alastair Smyth and Councillor Rachel Proctor.[167]

7.2. The submissions generally reflect the issues identified and aired at the Inquiry except that a number of members of the public raised flooding /drainage as a concern although it was not raised as a reason for refusal by the Council. It is notable that there is now no objection from many consultees including, the Environment Agency, Health and Safety Executive, Flood Risk Management, Yorkshire Water, and the West Yorkshire Archaeology Advisory Service, albeit subject to conditions in some cases. No new matters have been raised that would justify a recommendation other than that reached in this report.[168]

[167] CD/J/2
[168] CD/J/2

8. The Inspector's Conclusions

8.1. Introduction

8.1.1 Matters in dispute were highlighted when the Inquiry opened. I consider that the main considerations are: whether the Council has a 5 year HLS; whether the proposals conform to the development plan policies; whether occupants of the proposed development would have acceptable access to shops and services; the effect on the highway network; the effect on the character and identity of the village; and, other matters including affordable housing.

8.1.2 Collingham is a Smaller Settlement within the CS settlement hierarchy whilst under the UDPR the site was designated as a PAS. The SAP will resolve the Council's view as to which PAS sites should be included in the SAP on the basis of their planning merits. This accords with CS policies and meeting the Council's housing delivery and locational strategies.[5.1.1]

8.1.3 There can be no basis for anyone, including the public, to contend they have not had an opportunity to be heard. The sites have been examined in detail and time has been set aside for members of the public to comment. All planning points made have been addressed in evidence and submissions.[6.1.1, 6.1.2]

8.2 Assessment of Housing Land Supply

8.2.1 *Framework* paragraph 47 sets out the objective of significantly boosting the supply of housing. Local plans are required to ensure that the full objectively assessed needs (FOAN) are met for both market, and affordable, housing. There is also a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years of housing against the housing requirement with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.[5.2.1, 6.2.1]

8.2.2 It is common ground that the most appropriate period for consideration of the 5 year requirement is 1 April 2016 to 31 March 2021. The annual requirement derives from CS SP6 and is a minimum figure. For the first 5 years of the Plan, 2012 to 2017, the annual requirement is 3,660 units whilst for the next 11 years to 1 April 2028 the requirement will be 4,700 units. It is agreed that the base requirement is 22,460 in this case (1 year at 3,660 + 4 years at 4,700). [5.2.1, 6.2.2, 6.2.6, 6.2.10]

8.2.3 Any shortfall, and a buffer, needs to be added to the requirement. The *Guidance* sets out that local planning authorities should aim to deal with any undersupply in the first 5 years of the plan period where possible. It is agreed in this case that the shortfall is to be met using the 'Sedgefield method' with the full shortfall being addressed during 2016-2021.[5.2.3, 6.2.6]

8.2.4 There is common ground on completions against targets, except in relation to empties where there is disagreement for empties in 2015-2016. The agreed undersupply for 2012-2015 is 3,758.[6.2.6, 6.2.9]

8.2.5 The disputed figure for empties has been compiled in the same way as other years, which are accepted by the Appellant, and is the same number as that submitted to Government in relation to payment of New Homes Bonus. The base data involves individuals' Council Tax information and so cannot be disclosed. However, I see no reason to doubt the Council's figure which sits within the range of annual empties figures.[5.2.4]

8.2.6 *Framework* paragraph 47 requires a buffer, of either 5% or 20%, to be added to the requirement but the parties disagree as to which. The higher buffer is required where there has been persistent undersupply. However, the *Guidance* states that identifying a record of persistent undersupply is a matter of judgement. There is no universally applicable test but it goes on to state that assessment of local delivery is likely to be more robust if a longer term view is taken.[5.2.5, 5.2.6, 6.2.7]

8.2.7 In five pre-recession years, from 2003/4, the requirement rose from 1930 to 2260 and there was an oversupply of around 5,000. In the three following recessionary years, the adopted targets were 2,260 and 4,300. The latter a step-up under the Regional Spatial Strategy. Against the lower figure supply exceeded the target by 643 whilst against the RSS, the requirement in which it is now acknowledged was unrealistic, there was an undersupply of 7,517. In the recovery/CS period 2012 to 2016 the requirement was 3,660 and there has been a cumulative undersupply of 4,122. Only when the RSS target is included is a cumulative undersupply shown for the housing market cycle. Whilst the Council considers that no weight should be given to the RSS target as it would be a meaningless exercise, to ignore it in favour of a lower requirement would produce a flawed assessment. The RSS figure was that adopted at the time and it was found to be incorrect only in hindsight. I do not consider that it should be ignored but the weight afforded to it should be significantly reduced.[5.2.8, 5.2.9]

8.2.8 Notwithstanding that, an alternative approach, albeit that it does not cover a full financial cycle, is to consider performance against the CS. Whilst this does not follow the approach of the Bagley Lane Inspector which the Council endorses, it would reflect the *Guidance* which states that there is no universally applicable test. It would reflect the best available local evidence. The Housing Requirement is large and was adopted to be ambitious. It has not been met, albeit that completions are increasing.[5.2.13]

8.2.9 The Council has missed its target in each of the last 7 years and its evidence is that it will fail for another two years. In the first three years of the CS there has been a failure to meet targets every year and 2015-16 looks as if it will be no different on current figures. The shortfall for the three CS years at the lower target of 3,700 amounts to the equivalent of almost a whole year without any delivery. I consider this demonstrates persistent undersupply indicating that a 20% buffer should be applied.[6.2.7]

8.2.10 The Council maintains that the purpose of the buffer, which is to ensure choice and competition and, in the case of the 20% buffer, a realistic prospect of the planned supply being achieved, should be considered. I disagree that the application of a 20% buffer would have the opposite purpose to that suggested by the *Framework.* It would advance supply, such as PAS land, from later in the Plan period. There is a large volume of permitted residential development in Leeds and large areas of Inner Areas and City Centre are available for development. The issue would, therefore, appear not to be due to an absence of competition and supply. However, there is little evidence that undersupply can be laid at the door of the volume house builders seeking to build other than in accordance with the Council's adopted strategy.[5.2.13]

8.2.11 On past performance the buffer must be 20%. Indeed, even the Council accepts that if there was an under supply next year it could properly be considered a 20% authority. When the shortfall and the buffer are added to the requirement it comes to over 6,000 units in Leeds for the next 5 years. Similar statistics prompted the SoS at Hardingstone to find a 20% buffer was required. All are agreed that the 20% buffer is not a punishment but it is justified because it is the only means, as *Framework* paragraph 47 states "…to provide a realistic prospect of achieving the planned supply".[6.2.8]

8.2.12 The Council's requirement figure assuming 5% buffer would be 27,911 whilst the Appellants' figure based on a 20% buffer would be 31,898. That equates to either 5,582 or 6,379 units required annually for the 5 year period.[6.2.9]

8.2.13 The shortfall has emerged during the lower requirement in the CS of 3,660 dwellings per annum which is set to rise to 4,700 in the coming years. The size of the task is shown by the fact that prior to the Inquiry Leeds's best year for completions was 3,800 in 2008. No other authority gets close to a figure of at least 5,582 units a year.[6.2.6, 6.2.10]

8.2.14 Turning to supply, sites are promoted through both the SHLAA and SAP processes. The Council then forms a view on sustainability, availability and achievability. The SHLAA relies on sites promoted through the SAP which raises a rebuttable presumption as to deliverability.[5.2.19]

8.2.15 The SHLAA is based on an enormous amount of information resulting from an iterative process but is a snapshot in time. In Leeds there is a large number of sites, many relatively small. The 2015 SHLAA, from which the 5 year supply is derived, follows the same methodology as the 2014 SHLAA which was the subject of considerable consultation with the development industry. Differences between the parties have led to there being little consultation between the volume house builders and the Council on the 2015 SHLAA despite the *Framework* stating that the input of the development industry is important.[6.2.11, 6.2.12]

8.2.16 The Council's adjusted 5 year supply position following the round table sessions is 34,160 units, marginally over the 5 years requirement of 31,898. A reduction of 2,262 units would lead to a tipping point where the housing supply would become less than 5 years based on my finding above. However, rather than being robust and supported by evidence, the

Council appears to add sites to the list when there is only the possibility of development. The Appellants only accept around 55% of the Councils predicted supply. This would lead to it only having 2.87 years of supply if a 20% buffer is applied together with the Appellant's assessment of supply. I consider the true position would be between the two but closer to the Appellants.[6.2.18]

8.2.17 Neither main party suggests that the decision maker should analyse every site and reassess them against the Footnote 11 test. The 'tipping point' note is acknowledged as helpful as it shows the 'safety margin' within the assessed supply. If the Council's figures in relation to completions is accepted then with a buffer of 5% there would be a safety margin of 6,249 following the round table session. With a 20% buffer, which I consider justified, the safety margin would be only 2,262.[5.2.23]

8.2.18 *Framework* Footnote 11 states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is no longer clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans.[5.2.16]

8.2.19 The issues have narrowed as the Appellant does not claim that any sites are unviable. Viability assessment of sites in the city centre and inner areas for the Council indicates that a significant proportion would be viable, albeit not achieving the profit margins sought by the volume house builders. House price growth is now 6.5-7.5% in the city centre and inner areas.[5.2.21]

8.2.20 *Guidance* is clear that the need for robust evidence in support of the SHLAA and 5 year supply means that the Council's assessment of a site as deliverable must be capable of being explained and evidenced. The Council assesses 30,385 units as deliverable but the realism of this view needs to be considered against the failure over a number of years to meet targets that have turned out to be optimistic, not realistic.[5.2.23]

8.2.21 *Guidance* addresses Footnote 11 issues. Sites would be considered available when there is confidence that there are no legal or ownership problems. Where there are problems an assessment of when they could realistically be overcome must be made. Achievability is a judgement about viability and the timescale within which a site is capable of development. Sites should not be 'assumed' to be deliverable. The Council contends that it has considered each site against the Footnote 11 tests. Paragraph 47, refined by *Guidance* requires robust, up-to-date evidence to support the deliverability of sites ensuring its judgements are clearly and transparently set out. The judgements need to be realistic not optimistic. The Appellants' expert's evidence in relation to 2015-16 was only 16 units out, which is 99% accurate, whereas over the past few years of the CS requirement the Council has consistently got judgements wrong and under supplied. I therefore prefer the Appellents' evidence.[6.2.5]

8.2.22 Differences raised by the Appellant in relation to the SHLAA were considered at the Bagley Lane Inquiry. I agree that allocations, permissions, and the 5 year supply should reflect the CS policy focus on the City Centre and Inner Area. The Council maintains that around 18,000 City Centre sites will come forward. The volume house builders cannot bring forward viable development on City Centre sites although some low cost builders with a different financial model can and would.[5.2.20, 6.2.15]

8.2.23 Whilst new low cost builders might pick up some slack, and the provision of City Centre sites would be assisted by regeneration projects, the emerging market for the private rental sector (PRS), the activity of low cost builders and improvements at Holbeck Urban Village, there is little evidence that all sites will be built out. Certainty is needed but the Private Rented Sector (PRS) has not delivered in the past. An 'over optimistic reduction' factor of 16.8% alone means that a tipping point would be reached on the Appellants' figures with a 20% buffer.[5.2.23, 6.2.15]

8.2.24 The Council repeatedly falls back on the Bagley Lane, Farsley decision. However, despite that judgement indicating that there was no error in law in the approach to housing land supply, the planning context has changed in the intervening period. Farsley was a different snapshot in time, the Interim Housing Supply Policy has been withdrawn, the CS has been adopted, and undersupply has taken place for longer. Rather than being 'pessimistic' the Appellants view has been proven to be reasonably accurate and it is the Council's view that has proved to be overly optimistic.[6.2.19]

8.2.25 The position on supply is difficult as the SAP will not be adopted until at least December 2017 and the best proxy, the December draft SHMAA 2015, is not finalized. There is a serious shortfall of supply in the next two years. Moreover, the document is dependent on 15,347 dwellings, roughly half the Council's supply case, that do not have planning permission. If 15,347 dwellings are removed then a tipping point is reached irrespective of which figures or buffer is used. There is also a reliance on some sites, with around 6,000 dwellings, that are currently in other use.

8.2.26 Sources contributing to the Council's 5 year supply following the round table sessions consists of:

i) 30,385 units on identified sites (15,347 of which do not have planning permission);

ii) 2,500 smaller windfalls over 5 years;

iii) 1,000 empty homes over 5 years;

iv) Minus 225 demolitions over 5 years; and,

v) 500 large windfalls over 5 years.[5.2.15]

8.2.27 Items ii) to v) are mainly agreed but in any event the figures are relatively insignificant compared to the numbers of units on identified sites. However, their acceptance adds to the robustness of the numbers. In addition, the introduction of national space standards and optional building

regulations will affect the actual numbers that can physically be accommodated on sites. [5.2.15]

8.2.28 It is acknowledged that 16,571 units with planning permission derive from the 2015 to 2020 SHLAA whilst the equivalent figure in the 2016-21 trajectory is 14,770. In the absence of clear evidence that the permissions would not be implemented in the 5 year period all these must count, although in reality some of these sites would 'fall by the wayside' and others would be brought forward. The main challenges relate to the achievability of sites or whether there is a realistic prospect of houses being delivered in the 5 year period.[5.2.17]

8.2.29 Differences between the parties on delivery rates and lead-in times are matters of judgement and different views have been reached. The up-to-date 5 year supply covers the period 2016-21, not 2015 to 2020, consequently lead in times have been reconsidered. It is agreed that either site specific information, as favoured by the Appellant, or standardised information based on averages from other sites, as used by the Council, may be used. The Council's standardised delivery rate for houses is 78 dpa whilst the volume house builder's rate is 50. Likewise there is a difference in views about the realistic figure for flats although the Council accepts that a difference of view may not be unreasonable. Some differences were highlighted.[5.2.28, 5.2.29]

8.2.30 A number of sites such as 649 Charity Farm are Council owned and the Council is brokering the sale of the land, which has been specifically assessed as representing a profitable housing opportunity. However, no evidence of developer interest has been provided for this Phase 3 UDPR site with no planning history. There is a difference between the parties of 60 units which I consider reflects the Council's strong optimism.[5.2.24, 5.2.27]

8.2.31 Reference has been made to the Wain Homes judgement and sites in other uses. The inclusion of a site in the SHLAA or SAP provides some evidence of deliverability as the Brickyard Lane decision APP/E2001/A/13/2200981) illustrates but is not in itself necessarily evidence of achievability and availability.[5.2.18, 5.2.24, 6.2.11]

8.2.32 A number of examples were highlighted. Site 445 Jack Lane/Sweet Street is a flat brownfield site in the city centre that is close to Holbeck Urban Village and has been sold to a developer. It is actively being promoted for development and no abnormal costs or impediments have been identified However, although it had an outline consent for residential it is in active use as a car park. Lead in times, including extinguishing the car park use if necessary and addressing reserved matters, means that there would not be an immediate realistic prospect of housing delivery. There is a difference between the parties of 296 units again reflecting the Council's optimism.[5.2.24]

8.2.33 Another example is Quarry Hill, site 200-411, which has also been in temporary use as a car park. The viability of the site is not in issue and it has recently been promoted for mixed use including 715 flats. Moreover it has an outline planning permission, was acquired by a developer in conjunction with Moda Living in 2015 and an newspaper article notes the

intention to develop from early 2017 with the first homes ready to rent by 2019.[5.2.25]

8.2.34 Notwithstanding this, the agent has indicated a 10 year delivery programme with no certainty over which elements would come forward first. Moreover a multi storey car park is required for WYP before any residential development can take place. Even though Leeds city centre is now the regional target for growth in the PRS sector there must be significant doubt over how many units would be completed in the 5 year period and there is a difference of about 600 units between the parties.[5.2.24, 5.2.25]

8.2.35 Finally, East Leeds Extension is the largest single location in the district and is stated to be central to the SAP. It is a greenfield site in a very high value area and will offer a wide range of unit types. The total capacity across the plan period to 2028 is 4,446. It is an example of where infrastructure has been considered alongside development. Given the scale of the site the Council considers that it would be reasonable to assume 50 dpa, below the average build out rates, but to assume a number of outlets.[5.2.30]

8.2.36 However, the Appellants' witnesses are agents for the majority of land owners involved. Delivery rates have been sought direct from the developers, there are no live applications in the middle or southern sections of the site, and the current application has been with the Council for 4 years. 20% of the site covered by live applications is in the control of Persimmon who will be the only party that could submit reserved matters applications once outline application and Section 106 matters are resolved. Parcels of land in separate ownership are yet to be marketed and there is a requirement for infrastructure that has not been delivered and will take time. In East Leeds as a whole the difference between the parties is 1,115 units. The Appellants' approach has been branded as pessimistic as they only include 365 units for the East Leeds Extension but in my view the approach is realistic compared to the highly optimistic approach of the Council.[5.2.30]

8.2.37 Another difference between the parties appears to be the prospect of delivery by the PRS model. An example of the model is the Dandara scheme in Holbeck Urban Village (Site 407). Although the Appellants consider this a fringe site with doubts about funding and commitment, the site has planning permission, the developer is on site and has committed to deliver the units within two years of commencement.[5.2.33]

8.2.38 In the MUA and inner areas there is a wide range of developers active in the market. Both the primary and secondary markets are attractive to developers and investors alike and even in tertiary areas there is an active land market with specialist developers keen to acquire more. The Appellants' concern, albeit based on three letters that also outline expansion plans, is the capability of developers in this tertiary market to increase capacity. The lack of capacity in the specialist low cost market could affect the 5 year supply as specialist developers are a finite resource. A different view was reached at Bagley Lane but I am not aware of the evidence that conclusion was based on.[5.2.31]

8.2.39 The need for additional delivery is even more marked since March 2016 as there is no longer a development plan for delivery. The failure to produce an adopted SAP until December 2017 means there is no policy to set out how delivery of any houses, never mind the magnitude required, will actually take place. The only hope offered by the Council is an expectation that the SAP will be adopted in December 2017. However, Leeds has failed to meet targets in the past. Although accused of being pessimistic I consider that the house builders have been realistic. The resultant figures are not definitive, but they clearly indicate that the safety margin of 2,262 is soon whittled away when realism is applied. I consider that it is the Council which has been overly optimistic and has failed to demonstrate a robust 5 year housing land supply. The solution is to deliver housing now, not in December 2017 when even after the adoption of the SAP there will be significant lead-in times with no delivery likely until late 2018 early 2019. Even considering the cumulative number of dwellings in Appeals A, B and C would have no material bearing on my conclusions concerning supply.[6.2.21, 6.2.22]

8.2.40 The Council's delivery record for affordable housing is also poor and the target amounts to over 1,000 units a year. Delivery over the last 5 years is only around 49% of the SHMA requirement, a serious failure. There is, therefore, a significant need for additional delivery for both market and affordable housing.[6.2.20]

8.2.41 The proposals would make a contribution to affordable housing as part of the strategy to meet the area's needs over the plan period. However, the housing strategy relies on centre and inner area sites which compared to the appeal proposal would effectively restrict the delivery of affordable housing because policy only requires 5% in such locations whilst some sites will provide no affordable housing at all. Whilst the proposals would only provide affordable housing in accordance with development plan policies, such provision should be welcomed. [5.7.1, 5.7.2, 6.7.1, 6.7.2, 6.7.3]

8.3 Assessment Against Development Plan Policy

8.3.1 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* indicates that determinations under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case includes the saved provisions in the UDPR 2006 and the CS adopted in November 2014. The proposal should be considered against the development plan as a whole, and the *Framework* is also a material factor to be considered.[4.1, 6.2.1]

8.3.2 As I have concluded that there is no 5 year HLS, *Framework* paragraphs 49 and 14 must be applied. I consider that UDPR policy N34 is a policy for the supply of Housing, as did the Inspector in the Farsley case, and as there is no HLS the policy cannot be considered up to date and paragraph 14 must be considered. The Council considers that paragraph 85 is a specific policy under *Framework* Footnote 9 that indicates that development should be restricted. However, rather than being a restrictive policy paragraph 85, at bullet points three and 4, specifically indicates that safeguarded land, whilst not allocated at the present time, is to meet longer term development needs. It is not, therefore, restrictive, on the contrary it

envisages development. The test that then applies is whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The conclusion of this test will be a material consideration to be weighed in the balance when considering whether material considerations exist to outweigh the presumption in favour of the development plan in accordance with Section 38(6).

8.3.3 At the time the Council reached its decision on this proposal, an Interim Housing Delivery Policy was in place. However, that Policy was withdrawn in February 2015 due, in part at least, to the stage reached by the SAP process, and the adoption of the CS. The SAP will resolve the Council's view as to which PAS sites should be included on the basis of their planning merits. Consequently, assessment against the Interim Policy was not appropriate and the proposal was taken back to the Plans Panel for assessment in the light of the current policy context. The amended reasons for refusal are the outcome of that reassessment and, although the Appellants expressed some 'unease' at the revised reasons for refusal, the evidence at the Inquiry addressed the amended position. I do not, therefore, consider that anyone has been disadvantaged by considering the revised reasons for refusal[4.2]

8.3.4 The 2009 SSD required completion of the development plan "promptly" but nearly 7 years later there is still no completed development plan in Leeds.[6.2.1]

8.3.5 UDPR Policy N34, which was saved, is the most relevant UDPR policy in this case. It addresses PAS sites and indicates that they will be reviewed as part of the local plan process. A comparative SAP process is underway to address the delivery of housing in the District. The explanatory text sets out the purpose of Policy N34 as "to achieve now a definition of the Green Belt and its boundaries which will survive 'well into the next century'". Importantly the text goes on to say " ie beyond the Plan period for land use allocations (which is approximately to 2016)". It also states "It is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan".[5.2.1, 5.2.2, 5.2.3]

8.3.6 There are four reasons why an incomplete development plan might be important:

i) The development plan might be silent as to where housing allocations might go;

ii) UDPR Policy N34 might be out of date as it relates to a period of time that has now passed;

iii) UDPR Policy N34 might be out of date if it fails the test of consistency with the Framework; and

iv) UDPR Policies for the supply of housing might be out of date as there is no 5 year housing land supply.

Although Policy N34 might be out of date it is still part of the development. The weight to be given to it in the planning balance must be considered.

8.3.7 In 2001 and 2006 the UDP and UDPR Inspectors tested the suitability of the site against the criteria in *Planning Policy Guidance 2: Green Belts* Annex B and found it was: genuinely capable of development when required; located so as to promote sustainable development; and had regard to PPG3 Housing, PPG13 Transport, and environmental and landscape quality.[6.2.2]

8.3.8 The approach to sustainability as set out in the *Framework* is now different. A local plan review is underway and to grant permission now would be contrary to *Framework* paragraph 85 and UDPR Policy N34.[5.2.5]

8.3.9 The Council states that it does not intend to allocate all the PAS sites but does intend to release a substantial amount of Green Belt land. That is endorsed by the CS, which has been found to be sound and compliant with the *Framework*. The large housing requirement makes it unsurprising that both Green Belt and non-Green Belt land will be required and a full review would enable the most sustainable sites to be identified.[5.2.6]

8.3.10 In the Outer North East HMCA the Draft SAP proposes 3,153 units in the Green Belt whilst ignoring the capacity of non-Green Belt land at Collingham. Moreover, now that the proposal for 3,000 dwellings at Headley Hall has been abandoned the Council needs to decide how to deliver 5,000 dwellings in the Outer North East HMCA. The Council is accused of being inconsistent, particularly in respect of Headley Hall a large site in the Green Belt. However, policy in *Framework* paragraph 52 and CS Policy SP10, indicates that a new settlement can be sustainable by providing the infrastructure it needs. Proposing a site such as Headley Hall would not necessarily, therefore, be inconsistent with policy.[5.2.7]

8.3.11 The Council considers that the proposal deliberately steps outside the plan-led system by seeking the release of the site for housing whilst it is under consideration for such a use through the SAP process. I agree that only the SAP process, and not a Section 78 appeal, can allow for the relative assessment of a large number of competing sites. In a Section 78 appeal the proposal has to be considered on its planning merits against development plan policies.[5.2.1]

8.3.12 The Council confirmed that N34 is a policy for the supply of land, a conclusion also reached by the Farsley Inspector who concluded that it could be considered up-to-date in the context that pertained at that time, including the existence of a 5 year land supply. The SoS decision has since been quashed in its entirety although the Council states it was not on grounds relating to those conclusions. The UDPR Plan period was 1998 to 2016 and Policy N34 was not at that point time expired. That context has since changed as the Plan period for land use allocations ended in March 2016. UDP policies relating to housing are time limited by the document itself as being “Over the period covered by the housing land policies of this plan (2003-16)”. The Policy is therefore now out of date.[5.2.2, 6.2.5]

8.3.13 The CS indicates that it is not its role to identify individual sites and that the SAP will identify specific housing sites for 2012-2028. The SAP has not

yet been adopted, or even submitted to the SoS for examination. Policy N34 is now time expired and in this context the development plan is silent and 150 dwellings at Collingham would not prejudice the outcome of the overall plan process.[5.2.18]

8.3.14 The use of UDPR Policy N34 to prevent development would be contrary to the *Framework*. In addition, as N34 is a policy for the supply of housing, in the absence of a 5 year HLS the provisions of *Framework* paragraph 49 would apply. This states that relevant policies for the supply of housing will be considered out of date if the local planning authority cannot demonstrate a 5 year supply of housing. Paragraph 14 states that if relevant policies are out of date then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* taken as a whole.

8.3.15 The Council maintains that UDPR Policy N34 is not out of date but that conflicts with the subsequent conclusion of the Boston Spa appeal Inspector who notes that the Council "acknowledges that it needed to release sites beyond those in the UDPR and in advance of the Core Strategy, and sought to do so in a controlled way using the Interim Policy. However, that approach indicates that Policy N34 and, thus, the provision of housing land within the UDPR were out of date". I concur with this view, as did the SoS.

8.3.16 Paragraph 14 of the *Framework* addresses the situation where the development plan is absent, silent or where relevant policies are out-of-date. In those circumstances permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* as a whole, or specific policies of the *Framework* indicate development should be restricted.[6.2.3]

8.3.17 The written justification for N34 indicates that any proposals for long term development "will be treated as departures from the Plan". This is reinforced by the UDPR Inspector who stated "the Policy does not and should not contain a presumption in favour of long-term development of these sites as firm decisions as to whether they should or should not be allocated for development cannot and should not be made until such time as the present plan is reviewed.[5.2.3]

8.3.18 The UDPR Policy N34 safeguarded land is not allocated. The purpose of the PAS land is to protect the Green Belt by providing a generous amount of land for long term development. This provision has already taken place, which is not to say that every PAS site is suitable for housing development. The application of the Policy does not, therefore, indicate permission should be refused. However, to grant permission now would pre-judge the outcome of the SAP process in relation to some sites, and so would to some extent undermine it. The need for housing means that this would have to be weighed in the planning balance.

8.3.19 Having regard to Colman [2013] EWHC 1138 (Admin) and Bloor [2014] EWHC 754 (Admin) in the context of consistency with the *Framework*, the text of UDPR Policy N34 should be compared to *Framework* paragraphs 49

and 197. Although the Appellant considers that the policy is inconsistent with those paragraphs of the *Framework* as it acts as an outright bar to development with no allowance for any counteracting benefits, the explanatory text requires a review of the site's suitability which seems to me to be an allowance for counteracting matters to be weighed.[6.2.4]

8.3.20 The reference to safeguarded land in Framework paragraph 85 is in the context of expecting to have an up-to-date plan. With an up-to-date plan there would be no need to release safeguarded land. That does not apply here because the SAP is silent. There is no development plan document for the allocation of housing, the plan is silent and *Framework* paragraph 14 is engaged. Moreover, as there is no 5 year HLS the obvious choice for housing would be sites safeguarded for that purpose.[5.2.15]

8.3.21 I note the Council's view that the consequence of the Appellants' approach is that any authority without an allocations plan would have a silent development plan but each case should be considered on its merits. Whilst development plan decisions have been made, as in this report, that is not the same as allocating sites[5.2.15]

8.3.22 The *Framework* notes that sites should be assessed through a local plan review. UDPR Policy N34 is consistent with Framework paragraph 85 in that respect. Reference has been made to Colman v SSCLG [2013] EWHC 1138 but that case did not consider a safeguarding policy. However, N34 is out of date and inconsistent with Colman. It is only relevant as far as the development plan history demonstrates the suitability of the site in terms of PPG2 Annex B criteria. Reference has been made to Bloor [2014] EWHC 754 (Admin) but this case differs from that as there is no equivalent of the Bloor green wedge policy.[6.2.7]

8.3.23 The Council accepts that in the absence of a 5 year HLS, and in light of the Hopkins judgment, UDPR Policy N34 would be out of date but there remains the question of what weight to give it given any consistency with the *Framework* and its objectives. As the policy is time expired I consider that it should only be given little weight.[5.2.19]

8.3.24 Any adverse impacts due to the development should be balanced against the benefits of granting planning permission now to see if they significantly and demonstrably outweigh them leading to a presumption in favour of sustainable development.

8.3.25 The CS is up-to-date. It was produced after the *Framework* and was found to be sound and consistent with it. It contains a distribution strategy that was considered at the EiP and is set out in CS Policies SP1, SP6 and SP7 in particular. These policies focus on regeneration and, amongst other matters, promote a settlement hierarchy reflecting greenfield/brownfield locations and the ability of sites to respect and enhance the local character and integrity of places. The CS is ambitious as "The level of growth expected to occur by 2028 within Leeds is greater than any other authority within England".[5.2.9, 6.2.8]

8.3.26 A Settlement Hierarchy is at the heart of CS Policy SP1, whilst CS Policy SP6 indicates that the Settlement Hierarchy will "guide" the identification of where 66,000 new dwellings would be located. In addition to the

housing requirement, CS Policy SP6 sets out a number of considerations to aid identification of sites, including having the least impact on Green Belt purposes. Safeguarded land, was taken out of the Green Belt to protect its long term future and so would satisfy CS Policy SP6.[6.2.8]

8.3.27 CS Policies SP1 and SP6 should be applied in a common-sense way and used to assess development for conformity with the development strategy. The site is agricultural land that contributes to the character and identity of the 'small settlement' which is below the MUA and Major Settlements in the development hierarchy and only provides basic services. Policy SP1 refers to the distribution and scale of development reflecting the hierarchy.[5.2.10]

8.3.28 CS Policy SP6 sets a target of 'at least' 3,660 units a year from 2012/13 to the end of 2016/17 but it is accepted that in the first 4 years the Council has fallen behind its target by over 4,000. Worse still it has not met the minimum annual target of 3,660 in any of the first 4 years.[6.2.9]

8.3.29 CS Table 1 and Map 3 identify Collingham as a "Smaller Settlement" whilst Maps 4 and 15 also denote it as a "Lower Order Local Centre". CS Policy SP7 addresses housing provision in Smaller Settlements (2,300 infill and 5,200 extension) and also a distribution across Housing Market Characteristic Areas. Collingham is in the Outer North East HMCA where 5,000 units are required. When SP6 and SP7 are read together it is apparent that Collingham is a suitable location for development.[6.2.10]

8.3.30 The supporting text to CS Policy SP10 refers back to the UDPR and introduces PAS land that "will provide one of the prime sources for housing allocations in the LDF". The Collingham site is identified as a PAS site and the CS reference to a realistic supply of land indicates that PAS land will be suitable for development if and when required.[6.2.11]

8.3.31 CS Policy H1 commits the Council to maintaining a 5 year HLS. It also requires the SAP to phase the release of its allocations based on geographical distribution in accordance with SP7 and previously developed land targets (65% first five years and 55% thereafter). The 5 criteria for release include:

ii) Locations that have the best public transport accessibility;

iii) Locations with the best accessibility to local services; and,

iv) Locations with least impact on Green Belt objectives.

It has been accepted that the release of Collingham would not lead to excessive greenbelt development in terms of Policy H1. Whether it has 'best' public transport is debatable but it is a Lower Order Local Centre and so accords with H1 iii) and is not in the Green Belt and so accords with H1iv). CS Policy H5 would be met as the proposal would provide affordable housing as required by the CS.[6.2.12]

8.3.32 The phased release of housing allocations is to support CS Policies SP1, SP6, SP7, and SP10. The SAP identifies existing permissions and former allocations and the balance is allocated by applying CS Policies. This includes the spatial strategy, with its focus on MUA and major settlements, as well as its priorities for previously developed land and regeneration.

Greenfield land in outer areas and smaller settlements falls well down the hierarchy. In advance of the SAP debate the proposal must be considered against the CS Policies. Phasing reflects the relative performance against CS strategy and the need for other more sustainable sites to come forward first.

8.3.33 HLS is considered above but the Outer North East HMCA is under supplied in terms of Policy SP7. It should provide 5,000 units (8%) but in 2015-2020 only 858 (3%) are anticipated. It has been suggested that monitoring cannot be undertaken as the SAP is not adopted and consequently there are no allocated sites. The supply in the HMCAs would therefore remain unaddressed until the SAP is adopted in 2017 at the earliest. This is inconsistent with the *Framework's* commitment to boost housing.[6.2.13]

8.3.34 Overall, the appeal proposal would be generally compliant with the CS and its policies should not be used to withhold planning permission. This conclusion brings the CS 'General Policy' into play which requires that proposals that accord with the CS "will be approved without delay unless material considerations indicate otherwise. The CS has been adopted since 2014 and I do not consider that the proposal would undermine its implementation.[6.2.14]

8.3.35 In terms of the development plan, only UDPR Policy N34 would be breached but this should attract little weight as it is time expired. The most relevant policies of the up-to-date CS, Policies H5, SP1, SP6 and SP7 would be complied with and overall there would be general compliance with the Plan. There needs to be a balancing exercise, but within the parameter that there is a presumption in favour of granting permission. To justify refusal would require it to be demonstrated that the harm from any grant would cause adverse impacts that would significantly and demonstrably outweigh the benefits.

8.3.36 The Council is progressing its SAP identifying sites to be allocated. CS Policy HG2, and the explanatory text, explain the distribution with reference to the CS. The Council considers that the allocation of sites involves inter-related issues such as provision of necessary infrastructure and maintains that, when considered in the round, a Green Belt site may be more sustainable than a non-Green Belt site.

8.3.37 A Green Belt Release document shows that 14,372 homes are proposed to be provided on the Green Belt. The UDPR safeguarded land to avoid the use of Green Belt land when the UDPR was replaced. The Council will need to demonstrate very special circumstances to justify this release of land against a background of the SAP Examiner knowing that 5,285 of the 14,372 could be provided on non-Green Belt land previously removed from the Green Belt for exactly that purpose.[6.2.16]

8.3.38 However, the SAP has not yet been adopted, or even submitted to the SoS for examination. The Publication Draft SAP was published in September 2015, over two years after publication of the Issues and Options Plan that generated 7,000 representations. The realism of having a plan ready for submission to the SoS by December 2017, when the Draft SAP has generated 10,000 representations, is questionable. Indeed, the SCG

states that the Council consider that only limited weight can be accorded to the emerging SAP whilst the Appellant considers that only very limited weight should be afforded to it.[6.2.15]

8.3.39 The SAP EiP is not a foregone conclusion when the SAP intention to release considerable Green Belt land has not been tested. In the Outer North East HMCA the Draft SAP proposes 3,153 dwellings in the Green Belt whilst ignoring the capacity of non-Green Belt land at Collingham. Moreover, now that the proposal for 3,000 dwellings at Headley Hall has been abandoned the Council needs to decide how to deliver 5,000 dwellings in the Outer North East HMCA. There is no policy basis for allocating Green Belt sites and the Council could not identify another authority with a comparative approach. Even the Council considers that the SAP will not be adopted until winter 2017 at the earliest and accepts that only limited weight can be given to it at this time. The provision of 150 dwellings at Collingham would not prejudice the outcome of the SAP process.[6.2.17]

8.3.40 In terms of prematurity the *Guidance* notes "arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking policies in the *Framework* and any other material considerations into account". The Council's evidence does not carry out any balancing exercise and so would not justify refusal.[6.2.18]

8.3.41 Moreover, paragraph 14 sets out two tests, both of which must be met to justify refusal. The test in *Guidance* paragraph 14 i) considers development that would be so substantial that to grant permission would undermine the plan process. I am unaware of the detailed evidence given to the Farsley Inquiry that led to the Inspector and SoS concluding that the scheme in that case would undermine the plan process. Notwithstanding the Council's view on the cumulative effect of six appeals involving PAS land, the proposal in this case would represent only a tiny fraction of the overall need. The 'scale' test would not be met and in these circumstances the plan process would not be significantly undermined.[6.2.19]

8.3.42 In respect of ii) the emerging plan in the form of the SAP is not at an advanced stage. There is a shortfall of around 6,000 units due to site withdrawals since the publication of the SAP. These will have to be replaced. There are some 10,000 representations, many related to the use of PAS sites, and further consultation will be necessary. There will have to be an EiP that is likely to be contested as the intention to release considerable Green Belt land has not been tested. The Inspector might also have modifications. At best the SAP might be adopted by the end of 2017 and the Council accepts that little weight can be given to it at this stage. The second test is not met and the proposal would not be premature. Indeed, the Council accepts that the proposal, in itself, would not give rise to a prematurity reason for refusal. In any event, as the Council is unable to demonstrate a 5 year HLS then prematurity ceases to be an issue.[6.2.20]

8.3.43 The Council maintains that there is a large supply of housing permissions, with permission being granted for 8,000 units in 2014/15. However, 60% of the homes required in ONE are now unallocated due to the withdrawal of

the Headley Hall site. New sites may be coming forward, as the Council claims, but such sites should already be in the SAP and the PAS sites are not being revisited. Since the adoption of the CS only 236 units have been delivered in the Outer North East HMCA against a requirement of 1,200.[6.2.18]

8.3.44 The final draft of the *Collingham Neighbourhood Plan* is being prepared for submission to the City Council for examination. The document does not specifically allocate any sites for housing and as such is in accordance with the Publication Draft SAP. In any event, given the status of the emerging Neighbourhood Plan, the City Council considers that only limited weight can be given to it at this and I agree with that view.[6.2.21]

8.4 Whether Occupants of the Proposed Development Would Have Acceptable Access to Shops and Services

8.4.1 The Council maintains that development should be guided by the Settlement Hierarchy, in the CS, and the SAP. The addition of 150 units in Collingham would increase the size of the settlement by approximately 14-15%. In such circumstances CS Policy SP1 requires accessibility to be assessed. This is also addressed through CS Policy SP6 i) and the supporting text. CS Policy SP11 is linked to CS Policy T2, which requires new development to meet Accessibility Standards set out in the CS.[5.4.1, 5.4.2, 6.4.1]

8.4.2 Accessibility Standards in the CS "define the minimum standard that a new development will need to meet" echoing *Framework* paragraphs 32 and 34. The Council maintains that the appeal proposal fails to meet all the Standards. The village is remote from the MUA and, in the context of Leeds, has a poor bus service. The village has relatively few local services and the site is some distance from the centre of the village. However, other sites such as Spofforth Hill, Wetherby, had lower Accessibility scores than the appeal site but have been granted planning permission. This demonstrates the Council's flexibility in the application of the Standards.[5.4.2, 5.4.3, 6.4.9]

8.4.3 Moreover, if the Council's contention that the Standards are a minimum is accepted, the entire Outer North East HMCA requirement of 5,000 homes would have to be delivered in Wetherby and Harewood as the 16 other settlements in the HMCA do not meet the criterion of 4 buses an hour to a city centre. The appeal site has been given an accessibility rank of 2 which is "Public transport not in line with CS Standards" but this ignores the availability of local services. Under the Council's own guidance the site's accessibility rank should be '3', "Public transport not in line with CS Standards but availability of local services (local centre, schools etc)". This leads to a sustainability score of 7 which would make the site the highest scoring safeguarded site in accessibility terms in the Outer North East HMCA. Of the allocated sites only Wetherby scores higher and a number such as Scarcroft Lodge and Bramham score lower.[6.4.17]

8.4.4 Collingham is identified as a safeguarded site and as such is required by the CS to be a realistic site. In those circumstances, the site must be suitable for development if required, notwithstanding settlement suitability and the Accessibility Standards.[6.4.1]

8.4.5 The site has been a PAS site since 2001 and was considered by UDP and UDPR Inspectors. Guidance required the site to be "sustainable" and "genuinely capable of development". Little, other than a reduction in bus frequency, has changed in the intervening period. At the time of safeguarding the site Leeds's preferred option was to allocate it for housing and the Inspector's principal reason for not doing so was the existence of an alternative site that would not involve the loss of Grade 2 agricultural land, not accessibility. The Council now relies on current guidance and the Accessibility Standards to support its position, although the site is still a PAS site that must be a 'realistic' allocation.[6.4.10]

8.4.6 Benefits flow from the *Framework's* three strands of sustainable development, economic, social and environmental. The balance falls significantly in favour of granting permission. In the context of the Outer North East HMCA the proposal is relatively sustainable and would not conflict with the *Framework* or the development plan as it currently exists [6.4.2, 6.4.3, 6.4.4, 5.4.5, 6.4.2, 6.4.5]

8.4.7 The Standards require housing to be within a 15 minute walk (1200 metres) of local services. There would be two routes which the Council states are substandard due to gradient or footpath width. The first, along the A659, would be 1400 metres from the centre of the site with an average gradient of 1in10. This would not meet the Standard but would not be an obstacle to many residents.[6.4.11]

8.4.8 The alternative route is 800 metres and runs alongside the A58. The UDP Inspector, concluded "Even allowing for the fact that it is alongside the A58 this would not be such a long distance as to mean that all or even most residents should find it necessary to get in a car to go to them (the local services)". I concur with this view. Part of the footway would be widened to 1.5 metres and a 600 metres long section that appears to be 1 metre or less wide is in fact some 1.2 metres wide but has become overgrown. This width of footway would allow residents and those with pushchairs to use the footway and pass each other.[6.4.12]

8.4.9 Street lighting could be funded from CIL contributions and the fact that restoration of the footway is at the Council's discretion was not challenged. The improvements identified could be secured by the proposals and ensure that the site meets Criterion 1.[6.4.13]

8.4.10 New bus stops would be provided with provision for real time service information and shelters. The stops would be within 250 metres on Leeds Road and 500 metres on Harewood Road. The requirement for a 15 minute service to a major public transport interchange is unduly inflexible in this case. Collingham is towards the outer edge of the district and so much closer to other high-order centres such as Wetherby, Boston Spa and Harrogate. Residents of the proposal would be more likely to work in those centres than residents living nearer to Leeds. Services to these high-order centres meet the Standard of a 15 minutes journey and I consider that the objective of providing choice of public transport to employment opportunities would be met.[6.4.14]

8.4.11 Notwithstanding the difference between the parties over the footway, it is agreed that primary education and healthcare facilities would be within a

20 minute walk. Subject to the proposed footway improvements Criterion 3 would, therefore, be met. In respect of secondary education, there is no school in Collingham but the secondary school in Wetherby is accessible by a half hourly service. However, there are dedicated bus services with 16 school buses running between Collingham and secondary schools daily. Alternative provision already exists to fulfil the objectives of Criterion 3.[6.4.15]

8.4.12 In terms of Criterion 5, Access to City/Town Centres within a 5 minute walk to a bus stop offering a 15 minute service frequency, the nearest town centre is Wetherby which offers a further link to Harrogate. Ignoring the Harrogate link, there are two bus services to Wetherby an hour, and two to Leeds city centre giving a combined service of 4 buses an hour. Whilst the Council notes that there is a reduced evening service, the Accessibility Standard criteria relate to weekday daytime service levels. If a flexible approach is taken the objective, if not the precise requirement, of the Standard would be met.[6.4.16]

8.4.13 Collingham Primary School is at capacity and it is alleged that even when combined with Bardsey the two schools would not be able to absorb the 38 pupils that would be generated by the proposed development. Either new facilities would have to be provided, for which there are no plans, or the children must go elsewhere. However, forecasts indicate that there would be places in the first two year groups for the numbers that would be generated in the first two years of occupation of the proposed dwellings. The Council subsequently asserted that the 5 pupils a year could not be accommodated in the other year groups. This was not substantiated by evidence. Similarly, no account has been taken of the CIL contribution or whether the school could make use of funds to expand its infrastructure or resources. The Council could have provided the Inquiry with such evidence but did not do so.[5.4.4, 6.4.6, 6.4.7]

8.4.14 A similar point was taken in relation to healthcare as the GP's surgery in Collingham has indicated it is at capacity but has no plans to expand. Expansion is not in the appellants' or the Council's gift, but is a market decision for the providers, although CIL contributions could be available. If arguments about lack of healthcare were to succeed surgeries could dictate where residential development should be built.[5.4.4, 6.4.7, 6.4.8]

8.4.15 Collingham has a greater proportion of single occupant car journeys to work (84.6%) than the district average (59.1%), partly due to its geographic location compared to dwellings closer to the main urban areas. However, that would not justify scepticism about the potential of a Travel Plan to encourage measures to reduce journeys, such as car sharing.[6.4.18]

8.4.16 The Council has not demonstrated any assessment of benefits or any form of balancing exercise. The Standards have been relaxed in respect of other residential schemes but in any event, an objective assessment under the SAP criteria shows the appeal site to be the most accessible of the safeguarded sites and ranks highly amongst the allocated sites.[6.4.18]

8.4.17 With a modicum of flexibility the site would satisfy the objectives of the CS Accessibility Standards and consequently the Standards would not

represent a sufficient reason to justify withholding planning permission. Inflexibility will not assist in meeting housing needs.[6.4.18]

8.5 Effect on the Highway Network

8.5.1 When the Council determined the application it considered that the Appellant had not demonstrated that the highway network was capable of absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements that the proposal would generate.[5.5.1]

8.5.2 Investigations continued to devise a scheme to mitigate the impact of the development on the A58/A659 Harewood Road junction. An acceptable form of mitigation has now been identified which does not propose the signalisation of the A58/Mill Lane/School Lane junction.[5.5.2, 6.5.1]

8.5.3 Details of footpath widening have also been submitted as shown on drawing no 7119-015 and it is agreed that this could be secured by a condition. An *Addendum Highways Statement of Common Ground* sets out that as a consequence of agreeing the proposed junction improvements the revised reason for refusal 4 has been satisfied and is no longer pursued by the Council. Residents also expressed concern about the impact on the highway network but there is little evidence that would justify reaching a different conclusion to that of the highway authority.[5.5.3, 6.5.1]

8.6 Effect on the Character and Identity of Collingham

8.6.1 The site exhibits many of the key characteristics of the surrounding countryside. CS Policy SP1(iii) requires development to respect and enhance the local character and identity of places, whilst the landscape strategy seeks to maintain the integrity of settlements, conserve characteristic features, and reinforce the pattern of small rural villages whilst preserving their character and individual identities. New housing around villages is identified as a negative feature.[5.6.1]

8.6.2 The appeal site is a greenfield site in agricultural use and was removed from the Green Belt in the 2001 UDP. There has been no change in the setting of the site since then when the UDP Inspector stated that the site relates "as much to the urban area as to the wider area of open countryside" and that its contribution toward protecting the open countryside "is limited". Neither the draft *Neighbourhood Plan* nor the *Village Design Statement* identify the site as vital to the character of the settlement. The appeal site continues to be PAS land in the SAP which means the appeal site could be developed at some stage. It also sets out key views across the village.[5.6.2, 5.6.3, 6.6.1, 6.6.2]

8.6.3 There will always be a degree of inter-relationship and it is accepted that the countryside setting is important to the character of the village. It was also accepted that the distance between the built form of Collingham and Bardsey would not be reduced and so the countryside's role in providing separation from Bardsey would be maintained. The trees along the beck on the approach from Bardsey contribute to the rural character but I agree with the UDPR Inspector who noted that "Provided that the replacements were sufficient in number and carefully located, I do not consider that the

provision of a vehicular access to the site would necessarily harm the appearance of either this part of Collingham or the adjacent SLA".[5.6.2, 5.6.3]

8.6.4 Although roughly half a dozen trees would be lost, the proposed planting would create a woodland some 10 metres deep. When approaching Collingham existing housing would be seen before the proposed dwellings were glimpsed. Consequently views would not be urbanised and the character of the settlement would not be significantly affected. Indeed, although the Council contends that the loss of trees to create an access would be harmful, it does not object to the loss in principle and withdrew reason for refusal 6.[6.6.3]

8.6.5 Unusually the illustrative Masterplan shows 110-120 dwellings on the site, whilst the proposal is for up to 150. However, the proposal is in outline with layout and design reserved matters. The scheme would generally follow the existing built form and be largely self-contained and the Council would retain control over the details when submitted. The report to Committee notes that bungalows on the eastern boundary would not have an unacceptable impact on the living conditions of neighbours whilst houses on the northern boundary would be a sufficient distance from the boundary to ensure no adverse impact.[5.6.4, 6.6.5]

8.6.6 The density of the proposal would be 35 dph compared to nearby development at Crabtree Green, which is 7.6 dph and Millbeck Green which, even ignoring those properties with long gardens, is only 13 dph. As a result the Council considers that the proposed housing would be 'intense'. However, CS Policy H3 requires housing in Smaller Settlements to meet or exceed a density of 30 dph. The CS states that density should only be reduced for "exceptional townscape reasons". There is nothing exceptional in terms of character or any overriding concern in design terms that would justify a lower density in this case. 30 dph would mean at least 132 dwellings on the site.[5.6.4, 6.6.6]

8.6.7 As most apartments in the inner area and city centre will be 1-2 bedroom many of the larger scale homes will be in the outer HMCAs. This is necessary to comply with the requirement of CS Policy H4 which states that 40% of all dwellings shall be three bedrooms or more.[6.6.7]

8.6.8 An area of Public Open Space is proposed in a part of the site that is in the Green Belt. This would not necessarily be inappropriate development and despite the absence of levels I consider the Council's approach overcautious for an outline application. In relation to the creation of a development platform outside flood zone 1, only 9.3% of the developable site would require raising with a maximum increase of 1-1.1 metres tapering down to meet existing levels. The Council acknowledged that re-grading would be minimal and was no longer in issue. It was also agreed that an acceptable design and appearance of the proposed bridge could be required by condition.[5.6.5, 6.6.4]

8.6.9 I conclude that the proposal would preserve the character and identity of Collingham in accordance with the aims of CS Policies SP1(iii),H3 and H4.

8.7 Other Matters

8.7.1 Leeds desperately needs additional Affordable Housing. The most recent SHMA identified an annual need of 1,158 affordable dwellings but the Council's latest figures indicate that 54% of overall delivery would be in the city centre and inner area where only 5% of units would be required to be affordable. The proposal would provide 52 affordable homes if 150 were built. In these circumstances, affordable housing would be provided in accordance with policy requirements and this should be welcomed.[5.7.4, 6.7.1]

8.7.2 A Flood Risk Assessment report and a Flood Risk Sequential Test report were submitted with the application and considered by the Environment Agency and the Council's Flood Risk Management Section. The scheme would provide improvements to the flood defence measures provided by the Environment Agency in 2010, specifically to 22 properties on Millbeck Green. On site engineering works would moderate the surge potential of Collingham Beck reducing the peak water level during a flood event. A contribution would also be made towards a new off-site flood wall along the A58. The wall would reduce the likelihood of the road, and properties in Crabtree Green, from flooding. This would be of general benefit to the village.[5.7.2, 6.7.2]

8.7.3 The Council's Highways Department and Highways England have raised no objection to the engineering design of the proposed access bridge and the Environment Agency is satisfied it would allow the required water flow beneath it. Appearance and materials could be controlled by conditions.[5.7.3]

8.7.4 The proposed public open space would provide some 4.45 hectares of new recreation and leisure facilities and the green infrastructure would be a significant benefit. Concerns about the future management of such provision would be addressed by the provision of an ecological management plan. That part of the site within the Green Belt would provide a semi-natural habitat without compromising the openness. The amenity space adjacent to the development would be open to all, not just residents, and would also provide a cycleway linkage, and has the potential to incorporate footpath linkages, including a secondary route to the primary school.[6.7.3, 6.7.4]

8.7.5 Since the submission of the appeal, further ecology surveys and a tree survey have been submitted and considered. The Council accepts that the surveys address the concerns set out in revised reason for refusal 6 and, consequently, that reason for refusal is no longer contested. The Council accepts that noise, archaeology and heritage matters have no implications for developing the site and would not provide a basis for refusing planning permission. There is little evidence to justify any other conclusion.[5.7.1, 5.7.4]

8.8 Section 106 Obligation and Conditions

8.8.1 At application stage, planning obligations were to be provided by an undertaking or agreement. Subsequently a Community Infrastructure Levy has been adopted in April 2015, which in this case would require a charge

of £90/m² of residential floor space. However, there are still some matters that require addressing by means of a Section 106 Obligation.

8.8.2 A signed Section 106 Agreement dated 29 April 2016 has been submitted. The matters it covers are affordable housing and a verification fee; a Travel Plan and monitoring fee; a Metrocard contribution, a flood prevention contribution and an off site bus stop contribution, none of which are covered by CIL contributions. A note justifying why the Council considers that the S106 matters are justified in terms of the tests set out in *Framework* paragraph 204 has been produced.

8.8.3 Affordable housing is necessary to comply with CS Policy H5 that requires the provision of 35% affordable housing in this location. It would be provided on site and so be directly related to the development. It is fair and reasonable as the Policy is based on evidence regarding housing need. The Council would have to administer the affordable housing contribution which would be based on the actual staff time and resources expended in the verification process.

8.8.4 CS Policy T2 and the Council's Travel Plans SPD seek to improve the accessibility of the site. A Travel Plan would need to be monitored to ensure realistic targets were set. Reviewing the Travel Plan would be directly related to the development as there is a need to encourage the provision of alternative, more sustainable, transport. The monitoring fee is based on the scale of development and covers staff time. The SPD sets out a number of packages to make developments more sustainable, including the requirement for a MetroCard for each dwelling, which would be directly related to the development. The measure is necessary to encourage alternative forms of transport, by directly covering the cost of a card per dwelling for one year and subsidising the provision for a further two years.

8.8.5 Some off-site works would also be needed. The site would generate demand for transportation and the provision of shelters, raised kerbs, information displays and Real Time information at two bus stops, one in each direction as interchanges in Leeds are outside the maximum travel time, would meet the tests.

8.8.6 Finally, flood alleviation and mitigation works would be necessary due to the history of flooding in the area. The proximity to the Beck and proposed changes to levels means the contribution and works would be directly related to the development and fairly and reasonably related in scale and kind.

8.8.7 In addition, the parties have agreed a schedule of 27 conditions. These address: approval of details; timing of implementation; Archaeology; Flood Risk and Drainage; Ground Conditions; Ecology and Trees; Public Open Space; Highways and Construction.

8.8.8 Conditions 1 and 4 are standard outline permission time conditions, whilst condition 2 clarifies the development and sets a parameter in terms of the number of dwellings. In the interests of clarity and the avoidance of doubt the approved drawings are identified in condition 3.

8.8.9 The site lies within an area of archaeological significance and condition 5 would provide for investigation prior to any development on the appeal site. Conditions 6 to 10 relate to flood risk and drainage and are necessary to preclude causing any increased flooding and provide for suitable drainage. Ground conditions and contamination are the subject of conditions 11 to 13 which seek to ensure remediation of the site should it be found to be necessary.

8.8.10 Mitigation for ecological impacts and the protection of retained trees are sought by conditions 14 to 16 whilst conditions 17 and 18 require the provision of public open space and a landscape buffer zone respectively to comply with policy requirements. Conditions 19 to 25 require various highway improvement works to improve the access and address the impact on the wider highway network. Provision for electric vehicle charging points, cycle storage and pedestrian and cycle links together with surfacing and drainage of vehicular areas are also sought to encourage more sustainable transportation options. Finally, conditions 26 and 27 would require a Construction Method Statement and restrict working hours both in the interests of safeguarding the living conditions of the occupiers of nearby housing.

8.8.11 I consider that the suggested conditions are all necessary and comply with the tests set out in *Framework* paragraph 206. Similarly, the Agreement provisions meet the tests in *Framework* paragraph 204 and are necessary to make the proposals acceptable.

8.9 Planning Balance

8.9.1 The Council has not demonstrated a 5 year HLS and the policies relevant to the supply of housing are therefore deemed out-of-date. UDPR Policy N34 is the only relevant such policy and the proposal would not comply with it. The weight to be given to it, and its breach, is a matter of judgement. As the policy is out-of-date I consider that it can only be given little weight.

8.9.2 The Council maintains that the presumption against the development through Section 38(6) is very strong regardless of whether there is a 5 year HLS. The Appellant puts no case for any local need or benefit and no additional affordable housing is offered. However, whilst the benefits might to some extent be generic, and would be provided if the SAP were allowed to run its course, this needs to be considered in the context of Leeds.

8.9.3 On Leeds own figures, housing delivery has not reached the minimum requirement for the last 7 consecutive years, and nor will it for a further 2 years. This is against the background of having the largest housing requirement in the country. The site has been appraised over the long term and identified as a potential residential site. The site is safeguarded in the PAS and is in a relatively sustainable position.

8.9.4 Notwithstanding the Council's views, I consider that the appeal site is generally compliant with the CS spatial distribution policies and would help meet the need for 5,000 homes in the Outer North East HMCA, a deficit of 60%. There are clear economic, social and environmental benefits that stem from the proposal that far outweigh the adverse impacts identified.

8.9.5 The Council maintains that the proposal would undermine the adopted CS and the plan led system, and *Framework* paragraph 85, and deny the public expectation that PAS sites would be considered through a local plan review. This was a factor to which the SoS gave very considerable weight in a Gilden Way, Harlow decision, APP/N1540/A/11/2167480. However, the site has been under a microscope and time has been set aside for the public to comment. I am not aware of the comparability of the position in Harlow but the severity of the housing shortfall in this case warrants the approach recommended in this report.[6.1.1, 6.1.2]

8.9.6 In addition to undermining the plan-led system, through determining a proposal that was progressing through the due process, the Council also alleges specific social and environmental harms caused by breaches of the spatial strategy and the settlement hierarchy, the lack of sustainability and accessibility relatively within Leeds, the harm to the environment, to the character of villages and the unsustainable strain on services due to the scale of development and harm to the highway network.

8.9.7 However, as set out above, the proposal would be in line with the spatial strategy and settlement hierarchy, in the context of the Outer North East HMCA the proposal would also be relatively sustainable and accessible. There would be little harm to the environment, or to the character of the village, and mitigation would be provided for the additional strain that would be put on local schools and other services. Indeed, the proposal would also provide for flood defences that would benefit neighbouring properties in the village.

9. Overall Conclusions and Recommendation

9.1. Overall Conclusion

9.1.1 Considering the balance required by *Framework* paragraph 14, UDPR Policy N34 is out-of-date and attracts little weight. Any adverse impacts due to granting permission would not significantly and demonstrably outweigh the benefits of boosting significantly the supply of housing when assessed against the policies in the *Framework* taken as a whole. Applying both the paragraph 14 and Section 38(6) tests the proposal should be allowed.

9.2 Recommendation

9.2.1 I recommend that the appeal be allowed and planning permission be granted, subject to the Unilateral Undertaking, and the conditions set out in Appendix C of this report.

Ken Barton

INSPECTOR

APPENDIX A - APPEARANCES

FOR LEEDS CITY COUNCIL:

Guy Williams of Counsel	Instructed by Nikki Deol, Leeds City Council

He called

Adrian Hodgson IE AMICE	Principal Highway Development Control Officer, Leeds City Council
Adam Harvatt BA(Hons) MSc	Team Leader, Local Plans East, Forward Planning and Implementation Service, Leeds City Council
Adam Ward MA	Deputy Area Planning Manager, Planning Services, Development Directorate, Leeds City Council

For the joint Inquiry session on April 19-21 relating to Housing Land Supply only

Martin Elliot MA(Hons) Geography MA Town Planning MRTPI	Team Leader, Data and Geographical Information Systems, Forward Planning and Implementation Service, Leeds City Council
Matthew Brook BA(Hons) Geography MA Town and Regional Planning MRTPI	Principal Planner, Data and Geographical Information Systems, Forward Planning and Implementation Service, Leeds City Council
David Newham MRICS	Principal Surveyor, District Valuer Services, Leeds

FOR MILLER HOMES AND THE HILLS FAMILY:

Jeremy Cahill QC assisted by Christian Hawley of Counsel	Instructed by Eversheds

They called

David Colley BEng MCIHT	Associate Director, Sanderson Associates Consulting Engineers Limited
Dr Kevin Tilford BSc(Hons) MSc(Eng) PhD MBA CWEM CEnv MCIWEM	Managing Director Weetwood Services Limited
Dick Longdin BSc DipLA MA FLI	Partner, Randall Thorpe, Manchester

Jonathan Dunbavin BSc MA TP	Director ID Planning, Leeds

For the joint Inquiry session on April 19-21relating to Housing Land Supply only

Phillip Roebuck FRICS	Director Cushman and Wakefield, Leeds

INTERESTED PERSONS:

Mrs Harrigan	Collingham Residents' Action Group (CRAG)
Julian Holmes	Collingham with Linton Parish Council
Mr Armitage	
Jeremy Lenighan	
Alex Shelbrooke MP	
Alastair Smyth	
Cllr Rachel Proctor	

APPENDIX B - DOCUMENTS

Core Documents

National and Local Planning Policy

CD/A1	National Planning Policy Framework
CD/A2	National Planning Policy Guidance
CD/A3	Leeds City Council Core Strategy 12 November 2014
CD/A4	Unitary Development Plan 2001 Extract
	Chapter 14 Aireborough, Horsforth and Bramhope
	Chapter 17 Morley
	Chapter 24 Wetherby
CD/A4(A)	Unitary Development Plan Volume 1 Written Statement
CD/A5	Unitary Development Plan Review 2006 Vols 1 and 2
CD/A5(A)	Unitary Development Plan Review 2006 Volume 1 Written Statement
CD/A6	Unitary Development Plan Inspector Reports
CD/A6(A)	Inspectors Report Chapter 5
CD/A7	Unitary Development Review Inspector Reports
CD/A7(A)	Unitary Development Review Inspector Reports Foreword
CD/A8	Interim Policy – Potential Release of Sites of Protected Areas of Search
CD/A9	Leeds City Council Natural Resources and Waste Local Plan
CD/A9A	Leeds City Council Natural Resources and Waste Local Plan September 2015 Adopted Policies Minerals 13 and 14
CD/A10	Leeds City Council Consultation Draft SAP & Background Documents 2015
CD/A11	Leeds City Council Community Infrastructure Levy Charging Schedule April 2015
CD/A12	Leeds City Council Community Infrastructure Levy Regulation 123 List September 2014
CD/A12A	Leeds City Council Community Infrastructure Levy Regulation 123 List Amendments November 2015
CD/A13	Leeds City Council Open Space, Sport and Recreation Assessment July 2011
CD/A14	SPG4: Greenspace Relating to New Housing Development
CD/A15	SPG:25 Greening the Built Edge
CD/A16	Collingham Conservation Area Appraisal and Management Plan
CD/A17	Village Design Statement: Collingham with Linton

CD/A18	Bramhope Conservation Area Appraisal and Management Plan
CD/A19	Extract Appendix D to BS4102:2013 Biodiversity – Code of Practice for Planning and Development
CD/A20	Extracts from Hundt L (2013) Bat Surveys: Good Practice Guidelines 2nd Edition
CD/A21	DCLG – Consultation on Proposed Changes to National Planning Policy December 2015
CD/A22	PPG2: Green Belts
CD/A23	Site Allocations Plan Sustainability Appraisal - Publication Draft September 2015
CD/A24	Site Allocations Plan and AVLAAP – Infrastructure Background Paper September 2015
CD/A25	Site Allocations Plan Section 3: Area Proposals: 7 Outer North West – Publication Draft September 2015
CD/A26	Site Allocations Plan Site Assessment Document Breary Lane East, Bramhope LS16 Site Plan HG2-17 SHLAA Ref 1080 3367A
CD/A27	Site Allocations Plan Section 3: Area Proposals: 6 Outer North East – Publication Draft September 2015
CD/A28	Site Allocations Plan Site Assessment Document Leeds Road, Collingham Site Plan HG3-18 SHLAA Ref 2135
CD/A29	Bramhope Village Design Statement
CD/A/30	Leeds District Valuer's Report May 2014
CD/A/31	Leeds District Valuer's Report October 2014
CD/A/32	David Newham's Rebuttal of Philip Roebuck's Evidence
CD/A/33	Collingham Neighbourhood Plan Draft
CD/A/34	Housing Land Supply Schedule
CD/A/34A	Housing Land Supply Schedule with LCC comments
CD/A/34B	Agreed Housing Land Supply Schedule
CD/A/35	Press Article about Morgan Agents
CD/A/36	Newham Brief and Viability Appraisal Information
CD/A/37	Extracts from SHLAA of disputed sites
CD/A/38	5 Year Housing Land Supply Tipping Point
CD/A/38A	Amended 5 Year Housing Land Supply Tipping Point
CD/A/39	Green Belt Releases in SAP

Appeal A Application Documents

CD/B1	Application Letter 25 November 2013
CD/B2	Application Letter (2) 27 November 2013
CD/B3	Application Form (without personal data) 22 November 2013
CD/B4	Site Location Plan (drawing no P12 4567 02) 14 November 2013

CD/B5	Site Survey Plan (S7898) June 2013
CD/B6	Indicative Development Master Plan (D12 4567 51 Rev B) 25 March 2014
CD/B7	Development Master Plan (D12 4567 50) 14 November 2013
CD/B8	Proposed Access Arrangements Plan (ITM8086-GA-012 Rev A) August 2014
CD/B9	Planning Case Report November 2013
CD/B10	Design and Access Statement November 2013
CD/B11	Statement of Community Involvement Report November 2013
CD/B12	Draft Heads of Terms
CD/B13	Minerals Recovery Statement
CD/B14	Transport Assessment (Volume 1 Reports and Figures) November 2013
CD/B15	Transport Assessment (Volume 2 Appendices) November 2013
CD/B16	Travel Plan (updated version) July 2014
CD/B17	Stage 1 Desk Study Report June 2013
CD/B18	Tree Survey July 2013
CD/B19	Cultural Heritage – Desk Based Assessment Report July 2013
CD/B20	Flood Risk Assessment November 2013
CD/B21	Foul and Surface Water Drainage Strategy October 2013
CD/B22	Ecological Appraisal July 2013
CD/B23	Noise Impact Assessment July 2013
CD/B24	Agricultural Land Appraisal July 2013
CD/B25	Affordable Housing Pro-forma
CD/B26	Archaeological Investigations Evaluation Report March 2014
CD/B27	Planning Performance Agreement 28 March 2014
CD/B28	Major Site Notice 13 December 2013
CD/B29	Site Notice 10 January 2014
CD/B30	Site Notice 23 January 2014
CD/B31	Site Notice 14 March 2014
CD/B32	Site Notice 11 April 20214

Appeal A Correspondence with Local Planning Authority

CD/C1	Acknowledgement of Receipt of a Request for Pre-Application Advice 12 July 2013
CD/C2	Letter – JB Pre-Application Letter 7 August 2013
CD/C3	Email – Pre-Application Meeting Request 9 August 2013

CD/C4	Email – Arrangement of Pre-Application 16 August 2013
CD/C5	Letter – Screening Opinion 1 November 2013
CD/C6	Email – Planning Performance Agreement 28 November 2013
CD/C7	Email – Correspondence regarding Sustainability Appraisal 3 December 2013
CD/C8	Email – Correspondence regarding Planning Performance Agreement 4 December 2013
CD/C9	Acknowledgement Letter 5 December 2013
CD/C10	Email – Archaeological Works 27 January 2014
CD/C11	Email – Position Statement to CPP 27 January 2014
CD/C12	Email – Transport – S106 4 February 2014
CD/C13	Email – withdrawal from CPP 12 February 2014
CD/C14	Email – JB Request for Consultee Responses 20 February 2014
CD/C15	Email – LCC Request for Progress Meeting 27 February 2014
CD/C16	Email – Trail Trenching Report 18 March 20214
CD/C17	Email – Application to Plans Panel 20 March 20214
CD/C18	Email – Confirmation of Revised Scheme and LCC Acknowledgement 27 March 2014
CD/C19	Email – Confirmation of Plans Panel 28 March 2014
CD/C20	Email – I Transport Response to LCC Highways Comments 8 May 2014
CD/C21	Email – Revised Masterplan for discussion, including plan (reference: D14 4567 OP3) 12 May 2014
CD/C22	Email – I-Transport and LCC Transport Models, including attachments 9 July 2014
CD/C23	Email - JB and LCC Outstanding Highway Issues 17 July 2014
CD/C24	Email - I-Transport – Submit updated Travel Plan (attachment is CD/BDW/B(3)/16) 18 July 2014
CD/C25	Email - I-Transport – location for Bus Stop, including updated drawings (references: ITM8086-GA-008 and ITM8086-GA-009) *[both superseded by ITM8086-GA-Rev A].* 18 July 2014
CD/C26	Email - I-Transport – Submit Transport Model, including updated LINSIG Model (A650/Common Lane Junction) 23 July 2014 with further emails dated 23.07.2014 and 29.07.2014 containing additional commentary.
CD/C27	Email - Comments – Transport – S106 28 July 2014
CD/C28	Email - Extension of PPA 29 July 2014
CD/C29	Letter – City Plans Panel 30 July 20104
CD/C30	Email - Submission of Revised Access Plan, including site access drawing (reference: ITM8086/GA/12/Rev A) 7 August 2014
CD/C31	Email - Highways Update 7 Auguust 2014
CD/C32	Planning Performance Agreement 31 March 2013

CD/C33	Planning Performance Agreement 28 March 2014

Appeal A Consultee Responses

CD/D1	Natural England 10 December 2013
CD/D2	Waste Management 11 December 2013
CD/D3	Neighbourhood and Housing (Environmental Protection) 19 December 2013
CD/D4	Environment Agency 20 December 2013
CD/D5	Coal Authority 19 December 2013
CD/D6	Yorkshire Water 2 January 2014
CD/D7	Public Rights of Way and Map 7 January 2014
CD/D8	West Yorkshire Archaeology 7 January 2014
CD/D9	Mains Drainage 7 January 2014
CD/D10	West Yorkshire Archaeology Advisory Service January 2014
CD/D11	Metro 29 January 2014
CD/D12	Transport Development Services (Highways) 30 January 2014
CD/D13	Transport Policy (Travel Wise) 3 February 2014
CD/D14	Highways Agency 18 February 2014
CD/D15	Transport Development Services (Highways) 4 April 2014
CD/D16	Public Rights of Way 14 April 2014
CD/D17	LCC Children's Services Calculation 14 January 2014
CD/D18	Travel Plan (Travel Wise) 6 August 2014

Appeal A Committee Reports, Correspondence and Decision Notice

CD/E1	City Plans Panel Committee Report 13 February 2014
CD/E2	Plans Panel Committee Report 10 April 2014
CD/E3	Minutes – City Plans Panel 7 August 2014
CD/E4	City Centre Panel Report 7 August 2014
CD/E5	City Plans Committee Report 7 August 2014
CD/E6	Decision - Refusal of Planning Permission 8 August 2014
CD/E7	City Plans Committee Covering Report 5 November 2015
CD/E8	City Plans Committee Report 7 August 2014
CD/E9	Minutes – City Development Plans 7 August 2014
CD/E10	Development Plans Panel Report & Minutes 19 January 2016

CD/E11	City Plans Panel Committee Report 19 January 20216
CD/E12	Plans Panel Committee Report 13 February 2015
CD/E/13	Report to Environment & Housing Scrutiny Board 22 March 2016

Appeal A Appeal Documentation

CD/F1	Appeal Form 4 February 2015
CD/F2	Bespoke Timetable
CD/F3	Leeds City Council Statement of Case
CD/F4	Appellant's Statement of Case
CD/F5	Planning Statement of Common Ground – General December 2015 (Signed)
CD/F5(A)	Amended list of Planning Conditions
CD/F5(B)	Amended list of Planning Conditions
CD/F5(C)	Agreed list of Planning Conditions including Reasons
CD/F6	Planning Statement of Common Ground – 5 Year Housing Land Supply (Signed)
CD/F7	Planning Statement of Common Ground – Highways (Signed)
CD/F7A	Technical Note Updated Highways Statement of Common Ground (Signed)
CD/F8	Letter – The Planning Inspectorate – ID1
CD/F9	Letter – The Planning Inspectorate – ID2
CD/F10	Letter – The Planning Inspectorate – ID3
CD/F11	Bundle of submissions made by interested parties at Appeal Stage
CD/F12	Unilateral Undertaking
CD/F12(A)	Amended Unilateral Undertaking
CD/F13A	East Ardsley Settlement Boundary as drawn by a resident for Councillor Dunn
CD/F13B	Submission read by Mr Aveyard
CD/F13C	Skeleton of submission by Mr Bywater and extract from a report referred to
CD/F14	Affordable Housing Statement of Common Ground 25 Feb 2016
CD/F14(A)	Affordable Housing Statement of Common Ground 29 Feb 2016 Unsigned
CD/F14(B)	Affordable Housing Statement of Common Ground 29 Feb 2016 Signed
CD/F15	Justification for Unilateral Undertaking

Appeals A B and C Housing Documents

CD/G1	Planning for Growth Ministerial Statement 31 March 2011
CD/G2	Laying the Foundations: A Housing Strategy for England

CD/G3	Statement on Housing and Growth 6 December 2012
CD/G4	Inspectors Report to Leeds City Council 5 December 2014
CD/G5	Report of the Director of City Development 13 March 2013
CD/G6	Leeds Strategic Housing Market Assessment Update May 2011
CD/G7	Leeds Strategic Housing Land Availability 2014
CD/G8	Leeds Local Development Framework Authority Monitoring Report 2011/2012
CD/G9	Leeds Unitary Development Plan – Chapter 17 Morley
CD/G10	Leeds City Council Housing Land Supply Spring Statement 31 March 2014
CD/G11	Building the homes we need: A Programme for the 2015 Government 2014
CD/G12	Fixing the foundations: Creating a more prosperous nation July 2015
CD/G13	Leeds City Council Draft Strategic Housing Land Availability Assessment update December 2015
CD/G14	Neighbourhoods for Living: Guide for Residential Design for Leeds SPG 2003
CD/G15	Designing for Community Safety May 2007
CD/G16	Sustainable Urban Drainage June 2004
CD/G17	S78 Town and County Planning Act 1990 – Appeal Decision –Bagley Lane Inspector 1 Report APP/N4720/A/13/2200640 – (Inquiry opened 19 November 2013)
	Bagley Lane Inspector Report 2 APP/N4720/A/13/2200640 (Reopened Inquiry 11, 12, 13, 14 November 2014)
	Secretary of State for Department of Community and Local Government Decision Letter Bagley Lane
CD/G18	Thornhill Estates v Secretary of State for CLG (1) Leeds City Council (2) and Farsley Residents Group (3) [CO/1791/2015]
CD/G19	Miller Homes Limited v Leeds City Council Case No: CO/6890/2013

Appeals A B and C Highway Documents

CD/H1	My Journey West Yorkshire Local Transport Plan 2011-2026, West Yorkshire Local Transport Plan Partnership October 2012
CD/H2	Design Manual for Roads & Bridges – TD42/95 - Geometric Design of Major/Minor Priority Junctions, Volume 6, Section 2, Part 6
CD/H3	Manual for Streets – Department of Transport 2007
CD/H4	Manual for Streets 2 – Chartered Institution of Highways and Transportation September 2010
CD/H5	Street Design Guide, Leeds Local Development Framework, Supplementary Planning Document, Main Report August 2009
CD/H6	Core Strategy, Leeds Local Development Framework, Development Plan Document, Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD0A) April 2013
CD/H7	Public Transport Improvements and Developer Contributions, Leeds Local Development

	Framework, Supplementary Planning Document August 2008
CD/H8	Travel Plans, Leeds Local Development Framework, Supplementary Planning Document February 2015
CD/H9	Leeds Unitary Development Plan (Review 2006), Volume 1: Written Statement July 2006
CD/H10	Land at Bradford Road, East Ardsley, Transpot Assessment, Volume 1 Report and Figures (ITM8086-003A R) 19 November 2013
CD/H11	Land at Bradford Road, East Ardsley, TransporAssessment, Volume 2 Appendices (ITM8086-003A R) 19 November 2013
CD/H12	Land at Bradford Road, East Ardsley, Travel Plan, (ITM8086-004B R) 15 July 2014
CD/H13	Planning for Public Transport in Developments – IHT 1999
CD/H14	Guidelines for Providing for Journeys on Foot – IHT 2000
CD/H15	Inclusive Mobility DoT December 2005
CD/H16	Planning Practice Guidance – Travel Plans, Transport Assessments and Statements in Decision Taking.
CD/H17	TRICS Good Practice Guide 2013
CD/H18	See CD/H14
CD/H19	Transport Evidence Bases in Plan Making and Decision Taking (was originally CD/H15)

Appeals A B and C Landscape Documents

CD/I1	Leeds Landscape Character Assessment 1994
CD/I2	Landscape Character Assessment Guidance for England and Scotland 2002
CD/I3	Guidelines on Landscape and Visual Impact Assessment (LI/IEMA) 2013
CD/I4	Natural England National Character Area 38 2015

Appeal B (Collingham) Application Documents

CD/J1	Decision Notice 30 October 2014
CD/J2	City Plans Panel Report 30 October 2014
CD/J3	Application Letter 17 January 2014
CD/J4	Notice 1 and Covering Letters17 January 2014
CD/J5	Planning Application Form17 January 2014
CD/J6	Archaeological Desk Based Assessment February 2014
CD/J7	Sustainability Statement January 2014
CD/J8	Statement of Community Involvement January 2014
CD/J9	Noise Assessment 17 January 2014
CD/J10	Gas Risk Assessment 20 November 2013
CD/J11	Flood Risk Sequential Test January 2014

CD/J12	Geo-Environmental Appraisal September 2013
CD/J13	Air Quality Assessment 13 September 2013
CD/J14	Artificial Lighting Assessment 16 January 2013
CD/J15	Transport Assessment January 20104
CD/J16	Travel Plan October 20103
CD/J17	Flood Risk Assessment January 2014
CD/J18	Collingham Beck Modelling Study and Mitigation Proposals May and June 2013
CD/J19	Ecological Appraisal January 2014
CD/J20	Kingfisher Survey October 2013
CD/J21	Bat Activity Survey October 20103
CD/J22	Great Crested Newt Survey 2 July 2014
CD/J23	Riparian Mammal Survey July 2014
CD/J24	Design and Access Survey January 2014
CD/J25	Tree Survey 15 April 2013
CD/J26	Draft Heads of Terms for S106 Agreement 2014
CD/J27	Masterplan 18 December 2013
CD/J28	Location Plan Ref P134827-O2 December 2013
CD/J29	Plan and Elevation of Bridge over Collingham Beck Drawing 35800/001 Rev A 9 April 2013
CD/J30	Tree Report Proposed Access 2 September 2013
CD/J31	Ecological Management Plan October 2015
CD/J32	Bat Impact Assessment October 2015
CD/J33	Planning Statement
CD/J34	Plans Panel Report November 2015
CD/J35	White Clawed Crayfish Survey

Appeal B (Collinham) Consultee Responses

CD/K1	LCC Ecology Consultation Response 14 January 2016
CD/K2	Scoping Letter to LCC dated 3 July 2013
CD/K3	LCC Consultation Note dated 12 August 2013
CD/K4	Scoping Letter to Highways England (Formerly Highways Agency) dated26 June 2013
CD/K5	Highways England e-mail dated 4 July 2013
CD/K6	Consultation Comments dated 19 March 2014
CD/K7	Consultation Comment from NGT Team (Undated)

CD/K8	Consultation Comment re Travel Plan 11 February 2014
CD/K9	E-mail from Neil Chamberlin (Highways) dated 29 April 2014
CD/K10	E-mail from Neil Chamberlin (Highways) dated 15 August 2014
CD/K11	E-mail from Neil Chamberlin (Highways) dated 16 October 2014
CD/K12	E-mail from Nathan Huntley (NGT Group) dated 6 May 2014
CD/K13	E-mail from David Stocks (Bridges Section) dated 19 September 2014
CD/K14	E-mail from David Stocks (Bridges Section) dated 8 October 2014
CD/K15	E-mail to Neil Chamberlin, including attachments, dated 27 March 2014
CD/K16	E-mail to Neil Chamberlin, including attachments,dated 7 April 2014
CD/K17	E-mail to Neil Chamberlin attaching Location of Flood Wall Plan dated 7 April 2014
CD/K18	E-mail to Nathan Huntley, including attachments, dated 11 April 2014
CD/K19	E-mail, including attachments, dated 10 September 2014
CD/K20	E-mail to Christine Hamshere, attaching revised Travel PLan, dated 17 October 2014
CD/K21	E-mail to Neil Chamberlin, including attachments, dated 28 November 2014

Appeal B (Collingham) Appeal Documents

CD/L1	Appeal Form
CD/L2	Appellant's Statement of Case December 2014
CD/L3	Council's Statement of Case December 2014
CD/L4	Planning Statement of Common Ground – General
CD/L5	Planning Statement of Common Ground – 5 Year Housing Land Supply
CD/L6A	Planning Statement of Common Ground – Highways February 2016
CD/L6B	Appendices to Highways SCG
CD/L/6C	Addendum to Highways Statement of Common Ground
CD/L/7	Draft S106 Agreement
CD/L/8	Suffolk Coastal District Council v Hopkins Homes Ltd and SoS
CD/L/9	Wychavon District Council v SoS & Crown House Developments
CD/L/10	Walton & Co representation on behalf of Bramhope Parish Council
CD/L/11	Bloor Homes v SoS & Hinkley and Bosworth B C
CD/L/12	Colman v SoS & North Devon DC & RWE Renewables Ltd
CD/L/13	APP/R0660/A/13/2203282 Alsager decision
CD/L/14	Note re 5 Year Requirement
CD/L/15	Representation read by Collingham Residents' Action Group

CD/L/16	Representation read by Collingham with Linton Parish Council
CD/L/17A	Superseded Draft List of Conditions
CD/L/17B	Draft List of Conditions (Track Changes)
CD/L/17C	Agreed List of Draft Conditions
CD/L/18	Justification for S 106 Agreement
CD/L/19	Unsigned S106 Agreement

Appeal C (Bramhope) Application Documents

CD/O1	Decision Notice 28 August 2014
CD/O2	City Plans Panel Report 28 August 2014
CD/O3	Application Letter 31 October 2013
CD/O4	Planning Application Form and Certificates 31 October 2013
CD/O5	Red Line Boundary Plan 488A/20B 1 May 2013
CD/O6	Illustrative Masterplan 488A/30A 20 August 2013
CD/O7	Proposed Access and Junction Improvements Plan 7120-005\Rev\B September 2013
CD/O8	Design and Access Statement 17 October 2013
CD/O9	Environmental Statement Volume 1 – Main Text and Figures October 2013
CD/O10	Environmental Statement Volume 2 - Technical Appendices October 2013
CD/O11	Environmental Statement Non Technical Summary October 2013
CD/O12	Planning Statement October 2013
CD/O13	Retail Statement October 2013
CD/O14A	Draft Heads of Terms for Section 106 Obligation October 2013
CD/O/14B	Draft Section 106 Agreement
CD/O15	Statement of Community Involvement October 2013
CD/O16	Transport Assessment October 2013
CD/O17	Travel Plan October 2013
CD/O18	Transport Assessment Addendum July 20104
CD/O19	Sandersons Submission to Highways relating to Access Drawing 7120-005 28 April 2015
CD/O20	EIA – Reg 22 Submision 14 January 2016

Appeal C (Bramhope) Appeal Documents

CD/P1	Appeal Form
CD/P2	Leeds City Council's Statement of Case
CD/P3	Appellant's Statement of Case February 2015

CD/P4	Planning Statement of Common Ground February 2015
CD/P/5A	Planning Statement of Common Ground – Highways February 2015
CD/P/5B	Appendices to Highways SCG
CD/P/5C	Addendum Highways SCG
CD/P/6A	Superseded Draft List of Conditions
CD/P/6B	Draft List of Conditions (Track Changes)
CD/P/6C	Agreed List of Draft Conditions
CD/P/7	Justification for S106
CD/P/8	Unsigned S106 Agreement
CD/P/8A	Signed S106 Agreement
CD/P/9A	Superseded S106 relating to Alternative Roundabout Access
CD/P/9B	Unsigned S106 relating to Alternative Roundabout Access
CD/P/10	Submission read by Cllr Anderson

Leeds City Council's Documents Appeal A

LCC/1	Council's Statement of Case – see CD/F3
LCC/2	Council's Opening Statement
LCC/3/A	Adam Harvatt's Summary Proof of Evidence
LCC/3/B	Adam Harvatt's Proof of Evidence and Appendices (Planning Policy)
LCC/3/C	Adam Harvatt's Note on Land Proposed for Release for Housing
LCC/4/A	Victoria Hinchliff Walker's Summary Proof of Evidence
LCC/4/B	Victoria Hinchliff Walker's Proof of Evidence (Planning Balance and Planning Obligations)
LCC/4/C	Appendices to Victoria Hinchliff Walker's Proof of Evidence
LCC/4/D	A3 copy of HMCA Area Outer South West plan
LCC/5/A	James Howe's Summary Proof of Evidence
LCC/5/B	James Howe's Proof of Evidence (Highways)
LCC/5/C	Appendices to James Howe's Proof of Evidence
LCC/5/D	James Howe's Rebutttal Proof of Evidence
LCC/5/E	Appendices to James Howe's Rebuttal Proof of Evidence
LCC/5/F	Note to Inquiry Regarding Site Access Assessment
LCC/5/G	E-mail dated 4 February re Junction Modelling

LCC/6A	Maggie Gjessing's Rebuttal Proof of Evidence (Affordable Housing)
LCC/6B	Appendices to Maggie Gjessing's Rebuttal Proof of Evidence
LCC/7	Closing Submissions (other than Housing Land Supply)

Leeds City Council's Documents Appeal B

LCC/8	Council's Statement of Case (Collingham) – see CD/L3
LCC/9	Council's Opening Statement
LCC/10/A	Martin Elliot's Proof of Evidence Appeals B and C
LCC/10/B	Appendices to Martin Elliot's Proof of Evidence Appeals B and C
LCC/10/C	Martin Elliot's Rebuttal Proof of Evidence
LCC/10/D	Council's 5 year supply position 1 April 2016 – 31 March 2021
LCC/10/E	Photographs of SHLAA sites
LCC/10/F	Nathanial Lichfield and Partners submission to SAP Publication Draft
LCC/10/G	E-mail dated 17 December 2015 re Tyersal SHLAA site
LCC/10/H	Bundle of documents forming Council's comments on Grove Road, Boston Spa Decision
LCC/11/A	Matthew Brook's Summary Proof of Evidence Appeals B and C
LCC/11/B	Matthew Brook's Proof of Evidence Appeals B and C
LCC/11/C	Update on five year housing land supply requirement
LCC/12/A	Adam Harvatt's Summary Proof of Evidence Appeals B and C
LCC/12/B	Adam Harvatt's Proof of Evidence Appeals B and C
LCC/13/A	Adam Ward's Summary Proof of Evidence
LCC/13/B	Adam Ward's Proof of Evidence
LCC/13/C	Appendices to Adam Ward's Proof of Evidence
LCC/14/A	Adrian Hodgson's Summary Proof of Evidence
LCC/14/B	Adrian Hodgson's Proof of Evidence
LCC/14/C	Appendices to Adrian Hodgson's Proof of Evidence
LCC/14/D	Adrian Hodgson's Rebuttal Proof of Evidence Appeal B

Leeds City Council's Documents Appeal C

LCC/15	Council's Statement of Case (Bramhope)
LCC/16/A	Carol Cunningham's Summary Proof of Evidence

LCC/16/B	Carol Cunningham's Proof of Evidence
LCC/16/C	Appendices to Carol Cunningham's Proof of Evidence
LCC/17/A	Adrian Hodgson's Summary Proof of Evidence
LCC/17/B	Adrian Hodgson's Proof of Evidence
LCC/17/C	Appendices to Adrian Hodgson's Proof of Evidence
LCC/17/D	Adrian Hodgson's Rebuttal Proof of Evidence Appeal C
LCC/18	Closing Submissions
LCC/19	SoS Decision on Brickyard Lane Melton Park APP/E2001/A/2200981
LCC/19A	Judgement on Brickyard Lane Melton Park

Barratt David Wilson Homes and The Ramsden Partnership's Documents

BDW/1	Appellants' Statement of Case – see CD/F4
BDW/2	Appellants' Opening Statement
BDW/3/A	James Stacey's Summary Proof of Evidence
BDW/3/B	James Stacey's Proof of Evidence (Planning and Affordable Housing)
BDW/3/C	Appendices to James Stacey's Proof of Evidence
BDW/4/A	Jeremy Smith's Proof of Evidence (Landscape)
BDW/4/B	Appendices to Jeremy Smith's Proof of Evidence
BDW/4/C	Jeremy Smith's Summary Proof of Evidence
BDW/4/D	Parish Boundary on Modern OS Base
BDW/5/A	Mark Johnson's Executive Summary, Proof of Evidence, and Appendices (Planning)
BDW/5/A App 18	Appendix 18 to Mark Johnson's Proof of Evidence
BDW/5/B	Site Allocations Plan Overview
BDW/5/C	Bundle of documents forming Barratt David Wilson Homes's response to the Council's comments on Grove Road, Boston Spa Decision
BDW/6/A	Vanessa Eggleston's Proof of Evidence (Transport and Highways)
BDW/6/B	Appendices to Vanessa Eggleston's Proof of Evidence
BDW/6/C	Vanessa Eggleston's Summary Proof of Evidence
BDW/6/D	Vanessa Eggleston's Rebuttal Proof of Evidence
BDW/6/E	Appendices to Vanessa Eggleston's Rebuttal Proof of Evidence
BDW/7	Closing Submissions (except for 5 Year HLS)

BDW/8	Closing Submission on 5 Year HLS on behalf of both Appellants

Miller Homes and The Hill Family's Documents Appeal B (Collingham)

MHH/1	Appellants' Statement of Case – see CD/L2
MHH/2	Appellants' Opening Statement
MHH/3/A&B	Jonathan Dunbavin's Proof and Summary Proof of Evidence
MHH/3/C	Appendices to Jonathan Dunbavin's Proof of Evidence
MHH/3/D	Undated letter from Morgans
MHH/3/E	Keepmote/Strata Sites purchased from LCC
MHH/3/F	Press article dated 6 April 2016
MHH/3/G	Press article dated 2 December 2015
MHH/3/H	Agenda item dated 26 November 2015
MHH/4/A	Philip Roebuck's Proof of Evidence (Appeals B & C)
MHH/4/B	List of Sites falling within certain categories
MHH/4/C	E-mail confirmation of sale of Westland Road to Spinko Ltd
MHH/5/A	David Colley's Summary Proof of Evidence
MHH/5/B	David Colley's Proof of Evidence
MHH/5/C	Appendices to David Colley's Proof of Evidence
MHH/6/A	Kevin Tilford's Summary Proof of Evidence
MHH/6/B	Kevin Tilford's Proof of Evidence
MHH/6/C	Appendices to Kevin Tilford's Proof of Evidence
MHH/6/D	A3 version of maps in appendices
MHH/6/E	Comparison between baseline and proposed 1 in 100yr CC event
MHH/7/A	Dick Longdin's Summary Proof of Evidence
MHH/7/B	Dick Longdin's Proof of Evidence
MHH/7/C1	Appendices Vol 1 to Dick Longdin's Proof of Evidence
MHH/7/C2	Appendices Vol 2 (A3) to Dick Longdin's Proof of Evidence
MHH/7/D	Erratum sheet to Appendices Vol 2

Miller Homes Documents Appeal C (Bramhope)

MHH/8/A&B	Jonathan Dunbavin's Proof and Summary Proof of Evidence

MHH/8/C	Appendices to Jonathan Dunbavin's Proof of Evidence
MHH/8/D	Bundle of documents forming Miller Homes and the Hills family's response to the Council's comments on Grove Road, Boston Spa Decision
MHH/9/A	Philip Roebuck's Proof of Evidence (See MHH/4/A)
MHH/10/A	Ian Ladbrooke's Summary Proof of Evidence
MHH/10/B	Ian Ladbrooke's Proof of Evidence (utilising the original site access point)
MHH/10/C	Ian Ladbrooke's Proof of Evidence (utilising the alternative site access point opposite The Poplars)
MHH/10/D	Appendices to both of Ian Ladbrooke's Proofs of Evidence
MHH/10/E	Ian Ladbrooke's Rebuttal Proof of Evidence
MHH/11/A	Nicola Jacobs Summary Proof of Evidence
MHH/11/B	Nicola Jacobs Proof of Evidence
MHH/11/C	Appendices (A3) to Nicola Jacobs Proof of Evidence
MHH/11/D	Figures (A3) to Nicola Jacobs Proof of Evidence
MHH/12	Closing Submissions relating to Leeds Road, Collingham and Breary Lane East, Bramhope on behalf of Miller Homes and the Hills Family

APPENDIX C – SCHEDULE OF CONDITIONS APP/N4720/W/14/3001559

Land at Leeds Road Collingham

Approval of details

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.

2) The development hereby permitted shall comprise no more than 150 dwellings.

3) The development hereby permitted shall be carried out in accordance with the following plans:

   Site Location Plan P13 4827 02

   Sections/Cross Sections 35800/001 Rev A

   Block Plan/Layout Plan 35800/002 Rev A

   Sections/Cross Sections 35800/04 Rev A

Timing of Implementation

4) Application for approval of all reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

Archaeology

5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by, the local planning authority.

Flood Risk and Drainage

6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Weetwood dated January 2014 v1.2, and the mitigation measures detailed in paragraphs 4.2, 4.3, and 4.4 of the FRA.

   The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

7) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

8) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the FRA prepared by Weetwood dated January 2014 (Reference 2300/FRA_Final v1.2) with details to be submitted to, and approved in writing by, the local planning authority before development commences.

9) Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

10) The development shall not be occupied until details of the management and long term maintenance of the Sustainable Urban Drainage System and flood alleviation and mitigation works within the site has been submitted to and approved in writing by the local planning authority. The approved details, including maintenance, shall be implemented before the development is brought into use, or as set out in the approved phasing details

Ground Conditions

11) The approved Phase l Desk Study report indicates that a Phase ll Site Investigation is necessary, and therefore development shall not commence until a Phase ll Site Investigation Report has been submitted to, and approved in writing by, the local planning authority. Where remediation measures are shown to be necessary in the Phase ll Report and/or where soil, or soil forming material, is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the local planning authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

12) If Remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the local planning authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the local planning authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised Remediation Statements.

13) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works the verification report(s) shall be submitted to the local planning authority in accordance with the approved programme. The site, or phase of a site, shall not be brought into use until such time as all verification information has been approved in writing by the local planning authority.

Ecology and Trees

14) Removal of trees T1, T2, and T3 and retention of Trees T4, T5, and T6 as shown in Figure 1 of the Bat Impact Assessment report dated October 2015 by Brooks Ecological ref R-1485-o6 shall be carried out in full accordance with the recommendations of the same report. Written confirmation by an appropriately qualified ecologist will be provided to the local planning authority within 6 weeks of tree removal taking place.

15) No development shall take place until the following ecological reports and details, including details for implementation, have been submitted to and approved in writing by, the local planning authority:

a) An Ecological Bridge Design Statement (EBDS) that addresses any adverse impacts on bats commuting and foraging below and above the new bridge;

b) A "Lighting Design Strategy for Bats";

c) A Construction Environmental Management Plan (CEMP);

d) A Biodiversity Enhancement and Management Plan (BEMP);

e) Details of bat roosting and bird nesting opportunities

The approved plans and reports shall be implemented in accordance with the approved details.

16) No site clearance, preparatory work or development shall take place until a scheme has been drawn up that identifies the trees to be retained on the site (the retained trees), the measures to be taken for their protection (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with BS5837 (2012): *Trees in relation to construction – Recommendations* and submitted to and approved in writing by the local planning authority. The retained trees shall be protected as described and approved. Both the tree protection plan and the arboricultural method statement shall be accompanied by appropriate drawings showing details of changes in level, foundations and paving, boundary treatment, utilities routes and proposed landscaping operations, in so far as they may affect the retained trees. Such measures shall be retained for the duration of any approved works.

Public Open Space

17) The development hereby permitted shall not begin until a scheme has been submitted to, and approved in writing by, the local planning authority for the provision of 80m² of on-site public open space per dwelling or 1.2 hectares overall based upon a maximum development of 150 dwellings. The scheme shall include details of the siting, layout, landscaping, maintenance, and long term management of the open space. The on-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.

18) The development hereby permitted shall not begin until a scheme for the provision of a landscaped buffer zone on the western boundary has been submitted to, and approved in writing by, the local planning authority. The

scheme shall include the location, layout, planting plans, schedule of species, timetable for implementation and long term management scheme. The scheme should include for the provision of native tree planting in order to provide a transition from open countryside to development and should provide for the retention and improvement of any public rights of way that falls within it. The buffer zone shall be laid out in accordance with the approved details and maintained as a buffer zone for the lifetime of the development.

Highways

19) Prior to the commencement of development, details shall be submitted to, and approved in writing by, the local planning authority of arrangements to secure the following highway improvement works which shall be implemented and completed prior to occupation of the first dwelling:

a) The site access as shown indicatively on Drawing No 7119-005 rev F, including the provision of street lighting for the area of the proposed 30 mph limit, relocation of speed limit and VAS sign as well as the two new bus stops;

b) The widening of the footway between the proposed site access and Crabtree Green shown indicatively on Drawing No 7119-015; and

c) The works to widen the footway to Leeds Road identified on Drawing No 7119-019 Rev A.

20) No development shall take place until details have been submitted to and approved in writing by the local planning authority of arrangements to secure the following highway improvements which shall be implemented and completed prior to occupation of the first dwelling or other approved timetable but not later than occupation of the 50th dwelling:

a) The highway works at the Wattlesyke junction shown indicatively on Drawing No 71119-006 rev D road incorporating MOVA with associated queue detection equipment;

b) The highway works at the junction of the A58 Main Street and A659 Harewood Road shown indicatively on Drawing NO 7119-016 Rev B, incorporating MOVA with associated queue detection equipment; and

c) The culvert strengthening works at Wattlesyke junction to accommodate the proposed highway works.

21) No development shall take place until a scheme for the provision of electric vehicle charging points, to be provided within each garage hereby approved, shall have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to occupation of the respective dwellings.

22) The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on approved Drawing No 7119-005 Rev F.

23) The development shall not be occupied until details of the proposed pedestrian/cycle link through the site as part of route 66 of the National Cycle Network has been submitted to, and approved in writing by, the local planning authority. The route shall be implemented prior to occupation of any of the houses hereby approved and subsequently maintained and kept unobstructed.

24) Cycle storage shall be provided for each dwelling in accordance with details that have been submitted to, and approved in writing by, the local planning authority.

25) The development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

Construction

26) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

a) The parking of site operatives and visitors vehicles within the site;

b) The loading and unloading of plant and materials within the site;

c) The storage of plant and materials within the site;

d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;

e) Wheel washing facilities;

f) Measures to control the emissions of dust and dirt during construction;

g) A scheme for the recycling/disposing of waste resulting from the construction works; and;

h) Routes of construction traffic.

27) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 to 1600 hours on Saturdays nor at any time on Sundays or Bank Holidays.

APPENDIX D – GLOSSARY

CIL	Community Infrastructure Levy
CS	Core Strategy 2014
EiP	Examination in Public
Framework	National Planning Policy Framework
FOAN	Full Objectively Assessed Need
Guidance	National Planning Practice Guidance
HLS	Housing Land Supply
HMCA	Housing Market Character Area
Km	Kilometres
LEAP	Local Equipped Area of Play
MUA	Major Urban Area
SAP	Site Allocations Plan
SSD	Secretary of State's Direction
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoS	Secretary of State
SPD	Supplementary Planning Document
SSD	Secretary of State's Direction
PAS	Protected Area of Search
PRS	Private Rented Sector
RFC	Ratio of Flow to Capacity
SCG	Statement of Common Ground
TPO	Tree Preservation Order
UDP	Unitary Development Plan
UDPR	Unitary Development Plan Review 2006

Department for Communities and Local Government

www.gov.uk/dclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.