



Appeal Decision

Inquiry Held on 15-18 and 22-23 May 2018

Site visit made on 14 May 2018

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal Ref: APP/N4720/W/17/3187334

Land south of Pool Road, Pool in Wharfedale, 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 Taylor Wimpey UK Limited against the decision of Leeds City Council.
 - The application Ref 17/02068/OT, dated 29 March 2017, was refused by notice dated 27 June 2017.
 - The development proposed is up to 70 dwellings with means of access and associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development with means of access at Land south of Pool Road, Pool in Wharfedale, Leeds in accordance with the terms of the application, Ref 17/02068/OT, dated 29 March 2017, subject to the sixteen conditions which are appended to this decision letter.

Procedural matters

2. The application is made in outline with only details of the access from Pool Road submitted for approval. Details of other means of access, appearance, landscaping, layout and scale are reserved for later consideration in the event of the appeal succeeding.
3. Although the application was made in the terms set out above, the Council's determination used a different description; "residential development with means of access". The courts have held that a permission is not limited by the description of what was applied for but only by a specific condition and so, with the agreement of the parties, the council's description is used in considering this appeal. Consideration was given, during the Inquiry, to the necessity of a condition limiting the quantity of development in the event of the appeal succeeding.
4. An informal, unaccompanied, site visit was made on 14th May before the Inquiry opened. By the end of the Inquiry, there were no outstanding matters of controversy which could be resolved by means of a further site visit and so, with the agreement of the parties, no further formal site visit was made.
5. In their evidence and submissions, the parties made reference to a considerable number of appeal and judicial decisions. Although I have taken

these into account, I have not specifically referenced all of them in my decision. Where my decision is consistent with those references, it is for the reasons stated in this decision. Where it differs from those references, my decision is taken for the reasons stated in this decision. As it has turned out, I find that this decision does not turn on many of the points at issue in those debates and so I do not refer to them but that could not have been known prior to the conclusion of the Inquiry and a detached reflection on the evidence.

6. Although the Inquiry sat on the days indicated above, it was held open afterwards to allow for the receipt of closing submissions in writing from both parties and for the submission of three completed planning obligations. The Inquiry was closed on 13 June 2018 following the receipt of those documents.

Main Issues

7. Part of the site lies within the Green Belt but it is accepted that the use of that part of the site for a drainage basin would not be an inappropriate use of land within the Green Belt. There is no suggestion of such a limitation being secured by condition but the Council's development plan policies on the use of land within the Green Belt would apply in any event to any reserved matters application. The Inquiry proceeded on that understanding.
8. The Council's fourth reason for refusal concerned character, heritage, green infrastructure, landscaping, amenity spaces, ecology and drainage. Most of these would be controlled through reserved matters in the event of the appeal being allowed but, in any event, the parties agreed before the Inquiry commenced that the Council would not pursue this reason for refusal if a satisfactory condition could be devised which would operate in effect to limit the quantum of development. Both parties offered draft conditions which were considered during the Inquiry. There remain seven main issues in this appeal:
 - Whether the proposal would prejudice the development of a wider area of land
 - Whether the proposal would fulfil the economic and social roles of sustainable development in terms of the provision of infrastructure and accessible local services
 - The effect of the proposal on highway safety
 - The effect of the proposal on air quality
 - The effect of the proposal on housing land supply
 - Whether the proposal would undermine the plan-making process by predetermining a decision about the scale, location or phasing of new development in an emerging local plan
 - The balance between any adverse impacts and the benefits of the proposal

Reasons

Prejudice a wider development

9. In the currently extant Unitary Development Plan the site is allocated (as part of a more extensive Protected Area of Search, or PAS) for longer-term

development needs beyond the Review Plan period (which ran to 2016). Other than postponing the date of implementation to beyond 2028 the emerging SAP does not currently propose to change that in substance, although there is a change of terminology from Protected Area of Search (PAS) to Safeguarded Land (SL). In addition, the currently submitted version of the emerging SAP proposes to designate a large area to the west of the site as one of a number of Broad Locations which, (apparently unlike SL designations¹) are expected to contribute to the total housing supply envisaged in table 1 of the submitted plan for years 12- 16 of the plan, the same period as that envisaged for allowing the development of Safeguarded Land.

10. So, it is clear that, whether one looks at the current adopted development plan, or the emerging SAP, the site forms part of a wider area of potential development. Although the development plan policy quoted in the reasons for refusal (N34) limits development to temporary uses which would not prejudice the possibility of long term development, neither it, nor any other policy quoted in the reasons for refusal require development on one piece of land not to prejudice development on an adjacent piece of land; the principle is simply one of good planning practice.
11. There are two aspects to the Council's concern that the development proposed would prejudice the development of these wider areas. One is that, as paragraphs 19.1.5 and 19.2.8 of the adopted LDP make clear, the area designated as PAS to the south and west of Pool, including the site, includes land required for a possible west of Pool bypass which would be funded from the possible housing development. The other concern is that if the needs for primary school education arising from the development of this site were met in isolation, it would reduce and undermine the critical mass of education need deriving from the rest of the wider site necessary to support the provision of an additional school but that the education needs of the rest of the PAS land and Broader Location land could not otherwise be met easily.
12. As stated in Mr Platten's supplementary proof of evidence for the Council, delivery of part of the new western bypass adjacent to the appeal site could be secured by appropriately worded planning conditions, supplemented by a s106 planning obligation. I agree. A condition (9) can require the construction of the access road within the site which would form part of the bypass.
13. A Unilateral Undertaking is submitted which provides for land at the access to the site which may be required for future highway works to complete the bypass to be safeguarded for twenty years and offered to the Council for a nominal sum. It also requires the developer to permit, without charge, a connection from the access road to the adjoining PAS and/or Broader Location lands.
14. These provisions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind and so I am satisfied that they would meet CIL regulation 122. There is no question of any financial payment towards the bypass contributing to a pooling of contributions and so regulation 123 of the CIL regulations would not be contravened.

¹ Paragraph 3.7.9b of the submitted SAP calculates the housing supply of the Outer North West Housing Market Character Area by reference to identified sites, housing allocations and broad locations, excluding Safeguarded Land

15. Evidence submitted to the Inquiry and not challenged shows that the primary school needs likely to arise from this proposed development could be accommodated without any expansion of Pool Church of England (CofE) Primary School. I deduce therefore that its contribution (through the CIL levy) to funds for school expansion could be banked for future use in a more comprehensive expansion of school facilities to serve Pool.
16. Unchallenged evidence also shows that the full development of all parts of the PAS and Broader Location lands around Pool would not provide the critical mass necessary to justify an entire new school and would only support the expansion of the existing Pool CofE Primary School to 1.5 – 2 Forms of Entry (FE). In theory such an expansion could be fitted onto the existing site but, if the site constraints which the Council has identified were to prevent this, then the relocation of the school (as countenanced in paragraph 5.52 of Kathryn Holloway's proof for the Council) onto the remaining parts of the PAS land or the Broader Location would not be prejudiced by the development of the appeal site. In either event, the contribution to the CIL levy from the site would contribute to any comprehensive solution.
17. I therefore conclude that neither of the Council's concerns would be substantiated. The development proposed would not prejudice the wider development of the area.

Sustainable development in terms of infrastructure and local services

(i) Environmental role

18. There are three dimensions to sustainable development; economic, social and environmental. The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment. For the Council, Mr Platten's supplementary proof of evidence confirms that subject to a planning condition restricting the quantum of development, the Council's fourth reason for refusal, which deals with character, heritage and green infrastructure objectives, landscaping and amenity spaces, ecology and drainage, is not being pursued. Conditions are discussed later in this decision letter.
19. I conclude that with those conditions (5, 6, 10, 12, 13 and 16) in place supplementing the requirements of reserved matters submissions the proposal would be capable of complying and would not conflict with saved UDP policy GP5 which requires development proposals to resolve detailed planning considerations. Accordingly, I need only discuss the economic and social aspects of sustainable development in this section of my decision letter.

(ii) Economic role

20. The economic role of sustainable development contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provision of infrastructure. Government policy is to encourage the effective use of land by reusing land that has been previously developed. This site is a greenfield site and so is not of the government's preferred type but, as noted in the Council's adopted Core Strategy paragraph 4.4.4, the delivery of the strategy will entail the use of brownfield and greenfield land, so it is an acceptable type of land for development.

21. It has been allocated in the Council's UDP and is proposed to be allocated in the emerging SAP as PAS or as Safeguarded Land (SL) for development at some future date, so it has been recognised as being in the right place for that purpose. Although the term "key location identified as sustainable extensions to the relevant settlement" which is used in the Core Strategy is not used in the UDP or the emerging SAP, the site is within land variously termed PAS or SL lying adjacent to, and thereby extending Pool. The village is identified as a smaller settlement within table 1 of the Core Strategy. Smaller settlements will contribute to development needs according to section (i) of Core Strategy policy SP1. It can thus be fairly identified as an extension to a relevant settlement within the terms of Core Strategy policy SP1 (ii) which sets out the priority for identifying land for development.
22. Paragraph 4.6.15 of the Core Strategy advises that the emphasis of the overall approach to the release of land is to achieve opportunities for housing growth in sustainable locations, linked to the Settlement Hierarchy, whilst respecting local character and distinctiveness. Within that context, it is anticipated that a modest amount of urban extension land should be found adjoining Smaller Settlements. Whether looked at in terms of the UDP, the Core Strategy or the emerging SAP, I find that it is clearly identified as the right place for development. I consider whether it is the right time for development when considering its effects on housing land supply in a later section of this decision letter.
23. I now turn to consider the infrastructure element of the economic dimension of sustainable development. The Council's third reason for refusal lists those which it considers necessary; affordable housing, education, greenspace, off-site highway and drainage infrastructure, public transport, travel planning measures, air quality measures and cycle and pedestrian connections.
24. Contributions to education provision through CIL and the provision of part of a bypass for Pool through a combination of conditions and a Unilateral Undertaking have already been noted. A s106 agreement in respect of other matters has been reached and is submitted. It provides for affordable housing in accordance with the Council's policies, greenspace in accordance with the requirements of Core Strategy policy G4, public transport improvement works, a contribution to the Council's Residential Travel Plan Fund, a contribution to fund research into air quality issues in Pool and a cycle and pedestrian route. These provisions can be supplemented by conditions (4, 8 and 11) requiring off-site highway improvement works at both the White Hart and Triangle junctions at each end of the village and by a detailed travel plan.
25. I concur with the parties that all these provisions are necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related to it in scale and kind and sufficient to meet the Council's objections set out in its third reason for refusal. It would therefore comply with Core Strategy policy ID2. There is no suggestion that any other development will add contributions to those in this agreement so there is no likelihood of contravening the pooling restrictions applied to such contributions.
26. I am therefore satisfied that the section 106 agreement complies with the CIL regulations and conclude that it will help ensure that the development contributes to the economic dimension of sustainable development. It would comply with Core Strategy policies H5 which requires the provision of

affordable housing, G4 which requires the provision of open space, T1 which amongst other matters supports the provision of tailored interactive information and travel planning measures and T2 which amongst other matters also requires travel plans and requires new infrastructure to ensure that there is adequate provision for access from the highway network by public transport and for cyclists and pedestrians.

27. A further Unilateral Undertaking is submitted in response to the Council's request for a financial contribution towards an improvement of the junction of the A658 and A660 roads at the Dyneley Arms, a kilometre or so south of the village. This junction is already operating at well over its capacity at peak hours and so queues of up to 100 vehicles on two arms of the junction then occur. Even without the development, these are predicted to increase to 120-145 vehicles by 2022.
28. The effects of additional traffic on overloaded junctions produce exaggerated congestion effects. Even so, the effects of the proposal on queue lengths at this junction are expected to be no more than an additional 6 (am) or 13 (pm)² vehicles on the worst affected arm of the junction, increasing delay to each vehicle on that arm by 46 seconds on average. A Statement of Common Ground on Highway and Transport Matters was submitted during the Inquiry (Inquiry Document 12). It confirms the agreement of both parties that the appeal site will not have a severe impact on this junction when considering severity in terms of NPPF paragraph 32.
29. Nevertheless, it would not be imperceptible and so I have sympathy with the view that the development should mitigate its own effects. However, the basis on which the contribution sought by the Council (£3,000 per dwelling) is calculated, explained in Inquiry document 16, involves identifying congested junctions within the whole of the Leeds district that are likely to be made more congested by developments allocated in the emerging SAP and the (now adopted) Aire Valley Local Area Action Plan (AVLAAP), estimating the sum total of costs of improvement works to those junctions, making an assumption as to the proportion of those costs which should be attributed to the cumulative effect of the developments identified and dividing that cost by the number of dwellings likely to be produced by those developments to arrive at a figure rounded down to £3,000 per dwelling. It is anything but directly related to the development being considered in this appeal even if it were to be regarded as fairly and reasonably related in scale and kind to the development by virtue of being expressed as a charge per dwelling.
30. Moreover, as Inquiry document 16 confirms, the West Yorkshire Combined Authority has approved in principle enough capital to fund substantial implementation of a junction improvement scheme at Dyneley Arms, although a significant scheme cannot be delivered within the funding envelope. The Council intends to develop short term measures to enhance capacity at the junction with a more comprehensive scheme to follow. But none of these schemes has been designed to such a degree that their features or costs could be divulged to the Inquiry. Nor is there any information to show what proportion of that cost would be directly related to the development, or fairly or reasonably related in scale or kind.

² The Council's closing speech says 17

31. I must therefore conclude that the Unilateral Undertaking in respect of a contribution to the Dyneley Arms junction improvement scheme does not comply with the CIL regulations and that I can take no account of it. Inquiry Document 16 asserts the Council's view that without the contribution towards the junction improvement, the appeal site in conjunction with other existing sites in the Plan would have a severe residual cumulative impact that is not being mitigated but that is contradicted by table 2 appended to that document which indicates that for the Dyneley Arms junction no sites are identified having either direct or cumulative impact.
32. In relation to the impact of the appeal site on its own, I am left with the agreement reached by both parties in the Statement of Common Ground on Highway and Transport Matters (Inquiry Document 12) that the appeal site will not have a severe impact on this junction when considering severity in terms of NPPF paragraph 32. Accordingly, the absence of a contribution to improving the infrastructure of this junction is not a reason to dismiss the appeal or to find that it does not sufficiently contribute to the economic dimension of sustainable development.
- (iii) *Social role*
33. The social role of sustainable development supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. I deal with this matter in a later section of my decision. It also involves creating a high quality built environment (an issue to be considered in this case as reserved matters), with accessible local services that reflect the community's needs and support its health, social and cultural well-being. It is to that last point, of accessible local services, that I now turn.
34. Core Strategy Table 1 recognises Pool in Wharfedale as a Smaller Settlement and it is shown as such on Core Strategy Map 3: Settlement Hierarchy. Core Strategy policy SP1(i) recognises that Smaller Settlements will contribute to development needs. It is therefore a relevant settlement which falls within the terms of Core Strategy policy SP1(ii)(c) prioritising land for development. As paragraph 4.1.6 of the Core Strategy remarks in justifying its policies, by concentrating growth according to the Settlement Hierarchy, development will occur in the most sustainable locations.
35. Nevertheless, Core Strategy paragraph 4.1.13 does warn that Smaller Settlements generally only provide a basic service level. Moreover, this can change over time so it is not unreasonable to check on the degree to which development located as an extension to Pool would be able to provide accessible local services.
36. The kind of local services to which people are likely to need access are described in paragraphs 37 and 38 of the NPPF; employment, shopping, leisure, education and other activities. Where practical, key facilities such as primary schools and local shops should be located within walking distance of most properties.
37. In terms of employment, little or no information is provided of facilities in Pool. Although I could see on my site visit that there are local businesses, I have no reason to disbelieve the general presumption that the majority of residents of the proposed development would need to travel to find work. Based on table 5 of Mr Benison's proof of evidence, it was asserted that 69% of people would be

likely to work in Leeds, 11.3% in Bradford, 7.6% in Harrogate and smaller percentages elsewhere. It was argued that the frequency and duration of journeys by bus to these locations was such that this proposal would not be located where the need to travel would be minimised and the use of sustainable transport modes can be maximised, as sought by paragraph 34 of the NPPF.

38. However, it transpired that the figures for Mr Benison's table 5 are based on entire local authority areas. That for Leeds includes the entire Leeds district, encompassing Pool itself, as well as other more local settlements. A more refined analysis (Inquiry document 22) shows that, based on last census records, about 15.8% of people might be expected to work in Leeds City, 1% in Bradford City and a similar percentage in Harrogate. Reasonable percentages might be expected to work in and around Pool itself including the nearby Leeds Bradford Airport (7.7%) and Otley (4.2%) but it is clear from the figures that about 50% of residents are likely to find work in a more diffuse pattern within the Leeds district, outside the city itself.
39. In this light, the duration and relative infrequency of bus journeys to Leeds city centre becomes a less acute consideration. Whilst not meeting the standards of accessibility to employment for housing development set out in Table 2 of Appendix 3 of the Leeds Core Strategy adopted in November 2014 (a five minute walk to a bus stop offering a 15 minute interval service to the city centres of Leeds, Bradford or Wakefield), there is no suggestion that the accessibility indicator (the number and size of employment facilities within a 40 minute journey time) would not be met by the network of bus services currently serving Pool, described in table 3 of Mr Benison's Update Note relating to accessibility matters.
40. A primary school is within walking distance, albeit that part of the way is along somewhat narrow footpaths besides main roads. Without in any way decrying concerns for children's safety, I have no reason to believe that these walking routes would be any less acceptable to serve the needs of the development than they currently are to serve the existing population of Pool. The school's capacity to accommodate the needs of primary school children arising from the development itself has already been discussed. The accessibility requirements for primary education are therefore met.
41. For access to secondary education, four public buses an hour are provided from a bus stop adjacent to the site to Otley, about 3 km away, where there is a secondary school. In any event School buses are provided between Pool and the secondary school in Otley. Although this would not meet the accessibility standards set out in the Core Strategy (which require direct access by frequent bus services to the city centres of Leeds, Bradford and Wakefield) it does not suggest that the need for secondary school children to travel would not be minimised or that their use of sustainable transport modes could not be maximised.
42. Local shopping facilities are provided by three outlets in Pool; a pharmacy, a Post Office/General store and a mini-market at the local petrol filling station. All are within walking distances of the site and provide for day to day needs. More major retail facilities and a doctor's surgery would be found in Otley or further afield. Four public buses an hour are provided from a bus stop adjacent to the site to Otley. Although this is not defined as a major public transport

interchange, and so does not meet the defined Core Strategy accessibility standards it nevertheless offers connections to other bus routes.

43. Pool is also provided with recreational and spiritual needs. There is a children's playground, recreation ground and riverside walks within walking distance of the site. There is a sports and social club and a village hall. It also has two churches and a public house.
44. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas, as NPPF paragraph 29 observes. Although Pool does not meet the accessibility standards of the Core Strategy and so the appeal proposal would not comply with Core Strategy policy H2 (ii) which applies them, its current facilities and public transport provision do not lead me to any conclusion other than that reached by the Core Strategy policy SP1, namely that as a Small Settlement within the defined settlement hierarchy it is a sustainable settlement capable of providing the social role of sustainable development. It would therefore comply with that part of Core Strategy policy H2 (i) which provides that new housing development will be acceptable in principle on non-allocated land provided that the number of dwellings does not exceed the capacity of educational and health infrastructure.

(iv) Conclusion

45. In terms of the economic and social roles of sustainable development I find that the infrastructure and services which would be available to this development would be satisfactory. It would comply with Core Strategy policies SP1 which sets out the priority for identifying land for development, G4 requiring greenspace, H2(i) providing for new housing on non-allocated land, H5 requiring the provision of affordable housing, T1 and T2 securing travel facilities and ID2 requiring developer contributions to infrastructure.

Highway safety

46. Main Street Pool carries the combined traffic flows of the north-south A658 and the east-west A659 roads. At peak hours it operates close to or above its theoretical capacity. In places it has narrow footways, less than the width recommended for new construction in Manual for Streets (MfS) or Inclusive Mobility. These would be used in places as parts of walking routes to school by children living in the proposed development.
47. All risk of accidents on the highway is of concern yet the safety of the routes to school is accepted for existing residents of Pool. The Council's Conservation Area Appraisal and Management Plan records that streets are well used by pedestrians but there are no records of personal injury accidents involving children as pedestrians. Neither party claims that the accident records demonstrate a safety record out of the ordinary or result from the fact that the highway was not constructed to modern standards. Consequently, I do not consider that the concern amounts to a reason to dismiss this appeal.
48. The quantity of traffic likely to be generated by the development is not high in relation to the traffic these main roads already carry but, because Main Street in particular is nearly at capacity, the capacity of its junctions, with Pool Road at the north of the village and with Arthington Lane at the south of the village is particularly sensitive to the volume of traffic likely to be generated by the

- development. I have already considered the implications of the development on a third junction, at Dyneley Arms, further to the south of the village.
49. The appeal proposal includes an adjustment to the western end of the triangular junction with Pool Road at the northern end of the village in order to maintain a suitable and safe operating distance between that junction and the site access. This alteration can be secured by condition (4).
50. During the progress of the appeal, the parties reached agreement that if the quantity of development was restricted, the appeal site would not have a severe adverse effect on any of the three components of the triangular junction at the north end of the village and that there are improvement options available for the Arthington Lane junction at the southern end of the village which would not only mitigate the adverse effect of the development proposed but would offer material betterment. The implementation of an appropriate improvement scheme can be secured by condition (11).
51. With those three conditions in place ((4) to require the proposed improvement to the triangular junction to be implemented, (5) to limit the quantity of development to a level which would be likely to generate no more traffic than could be accommodated and (11) to require the implementation of an appropriate scheme of improvement at the Arthington Lane junction), I conclude that the proposal would not have an unacceptable effect on highway safety. It would comply with those parts of Core Strategy policy T2 which require new infrastructure to ensure adequate provision for access which will not create or materially add to problems of safety, environment or efficiency on the highway network and with that part of UDP policy GP5 which requires development proposals to seek to avoid problems of highway congestion amongst other matters and to maximise highway safety.

Air quality

52. The high traffic levels within Pool's Main Street have led to concentrations of Nitrogen Dioxide (NO₂) exceeding the annual objective level. An Air Quality Management Area has been declared. Increased congestion would be likely to lead to correspondingly increased concentrations of air pollution. The sensitivity of congestion levels to small increases in traffic has already been noted and the necessity of limiting the quantity of traffic likely to be generated by the development and moderating its effects by improvement of the junction at Arthington Lane also noted.
53. However, whichever version of the junction improvement scheme at Arthington Lane is eventually adopted, both are expected to improve traffic flow and so reduce air pollution. Unchallenged evidence submitted to the Inquiry (Document 19) shows that this would lead to moderate or negligible deterioration in NO₂ concentrations at two of the worst affected locations within the village but improved conditions at a greater number of the worst locations and to negligible adverse impacts at locations less affected. Overall, provided the quantity of development is limited and it includes the Arthington Lane junction improvement, both of which can be secured by conditions (5) and (11), the effect of the development on the AQMA is expected to result in a net decrease in annual mean concentrations of NO₂.
54. Furthermore, additional mitigation measures including electric vehicle charging provision for each dwelling, implementation of a Travel Plan and a financial

contribution to research into the characteristics of airflow within the AQMA would be provided, which can be secured either by conditions (7) and (8) or, as previously noted, a planning obligation.

55. I conclude that the effects of the proposal on air quality would be acceptable. It would comply with that part of UDP policy GP5 which requires development proposals to avoid pollution, amongst other matters.

Housing Land Supply

56. As already noted, the provision of housing required to meet the needs of present and future generations is a component of the social role of sustainable development. It is therefore a benefit of the proposal. The only point of controversy in this appeal is the significance of that benefit.
57. Judgment, in paragraph 60 of *Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)* explains; "Naturally, the weight given to a proposal's benefit in increasing the supply of housing will vary from case to case. It will depend, for example, on the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet. So the decision maker must establish not only whether there is a shortfall but also how big it is, and how significant".
58. Much effort was expended, both before and during the Inquiry, in trying to establish the facts of these matters in precise detail. In a Statement of Common Ground dated 27 April 2018 the Council accepts that it is unable to demonstrate a 5-year housing land supply. Its housing requirement for the five years 1 April 2018 to 31 March 2023 was stated as 35,971 dwellings. Against this figure the Council claimed a supply equivalent to 4.42 years. The appellant's assessment was 2.55 years. The parties continued to discuss the difference both before and during the Inquiry.
59. By 21 May 2018, after the presentation and cross-examination of the Council's case, the Council submitted Inquiry Document 17(iii) summarising the position reached. Because of continuing shortfalls in delivery, the five-year requirement had increased to 36,412 dwellings against which the Council claimed an identified supply of 32,020, equivalent to 4.4 years. The appellant had conceded an increased assessment of 2.95 years.
60. During the presentation and cross-examination of the appellant's case, further concessions of the deliverability of about 408 additional dwellings were made but that would only bring the appellant's assessment up to about 3 years' deliverable supply. By the end of the Inquiry, the parties still differed in their assessment of housing land supply by about 1.4 years.
61. Both parties assembled their assessments of Housing Land Supply on a site by site basis, the Council reportedly applying an algorithm for delivery of times from application to permission, from permission to start on site and for build-out rates based on local research, modified by information received from developers and landowners in response to specific enquiries. But, it was established that its algorithm was more appropriate to conventional low rise housing than to the kind of city-centre flatted redevelopment scheme on which its supply was increasingly relying. These tend to deliver their homes in bulk towards the end of a build out period on completion of each multiple-dwelling block as a whole, rather than as a continuous flow throughout the build-out

- period. And, although the Council applied a lapse rate to allow for the fact that a remarkably high proportion of permissions are never taken up, it did not apply a factor to account for developers' optimism bias on timings, a clear example of which was evident during the Inquiry, nor did it apply a factor to allow for the inherent uncertainty of events over a five-year period blowing its predictions off course, causing delay rather than lapse.
62. For these reasons and notwithstanding the efforts being made to accelerate housing supply, I am not convinced that the Council's assessment of its five-year housing land supply provides a realistic prospect that the quantity of housing envisaged will be delivered on the identified sites within five years. That does not mean that I unquestioningly accept the appellant's figures which in places reject the realistic prospect of delivery on sites allocated within the recently adopted Aire Valley Area Action Plan despite the conclusion reached by the Inspector who examined that Plan that the scale and mix of housing proposed by the Plan is justified and there is a reasonable prospect for its effective delivery over the plan period³.
63. I therefore conclude that, for the purposes of this Inquiry, the current housing land supply is somewhere between 3 and 4.4 years of the current annual requirement, probably tending towards the lower end of that range. The current shortfall in the currently identified five-year housing land supply is somewhere between four and a half thousand and fourteen and a half thousand dwellings in round terms. The current proposal would make hardly a dent in that but the size of the shortfall enhances the value of any contribution, however small. In that sense, the housing is required now, a finding which completes the assessment of the appeal proposal's contribution to the economic role of sustainable development; it would be at the right time.
64. Other measures offer an equally effective way of measuring the benefit. For example, it may be presumed that a development of the size proposed would be delivered, from commencement, within a single year. The size of the Council's current five-year housing requirement is not a matter of dispute; it is set out in SOCG paragraph 6.14 and updated in Inquiry Document 17(iii). From that, an annual requirement may be calculated. The proportionate contribution of the proposal to that annual requirement may be calculated and so, the benefit of the proposal may be measured as a proportion of the undisputed requirement, rather than as a proportion of a disputed shortfall. It represents about 0.75% of the annual housing requirement.
65. In a local context its significance is greater. Leeds district is a large area. Paragraph 4.6.17 of the Core Strategy records that through the SHMA Partnership, Housing Market Characteristic Areas (HMCAs) are identified which reflect functional sub-markets. Core Strategy Spatial Policy 7 allocates 2,000 (3%) of its total 66,000 housing requirement to the Outer North West HMCA which includes Pool.
66. Paragraphs 5.29 and 5.30 (2nd occurrence) of Kathryn Holloway's proof for the Council records that the emerging SAP proposes to allocate six sites for housing development of 1037 units within the Outer North West HMCA and that an additional 596 units will result from completions and sites under construction or committed post 2012. Those figures sum to 1633, leaving a shortfall of 367 in the local HMCA.

³ Inspector's report, paragraphs 51-63

67. The table in paragraph 7.2 of Matthew Brook's proof for the Council records different figures; allocations amounting to 1690 and Broad Locations amounting to 65, totalling 1755, leaving a shortfall of 245 in the local HMCA. The submitted SAP itself in paragraphs 3.7.6-3.7.8 records figures different again; 1146 completed, under construction or committed but not started since 2012, leaving a residual target of 854 units; proposed allocations (in three phases) 609, leaving a shortfall of 245.
68. Whichever figures are correct the proposal would not be insignificant in that local context. It would represent about 8% of what is proposed to be allocated as a five-year supply in the emerging SAP, or about 2.75% of the Core Strategy's allocation to the HMCA for the entire plan period. It would make good about 20-25% of the shortfall in the emerging SAP allocations for the HMCA.
69. The proposal also offers affordable housing. Although this would be no greater than the quantity sought by Core Strategy policy H5, development plan policies are not just concerned with mitigating adverse impact; they are also concerned with securing benefits. So, although the proposal would do no more than comply with policy, it represents a benefit nonetheless. The emerging development plan proposes to make no allocation of affordable housing in Pool yet as Joanna Rowling, a local resident, Vice Chair of the Parish Councillor and former Chair of the Neighbourhood Planning Steering Group, testified in response to a question, the lack of affordable housing locally is a very serious problem.
70. I conclude that the above paragraphs identify the significance of the benefit of the provision of housing; small but highly valued in the context of the shortfall in the identified five-year housing land supply; 0.75% of Leeds's annual housing requirement; about 27.5% of the annual housing requirement for the local HMCA; the likely only source of new affordable housing in Pool.

Other matters

71. The site adjoins the Pool-in-Wharfedale Conservation Area. Its special interest is defined in the Council's Conservation Area Appraisal and Management Plan (CAAMP) as its retention of an idyllic rural location which is defined by its landscape setting and geographical surroundings. Views around the Wharfe valley of expansive and open countryside enable Pool to retain significant independence from its surroundings. This independence and the strong core of historic structures help establish Pool's identity and special interest. My site visit confirms the accuracy of this analysis.
72. One of the issues identified in the CAAMP is that inappropriate development affecting important views both towards and away from the Conservation Area can have a negative impact. This is one of the other matters raised by local residents. But the CAAMP notes that no one structure or view dominates, rather that the views towards the northern and southern slopes of the Wharfe Valley and the variation of landscape views they bring are most noticeable. It follows that the indications of views on the spatial analysis map of the Conservation Area included in the CAAMP are diagrammatic and typical rather than representative of actual views to be protected.
73. So, although one of the arrows indicative of views out of the Conservation Area crosses the site, that should not be taken to mean that it should not be

developed; other similar arrows similarly cross areas of Pool that have been laid out with developments. The views of the southern slopes of the Wharfe Valley would continue to be seen from within the development, just as they are from within existing development.

74. Likewise, the view from the high ground at the top of Pool Bank is of a village set within a landscape. The development would enlarge that village by a small amount; it would not change the essence of the view. I therefore conclude that, subject to consideration of detailed matters, the significance of the heritage asset which comprises the Conservation Area would not be harmed by the principle of the development proposed.

Prematurity

75. In the Council's Unitary Development Plan (Review 2006), adopted in 2006, largely saved in 2009 and not superseded, the justificatory text to policy N34 explains that the site was allocated (as a Protected Area of Search, or PAS) for longer-term development needs beyond the Review Plan period (which ran to 2016). In other words, now is the time envisaged for its potential development.
76. The policy itself is not so time-limited (and so the proposals contravene it) but it envisages the possibility of long-term development of the land. Its adoption preceded the publication of the NPPF but it is consistent with the advice of NPPF paragraph 85 in making it clear that the safeguarded land was not allocated for development to take place during the currency of the policy.
77. The allocation in itself demonstrates that, for the purposes of that development plan document at least (whether time-expired or not), the scale and location of the development would be appropriate at some point in time (subject to a comprehensive review in the next plan, again anticipating the advice of NPPF paragraph 85). The only remaining question is the timing of that point (i.e. the phasing of development). The NPPF advises that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. That review is still under examination so the condition referred to in the NPPF has not yet been met.
78. The emerging Site Allocations Plan (SAP) which is expected to replace UDP policy N34 in due course is currently part-way through its examination. This is expected to resume hearings on housing allocations in July 2018. In its currently submitted form, the SAP does not convert this PAS into a housing allocation.
79. Instead, it proposes to bring forward other sites for development including some which are presently designated as Green Belt and, with a change in terminology, it effectively proposes to roll forward the existing PAS site as part of a reserve of potential sites for longer term development post 2028 as Safeguarded Land (SL) (policy HG3, site HG3-5).
80. The proposals of the emerging SAP are a matter of current controversy. Clearly, to allow this appeal now would prejudge the outcome of that controversy, at least in respect of this site. But National Guidance advises that 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 the policies in the Framework and any other material considerations into account.
81. That advice is similar to what is sometimes called the “tilted balance” of NPPF paragraph 14.
 82. From the conclusions I have reached, it is clear that the practical adverse effects of the development itself would be limited to the consequences of Pool, as a Small Settlement, lacking the full degree of accessibility sought by Core Strategy policy H2(ii) as a result of which the need to travel might not be fully minimised and the use of sustainable transport modes might not be fully maximised. Some quantification of these effects can be seen in table 4 of Mr Howe’s evidence for the Council which shows significantly less use of walking and buses and significantly more use of the car as a driver for the journey to work than the average for Leeds as a whole. In the case of the development, these adverse effects would be reduced to the extent that the required Travel Plan is effective.
 83. The other potential adverse effect of the appeal proposal is that of prematurity itself, consideration of which returns us to the “tilted balance”. However, Guidance offers the alternative of two criteria by which to judge whether the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits.
 84. One of those criteria is that the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. There were different views expressed at the Inquiry of whether the stage currently reached by the emerging SAP is advanced or not but I understand Guidance to mean that the emerging plan should be sufficiently advanced to be not yet formally part of the development plan, ie that the examining Inspector’s Main Modifications have been published, so that it is reasonably clear what final form the plan would take, even though it has not been finalised or formally adopted. That is not the case here. The plan is advanced but not sufficiently advanced that decision on this appeal made now would so undermine the plan as to justify a refusal of permission.
 85. The other criterion is that the development proposed is so substantial, or its cumulative effect would be so significant that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan. The SAP overall proposes to allocate sites for development to address the Core Strategy requirement of 4,700 dwellings per annum. In that context, the proposal, whether for 70 dwellings as originally envisaged, or for 55 as currently envisaged, would be insubstantial. Even within the context of the Outer North West Housing Market Character area, the SAP proposes to allocate 609 dwellings towards the remaining Core Strategy target of 854. The proposal would not be insignificant in that context but, at about 8% of what is proposed to be allocated for a five-year supply, would not be so substantial as to make up the difference or undermine the process.
 86. I therefore conclude that although the proposal would clearly prejudice the outcome of the examination of the SAP in relation to proposed policy HG3 intended to apply to the appeal site, that Plan is not yet at such an advanced stage that the prejudice should cause the appeal to be dismissed. Nor is the development so substantial that to grant permission would be so significant as

to undermine the plan-making process. Against these two considerations must be balanced its benefits summarised in the final section of this decision.

87. My judgment is that the two adverse effects are not so great that they would significantly and demonstrably outweigh the benefits, even taking into account the injunction in paragraph 85 of the NPPF that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes the development. The emerging plan has not yet concluded. Consequently, the suitability of the site for development and its phasing may be reviewed and considered on its own merits through this appeal decision in the light of the circumstances now prevailing.
88. This leads me to a final conclusion in terms of the expectations of UDP paragraph 5.4.9, which envisages development of the land in the longer term but not during the Review Plan period. The phasing of the allocations in policy H3 of that plan ran to 2016. The appeal proposal therefore falls within the period for development envisaged in the justification for policy N34. The effect of policy N34, read with its justification, is to safeguard land to allow for potential development within the period now obtaining. It follows that a decision on this appeal made now would not be premature. I contrast this finding with the circumstances of appeal decision APP/D2320/W/17/3173275 where the Inspector concluded against the release of the site within the plan period when the Framework explicitly directs otherwise. That is not the case here where, although the plan remains extant, the plan period envisaged for safeguarding has now passed.

The planning balance

89. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
90. In this case I have found that although the proposal would clearly prejudice the outcome of the examination of the SAP in relation to proposed policy HG3 intended to apply to the appeal site, that Plan is not yet at such an advanced stage that the prejudice should cause the appeal to be dismissed. Nor is the development so substantial that to grant permission would be so significant as to undermine the plan-making process. In the light of the justificatory text envisaging the possibility of phasing development after 2016, the proposal's conflict with the restriction of development in UDP policy N34 is of little consequence and the suitability of the site for development and its phasing should be reviewed and considered on its own merits in the light of the circumstances now prevailing.⁴
91. I have found that the development proposed would not prejudice the wider development of the area. There does not appear to be any development plan policy which requires that; it would simply be good planning practice.
92. The absence of a contribution to improving the infrastructure of the Dyneley Arms junction is not a reason to dismiss the appeal or to find that it does not

⁴ A considerable amount of Inquiry time was spent, with reference to numerous appeal decisions and precedents, debating whether the UDP and its policy N34 was out of date or time expired. My understanding is that the courts have held that even if a policy in a development plan is out of date, or the development plan itself is out of date, the policy remains part of the statutory development plan until superseded and so forms part of the starting point for taking a decision. That is how I have treated it in this appeal.

sufficiently contribute to the economic dimension of sustainable development. The failure to comply with the accessibility standards required by policy H2(ii) does not prevent me from reaching the conclusion that as a Small Settlement within the defined settlement hierarchy Pool is a sustainable settlement capable of providing the social role of sustainable development. With those limited qualifications, the development would exhibit the three dimensions of sustainable development, complying in the process with the relevant parts of saved UDP policy GP5 and Core Strategy policies SP1, G4, ID2, H2(i), H5, T1 and T2.

93. The proposal would not have an unacceptable effect on highway safety and would have an acceptable effect on air quality. It would comply with the relevant parts of Core Strategy policy T2 and UDP policy GP5.
94. The benefits of housing provision would be small but highly valued in the context of the shortfall in the identified five-year housing land supply, minimal in relation to Leeds's annual housing requirement; considerable in relation to the annual housing requirement for the local HMCA and invaluable as the likely only source of further affordable housing in Pool.
95. There are other benefits to be taken into account. These include the (temporary) benefits of jobs created during the construction of the development, the ongoing benefit of additional household expenditure in the local economy and the provision of part of a bypass for Pool.
96. The benefits of the last are hard to quantify. Clearly, Pool would benefit enormously from the provision of a bypass. But a half-finished bypass is of little use to anybody. Its full benefits would only be realised if it were to be completed so a discount rate applicable to future benefits must be applied to its partial provision now. In response to a direct question I was informed that there is currently no prospect of any further development likely to lead to its completion. In recognition of that fact, the Council has asked for its option to acquire the land on this appeal site needed for the completion of the bypass to be extended to twenty years. It follows that the benefit of this development's contribution to the bypass must be discounted to a rather small consideration.
97. There are conflicts with elements of the development plan, UDP policy N34 and Core Strategy policy H2(ii), but these are more formal than substantive in nature. Taking the development plan as a whole, and subject to conditions, I find this a sustainable development that largely accords with the development plan. As such, it should be approved without delay.

Conditions

98. The parties suggested 32 conditions in the event of the appeal being allowed. I have considered these in the light of Guidance and the model conditions appended to the otherwise superseded Circular 11/95, *the Use of Conditions in Planning Permissions*, preferring the wording of the latter where appropriate. Some have already been discussed in the body of this decision letter. Others would duplicate the requirements for the submission of reserved matters and so I have not applied them.
99. Conditions 1-3 are required by statute. The need for conditions 4 and 5 has been discussed earlier. I have formulated condition 5 to be limited to the traffic generated by the equivalent of 55 dwellings rather than a limit to 55

dwellingings because I am conscious that the limitation is necessary in relation to traffic generation, and because dwelling is an imprecise term which could range from a studio flat to multiple-bedroomed mansions with vastly different characteristics of traffic generation.

100. For the Council, Mr Platten argued for a limitation on the number of dwellingings in consideration of the effects of development on views to and from the Pool-in-Wharfedale Conservation Area, on bats, on trees and hedges which needed to be preserved or planted, and on the character and appearance of the Wharfe Valley and Chevin Ridge Key Corridor within which the development would sit and the effects of the Council's requirements for amenity space and provision for the Wharfedale Greenway proposals. I have no doubt that consideration of these matters when details of reserved matters are submitted would, in practice, limit the number of dwellingings which could be provided on site but there is no direct link between these considerations and any particular number of dwellingings which can be identified in advance.
101. If limited to dwellingings, the economic impetus would encourage the production of the most profitable size of unit within the 55 maximum number whereas I am conscious of the evidence of the former Chair of the Neighbourhood Planning Steering Group that the early stages of the Neighbourhood Planning Process for Pool had identified through consultation with the community a need for small starter homes and small homes for older residents. The form of the condition I have adopted would allow for a larger number of small homes generating the same amount of traffic as 55 larger dwellingings.
102. I have not imposed suggested conditions requiring samples of materials or details of ground levels or boundaries or a landscape management plan because, until reserved matters applications are submitted, I do not know that these conditions would be necessary but I have included a condition (6) requiring details of bin and cycle storage facilities in part to comply with Core Strategy T2(v) but also because such facilities would not necessarily be submitted as a reserved matter. Because drainage details would not be required as a reserved matter but are needed to be considered by the Council as part of its reasons for not pursuing its fourth reason for refusal, a condition (16) is necessary. There is no evidence of the need for an archaeological investigation so I have not imposed a condition requiring one.
103. The submitted Travel Plan had details specific to the illustrative layout originally submitted with the application. It also did not specify the use to which the Travel Fund Contribution included within the s106 agreement would be put. For those reasons, a condition (8) requires a new Travel Plan to be submitted.
104. The tree survey report submitted with the application does not make firm recommendations for removal or retention of trees and hedgerows on arboricultural grounds. By contrast, the submitted ecological impact assessment, at section 6.3, does make recommendations on ecological grounds. Although landscaping is a reserved matter, details of new landscaping would not necessarily identify trees and hedgerows to be retained but, as there are trees and hedgerow which the Council has indicated it would wish to see retained, condition (12) is necessary to ensure that it has the opportunity to do so. When the details required by that condition are

submitted, it would then be appropriate for the Council to consider whether a further condition would be necessary limiting the dates within which hedgerow removal may take place. Until the developer's intentions are known, it would be premature for me to do so.

105. The ecological impact assessment submitted with the scheme makes recommendations for the retention or creation of landscape features but as landscaping is a reserved matter, no specific condition is necessary in furtherance of the recommendations because, when reserved matters details are submitted, they can be evaluated by reference to the assessment's recommendations and development plan policy. The assessment does not make recommendations for additional ecological features that would not form part of a landscaping scheme and so the additional condition sought to require details of proposed bird nesting and bat roosting facilities appears unjustified. It is however necessary to require by condition (13) that details of a lighting scheme be submitted for approval so that its effects on bats may be considered, along with other matters.
106. A condition (14) requiring a Construction Method Statement is necessary because the construction of the site would be serviced directly from a main road. Council officers have identified a risk of contamination from agricultural chemicals and the appellant's submitted Phase 1 Geoenvironmental report recommends that soil samples be recovered for chemical analysis so an appropriate condition (15) is required.
107. A consultation response from Yorkshire Water claims that part of the public sewer network crosses the site. A condition is sought to provide a protected strip free from development along the centre line of the sewer which is identified in paragraph 4.1 and Appendix C of the appellant's Utilities Report submitted with the application. Since layout is a reserved matter, it is not necessary to impose this condition at this stage but the matter should be noted by the developer and the local planning authority for consideration when reserved matters of layout are being prepared or considered.
108. A consultation response from Northern Gas Networks discloses the existence of a High Pressure Pipeline in close proximity to the site. In the interests of construction safety an appropriate additional clause (ix) in the condition (14) requiring a Construction Method Statement is necessary.

P. W. Clark

Inspector

Conditions

- 1) Details of the access (in addition to that shown on drawing 22518_08_020_01.1), 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 takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The access from Pool Road onto the development hereby permitted shall be carried out in accordance with the following approved plan: 22518_08_020_01.1. No dwelling shall be occupied until the alterations to the junction between the two arms of Pool Road shown on drawing 22518_08_020_01.1 have been completed.
- 5) No greater quantity of housing shall be built than that which would be expected (using the same methodology) to give rise to traffic generated by the development no greater than that forecast for 55 dwellings in Table 9 of Mr Benison's Proof of evidence dated April 2018 (reference 22519/04-18/5863).
- 6) Development shall not commence until details of proposed refuse collection and storage facilities and facilities for bicycle and/or motorcycle storage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until its facilities have been completed and made available for use. The facilities shall thereafter be retained for their intended use.
- 7) Construction of the dwellings shall not commence until details of Electric Vehicle Charging Points to be provided have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of any dwelling. The Electric Vehicle Charging Points shall thereafter be retained for their intended use.
- 8) Notwithstanding the Travel Plan submitted with the application, no dwelling shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall thereafter be retained in operation.
- 9) No development shall commence until details of a road connecting the southern perimeter of the site with the approved access to the site and suitable to form part of a future bypass of Pool in Wharfedale have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the road has been completed and made available for use. The road shall thereafter be retained for its intended purpose.

- 10) No development shall commence until details of a cycle and pedestrian route through the site suitable to form part of the Wharfedale Greenway proposals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the cycle and pedestrian route has been completed and made available for use. The pedestrian and cycle route shall thereafter be retained for its intended purpose.
- 11) No dwelling shall be occupied until improvement works to the junction of the A658 and A659 at Main Street and Arthington Lane have been carried out in accordance with either of the options described in the Update Note Relating to Highway Matters by Mr Benison dated May 2018, reference 22518/05-18/5863.
- 12) No site clearance, preparatory work or development shall take place until details of existing trees and hedges which are to be retained and of their protection during construction (the tree protection plan) shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the first occupation of the final dwelling to be completed, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.
- 13) Details of any floodlighting or street lighting shall be submitted to and approved in writing by the local planning authority before any dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (viii) delivery, demolition and construction working hours.
- (ix) Compliance with the Northern Gas Networks's publication Safe working in the vicinity of Northern Gas Networks high pressure gas pipelines and associated installations in relation to the East Bierley - Pannel High Pressure Pipeline

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 15) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to the local planning authority on completion of the remediation. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority on completion of the remediation.
- 16) No development shall commence until details of both foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall thereafter be retained in operational condition. No dwelling shall be occupied until its foul and surface water drainage has been completed and made available for use.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Juan Lopez	of Counsel
He called	
Paul McGrath	Planning Manager, Leeds City Council
Kathryn Holloway	Team Leader, Leeds City Council
BA(Hons) BPI (Hons)	
James Howe BEng	Divisional Manager, WSP
MCIHT CMILT	
Matthew Brook	Principal Planner, Leeds City Council
BA(Hons) MA MRTPI	
Ryan Platten BA MPI	Principal Planning Officer, Leeds City Council
MRTPI	

(Andrew Thickett (LCC Highways) spoke in the discussion on conditions)

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris Solicitors LLP
He called	
Neil Benison BSC(Hons)	Associate Director, Mewies Engineering
IEng MICE	Consultants
Rosie James BSc PIEMA	Associate Director Mewies Engineering
	Consultants
Mark Johnson MRICS	Managing Director, Johnson Mowat
MRTPI	

(further experts provided written evidence but were not required to appear for cross-examination)

INTERESTED PERSONS:

Amanda Phillips	Local resident
Barry Anderson	Leeds City Councillor
Guy Northrop	Local Resident
Joanna Rowling	Vice-Chair, Pool Parish Council

Additional DOCUMENTS submitted at the Inquiry

- 1 Johnson Mowat Addendum Note, Five Year Housing Land Supply Review of the Leeds District
- 2 LCC Note on 2017/18 actual performance, updated requirement and benefit of the scheme
- 3 Additional Core documents 8.1 – 8.12
- 4 Updated Air Quality Assessment of Alternative Junction Improvements
- 5
 - (a) Extract from Leeds UDP (Review 2006), policy N1
 - (b) Illustrative Masterplan of School extension overlaid with extent of policy N1 allocation
- 6 *Thornhill Estates Limited v SofS for CLG v Leeds City Council, Farsley Residents Action Group* [2015] EWHC 3169 (Admin)
- 7 Letter dated 26 April 2018 from Leeds City Council to Planning Inspectorate commenting on appeals 3168897, 3169594 and 2200640

- 8 LCC Note on Deliverability on Identified Disputes sites
- 9 Benefit of the Appeal Proposals to Five Year Housing Land Supply
- 10 Bundle of responses to appellant's advertisement of revised illustrative masterplan
- 11 Neil Benison; Update Note relating to Accessibility Matters
- 12 Statement of Common Ground on Highway and Transport Matters, appending Neil Benison; Update Note relating to Highway Matters
- 13 (a) Leeds Street Design Guide Supplementary Planning Document
- 13 (b) "Inclusive Mobility" (DfT December 2005)
- 14 Leeds City Council report to Executive Board; Key Junction Improvements
- 15 Leeds Local Plan – Authority Monitoring Report 2016/7
- 16 Highways Note Regarding Cumulative Impact contributions, including Appendices;
 - (a) Number of dwellings on sites identified to be causing impact
 - (b) Total cost associated with mitigation at congested junctions
 - (c) Transport SPD programme
 - (d) SAP Infrastructure Background Paper
- 17 (i) Updated version of ID8
- 17 (ii) Summary of update
- 17 (iii) LCC update on final five-year housing land supply position
- 17 (iv) Updated Appendix 10 of Mr Brook's evidence
- 17 (v) Leeds City Council Note on Housing Infrastructure Funding
- 18 LCC Pool CofE Primary School Site constraints Note
- 19 Updated Air Quality Assessment of Junction Improvements
- 20 Comparison of LCC Forecasts at 1 April 2016 and 1 April 2018
- 21 Submission by Guy Northrop
- 22 Technical Note: Updated Workplace statistics

Additional DOCUMENTS submitted (by agreement) following the Inquiry

- 1 S106 Agreement dated 30 May 2018
- 2 Planning Obligation by Unilateral Undertaking dated 30 May 2018
- 3 Planning Obligation by Unilateral Undertaking dated 30 May 2018