

# LEEDS UDP REVIEW INSPECTOR'S REPORT

## FOREWORD

The Public Inquiry into objections to the UDP Review closed in June 2005. The Inspector's Report was received by the City Council on 23 November 2005.

The Council has decided that it is in the public interest that the Report be made available to the public at the earliest opportunity to avoid yet further delay and uncertainty.

**You should be aware when reading this report that:**

- **It is a report to the Council: the recommendations are not binding on the Council and do not therefore necessarily represent the final outcome in any particular case.**

The legislation governing the UDP process requires the Council to consider and respond to each of the Inspector's recommendations. Where the outcome requires a change to the plan placed on deposit in June 2003 (the First Deposit of the Leeds UDP Review) or in February 2004 (the Revised Deposit) then the Council is required to publish a modification.

The modifications will be placed on deposit for 6 weeks to allow representations to be made.

The Council then has to consider any representations and may, as a result, propose further changes and if necessary arrange for a second public enquiry. Only once this process is complete can the Council proceed to adopt the plan and its final form.

The Inspector's Report is a lengthy and complex document containing a large number of recommendations, each of which require a response from the Council. This will inevitably take some time but the Council is hopeful that it will be able to publish modifications in March/April 2006.

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## Annex A

### ABBREVIATIONS USED IN THE REPORT

AAP	Area Action Plan
AB	Allerton Bywater [SHS]
ASHORE	Area of Student Housing Restraint
AUDP	Adopted Unitary Development Plan [UDP]
AUDPI	Adopted Unitary Development Plan Inquiry
AVNRA	Aire Valley Neighbourhood Renewal Area
Ax(s)	Appendix(ces)
BL	British Library
BP	Business Park
BT	British Telecom
CAG	Churwell Action Group
Cllr.	Councillor
CNRA	Comprehensive Neighbourhood Renewal Area
CPO	Compulsory Purchase Order
Cr.	Circular
DDFD	Draft Development Framework Document
DfT	Department for Transport
Dpa	Dwellings per annum
Dph	Dwellings per hectare
EASEL	East and South Leeds
EIP	Examination In Public
ELDC	East Leeds Development Company Ltd.
ELE	East Leeds Extension
ELLR	East Leeds Link Road
ELOR	East Leeds Orbital Route
EOO	East of Otley
EOORR	East of Otley Relief Road
EP	English Partnerships
FDUDP	First Deposit Draft UDP
FRA	Flood Risk Assessment
GOYH	Government Office for Yorkshire and the Humber
HA	Highways Agency
ha	hectares
HLM	Housing Land Monitor
HMO	House in Multiple Occupation
HMP	Her Majesty’s Prison
HP	Holt Park
IHT	Institute of Highways and Transportation
KDL	Keyland Developments Ltd.
KWWWT	Knostrup Waste Water Treatment Works
km	kilometres
LA	Local Authority
LCC	Leeds City Council
LDF	Local Development Framework
LDV	Local delivery vehicles
L&DP	Land & Development Practice
LHS	Leeds Housing Strategy

## Leeds UDP Review – Inspector’s Report: Annex A

LHPANA	Leeds Housing Partnership Assessment of Need for Affordable Housing [CD/GEN/01]
LNA	Leeds Nature Area
LNRS	Leeds Neighbourhood Renewal Strategy
LPA	Local Planning Authority
LPSA	Local Public Service Agreement
LTP	Local Transport Plan
LRT	Light Rapid Transit
LUDPR	Leeds UDP Review
MLLR	Manston Lane Link Road
MP	Monitoring Point
MPC	Micklefield Parish Council
MPL	Micklefield Properties Ltd
MRA	Micklefield Regeneration Area
MRP	Micklefield Regeneration Partnership
MTI	Market Town Initiative
MUA	Main Urban Area
NATA	New Approach to Appraisal [DfT]
NEBD	New Economy Business District
NFL	Neighbourhoods for Living
NLUD-PDL	National Land Use Database – Previously-Developed Land
NRA	Neighbourhood Renewal Area
NTS	National Travel Survey
OMTI	Otley Market Town Initiative
ORR	Outer Ring Road
OTP	Otley Town Partnership
OU	Odour Unit
p/pp.	page/pages
PA	Proposed Alteration
para.	paragraph
PAS(s)	Protected Area(s) of Search
PBP	Peckfield Business Park
PCT	Primary Care Trust
PDA	Prestige Development Area
PMM	Plan, monitor and manage
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
QBC	Quality Bus Corridor
RELS	Regional Employment Land Survey
RES	Regional Economic Strategy
RDUDP	Revised Deposit Draft UDP
RNL	Rural North of Leeds [defined on Map M/011 of FDUDP]
ROFF	Royal Ordnance Filling Factory
ROP	Robert Ogden Partnership
RoSA	Rest of the Study Area
RPB	Regional Planning Body
RPG	Regional Planning Guidance
RSDF	Regional Sustainable Development Framework
RSDS	Regional Sustainable Development Strategy
RSS	Regional Spatial Strategy [RPG12; CD/REG/01]
RTS	Regional Transport Strategy
RUDP	Review Unitary Development Plan

## Leeds UDP Review – Inspector’s Report: Annex A

SA	Strategic Aim
SCI	Statement of Community Involvement
SEGI	Site of Ecological and Geological Importance
SEORA	South East Otley Residents Association
SHN	Strategic Highway Network
SHS	Strategic Housing Site
SLM	Sharp Lane, Middleton [SHS]
SP	Supporting Paper
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
SOA	Super Output Area
SoS	Secretary of State
SUDS	Sustainable Drainage Systems
TA	Transport Assessment
TATE	Thorpe Arch Trading Estate
THPUT	Trustees for Hanover Property Unit Trust
TP	Thorpe Park
TPL	Thorpe Park (Leeds) Ltd
TUA	Typical Urban Area
UCS	Urban Capacity Study
VRA	Village Regeneration Area
WACA	West Ardsley Community Association
WARDEN	Wetherby Area District Environment and Nature Group
WYAG	West Yorkshire Archaeological Group
YF	Yorkshire Forward
YHRA	Yorkshire and Humberside Regional Assembly

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### **ANNEX A**

Abbreviations used in the Report	i
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## CHAPTER 1 - INTRODUCTION & SUMMARY

- 1.1 The Leeds UDP was adopted on 1 August, 2001, in the knowledge that an early review of the Plan would be necessary to reflect new Government guidance, in particular that contained in PPG3 Housing [March 2000]. The Council therefore embarked upon a partial review of the UDP to prepare an alteration to, rather than a replacement of, the UDP, which is entitled the Leeds Unitary Development Plan Review [RUDP]. The First Deposit of the Review [FDUDP] was published in June 2003; the Revised Deposit [RDUDP], taking into account objections to FDUDP, was published in February 2004. My Report considers some 3,900 duly made objections to the Alteration.
- 1.2 I summarise my conclusions on the major aspects below, followed by brief reference to certain matters in the thematic chapters. I do not summarise the area chapters as these deal generally with site-specific matters rather than with issues central to the Plan as a whole. Much of what I say there is concerned with individual Protected Areas of Search [PAS] sites, the substantive issue of which is covered in Chapter 5 where I recommend that PAS policy be retained. Under the area chapters I give my views on how those sites might be treated in future.
- 1.3 In brief, the main issues concern the amount and strategic location of land allocated for housing development; monitoring and phasing policies; affordable housing; student housing; and PAS policy.

### Housing Strategy

- 1.4 The current Regional Spatial Strategy [RSS] requirement of 1,930 dwellings per annum must be taken as the basis for planning for housing in Leeds to 2016. There is no justification for planning for a greater requirement, although I recommend that the UDP be modified in a way that could accommodate a different RSS requirement by the adjustment of housing land release using the Plan, Monitor and Manage [PMM] approach.
- 1.5 There is no reason to doubt the soundness of the UCS as a basis for likely housing land supply and for concentrating on development of previously-developed land but there must be a reservoir of planned housing land supply to draw from if and when necessary, in the event that brownfield windfall sites did not continue to come forward at the rate anticipated. However, the Plan should explain how the size of the reservoir has been arrived at.
- 1.6 I recommend that there should be three phases of housing development within the Plan period: 2003-2008; 2008-2012, and 2012-2016. Although these dates are indicative of possible timescales, and should be used as sub-divisions of the Plan period to assess housing need and supply, the trigger mechanisms, which I recommend should be included in the Plan, will determine when Phases 2 and 3 begin, and indeed when greenfield land will begin to be developed in Phase 2.

## Leeds UDP Review – Inspector’s Report: Chapter 1

- 1.7 I am satisfied that the existing commitments, brownfield housing allocations and the sites which I recommend for inclusion in Phase 1 will be sufficient to deliver the necessary number of dwellings to satisfy the RSS requirement up to 2008 and possibly beyond. However, I recommend 2008, rather than 2011, as an approximate end date of the first phase because, as well as marking an earlier milestone at which to assess progress and the possible need for greenfield development, it relates better to likely adoption of the next RSS and to preparation of the new style development plans under the Local Development Framework system. I anticipate that brownfield sites will continue to provide the bulk of housing land needed in Phase 2, but I recommend that several greenfield sites should be included in that Phase when it is indicated, by an integral trigger mechanism, that they are needed.
- 1.8 The phasing policies and related trigger mechanisms should be included in the UDP and their workings fully explained. The Council’s suggested criteria should be referred to as indicators and modified to be more sensitive to the need for action by reducing 20% to 10% and 3 years to 2 years.
- 1.9 I do not consider that it is sound planning to embark upon the development of a major urban extension such as the East Leeds Extension [ELE] which would extend the urban area into open countryside before using what might be termed structural infill sites or smaller, less obtrusive urban extensions to the Main Urban Area. As importantly, it is a waste of resources to provide extensive new infrastructure and facilities in such a large extension when existing facilities could be used first to cater for smaller allocated sites which relate better to the urban area.
- 1.10 ELE would be a development of considerable size, requiring large-scale infrastructure, would be entirely on greenfield land, and development would be likely to extend well beyond the Plan period. As such it needs very rigorous justification which has not yet been fully provided. Until very recently no serious attempt appears to have been made to work up the proposal in any detail, and it has not been compared in any meaningful way with other locations or development strategies in terms of matters such as sustainability and landscape impact.
- 1.11 I recommend that the bulk of ELE be moved to my proposed Phase 3 and its release made subject to clear tests of need, related to monitoring; benefits to be derived from an orbital road; and sustainability. In the meantime more work is needed on these aspects. In addition, proposals for overall phasing, at least in outline, should be included in the Plan and, to lessen the potential impact of development on the important open gap between the City and Scholes, consideration should be given to limiting development to land north of the A64 and south of the Leeds-Barwick road.
- 1.12 Land at Grimes Dyke, Whinmoor and Red Hall, proposed for inclusion in ELE, is in my view preferable to the rest of that proposal in terms of sustainability, and its future can reasonably be considered independently of the larger proposal. I recommend that these two sites form part of my proposed Phase 2.



- 1.13 The numerical content of the housing land supply in each phase should be tabulated and it should be explained that the figures are indicative only.
- 1.14 The phasing changes which I recommend imply little change in the overall supply. I recommend that the UDP should not be modified to include the Thorp Arch Trading Estate [TATE], and that East of Otley [EOO] and the Micklefield Strategic Housing Site allocations should be included in Phase 3 rather than Phase 1. However, these changes do not reduce the housing land supply below that which is necessary to meet the annual housing requirement. Sufficient sites are shown on the Proposals Map for this purpose.

### **Affordable Housing**

- 1.15 I recommend that TATE should not be included in the RUDP and that EOO should be assigned to Phase 3. I do not endorse the role envisaged for them in providing affordable housing in the Rural North of Leeds. I also consider that a more comprehensive approach should be taken to the provision of affordable housing in the District. I recommend that, rather than reducing the site threshold to 10 dwellings in that particular area, a consistent and higher percentage target of 25% should be sought throughout the District on eligible sites.

### **Student Housing**

- 1.16 I conclude that the acknowledged concentration of students living in and around Headingley has created problems but that those problems are diverse in nature and many of them cannot or should not be tackled through the planning system. Because planning control has only limited bearing on student accommodation, seeking to control further growth in student numbers through the proposed Area of Student Housing Restraint [ASHORE] and associated Policy H15 will not ameliorate the problems the Council have identified to any significant extent. Such an approach would also be unreasonably inflexible, problematical to implement, and discriminatory in the way that it would impose particular restrictions on one group within the general population, namely students. It would also be more likely to exacerbate pressure on the existing housing stock than to relieve it as intended.
- 1.17 However, seeking to maintain a reasonable range of housing to meet different needs, and thus help sustain a balanced community, is a valid planning objective. In place of policy H15 I recommend a criteria-based policy on proposals for student accommodation that would seek to achieve this, related to the ASHORE re-cast as an Area of Housing Mix. Within this area the Council, universities and other parties should work to manage and progressively improve the student housing stock.
- 1.18 I endorse the thrust of Policy H15A, in seeking to encourage provision of student housing more widely in the City but I recommend that it be re-drafted in a more proactive form, identifying specific areas suited to such housing, and setting out criteria designed to maximise the benefits it would bring.

### Protected Areas of Search

- 1.19 I do not accept the Council’s arguments that changes to national guidance since the last UDP Inquiry, and a sufficiency of housing and employment land, together comprise exceptional circumstances justifying deletion of PAS Policy. Nothing in PPG3 or RSS affects what PPG2 says about the permanence of GB boundaries or the role of safeguarded land in maintaining those boundaries. GB boundaries were established comprehensively across the District with adoption of the AUDP, in a way that would ensure their permanence beyond the end of the Plan period and there is no imperative to review them at this early stage.
- 1.20 Whether or not there is sufficient land to meet housing needs during the Plan period does not address the question of what happens beyond 2016. It cannot be assumed that there will be a continuing supply of brownfield land sufficient to meet all development needs, and the prospect of the next RSS reviewing the City’s long-term economic potential [whilst not presaging any fundamental changes to GB] underlines the importance of keeping future development options open. PAS sites constitute a reservoir of land from which, subject to more detailed analysis, sustainable development land could be drawn. Nor is the proposed inclusion of most of such sites within the GB supported by national policy, by the previous Inspector’s report or by any detailed analysis of the GB merits of any individual sites.
- 1.21 I therefore recommend that, subject to some detailed changes to the supporting text, Policy N34 be carried forward unchanged so that the PAS strategy can be comprehensively reviewed as part of the Local Development Framework [LDF] system and in the context of the next round of RSS.

### Other Matters

- 1.22 In Chapters 2,3 and 6 I have recommended against including in the UDP a number of matters that should properly first be progressed through the Local Transport Plan, including proposals for new railway stations and park and ride schemes, and suggested revised proposals for the A65 Quality Bus Corridor. Policy T14, Public Transport Corridors, should be deleted as serving no useful purpose and Policy T16, Park and Ride Facilities, should be re-cast in a more helpful criteria-based form.
- 1.23 As noted in Chapters 5 and 15, I consider that the case for the East Leeds Orbital Route still has to be fully made, and accordingly it would not be appropriate to give it the greater prominence in the Plan that some objectors seek, but at the same time there is nothing to suggest that upgrading the existing Outer Ring Road would by itself alleviate traffic problems in the area. Splitting the Outer Ring Road Strategy into two parts would offer no obvious benefits; the flexibility objectors seek is already available within the proposed text.
- 1.24 In Chapter 8 introducing into Policy E7 the Council’s proposed criteria on mixed-use development would render it unreasonably restrictive compared with national guidance on re-use of surplus employment land in PPG3 as amended. I recommend that the

## Leeds UDP Review – Inspector’s Report: Chapter 1

Policy be redrafted to reflect that guidance and with a positive emphasis. As a general point I believe that the Council are being somewhat over-cautious in their approach to the stock of employment land. Over-zealous attempts to retain that stock could appreciably reduce its potential contribution to brownfield windfall for housing and thus put achievement of the housing strategy at risk.

- 1.25 In Chapter 11 I recommend textual changes to set the context for area regeneration initiatives to be taken forward through the LDF system. In doing so I seek to strike a balance between ensuring that regeneration remains subject to the UDP strategy and overall direction, whilst not over-constraining it in policy terms in a way that might prejudice its success.

## CHAPTER 2 - STRATEGIC CONTEXT

### ALTERATION 2/002 (CITY COUNCIL STRATEGIC INITIATIVES)

#### Objection

20462 Churwell Action Group

#### Issue

- 2.1 Should the summary of the key themes of the West Yorkshire Local Transport Plan [LTP] include reference to financial inclusion and to introduction of a flat rate daily bus ticket and fare?

#### Inspector’s Reasoning and Conclusions

- 2.2 The Alteration would replace a summary of the key elements of the Council’s Transport Strategy, current at the time the UDP was adopted in 2001, with a similar summary of the key themes of the [LTP] published in 2000. The nub of the objector’s case is that the LTP is too vague, and based on aspirations, and that the Council should commit themselves to work actively for bus services throughout the City that are available and affordable to all.
- 2.3 This is a laudable objective but one that should be pursued through review and implementation of the LTP rather than the UDP. PPG12 makes clear that development plans should incorporate proposals from the LTP that have land-use implications but the objection is concerned with social and economic matters which have no such implications, at least in any direct way. Also, the levels and structures of bus fares are the operational responsibility of the Passenger Transport Executive and bus operators and are not matters on which a land-use plan can say anything effective.
- 2.4 The Alteration fairly summarises the key strategic themes of the LTP and it would be misleading to imply that it contains further such themes. In any case it seems to me that the objector’s concerns are reasonably reflected, at least in part, elsewhere in both the UDP and the LTP. Chapter 12 of the former states that the aim is to ensure that all sections of the community have safe and easy access to facilities [para. 12.1.2] and that the approach to transport is concerned with “improving accessibility for all in the widest sense” [para. 12.2.3]. The latter deals at some length with social inclusion [interpreted as covering financial inclusion], and with ticketing [CD/REG/03, Chapter 12 and paras. 7.6-7.9].
- 2.5 Local Development Frameworks [LDF] are intended to provide closer integration of land-use planning and other related policies under the heading of spatial planning. The Council may wish to consider in due course whether there is merit in addressing the matters raised here through the LDF but meanwhile I consider that the UDP goes as far as it reasonably can.

#### RECOMMENDATION

- 2.6 I recommend that the UDP be modified in accordance with FD Alteration 2/002.

## **CHAPTER 3 - STRATEGY**

### **ALTERATION 3/001 (PARA. 3.3.1, POLICY SA2 STRATEGIC AIM)**

#### **Objection**

20463 Churwell Action Group

#### **Issue**

- 3.1 Should the supporting text refer to promoting financial and social inclusion, and to introduction of a flat rate daily bus ticket and fare?

#### **Inspector’s Reasoning and Conclusions**

- 3.2 The issue here is the same as under Alteration 2/002, above, and my reasoning and conclusion are likewise the same.

#### **RECOMMENDATION**

- 3.3 **I recommend that the UDP be modified in accordance with FD Alteration 3/001.**

## CHAPTER 4 - GENERAL POLICIES

### ALTERATION 4/001 (POLICY R4: COMMUNITY INVOLVEMENT)

#### Objections (First Deposit)

20784 Linpac Group Limited  
21722 Persimmon Homes West Yorks

25216 Cllr. Illingworth

#### Issues

- 4.1
1. Should applicants be “encouraged” rather than “required” to submit details of how they have involved the public in developing their proposals?
  2. Should it be made clear that community involvement is only applicable in respect of major schemes?
  3. Should “including during the pre-application stages” be deleted from Policy R4?
  4. Should Policy R4 carry a rider that the Council’s public consultation will be subject to independent monitoring and confirmation of its efficacy?

#### Objections (Revised Deposit)

30084 Aireborough Civic Society  
30422 Leeds Property Association

#### Issues

- 4.2
5. Should the Plan specify that in undertaking community consultation, developers must meet with all concerned parties together?
  6. Should “may well” be deleted from the second sentence of paragraph 4.8.1 in the RDUDP?

#### Inspector’s Reasoning and Conclusions

- 4.3
- 1-2. As highlighted by Persimmon Homes, there is no general requirement that applicants should undertake preliminary consultation with local communities. This is borne out in a recent Government publication that is referred to by the Council in their proof, [“Community Involvement in Planning: The Government’s Objectives”, CD/GOV/10]. In describing new Statements of Community Involvement [SCI]”, as part of the Local Development Framework [LDF] system, it states that they are expected to encourage developers to undertake pre-application discussions and early community consultation on significant applications, but the SCI cannot prescribe that this is done. [Referred to in the box following paragraph 3.18].
- 4.4
- The Council maintain that the relevant sentence in paragraph 4.8.1 merely provides a factual description of the Council’s current practice, and Policy R4, the overriding consideration, states that community involvement in the planning application process is “encouraged”. However, I consider that the supporting text implies that applicants are required to undertake pre-application community consultation and, as there is no

basis for such a requirement, I agree with the objector that “encouraging” should be substituted for “requiring”.

- 4.5 With regard to whether community involvement is only applicable in respect of major schemes, CD/GOV/10, as outlined above, encourages developers to undertake pre-application discussions and early community consultation on significant applications. Nevertheless, I do not consider there would be any merit in the Plan stating this. Not only would “significant” need to be defined, but I consider the reasons for promoting early community consultation are equally applicable to some of the smallest applications. Many objections to householder applications are averted by consultation with neighbours, parish council or other interested parties prior to submission.
- 4.6 3. Lincac emphasise that pre-application discussions with LPAs often involve commercially sensitive issues which it would not be appropriate to discuss with third parties. While that may be the case, the Policy simply states that the Council will “encourage and support” community involvement in the planning application process, including during pre-application stages. There is no obligation to divulge sensitive information to third parties. I agree with the Council that the Policy suitably reflects the emphasis given in Government guidance to front loading community involvement.
- 4.7 4. Alteration 4/001 aims to provide a bridge to the LDF system, under which the Council will be required to set out in the SCI their policies for involving the community; that document must be subjected to public consultation and open to independent examination. Failure to comply with the SCI when preparing local development documents could mean those documents having to be withdrawn.
- 4.8 Cllr. Illingworth seeks to introduce a not dissimilar system of independent scrutiny into the present Plan in response to what he sees as serious and long-standing shortcomings in the Council’s public consultation procedures. He argues that consultation on development plans and planning applications should be subject to scrutiny by independent auditors appointed by the Council, and decisions should be taken only after the auditors have confirmed that the consultation has been properly carried out.
- 4.9 Whilst I doubt whether such a system would be as expensive to operate, or imply such intensive and detailed scrutiny, as the Council suggest, I believe there are serious objections of both principle and practicality to its introduction. Local planning authorities may seek specialist advice to assist them in assessing planning proposals but the responsibility to determine applications and adopt development plans is theirs alone, and they must exercise that responsibility with due regard to national advice on speedy and efficient decision making. If there are faults in a council’s procedures there are ways of identifying and addressing these, through members and officers and the normal process of democratic responsibility, through the Local Government Ombudsman, through external appraisal by such means as Best Value and Comprehensive Performance Assessment, and ultimately through the courts. There is no provision in national legislation or guidance for councils to effectively delegate part of their decision making to external individuals with no direct public accountability.
- 4.10 Such individuals, appointed and paid by the Council, would be unlikely to have the authority and impartiality that a genuine external audit should carry; and it would be difficult to see how disputes between the auditors, the Council and other parties as to the adequacy of procedures could be properly and effectively resolved. So far as

planning applications are concerned, there is no clear authority (at least in terms of national legislation and guidance) for delaying decision making until the auditors were satisfied on the consultation procedures, and the likely consequences would be a discredited development control system and a rise in the number of appeals on grounds of non-determination. Perhaps a more serious objection is that it would be wrong to seek to introduce such far reaching changes essentially unilaterally through the UDP and in the absence of any convincing evidence that the Council as a whole were committed to the proposals and minded to make them work. A commitment to action in the Plan that was subsequently not acted upon would be simply misleading.

- 4.11 The thrust of Alteration 4/001, that the community will be more actively involved in the planning system, will helpfully assist the transition to the LDF but the text should not be expanded as Cllr. Illingworth seeks. External audit of community involvement in the shape of the SCI will come with the next round of plan-making. To introduce a system unique to Leeds for the remaining and limited life of the UDP would, in my view, require inputs of finance, manpower and effort disproportionate to any possible positive outcomes.
- 4.12 That said, I do not believe that the stance of Policy R4, as proposed to be amended, to “involve the community” in development plan preparation, and “encourage and support community involvement” in planning applications, goes far enough. These are essentially aspirations rather than clear policy statements, a point to which I have drawn general attention in the covering letter. The Council have presumably given some attention to the forms that such community involvement might take in order to advance the Policy in the first place but the only tangible proposals put forward are in the supporting text and comprise working with applicants for planning permission [para. 4.8.1] and holding surgeries for local residents [para. 4.8.2]. It is for the Council to word a modification but I recommend that the means of community involvement proposed be set out in reasonable detail within the Policy, at the end of the proposed additional text. This will to some extent address Cllr. Illingworth’s concern that the Council should move significantly beyond the pilot venture in Chapeltown/Harehills referred to in the supporting text.
- 4.13 On a point of detail, references in para. 4.8.1 to the Planning and Compulsory Purchase Bill, and to proposals therein, will need to be revised to reflect the fact that it has now been enacted.
- 4.14 5. Aireborough Civic Society consider that unless developers meet with all concerned parties together, as opposed to individuals, it could cause friction. However, I do not accept that this would necessarily be the case, and although there may well be occasions when joint meetings would be helpful, there will be others where meetings with specific interested bodies or individuals would be more appropriate. It is for whoever is pursuing the consultation to decide the format in the light of the particular circumstances. The Council highlight that their forthcoming SCI may provide advice on the scale and nature of consultation to suit different circumstances.
- 4.15 6. The Council argue that saying what communities “may well” contain recognises that every area will be different and may not have the complete mix of interest groups. To my mind this possibility would still be recognised even if “may well” were to be omitted. The sentence is intended to be an all-encompassing definition of community



and I consider this purpose would be better reflected if the reference were to be deleted.

- 4.16 Leeds Property Association also moot why the needs of certain specific groups are mentioned in paragraph 4.8.2. I support the Council’s view that there is no particular reason to list those groups with private sector interests, but there is reason to refer to the likes of ethnic minorities because they have historically suffered exclusion from the planning process. There is no obvious intention to elevate the views of these groups above others, in particular landlords and investors, which appears to be the principle concern of the objector.

### **RECOMMENDATION**

- 4.17 I recommend that the UDP be modified in accordance with RD Alteration 4/001, subject to:
- a. adding “by” after “the pre-application stages” and then listing the means by which it is intended to put the aims of the Policy into practice;
  - b. deleting “may well” from the second sentence of paragraph 4.8.1;
  - c. substituting “encouraging” for “requiring” in the final sentence of paragraph 4.8.1;
  - d. revising paragraph 4.8.1 to take account of the enactment and commencement of the Planning and Compulsory Purchase Act 2004.

### **ALTERATION 4/002 (SUSTAINABLE DEVELOPMENT: INTRODUCTION)**

#### **Objections (First Deposit)**

20466	Churwell Action Group	21775	Ashdale Land & Property Co Ltd
21446	English Heritage - Yorkshire Region		

#### **Issues**

- 4.18
- 1. Should paragraph 4.9.9 refer to “an inclusive and affordable integrated public transport system”?
  - 2. Should paragraph 4.9.9 say that the proportion of rubbish recycled will be increased “fivefold”?
  - 3. Is paragraph 4.9.5 realistic in suggesting that applications failing to achieve an integrated approach to addressing sustainability objectives will be “exceptional”?
  - 4. Should “reusing existing buildings and safeguarding, historic assets” be added to the eighth bullet point under paragraph 4.9.14?

#### **Objections (Revised Deposit)**

30083	Aireborough Civic Society
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## Issues

- 4.19 5. Should text be added to paragraph 4.9.14 which set out that the Local Planning Authority will contact bodies with historical interests before accepting a planning application that relates to an old building that qualifies for listed building status?
6. Should “replacing buildings – where it can be demonstrated that they are at the end of their economic life” be added to the eighth bullet point under paragraph 4.9.14?

## Inspector’s Reasoning and Conclusions

- 4.20 1. Churwell Action Group’s objection to what para. 4.9.9 says on transport is directly related to their objections to Chapters 2 and 3, above. They argue that too much emphasis has been placed on major transport schemes, such as Supertram and improvements at City station, at the expense of investing in a high quality bus system available to all. Accordingly they seek reference to integrated transport being inclusive and affordable. As I have said under the earlier objections, this is a laudable objective, but para. 4.9.9 is a summary of priorities as identified in the Council’s Corporate Plan [CD/GEN/04]. The Corporate Plan does not use the precise terms sought by the objector and it would be wrong to imply that it does by including them in this part of the UDP; if there were to be a change of emphasis it should be pursued through the Corporate Plan in the first instance.
- 4.21 That said, the reference to transport is very brief and in my opinion does not adequately reflect what is said in the Corporate Plan, even as a summary. The text there is more sympathetic to the objector’s stance in that it refers to a “high quality integrated transport system”, to the need to address the growing disparity between those with access to cars and those without, to achieving more sustainable patterns of transport, and to tackling disadvantage by improving accessibility. I recommend below amended wording that would better reflect the flavour of the Corporate Plan and at the same time address some of the objector’s central concerns.
- 4.22 2. As with their objections concerning public transport, Churwell Action Group wish the UDP to be more assertive and less aspirational, as they see it, on recycling. However, as noted above, para. 4.9.9 is simply summarising what the Corporate Plan says on the matter. That document does include a target of raising the level of recycling to 22.7% by 2005 but there is no particular advantage in repeating this in the UDP. More importantly, it would not be appropriate for the Plan to unilaterally set a much higher figure, especially when the objector accepts that it is an empirical one. In my view any setting and adjustment of targets is primarily a matter for the Council’s Waste Management Strategy [CD/GEN/07]. I note also that Alterations A7/001 and A/7002 stress the importance of recycling and set out the land-use context for it; this seems to me as far as the development plan can reasonably go.
- 4.23 3. I find the suggestion in paragraph 4.9.5, that applications failing to achieve an integrated approach to sustainability are regarded as “exceptional”, to be somewhat aspirational rather than realistic. Nevertheless, I consider such an aspiration is supportive of the Government’s aim to see that developers do attempt to address all sustainability objectives at the same time. Importantly, the first part of the first sentence in paragraph 4.9.5 recognises that conflicts between the achievement of

objectives may arise. While the remainder of this sentence suggests that such applications will be considered on their merits, this does not imply that the Council will fail to apply this basic planning principle to every application they determine. Given the context of the paragraph, it is apparent that the statement simply relates to how the issue of meeting sustainability objectives will be considered.

- 4.24 4. I consider that English Heritage’s concerns about adequately covering the historic environment in paragraph 4.9.14 have been suitably addressed in the RDUDP.
- 4.25 5. This part of the Plan sets out the Council’s objectives in respect of sustainable development. It would be inappropriate for the detailed procedural matters put forward in the additional text suggested by Aireborough Civic Society to be covered here. Furthermore, it would be inappropriate for the Council to refuse to accept an application concerning a building of historical importance until they had contacted relevant interested bodies. Consultation is undertaken once an application is registered. I would expect the Council to seek the views of the bodies referred to by the objector as part of their aim to develop and encourage further involvement of local communities, [expressed in Alteration 4/001].
- 4.26 6. It would be inappropriate to add to the built environment and land-use objective comments about replacing buildings where it can be demonstrated that they are at the end of their economic life. The reference to “reusing existing buildings” reflects the Government support for such development over greenfield new build. The objector’s point is essentially a secondary detailed consideration and should not be expressed as part of an objective. Making such a statement simply to support the redevelopment of buildings on the British Library site would similarly be inappropriate.

## RECOMMENDATION

- 4.27 I recommend that the UDP be modified in accordance with RD Alteration 4/002 subject to deleting the fourth bullet point in para. 4.9.9 and substituting the following:

**“developing a high quality integrated transport system that meets the needs of the whole community safely and reliably, achieves more sustainable patterns of travel, and provides good public transport services readily available to those without access to a car.”**

## ALTERATION 4/004 (SUSTAINABLE DEVELOPMENT: SUSTAINABLE DESIGN)

### Objections (First Deposit)

20572 Mr Reed  
21716 BT PLC

21723 Persimmon Homes (West Yorks)  
21776 Ashdale Land & Property Co Ltd

### Issues

- 4.28 1. Should Policy GP9 and the explanatory text be changed to strengthen planning control over the impact of new development on neighbouring buildings? In particular should mandatory minimum distances and maximum heights be specified in Policy?

2. Is Policy GP9 over-prescriptive, lacking in flexibility, inconsistent with Government advice and too onerous for developers?

3. Is it too vague? Is “sustainable design” adequately defined in the UDP? Should Supplementary Planning Guidance [SPG] be used to achieve such a definition?

**Objections (Revised Deposit)**

30048	Cllr. Jim Souper	30391	S.Lewis, S E Otley Residents Association
30184	P.Young		
30188	J. Allison	30392	J. Buck, S E Otley Residents Association
30376	D. Blake, S E Otley Residents Association	30432	West Yorkshire Ecology
30379	D. Klemm	30437	K. Torode
30384	A. Davis	30467	Dr. M.S Klemm
30385	C. Davis	30538	A. Watson
30386	C. Theaker		

**Issue**

4.29 4. Should “all” be replaced with “where applicable” in Policy GP9?

**Inspector’s Reasoning and Conclusions**

4.30 1. As the Council state, Part 1 of the UDP is not the appropriate place to include detailed policies concerning minimum and maximum dimensions with which development should comply. Indeed, my view is that mandatory policies of this type tend to become the ‘norm’ and can lead to unvarying and monotonous development. I consider that, if such distances are to be provided, they are best included in SPG so that flexibility can be applied where it is desirable. The Council previously gave such dimensions in their SPG [‘Space about Dwellings’ CD/GEN/19] but have intentionally not included them in the latest Guidance, ‘Neighbourhoods for Living’ [CD/SPG/06] which replaced that document [and others]. I have no jurisdiction over the content of the Council’s SPG and cannot recommend that they revise and strengthen it as is suggested.

4.31 Whilst I accept Mr Reed’s point that higher densities as advised in PPG3 mean that great care must be taken to avoid the possible adverse effect of new buildings on neighbours, I consider that the Policy as drafted, together with the SPG to which it refers, is adequate to ensure that such effects do not occur. However, I do consider that the cross-referencing could be improved by reference to specific design policies, for example N12 and N13, rather than simply referring to the relevant chapters.

4.32 2-4. Given the emphasis which Government places upon the need for sustainable design, I consider that it is reasonable to expect all development to meet sustainable design principles. These can cover many aspects, not least the general requirement that development should be of a high quality of design and respect the scale and character of the surrounding area. No party, including the Council in the RDUDP, suggests any criteria for applicability, and indeed it would be difficult to devise such criteria and imprudent to suggest categories of development which would in effect be exempt from achieving good design. In these circumstances, sustainable design

principles are always applicable, even to small-scale development, and so I cannot agree or recommend that “where applicable” or “except where inapplicable” should be substituted for “all”.

- 4.33 I consider that objections by BT and Ashdale Land and Property, relating to the wording of the Policy, concern semantics rather than substance. It is also unnecessary to state in any policy that each proposal will be considered on its merits as this is a basic tenet of planning policy. It should be remembered that this is a general policy which leads not only to the SPG referenced in para. 4.9.16 but also to more detailed existing UDP policies to which I recommend it is more closely referenced. I therefore do not consider that the Policy delegates to SPG as Persimmon Homes suggest. “Sustainable design” is a concept which, as para, 4.9.17 states, has been explained in a number of national policy documents, including in PPS1 in the section on delivering sustainable development [to which cross-reference might also be made]. It is unnecessary to reiterate such principles in Policy GP9.

### RECOMMENDATION

- 4.34 I recommend that the UDP be modified in accordance with FD Alteration 4/004 subject to cross-reference in the supporting text to specific design policies, for example N12 and N13, and to PPS1.

### ALTERATION 4/005 (SUSTAINABLE DEVELOPMENT: SUSTAINABILITY ASSESSMENTS)

#### Objections (First Deposit)

21724 Persimmon Homes West Yorks Ltd  
21777 Ashdale Land & Property Co Ltd

#### Issues

- 4.35 1. Should sustainability assessments be “encouraged” rather than “required”?
2. Is it appropriate to utilise the definition of “major development” given in Circular 15/92?
3. Should strategic housing sites identified in Policy H3-1B be exempt from the requirement to submit a Sustainability Assessment?

#### Objections (Revised Deposit)

30215	J. Allison	30396	C. Davis
30380	D. Klemm	30398	C. Theaker
30388	S. Lewis, East Otley Residents Association	30468	Dr. M.S. Klemm
30394	A. Davis	30539	A. Watson

**Issue**

- 4.36 4. Should it be made clear that where a major development is to be phased, a Sustainability Assessment for the entire scheme should be submitted before the first phase of development is implemented?

**Inspector’s Reasoning and Conclusions**

- 4.37 1. The Council’s suggested “Sustainability Assessments” would be very much along the lines of the “Quality of Life Assessment” approach jointly promoted by four of the Government’s environmental agencies (Countryside Agency, English Heritage, English Nature and the Environment Agency). However, such assessments are not something that have been taken on board by Government and firmly embedded in national planning policy. Until such time as they are, I consider it would be inappropriate for the Council to require their submission. I agree with Persimmon Homes that the Council may only encourage them.
- 4.38 While the Council maintain they are entitled to require such assessments as part of the information they may request under the Town and Country Planning (Applications) Regulations 1998, I do not agree that they constitute information which is necessary to determine an application. Sustainability Assessments are essentially a tool that can be employed to assess whether a proposal may be improved upon from a sustainability perspective. They may assist in the development process but are not a necessary piece of information in order to determine an application.
- 4.39 2. The very title of Circular 15/92, “Publicity for Planning Applications”, confirms the objector’s point that the definition of major development it sets out was drawn up for an entirely different purpose from Sustainability Assessments. However, I agree with the Council that there should be a threshold for the application of Policy GP10 and, bearing in mind applicants will be familiar with the definition of major development provided in Circular 15/92, it is as good a one to use as any.
- 4.40 3. Although strategic housing sites identified under Policy H3-1B will have been the subject of the Council’s Sustainability Appraisal, this broad brush exercise, which was applied to all the policies and proposals subject to review, will only have considered the principle of the development of these sites. A Sustainability Assessment will examine any detailed proposals from a sustainability perspective. Therefore, I consider there should be no specific exemption from preparing an assessment for strategic sites proposed in the Plan.
- 4.41 4. I note the objectors point to the fact that through Alteration 5/003 [Policy N38B] the Council have accepted in respect of Flood Risk Assessments that the cumulative impact of subsequent phases should be considered at the outset. They consider that there should be a similar statement in respect of Sustainability Assessments. The Council respond that the detail they would expect from a Sustainability Assessment, and at each phase, will be set out in forthcoming SPD. I support the Council’s view that such detail should not form part of the Plan and would be better taken forward through SPD. While I have no jurisdiction over the Council’s SPD, I would expect it to set out that a development brief or masterplan, which will essentially guide all subsequent phases of a major scheme, should be subjected to some form of Sustainability Assessment.

## **RECOMMENDATION**

**4.42 I recommend that the UDP be modified in accordance with RD Alteration 4/005, subject to all references to Sustainability Assessments being “required” being changed to “encouraged”.**

## CHAPTER 5 - ENVIRONMENT

### ALTERATIONS 5/001, 5/002 and 7/005 (POLICY N34, PROTECTED AREAS OF SEARCH, AND LONG TERM GROWTH)

#### Objections 5/001

20566 Messrs Wagstaff	21709 Hallam Land Management
21508 Shepherd Homes Ltd	21725 Persimmon Homes West Yorks Ltd
21513 Scholes Development Co Ltd	21741 House Builders Federation
21521 R Gaunt & Sons (Holdings) Ltd	21778 Ashdale Land & Property Co Ltd
21527 Elor Consortium	21794 Provincial Land Developments Ltd
21576 Persimmon Homes West Yorks Ltd	21798 Persimmon Homes (West Yorkshire)
21635 David Wilson Homes (Northern) LTD	21801 Arncliffe Homes Ltd
21651 Taylor Woodrow Developments Ltd	21823 Leeds Review Consortium
21652 Taylor Woodrow Developments Ltd	21904 Taylor Woodrow
21653 Taylor Woodrow Developments Ltd	21925 Endercourt Ltd
21654 Taylor Woodrow Developments Ltd	

#### Objections 5/002

20564 Messrs Wagstaff	21742 House Builders Federation
21500 Mr Evans	21795 Provincial Land Developments Ltd
21509 Shepherd Homes Ltd	21797 Persimmon Homes (West Yorks)
21514 Scholes Development Co Ltd	21802 Arncliffe Homes Ltd
21522 R Gaunt & Sons (Holdings) Ltd	21824 Leeds Review Consortium
21551 Thoner Parish Council	21921 D Kerry
21577 Persimmon Homes West Yorks Ltd	21926 Endercourt Ltd
21636 David Wilson Homes (Northern)	22040 Ashdale Land & Property Co Ltd
21710 Hallam Land Management	22098 The Robert Ogden Partnership
21726 Persimmon Homes West Yorks Ltd	

#### Objections 7/005

20563 Messrs Wagstaff	21735 Persimmon Homes West Yorks Ltd
20737 Mr & Mrs	21746 House Builders Federation
21502 Mr Evans	21785 Ashdale Land & Property Co Ltd
21516 Scholes Development Co Ltd	21793 Provincial Land Developments
21523 R Gaunt & Sons (Holdings) Ltd	21796 Persimmon Homes (West Yorks)
21552 Thoner Parish Council	21803 Arncliffe Homes Ltd
21624 Micklefield Properties Ltd	21829 Leeds Review Consortium
21632 Springwood Limited	25204 Nexus Land and Property
21639 David Wilson Homes (Northern)	

#### Issues

- 5.1
1. Are there exceptional circumstances to justify altering Green Belt [GB] boundaries by deleting Protected Areas of Search [PAS] sites?
  2. Do the PAS sites fulfil GB purposes in a way that would justify including most of them in the GB?

#### *The Review Proposals*

- 5.2 Para. 5.4.9 of the AUDP lists 40 PAS sites where, under Policy N34, development is to be restricted to existing and temporary uses so as not to prejudice the possibility of long-term development. The substantive Alteration is 5/002 to the Environment



Chapter which would delete the list, the Policy, and its supporting text. Alterations 5/001 and 7/005 [the latter to the Housing Chapter] make consequent changes to the supporting text explaining the reasons for the proposed changes. Briefly, these are that the priority that national policy gives to development on brownfield land, and an identified sufficiency of housing and employment land well beyond the Plan period, together mean that it is no longer necessary to safeguard PAS land for possible long-term development. I deal here with the principles behind the three Alterations. Site-specific issues arising from objections to the proposed treatment of individual PAS sites are considered under area chapters. Six sites are not the subject of objections and are therefore not before me. The approach to be taken on these is a matter for the Council to determine but in my view the overarching policy considerations are such that they should be treated consistently with my recommendations.

### ***National Guidance***

- 5.3 1. National and regional policy on GBs in general, and on treatment of safeguarded land in particular, has been well rehearsed in written evidence and at the Inquiry. In summary it is as follows.
- 5.4 PPG2, Green Belts, states that the most important attribute of GBs is their openness and their essential characteristic is their permanence [2.1]. Once the general extent of a GB has been approved it should be altered only in exceptional circumstances [2.6]. Where existing local plans are being revised, existing GB boundaries should not be changed unless there are exceptional circumstances that necessitate revision [2.7]. Boundaries should be defined that will endure, and they should not include land which it is unnecessary to keep permanently open [2.8]. Any proposals in new or revised plans affecting GBs should be related to a time-scale which is normally longer than that adopted for other aspects of the plan. LPAs should satisfy themselves that boundaries will not need to be altered at the end of the plan period; this may mean safeguarding land between the urban area and the GB which may be required to meet longer-term development needs [2.12]. Annex B defines the longer term as well beyond the plan period [B2]. Safeguarded land should be so located as to promote sustainable development [B3].
- 5.5 RPG 12 [2001] states that the general extent of GBs in the Region should not be changed. More localised review of boundaries may be necessary in some places through development plan reviews, but only if justified by exceptional local circumstances. Localised reviews should also consider whether exceptional circumstances exist to include additional land as GB [Policy P2]. Any localised reviews should be in accordance with Policy P2 and take account of further work at the regional and sub-regional level [4.44]; this will include examining Leeds’ role as an “engine for growth”, and potential to accommodate plan-led growth, as part of the next review of RPG [4.40]. As regional GB policy is carried forward unchanged from RPG into RSS I use the latter title from here on.

### ***Exceptional Circumstances***

- 5.6 Prior to the adoption of the extant UDP, the boundaries of the GB were defined in separate local plans across the District and there were significant variations in its status. The AUDPI Inspector stated in his report that: “This UDP provides the first opportunity for GB boundaries to be formally identified for the whole of the District and to safeguard land for potential development in a consistent manner.” [CD/DP/01(4),

para. 106.5]; and it is clear from what he wrote, and from the evidence to this Inquiry, that this was a major issue at that time. The Council accepted the Inspector’s recommendations on PAS in their entirety and thus both the general extent of the GB and its detailed boundaries were definitively established with the adoption of the AUDP in August 2001.

- 5.7 The previous Inspector interpreted “permanence” in the PPG 2 context as meaning “lasting indefinitely” [i.e. having no definite end date] rather than “lasting for ever” and he saw the longer term as extending 10 years beyond the Plan period [CD/DP/01(4), paras. 106.13 and 106.9]. There was considerable discussion at the Review Inquiry RTS on the matter and objectors argued that “permanence” could mean GB boundaries remaining unchanged for up to 25-30 years. The Council did not seriously dispute this but said that they had committed themselves from the outset to an early review of the UDP in the light of the timing of the publication of the revised PPG3. However, it seems to me from all the evidence and background material that when the UDP was adopted after the last exhaustive Inquiry it should have been clear to all parties that the GB boundaries had been fixed for the foreseeable future.
- 5.8 It follows from this, and from the national guidance summarised above, that any proposals for change, including any that might follow from the more localised review referred to in RSS, must be justified by exceptional circumstances. *Carpets of Worth v Wyre Forest DC* [1992][JPL, Jan 1992] established that the test of whether there are exceptional circumstances necessitating revision of GB boundaries applies to proposals to extend GB, as well as to reduce it; and *Copas v The Royal Borough of Windsor and Maidenhead* [2001][JPL, Oct 2001] made clear that in such cases exceptional circumstances will not arise “unless some fundamental assumption which caused the land initially to be excluded from the GB is thereafter clearly and permanently falsified by a later event.”
- 5.9 The AUDP makes clear that there is no automatic assumption that PAS land will be developed; its suitability for allocation will be considered on review of the Plan [para. 5.4.8]. However, whilst the Council have interpreted this statement as a “requirement”, there is nothing either in the Plan or elsewhere that directs that it should be done as part of this Review. Notwithstanding the Council’s commitment to an early review, referred to above, it is striking that the first proposals for deletion of PAS sites were published less than two years after adoption of a thoroughgoing review of the GB in the AUDP, and that even at the time of the Inquiry only some three years had elapsed since adoption. Given what PPG2 says about the permanence of the GB, the exceptional circumstances necessary to justify major changes after such a short term would need to be exceptional indeed. Furthermore, the Council have throughout stressed the selective nature and limited scope of the Review so there is nothing in the nature of the review process in itself that would compel changes to PAS now. Nor, in my view can any support be claimed from para. B6 of PPG2 that states that permission should only be granted for development of safeguarded land following a UDP review that proposes such development as that is the very antithesis of what is intended in this Review.
- 5.10 I touch in passing on the scope of the Review so far as it bears on GB. The FDUDP [Background to the Review] states: “GB boundaries were comprehensively reviewed in producing the first UDP. District-wide reassessment is not part of the Review and representations seeking the release of GB land for development cannot be accepted.” The Council’s decision to treat such representations as not duly made is consistent

with this stance but, in my view, difficult to square with their own approach to the PAS issue. The proposal to delete all PAS sites, totalling some 568 ha, and to include 31 of them, totalling around 332 ha, in the GB [LCC/018/A] must by any reasonable interpretation amount to a “District-wide assessment”. I agree with those objectors who perceive an inconsistency between, on the one hand, turning away objections seeking changes to GB boundaries and, on the other, proposing such changes on a significant scale. Whilst it is for the Council to decide which objections are duly made, this situation suggests to me that the approach to the PAS issue has not been thoroughly thought through. Be that as it may, my reading of national guidance is that it is necessary to show exceptional circumstances whatever the scale and scope of the changes proposed to the GB.

- 5.11 As already noted, the Council’s case for exceptional circumstances rests on two principal grounds; that there has been a fundamental change in Government planning policy since the adoption of the AUDP, giving priority to redevelopment of brownfield land; and that there is more than enough housing capacity available on such land to last well beyond the Plan period. I deal with these in turn.

*National Planning Policy*

- 5.12 Although the Council rightly point to PPG3 and RSS as emphasizing the importance of urban regeneration, re-use of previously developed land, and the sequential approach to identification of housing land, I see nothing in either document that changes the fundamentals of GB policy in PPG2, and the Council accepted as much on a number of occasions during the Inquiry. PPG3 does refer to situations where Green Belts have been tightly drawn, and indicates there may be a case for reviewing them when that would be the most sustainable option, but that does not apply in Leeds. It is also significant that the Guidance regards this approach as exceptional and reiterates that the Government is strongly in favour of maintaining the GB [para.67].
- 5.13 RSS envisages no change to the general extent of the GB for the foreseeable future; more localised reviews must be justified by exceptional circumstances – the same test as in PPG2 [Policy P2]. The Guidance also indicates that the extent of the Green Belt may need to be reconsidered “to meet identifiable needs for which urban locations are not available and for which alternative sites would be significantly less sustainable” [para. 4.15], but this is the very opposite of the Council’s approach to PAS. Policy P3 calls for safeguarded land to be reviewed “as a matter of urgency through development plans....to permit their substitution by sites with substantially better sustainability characteristics” but there has been no clear analysis along these lines. There is nothing in either PPG or in RSS to justify wholesale inclusion of PAS land in the GB. Also, although para. 5.4.4 of the FDUDP says that, given the Plan Monitor and Manage [PMM] approach, the situation on land availability and safeguarded land will be kept under review, there is nothing in national or regional guidance to justify applying PMM to GB boundaries.
- 5.14 The Council have also argued, both at the RTS and at Inquiry sessions on individual sites, that inclusion of PAS sites in the GB is a vital part of their package of regeneration measures, intended to achieve an urban renaissance in the City. They are concerned that if land was left as PAS then towards the end of the Plan period it might be seen by developers as a preferable alternative to brownfield land [INQ/DOC/7, paras.1.10, 1.12, 1.36, 2.4, 2.18, 3.18, 4.1]. I find this argument

unconvincing. Strong impetus and control of greenfield alternatives are undoubtedly necessary if brownfield land is to be brought forward continuously over time but I see no reason why PAS policy should weaken that approach.

- 5.15 Significantly, although one of the purposes of including land in the GB is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land, there is nothing in national guidance to suggest that this is in any way incompatible with retaining safeguarded land. PPG3 does not amend in any way what PPG2 says on the matter. Admittedly RSS advises against designating safeguarded land other than to meet identifiable development needs, because this would “undermine the long term strategy for urban renaissance” [para. 4.15] but it is not axiomatic that retaining such land would have the same effect. Also, whilst the task of regeneration in Leeds is undoubtedly formidable, so is that in other major cities, and there were no reports at the Inquiry of other local planning authorities following a similar course to Leeds on safeguarded land. Overall, there is no clear evidence that the proposed approach to PAS is necessary to secure urban regeneration, and on more than one occasion during the Inquiry the Council accepted that they had made “significant progress” in that area notwithstanding the existence of 40 PAS sites.
- 5.16 A related argument to the above is that the PAS sites must be included in the GB to ensure certainty but I see no uncertainty in the current situation. The sites were designated comparatively recently after an independent assessment accepted in its entirety by the Council, and control over them under Policy N34 is in my view both clear and strong. The Policy allows only development that “would not prejudice the possibility of long-term development”; the supporting text states that PAS should not be developed “during the Plan period”; and that “It must be made absolutely clear that there is no automatic assumption that this land will be developed...”. Arguably control is even stronger than that over the GB in that uses that would preserve the openness of the GB, and thus would be not inappropriate there, could be resisted on PAS land on the grounds that they could prejudice its long term development. Provided that brownfield land continues to be brought forward at a satisfactory rate, as the Council are confident it will, there is no need to even contemplate release of PAS. It can be robustly defended under both national and local policy.
- 5.17 The Council’s response to the argument that retaining PAS would cause no harm is that there is nothing in national guidance to support it, and that retention would serve no policy purpose, especially as in their view much of the land in question is not in sustainable locations. However, at the last UDP Inquiry the Inspector had before him the current PPG2 which makes clear the importance of locating safeguarded land where it would promote sustainable development. It is evident both from his reports on Policy N34 and on individual PAS sites that he gave weight to this advice and also regarded compliance with Strategic Principle SP3 of the Plan [which deals with this matter] as important [CD/DP/01(4), para. 106.22]. SP3 is unaffected by the Review.
- 5.18 Although the Council have questioned the sustainability credentials of some of the sites, they have not carried out any systematic overall review and, whilst I accept that the debate over sustainability has moved on somewhat since the last Inquiry, I have seen nothing in evidence or on the ground to suggest that the sites as a whole are so unsustainable as to justify rejecting them in their entirety. At the very least they comprise a substantial reservoir of land, possibly with varying degrees of sustainability, but from which in my view sustainable sites could be drawn [after a proper appraisal] should the need arise in the long term. Certainly the Council have

not produced substantive evidence to support their assertion that “the likely scale and distribution of future land needs beyond the life of the UDP Review are **certain** [my emphasis] to be different to those conceived at an earlier time” [LCC/060, para. 4.3.13]. I deal with the sustainability credentials of individual sites elsewhere but, because of their location, development on PAS sites would in most cases constitute urban extensions, and be well related to employment, shops and services, and accessible by modes of transport other than the car.

### *Housing Capacity*

- 5.19 The nub of the Council’s case here is that sufficient land has been identified, including that in the Urban Capacity Study [UCS] and allocations, such that there is no longer a need for PAS sites. They argue that if the rate of windfall development continues beyond the Plan period at the rate extrapolated to 2016 this would provide some 1,590 dwellings pa, only 340 below the RSS requirement, a shortfall that could easily be met from H3-3 allocations and from ELE. They suggest that there is sufficient capacity to last for nearly 25 years [assuming the yield from the UCS is realized] or a minimum of 17-20 years [assuming a continuation of past windfall trends], providing supply to 2027 or 2020-2023 respectively, both comfortably beyond the Plan period. They also argue that taking the RSS housing requirement and assuming PPG3 densities shows a much lower notional requirement for PAS than the previous Inspector had recommended; and that contrary to his apparent expectations, much of the allocated greenfield land remains to be developed.
- 5.20 I deal in Chapter 7 with criticisms of the Council’s stance on housing capacity, including those made of the UCS. It is unnecessary for me to go into these points in detail here simply because the Council’s calculations in general, and the UCS in particular, are intended primarily to address the adequacy of capacity **during** the Plan period, whereas national advice makes clear that the purpose of safeguarded land is to provide for possible development needs well **beyond** that period.
- 5.21 Although I conclude under Housing [paras. 7.10 - 11] that land within the urban area should provide an important contribution to housing supply for the foreseeable future, the situation beyond the end of the Plan period in 2016, over a decade away, cannot be foreseen with any confidence. As the AUDPI Inspector pointed out, no method of forecasting is likely to be an accurate guide to the amount of development land likely to be needed up to 10 years after the end of the Plan period. Much may have happened in Leeds by then. Although regeneration may be a continuous process, as the Council say, there is no certainty that the supply of brownfield land, and the contribution made by windfalls, will carry on at the same rate into the long-term future. Further development opportunities referred to, such as the Aire Valley and Kirkstall Urban Village, are clearly at an embryonic stage, and no evidence was put to the Inquiry to support the Council’s assertion that they could yield several thousand dwellings. It is not clear where the balance between housing and employment development within these areas will lie.
- 5.22 To take one specific example, during discussions on Abbey Road, Kirkstall the Council did not deny that in plans for the former Kirkstall Forge site they were seeking an equivalent amount of employment floorspace for the future as was there in the past, and this is confirmed in the published Planning Framework [CD/SPG/10, para 2.2]. This suggests a substantial element of employment that might well restrict the scope for housing as part of mixed-use development. It is also uncertain to what

extent housing may feature in plans for the Aire Valley. Even accepting that such proposals would be preferable to PAS land in terms of the sequential approach and sustainability, their rudimentary nature means that at this stage they can carry limited weight.

- 5.23 Projections inevitably become less reliable the further ahead they are made, and it would be unwise to rely on an endless supply of former employment land. There could well come a point at which much long-established industry and commerce within the urban area has been replaced by housing and other uses, but more modern employment uses are still viable and resistant to redevelopment. Also, notwithstanding Government policy on achieving higher densities, environmental considerations may limit what is achievable through successive redevelopment. All this may mean not only that the yield from brownfield land turns out to be less than anticipated, but also that there is less scope for such land to substitute for Plan allocations, so that the life of those allocations is not extended in the way the Council anticipate.
- 5.24 Objectors have also drawn attention to work currently in progress that may have important implications for Leeds’ economic future, including work on the forthcoming RSS and the Northern Way initiative. This could result in Leeds being identified as an “engine for growth” with a significantly increased annual housing requirement. Whilst such work has only a very limited bearing on the housing provisions in the current Plan, as noted under Housing [para. 7.2 - 4], RSS refers to the City’s long-term economic potential as an important issue to be addressed in the next round of regional guidance [CD/REG/08, paras.4.41-4.43].
- 5.25 The Council have not carried out any clear or consistent analysis of PAS sites, in accordance with Policy P3(e) of RSS, or of possible long-term need for them. They have simply removed the designation, with consequent changes to GB boundaries, in a blanket fashion in response to a perceived sufficiency of capacity. Given the very short time since those designations and boundaries were defined, I consider it imprudent and premature to make major changes at this stage, in advance of the emergence of the new RSS. Importantly, the statement in RPG12 that implementation of the RSS “should not require any change to the general extent of GB for the foreseeable future” [para. 4.15] is carried forward without change into the transitional RSS to 2016 [CD/REG/08] as is the rest of the guidance on GB. My interpretation of this is that in preparation of the next RSS the approved GB is to be taken essentially as a given and accorded a considerable degree of permanence, irrespective of the scale of growth contained in the Strategy. Major changes to the extent of the GB before expected publication of the Strategy would be directly at odds with that approach.

#### *Employment and Other Uses*

- 5.26 Although the debate on PAS has concentrated principally on housing, objectors have also referred to the scope it could provide for other uses, notably employment but also for uses ancillary to housing, such as education and community facilities. The Council’s principal arguments for deleting PAS land are founded on PPG3 and the UCS and do not affect employment land but their response on that subject is that the healthy sufficiency of such land identified by the AUDPI Inspector continues and could last for some 32 years based on long-term trends, or 23 years in a worst-case

scenario. They also point to the emphasis that RSS places on development within urban areas, and on the primacy to be accorded to the Aire Valley.

- 5.27 The employment potential of PAS land was only considered in detail at the Inquiry in the context of the Tingley Station site and I conclude there that, although the site should not be allocated for employment now, as the objector seeks, it should remain as PAS to meet possible future and unforeseen needs. I deal at more length with these matters under Alteration 17/039 but suffice to say here that with employment and other uses, as with housing, there has been no analysis of the possible role that PAS sites might fulfil in the long-term, beyond the end of the Plan period. This might well include some consideration of possibilities for mixed-use development. Nor am I convinced that retaining PAS land would dilute concentration of employment sites, as the Council fear, and it would no more distract attention from sites in the urban area than would be the case with housing.
- 5.28 The fact that RSS takes a more prescriptive attitude to employment land than earlier advice, and seeks to put the Region’s apparently over-large portfolio of such land on a proper footing, does not obviate the need to look to the long-term; or justify returning PAS land with employment potential to the GB now. Quite the reverse. Advice in RSS is concerned as much with location, quality and sustainability of employment sites as with their quantum and it would be prudent to keep options open pending the outcome of the Regional Employment Land Survey, as the Council have themselves argued elsewhere. PAS land provides a strategic reserve of land for long-term use, some of which may have employment potential. Meanwhile it is well protected by Policy N34.
- 5.29 So far as other uses are concerned, although the Council expressed confidence at the RTS that any new schools needed could be provided through redevelopment of existing sites, this will not necessarily be the case in the long-term either for schools or for other public facilities. Such facilities might be needed on the edge of the urban area either to serve existing communities there or to meet needs in the City as a whole, and for which suitable space cannot be found within its confines. The fact is that such needs are unknown but PAS land provides a potential reservoir of land to meet them. As the AUDPI Inspector pointed out, it is not necessary for the UDP to “be able to foresee the longer term future accurately, but to include policies and strategies capable of responding rapidly and flexibly to changing trends and circumstances as they become apparent” [CD/DP/01(4), para.106.14]. This applies to uses other than housing as much as to housing itself.

### ***Green Belt Purposes***

- 5.30 2. PPG2 advises that to ensure that GB boundaries endure they should not include land which it is unnecessary to keep permanently open. In other words, to qualify for inclusion in the GB sites must fulfil GB purposes. Apart from three PAS sites that are not contiguous with the GB, and the six that together would comprise ELE, the Council propose to include all PAS land within the GB, essentially on the basis that its GB credentials have been established in previous development plans and were endorsed by the AUDPI Inspector.
- 5.31 Whilst a good many of the PAS sites may indeed have been within the GB under previous development plans, it is clear that the last UDP Inquiry was the first occasion on which their attributes were assessed on a common and comprehensive basis. It is

also clear from a detailed reading of the previous conclusions on individual sites that the then Inspector was not as enthusiastic about the contribution that some made to the GB as the Council have suggested. Even those quotations they cite in support of their case refer, in most cases, to limited contributions to GB purposes and functions.

- 5.32 Assessment of the GB merits of land is not an exact science, depends a good deal on judgement and cannot be conducted in a policy vacuum; at the last Inquiry possible GB merits were being weighed against an assessment of need for land for long-term development. Nevertheless, and despite what they say about the need for timely adoption and having to take the recommended PAS sites as a “package”, the important point is that the Council did accept the then Inspector’s recommendations in their entirety. They were therefore presumably satisfied that the GB merits of those sites were not so pressing as to justify retaining that designation. Indeed, the supporting text to Policy N34 in the AUDP states categorically that “this land is not now considered appropriate for inclusion in the GB”.
- 5.33 If that was the case then it is necessary to ask if anything has changed since in terms of GB purposes. The Council give particular weight to the previous Inspector’s comment that sites might be returned to the GB at a future review [CD/DP/01(4), para. 106.7]. In my view a detailed reading of that comment shows that the reliance they place upon it is misplaced. Critically, it refers to “any particular site” and to inclusion in the GB being “subject to exceptional circumstances being demonstrated”. Looked at as a whole and in context it is clear to me that the Inspector had in mind that individual sites might be reassessed to determine whether there were any exceptional circumstances particular to them that would justify them being kept permanently open for GB reasons. I can see nothing in the text quoted to justify including PAS sites in the GB en masse, and on the basis of claimed general [and not site-specific] exceptional circumstances. Nor is there anything in the AUDP itself to support that approach. Para 5.4.8 says the “...suitability [of PAS land] for allocation for development will be considered on review of the UDP.” There is nothing to presage a wholesale return to the GB.
- 5.34 The Council accepted at successive Inquiry sessions on individual PAS sites that they had not re-assessed the GB merits of any such sites, relying instead upon the work done for the AUDPI and the Inspector’s subsequent appraisal. In my view, given the importance of ensuring that land within the GB does indeed fulfil GB purposes, any proposal to include additional land within it should have been supported by a comprehensive and reasoned re-appraisal, looking at the merits of each individual site. The fact that this was not done means that the proposal to include within the GB all PAS sites contiguous with it [other than those intended for ELE] is fatally flawed.
- 5.35 Three PAS sites, West of Churwell, Hill Foot Farm, Pudsey and Spofforth Hill, Wetherby are not contiguous with GB and the question of whether or not to return them to that designation does not therefore apply. However, I recommend in Chapters 17, 20 and 24 respectively that they continue to be designated as PAS so ensuring protection of the GB in the longer term by providing a future option for development without affecting it.

### **Overall Conclusion**

- 5.36 Neither national advice published since the last UDP Inquiry [notably PPG3], nor the identified sufficiency of land available for development within urban areas, justify the



wholesale abandonment of the approach to PAS land under Policy N34. There is nothing in the former that changes the approach to GB in PPG2 and, in particular, the importance of permanence, of establishing boundaries for the long-term, and of only including within the GB land that fulfils its defining purposes. There is no suggestion that permanence should be tempered or qualified in any way by reference to a quantum of potential development land. Availability of previously developed land might affect whether, when and how safeguarded land would be released but could not affect the original assessment that the latter did not need to be kept permanently open.

- 5.37 The previous UDP Inspector stressed that the fundamental requirement was not for the UDP to be able to foresee the longer term future accurately but to be able to respond rapidly and flexibly to changing trends and circumstances [CD/DP/01(4), para. 106.14]. In terms of the Copas test the fundamental assumption which caused PAS land to be initially excluded from the GB – to provide such flexibility – has not been clearly and permanently falsified by a later event. The Council have acquired a resource of great value, and one that many other LPAs would envy. It should not be discarded some four years after adoption of the UDP on the basis of a limited and flawed analysis. To do so would be the antithesis of GB permanence, implying that boundaries might be changed regularly in response to changing availability of land for development. This would undermine confidence in the GB concept, and in the planning system generally, and could well mean the Council having to face removing land from the GB in future in response to development needs. The difficulties of so doing, particularly in terms of public opposition, would far outweigh any perceived drawbacks of retaining PAS land, especially as no proven harm has been shown in the latter respect.
- 5.38 In their responses on individual PAS sites the Council have said that in the event that I recommended against deletion they would wish to comprehensively assess all sites in terms of sustainability, distribution, comparative merits and locational criteria. In my view such an exercise should have preceded the Review, not follow it and, given that the LDF system is now in place, it is too late to undertake it now and feed the results back into the UDP in any meaningful way. To attempt to do so would unacceptably delay adoption of the Review proposals and dissipate energies that should be devoted to preparing the LDF. I therefore recommend that, subject to amendments to supporting text set out below [which include the current total area of PAS land discounting those sites which together would form ELE], Policy N34 be carried forward unchanged in the Review. Under the savings provisions of PPS12 it would then remain in force for 3 years from adoption of the Review proposals during which time the Council will no doubt wish to comprehensively review the PAS strategy as part of their preparation of the LDF core strategy and associated site-specific allocations and in the context of the then current RSS.
- 5.39 As I recommend no overall change to the status of PAS land my formal stance on individual sites is confined to recommending that the related Alterations do not proceed. However, I have also considered on its merits all the evidence on other matters, such as arguments that sites should be allocated for housing, and I report on relevant site-specific matters. In doing so I acknowledge that I do not have the information on which to make a comprehensive assessment from first principles but I have sought to provide guidance on matters such as GB merits and sustainability that may assist when the Council come to make their own such assessment.

## RECOMMENDATION

### 5.40 I recommend that:

1. the UDP be not modified in accordance with FD Alterations 5/001, 5/002 and 7/005;
2. paragraph 5.4.8 be deleted and the following substituted:

**“The Regional Spatial Strategy does not envisage any change to the general extent of the Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer-term time-scale than other aspects of the development plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, have not been changed in this limited review, and are currently expected to remain broadly unchanged.**

**To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City’s long-term growth and development. 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.”**

3. section 7.5 be deleted and the following substituted:

**“When the UDP was adopted it was envisaged, on the basis of population projections then current, that there would be a net increase of some 50,000 households in Leeds between 1991 and 2016. The Plan provided land for some 28,500 dwellings to 2006, leaving about 21,500 households to be accommodated thereafter. Taking into account the proportion of the need that was expected to be met within existing urban areas, it was estimated that 430 hectares of land was required to meet long term needs though the actual area of land safeguarded under Policy N34 is now about 352 hectares.**

**This area of land remains undeveloped and, given the greater emphasis now on development on brownfield land within existing urban areas, and the capacity identified there for such development, it is likely to provide a very generous reserve for possible long-term development. However, it is unnecessary to seek to quantify now with any precision the area that might be needed after the Review period as the primary purpose of safeguarded land is to provide some flexibility for growth and development within Green Belt boundaries that will endure for the foreseeable future.”**

## **ALTERATION 5/003 (DEVELOPMENT AND FLOOD RISK: POLICIES N38A AND N38B)**

### **Objections (First Deposit)**

20125	Yorkshire Wildlife Trust	21487	Mr Blake
20159	RSPB	21541	Commercial Estate Projects Ltd
20474	Churwell Action Group	21542	Commercial Estate Projects Ltd
20545	Mr Simpson	21572	Keyland Developments Ltd
20744	Ms Rawling	21614	Lafarge Aggregates Ltd
20753	Ms Watson	21890	Mrs Lewis
21052	Mr Latham	21892	Mr Klemm
21068	Trustees of Methley Estate		

### **Issues**

- 5.41
1. Is Policy N38A unreasonably restrictive?
  2. Should mineral working and nature conservation be included in Policy N38A as possible exceptions to preclusion of development in the functional flood plain?
  3. Where phased development is proposed should an outline assessment of flood risk be submitted for the whole site at the outset?
  4. Is Policy N38B sufficiently clearly expressed?
  5. Should the supporting text to Policy N38B state that developers who have to undertake flood defence or alleviation works will be required to pay a deposit to cover future maintenance?

### **Objections (Revised Deposit)**

30016	Churwell Action Group
30399	D. Blake, S E Otley Residents Association
30400	D. Blake, S E Otley Residents Association

### **Issue**

- 5.42
6. Should the scope of Policy N38A be widened to cover areas where water is stored other than washlands?

### **Inspector’s Reasoning and Conclusions**

- 5.43
1. The Council’s evidence indicates that flooding issues have been discussed at some length with the Environment Agency, following which the Agency have withdrawn all their relevant objections. There is nothing here to suggest that the Council’s approach towards development in flood plains in Policy N38A is more restrictive than that of the Agency, as Keyland Developments argue. Nor does the objector advance any evidence in support of the argument that this is so, or that the Policy would stifle development. Subject to the detailed amendments recommended below, the Policy echoes PPG25 advice on restricting development in functional flood plains and accordingly I do not regard it as over-restrictive. Nor do I see any good reason to prefer Policy N38 in the AUDP which pre-dates that Guidance.

- 5.44 Commercial Estates Projects say that the Plan allocates sites for development within washlands and, to avoid a policy conflict, seek a statement in the supporting text that revisions to the extent of washlands may mean that the Policy will not apply to some such land. My reading of the Proposals Map is that there are no substantive overlaps between allocations and designated washland but I recommend that this point be carefully checked, in consultation with the Environment Agency if necessary. The extent of washland should reflect the most up to date information available at the time modifications to the Plan are published. The Policy is rightly restrictive towards development in functional flood plains in line with PPG25 and, in my view, if there are any instances where allocations do extend onto washlands, there would need to be particularly cogent justification for them if the policy conflict cited by the objector is to be avoided. If there is such justification then it would be prudent to add to the Plan site-specific information on how any flood risks will be addressed. This approach would be preferable to the wording suggested by the objector which, in pursuit of flexibility, would appear to store up uncertainty for the future.
- 5.45 2. Yorkshire Wildlife Trust, RSPB and Churwell Action Group all wish nature conservation to be identified as a further possible exception to the preclusion of development on washland<sup>1</sup> in Policy N38A on the grounds that there are key nature conservation areas within flood plains, and that PPG25 acknowledges that this is a land use that may be appropriate in even the highest risk areas. The Trustees of Methley Estate and Lafarge Aggregates make a similar case for mineral working on the basis that minerals can only be worked where they occur, that this is often in flood plains, and that without an exception the proposed policy would appear to conflict with Policy GM4 of the AUDP.
- 5.46 The Council, apparently on the advice of the Environment Agency, and whilst accepting that both nature conservation and mineral working may of necessity be found in flood plains, say that they should be considered as exceptions to Policy N38A, and propose additional text in the RUDP that would make this clear. Taking nature conservation first, whilst the change is helpful, I do not believe that it goes far enough. Table 1 of PPG25, on which the Policy exceptions appear to be based, says that functional flood plains [Zone 3c] “may be suitable for some recreation, sport, amenity and conservation uses” [with provisos on warning and evacuation procedures, and a presumption against camping and caravan sites]. However, the Policy refers only to “appropriate open recreational uses” and does not define what is meant by “appropriate”. The Council have advanced no evidence as to why their stance should apparently be more restrictive than that in national guidance and I recommend that the scope of clause (i) of the Policy be widened accordingly. This would also address Churwell Action Group’s objection to the RD and thus I do not deal with that separately. It would be helpful to users of the Plan to define what is meant by an “appropriate” use and I recommend a form of words below.
- 5.47 Turning to mineral working, whilst this is referred to in para. 33 of PPG25 as likely to occur in “areas of flood risk”, and capable of providing additional storage for flood water, it is not specifically covered in Table 1 as an activity which may be acceptable in functional flood plains. Accordingly, I consider it prudent that proposals for mineral working should be handled on their merits, outside the scope of Policy N38A, as the Council propose. They acknowledge in evidence that lack of mineral resources

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<sup>1</sup> “Washland” is amended to “Functional flood plain including washland areas” in the RD.

elsewhere may be a material consideration that would outweigh the restrictive policy and this is a point that could usefully be made in the supporting text, as could the potential benefits to flood control, as referred to both in PPG25 and in Lafarge Aggregate’s objection. Lafarge Aggregates also object to reference in para. 5.5.10 to securing the “agreement” of the Environment Agency as tantamount to according the Agency a power of veto over all development. The Council accept that the appropriate word is “consultation” and I employ this in my recommended text below which would supersede that put forward by the Council in evidence [LCC/008/A].

- 5.48 3. An amendment to Policy N38B, and the relevant supporting text, in the RDUDP would in my view satisfactorily address the concern of Otley residents that where phased development is proposed there should be an overall assessment of flood risk before implementation of the first phase. The wording allows both for situations where one developer would be undertaking a scheme and for those where there would be a number. In the latter situations the detailed apportionment of responsibility is a matter to be dealt with on a case-by-case basis, through mechanisms like masterplans and planning obligations.
- 5.49 4. Commercial Estates Projects’ objection, that Policy N38B should be more clearly expressed, has been in part overtaken by re-drafting in the RDUDP that would delete reference to consultation with the Environment Agency from the Policy and place it in the supporting text. I appreciate the thrust of the Agency’s objection that stimulated the change, namely that responsibility for advising on flood risk is not theirs alone but shared with local authorities; PPG25 makes this clear [paras. 59-60]. However, the change has the unfortunate effect of leaving the words “where appropriate” in the Policy unexplained so that applicants for planning permission have no guidance on the circumstances in which a risk assessment would be necessary. Whilst I accept that the supporting text does refer to liaison with the Environment Agency and the Council, I consider that for a matter of this importance the Policy itself should provide clearer and firmer guidance. I recommend a form of words below, based on that suggested by Commercial Estates Projects.
- 5.50 5. At the Inquiry Churwell Action Group withdrew the first element of their objection to the FD supporting text, relating to biodiversity in washlands. The second element, that developers undertaking flood defence or alleviation works should provide a deposit towards future maintenance, apparently stems from concern that planning obligations are not always properly discharged or enforced. Whilst it is clearly important that such obligations, if justified in the first place, should be followed through to fruition, I agree with the Council that this is too detailed a matter to properly include in a UDP. More importantly, the details of how maintenance will be carried out and paid for will vary from scheme to scheme and should be considered on an individual basis. It would be wrong to imply in the Plan that a deposit will be necessary and appropriate in every case.
- 5.51 6. South East Otley Residents Association want the supporting text to acknowledge the role of areas other than the functional flood plain and washlands in temporarily storing rainfall en route to watercourses; and Policy N38A to protect such areas from development. PPG25 makes clear that development should be assessed not only in terms of whether it would itself be at risk of flooding but also of whether it would increase the risk of flooding elsewhere by increasing run-off. However, in terms of the sequential approach the Guidance does single out functional flood plains as at greatest risk, and the Council’s approach properly reflects this. I consider that to

extend the scope of the Policy in the way suggested would make it hard to apply in practice [as there is no clear definition that would cover all the areas concerned] and would weaken its effectiveness. If there was a need to safeguard flood storage capacity elsewhere this would be addressed through the requirement for flood risk assessments under Policy N38B, strengthened as I recommend below.

## **RECOMMENDATION**

### **5.52 I recommend that:**

- 1. the UDP be modified in accordance with RD Alteration 5/003, subject to:**
  - a. inserting the words SPORT, AMENITY AND CONSERVATION between RECREATION and USES in Policy N38A;**
  - b. replacing RD para. 5.5.10e with the following:**

**“Appropriate” uses in terms of the Policy are those that do not interfere with flood plain flows or increase the risk of flooding elsewhere, do not involve residential accommodation, and incorporate warning and evacuation measures where necessary to ensure public safety. Minerals extraction is an activity that may of necessity have to locate in the functional flood plain. Whist mineral working proposals will be treated as exceptions to the policy, and handled on their merits and in consultation with the Environment Agency, the Council will take into account locational constraints, the possibility that needs for minerals cannot be met from other sources, and the potential benefits of mineral working to flood control, such as provision of flood water storage capacity.”**
  - c. replacing the first sentence of RD Policy N38B with the following:**

**PLANNING APPLICATIONS MUST BE ACCOMPANIED BY A FLOOD RISK ASSESSMENT WHERE CONSULTATIONS WITH THE COUNCIL OR THE ENVIRONMENT AGENCY HAVE IDENTIFIED A NEED FOR SUCH ASSESSMENT, OR WHERE THERE IS OTHER CLEAR EVIDENCE THAT A PROPOSAL IS LIKELY TO BE AFFECTED BY FLOODING, OR COULD INCREASE THE RISK OF FLOODING ELSEWHERE.**
- 2. the Proposals Map be checked, in consultation with the Environment Agency if necessary, for any instances where allocations and designated washlands overlap; an assessment made of whether any such cases can be fully justified; and, if necessary, site-specific information be included on measures necessary to address any flood risk.**

## **ALTERATION - 5/004 (SUSTAINABLE DRAINAGE: POLICY N39A)**

### **Objections**

21510 Yorkshire Water  
21727 Persimmon Homes West Yorks Ltd

## Issues

- 5.53 1. Should the policy approach be strengthened to ensure that developers explore the feasibility of using Sustainable Drainage Systems (SUDS), and provide for their future management and maintenance?
2. Is the reference in the supporting text to SPG in accordance with national guidance?

## Inspector’s Reasoning and Conclusions

- 5.54 1. Yorkshire Water are concerned that, as the Policy does not define what “wherever practicable” means, developers may seek to avoid implementing SUDS on the grounds that the work required to establish the feasibility of such schemes is itself not “practicable”. In their original objection they suggest that the Policy should be strengthened to require developers to show that they have explored the feasibility of using SUDS and, if the outcome of that work is positive, to implement a scheme; in further representations they request that this requirement be included in the supporting text.
- 5.55 I agree that the words “wherever practicable” are imprecise, even though the supporting text refers to the Council’s SPG22 which advises developers to take account of the SUDS approach. Importantly, both PPG25 and RSS encourage the use of SUDS, the former pointing out that they are neither new nor untried, and will need to be employed more widely in the interests of sustainability [Appendix E, para. E13]; and that one way of furthering their use is to adopt promotional policies in local plans [para E15]. If SUDS are to become the norm then I believe it is reasonable to expect planning policies to be clear and proactive, and not to leave possible loopholes of the type that rightly concern Yorkshire Water. I also consider that the matter is sufficiently important to be covered in the Policy rather than in the supporting text or by reference to SPG alone. I recommend a form of words below, together with a cross-reference in the supporting text to define what is meant by “significantly” increasing surface run-off.
- 5.56 SUDS need maintenance if they are to work properly and to date no general arrangements for their adoption have been agreed between local planning authorities, water companies and the Environment Agency. PPG25 includes “agreements on adoption, maintenance and operation of the systems” among the issues for essential consideration early in the planning and design stages [Appendix E, para. E14], and Policy R3 of RSS also specifically refers to maintenance as a matter to be promoted. For all these reasons, and notwithstanding that the Council’s SPG states that clear-cut provision should be made for maintenance, it would be prudent to refer to the matter in the Policy so that developers are left in no doubt as to the need to resolve future liabilities at an early stage. My recommended modification of the Policy wording does this and, together with what is already stated in the SPG, obviates the need to also cover maintenance in the supporting text, as Yorkshire Water seek.
- 5.57 2. PPG12 advises that SPG should not be used to avoid public scrutiny of matters that should be properly included in the plan, and that plan policies should not delegate criteria for decisions to such guidance. Although the Council’s SPG22 is not written in a prescriptive way, the statement in paragraph 5.5.11d of the FDUDP, that

“developers will be **required** to show how sustainable drainage features have been incorporated in accordance with (it)” (my emphasis), is arguably at odds with this advice. My recommended wording below seeks to make the situation clear as part of the Policy itself and the existing cross-reference to SPG then becomes unnecessary as well as inappropriate. I recommend a replacement second sentence to para. 5.5.11d of the supporting text.

## **RECOMMENDATION**

**5.58 I recommend that the UDP be modified in accordance with FD Alteration 5/004, subject to:**

**1. substituting the following for Policy N39A:**

**APPLICANTS FOR PLANNING PERMISSION FOR DEVELOPMENT LIKELY TO SIGNIFICANTLY INCREASE RUN-OFF OF SURFACE WATER SHOULD DEMONSTRATE THAT THEY HAVE EXPLORED THE FEASIBILITY OF INCORPORATING SUSTAINABLE DRAINAGE SYSTEMS INTO THEIR PROPOSALS. SUCH SYSTEMS SHOULD BE IMPLEMENTED UNLESS DEMONSTRABLY IMPRACTICABLE OR INAPPROPRIATE, AND PROVISION SHOULD BE MADE FOR THEIR FUTURE MAINTENANCE.**

**2. substituting the following for the second sentence of para. 5.5.11d of the supporting text:**

**“The City Council’s Supplementary Guidance Note 22, “Sustainable Drainage”, summarises the scope of sustainable drainage and encourages its use.”**

**3. adding the following at the end of para. 5.5.11d of the supporting text:**

**“Proposals to which the Policy applies are those defined as significant developments in the Supplementary Guidance”.**

## **ALTERATION 5/006 (WASTE MANAGEMENT: POLICY N47)**

### **Objection**

21613 W.A.C.A

### **Issue**

**5.59 Should a site be allocated for a waste disposal site in Morley?**

## **Inspector’s Reasoning and Conclusions**

**5.60** The Community Association say that Morley residents must use the Middleton depot as facilities in Kirklees and Wakefield are not open to them but neither they nor the Council provide any information on which I can judge how this compares with the situation elsewhere in Leeds, or come to a view on whether additional provision is



justified in Morley. However, I note that policies in Chapter A7 will be substantially re-cast as part of the Review and, together with the “encouraging” stance of Policy N47, they would provide a positive context for any proposals for Morley that might emerge. In particular, Policy WM1 covers the proximity principle of treating waste as close to its source as possible, supporting text states that the Council will encourage a spread of facilities across the City [para A7.4.5], and Policy WM6 states that they will liaise with neighbouring authorities so as to serve residents of the wider area and secure the most sustainable solution. If the Community Association can pinpoint a particular need in Morley they may wish to discuss it with the Council against this policy background but at present there is no basis for an allocation.

## **RECOMMENDATION**

**5.61 I recommend that the UDP be modified in accordance with FD Alteration 5/006.**

### **ALTERATION 5/007 (AIR QUALITY)**

#### **Objection**

21605 Morley Town Council

#### **Issue**

5.62 Does the Review give sufficient emphasis to bus travel as the principal alternative means of transport to the car?

#### **Inspector’s Reasoning and Conclusions**

5.63 Whilst there is no doubt that encouraging bus travel is one means of helping to reduce the need for car journeys, and thus to improve overall air quality, the Review does not seem to me to be deficient in this respect. A revised Strategic Aim, SA2, seeks to promote use of public transport, reduce the length of journeys made by car, and protect the environment. Under Policy T1 transport investment is to be directed to improving facilities for public transport, and Policies T14-T16 all deal specifically with measures to support and improve bus services; the changes made to the latter in the Review increase the emphasis given to bus travel compared with the corresponding policies in the AUDP. Overall, the Review shows a substantial commitment to bus travel and to go further might well mean going beyond the confines of a land use plan and into matters properly addressed through the Local Transport Plan.

5.64 There appears to be a typographical error in the third sentence of para. 5.8.3 of the supporting text which refers to “maximising accessible previously developed land”. I assume that the words “the use of” have been omitted after “maximising” and this should be checked.

## **RECOMMENDATION**

**5.65 I recommend that the UDP be modified in accordance with FD Alteration 5/007.**

## CHAPTER 6 - TRANSPORT

### ALTERATION 6/001 (INTRODUCTION)

#### Objections

20479 Churwell Action Group  
21705 Morley Town Council

21707 W Ardsley Community Association  
25197 Nexus Land and Property

#### Issues

- 6.1 1. Should the supporting text refer to inclusive and affordable public transport?
2. Should the City Council prepare a transport strategy?
3. Does the Review give sufficient emphasis to bus travel as the principal alternative means of transport to the car?
4. Should SA2 refer to provision of sustainable infrastructure?

#### Inspector’s Reasoning and Conclusions

- 6.2 1. Churwell Action Group’s objection that there should be references to inclusive and affordable public transport is related to their objections on the same theme to earlier Alterations and I deal with the substantive issues raised under Chapters 2-4. Here, as there, I consider that affordability is a matter outside the remit of the UDP, and that the Plan text should not be amended in a way that could imply that other documents referred to and summarized [in this case PPG13 and the Local Transport Plan [LTP] cover matters that in reality they do not.
- 6.3 2. The Action Group also consider the LTP to be aspirational and vague, and they seek a more pro-active strategy from the Council. However, PPG12 sets out the relative roles of the development plan and the LTP, and the Council make the point that they have not prepared a separate transport strategy since 1991 as the relevant policies have been incorporated into the West Yorkshire LTP. If the Action Group consider those policies to be inadequate then it is for them to press for change when the LTP is revised, or as part of the new LDF system. For the Council to now prepare a separate strategy, or to seek to incorporate parallel transport policies into the UDP, would be likely to lead to confusion and seriously impede the very progress that the objector seeks.
- 6.4 3. I do not share the view of Morley Town Council and West Ardsley Community Association that the Plan aims to get more people using public transport primarily by making use of the car more awkward. As I say under Alteration 5/007 above, there is a substantial commitment to improving public transport in general, and bus services in particular, as a positive incentive to people to change modes; and the RUDP goes about as far as a land-use plan reasonably can in this direction. Nor does it seem to me that the balance between bus services and Supertram is unreasonably tilted towards the latter. Other matters raised, such as the control of operators and the cost of services, are more appropriately tackled through the LTP which, as the Council point out, contains a specific bus strategy. I have no information on which to judge

the situation in Morley but, again, proposals for service improvements in general, and a bus station in particular, should be brought forward through the LTP in the first instance.

- 6.5 4. Including reference in the Strategic Aim to providing developments which enable provision of sustainable infrastructure, as advocated by Nexus Land and Property, could imply that if the infrastructure is sustainable so is the rest of the development. This is not necessarily the case; sustainability is a more complex issue than this, dependent on a number of factors, important among which is location. It would be wrong to permit a development that was in an unsustainable location, or was unacceptable in other respects, because it could be accessed by more sustainable modes of transport. The emphasis of SA2 is appropriate as it stands in that it encourages development “in locations that will reduce the need to travel...” Also, its reference to “promot[ing] the use of public transport and other sustainable modes...” does to a large extent encapsulate what the objector seeks; no further change is necessary.

### **RECOMMENDATION**

- 6.6 I recommend that the UDP be modified in accordance with RD Alteration 6/001.

### **ALTERATION 6/003 (POLICY T2B: TRANSPORT ASSESSMENTS)**

#### **Objections**

21810 Secondsite Property Holdings Ltd  
21932 RPS Planning and Transportation

#### **Issues**

- 6.7 1. Is guidance in the supporting text on what constitutes “significant” travel demand well-founded and adequately justified?
2. Is the requirement to submit, as part of Transport Assessments, details of how the “best practicable” sustainable balance of travel mode would be achieved, reasonable?

#### **Inspector’s Reasoning and Conclusions**

- 6.8 1. PPG13 advises that Transport Assessments should accompany proposals which will have significant transport implications [para. 23]. It does not define what is “significant” in this context but under Travel Plans indicates that such proposals are likely to include major employment, retail, leisure and service developments which meet the size criteria defined in Annex D of the Guidance for application of maximum parking standards. Proposed Policy T2B also uses the word “significant” but relates it to travel demand rather than transport implications. The supporting text refers the reader to SPG5 where a significant generator of travel is defined as one creating more than 250 trips per day. The objectors consider this figure arbitrary and unrealistically low, and urge cross-reference to the PPG13 definition.
- 6.9 The Council’s SPG5 is not before me, and is evidently going through its own

consultation process; and the Council reasonably argue that UDP policies should reflect the strategic status of the Plan and not become immersed in detail. Nevertheless I consider that what is “significant” travel demand is central to the application of the Policy and cannot be delegated in its entirety to SPG. Some explanation should be given in the supporting text, albeit in general terms. There is nothing to compel use of the PPG13 figures; what is important is that any definition should be properly justified and reflect local circumstances.

- 6.10 The threshold of 250 trips per day in SPG5 appears to be derived from TRICS data that is in turn related to gross floorspace figures for different types of development but there is no indication of how it has been derived. I agree with the objectors that it lacks any obvious justification and in consequence appears arbitrary. Whilst I cannot make a formal recommendation on the content of the SPG, I would advise the Council to re-examine this point to ensure that the threshold is robust, and that it is fully explained in the SPG, as well as in summary in the Plan.
- 6.11 2. The requirement to submit, as part of a Transport Assessment, details of measures to achieve the “best practicable” sustainable balance of travel mode seems to me to encapsulate national advice on planning for more sustainable transport. I do not share RPS Planning and Transportation’s view that these words are over-onerous, or that “appropriate” would be an improvement. The latter is less precise and more open to argument.

## RECOMMENDATION

- 6.12 **I recommend that the UDP be modified in accordance with RD Alteration 6/003, subject to amplifying para. 6.4.4a of the supporting text to indicate briefly how the threshold of what is “significant” in terms of the Policy has been derived and how it would apply in practice.**

## ALTERATION 6/004 (POLICY T2C: TRAVEL PLANS)

### Objections

21779 Ashdale Land & Property Co Ltd  
21809 Secondsite Property Holdings Ltd  
21933 RPS Planning and Transportation

### Issue

- 6.13 Should the need for a Travel Plan be determined by reference to Annex D of PPG13 rather than Annex A of the Council’s SPG5?

### Inspector’s Reasoning and Conclusions

- 6.14 The issue here is essentially the same as the first issue under the preceding Alteration. In the supporting text the Council cross refer to Annex A of SPG5 as defining what is a “significant” generator of travel demand, and which therefore requires to be accompanied by a Travel Plan. Objectors prefer the scale and type of land uses listed in Annex D of PPG13. Ashdale Land and Property point out that the SPG includes housing but the PPG does not.

- 6.15 Annex D of PPG13 sets out maximum parking standards to apply above defined floorspace thresholds for certain land uses but para. 89 of the Guidance also refers to it in the context of Travel Plans. Such Plans are to be submitted for developments that have significant transport implications, “including those for all major developments comprising jobs, shopping, leisure and services [using the same thresholds as set out in Annex D].” However, I do not read the Guidance as requiring slavish compliance with what is included in its Annex. Use of the word “including” leaves it open to local authorities to cover further types and scale of land use, as indeed the rest of the paragraph makes clear. This interpretation is also consistent with what para. 53 says about parking standards, with which Annex D is principally concerned, namely that local authorities may adopt more rigorous standards than those stated. I see no reason in principle why the Council should not take a similarly more rigorous approach to the need for Travel Plans provided that approach is fully justified in the light of local circumstances.
- 6.16 That is the rub. There is nothing in either the Plan or SPG5 to explain why the particular floorspace thresholds, apparently related to the figure of up to 250 trips per day, are regarded as indicators of “significant” travel demand. As for the preceding Alteration, this should be remedied, both in the SPG and, in summary, in the supporting text of the Plan. Again, though I do not make a formal recommendation on the point, I advise the Council to also address the omission in the SPG.
- 6.17 In response to an objection from Hammerson UK Properties the Council amended the Policy in the RD to take account of situations in which the end user of a development was not known; in such cases, rather than the Travel Plan accompanying the planning application, the need for it would be signalled by a planning obligation or condition. Through IC/008 they now propose reverting to the original stance, with Travel Plans required for all applications to which the Policy applies, on the basis that national best practice guidance advocates requiring interim travel plans for speculative proposals, to be followed later by more detailed proposals. This approach would enable early agreement on elements of Travel Plans, such as public transport provision and levels of parking which need to be determined at the planning application stage. Waiting until the end users are known might mean that decisions on such matters have already been taken and options for the Travel Plan precluded. I therefore endorse the IC but the supporting text should be amplified to explain the role of interim Plans. I recommend a form of word below but this is not intended to be definitive; I leave it to the Council to amend or amplify as they see fit in the light of the wider range of good practice they will have to hand.

## RECOMMENDATION

- 6.18 **I recommend that the UDP be modified in accordance with FD Alteration 6/004, as further amended by IC/008, and subject to:**
- a. **amplifying para. 6.4.4f of the supporting text to indicate briefly how the threshold of what is “significant” in terms of the Policy has been derived and how it would apply in practice; and**
  - b. **adding the following to the end of para. 6.4.4g:**  
**“For speculative proposals, where the identity of the end users is unknown, an interim Travel Plan should accompany the planning application to set out matters that need to be agreed prior to development taking place, and to provide a framework and timetable for**

later submission of a final, detailed Plan.”

## ALTERATION 6/005 (POLICY T2D: PUBLIC TRANSPORT CONTRIBUTIONS)

### Objections

21505	Turley Associates	21813	Secondsite Property Holdings
21533	Leeds Teaching Hospitals Trust	21934	RPS Planning
21717	BT PLC	22382	Green Properties
21780	Ashdale Land & Property Co Ltd		

### Issues

- 6.19
1. Is it made sufficiently clear that development contributions or action should be directly and reasonably related to the development proposed, in line with national guidance?
  2. Is the Policy approach reasonable? Should it take account of other development costs, public benefits that may be offered, and planning obligations that may be sought?
  3. Is the meaning of “unacceptable” public transport accessibility clear?
  4. Is it reasonable to expect measures to be completed before the development is completed or operational?

### Inspector’s Reasoning and Conclusions

- 6.20
1. A number of objectors are concerned that, in one way or another, the Policy does not comply with advice in Cr. 1/97 that planning obligations should be sought only where necessary, and directly and reasonably related to development proposals. It is criticized as imposing a blanket requirement, irrespective of individual circumstances, and of allowing for contributions to be sought to rectify existing transport problems rather than to address the impacts of new proposals.
- 6.21
- PPG13, para. 81, advises local planning authorities to take a more pro-active approach to implementing planning policies on transport, and to include policies in their development plans to provide a transparent basis for using planning conditions and planning obligations to deliver more sustainable transport solutions. Policy T2D thus fulfils a valid planning purpose in principle.
- 6.22
- There are a number of existing safeguards against the sort of abuse of planning obligations that objectors fear. PPG13 makes clear that obligations may be used to cover transport measures “likely to influence travel patterns **to the site involved**” [my emphasis]; and that, when entering into such obligations, the usual statutory and policy tests should be considered [para. 84]. Those tests are set out in detail in Cr. 1/97, which also contains specific advice on the circumstances in which contributions towards improving accessibility may be appropriate [para. B10]. The AUDP already contains a policy [GP7], echoing the tests in the Circular, and setting out the general constraints attaching to planning obligations; and the supporting text to proposed Policy T2D indicates that measures will be “strictly and proportionately related to the development in question” and not used to rectify existing problems unconnected with

the development concerned.

- 6.23 Given that the Plan must be read as a whole, and alongside national guidance, I believe there is enough here to satisfy objectors’ concerns without the need to add significantly to the Policy or supporting text. For the avoidance of any remaining doubt I recommend a modification to the text that would make clear that the Policy was not aimed at dealing with existing access shortcomings, and that the need for action must arise from the proposal concerned.
- 6.24 2. Turley Associates say that the Policy should make clear that development in less accessible areas will not always justify a funding contribution and suggest a re-drafting to make it less prescriptive. Other objectors similarly perceive a “blanket” approach, and also wish the assessment of contributions to transport improvements to take account of development costs, and other obligations sought. Leeds Teaching Hospitals Trust argue that projects that deliver significant public service benefits should be exempt from the Policy, as should the Trust itself.
- 6.25 In “requiring” a developer contribution the Policy goes further than PPG13 which refers to them being “sought”, and to planning obligations being “negotiated” [paras. 83 and 81 respectively]; this latter emphasis reflects that in Cr. 1/97. No cogent evidence has been advanced as to why the Policy should be more prescriptive than national guidance. I note that the Government Office originally requested “seek” and, although they subsequently withdrew their objection following inclusion of “expect”, I consider the former to be more appropriate and I recommend it accordingly. Subject to this the rest of the Policy is reasonable and acceptable as it stands. I do not favour the more relaxed wording advocated by Turley Associates which would replace the clear list of areas where public transport accessibility could be improved with a “context” of other costs associated with a development proposal, within which the terms of the contribution would be “considered”.
- 6.26 Other development costs, including exceptional costs, and other financial contributions sought, and their effects on the overall viability of a proposal, are all matters to be weighed in the balance when determining what it would be reasonable to seek by way of contributions to improving public transport accessibility, and no doubt developers will be keen to volunteer information on such matters. However, the assessment should be done on a case-by-case basis, in the light of this and other policies in the Plan, and of national advice. Enshrining other possible costs in policy, as suggested, would simply extend the text without any obvious benefits. Nor do I see any justification for exempting as a matter of principle projects with significant public service benefits [assuming these could be defined in a generally acceptable way], or the NHS Trust. Here again, whether a contribution should be sought and, if so, for what and for how much, are matters to be determined on the merits of a particular proposal, rather than by reference to the type of development or identity of the developer or occupier.
- 6.27 3. Although there is no definition of what constitutes “unacceptable” public transport accessibility, I consider that what is meant is adequately explained in the supporting text, and would be further clarified by the modification I recommend to the Policy itself. I see no good reason to prefer the word “poor” as BT advocate. It would be for the Council to justify any decision that accessibility was unacceptable, on appeal if necessary.

- 6.28 4. It is sensible for necessary public transport measures to be in place before a development is completed or comes into use so that occupiers or users can take advantage of them from the outset, before less sustainable patterns of transport become established. The reference in the Policy to achieving this “where possible” is pragmatic and would not be obviously bettered by using “desirable” as Turley Associates suggest. Nor, for the reasons set out above, do I endorse qualifying the final part of the Policy by reference to other development costs, and their effects on the viability of the proposal. Whilst such matters could well influence the timing of provision, they should be considered on a site-specific basis rather than be enshrined in policy.
- 6.29 In response to an objection from Green Properties the Council accept that the final area for possible transport enhancements listed in the Policy, contribution to possible future enhancements identified in the LTP, could be construed as being unrelated to a particular planning application. They propose IC/007 deleting the section in question, which would satisfy the objector and which I endorse as making the Policy more focussed and sounder.
- 6.30 Some of the objections relate to draft SPG5 as well as to the UDP. As already noted, the former is not before me and I have no remit to make recommendations upon it. However, whilst the guidance is a commendable attempt to put the assessment of contributions on a rational basis, there are a number of aspects, highlighted by objections, that in my view need some attention to bring them into line with national advice. In particular, the section on General Principles reads in large part as a series of parallel policies and I draw attention to what PPG12 says about the need for consistency between SPG and the development plan, and about not delegating criteria for decision making to SPG [paras 3.15-3.17]. Also, references to planning obligations being “required” are at odds with advice in Cr. 1/97 and elsewhere. The Council may wish to look again at these points.
- 6.31 IC/006 changes a reference in the supporting text to existing SPG to an intention to publish such guidance or a Supplementary Planning Document under the LDF system. It should be included as a factual correction though it might be more elegantly expressed as “Supplementary Planning Guidance or a Supplementary Planning Document will be produced...”, or the same using the respective abbreviations.

## **RECOMMENDATION**

- 6.32 **I recommend that the UDP be modified in accordance with RD Alteration 6/005, amended by IC/006 and IC/007, and subject to amending the first sentence of the Policy as follows:**

**WHERE PUBLIC TRANSPORT ACCESSIBILITY TO A PROPOSAL WOULD OTHERWISE BE UNACCEPTABLE, THE COUNCIL WILL SEEK DEVELOPER CONTRIBUTIONS OR ACTION TO MAKE ENHANCEMENTS, THE NEED FOR WHICH ARISES FROM THE PROPOSAL.**



## **ALTERATION 6/007 (POLICY T7: CYCLE ROUTES)**

### **Objection**

21799 Skelton Business Park Ltd

### **Issues**

- 6.33 1. Is the route of the cycle route through the Wykebeck Valley correctly identified?
2. Should the Plan state that the Council will consult the objector on the detailed design and construction of the route?

### **Inspector’s Reasoning and Conclusions**

- 6.34 1. In the RD the route of the cycleway has been amended to accord with that in a planning application which the Council have resolved to approve. This evidently satisfies the objector on the first issue as the objection has been withdrawn. However, a parallel objection remains extant, and also requests that the objector be consulted on the details of the cycle route.
- 6.35 2. The proper concern of the Plan is to define the line of the route and, whilst I am sure that the Council will consult the objector further, this is too detailed a matter to include. To do so would imply that similar wording should be incorporated for many other similar proposals, which would seriously overburden the text.

### **RECOMMENDATION**

- 6.36 I recommend that the UDP be modified in accordance with RD Alteration 6/007.

## **ALTERATION 6/009 (POLICY T9: GENERAL PUBLIC TRANSPORT PROPOSALS)**

### **Objections**

21535 Leeds Teaching Hospitals Trust  
21536 Leeds Teaching Hospitals Trust

### **Issue**

- 6.37 Should the Plan include policies specifically providing for improved public transport links between the City Centre and Leeds General Infirmary, and between Otley Town Centre and the Hospital?

### **Inspector’s Reasoning and Conclusions**

- 6.38 PPG 12 advises that a development plan should include transport proposals that directly involve the development and use of land, and that are firm, with a reasonable degree of certainty of proceeding within the plan period, and identified as such in the LTP [paras. 5.15 and 5.17]. No information has been submitted on which I can assess what is sought against these criteria and, on the very limited evidence before me, it is not something on which the Plan could say anything useful. These would

appear to be matters best pursued in the first instance with the Passenger Transport Authority and public transport operators, and developed through the LTP. If there were any land-use implications then Policy T9, amended to refer to health facilities, would be supportive in principle.

- 6.39 As there are no substantive objections to the Policy I do not formally go beyond recommending its inclusion in the UDP as amended. However, I question whether a policy so hedged around with qualifications [such as supporting “where practicable”, giving “appropriate” access and “generally” supporting] materially helps the user of the Plan, or has any real value. I suggest the Council look again at the text and, at the very least, consider whether these words justify explanation in the supporting text.

## **RECOMMENDATION**

- 6.40 **I recommend that the UDP be modified in accordance with FD Alteration 6/009.**

### **ALTERATION 6/010 (POLICY T10A: RAIL LINE [SAFEGUARDED CYCLEWAY/WALKWAY])**

#### **Objections**

20306 Otley Town Council  
30011 Cllr Illingworth  
30055 Cllr Souper  
30439 Mr Torode

#### **Issue**

- 6.41 Should Otley and Hawksworth be added to the list of possible new stations in para. 6.5.5?

#### **Inspector’s Reasoning and Conclusions**

- 6.42 The list of possible new stations is drawn from information supplied by Metro, the latest version of which is to be found in Railplan 5 which forms part of the LTP [CD/REG/03]. Neither Otley nor Hawksworth appear in Railplan 5, though the latter was included in an earlier Railplan 3 [CD/GEN/23]. PPG12 [paras. 5.15-5.17] advises that transport proposals with land-use implications should be included in the development plan but only where they are firm, are reasonably certain to proceed during the plan period, and are identified as such in the LTP. Whilst I have no doubt that the objectors’ proposals would bring benefits to their surrounding areas, including them in the RUDP when they do not appear in the LTP would serve no purpose as there would be no mechanism to bring them to fruition; references to them would thus be potentially misleading. Their transport and financial implications would need to be assessed, and commitments secured to their implementation, through the LTP process. However, should such proposals adventitiously arise, the Council could support them under Policy T11.
- 6.43 I endorse IC/002 which corrects a mathematical error in the supporting text.

## RECOMMENDATION

- 6.44 I recommend that the UDP be modified in accordance with RD Alteration 6/010, as further amended by IC/002.

## ALTERATION 6/011 (POLICY T14: PUBLIC TRANSPORT CORRIDORS)

### Objections

21669 Government Office for Yorks and the Humber  
21825 Leeds Review Consortium

### Issues

- 6.45 1. Is Policy T14 sufficiently concrete?
2. Should the supporting text be amplified to state that implementation of Supertram will enable sustainable development that will contribute to the Council’s regeneration objectives?

### Inspector’s Reasoning and Conclusions

- 6.46 1. As proposed to be amended, the Policy states that further corridors for Supertram, guided bus or busway, beyond those specifically identified, will be investigated and brought forward. This is not a policy in any real sense but simply indicates an intention to carry out further work and as such it contributes nothing to the Plan’s land-use strategy. The fact that the Review only makes minor changes to an existing AUDP policy, as the Council point out, is no reason to carry forward something that is of no tangible value. It should be deleted and, if the Council wish, be transferred to the supporting text.
- 6.47 2. Leeds Review Consortium’s objection, in addition to the second issue noted above, makes a wider point, that the Plan should be based on sustainability criteria, including proximity to Supertram routes. I deal in Chapter 7 Housing with the extent to which housing allocations have been subject to sustainability analysis but it would be appropriate to record in the supporting text here that Supertram will make development that it serves significantly more sustainable. The fact that the reason for amending the text in the Review is, as the Council say, to update the situation on Supertram does not preclude such a further change. I recommend a form of words below.

## RECOMMENDATION

- 6.48 I recommend that the UDP be modified in accordance with FD Alteration 6/011 subject to:

- a. deleting Policy T14; and
- b. adding the following to the end of para. 6.5.8 of the supporting text:

“Supertram services will help encourage journeys to be made by public transport rather than by car and thus will contribute to

**sustainability both in general and in the communities through which they pass. This will be a factor to be taken into account in decisions on the future location, scale and character of development along the routes.”**

## **ALTERATION 6/013 (POLICY T16 & T17: PARK & RIDE)**

### **Objections**

21588 Keyland Developments Ltd  
25198 Nexus Land and Property

### **Issues**

- 6.49 1. Should Policy T17 allocate a park and ride site at the former Horsforth Sewage Treatment Works, off Kirkstall Road?
2. Should Policies T16 and T17 make specific reference to land being allocated at Whinmoor Farm and York Road to facilitate quality bus route corridors and the East Leeds Supertram?

### **Inspector’s Reasoning and Conclusions**

- 6.50 1. Policy T17 lists locations for park and ride schemes, most of which are related to proposed Supertram terminals. Keyland Developments wish to see added a site off Kirkstall Road, west of the former Kirkstall Forge, on the grounds that it is well placed to serve a large population in north-west Leeds, including residents of communities close to the outer ring road [A6120], and that buses from there to the City Centre could help reduce car traffic on the A65 radial road which becomes heavily congested closer to the Centre. Attention is drawn to the identification of the A65 as a Quality Bus Corridor under RUDP Policy T20, and to the support that Policy T16 gives to provision of park and ride schemes associated with such Corridors.
- 6.51 PPG13 encourages provision of well-designed and well-conceived park and ride schemes; such schemes should be developed as an integral part of the planning and transport strategy for the area, included in the LTP, and subjected to robust assessment, including consideration of alternative sites [paras. 59-61]. In the last respect PPG13 also amends PPG2 to make clear that park and ride sites are not inappropriate in the Green Belts subject to a number of provisos, including that thorough and comprehensive assessment of potential sites has been carried out [PPG2 para. 3.17]. PPG12 states that development plans should include transport proposals with land-use implications but only where they are “...firm, with a reasonable degree of certainty of proceeding within the plan period and...identified as such in the local transport plan. Ideally they should be programmed and finance committed.” [paras. 5.15-5.17].
- 6.52 At the Inquiry there was a good deal of detailed analysis of the above guidance and the objector argued that what is said about transport proposals being included in development plans was of equal relevance to advice that they should emerge through the LTP; that in the latter context “should” did not mean “must”; and that the statement that proposals should “ideally” be programmed, with committed finance,

meant simply that. In their view the Council should not turn away proposals that might arise adventitiously, especially as the LTP process did not afford the same opportunities to advance such proposals as the development plan. Nor should they turn away park and ride schemes capable of implementation during the Plan period, especially as to date the record of implementing such schemes had not been good.

- 6.53 The Council did not challenge the objector’s evidence on the heavy traffic flows on the A65, and I saw for myself the extent of the congestion that can arise on that road as the City Centre is approached. A park and ride scheme might well help ease this situation, and the availability of potential sites is constrained both to the east, by the need to avoid the most heavily congested section of road, and to the west, by the extent of the built-up area. It is possible that the objection site could be a suitable location and to that end it is included in the West Yorkshire Park and Ride Strategy Review, a county-wide study by Metro whose finding and recommendations will feed into preparation of the second LTP. However, in my view the evidence at the Inquiry does not justify including it in the RUDP now, in advance of both the outcome of the park and ride study, and of its subsequent consideration through the LTP. Whilst what PPG12 says about transport proposals in development plans may not be couched in prescriptive terms, its meaning is clear, namely that the **transport** implications of such proposals should be thoroughly considered through the LTP process. Only in that way can there be a comprehensive or robust assessment, in the terms of PPGs 2 and 13, and reasonable certainty of implementation.
- 6.54 In my view the evidence presented by the objector at the Inquiry does not constitute such an assessment, especially as it is apparently not based on any substantive consultation with Metro or with bus operators, and nor does it consider the effects of the proposal on traffic flows, or on how it might affect existing bus services, or relate to the proposed Quality Bus Corridor. Also, although I accept that the range of potential sites in the area is limited, I am not convinced that it is as narrow as suggested; at least one possibility, Kirkstall Forge, has not been addressed. The work undertaken could be the start of a robust or comprehensive assessment but there is still a good way to go. I do not read RDUDP Policy T16 as giving unconditional support to park and ride schemes associated with Quality Bus Corridors under any circumstances; logically support must be predicated on a positive outcome to a thorough assessment. However, if that point was reached then it would presumably be acceptable under the Policy. Alternatively, if the proposal was progressed through the LTP it could be included in the next development plan. In my view any drawbacks of not securing implementation during the current Plan period are outweighed by the risk of making an allocation which could turn out to be unsuitable, unduly problematical or incapable of implementation.
- 6.55 The Council have not challenged the site-specific aspects of the objector’s case and from that evidence, and what I have seen on the ground, I see no reason to doubt that the site could physically accommodate the development advocated. However, analysis of site specific merits is essentially premature until the comprehensive assessment advised in national guidance is undertaken.
- 6.56 2. Nexus Land and Property’s objection is part of a case for bringing forward land at Whinmoor as part of the East Leeds Extension [ELE] earlier in the Plan period than the Council envisage. I deal with the substantive aspects of ELE under Alteration 15/015. Policy T17 of the AUDP already allocates a site adjacent to the A64 at Swarcliffe for a park and ride scheme, and the FDUDP makes clear that this is to be

related to the Supertram line. I see no particular merit at this stage in adding to the Plan the additional reference sought to land being reserved to assist provision of Quality Bus Corridors and Supertram. Whether or not there is a need for such facilities over and above what is currently envisaged will depend on the outcome of detailed planning work for the ELE which is yet to happen. If a proven need emerged then no doubt a proposal would be acceptable under Policy T16. Meanwhile the Plan goes as far as it reasonably can on the matter.

- 6.57 As a general point, not directly related to the objections, I consider the Policy’s stance of giving “support...wherever possible to the provision of park and ride facilities” is unhelpful as it provides no real guidance on what is meant by “support” or on the circumstances in which it would be given. I recommend re-drafting to indicate that planning permission will be granted subject to stated criteria. Drawing on guidance in PPG13 the latter could include that a proposal should fulfil a positive role in the local transport strategy, be derived from a thorough assessment of possible sites, be acceptable in terms of impact on traffic flows and local amenity, and be sited and designed to maximize accessibility by non-car modes notably walking and cycling. I leave it to the Council to determine the detailed wording in the light of local circumstances.

## RECOMMENDATION

- 6.58 **I recommend that the UDP be modified in accordance with FD Alteration 6/013, subject to Policy T16 being redrafted to state that planning permission will be granted for park and ride facilities associated with railway stations, Supertram and Quality Bus Services, subject to defined criteria being met.**

## ALTERATION 6/015 (POLICY T19 & T20: MAJOR HIGHWAY SCHEMES)

### Objections

20381	Barwick in Elmet and Scholes	22034	Mr Ross
20883	Mr Rose	22045	Mrs Evans
20912	Mr Leftley	22068	Mr Hartley
20928	Mr Bolton	22075	Mr Bhaskaran
21008	Ms Bowden	22083	Mr Gilfillan
21015	Mr Bowden	22090	Mr Lindley
21023	Ms White	22100	Mrs Fox
21026	Ms Rose	22107	Mr Fox
21047	Miss Brown	22114	Ms Mawson Mole
21388	Ms Harper	22121	Ms Young
21394	Mrs Harper	22128	Ms Usman
21407	Mr Pearce	22135	Ms Smith
21409	Mr Ake	22142	Mr & Mrs Bell
21415	Mrs Leftley	22156	Ms Cororan
21422	Ms Tyson	22163	Mr Smith
21429	Mr Tyson	22170	Mr Packer
21435	Mr Burnley	22177	Ms Packer
21443	Ms Burnley	22184	Ms Thorpe
21501	Mr Evans	22191	Ms Thorpe
21525	Thorpe Park [Leeds] Ltd & East Leeds Development Company	22198	Ms Clark
21528	Elor Consortium	22205	Mrs Ward
22021	Leeds Area RDA	22212	Mr Carmichael
22027	Mr Lane	22219	Mr Marshall
		22226	Mrs Marshall

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22233	Dr. Corcoran	22718	Mrs Carr
22240	Mr Slinger	22725	Mr Dickinson
22247	Mrs Atkinson	22732	Mr Landey
22254	Mr Butler	22739	Miss Stephenson
22261	Mr Berrow	22746	Mrs Cox
22268	Ms Berrow	22753	Mr Ghaleh-tak
22275	Mrs Duncan Ellis	22760	Dr. Warren
22282	Mr Ellis	22767	Mr Myers
22301	Mr Smith	22774	Mr Gibbins
22308	Mr Westerman	22781	Miss Noble
22315	Ms Brewer	22788	Mrs Foster
22322	Ms Pease	22795	Mr Foster
22329	Ms Johnson	22802	Ms Baddams
22343	Mr Hobson	22809	Mr Brown
22350	Ms Hartley	22816	Mrs Mannix
22387	Mr Robinson	22823	Mr Mannix
22394	Ms Robinson	22830	Mr Castle
22401	Ms Beesley	22837	Mrs Castle
22408	Mr Beesley	22844	Ms Brown
22416	Ms Brown	22851	Ms Brown
22424	Ms McLollghlin	22858	Mr Jackson
22430	Mr Wilson	22865	Mr & Mrs Watson
22437	Ms Jayne	22872	Ms Rule
22444	Mr Broadhead	22879	Mr Macleod
22451	Ms Ford	22886	Ms Borlant
22458	Ms Green	22893	Ms Voice
22465	Mr Green	22900	Mr Hewitt
22472	Mr Taylor	22907	Mr Voice
22479	Mrs Taylor	22921	Mr Graham
22486	Dr. Joyce	22928	Ms Graham
22493	Mrs Joyce	22935	Ms Dickinson
22500	Mr & Mrs England	22942	Mr Atkinson
22507	Mr Gough	22949	Dr. Rutherford
22514	Mrs Hobson	22956	Mrs Rutherford
22521	Mr Downing	22963	Mr Wilkinson
22528	Mrs Crossfield	22970	Mrs Wilkinson
22535	Mr Ledear	22977	Mrs Scott
22542	Mrs Ledgard	22984	Mr Pitman
22549	Mrs Gibbins	22991	Mrs Pitman
22556	Ms Jarley	22998	Mr Ellerby
22563	Ms Mason	23005	Mrs Boyd
22570	Mrs Morley	23012	Mr Walmsley
22577	Dr. Morley	23019	Mr Rymer
22584	Thorner Parish Council	23026	Mr Dickinson
22592	Mrs Morrison	23033	Mr Dickinson
22599	Mrs Senior	23040	Mrs Dickinson
22605	Mr Senior	23047	Mr Noble
22613	Mrs Cooke	23054	Mr Boyd
22620	Mrs Whitehead	23061	Ms Peaker
22627	Mr McLollghlin	23068	Mr Pickup
22633	Mr Platt	23075	Ms Atkinson
22640	Mr Coulson	23082	Mr Fawkner-Corbett
22647	Ms Brownridge	23089	Ms Fawkner-Corbett
22654	Miss Nettleton	23096	Mr Robinson
22661	Mr Brown	23103	Ms Robinson
22668	Mr Millross	23110	Ms Fisher
22676	Mr Jaudin	23117	Ms Fisher
22683	Miss Clements	23124	Mr Beaver
22690	Mr Stainthorpe	23131	Mrs Mitchell
22697	Mr Morton	23138	Mr Mitchell
22704	Mrs Hebden	23145	Mr Sidebottom
22711	Mrs Riley	23152	Mrs Sidebottom

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23159	Mrs Walker	23695	Mrs Levick
23166	Mr Walker	23702	Mrs Gilboy
23173	Mr Meadows	23710	Mr Burnell
23180	Mr Bates	23716	Mr Burnell
23187	Mrs Zaczeniuk	23723	Mrs Burnell
23194	Mrs Brereton	23730	Miss Rootveldt
23201	Mrs Ake	23738	Mr Arundel
23208	Dr. Shark	23745	Ms Arundel
23315	Mr Stark	23752	Mrs Cane
23324	Mrs Percy	23759	Mr Franks
23331	Mr Percy	23766	Mrs Franks
23338	Mr Gibbins	23773	Mrs Thornton
23345	Mr Bowyer	23781	Mrs Butler
23352	Mrs Bowyer	23788	Ms Wakefield
23359	Mr Ibbotson	23806	Mr Power
23366	Mrs Waterland	23813	Mr Hopps
23373	Miss Steele	23820	Mr Marshall
23380	Mr Thorpe	23827	Ms Wigglesworth
23387	Mr Courtman-Stock	23834	Mr Carter
23394	Miss Hartley	23841	Ms Carter
23401	Miss Lemon	23848	Ms Sullivan
23408	Dr. Prentice	23855	Ms Ashworth
23415	Mrs Prentice	23862	Ms Ashworth
23422	Mrs Alikhamzadeh	23869	Mr Stephenson
23429	Mr Long	23876	Ms Scott
23436	Mrs Wood	23883	Ms Stehpenon
23443	Mr Armitage	23890	Ms Parkins
23450	Mrs Armitage	23897	Mr Parkins
23457	Mrs Rymer	23904	Mr Brookes
23464	Mrs McElwee	23911	Mrs Brookes
23471	Mrs Pickle	23918	Mr Butler
23478	Mr Schofield	23925	Mr Pickard
23485	Mr Kay	23932	Mrs Pickard
23492	Mrs Kay	23939	Mr Ritchie
23499	Ms Henton	23946	Mrs Hartley
23506	Ms Hewitt	23953	Mrs Mountain
23513	Mr Rawden	23960	Mr Crone
23520	Ms Rawden	23967	Mr Hayes
23527	Ms Finigan	23977	Miss Mooney
23534	Mr Fineran	23984	Mrs Myers
23541	Mr Coleman	23992	Mr Joyce
23548	Mr Coleman	23999	Mr Brereton
23555	Mrs Schofield	24006	Mrs Lord
23562	Ms Pearce	24013	Mr Belcher
23569	Ms Ramsey	24021	Mrs Belcher
23576	Mr Ramsey	24029	Ms Gaunt
23583	Mr William	24036	Ms Weatherhead
23589	Ms Neat	24043	Mr Weatherhead
23597	Ms Nettleton	24049	Mr Green
23604	Mr Nettleton	24057	Ms Green
23611	Mr Nicholson	24064	Ms Stapleton
23618	Ms Dowes	24071	Mr Stapleton
23625	Ms Long	24075	Ms Middlemiss
23632	Mr Miller	24082	Ms Conner
23639	Ms Miller	24089	Ms Weaver
23646	Mr Atkinson	24096	Mr Weaver
23653	Mrs Marsden	24103	Mr Buttler
23660	Mr Clarkson	24110	Ms Butler
23667	Mrs Lindley	24117	Mr Morrison
23674	Mrs Clarkson	24124	Mr Hartley
23681	Miss Clarkson	24131	Ms Middlemiss
23688	Mr Pease	24138	Ms Crellin



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24145	Ms Brewer	24516	Miss Tighe
24152	Ms Heaton	24523	Mrs Bhaskaran
24159	Mr Heaton	24530	Mrs Postill
24166	Mrs Strachan	24537	Mr Postill
24173	Mr Strachan	24544	Mr Burnett
24180	Mr Wood	24551	Mrs Davis
24187	Mr Ward	24558	Mrs Hayes
24194	Mr Pritchard	24577	Ms Turner
24201	Mr Laycock	24584	Mrs Knight
24208	Mr Palmer-Jones	24591	Dr. Robertson
24215	Ms Palmer-Jones	24598	Mrs Robertson
24222	Ms Fall	24605	Mrs Ritchie
24229	Mr Grimwood	24612	Mr Carr
24236	Ms Landey	24619	Mrs Ward
24243	Mr Smith	24626	Miss Boyle
24250	Mr Crellin	24633	Dr. Giles
24257	Ms Seymour	24645	Mr Finch
24264	Ms Gosden	24652	Mr Deighton
24271	Ms Mooney	24659	Ms Deighton
24278	Mr Proctor	24661	Ms Windsor Lewis
24285	Mr Storrar	24791	Miss Smith
24292	Mr Sinclair	25199	Nexus Land and Property
24299	Ms Sinclair	25222	Cllr. Illingworth
24306	Ms Dillon	25618	Mr Firth
24313	Ms Hall		
24320	Ms Martin		
24327	Mr Walker		
24334	Ms Bales		
24341	Mr Richmond		
24348	Mr Bales		
24355	Mr Kettlewell		
24362	Mr Flannery		
24369	Ms Flannery		
24376	Mr Beecroft		
24383	Mr Mason		
24390	Dr. Seymour		
24397	Dr. Crellin		
24404	Ms Thackray		
24411	Ms Crawford		
24418	Ms England		
24425	Ms Procter		
24432	Mr Fox		
24439	Mrs Fox		
24446	Mrs Roberts		
24453	Mr Goodwin		
24460	Mrs Goodwin		
24467	Miss North-Lewis		
24474	Mrs Sugaman		
24481	Mr Sugaman		
24488	Mr Connor		
24495	Mr Crawford		
24502	Mrs Procter		
24509	Cllr. Procter		

### Objections

- 6.59 1. Is an orbital road necessary to address the problems of the Outer Ring Road [ORR]?
2. Should Policy T20 cover it as a road to be built during the Plan period?

3. If an orbital road was built, would it have an unacceptable effect on the living conditions of residents of Scholes?
4. Would what is said on the A6120 Ring Road Route Strategy be likely to unacceptably impede desirable development, regeneration and resolution of long-standing transport problems?
5. Would what is said in para. 6.5.29 on the A65 Quality Bus Corridor ensure a safe, satisfactory and cost-effective scheme?

### **Inspector’s Reasoning and Conclusions**

- 6.60 1. Members of the public and Barwick-in-Elmet and Scholes Parish Council question whether an orbital road is needed to address traffic problems on the ORR. The former suggest that those problems could be solved by upgrading remaining sections of single carriageway road, between Cross Gates and the A64, and the A58 and Seacroft, to dual carriageway; and the latter advocate implementation of the “low investment” option outlined in the Outer Ring Road Study by consultants, Scott Wilson.
- 6.61 As the Council say, the Alteration does not express support for an orbital route, simply saying in para. 6.5.29 that the ORR route strategy will “take into account the Phase 2 Eastern Edge housing proposal”; and the principal part of Alteration 15/015, dealing with ELE, is couched in terms of assessing the need for such a road. From this, and from all the evidence to the Inquiry, I do not take it that an orbital road [or to give it the title the Council use, the East Leeds Orbital Route ELOR)] is a foregone conclusion though some references in the text are ambiguous; thus the supporting text under 15/015 states “The costs involved with a new orbital relief road will be borne by the developer”. It is clear that the continuing ORR study will have important implications for the proposed road and I further conclude under Alteration 15/015 that the benefits of the proposed road have not been clearly demonstrated, and that further work should be undertaken before the RUDP is taken forward.
- 6.62 That said, successive studies have shown, and the Council accept, that the traffic problems on the ORR are so severe that they cannot be addressed solely by improvements to the road alone. It is evident that ELOR is one possible means of providing some relief through provision of additional capacity. Whether or not it would be the preferred means is still to be decided but from all the evidence, and from what I have seen of the situation on the ground, I consider that there is no prospect that problems could be successfully solved by upgrading single carriageway sections of the road to dual carriageway alone. Even if this were physically practicable it would be likely to simply transfer congestion to other places on the ORR, notably to junctions with radial roads. Nor would it be appropriate to rely solely on the “low investment” measures suggested in the Scott Wilson report given that these represent only one option produced as part of the on-going study for further testing; and that the Council reckon that the ultimate preferred strategy is likely to be a combination of options. ELOR must remain as one possible approach, albeit subject to further detailed examination. No change is therefore necessary to the text other than to amend the reference to ELE as being part of Phase 2 housing provision, in line with my recommendations under 7/003, 7/004 and 15/015.
- 6.63 2. Policy T20 covers schemes that are expected to commence within the Plan

period. ELOR needs to be subject to a good deal more investigation before such a commitment could or should be made. It is not therefore appropriate to refer to it in the way Nexus Land and Property suggest.

- 6.64 3. On the alignment currently envisaged, ELOR would be upwards of 400m from the nearest dwellings in Scholes, a distance which should obviate any unacceptable impact on residents there in terms of visual intrusion and traffic noise. If on closer examination such impacts seemed likely they could no doubt be ameliorated by tree screening or earth mounding. These are matters for detailed design if and when the road proposal reached fruition, and they are not of sufficient weight to discount it in principle.
- 6.65 4. East Leeds Development Company and Thorpe Park [Leeds] foresee that there will be delays in preparing and implementing the ORR strategy because, although the north-eastern sector of the road has been the subject of exhaustive study, and the problems are well-known, the same cannot be said for the north-western part. In their view seeking a strategy for the route as a whole risks delaying implementation of ELOR with the result that problems on the ORR would continue and worsen, and potential benefits of regeneration would be lost. There is also particular concern that it would prejudice further development of Thorpe Park Business Park. The objection advocates splitting the ORR strategy into two parts, east and west of the Wetherby road, A58, the former part to also include an assessment of the need for ELOR.
- 6.66 Judging by the objectors’ evidence, unchallenged by the Council, it does appear that a good part of the ORR, at least west of the A61 junction, has received relatively little attention in the past, and the way in which it runs through both extensive housing areas and protected green spaces of various kinds suggests that improvements there could be problematical. However, the LTP, where the proposed ORR strategy originated, talks of a need for “a combined approach for the entire route” [para. 9.13, CD/REG/03] and I see no good case to depart from this. It would not be appropriate for the UDP to attempt unilaterally to change the basis of a scheme included in the approved LTP, and on which preparatory work has commenced. Nor is it immediately obvious how the objectors’ suggested wording would achieve the greater certainty and earlier part-implementation of the strategy that they seek. That wording contains no reference to a timescale and if, as is argued, the intention is simply to encourage an earlier start on the north-eastern sector, the Council would appear to be quite free to ignore that encouragement and continue to handle the strategy as a single project. Equally, with the Council’s proposed wording it would be perfectly feasible to take a phased approach to works on the road within the overall scheme, and to advance the north-east sector in advance of the rest should there be good reason for this.
- 6.67 Turning to the specific concerns over Thorpe Park Business Park, a planning obligation requires construction of the Manston Lane Link Road northwards from the site and across the adjoining railway when development reaches 1m sq ft of floorspace. The developers say that the point is rapidly approaching when a decision must be made on whether to construct the road as a single carriageway to meet local needs only, or as a dual carriageway capable of being extended to form the first part of ELOR. As the business park is clearly a project of sub-regional significance, and with major potential for job creation, its further development should not be lightly impeded, and there are obvious risks of additional expense and disruption if the road is built to a lower standard and subsequently has to be upgraded. However, under

Alteration 15/015 I say that ELOR should not in itself be a trigger for early development of ELE, that there is a good deal more work to be done before there is a proven case for the road, and that ELE should be moved from Phase 2 to Phase 3 of the Plan. For all these reasons I do not believe there is currently such a pressing case for ELOR that it should dictate the timing of other elements of the Plan, as is sought here.

- 6.68 Also, providing in the construction for later widening would appear to be a fairly straightforward matter and, whilst it would undoubtedly increase costs, I am not convinced on the limited evidence submitted that it would do so to such an extent as to unreasonably burden or impede the business park development as a whole. The additional costs must be seen in the context of the considerable scale of the park, and it is perhaps significant that perceived uncertainty over ELOR has not prevented the developers from building the access road into the site to a standard compatible with an ultimate orbital road.
- 6.69 The objectors argue that provision of ELOR would assist in addressing problems on the ORR, by providing additional capacity for public transport improvements, and by reducing pollution, noise, severance and danger. It is further suggested that consequent improvements in public transport would both encourage regeneration of east Leeds generally, and particularly assist residents of the most deprived areas to take advantage of the significant number of support service jobs likely to be created at Thorpe Park Business Park. These could be important benefits but in the present state of knowledge it is not at all clear that early construction of ELOR is the only way of securing them. There may be other ways of doing so, and the outcome of further work on the ORR is likely to be important in this respect. I conclude that what is said on the A6120 Ring Road Route Strategy would not unacceptably impede desirable development [including that at Thorpe Park and related to it], regeneration and resolution of long-standing transport problems. The objectors’ request that the Policy text should provide for an assessment of the need for ELOR is covered by my recommendation under Alteration 15/015 that further work be done on this proposal.
- 6.70 5. Cllr. Illingworth objects to what is said on the A65 Quality Bus Corridor on the grounds that the proposals are not based on a proper analysis of traffic flows and passenger movements, are too narrow in scope, would cause problems of “rat-running” in residential streets, should accommodate the needs of pedestrians and cyclists, and should be capable of being upgraded to a light-rail system. He favours a scheme that would segregate buses from other traffic along the most congested section of the road which in his view has not been progressed because of the Council’s commercial interest in disposing of land that it would involve; and he suggests alternative text that would outline the scope of such a scheme.
- 6.71 Cllr. Illingworth accepts that he is seeking a review of the Quality Bus Corridor proposals at a late stage in their gestation but considers this necessary to secure a scheme that is properly justified and effective. The Council did not produce the details of the scheme at the Inquiry but I have seen nothing that would seriously call into question its standing at the level of detail appropriate to the UDP and, importantly, it has been provisionally accepted for funding by the Department for Transport. PPG12 makes clear that development plans should only include transport proposals that are firm, have a reasonable degree of certainty of proceeding within the plan period, and are identified as such in the LTP. The Quality Bus Corridor scheme has clearly been worked up through the LTP process and it is through that process that

concerns such as Cllr. Illingworth expresses should have been aired. Whilst issues such as congestion and resultant “rat-running” can have land-use implications, it would be inappropriate for the UDP to now seek to promote alternative proposals that do not appear in the LTP and have no reasonable certainty of being implemented within the Plan period.

- 6.72 In any case it seems to me that the wording in the supporting text is sufficiently broad as to be able to accommodate a number of the objector’s concerns as and when the proposals are developed in more detail. In particular it states that “A package of measures...is being progressed”, which does not suggest that the door has been closed to any changes or modifications; and the RD text specifically addresses the need to provide for cyclist and pedestrians, and address “rat-running” and road safety matters in tandem with the scheme. Cllr. Illingworth’s objection seems to me to be concerned as much with how the scheme will be implemented as with its substance; and, subject to care being taken in such implementation to safeguard the interests of pedestrians, cyclists and local residents, I consider that what is said in the supporting text should ensure a safe, satisfactory and cost-effective scheme.
- 6.73 I say under Alterations 6/009 and 6/013, above, that expressing a policy as giving “support” is unhelpful. It similarly appears unnecessarily tentative here. The Council apparently use the word to indicate that the highway schemes in question originate in the LTP but regardless of whether they are pursued under highways or planning powers they are indubitably the Council’s schemes. It would be clearer and more direct for Policy T20 to say that they are “proposed”.

### **RECOMMENDATION**

- 6.74 I recommend that the UDP be modified in accordance with RD Alteration 6/015, subject to substituting:
- a. **PROPOSED** for **SUPPORTED** in the first sentence of Policy T20; and
  - b. **“Phase 3”** for **“Phase 2”** in para. 6.5.29[5] of the supporting text.

### **ALTERATION 6/018 (POLICY T24A: FREE-STANDING LONG STAY CAR PARKING)**

#### **Objection**

21874 Ardane Properties Ltd

#### **Issue**

- 6.75 Is the Policy unreasonable in its application to existing businesses with inadequate parking provision?

#### **Inspector’s Reasoning and Conclusions**

- 6.76 The objector argues that the Policy implies a blanket ban on all commuter and visitor parking that could place existing businesses with inadequate parking space at a disadvantage, contrary to the UDP’s economic objectives, especially where those

businesses are in areas of high unemployment and deprivation. The key word in the Policy is “free-standing”. Although this is not defined in the Plan, the Council’s response makes clear that it means proposals that do not fall within existing or proposed employment premises, and that are not functionally related to those proposals. That response also indicates that the Policy is not intended to apply to parking necessary for businesses’ satisfactory operation such as that for visitors. Rather the target is those travelling to and from work by car.

- 6.77 Such employees could be accommodated within employment sites large enough to provide the necessary space, up to the maxima set out in Appendix 9 to the Plan, but provision for them outside sites would not be acceptable under the Policy. On the face of it this would appear inequitable as whether or not provision could be made would be determined essentially by accidents of history or geography. However, PPG13 emphasises that “Reducing the amount of parking in new development [and in the expansion and change of use in existing development] is **essential**...to promote sustainable travel choices” [my emphasis]. I also consider there is weight in the Council’s argument that to allow all established businesses to provide long-stay parking up to the stated maxima would greatly encourage commuting by car, contrary to both local and national policy. Thus although the approach of the Policy is broad-brush it is also pragmatic and basically sound.
- 6.78 An amendment is proposed in the RD which, as well as seeking consistency with the policy approach in the City Centre and its fringe, also goes some way towards what the objector is seeking, in that it would permit temporary use of vacant sites in situations where dearth of on-site parking was causing problems in the surrounding area. However, the placing of this concession immediately after the unequivocal statement that “new free-standing long-stay car parking will not be permitted” is confusing; and the phrasing, transposed from what Policy CCP2 says about the Fringe City Centre Commuter Parking Control Area, is unhelpful, particularly as it simply lists several matters which will be taken into account, rather than setting out clear criteria for determining applications. Nor is it obvious why parking proposals away from the City Centre and its fringes that are acceptable in terms of the Policy should only be permitted on a temporary basis; if there are reasons why they should be explained in the supporting text. I recommend that the Policy be re-cast as set out below to take account of all these points, and to make clear that proposals for free-standing long-stay car parking should be considered in the context of a Transport Assessment. I also recommend that the supporting text be amplified to explain further the scope of the Policy.

## RECOMMENDATION

- 6.79 I recommend that the UDP be modified as follows, in place of Alteration 6/018:

**“6.6.2A In line with the strategy of reducing the need to use the car, proposals to create new long-stay car parking for those travelling to and from work by car, outside the curtilage of existing or proposed employment premises, will not generally be permitted. Exceptions may be made within the City Centre and Fringe City Centre Commuter Parking Control Area, and for park and ride schemes, for consistency with other Plan policies; and also where lack of parking within employment premises is causing, or would be likely to cause, serious problems in the surrounding area. The Policy does not apply to short-term parking for which there is a demonstrable operational need**

such as that for visitors to employment premises.

**T24A: PLANNING PERMISSION WILL NOT BE GRANTED FOR NEW LONG-STAY CAR PARKING OUTSIDE THE CURTILAGE OF EXISTING OR PROPOSED EMPLOYMENT PREMISES EXCEPT:**

- a. WITHIN THE CITY CENTRE AND FRINGE CITY CENTRE COMMUTER PARKING CONTROL AREA, IN ACCORDANCE WITH POLICY CCP2;**
- b. FOR PARK AND RIDE SCHEMES IN ACCORDANCE WITH POLICIES T16 AND T17;**
- c. WHERE LACK OF PARKING WITHIN EMPLOYMENT PREMISES WOULD CAUSE SERIOUS TRAFFIC, SAFETY OR ENVIRONMENTAL PROBLEMS IN THE SURROUNDING AREA.**

**PROPOSALS UNDER c. MUST BE SUPPORTED BY A TRAFFIC ASSESSMENT, INCLUDING APPRAISAL OF OTHER MEANS OF ACCESSIBILITY TO THE SITE, INCLUDING PUBLIC TRANSPORT. WHERE PLANNING PERMISSION IS GRANTED THE EXTENT OF PARKING ALLOWED WILL NOT EXCEED THAT WHICH WOULD OTHERWISE BE PERMISSIBLE UNDER THE CAR PARKING GUIDELINES, RELATED TO THE SCALE OF THE EMPLOYMENT USE.**

## CHAPTER 7 - HOUSING

### ALTERATIONS 7/001, 7/002, 7/003, 7/004 (POLICIES H1, H2, H3, H4 AND H5, HOUSING STRATEGY AND LONG TERM GROWTH)

#### Objections (First Deposit) 7/001

20752	Tockwith with Wilstrop Parish Council	21781	Ashdale Land & Property Co Ltd
21557	Land Securities	21789	Provincial Land Developments
21609	Micklefield Pairsh Council	21800	Micklefield Properties Ltd
21610	Morley Town Council	21826	Leeds Review Consortium
21628	Springwood Limited	21882	Mr Baldwin
21728	Persimmon Homes West Yorks Ltd	25200	Nexus Land and Property
21743	House Builders Federation	25214	Cllr. Illingworth

#### Objections (First Deposit) 7/002

20575	West Yorkshire Ecology	21649	Taylor Woodrow Developments
20751	Tockwith with Wilstrop Parish Council	21650	Taylor Woodrow Developments
20777	Ms Davis	21672	Government Office for Yorks and the Humber
20786	NHS Estates	21695	MCD
20856	Mrs Gawthorpe	21697	Threadneedle Property Fund Management plc
20861	WARDEN	21699	Bracken/Chartford Developments
20876	Thorp Arch Parish Council	21701	Pinnacle Group
21049	Cllr. Illingworth	21712	Hallam Land Management
21184	Hearthstead Homes	21718	BT PLC
21475	Taylor Woodrow Developments	21729	Persimmon Homes West Yorks Ltd
21476	Taylor Woodrow Developments	21744	House Builders Federation
21477	Taylor Woodrow Developments		
21503	Mr Evans	21782	Ashdale Land & Property Co Ltd
21512	Yorkshire Water	21790	Provincial Land Developments
21515	Scholes Development Co Ltd	21806	Scholes Development Consortia
21517	University of Leeds	21814	The Rugby Football League
21526	Thorpe Park (Leeds) Ltd &	21818	Country & Metropolitan Homes Ltd / B Verity
21529	Elor Consortium	21819	Mr Hanson
21530	Elor Consortium	21821	Wilson Connolly Northern
21540	Commercial Estate Projects Ltd	21827	Leeds Review Consortium
21562	Taylor Woodrow	21837	Environment Agency
21590	Keyland Developments Ltd	21872	Environment Agency
21621	Micklefield Properties Ltd	21875	Mr Williams
21629	Springwood Limited	21906	Taylor Woodrow
21637	David Wilson Homes (Northern)	21922	D Kerry
21644	Taylor Woodrow Developments	22586	Thoner Parish Council
21645	Taylor Woodrow Developments	25165	Lowry Homes
21646	Taylor Woodrow Developments	25201	Nexus Land and Property
21647	Taylor Woodrow Developments		
21648	Taylor Woodrow Developments		

#### Objections (First Deposit) 7/003

20296	Mr Scannell	20568	Mrs Allison
20307	Appleyard Arbor Homes	20745	Ms Rawling
20491	Churwell Action Group	20750	Tockwith with Wilstrop Parish Council
20515	Mr Watson	20754	Ms Watson
20521	Barwick Developments Ltd	20785	NHS Estates
20546	Mr Simpson		



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20857 Mrs Gawthorpe	21805 The Rugby Football League
20862 WARDEN	21807 Scholes Development Consortia
20877 Thorp Arch Parish Council	21808 EWS Railways
20884 Mr Rose	21812 Secondsite Property Holdings Ltd
20891 Boston Spa Village Society	21817 Country & Metropolitan Homes Ltd
20900 Mr Thomson	/B Verity
20901 Mrs Thomson	21820 Mr Hanson
20911 Mr Leftley	21822 Wilson Connolly Northern
20927 Mr Bolton	
21007 Ms Bowden	21828 Leeds Review Consortium
21014 Mr Bowden	21838 Environment Agency
21022 Ms White	21876 Mr Williams
21027 Ms Rose	21877 Rawdon Mill LLP
21046 Miss Brown	21878 Yorkshire Group Plc & Their
21053 Mr Latham	21891 Mrs Lewis
21060 Ms McGettigan	21893 Mr Klemm
21387 Ms Harper	21905 Taylor Woodrow
21393 Mrs Harper	21923 D Kerry
21400 Mr Ake	21927 Endercourt Ltd
21406 Mr Pearce	21930 Miller Homes (Yorkshire) Ltd
21414 Mrs Leftley	21931 Bloor Homes
21421 Ms Tyson	22016 CPRE West Yorkshire
21428 Mr Tyson	22022 Mr Sykes Leeds Area RDA
21434 Mr Burnley	22028 Mr Lane
21442 Ms Burnley	22035 Mr Ross
21447 English Heritage	22046 Mrs Evans
21448 English Heritage	22069 Mr Hartley
21478 Taylor Woodrow Developments	22076 Mr Bhaskaran
21479 Taylor Woodrow Developments	22084 Mr Gilfillan
21480 Taylor Woodrow Developments	22091 Mr Lindley
21483 Mr Blake	22101 Mrs Fox
21504 Mr Evans	22108 Mr Fox
21518 University of Leeds	22115 Ms Mawson Mole
21531 Leeds Teaching Hospitals Trust	22122 Ms Young
21563 WYAS	22129 Ms Usman
21578 Persimmon Homes West Yorks Ltd	22136 Ms Smith
21616 Klondyke Garden Centres	22143 Mr & Mrs Bell
21622 Micklefield Properties Ltd	22157 Ms Cororan
21630 Springwood Limited	22164 Mr Smith
21638 David Wilson Homes (Northern)	22171 Mr Packer
21655 Taylor Woodrow Developments Ltd	22178 Ms Packer
21656 Taylor Woodrow Developments Ltd	22185 Ms Thorpe
21657 Taylor Woodrow Developments Ltd	22192 Ms Thorpe
21658 Taylor Woodrow Developments Ltd	22199 Ms Clark
21659 Taylor Woodrow Developments Ltd	22206 Mrs Ward
21660 Taylor Woodrow Developments Ltd	22213 Mr Carmichael
21661 Taylor Woodrow Developments Ltd	22220 Mr Marshall
21673 Government Office for Yorks and the Humber	22227 Mrs Marshall
21696 MCD	22234 Dr. Corcoran
21698 Threadneedle Property Fund Management plc	22241 Mr Slinger
21700 Bracken/Chartford Developments	22248 Mrs Atkinson
21702 Pinnacle Group	22255 Mr Butler
21713 Hallam Land Management	22262 Mr Berrow
21719 BT PLC	22269 Ms Berrow
21731 Persimmon Homes West Yorks Ltd	22276 Mrs Duncan Ellis
21733 Persimmon Homes West Yorks Ltd	22283 Mr Ellis
21745 House Builders Federation	22298 Boston Spa Parish Council
21757 St Mowden Ventures Ltd	22302 Mr Smith
21783 Ashdale Land & Property Co Ltd	22309 Mr Westerman
21791 Provincial Land Developments	22316 Ms Brewer
	22323 Ms Pease
	22330 Ms Johnson

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22344	Mr Hobson	22803	Ms Baddams
22351	Ms Hartley	22810	Mr Brown
22383	Burford Group (Green Properties)	22817	Mrs Mannix
22388	Mr Robinson	22824	Mr Mannix
22395	Ms Robinson	22831	Mr Castle
22402	Ms Beesley	22838	Mrs Castle
22409	Mr Beesley	22845	Ms Brown
22417	Ms Brown	22852	Ms Brown
22431	Mr Wilson	22859	Mr Jackson
22438	Ms Jayne	22866	Mr & Mrs Watson
22445	Mr Broadhead	22873	Ms Rule
22452	Ms Ford	22880	Mr Macleod
22459	Ms green	22887	Ms Borlant
22466	Mr Green	22894	Ms Voice
22473	Mr Taylor	22901	Mr Hewitt
22480	Mrs Taylor	22908	Mr Voice
22487	Dr. Joyce	22915	Ms Giles
22494	Mrs Joyce	22922	Mr Graham
22501	Mr & Mrs England	22929	Ms Graham
22508	Mr Gough	22936	Ms Dickinson
22515	Mrs Hobson	22943	Mr Atkinson
22522	Mr Downing	22950	Dr. Rutherford
22529	Mrs Crossfield	22957	Mrs Rutherford
22536	Mr Ledear	22964	Mr Wilkinson
22543	Mrs Ledgard	22971	Mrs Wilkinson
22550	Mrs Gibbins	22978	Mrs Scott
22557	Ms Jarley	22985	Mr Pitman
22564	Ms Mason	22992	Mrs Pitman
22571	Mrs Morley	22999	Mr Ellerby
22578	Dr. Morley	23006	Mrs Boyd
22585	Thoner Parish Council	23013	Mr Walmsley
22593	Mrs Morrison	23020	Mr Rymer
22600	Mrs Senior	23027	Mr Dickinson
22606	Mr Senior	23034	Mr Dickinson
22614	Mrs Cooke	23041	Mrs Dickinson
22621	Mrs Whitehead	23048	Mr Noble
22628	Mr McLollghlin	23055	Mr Boyd
22634	Mr Platt	23062	Ms Peaker
22641	Mr Coulson	23069	Mr Pickup
22648	Ms Brownridge	23076	Ms Atkinson
22655	Miss Nettleton	23083	Mr Fawkner-Corbett
22662	Mr Brown	23090	Ms Fawkner-Corbett
22669	Mr Millross	23097	Mr Robinson
22675	Ms McLollghlin	23104	Ms Robinson
22677	Mr Jaudin	23111	Ms Fisher
22684	Miss Clements	23118	Ms Fisher
22691	Mr Stainthorpe	23125	Mr Beever
22698	Mr Morton	23132	Mrs Mitchell
22705	Mrs Hebden	23139	Mr Mitchell
22712	Mrs Riley	23146	Mr Sidebottom
22719	Mrs Carr	23153	Mrs Sidebottom
22726	Mr Dickinson	23160	Mrs Walker
22733	Mr Landey	23167	Mr Walker
22740	Miss Stephenson	23174	Mr Meadows
22747	Mrs Cox	23181	Mr Bates
22754	Mr Ghaleh-tak	23188	Mrs Zaczeniuk
22761	Dr. Warren	23195	Mrs Brereton
22768	Mr Myers	23202	Mrs Ake
22775	Mr Gibbins	23309	Dr. Shark
22782	Miss Noble	23316	Mr Stark
22789	Mrs Foster	23325	Mrs Percy
22796	Mr Foster	23332	Mr Percy

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23339	Mr Gibbins	23767	Mrs Franks
23346	Mr Bowyer	23774	Mrs Thornton
23353	Mrs Bowyer	23782	Mrs Butler
23360	Mr Ibbotson	23789	Ms Wakefield
23367	Mrs Waterland	23807	Mr Power
23374	Miss Steele	23814	Mr Hopps
23381	Mr Thorpe	23821	Mr Marshall
23388	Mr Courtman-Stock	23828	Ms Wigglesworth
23395	Miss Hartley	23835	Mr Carter
23402	Miss Lemon	23842	Ms Carter
23409	Dr. Prentice	23849	Ms Sullivan
23416	Mrs Prentice	23856	Ms Ashworth
		23863	Ms Ashworth
23423	Mrs Alikhamzadeh	23870	Mr Stephenson
23430	Mr Long	23877	Ms Scott
23437	Mrs Wood	23884	Ms Stehpenson
23444	Mr Armitage	23891	Ms Parkins
23451	Mrs Armitage	23898	Mr Parkins
23458	Mrs Rymer	23905	Mr Brookes
23465	Mrs McElwee	23912	Mrs Brookes
23472	Mrs Pickle	23919	Mr Butler
23479	Mr Schofield	23926	Mr Pickard
23486	Mr Kay	23933	Mrs Pickard
23493	Mrs Kay	23940	Mr Ritchie
23500	Ms Henton	23947	Mrs Hartley
23507	Ms Hewitt	23954	Mrs Mountain
23514	Mr Rawden	23961	Mr Crone
23521	Ms Rawden	23968	Mr Hayes
23528	Ms Finigan	23978	Miss Mooney
23535	Mr Fineran	23985	Mrs Myers
23542	Mr Coleman	23993	Mr Joyce
23549	Mr Coleman	24000	Mr Brereton
23556	Mrs Schofield	24007	Mrs Lord
23563	Ms Pearce	24014	Mr Belcher
23570	Ms Ramsey	24022	Mrs Belcher
23577	Mr Ramsey	24030	Ms Gaunt
23584	Mr William	24037	Ms Weatherhead
23591	Ms Neat	24044	Mr Weatherhead
23598	Ms Nettleton	24051	Mr Green
23605	Mr Nettleton	24058	Ms Green
23612	Mr Nicholson	24065	Ms Stapleton
23619	Ms Dowes	24072	Mr Stapleton
23626	Ms Long	24076	Ms Middlemiss
23633	Mr Miller	24083	Ms Conner
23640	Ms Miller	24090	Ms Weaver
23647	Mr Atkinson	24097	Mr Weaver
23654	Mrs Marsden	24104	Mr Buttler
23661	Mr Clarkson	24111	Ms Butler
23668	Mrs Lindley	24118	Mr Morrison
23675	Mrs Clarkson	24125	Mr Hartley
23682	Miss Clarkson	24132	Ms Middlemiss
23689	Mr Pease	24139	Ms Crellin
23696	Mrs Levick	24146	Ms Brewer
23703	Mrs Gilboy	24153	Ms Heaton
23711	Mr Burnell	24160	Mr Heaton
23717	Mr Burnell	24167	Mrs Strachan
23724	Mrs Burnell	24174	Mr Strachan
23731	Miss Rootveldt	24181	Mr Wood
23739	Mr Arundel	24188	Mr Ward
23746	Ms Arundel	24195	Mr Pritchard
23753	Mrs Cane	24202	Mr Laycock
23760	Mr Franks	24209	Mr Palmer-Jones

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24216	Ms Palmer-Jones	24482	Mr Sugaman
24223	Ms Fall	24489	Mr Connor
24230	Mr Grimwood	24496	Mr Crawford
24237	Ms Landey	24503	Mrs Procter
24244	Mr Smith	24510	Cllr. Procter
24251	Mr Crellin	24517	Miss Tighe
24258	Ms Seymour	24524	Mrs Bhaskaran
24265	Ms Gosden	24531	Mrs Postill
24272	Ms Mooney	24538	Mr Postill
24279	Mr Proctor	24545	Mr Burnett
24286	Mr Storrar	24552	Mrs Davis
24293	Mr Sinclair	24559	Mrs Hayes
24307	Ms Dillon	24571	Ms
24314	Ms Hall	24578	Ms Turner
24321	Ms Martin	24585	Mrs Knight
24328	Mr Walker	24592	Dr. Robertson
24335	Ms Bales	24599	Mrs Robertson
24342	Mr Richmond	24606	Mrs Ritchie
24349	Mr Bales	24613	Mr Carr
24356	Mr Kettlewell	24620	Mrs Ward
24364	Mr Flannery	24627	Miss Boyle
24370	Ms Flannery	24634	Dr. Giles
24377	Mr Beecroft	24644	Mr Finch
24384	Mr Mason	24651	Mr Deighton
24391	Dr. Seymour	24658	Ms Deighton
24398	Dr. Crellin	24662	Ms Windsor Lewis
24300	Ms Sinclair	24790	Miss Smith
24405	Ms Thackray	25056	Dr. Klemm
24412	Ms Crawford	25168	Lowry Homes
24419	Ms England	25202	Nexus Land and Property
24426	Ms Procter	25215	Cllr. Illingworth
24433	Mr Fox	25619	Mr Firth
24440	Mrs Fox	25639	Secondsite Property Holdings Ltd
24447	Mrs Roberts	25640	Secondsite Property Holdings Ltd
24454	Mr Goodwin	25641	Secondsite Property Holdings Ltd
24461	Mrs Goodwin		
24468	Miss North-Lewis		
24475	Mrs Sugaman		

### Objections (First Deposit) 7/004

20492	Churwell Action Group	21486	Mrs Blake
20516	Mr Watson	21579	Persimmon Homes West Yorks Ltd
20547	Mr Simpson	21623	Micklefield Properties Ltd
20569	Mrs Allison	21631	Springwood Limited
20746	Ms Rawling	21714	Hallam Land Management
20757	Ms Watson	21730	Persimmon Homes West Yorks Ltd
20855	Mrs Gawthorpe	21732	Persimmon Homes West Yorks Ltd
20863	WARDEN	21734	Persimmon Homes West Yorks Ltd
20878	Thorp Arch Parish Council	21784	Ashdale Land & Property Co Ltd
20881	Mr Sharkey	21792	Provincial Land Developments
21054	Mr Latham	21894	Mr Klemm
21449	English Heritage	21903	Taylor Woodrow
21484	Mr Blake	25203	Nexus Land and Property

### Objections (First Deposit) 7/005

20563	Messrs Wagstaff	21624	Micklefield Properties Ltd
20737	Mr & Mrs	21632	Springwood Limited
21502	Mr Evans	21639	David Wilson Homes (Northern)
21516	Scholes Development Co Ltd	21735	Persimmon Homes West Yorks Ltd
21523	R Gaunt & Sons (Holdings) Ltd	21746	House Builders Federation
21552	Thoner Parish Council	21785	Ashdale Land & Property Co Ltd

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21793	Provincial Land Developments	21829	Leeds Review Consortium
21796	Persimmon Homes (West Yorks)	25204	Nexus Land and Property
21803	Arncliffe Homes Ltd		

### Objections (Revised Deposit) 7/002RD

30089	Land & Development Practice	30402	BT Plc
30137	Thorner Parish Council	30403	BT Plc
30147	David Wilson Homes	30407	Ashdale
30166	S. Evans	30418	Government Office for Yorkshire and the Humber
30169	Riding for the Disabled Association	30449	Cllr Gruen
30211	Secondsite Property Holdings	30457	Nexus Land & Property

### Objections (Revised Deposit) 7/003RD

30022	Churwell Action Group	30382	English Heritage
30088	Land & Development Practice	30416	Government Office for Yorkshire and the Humber

### Objections (Revised Deposit) 7/004RD

30138	Thorner Parish Council	30417	Government Office for Yorkshire and the Humber
30161	Thorner Action Group	30455	Nexus Land & Property
30167	S Evans	30491	Airebank Developments
30170	Riding for the Disabled Association	30505	House Builders Federation
30369	Leeds Review Consortium		

## Issues

- 7.1 The issues in this section are derived from the Housing Round Table Session [RTS], and are as follows:

### Housing Requirement

1. Should the Plan provide for a higher rate of development than the 1,930 dwellings per annum [dpa] set out in RPG12 [now RSS]?
2. How would the Plan cater for a higher rate of housing development if it were to be established in the RSS during the Plan period?

### Housing Land Supply

3. Should the quantities of housing from proposed allocations be set out in the UDP?
4. Is the Council’s assessment of land supply soundly based? Is the supply figure an appropriate one?
5. Are housing losses taken into account?
6. Does the Proposals Map show sufficient sites to accommodate the equivalent of at least the first 5 years of development?

## Housing Strategy

7. Does the Council’s approach accord with Policy P3e) of RSS? Has there been a thorough evaluation of sites against sustainability criteria?
8. Is it appropriate to introduce new sites and bring Protected Area of Search [PAS] sites forward?
9. Is the Council’s advancement of “Strategic Housing Sites” [SHSs] for exceptional, overriding strategic planning reasons justified?
10. Should the rationale for the selection of SHSs be set out in the UDP along with reasons for their phasing?
11. Is there an over-reliance on sites within the central core of the City? Would continuing emphasis on the City Centre prejudice meeting the full range of housing needs or hinder other key elements of the regeneration of the City?
12. Should a more radical strategy be adopted whereby housing development is permitted anywhere in Leeds so long as the developer undertakes to provide a broadly equivalent area of public recreation open space within the most deprived areas?

## Phasing

13. Are the phasing policies and mechanisms sufficiently clear? Are the triggers sufficiently sensitive to allow flexibility?
14. Is the explanation of how the policies would operate, given in the Housing Background Paper, sound? Should this form part of the Plan?
15. Are those sites which Government guidance would define as “Strategic” subject to suitable phasing?
16. Should there be three phases rather than the two proposed? Are Policies H4 and H5 sufficiently clear?

## Policies H4 and H5

17. Does Policy H5, (and Policy H2 Phase 1 C and Phase 2 C) provide too much flexibility for brownfield and greenfield sites to come forward that do not accord with the sequential approach in PPG3, or likewise, the pattern of development promoted by RSS? Would all windfalls, in any location, be better dealt with under Policy H4 as it appears in the Revised Deposit Plan? In any event, should Policy H4 incorporate a similar criterion to Policy H5 Aii)? Should the Policies be combined?

## Other matters

18. Should there be an alternative classification of sites? Have some been misclassified?
19. How should the “Main Urban Area” [MUA] be defined?

20. Will sewage treatment infrastructure capacity be sufficient?
21. Should priority be given to the re-use of buildings over redevelopment?
22. Is sufficient regard to be paid to the bio-diversity value of brownfield land?
23. Should reference be made to the view that Morley has experienced development on a large-sale since 1986 and that this must be reflected in any decision making process?
24. Should Strategic Aim SA3 be amended to refer to “making provision to meet locally assessed need for affordable and special needs housing” rather than “targeting of provision for social housing needs groups”?
25. Should the RUDP state that the strategy proposed “will maintain the rate of use of brownfield sites at in excess of 80% throughout the Review plan period, to 2016”?

## **Inspector’s Reasoning and Conclusions**

### **Housing Requirement**

#### ***Should the Plan provide for a higher rate of development than 1,930 dwellings per annum [dpa]?***

- 7.2 1. Neither the higher figures advanced by some objectors, nor the recommendations of the Barker Report [CD/GOV/18b], have any formal status as yet. Although consultation is underway on housing scenarios with higher figures ranging from 2,300 to 2,950 dpa it could be some time before a future draft RSS housing requirement is approved. The higher figure of 3,345 dwellings, referred to by the Leeds Review Consortium [LRC], which includes 1,141 dwellings for replacement, has no status other than consultants’ advice in a working document. The higher range given in draft RSS [2,470-2,950] is a suggested range. When the RSS proposals are issued in their final form, the EIP is the correct forum for discussion of the amount and distribution of housing required in the Region. It is not for the Leeds UDP to determine, in advance of revised RSS, that continued economic growth and alleged lack of housing supply to meet actual need/demand in sustainable locations will be likely to lead to a significantly higher annual requirement.
- 7.3 There is therefore no scope to vary the current RSS figure of 1,930 dpa approved relatively recently in 2001, and confirmed in the RSS/Selective Review of RPG12 in December 2004. The Plan should proceed on that basis. Nor is there anything in present Government policy to support the Barker approach of providing an explicit buffer of extra dwellings. In fact the consultation document “Planning for Housing Provision” [July 2005], which sets out the Government’s planning response to recommendations in the Barker Report, does not include proposals for buffers. It remains to be seen what guidance will emerge on changes to how housing land supply, whatever the requirement may be, is to be ensured.
- 7.4 Demolitions have been taken into account in setting the current RSS requirement. The fact that there have recently been more demolitions in Leeds [Table 6.16,

CD/REG/07] than allowed for is a matter of some concern but there is no accurate or adequate basis for changing the 1,930 dwellings completion figure. The matter should be addressed through the future RSS. Meanwhile it is reassuring that completions have recently been above the current required RSS rate and that the planned supply allows for continued completions at or above that level. This emphasises the need for careful monitoring.

***How would the Plan cater for a higher rate of housing development if it were to be established in the RSS during the Plan period?***

- 7.5 2. Some technical flexibility would be introduced by RD Alteration 7/001 which states that “provision will be made for the annual average requirement identified by RPG” [which should now be RSS]. That is the Policy. The second sentence which simply states that it “is currently” 1,930 dpa, implying that it may be different in the future, should be included in the supporting text. The proper application of “Plan, Monitor and Manage” [PMM] is to be relied upon to ensure that variations in the housing requirement and the necessary flexibility, advocated in PPG3 and Keith Hill’s statement [CD/GOV/15], are achieved, if possible by managing the release of land rather than by Plan review.

**Housing Land Supply**

***Should the quantities of housing from proposed allocations be set out in the UDP?***

- 7.6 3. The Council have responded to objections to the lack of numerical content in the FDUDP by producing the table on p. 40 of the RDUDP. Whilst this is helpful as a summary, it falls short of the GOYH’s suggestion, for example, that site areas, permitted numbers of dwellings and anticipated yields within the relevant phase should be provided. I consider that it is necessary to give such detail in the lists of phased sites in order to understand the elements of the totals in each phase and the relative contributions expected from them. This is essential to a full and clear understanding of the Plan and, if such data had been given, some objections about clarity and numbers involved could well have been avoided. It is also necessary to facilitate proper monitoring of the Plan’s provisions.
- 7.7 I do not share the Council’s concern that such site estimates may be misconstrued as maxima by third parties objecting to planning applications. It is for the Plan to explain that this is not the case, that the figures are indicative only, and that the numbers of dwellings built may vary. It is not acceptable to refer to the Annual Land Monitors [ALM] as providing such data.
- 7.8 Having provided the summary figures, the Council accept the inaccuracy of the statement in para. 7.3.3 that the sites in H3-1 “In accordance with the requirements of PPG3...provide approximately the equivalent of a 5 year supply” in terms of the RSS requirement. In fact they are, as proposed, 1,350 short [that is 8,300 dwellings compared with 9,650]. The Council therefore suggested a further change to amend para. 7.3.3 to refer to Policy H3 rather than just H3-1A as follows:

“In accordance with PPG3, the sites allocated in Policy H3 provide in excess of the 5 year land supply requirement”.



- 7.9 In fact my recommendations, that Thorp Arch Trading Estate [TATE] should be deleted and East of Otley [EOO] and Micklefield SHSs should be developed later in the Plan period, imply a further reduction in H3-1 sites’ capacity to about 3,400 dwellings. However, the total planned development in RUDP would only be reduced by the 1,500 dwellings at TATE which would not be significant in relation to the total available to meet RSS requirements. The Council’s suggested rewording would therefore remain true and I recommend, accordingly, that the sentence should be included within the explanatory text.

***Is the Council’s assessment of land supply soundly based? Is the supply figure an appropriate one?***

- 7.10 4. The Council’s assessments of supply based on trends and the Urban Capacity Study [UCS] findings indicate a sufficiency of housing land supply and, as they say, are mutually supportive of the view that windfalls can, and are likely to, continue and in themselves could provide an excess over the RSS requirement. The Leeds Review Consortium’s [LRC] assessment applies a 59% discount to the UCS which appears to me to be unusually high and pessimistic even taking into account acknowledged difficulties such as ownership, owners’ attitudes and site availability in relation to existing uses. Whilst I accept that the Council may have underestimated some of the problems attached to the development of identified sites, the UCS even when discounted by LRC illustrates that there is a very large potential for development of land within the urban area which, given appropriate control and management of the release of other land, should provide an important and significant contribution to housing supply for the foreseeable future.
- 7.11 From all that I have read and seen of the UCS sites I have no reason to doubt the Study’s soundness and usefulness as a basis for likely housing land supply and the concentration on development of previously-developed land. Certainly at the moment there is no reason to believe that the supply will dwindle or be significantly less than anticipated. Evidence to the Inquiry was that the performance on the proportion of development on brownfield land has improved steadily, from 67% before 2000 to 86% in 2002/3 [compared with a target of 78%] and to 89% in 2003/4 [target 80%] [S/30469]. This would appear to indicate that the focus of national policy is having greater than anticipated success in Leeds. In this respect I do not consider that there is an undue focus on the City Centre; a major objective within national policy is regeneration of such areas and so success in this respect should not be criticised.
- 7.12 A number of objectors want additional sites included in the UCS, “acknowledged” as available brownfield sites, or allocated in the UDP, which also indicates that in some ways the UCS could be an underestimate. However, I must point out that I have no remit to consider the content of the UCS in terms of sites and it is unnecessary to allocate sites which could be considered as brownfield windfalls.
- 7.13 While it must be recognised that UCSs are not blueprints but tools which give an indication of capacity, they can act also as something of a catalyst encouraging development of those sites identified as having such potential. There cannot be absolute certainty involved in estimating the amount of brownfield windfall land which will come forward, particularly as the UCS is an appraisal at a particular point in time and has yet to be subject of wider consultation, but it is the purpose of the PMM system to keep a continuous check on progress and intervene if necessary to regulate supply. To do so in order to maintain, or achieve higher, rates of completion there

must be a reservoir of supply to draw from and the Council are being prudent and adhering to Government guidance in proposing such reserves in H3-2 and H3-3 sites. I follow this approach in my recommendations.

- 7.14 The LRC’s estimates both of trends and UCS potential, although lower than the Council’s, are at a high level which would constitute a significant component of land supply. It would be wrong to give insufficient weight to this element and wrong at this stage to allocate more greenfield land for development before or at the same time as brownfield land, because to do so could well lead to the diversion of the focus away from the development of previously-developed land and undermine the housing strategy. For this reason, I do not accept the LRC argument that it is necessary to provide an extra “3 year buffer” or a buffer of the scale that the Council’s initial figure of 31,000 dwellings [20,100 + 10,900, Table p.40 RDUDP] implies. That figure results from the total supply calculation made at the time and was not intended to incorporate a specific buffer element.
- 7.15 The RSS requirement to 2016 [from the base date of 31 March 2003] is 25,090 dwellings. The Council’s revised figures, which include discounts introduced as IC/009 to mirror current practice in the March 2004 ALM system and to acknowledge criticism from objectors, indicate a surplus of supply of between 4,200 and 7,800 [exclusive of any carry-over]. LRC’s estimated surplus of 4,262 is little different from the Council’s lower figure. LRC’s figure of 24,802 [from S/21826 etc/1D, Table attached to LRC letter dated 2<sup>nd</sup> July 2004] would be a 12.8 year supply, confirming that there is no need to add a 3 year buffer.
- 7.16 The adjustments in phasing which I recommend at para. 7.122 should be subject of modifications, do not significantly affect the contribution which the sites could make to the housing requirement in the Plan period as a whole. TATE, which I recommend should be deleted, is not an essential element in the general housing requirement, being driven by the need for affordable housing in Rural North Leeds [RNL]. As such it can be deleted without replacement. My recommendations with regard to phasing of sites such as those at Micklefield and EOO involve a reordering of housing proposals but otherwise no further reduction in planned supply, which I consider is adequate both in quantity and quality for the Plan period. There is reference, in para. 7.2.1, bullet point 4, to provision for more specific additional developments which may be needed in certain parts or localities within the District, reflecting local needs and circumstances. I find this too vague to be properly included as a general principle governing the strategy, and for this reason consider that it should not be included in the Plan, but its deletion is also a necessary consequence of my recommending deletion of TATE and rephrasing of EOO and Micklefield.
- 7.17 I do not consider that there has been double counting in respect of Holbeck Urban Village [HUV] and Hunslet Riverside [HR] and I see no reason why they should not be allocations in the UDP. Planning permission exists for 700 dwellings at HR, and there is scope for at least a further 350 [see para.15.29]. This is more than objectors allow for, and I see no reason why regeneration including housing should not proceed in such areas. Indeed, conversely, I can foresee regeneration failing to proceed there if a specific buffer of greenfield land were to be allocated elsewhere and were to come forward for housing purposes as suggested. It may be that an element of windfall supply around HUV and HR would be affected by ancillary work on other related sites but I would not anticipate that there would be a significant reduction of the figures proposed.

- 7.18 The Council’s suggested Policy E7 could imply a loss of about 12% in windfall capacity by their estimate [see LCC/016/B(iii)]. My recommendations with regard to E7 [under Alteration 8/001] follow PPG3 as amended and will make it no less likely than at present that some employment sites could be redeveloped for housing purposes. This means that there need be no compensation made for such a reduction in possible windfalls.
- 7.19 I therefore do not consider that the Council are overallocating by an alarming extent as suggested on behalf of Thorner PC and others or, because of the large windfall element in the calculation, that they are in contravention of guidance in PPG3, para. 30, that LPAs should only identify sufficient land to meet the strategic housing requirement. Whilst there is no basis for a formal buffer allocation, a margin of over-supply is necessary to guard against the possibility that windfalls may not be realised. In situations where potential urban capacity is high, as it is in Leeds, and following PPG3 and Keith Hill’s statement, I would go as far as to say that some over-supply is unavoidable to ensure continuity of housing land coming forward.
- 7.20 However, I do consider that the reasons for the generous provision of land, and the fact that PMM will regulate its release, should be explained more fully in the supporting text [para. 7.4.2] of the Plan and I recommend accordingly. In particular, it should be made clear how the residual requirement to be met in later phases, notably at ELE, follows on from allocations and windfall assumptions at earlier stages in the process, and what assumptions have been made as to the scale of that requirement. My recommendations with regard to SHSs and phasing will also require modification of paras. 7.4.3, .5 and .6.
- 7.21 In the context of some objectors’ arguments that the Council’s strategy would lead to local shortages and that specific sites should be brought forward from H3 or PAS land, it is argued that there should be a “fair share” approach to housing land provision, for example, that housing allocations should allow for new housing based on the ratio of a particular settlement’s, ward’s or sector’s population to the total population of Leeds. Allied to this in some cases is the argument that housing allocations should allow the continuation of past completion rates.
- 7.22 Whilst local needs and circumstances are relevant factors in determining the distribution of housing land, as indicated for example in the UDP’s Strategic Principle SP5, it is not automatic that past completion rates should continue, particularly where a disproportionate amount of development has taken place in the past. More fundamentally, if housing land were to be distributed on a statistical basis according to existing settlement/ward populations or past house building rates as suggested it would simply perpetuate existing housing distribution denying any strategic influence or foundation of sustainability. As the Council point out also, national policy to develop previously-developed land before greenfield land can itself result in geographical imbalances between demand and distribution.

***Are housing losses taken into account?***

- 7.23 5. In view of what I say in para. 7.3 above, no specific additional allowance should be made for housing losses. The Council state that the RSS is to take a different approach to demolitions because it was felt that RPG12 had not dealt with them satisfactorily and had underestimated them. In future, supply is to be divided into two

components, to meet both demographic need and housing replacement. However, in the meantime if local allowances were made they would tend to lead to confusion and double counting.

***Does the Proposals Map show sufficient sites to accommodate the equivalent of at least the first 5 years of development?***

- 7.24 6. Irrespective of the high level of likely supply of brownfield sites, the RDUDP allocations would more than satisfy the RSS five year requirement of 9,650 dwellings having a capacity of 14,700; or 13,200 without TATE’s allocation and with EOO and Micklefield’s deferral to Phase 3 as I recommend. On the basis of the Council’s IC/009, the allocations would have a capacity of 11,960 – 12,760 units or 10,460 – 11,260 excluding TATE, which would be more than sufficient.
- 7.25 It is appropriate to include dwellings on sites with planning permission in the base date allocations and associated calculations. It is also impracticable, in my view, to discount an anticipated number of dwellings on sites with planning permission expected to be built out before adoption.

**Housing Strategy**

***Does the Council’s approach accord with Policy P3 e) of RSS?  
Has there been a thorough evaluation of sites against sustainability criteria?  
Is it appropriate to introduce new sites and bring PAS sites forward?***

- 7.26 7-8 Objectors criticise the fact that the strategy does not derive from an explicit application of the sequential approach. It is also argued that the principles upon which the Council rely in RDUDP para. 7.2.1 are not criteria; that there is no indication of the weight that has been attached to them; and that, in omitting reference in particular to other infill within urban areas, the search sequence as set out in Policy H2 of RSS has not been followed.
- 7.27 The Council acknowledge that they have taken a simple approach to sustainability. They have conducted a limited and partial review. A full sustainability analysis of all AUDP sites [which were included in the AUDP prior to publication of PPG3] to order them or consider replacing less sustainable ones with new substitute sites has not been undertaken. Nor has the RSS Policy P3 e) been followed.
- 7.28 The Council have in effect, simply carried forward all existing Plan allocations en masse assessing them according to whether they are brownfield or greenfield. Consequently there has been no assessment of whether sites should remain as allocations and no more than a broad brush approach to assessment of sites in terms of sustainability and sequencing.
- 7.29 However, the Council think that the proposed phasing accords reasonably well with RSS P3 e) and PPG3. All the H3-1A sites are brownfield and in their view none performs so poorly as to warrant deletion. 4 of the 7 proposed SHSs are brownfield, and 2 of the 4 are within the MUA. Greenfield sites are given a lower priority in order of release apart from three – EOO, Sharp Lane Middleton [SLM] and Micklefield – which are favoured for strategic reasons concerning the need either for affordable housing or regeneration.

- 7.30 I disagree with the Council’s interpretation of RSS Policy P3e) as relating to remote settlements and also consider that a more rigorous approach would have been desirable and led to a more transparent and better justified ordering of sites. This is especially so given that the PAS sites, for example within ELE, are proposed to take precedence over the H3-3 sites and other sites such as TATE were introduced as new allocations.
- 7.31 Having considered objections to the Council’s proposed strategy and to specific sites and their phasing, I conclude that there is sufficient previously-developed land likely to come forward for development, which together with the H3-1 allocations [including Sharp Lane, Middleton and Allerton Bywater] and Hunslet Riverside and Holbeck Urban Village, should constitute Phase 1 of the Plan. Albeit there is a likelihood that the supply will last for a considerable time, I do not consider that Phase 1 should extend as far as 2011 for reasons which I give below at para. 7.77.
- 7.32 With regard to the second phase, I find under Alteration 15/015 that there is insufficient justification at present for including ELE, which is a major urban extension, in an earlier phase than other greenfield sites which are either within, better or equally well-related to the MUA, and especially when a significant and continuing contribution from brownfield windfall sites can be expected. It is not sound planning to embark upon the development of a major urban extension such as ELE which would extend the urban area into open countryside on a large scale before using what might be termed structural infill sites or smaller, less obtrusive urban extensions. As importantly, it is a waste of resources to provide extensive new infrastructure and facilities in such a large extension when existing facilities could be used first to cater for smaller allocated sites which relate well to the urban area. I set out this approach below in a recommended amendment to para. 7.4.6 of the supporting text.
- 7.33 I therefore recommend a shift in strategy to include a number of H3-3 sites in an intermediate or second phase between the Council’s proposed Phases 1 and 2. Although not all H3-3 sites have been subject to objections, those which I have had to consider have been sufficient to convince me that at least those which I recommend for advancement are sounder candidates for earlier development than ELE. There may be others which, had the Council undertaken a comprehensive appraisal of all allocations and designated PAS sites, would present equally favourable options for earlier development than ELE. However, this is for the Council to consider and they should assess sites in this way at the earliest opportunity in the LDF system.
- 7.34 My recommendation that there should be an intermediate, new second phase of development before ELE is committed, will allow time for the further work which I consider needs to be undertaken on that proposal [see Alteration 15/015] as well as providing the Council with the opportunity to assess comprehensively the ordering of allocated H3-3 sites and ELE in a third phase in accordance with the sequential approach and in terms of their sustainability characteristics.

***Is the Council’s advancement of ‘Strategic Sites’ for exceptional, overriding strategic planning reasons justified?***

- 7.35 9 “Strategic sites” should be “allocated sites” which are essential to the strategy and building blocks of the Council’s managed release of land [Planning to Deliver [PTD] p.14]. PTD also says that strategic sites should “set the context for future housing development” i.e. implying some long-term commitment to a particular form

or direction of growth. This does not apply to TATE or EOO, which are essentially one-offs which are justified mainly on affordable housing grounds. They would not set the context for future housing development in Leeds as a whole. Nexus make the point that in terms of national guidance strategic sites should be over 1,000 units, only ELE and TATE would qualify as such. Guidance also advocates that, in terms of phasing, strategic sites should be treated differently because of the infrastructure needed. If sites were released on a piecemeal basis to meet shortfalls, the benefits of urban extensions would not be realised.

- 7.36 To be specific, Allerton Bywater and Sharp Lane have planning permission and should be moved to H3-1A, although they may still be regarded as strategic sites as I conclude under Alterations 16/005 and 22/007 respectively.
- 7.37 My conclusion on Micklefield is that it should not be included within the RUDP as a strategic site for the reasons I give under Alteration 16/009.
- 7.38 TATE is not recommended for inclusion in the UDP for reasons given under Alteration 24/003. EOO is not recommended for inclusion in Phase 1 of the UDP under Alteration 19/006 and therefore should not be seen as a SHS.
- 7.39 Holbeck Urban Village and Hunslet Riverside are referred to by some as areas rather than strategic sites. I see no problem with their allocation as planned brownfield developments in Phase 1 although I doubt that they qualify as strategic housing sites because of their size and more importantly because they are likely to contain a variety of development rather than housing alone. "Strategic Housing Site" would be a misnomer in their case. I therefore recommend that they be termed "Strategic Housing and Mixed-use Sites" to avoid the impression that they are strategic sites solely in the housing context.

***Should the rationale for the selection of SHSs be set out in the UDP along with reasons for their phasing?***

- 7.40 10. The rationale for their strategic status, in relation to Government guidance, should be set out in relation to both SHSs [Allerton Bywater and Sharp Lane, Middleton] in more detail than at present. It is for the Council to draft such an addition. The rationale for terming HR and HUV as "Strategic Housing and Mixed-use Sites" should also be included in the explanatory text.

***Is there an over-reliance on sites within the central core of the City?  
Will this lead to a form of development that meets the full range of housing needs?  
Will it hinder other key elements of the regeneration of the City?***

- 7.41 11. Although some objectors fear that the City Centre market, where activity has been investment-led rather than housing-led, is slowing or will slow down, there is little sign of it doing so. From the evidence presented there is still considerable scope for such development including further provision of housing. It is likely to proceed, and to proceed more quickly, if a tight rein is kept upon the release of greenfield sites until it is established that they are needed. The concentration by developers and plan makers alike on the re-use of City Centre sites for housing and mixed-use schemes is to be welcomed and encouraged as contributing to the urban renaissance and prosperity of Leeds. I therefore do not consider that there is an over-reliance on City

Centre development in terms of the 20-25% of dwellings deriving from that source, the current additional supply from inner city areas, or that yet to come through development of other brownfield land in these areas.

- 7.42 Nor do I consider that the development of City Centre sites is significantly reducing the choice and variety of housing provided. The Council make the points that family housing continues to be built in the suburbs, and developers could not expect to choose what sorts of housing to build and then ask for more greenfield sites because of an alleged dearth of family housing. They suggested that if I did not share their view that all needs were being met, the alternative might be a policy to guide what sort of housing should be built. I do not favour such an approach because it would be too prescriptive and it has no foundation in national policy. Such an approach is unnecessary anyway as the building of a variety of flats and apartments is providing types of dwelling which have long been under-represented and such development is apparently still proving popular, as it is also on suburban sites. Family housing still comprises the vast majority of dwellings in the stock [the 2001 Census indicates that about 82% of the dwelling stock comprised houses and 17.5% flats] and as urban renaissance proceeds it may well become more prevalent within or closer to the City Centre.
- 7.43 It should be borne in mind that about 92% of predicted household growth between 2011 and 2021 is one-person households. Whilst some of the growth in such households stems from relationship breakdowns, much of it is because more people are choosing to live alone or are living longer. In any event not all those whose relationships have broken down need, or aspire to, two to four bed houses rather than one to two bed flats as suggested by one objector and I attach little weight to this argument for further land release.
- 7.44 Some objectors refer to the practice of some companies taking up City Centre apartments for use by staff during the week and so reducing the availability to those needing housing. Endercourt referred to the need for greater variety of house types for the rising percentage of people working from home. However, such generalised views, unsupported by any evidence of problems being caused, cannot be taken as a basis for diverting the focus away from City Centre redevelopment and the regeneration benefits which will undoubtedly accrue in terms of renaissance, investment confidence, diversifying tenure, supporting services that were previously in decline, and removing eyesores.
- 7.45 There is no evidence that the market is flooded or distorted in some way at present by City Centre developments. There is therefore no reason to plan for less housing development in the City Centre, or more on greenfield sites in the outskirts, on the basis that choice needs to be increased or, as is asserted by Nexus, that more affordable housing should be built in the outer suburbs where there is a greater demand. This would be to divert attention from urban regeneration and increase pressure for peripheral greenfield development contrary to PPG3.
- 7.46 I do not consider that other uses will be squeezed out by housing developments in the City Centre and inner areas; the AUDP has specific proposals for the City Centre “Quarters” and “Prestige Development Areas” [PDAs]. Also as more people live in or close to the City Centre, other service and ancillary uses may be attracted. This will assist in creating variety and communities that are more mixed, albeit they may not include many families with children.

7.47 It is also likely that the focus on the City Centre will assist in the regeneration of other inner areas rather than inhibit it. The aim of the Council’s Community Strategy [CD/GEN/05] is to extend the success experienced in the City Centre to such areas. The aim is also to increase the City Centre population from 6,800 to 20,000. Criticism by objectors that few people want to live in the City Centre or the inner city was said by the Council to be based on a small, and not necessarily, representative sample in their Housing Needs Assessment. It is clear that the market is catering for the 16-29 age group from the fact that there has been a net inflow in that group. City Centre redevelopment is having a beneficial effect in catering for such needs and adding variety to the housing stock in a highly sustainable way.

***Should a more radical strategy be adopted whereby housing development is permitted anywhere in Leeds so long as the developer undertakes to provide a broadly equivalent area of public recreation open space within the most deprived areas?***

7.48 12. Cllr. Illingworth’s suggested strategy stems from concerns that there is a serious deficiency of open space in Leeds, a dearth of safe places for children to play in inner areas, and that the Council have failed to consider health and recreation properly in preparing the RUDP. He considers that limited reserves of informal space are being depleted; the Council’s mechanisms for securing new spaces are ineffective; and there is an adverse impact on public health that could last well into the future.

7.49 However, the objector’s proposed mechanisms for improvement, which would involve an embargo on residential development in areas of poor health or recreational deficiency, and recycling profits from uncontrolled housing developments to finance regeneration/open space provision, conflict with national policy. There is no basis for restricting residential development as suggested, and to permit development “anywhere” in the District would conflict seriously with national and local GB and housing policies without obvious local justification. Nor is the space available in deprived urban areas to provide roughly the equivalent land area for open space provision. In these circumstances I cannot recommend that Cllr. Illingworth’s suggested additions and amendments to the UDP are made or that the suggested mechanism becomes UDP policy.

7.50 The economics would not work either in terms of relative land values. Provision of open space through s.106 agreements must be necessary and reasonable in relation to the development proposed and it cannot be expected that a developer would agree, or could be made, to provide open space for others at some distance from his own development site.

### **Phasing**

7.51 Objections to FDUDP are that the phasing provisions of the Plan were unclear and too loose. RDUDP Policy H1 largely takes on board the suggestions of GOYH that there should be a policy in the Plan which would require housing supply to be monitored and the phased release of allocated sites adjusted either sooner or later depending upon overall supply performance relative to RSS requirements. With regard to H2, GOYH suggest “delivery” instead of “phasing” in the first sentence,



which I consider to be sensible because it is the delivery of land which will be controlled by phasing rather than the phasing itself.

- 7.52 Several objectors criticise the introduction of phasing in RDUDP in that Phases 2 and 3 could come in earlier than “after 1<sup>st</sup> April 2011” and “after Phase 2” respectively as envisaged in the final paragraph of Policy H2 in FDUDP or, as retained, in the heading to Phase 3 in RDUDP. Their concern is particularly that there is no need for advancing greenfield site development given the amount of brownfield land identified and that there would be pressure for ELE to come forward or be committed in advance of 2011. In this respect concern is also expressed about the wording of para. iv. of RD Alteration 15/015. They prefer the certainty of phasing as set out in FDUDP.
- 7.53 However, the essence of PMM is that there should be flexibility to advance or delay development according to the results of regular monitoring. Whilst the land supply is certain from allocations in the Plan, the timing and therefore the rate at which it comes forward for development are to be managed, taking into account windfall contributions, to ensure continuity of delivery of housing in accordance with the mechanism adopted. The dates assume less importance in these circumstances. Although they should be included as indicators of anticipated timescale, it should be made clear in the Plan in terms of the phasing mechanism that such dates can only be approximations.

***Are the phasing policies and mechanisms sufficiently clear? Are the triggers sufficiently sensitive to allow flexibility?***

- 7.54 13. Twice yearly monitoring is already established in Leeds and the frequency and timing of intended monitoring, as explained in LCC/001 Ax.2, appear acceptable. Monitoring is central to the PMM approach; its importance is now recognised in Policy H1 in RD 7/001 although I consider that more detail should be included of the process and also to comply with national guidance [PTD p.16 last para.] there should be a commitment in the UDP for monitoring to include regular dialogue with the development industry. This is important because, as outlined in PTD and “Monitoring the Provision of Housing through the Planning System”, the industry has a contribution to make to monitoring and it is desirable that there should be a consensus as to the adequacy of supply and the timing of phasing.
- 7.55 Policy H2 sets out the phasing provisions of the Plan. However, there is no mechanism contained within the RDUDP. The last paragraph of Policy H1 deals with the management of the release of sites through the grant of planning permission. It states that “If, as a result of monitoring, a significant over- or under-provision in relation to the prevailing RSS annual average rate arises, allocations and their phasing will be re-assessed, and there may be some re-phasing of allocations through a review of the Plan, or through supplementary planning guidance, as appropriate. Similarly the supply situation will also be taken into account when considering planning applications for housing on windfall sites.”
- 7.56 “Significant over- or under-provision” is not explained in the Policy or the explanatory text and I consider that the wording “there may be some re-phasing of allocations through a review of the Plan or through supplementary planning guidance, as appropriate” is also too vague. The last sentence is also criticised by objectors for its vagueness in terms of the exercise of control over windfall proposals and because

restriction of brownfield windfall sites, possibly at a time when greenfield allocations are being progressed, would be contrary to national guidance. The deletion of “greenfield” from Policy H2 Phase 3 in RD 7/001 does not help in clarifying the role of brownfield sites and is at odds with the continuing description of Phase 3 sites as greenfield in Policy H3-3. Objectors suggest that Policy H1 be reworded to indicate that the site-specific merits of windfall housing proposals would be fully taken into account in the supply situation. In the broader sense, it is also suggested that “adequacy” [in the 2<sup>nd</sup> para. of H1 of RD 7/001] should relate simply to completions and not also to the supply of sites and planning permissions, which I consider to be a fair point as it is the delivery of sites which should be assessed for adequacy. “Adequacy” as drafted should be deleted.

- 7.57 The phasing policies and mechanisms are insufficiently clear because they are not explained in the RDUDP nor is there any cross reference to any SPG document which assists in this respect. They have been elaborated only in the Council’s evidence [LCC/001, Ax. 2, “Guidelines for Controlling Housing Land Release”].
- 7.58 The Council’s evidence defines “significant under-provision” in Phases 1 and 2 as when
- i). average completions during 3 years prior to the Monitoring Point [MP] fall more than 20% below the average annual rate required by RSS;
  - ii). at the MP, the stock of outstanding planning permissions for dwellings on schemes of 5 or more units falls below the equivalent of 3 years supply at the RSS annual rate; and
  - iii). at the MP, there are insufficient housing development proposals [without planning permission but which have a realistic prospect of receiving planning permission within one year] to offset under-supply in i). and ii). above.
- 7.59 The first criterion of allowing 20% under-provision over three years is criticised as insufficiently sensitive. Nexus for example suggest that there should be a single criterion which relates to meeting the RSS target, in terms of additions to the housing stock. The requirement of 1,930 dwellings relates to completions rather than net additions to the housing stock and I consider that the suggested criterion would be inappropriate because it would depend upon the degree to which there was a shortfall of completions, and anticipated completions, in relation to the requirement. Missing it by a small margin for one year might not be significant if it was clear that there was an adequate supply coming through the pipeline. I consider that it is legitimate to have regard to the supply of sites and sites with planning permission but nevertheless the crucial trigger is i). in terms of completions in relation to the requirement.
- 7.60 However, a shortfall of 20% would to my mind demand attention and analysis of the problem long before three years had elapsed and I consider the criticism of insensitivity is justified. The proposed 3 year period for average completions also seems excessive.
- 7.61 Whilst ii). is factual and hopefully likely to be agreed, reference in iii). to proposals having a “realistic prospect” of receiving planning permission within one year [LCC/001, Ax. 2, paras. 8, 11 and 15] is vague and likely to be contentious. Such an assessment could only be made by the Council’s officers but even for them it would

be difficult and there would be no certainty of outcome; even if the application had got so far as to be recommended for approval, members could refuse planning permission. It would be likely to be the subject of dispute between the Council and developers, and cause difficulties similar to those concerning the old land availability studies.

7.62 I therefore think that there are dangers in the suggested criteria defining “significant over- or under-provision” and not least because they are likely to be seen and used in precise terms. It is obviously desirable to provide some parameters against which to judge the need for further land release rather than leave the basis for future debate open but they should not imply scientific exactness. I therefore consider that the three “criteria” should be described as indicators, rather than criteria, upon which a considered judgement should be made at each MP. This would involve a decision being reached after examining all the information in the HLMs, including the necessary lead-in times for the phased sites. The mechanism should be explained in these terms.

7.63 Any stated number of years or percentages chosen are always going to be arbitrary, but I also question whether it is appropriate to plan for specific under-provision on such a scale as accepting a 20% shortfall for as long as 3 years would imply. 20% in i). should be replaced by 10% and the period reduced from 3 to 2 years. I accept that these figures are arbitrary, as are the Council’s, but I consider that they are to be preferred as they improve the sensitivity of the mechanism and guard against a situation where under-provision is seen as acceptable for 3 years or more. “Indicator” iii) should be reworded to refer to an estimate of the yield of housing development proposals before the Council at the MP. In all, “indicators” imply a much larger element of judgement than would be suggested by criteria and therefore I consider that it is legitimate for those monitoring the situation to have regard to estimates of future yield, albeit not to treat them in the same prescriptive way as in the Council’s approach.

7.64 Under-supply is more worrying than over-supply because, as the Council discuss at para. 6 of LCC/001, Ax.2, it is more difficult for them to intervene to increase supply quickly to remedy a shortfall than to restrict supply to avoid over-provision.

7.65 A significant over-supply in Phase 1, which would mean that Phase 2 would be put back, is defined by the Council as when:

i). average completions during 3 years prior to the MP exceed 20% of the average annual rate required by RSS, and

ii). at the MP, the stock of outstanding planning permissions for dwellings (on schemes of 5 or more units) exceeds the equivalent of 3 years supply at the RSS annual rate.

A significant over-supply would be reasonably indicated by average completions during 3 years prior to the MP exceeding the average annual rate by 20% [which is what I think is meant by i). above] and the next phase of planned development in these circumstances should be deferred. However, I am not convinced that criterion ii). would be a good reason for holding a phase of the Plan back, particularly as the lead time for large scale development could be more than 3 years. Again if i). and ii).



their stated preference that the explanation and trigger mechanism be approved separately from the UDP as a stand-alone policy.

- 7.71 The phasing policies and mechanisms should certainly not be prepared as a stand-alone Council policy which is unconnected either to UDP or SPG or indeed any related consultation procedures. It should be included in the Plan. PTD [p.17] states that if it is envisaged that the results of the monitoring programme may be used to re-assign sites to different phases without causing a formal revision of the plan, the circumstances in which, and the means by which this would be achieved, “*must*” be set out in the [local] plan. The plan should, through its policy for managing the release of sites, make it clear that (i) re-assignment between phases could occur; and (ii) indicate the circumstances which would cause this re-assignment to occur and the process which would be operated.
- 7.72 This means that the circumstances which could lead to the re-assignment of sites between phases, or to the early or late commencement of Phases 2 and 3 [as dealt with in LCC/001 Ax.2] should form part of the Plan. So should an explanation of the process of preparation of the related SPG, indicating such matters as the consultation arrangements with the development industry which would be made and the likely timescale for approval of any re-assignment. At present the terms “significant over- or under-provision” are not defined in the Plan and so they are not capable of being properly understood, as I say at para. 7.56 above.
- 7.73 Similarly the possibility of using SPG if appropriate to re-phase allocations is included in H1 but is not explained in terms of the need for its use or how it would be prepared. SPG has the recognised virtue of being prepared more quickly than a review of the UDP, but the choice of use of SPG or review will depend upon the scale of the change required. There is no indication in Policy H1 at present of the differing circumstances in which a review of the Plan or SPG would be used and I regard this as a flaw.
- 7.74 I conclude therefore that explanation of how the policies would operate, as currently included in the Housing Background Paper, amended to take account of my recommendations, should form part of the UDP.

***Are those sites which Government guidance would define as “Strategic” subject to suitable phasing?***

- 7.75 15. The only 4 proposed remaining strategic sites consequent upon my recommendations are Sharp Lane, Middleton, Allerton Bywater, HUV and HR. The first two are committed and the last two are rightly placed in Phase 1 because they are substantial brownfield sites which should be developed early in the Plan period.

***Should there be three phases rather than the two proposed?***

- 7.76 16. GOYH are concerned that it is not clear what is meant by “immediately” in relation to Phase 1. They also favour 3 shorter phases to avoid the premature release of sites in H3-1B which are greenfield and do not have planning permission. The Council anticipate that once the UDP Review was adopted there would be two roughly equal phases within it. They do not envisage a need for Phase 3.

7.77 I am inclined towards 3 shorter phases to say 2008, 2012 and 2016, for the following reasons. There is in RDUDP a strong reliance on windfall provision, in which circumstances PTD [p.13 last para.] suggests there may be advantages in adopting more, shorter phases, for example of three years. A short first phase to 2008 would have the benefit to which GOYH refer above. Also by 2008 there is likely to be in place an approved revised RSS which will need to be taken into account and may occasion review. I think that 2011 as the end of the first phase is over-long and does not fit well into RSS timescale or indeed into likely LDF/LDD preparation. Having more, shorter phases would not weaken the strategy but would have the advantage of introducing, at an appropriate and not too distant date, a “milestone” [as described in PTD p.9] at which progress of the Plan could be reviewed against its objectives. Splitting Phase 1 into two shorter phases, and including several greenfield sites for development if necessary in the second phase, would imply a later start to what is now Phase 3 ELE. PMM would allow for re-timing if necessary. Finally, it is not appropriate that the Council should at this stage determine that there will be no need for Phase 3, or that the need for further greenfield site release is unlikely [as stated in 7.2.1 bullet point 6 and implied in para. 7.4.7].

7.78 I therefore conclude that the phasing should be as follows:

### **Phase 1**

7.79 Phase 1 should extend from the base date of 31 March 2003 to 2008. As this phase will have been established for about 3 years by the adoption of the Plan, an analysis of annual completions from 1 April 2003 to say 1 April 2005 should be included in the explanatory text to indicate the past level of housing development achieved.

7.80 Following the Council’s presentation, 1A should include the sites currently in H3-1A as allocations for development and identify the anticipated total, and annual number, of dwellings which they are each expected to deliver in Phase 1. Sites at Allerton Bywater, Sharp Lane, Middleton and Hare Lane, Pudsey should be included in the schedule in accordance with my recommendations in respect of these sites.

7.81 The anticipated contribution from additional brownfield windfall development [1B] throughout the Phase should also be given [thereby also making it clear that Phase 1 will include brownfield windfall sites]. This too should be quantified in total and annual terms.

7.82 1C should refer to HUV and HR as “allocated” [rather than their “release” being “supported” in the words of Policy H2 Phase 1, B]. Their expected contribution in Phase 1 should be quantified in total and annual terms. The justification for their allocation should be given in the explanatory text, rather than as at present in RDUDP in H2 Phase B i. – iii.

7.83 It should also be stated that proposals for development on previously-developed, unallocated land outside the MUA will be considered against the criteria of Policy H4 [see para 7.95]. An estimate of the contribution to housing provision in each phase should be made. There should be no reference to greenfield sites or greenfield windfall development. Justification for the figures should be given in the explanatory text.

**Phase 2**

- 7.84 Phase 2 should extend from 2008 - 12
- 7.85 2A should refer to anticipated continuing contribution [if any] from Phase 1 allocations/commitments. As with Phase 1 the anticipated contribution from brownfield windfall development throughout the phase should also be given [thereby making it clear that Phase 2 will also include brownfield windfall sites]. This too should be quantified in total and annual terms. Many of the dwellings will come from existing planning permissions but others will come from brownfield windfall sites which are yet to receive planning permission.
- 7.86 2B should also give the anticipated contribution from brownfield windfall development outside the MUA throughout the second phase in the same way as 1B.
- 7.87 2C should refer to the sites, in the table below, which I recommend should be brought forward from H3-3 into Phase 2 for release if supply of brownfield land reduces to an unacceptable level, determined by a trigger mechanism such as I outline below. The anticipated contributions of the sites to the housing supply should be set out in both total and annual terms.

<u>Site</u>	<u>Area [ha]</u>	<u>Capacity</u>
Greenlea Road, Yeadon	1.06	30-45
Grimes Dyke,Whinmoor H4.8]	17.2	515-860
Red Hall [H4.6]	3.6	110-180
Seacroft Hospital	17.6 [15.8]	530-880 [475-790]
Bruntcliffe Road, Morley	5.0	180-250
Daisy Hill, Morley	2.9	100-150
Church Lane, Adel	2.5	70-125
Pudsey Road, Swinnow	1.3	40-55
Delph End, Pudsey	1.4	40-55
<u>Pottery Lane, Woodlesford</u>	<u>2.5</u>	<u>105-175</u>
Total	53.26	1,665-2,685

- 7.88 Apart from the Seacroft Hospital site [see above entry in brackets], where there is a specific requirement for open space provision, no specific areal/percentage discount is applied to the tabulated sites or the dwellings total. However, the possible density range [at between 30-50 dph] is such that the lower total within the range should be well capable of achievement. It is appreciated that these sites would contribute no more than about one year’s RSS requirement. However, I anticipate that brownfield windfall development is likely to continue at a high level to provide for the bulk of

housing required in the second phase. If that should prove not to be the case, then the trigger mechanism which I suggest below would activate accelerated housing land release. As I say at para. 7.77, the shorter phases which I recommend will also fit better with likely RSS Review and progress of the new LDF system.

- 7.89 To guard against premature release of greenfield land it would be prudent to control the bringing forward of such sites within Phase 2 by a clear trigger mechanism, included in the Plan, to determine the point at which the stock of housing land and, in particular, the supply of brownfield windfalls, had fallen to such a low level as to prejudice delivery of the RSS annual housing requirement. Such a mechanism might be broadly along the same lines as those the Council propose to control the timing of Phases 2 and 3 but with the shorter time frame I recommend, and using “indicators” to assist in making a judgement rather than determinative criteria.
- 7.90 The development industry should be consulted both on the form of the trigger mechanism and on its subsequent operation and so the following is intended as general guidance on what it might contain rather than a definitive design. It should make clear that greenfield sites allocated under Phase 2 would only be released if and when the supply of housing land, comprising existing allocations brought forward, sites with planning permission and anticipated brownfield windfall, was demonstrably inadequate to meet housing needs for the next two years [equivalent to half the length of the Phase].
- 7.91 Possible indicators that might help determine when that point was reached would be if the total of any land carried forward from Phase 1, and all land with planning permission, fell below the equivalent of 2 years supply at the RSS rate; if the annual yield from brownfield windfall failed to make good any shortage of committed land for two successive years; and if there was clear evidence of a continuing decline in the contribution from brownfield windfall, and no indication that the situation would change over the next year. The detailed precision of the indicators chosen is probably less important than that they should give a good guide to trends. Thus, for example, whilst there is no direct connection between annual brownfield yield and RSS requirement, the latter would be a good measure as to whether the “reservoir” of available land was being filled or depleted.

### **Phase 3**

- 7.92 Phase 3 should be after Phase 2, when and if existing housing land supply is demonstrably short or between 2012-2016. It should follow a similar presentation pattern to Phase 2 and include ELE.
- 7.93 Whilst indicative dates for phasing are given, the trigger mechanism will determine the start of each phase and this should be stressed in the explanatory text. The elements of the Policy should be presented simply as sources rather than by way of the statements that “the great majority of land for housing can and should be found...” as in H2 Phase 1A and “releases will be supported” as in B.
- 7.94 Including the lists of sites within the specific phases of development would be a clearer and simpler way of presenting the proposals and would obviate the need for paras. 7.3.1-2 of RD Alteration 7/003, which I recommend should not be included in the RUDP. Reference to the preparation of development briefs or masterplans for certain sites [such as HR, HUV and ELE], as in clause i of p. 36 of the RDUDP,



should be made in the explanatory text accompanying each phase. There is no need to refer to development conforming with other policies of the UDP as in clauses ii and iii at the bottom of p. 36 of the RDUDP; the Plan should be read as a whole.

***Are Policies H4 and H5 sufficiently clear?***

***Does Policy H5, (and Policy H2 Phase 1 C and Phase 2 C) provide too much flexibility for brownfield and greenfield sites to come forward that do not accord with the sequential approach in PPG3, or likewise, the pattern of development promoted by RSS?***

***Would all windfalls, in any location, be better dealt with under Policy H4 as it appears in the Revised Deposit Plan?***

***In any event, should Policy H4 incorporate a similar criterion to Policy H5 Aii)? Should the Policies be combined?***

- 7.95 17. Although it is not immediately apparent from the Policies themselves, Policy H4 relates to brownfield sites within the MUA whereas Policy H5 relates in Part A to brownfield sites outside those areas and then in Part B to greenfield sites. There is nevertheless considerable duplication between Policies H4 and H5 and the two policies appear unnecessarily complicated. Some objectors, including GOYH, have suggested that they could be combined. I consider that there is scope for simplification which would aid understanding of the Plan.
- 7.96 The length and apparent complication of the policies comes in part from cross-references to other UDP policies which are criticised by some objectors as superfluous to Policies H3-H5 and contrary to the advice in “Better Local Plans”. Several objectors suggest additions to the cross-references, which would tend to make the policy even more complicated. GOYH object to reference to Policy E7 in the form it is proposed under Alteration 8/001.
- 7.97 The Council regard such cross-references as important although they acknowledge that they are not exhaustive. Whilst it is desirable to refer to the need to take into account detailed site requirements elsewhere in the Plan, I see no reason to refer to other policies of the Plan except possibly in general terms in relation to H4/5, and therefore no reason to add cross-references to the historic environment and archaeological sites as English Heritage [EH] and the West Yorkshire Archaeological Group [WYAG] suggest. Similarly there is no need to include or elaborate upon H5 clause B.v., as suggested by Churwell Action Group, as nature conservation and open space are protected by other policies of the Plan.
- 7.98 The need for distinction between the two policies stems from that made between development in the MUA and outside it, and also in the sub-division of Policy H5, from that made between brownfield and greenfield windfall sites in “exceptional circumstances”. Objectors to this aspect of H5 consider that the approach is too restrictive; that the use of the phrase “exceptional circumstances” is not appropriate with regard to brownfield sites outside the MUA, and that the proposed policy amounts to a presumption against development. The expectation that development should be within the capacity of existing or proposed infrastructure is simply a test rather than an exceptional circumstance. In any event, the appropriate further test for the acceptability of brownfield development outside the MUA is surely that it should be in a sustainable location; infrastructure provision is one aspect of this. Conversely, infrastructure provision might not always be available within a MUA for development

of a large brownfield site in an area which is already identified for large-scale planned development which took up that capacity.

- 7.99 With regard to greenfield sites, the Council regard a small amount of greenfield windfall development as “virtually inevitable” and consider it prudent to have a policy for such a form of development rather than operate within a policy vacuum. To clarify Policy H5 B clause iii they introduced in RD Alteration 7/003 a definition of “small-scale” as up to 4 dwellings, although the objection is made that the scale should be defined also by size; 0.4ha is suggested. However, GOYH continue to object in principle on the grounds that no greenfield development should be accepted unless it is required because there is an insufficiency of brownfield land supply. This is national policy as expressed in PPG3 para. 36 and I do not consider that the UDP should contain a policy which appears to contradict it or invite applications for greenfield windfall development even on a small scale. I therefore conclude that Policy H5B should not be included in the UDP.
- 7.100 In these circumstances [that H4 and H5 would apply only to brownfield sites] I consider that Policies H4 and H5 A could usefully be combined and suggest the following wording:
- H4 Residential development on sites not identified for that purpose in the UDP but which lie within the MUA as defined on the Proposals Map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP.
- 7.101 As I recommend that Policy H5 should not be included in the UDP, the definition of “small-scale” is unnecessary although I agree that, if it were to be included, it should not state or imply a scale of 0.4ha as suggested by Land & Development Practice as this would imply above 12 dwellings at PPG3 densities. Similarly an additional clause relating to “work-live” development need not be included, in H5 B or indeed in H4 as I recommend it, because such proposals need to be dealt with on their individual merits.
- 7.102 As well as the need to improve the clarity of housing land supply policy generally, a number of objectors suggest that locational criteria should be separated from timed release. In particular I find the reference in Policies H4 and H5, as drafted, to conformity in location and in timing to Phasing Policy H2 to be confusing. The development of brownfield land in a demonstrably sustainable location should be acceptable at any time in the Plan period provided that infrastructure is available, the proposal otherwise complies with Plan policies and there is not an over-supply situation which could occasion a temporary halt or alteration or replacement of the Plan [see paras. 7.60 and 7.61 above]. Consequently timing need not be mentioned.
- 7.103 Policy H2 Phase 1C and Phase 2C as drafted should also be deleted as they cross-refer to H5. Both clause Cs could be replaced by reference to development elsewhere being assessed against Policy H4. This would coincidentally satisfy objections that it should be clarified in Policy H2 that brownfield windfall sites are acceptable.

## Other matters

### ***Alternative classification or mis-classification of sites***

- 7.104 18. Several additional brownfield sites are proposed by some objectors as housing allocations. These include sites at Cookridge Hospital, Woodside Quarry, Kirkstall Road, Hunslet Road, Guiseley, Wortley and the Klondyke Garden Centre, Red Hall Lane. However, brownfield sites which comply with the sequential approach could be considered as windfall sites; they do not need to be included as allocations and in my view none of those suggested need be treated in that way and none would qualify as a SHS. Nor would Aire Valley Leeds qualify as a strategic site, at least until the mix of development is established through the Area Action Plan and then, as with HR and HUV, it would not be appropriate to describe it as such in the context of PPG3 related guidance.
- 7.105 Several objectors also consider that sites which are currently designated as GB [for example land at Cookridge Lane, Cookridge and Wakefield Road, Garforth], should be identified as housing allocations or, if it is decided that there is insufficient need for further housing land, as safeguarded land. It will be clear from my conclusions and recommendations in Chapter 5 that I do not consider that the need or exceptional circumstances exist to warrant amending GB boundaries to include more land either as housing allocations or as PAS.
- 7.106 With regard to the Springswood Land, it will be clear from my conclusions on TATE that I do not consider an allocation of land for housing/mixed-use development would be appropriate in this area and I do not recommend Springswood for inclusion in the RUDP. There is also no need for such an allocation.
- 7.107 The Council state in IC/004 that FDRUDP incorrectly allocated the site at Matty Lane, Robin Hood [H3-1A.13] as a brownfield housing allocation and that it is considered to be greenfield and should therefore have been allocated as such under Policy H3-3. In their proof [LCC/016, para. 6.5.3] they state that most of the site has planning permission for housing development and it is the small residue of the site which has greenfield status. There are no objections to the original designation and therefore the issue is not one before me.
- 7.108 I have dealt with specific objections to the phasing classification of sites as they occur in Plan order in my Report.

### **How should the “Main Urban Area” [MUA] be defined?**

- 7.109 19. Objections to the definition of the MUA include that the rationale should be clearly set out in the Plan; that it should be shown on the Proposals Map; that Drighlington, Gildersome, East and West Ardsley and Allerton Bywater should be added to it; and that the MUA does not necessarily perform better than non-MUA as a sustainable location. Keyland Developments Ltd [KDL] object to the use of the MUA in Policy H2A and the implication in para. 7.2.1 that only in certain areas of the City will brownfield housing development be acceptable. They suggest that “main” should be omitted and that 7.2.1 should state “within the urban areas of the District as defined on the proposals map”.

- 7.110 A plan showing the MUA, and the Council’s explanation of its definition, is included in the RUDP by virtue of RD Alteration 7/001 [Plan M/096]. As the MUA is a basic aspect of RSS and the application of policy I consider that it is necessary for the RUDP to define the area in the Plan and on the Proposals Map, and that “main” should not be omitted as KDL suggest.
- 7.111 The practical significance of defining the MUA in UDP terms is that it differentiates between where Policy H2 says that the bulk of housing land should be found [within the MUA], and where housing will only be supported “exceptionally” under Policy H5 as drafted [outside the MUA]. So far as RSS is concerned the main effect of the MUA is to rank urban extensions there ahead of extensions to market and coalfield towns in the sequential approach under Policy H2. The Strategy also makes clear that reference in that Policy to development within “urban areas” is intended to cover both the MUA and market and coalfield towns.
- 7.112 RSS defines Leeds as a MUA, and shows Otley and Wetherby as examples of market and coalfield towns, though it makes clear that local planning authorities should consider the latter categorisation further and produce a definitive version in development plans. It is intended to encompass a wide variety of towns in terms of size, function, history and character but all such centres should support sustainable development objectives, provide a good range of local services and be accessible by a range of transport modes.
- 7.113 The Council’s approach is to define the MUA as coterminous with the RSS “urban area” referred to above, i.e. encompassing both the City’s main built-up area and the town centres that lie around it as listed in AUDP Policy S2. These latter include Morley, Rothwell, Garforth, Kippax, Wetherby, Otley and Aireborough, all of which are to a greater or lesser extent freestanding centres.
- 7.114 Although the Council rightly say that an important determinant of which centres to include is sustainability, it seems to me that location, size and linkages with the City proper also have to be taken into account, and that the MUA should be expected to have some degree of geographical continuity. In these terms, whilst Otley and Wetherby clearly have important links with the City, especially in terms of journeys to work, their relative size and isolation realistically define them as market and coalfield towns [as described in RSS] rather than as part of the MUA. Nor in my view can Garforth, Boston Spa and Kippax be reasonably considered as either part of the MUA or as such towns in RSS terms because of their detached locations, and limited range of services and facilities compared to what would normally be expected in a “town”. Excluding these five settlements would make the definition of the MUA more realistic and in accordance with RSS. I certainly see no merit in tacitly having two definitions, as the Council appear to suggest in their response to the Addendum to the Housing RTS Notes [INQ/DOC/10, para. 8], namely one for the RUDP as set out in Plan M/096, and the other for RPG purposes, including Pudsey and Horsforth but defining the five settlements referred to above, along with Aireborough, Rothwell and Morley, as market and coalfield towns. That would be a recipe for confusion.
- 7.115 I recommend that the MUA be re-defined as set out above, classifying Otley and Wetherby as Smaller Urban Areas and leaving Garforth, Boston Spa and Kippax without designation. This will require consequent changes to Policy H2 to refer to “Main **and Smaller** Urban Areas”, and similarly to paras. 7.2.1 and 7.2.2 of the supporting text where the difference between the two designations should also be

briefly explained. I do not support the inclusion within the MUA of the additional areas which objectors propose.

**Will sewage treatment infrastructure capacity be sufficient?**

7.116 20. Yorkshire Water [YW] object that there is insufficient capacity at sewage treatment works to provide for all housing allocations. They suggest that the RUDP should include a new policy that development will not be permitted unless the necessary infrastructure is available or infrastructure can be co-ordinated to meet the demand generated by the new development. The Council state that they have “reassured” YW that most of the housing allocations have been carried over from the AUDP upon which YW’s 5 year plan for capacity investment is predicated. TATE would be the exception but in the Council’s view should not cause a problem because its advancement in Phase 1 would be instead of a number of small allocations in that sector of Leeds which are being held back to Phase 3. I recommend that TATE should not be included in the RUDP in any event. ELE can be planned for by YW in its next 5 year Review commencing 2008. I therefore see no significant change in the situation from that which applied in AUDP and no need for YW’s proposed policy.

**Re-use versus redevelopment**

7.117 21. I consider that there is no basis in national policy for the priority which EH suggest should be given to the re-use of buildings over redevelopment. Whilst re-use may capitalise on “embodied energy”, whereas redevelopment wastes that energy and uses more to demolish and rebuild, redevelopment can bring other environmental benefits. I conclude therefore that no amendment should be made to give priority to re-use.

**Is sufficient regard to be paid to the biodiversity value of brownfield land?**

7.118 22. English Nature are concerned that insufficient regard is given to the biodiversity value of brownfield sites and that policy should ensure that ecological assessment is carried out before development. The Council respond that such matters would be considered in briefs and master-plans required for the larger sites. In the case of allocated sites, I assume that the Council have satisfied themselves that biodiversity has been adequately assessed before allocation. Otherwise, in the context of proposals for brownfield windfalls, existing policies of the AUDP provide protection. I consider that no modification is necessary.

**Should reference be made to the view that Morley has experienced development on a large-sale since 1986 and that this must be reflected in any decision making process?**

7.119 23. It would be inappropriate to refer to Morley [in FD Alteration para. 7.1.6] in the terms suggested by Churwell Action Group. The paragraph relates generally to the UCS, and it would be wrong, anywhere in the RUDP, both to single out Morley and to imply that planning decisions there should be influenced by the fact that the town has experienced considerable housing development in the past. A specific infrastructure problem could apply anywhere and is covered by the content of Policy H4 which I recommend. Proposals for brownfield windfall development must be considered on their merits at the time an application is made. I therefore conclude that no modification be made to the UDP.

**Should Strategic Aim SA3 be amended to refer to “making provision to meet locally assessed need for affordable and special needs housing” rather than “targeting of provision for social housing needs groups”?**

7.120 24. The issue here appears to me to be largely one of semantics. I consider that the original wording is an adequate general summary of what needs to be identified and that there need be no change to SA3.

**Should the RUDP state that the strategy proposed “will maintain the rate of use of brownfield sites at in excess of 80% throughout the Review plan period, to 2016”?**

7.121 25. Persimmon object to the last sentence of para. 7.1.7 anticipating that the Plan strategy will maintain the rate of use of brownfield sites at in excess of 80%. They are concerned that this implies that the RSS requirement and the wide range of housing needs in the District will not be met. The Council point out that the last sentence does not set the target but states the expectation is that the strategy will maintain the rate. There is good reason based on recent experience to believe that this is likely. However, 2016 is a long way ahead and I see no reason to include reference to such expectations in such explicit terms as “in excess of 80%”. It would be sufficient to substitute “in excess of Government targets”. I recommend accordingly. As to providing choice of a range of housing types, this point is covered in para. 7.41 - 7 of the Report. Sufficient choice will exist even though there is a high level of brownfield development involving provision of flats/apartments in City Centre/inner city locations.

## **RECOMMENDATIONS**

**7.122 I recommend that the UDP be modified**

**1. in accordance with FD Alteration 7/001, subject to amending the last sentence of para. 7.1.7 to read:**

**“It is anticipated that the strategy proposed here will maintain the rate of use of brownfield sites at a level in excess of Government targets throughout the Review Plan period.”**

**2. in accordance with RD Alteration 7/001 subject to**

**a. amendment of the first sentence of the first bullet point to read:**

**“Most of the City’s housing land needs for the whole Review period to 2016 are likely to be met from existing brownfield land reserves within the Main Urban and Smaller Urban Areas as defined on the Proposals Map.**

**b. deletion of Garforth, Kippax, Wetherby and Otley and the penultimate sentence from the first bullet point of para. 7.2.1 and**

**c. explanation of the difference between the parts of the “Main and Smaller Urban Areas” designation;**

- d. deletion of bullet point 4;
- e. rewording of bullet point 5 to reflect the recommendations relating to ELE;
- f. deletion of the last sentence of bullet point 6;
- g. rewording of H1 and inclusion of explanatory text as follows:

**H1 PROVISION WILL BE MADE FOR THE COMPLETION OF THE ANNUAL AVERAGE REQUIREMENT IDENTIFIED IN THE REGIONAL SPATIAL STRATEGY [RSS].**

This is currently 1,930 dwellings per annum. The adequacy of completions, together with the number of dwellings with planning permission and the supply of sites allocated for development, will be monitored and assessed against the average annual requirement in RSS.

- h. insertion of a new Policy H2 to relate to monitoring as follows:

**H2 THE COUNCIL WILL UNDERTAKE REGULAR MONITORING OF THE ANNUAL COMPLETIONS OF DWELLINGS WITHIN THE DISTRICT, AS WELL AS THE NUMBER OF DWELLINGS WITH PLANNING PERMISSION AND THE SUPPLY OF SITES ALLOCATED FOR HOUSING DEVELOPMENT.**

- i. Insertion of new explanatory text immediately following, and relating to, Policy H2. This should explain the purpose of monitoring which is to ensure that housing requirements are being met in line with the sequential approach set out in PPG3. It should include the factors to be monitored and outline the monitoring process, with a commitment to working with the development industry, including dialogue through meetings to discuss the results of monitoring.

- j. Renumbering Policy H2 as H3 and rewording as follows:

**H3 THE DELIVERY OF HOUSING LAND RELEASE WILL BE CONTROLLED IN THREE PHASES:**

**PHASE 1 : 2003-2008**

**PHASE 2 : AFTER PHASE 1, WHEN AND IF EXISTING HOUSING LAND SUPPLY IS DEMONSTRABLY SHORT OR 2008-2012**

**PHASE 3 : AFTER PHASE 2, WHEN AND IF EXISTING HOUSING LAND SUPPLY IS DEMONSTRABLY SHORT OR 2012-2016**

**PHASE 1: 2003 - 2008**

**THIS WILL COMPRISE:**

**A LAND ALLOCATED FOR HOUSING IN H3-1A [NB. MODIFIED TO INCLUDE SITES AT ALLERTON BYWATER, SHARP LANE, MIDDLETON AND HARE LANE PUDSEY];**

**B BROWNFIELD WINDFALL SITES WITHIN THE MUA; AND**

**C THE ALLOCATIONS AT HOLBECK URBAN VILLAGE AND HUNSLET RIVERSIDE;**

**ELSEWHERE (I.E. OUTSIDE THE DEFINED MAIN URBAN AREA AND ON GREENFIELD SITES) PROPOSALS FOR DEVELOPMENT WILL BE CONSIDERED AGAINST POLICY H4.**

**PHASE 2 : 2008 – 2012**

**THIS WILL COMPRISE**

**A ANTICIPATED CONTINUING CONTRIBUTION [IF ANY] FROM PHASE 1 ALLOCATIONS/COMMITMENTS.**

**B BROWNFIELD WINDFALL SITES WITHIN THE MUA; AND**

**C SITES BROUGHT FORWARD FROM H3-3 AS FOLLOWS:**

<b><u>SITE</u></b>	<b><u>AREA [HA]</u></b>	<b><u>CAPACITY</u></b>
GREENLEA ROAD, YEADON	1.06	30-45
GRIMES DYKE,WHINMOOR H4.8]	17.2	515-860
RED HALL [H4.6]	3.6	110-180
SEACROFT HOSPITAL	17.6	530-880
BRUNTCLIFFE ROAD, MORLEY	5.0	180-250
DAISY HILL, MORLEY	2.9	100-150
CHURCH LANE, ADEL	2.5	70-125
PUDSEY ROAD, SWINNOW	1.3	40-55
DELPH END, PUDSEY	1.4	40-55
POTTERY LANE, WOODLESFORD	2.5	105-175

**ELSEWHERE (I.E. OUTSIDE THE DEFINED MAIN URBAN AREA, AND ON GREENFIELD SITES) PROPOSALS FOR DEVELOPMENT WILL BE CONSIDERED AGAINST POLICY H4**



**PHASE 3 : 2012-16**

**PHASE 3 SHOULD FOLLOW A SIMILAR PATTERN TO PHASES 1 AND 2 AND INCLUDE EAST LEEDS EXTENSION AND H3-3 SITES MODIFIED TO INCLUDE EAST OF OTLEY AND MICKLEFIELD SITES.**

**k. inclusion in the accompanying explanatory text of any necessary justification for the proposals in Phase 1 [including for the remaining Phase 1B sites of Hunslet Riverside and Holbeck Urban Village]. Reference should also be made to the preparation of planning briefs or other masterplans for their development.**

**l. inclusion for each Phase of a tabulation of the anticipated total, and annual number, of dwellings which each site and element of each Phase is expected to deliver.**

**3.**

**a. to include the lists of phased sites proposed to be within H3-1 to H3-3 and the table on p. 40 of RDUDP as part of recommended tabulations in recommended Policy H3. They should be modified to include, for each phase, details of each site area, dwellings capacity and/or numbers of dwellings permitted, and anticipated yield within the relevant phase of the Plan. The figures should be totalled and summarised [as in the table on p.40 of RDUDP] at the end of the explanatory text. It should be explained that the capacity figures given are not maxima but indicative only and that the numbers of dwellings built may vary.**

**b. to refer to the preparation of development briefs or masterplans for certain sites [such as Hunslet Riverside, Holbeck Urban Village and the East Leeds Extension] in the explanatory text accompanying each phase.**

**c. to include the sentence “In accordance with PPG3, the sites allocated in Policy H3 provide in excess of the 5 year land supply requirement” at the end of the explanatory text relating to the 3 Phases.**

**4. to include the content of para. 7.3.4 amended to relate to a revised Policy H4 as follows:**

**a. Proposals for housing on land not specifically identified for that purpose in the UDP will be considered against Policy H4:**

**H4: RESIDENTIAL DEVELOPMENT ON SITES NOT IDENTIFIED FOR THAT PURPOSE IN THE UDP BUT WHICH LIE WITHIN THE MAIN AND SMALLER URBAN AREAS AS DEFINED ON THE PROPOSALS MAP, OR ARE OTHERWISE IN A DEMONSTRABLY SUSTAINABLE LOCATION, WILL BE PERMITTED PROVIDED THE PROPOSED DEVELOPMENT IS ACCEPTABLE IN SEQUENTIAL TERMS, IS CLEARLY WITHIN THE CAPACITY OF EXISTING AND PROPOSED INFRASTRUCTURE, AND COMPLIES WITH ALL OTHER RELEVANT POLICIES OF THE UDP.**

5. **otherwise section 7.3 of the AUDP should be deleted without replacement by the remainder of Alteration 7/003.**
6. **in accordance with RD Alteration 7/004 subject to its amendment to reflect my specific recommendations, and in particular:**
  - a. **addition of “and by RSS” to 7.4.1.1;**
  - b. **deletion of East of Otley, Thorp Arch Trading Estate and Micklefield in para. 7.4.1.4;**
  - c. **expansion of the justification, in terms of Government guidance, for Allerton Bywater and Sharp Lane Middleton being “Strategic Housing Sites”;**
  - d. **renaming Holbeck Urban Village and Hunslet Riverside “Strategic Housing and Mixed-use Sites”;**
  - e. **amendment of 7.4.1.5 to reflect my recommendations with regard to East Leeds Extension;**
  - f. **amendment of the figures in para. 7.4.2 and text in 7.4.2a and b. to accord with my recommendations for modifications to housing allocations and to take into account the revised figures and table submitted as IC/009;**
  - g. **including in para. 7.4.2 fuller explanation of the reasons for the generous provision of land, the fact that PMM will regulate its release, and clarification of how the residual requirement to be met in later phases follows on from allocations and windfall assumptions made at earlier stages in the process.**
  - h. **deleting all after the first sentence in RD para. 7.4.6 and substituting:**

**“Reflecting the sequential approach advocated by PPG3, a number of sites could be brought forward, if required, as sustainable urban extensions which could take advantage of existing physical and social infrastructure within the existing urban area, and have good access to public transport services, jobs, schools, shopping and leisure facilities. Their limited size would also enable development to take place at fairly short notice. In the longer term it will be necessary to consider a larger extension. The opportunities available to the north-east edge of the City, combined with the significant environmental constraints elsewhere and the need to prevent coalescence of existing settlements, indicate that this is in principle a suitable area for such an extension.”**
  - i. **deleting “for a Phase 3 should this prove necessary” from para. 7.4.7.**
7. **to include the phasing trigger mechanism as described in LCC/001, Ax. 2,**

“Guidelines for Controlling Housing Land Release” as a subsection of Policy H3 subject to:

- a. description of the three “criteria” for undersupply as indicators, rather than criteria, upon which a considered judgement would be made at each Monitoring Point after examining all the information in the HLMs, including the necessary lead-in times for the phased sites;
- b. explanation of the mechanism in the above terms;
- c. replacement in criterion i). in the sections on undersupply of 20% by 10% and reduction of the period from 3 to 2 years;
- d. rewording of criterion i). in relation to oversupply to read:

“average completions during 3 years prior to the MP exceeding the average annual rate by 20%”;

- e. description of the two “criteria” for oversupply, as amended by d. above, as indicators rather than criteria upon which a considered judgement should be made at each Monitoring Point;

8. to include a trigger mechanism to ensure that greenfield sites within Phase 2 are only released if the stock of available housing land, and anticipated brownfield windfall, are demonstrably inadequate to meet defined housing needs; together with the indicators to be used as a basis for a decision;
9. a. to include definition of “Main and Smaller Urban Areas” as defined on Plan M/096 but including Otley and Wetherby as Smaller Urban Areas and to exclude Garforth, Boston Spa and Kippax.  
  
b. consequent amendment of Main Urban Area to read “Main and Smaller Urban Areas”, where the name occurs.

## **ALTERATION 7/006 (AFFORDABLE HOUSING - TARGETS FOR STRATEGIC SITES)**

### **Objections (First Deposit)**

20494	Churwell Action Group	20779	Mr & Mrs Carr
20517	Mr Watson	20781	Ms Hussey
20548	Mr Simpson	20787	Mr Littlewood, S E Otley Residents Association
20570	Mrs Allison	21050	Mrs Smith
20574	Ms McComas, S E Otley Residents Association	21055	Mr Latham
20738	Mrs Walker	21069	Ms Clayton
20741	Mr & Mrs Carr	21071	Mr Kitching
20747	Ms Rawling	21455	Mr & Mrs McQueen
20755	Ms Watson	21457	Ms Penny
20770	Cllr. Fox	21459	Mrs Owen
20771	Mr Davis	21461	Ms Keach
20773	Mr Evans	21463	Mr Merrick
20775	Ms Rook	21465	Mr Buck, S E Otley

	Residents Association	21736	Persimmon Homes West Yorks
21468	Mrs Lewis	21749	Ms Bamforth
21469	Mr Thompson	21751	Mr Bamforth
21471	Mr Richardson	21755	Ms Connor
21473	Mr Schofield	21765	Mr Carsell
21481	Mr Garnett	21888	Mr George
21482	Mr Blake, S E Otley Residents Association	21895	Mrs Young
21485	Mrs Blake	21897	Mr Young
21488	Mr Blake	21899	Cllr. Francis
21703	W.A.C.A	22289	Mrs Chadburn

## Issues

- 7.123 1. Is the 50% affordable housing target for the East of Otley [EOO] and Thorp Arch [TATE] Strategic Housing Sites [SHSs] justified and appropriate or should it be a lower percentage figure consistent with the remainder of the District? Are other potential affordable housing sites than EOO and TATE available in Rural North Leeds [RNL]?
2. Should a consistent and higher percentage target be sought throughout the District?

## Inspector’s Reasoning and Conclusions

### *Background*

- 7.124 Affordable housing policy is set out in paras. 7.6.10-27 of the AUDP. Para. 7.6.20 states, in accordance with Cr. 6/98, that affordable housing will not be sought on sites which fall below the general threshold size of 25 dwellings or 1ha. and that in rural areas of 3,000 population or less affordable housing will be sought according to local assessment of housing need and land supply. Para. 7.6.19 states that on average some 15-25% of all new houses built should be “affordable”. Policy H11 is, for housing developments throughout the District, to negotiate with developers to provide and maintain an appropriate proportion of affordable houses. Policy H12 is to negotiate the proportion and type of affordable units appropriate on individual sites, in the context of an appraisal of the extent and nature of need for affordable housing in the locality, and the characteristics of the specific site.

### *The Alterations*

- 7.125 Alteration 7/006 would extend para. 7.6.19 to include a 50% “indicative target” for affordable housing on the proposed SHSs of EOO and TATE. The justification is that housing need in the RNL, [defined on Plan M/011] exceeds potential supply by a large margin. EOO is a housing allocation in the AUDP. It is a greenfield site, proposed to be included in Phase 1 of RUDP because of the need for affordable housing amongst other factors. TATE is a new allocation. Together they are intended to provide about 2,100 dwellings of which some 1,000 would be affordable dwellings.
- 7.126 For the same reason of need and because “site availability, with the exception of the above two strategic sites, is very limited”, Alteration 7/007 is to reduce the site size threshold upon which affordable housing would be sought in RNL to 10 dwellings. There were no further alterations at RDUDP stage.

*The explanatory text*

- 7.127 The Council acknowledge that the existing AUDP explanatory text which would remain in the RUDP is out-of-date, having been prepared in the early 1990s.

*National policy*

- 7.128 National policy with regard to affordable housing is set out in Cr. 6/98 and PPG3, as amended by the PPG3 Housing Update of January 2005. This replaced para. 18 and Annex B relating to providing exception housing in rural areas, reaffirming that approach in such areas. The Housing Update covers less ground than the related consultations “Influencing the size, type and affordability of housing”, which preceded it, and “Planning for Mixed Communities” of January 2005. The latter continues to propose a lower general threshold of 15 dwellings and the possibility of setting a lower threshold than that if warranted by local circumstances. It is intended to revise PPG3 comprehensively in the light of the consultation response and to cancel Cr. 6/98 but this has not yet happened; Cr. 6/98 therefore remains current.

***East of Otley and Thorp Arch***

- 7.129 1. Although the South East Otley Residents Association [SEORA] support the lowering of the site threshold in RNL to 10 dwellings, they oppose the target of 50% on EOO. They see no reason why EOO should be expected to provide 50% affordable housing amounting to some 225 - 425 dwellings in Otley, when recently in other parts of the urban area, Sharp Lane, Middleton and Killingbeck Hospital sites for example, no affordable housing has been sought by the Council. The need for affordable housing is City-wide, and it is inconsistent and unjustifiable to accept 0% or 15% affordable housing on some sites and yet expect 50% on EOO and TATE. The Council have failed to demonstrate why such specific and high exceptions as EOO and TATE should be made. The Council should try to achieve a 25% provision on all eligible sites to achieve a managed spread of affordable housing throughout the District rather than 50% on two specific sites.
- 7.130 With regard to the justification for the Alteration, the Council produced no evidence of the size and distribution of the need in the area until the publication of “Assessment of Need for Affordable Housing: Final Report” [CD/GEN/01] in November 2003, after publication of FDUDP in the early summer of that year. No further alteration or justification was made in RDUDP in early 2004. The Supporting Paper 6 on Affordable Housing refers to general reasons for the lack of affordable housing in RNL but anticipates that the above assessment would demonstrate the case. CD/GEN/01 does demonstrate a high need, but in SEORA’s view, the Council have not shown that there is a lack of other suitable sites in RNL or specifically in Otley to accommodate affordable housing on the necessary scale. The UCS does not include most of RNL and in Otley only encompasses the town centre and a 200m radius beyond so no analysis of potential sites has been made.
- 7.131 SEORA suggest that sufficient affordable housing could be provided on sites which they have identified within a 3 mile radius of Otley town centre. Having assessed the potential of these sites, the Council estimate that they might theoretically contribute between 169 and 197 affordable housing units during the Plan period [based on three

scenarios as outlined in LCC/29/J]. They also estimate that there is a need for some 195 affordable housing units within the Otley 3 mile zone [apportioned on the basis of the relative populations of the RNL and Outer Suburbs and the 3 mile zone as per LCC/029/K]. Translated into need over the Plan period to 2016 this could be as much as 1,583 – 4,037 units.

- 7.132 Objectors also argue that two large concentrations of affordable housing 15 miles apart at the extremities of the RNL area are unlikely to be socially, environmentally or economically sustainable. I consider that the extensive nature of RNL means that demand for affordable housing from local people in some parts, for example the centre and south-east of the zone, would not necessarily be satisfied by EOO and TATE, and in fact would be more likely to be better catered for by provision in the City itself or on its outskirts.
- 7.133 The Council are reluctant to depart from the 5 zones [LCC/029/A] upon which their system operates and data is collected. They stress that the affordable housing requirement in RNL is based on identified need in CD/GEN/01 and not on the aspirations of people wanting to live in the area. This is borne out by the fact that a reasonable apportionment [6.67%] of total households in need in the District has been made to RNL, which is quite low and commensurate with the overall proportion of households in that area of the District. New household formation is based on the proportion of dwelling stock in the zone which does not allow for any element of aspirational demand. Having said that, the choice-based letting system means that applicants can apply for any vacant social dwelling regardless of where they live. Nevertheless the majority of those taking up affordable housing in Otley [78%] and Wetherby [57%] come from the local area.
- 7.134 The Council stress that house prices are very high in RNL and there has to be a mechanism to provide affordable dwellings. Harrogate and York Councils have set higher targets and Harrogate have achieved 40% provision of affordable housing on a site known as “The Boulevards”, although sites are more limited than in Leeds.
- 7.135 There is no real argument about the considerable scale of the need. However, I conclude, in site specific terms in Chapters 19 and 24 respectively, that the affordable housing need does not justify the advancement of EOO in sequential terms and that TATE is not a sustainable location for new development as proposed. I recommend that EOO should not be included in Phase 1 of the RUDP and that TATE should not be included at all. In the latter circumstance, no affordable housing target is necessary.
- 7.136 With regard to EOO the issue of the amount of affordable housing which would be appropriate when it comes to be developed remains to be addressed. I consider that more work needs to be done on the justification for such a high target relative to the application of policy in the remainder of the District and, as I say under issue 2 at para. 7.143, in terms of the implications for policy of CD/GEN/01. I also consider that more work needs to be done in terms of establishing the costs of the development of EOO in order to assess whether such a target is in any way realistic. I see no reason why this should wait to be considered at application stage; in fact I see it as necessary for the preparation of realistic and achievable policy for inclusion in the Plan. In the light of my conclusions ICs 010 and 011 are unnecessary.

**Percentage targets**

- 7.137 2. Cllr. Fox in particular stresses that a consistent City-wide approach to achieving more affordable housing on all eligible sites would be more equitable and effective than the proposal for 50% affordable housing provision on EOO and TATE. The stated AUDP aim of averaging 15-25% of all new housing as affordable units has not been achieved. In fact between 2001 and 2004 it has been below 15%. Churwell Action Group, amongst others, consider that the affordable housing target should be increased generally, not to the 50% level but to 30% on all developments of 10 dwellings or more, in areas which have sustainable infrastructure. Local needs should be met locally and dwellings of good quality and design should be available to everyone. However, the Council respond that providing affordable housing in some areas where there is already an oversupply of such housing would simply encourage movement within the existing affordable housing supply and could lead to abandonment of the less attractive affordable/low rent housing in established estates.
- 7.138 Objectors also argue that the need for affordable housing and the means of supply have not been assessed adequately to demonstrate the exceptional nature of the local constraints. This is true in that the FD/RDUDP contained little justification as I have stated in dealing with the first issue.
- 7.139 The RUDP Member Panel considered a report on affordable housing need on 5 November 2003 after the publication of FDUDP which contained Alterations 7/006 and 7/007. The need at that time was assessed to be 1,661 units over the next 5 year period and the supply potential based on extrapolation of past performance was reported to be nil. CD/GEN/01 published in November 2003 gave the single year need for affordable housing units as 336. At the Inquiry the 5 year need figure was calculated to be about 2,069 dwellings and the supply figure to be in the order of 60, which as the Council argue is a small fraction [about 3%] of the need. It is difficult to forecast with any accuracy what the shortfall to 2011 and 2016 is likely to be, but there is no doubt that on the basis of the probable affordable housing provision the situation will improve very little. As affordable housing is unlikely to be provided in anything like sufficient quantity to meet need, the estimate of the affordable housing requirement in RNL to 2016 could be in the order of 3,000 - 4,500 dwellings.
- 7.140 The Council acknowledge that the evidence of need for affordable housing across the District as a whole indicates that the target of 15-25% ought to be increased, but say that they do not intend to re-open the entire affordable housing policy for debate as this is a limited review. They acknowledge that the surplus of affordable housing in the Inner Area zone does provide available accommodation for households in need from other areas, but say that “quite a lot” of the Inner Area zone housing is hard to let, social housing forms a high proportion of total stock and the Council’s aspirations are to diversify the stock base for socio-economic reasons. They conclude that affordable housing is not required in the Inner Area zone. Cllr Fox suggests that this is to confuse housing for rent with other types of affordable housing for which he is convinced there would be a market if it were only available on such sites as Killingbeck Hospital.
- 7.141 I agree with his view and consider that the Council are exacerbating the problem of affordable housing in that they are failing to follow their own policies to require developers to make sufficient provision on eligible sites; there is no good reason, given the level of need for affordable housing, not to expect a contribution from every

eligible site. Furthermore it would be unreasonable to require 50% affordable housing provision on EOO at the extremity of the District and not to ask for any on some eligible sites within Leeds. The problems of letting the existing housing within large estates needs to be addressed by improving them as necessary; they will not be addressed by the Council increasing the stock of housing which is non-affordable. There appears to me to be no coherent policy being applied to address the overall need.

- 7.142 Whilst I accept that there is a pressing problem in RNL, it has the second lowest need of the 5 zones. The outer suburbs have a much higher need [1,048 compared with 336] and yet there is no specific proposal in FD/RDUDP to address affordable housing needs other than in RNL. Whilst there are likely to be more sites upon which affordable housing could be provided in the outer suburbs, the Council have produced no analysis of how land supply may meet the need there, whether and how the Inner Area surplus is likely to assist in provision of need arising in RNL or other zones, and indeed whether or how there is interaction between the 5 zones.
- 7.143 There is as yet no comprehensive picture or strategic approach evident. For example, I consider that more work needs to be done on establishing the size and type of affordable housing needed as section 3 of CD/GEN/01 does not appear to me to be a sound basis for such an assessment. CD/GEN/01 states that more research is needed to ascertain why there were relatively few affordable dwellings in the three high demand zones and suggests that there is a need to review practice as well as to enable targets to be achieved. Indeed it makes a number of suggestions for both policy and practice changes. Some of these would not imply change for UDP policies but the Council need to consider their policies as a whole and the proposed lower threshold in RNL needs to be fully justified as advised in Cr. 6/98. Such justification is an essential element of the review in the development plan process and it is absent at present.
- 7.144 Whilst Government guidance is to approach affordable housing in market areas, I consider that in Leeds’ case rigid adherence to the zones is inappropriate; there is a need to assess the relationship of the zones and to approach the problem on a more holistic, District-wide basis than identifying two SHSs for very high target amounts in one zone. I conclude therefore that, rather than the very selective approach the Council have adopted hitherto, a consistent and higher percentage target of 25% should be sought throughout the District on eligible sites. This is at the upper end of the range stated at para. 7.6.19 of the AUDP and likely to achieve better results. It would involve a change of policy application and modification of the final sentence of 7.6.19 to refer to 25% provision.

## **RECOMMENDATION**

- 7.145 I recommend that the last sentence of para. 7.6.19 of the AUDP be modified to refer to 25% of all new houses being affordable.**



## **ALTERATION 7/007 (AFFORDABLE HOUSING SITE DEVELOPMENT THRESHOLDS)**

### **Objections**

20495 Churwell Action Group  
21607 Morley Town Council  
21704 W.A.C.A  
21720 BT PLC  
21740 The British Library

21747 House Builders Federation  
21766 Mr Carsell  
21830 Leeds Review Consortium  
21928 Endercourt Ltd  
22288 Mrs Chadburn

### **Issue**

7.146 Is the lower threshold of 10 dwellings for sites in RNL justified?

### **Inspector’s Reasoning and Conclusions**

- 7.147 Firstly on this issue, I do not share LRC’s view that RNL is not a rural area. It is very much within the influence of Leeds, and parts of the larger settlements have a suburban character, but nevertheless its overall characteristics are rural in terms of its settlement structure and population density.
- 7.148 Cr. 6/98 advice is that the usual threshold figure for sites upon which affordable housing is sought should not be lower than 15 dwellings unless exceptional local constraints can be demonstrated. The Council acknowledged at the Inquiry that to be compliant with national policy the threshold should not be lower than 15 dwellings in settlements of over 3,000 population, which in RNL includes Otley, Wetherby and Boston Spa [with populations of between about 4,500 and 14,000] although they think that a lower figure would nevertheless be justified. However, I conclude with regard to these areas that, given their size alone, a threshold of 10 dwellings would be inappropriate.
- 7.149 Settlements within a rural area of 3,000 or fewer may be subject to a lower threshold than 15 dwellings but exceptional constraints must be demonstrated and proposals must be justified through the local plan process. In so doing the Council must have a good understanding of needs and of the land available for housing in the Plan area over the Plan period. They must consider factors, referred to in Cr. 6/98, such as the number and types of households who are in need of affordable housing and the different types of housing best suited to meeting their needs; the size and amount of suitable sites that are likely to be available for the purposes (including an assessment of the densities likely to be achieved), and how these relate to levels of need for affordable housing; the supply and suitability of existing affordable housing, and the relationship between the objectives of the Housing Authority’s strategy and programmes, in respect of provision for those in need, and the objectives of the affordable housing policies in the plan.
- 7.150 Whilst CD/GEN/01 deals with part of this data, there is, as I have said in the context of the second issue, much else to consider if the necessary comprehensive and up-to-date approach is to be taken and to be fully justified. Given the changed basis of assessment of potential for affordable housing provision in Otley which emerged during discussion at the Inquiry, I am not confident that an accurate assessment of potential in the wider RNL has been made and it is not documented as required by Cr. 6/98. There is also no assessment of the contribution which may be made by

application of the rural exception policy which is an accepted way of targeting particular local need without permitting larger amounts of market housing in settlements which may not be sustainable locations for such growth.

- 7.151 Whilst I appreciate that the Council have undertaken only a limited review of the UDP, I am concerned that FD/RDUDP contains no adequate or up-to-date justification for the proposed affordable housing policy alterations capable of complying with advice in Cr. 6/98. I appreciate the problems of keeping up to date in matters of housing need and house prices but the explanatory text needs to justify fully the alterations so that all those concerned and interested in a solution have the opportunity to understand the situation and to become fully involved in the development plan process.
- 7.152 Even though I accept that the lower threshold would provide for the delivery of more affordable housing units, and might well be considered as an element of future policy, I conclude that the proposal for a threshold of 10 dwellings fails because of the lack of full justification either in evidence or in the FD/RDUDP.
- 7.153 In reaching this conclusion I have taken into account other views expressed although none affects the outcome. There is no evidence to substantiate BT’s claim that a lower threshold would create an impediment to housing development proposals coming forward and thus restrict overall housing supply. If application of the lower threshold was found to affect the viability of a scheme there would be the flexibility in terms of the negotiable target for provision to avoid this effect.
- 7.154 LRC consider that as well as the long-term case for lower thresholds being unproven, an ability to vary the thresholds should be built in to the Plan in order to account for future changes in need. However, the mechanism must be decided through the development plan process and so it is not possible to do as LRC suggest except possibly by a cumbersome formula. However, there is no support for such an approach in national guidance. I remain of the view that there is a need for a comprehensive updating and review of the policy towards the whole District which should be undertaken as soon as possible in the context of the new LDF system.
- 7.155 Some objectors say it is debatable who would benefit from the type of affordable housing likely to be built in RNL but it should be ensured that such dwellings are available to local people. This is not an objection to a lower threshold as such. AUDP Policy H13 should ensure that affordable housing is used for its intended purpose and the Council should ensure by appropriate planning conditions or agreements that affordable housing is provided for local people’s needs.

## **RECOMMENDATION**

- 7.156 I recommend that the UDP be not modified in accordance with FD Alteration 7/007.**

## **ALTERATION 7/008 (POLICIES H15 AND H15A AND AREA OF STUDENT HOUSING RESTRAINT (ASHORE))**

### **Objections (First Deposit)**

20297 Unite

20298 Unite

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20556	Leeds Metropolitan University	21560	Mr Thomas
20557	Leeds Metropolitan University	21564	Mr Coates
20558	Leeds Metropolitan University	21566	Marian Properties
20561	Leeds Metropolitan University	21591	RMP Properties
20562	Leeds Metropolitan University	21592	RMP Properties
20571	Ms Reed	21593	Avisons Development Ltd
20733	Ms Broom	21596	Cllr. Hamilton
20758	Adair Paxton	21602	Cllr. Hamilton
21067	Harris Lettings	21770	Leeds HMO Lobby
21489	Mr O’Neil	21771	Leeds HMO Lobby
21490	Templey Way Property Ltd	21773	Leeds HMO Lobby
21491	Morgan Properties	21881	Apex Estate Agency
21495	Associated Tower Cinemas Ltd	21883	Mr Broadbent
21496	Leeds Property Association	21884	Bilton in Ainsty with Bickerton Parish Council
21498	Leeds Property Association	21887	Mr McDonald
21519	University of Leeds	21937	RPS Group Plc
21546	Unipol Students Homes	25217	Cllr. Illingworth
21554	Aston Properties		
21555	Mr Younis		

### Objections (Revised Deposit)

30002	SJM Properties	30368	Kirkstall Village Community Association
30034	S. Rennie	30423	Leeds Property Association
30203	University of Leeds	30429	Unipol Student Homes

### Issues

- 7.157 1. Is there a “student problem” in Headingley to which planning powers can appropriately be applied?
2. Does likely future growth in student numbers lend support to a restrictive approach?
3. Are the emphasis and scope of proposed Policy H15 appropriate?
4. Is a policy that seeks to control numbers of resident students reasonable and practicable?
5. Should control be exercised by reference to houses in multiple occupation [HMO] rather than students?
6. Should there be an additional policy aimed at reducing the proportion of HMOs?
7. Is the proposed Area of Student Housing Restraint [ASHORE] a reasonable concept, appropriately defined?
8. Is proposed Policy H15A, to encourage student housing in other parts of the City, appropriate and, if so, would it be effective?

### Inspector’s Reasoning and Conclusions

- 7.158 The schedule of representations above omits 7 objections listed in the Council’s evidence [LCC/028] and as there is no indication that these have been withdrawn I have covered them. The objection from Bilton in Ainsty with Bickerton Parish Council

is not to this Alteration, as recorded above, but to Alteration 7/003 [with regard to TATE] and I deal with it there.

**A “Student Problem”?**

- 7.159 1. Although some objectors question whether the situation in Leeds is radically different from that in other cities with large universities, the Council’s evidence that there is a particularly marked concentration of student occupancy in Headingley has not been seriously challenged. Census information shows that some 54% of the population of the Headingley Ward are full-time students, compared with between 10% and 34% in a number of wards in other cities popular with students, and with university cities such as Oxford, Cambridge and Durham [LCC/028/D].
- 7.160 In some parts of the area, and in particular streets, the proportions are higher still and it is common ground that the area of concentration is growing in size, driven by continuing demand from students to live there and by provision of accommodation by landlords. The numbers of students, and of student properties, are also very large, the Council estimating that the vast majority of students living independently in the City [around 22,000] and a large proportion of the universities’ institutional accommodation [just under 10,000 bedspaces] are to be found in the proposed ASHORE. The evidence to the Inquiry is not sufficiently detailed or extensive to fully support the Council’s assessment that Headingley has **the** largest, most concentrated population of students in the country but at the very least it must be close to that point.
- 7.161 The questions then are whether this concentration is causing harm in planning terms, and whether any problems are of such a scale and nature that should appropriately be addressed through planning powers. The main outward problems cited by the Council and objectors as stemming from the presence of students are antisocial behaviour and late-night noise and disturbance, rubbish, poor appearance of student properties, proliferation of “to let” signs, and above-average rates of crime.
- 7.162 Police statistics show the Pudsey and Weetwood Division, covering Headingley, reporting the highest number of complaints of antisocial behaviour of all four Divisions in the City [LCC/028, Ax. 4]. However, whilst suggesting that concentration of students will be a significant contributory factor, the Council accept that it is not known whether the disturbance in these cases is attributable to students. Importantly too, if the statistics are read against the populations of each of the Divisions, as Leeds Property Association demonstrate [S/21498 etc., Ax. A and B], then the incidence of complaints per head in Pudsey and Weetwood is the lowest in the City.
- 7.163 Similarly, Headingley [postcode LS6] is cited as generating the highest number of night time domestic noise complaints to the Council’s Environmental Health Department but when the figures are compared with population it falls to 6<sup>th</sup> out of 32 postcodes, and the incidence of complaints per head is not markedly out of a line with that of a fair number of other areas [LCC/028, para. 4.11; and LCC/028/G]. None of this detracts from the disruption in the community that both antisocial behaviour and excessive noise can cause, and students’ lifestyle may well contribute significantly at times to both, but the evidence does not demonstrate such a close connection between the problems and students as a group as to justify a prescriptive policy approach to the latter.

- 7.164 There are undoubtedly problems in Headingley of irresponsible disposal of rubbish, a plethora of agents’ boards, at least at certain times of the year, and poor standards of property maintenance. However, although the Council sought a direction under the Advertisement Regulations to remove deemed consent provisions from “to let” boards [and following the Secretary of State’s refusal of the application intend to apply again] none of these problems can properly and directly be tackled through development plan policy. Other means of doing so have been cited, including enhanced cleansing services and codes of practice for landlords and letting agents. These approaches may not provide the Council and objectors with the level of control they seek but I am not convinced that the problems are so closely associated with a particular pattern of tenure as to justify the course of action proposed. They appear to me to be matters of poor community behaviour generally rather than something that is associated solely with students and with their accommodation, and it would certainly not be difficult to find instances of similar problems elsewhere in the Leeds, and indeed in all cities, in areas with no significant student population.
- 7.165 Police statistics for 2001 show a crime rate for Headingley some 75% higher than that for the City as a whole and a rate for burglary over four times higher [LCC/028, Appendix 4]. However, it would be unwise to draw general conclusions from one year’s figures and it also appears that the method of recording thefts from dwellings occupied by students may to some extent exaggerate the apparent incidence of crime. More importantly, it appears to be the transient nature of students, their lifestyle and their possessions that attract crime and it would seem perverse to attempt to tackle the crime problem by taking action against the victims rather than the perpetrators. Given the very large number of students already living in Headingley, action through the planning system to constrain numbers would in my view have little or no effect on the scale of crime.
- 7.166 In addition to the above outward issues there are also more deep seated concerns that a concentration of students is harming community cohesion and diversity, and detracting from sustainability. Imbalance in the population is seen as resulting in declining school rolls and associated risks of school closures; disengagement from the wider community and from the political process; a stock of dwellings no longer available for family occupation; and distortion of the local economy, manifested in a loss of diversity in local services and facilities. Some of these issues reflect wider social and demographic changes and to see Headingley solely as a community from which families are being “forced out” by students would be simplistic. It seems to me that, irrespective of the presence of students, a good deal of the housing in Headingley is unlikely to be occupied by families either because it is perceived by them as unsuitable [because of size, absence of gardens, location etc.] or is unaffordable to them. And whilst objectors argue that property prices are high largely because of pressure for student housing, I note Unipol’s view that, even if Headingley had not become popular with students, its character would probably have changed in any case, with the incoming residents being young professional people rather than students. The effects on availability of housing, and on house prices, would probably thus have been much the same.
- 7.167 That said, I believe that concerns about a loss of overall balance in the community, particularly as manifested through the transience and seasonal nature of student occupancy, are well founded; and that a continuing and significant growth in the number of students living in and around Headingley could in time seriously erode the range of choice of housing and the level and quality of services such as education.

Within the limits of what is possible under planning powers, seeking to manage such change, and maintain a better community balance, are valid planning objectives, best achieved through policy measures to maintain diversity in the housing stock. I consider below the extent to which proposed Policy H15 would achieve those objectives.

- 7.168 It is evident that the student market has significantly skewed the range and type of shops and services in Headingley, with above-average representation of businesses such as letting agents, cafes and charity shops that might have less appeal to other local residents. However, much of this change appears to me to be due to wider social and economic forces over which planning control has only limited influence. For example, loss of family-orientated businesses, referred to by one objector, may be regrettable but is not something that the Council could change through their development control powers. Given the number of students already resident in Headingley, the range of commercial services and facilities that have set up to cater for them, and the limitations of planning controls on changes of business, it is unlikely that planning policy could achieve any substantive change in the range of such services and facilities, at least in the short term.
- 7.169 Nor am I convinced that this is a planning priority. Even with the changes that have taken place, Headingley Town Centre at least retains a good range of daily needs shops and services, has specialist shops not found elsewhere, has strong pedestrian flows and appears to be trading well, with relatively few vacancies. Whilst I agree with the Council that the reasons for the relative performance of town centres are often complex, the presence of a substantial student population must in part explain the vitality of Headingley compared with other similar centres elsewhere in the City. In any case, it may well be that measures to maintain and enhance the diversity of local housing, that I recommend below, will in turn and over time help encourage the diversity in local shops and services that objectors seek.
- 7.170 Although there are differences of view about the relative balance between problems and benefits attributed to the student population, there is general agreement among the Council and objectors that their influence has been neither wholly positive nor entirely negative. The proximity of the universities and of the City Centre, which make Headingley particularly attractive to students, also mean that travel distances are short and, together with good bus services, this makes for sustainability. The universities are clearly major cultural, social and economic players in the life of the City and the presence of a range of accommodation close at hand must help to attract students and thus maintain the standing of the institutions and, by extension, the prestige of Leeds. Nor should the direct contributions that students make to the economic and social life of the City be lightly discounted. These benefits are not necessarily uppermost in the minds of those who live in Headingley, and perceive the problems of student housing, but they are nevertheless real and should weigh against any tendency to see the issue of student occupancy in Headingley as a wholly negative one, and solely in terms of control.
- 7.171 The RUDP rightly acknowledges these benefits, and also that population imbalance and its resultant problems need to be tackled in a multi-disciplinary way and in partnership with other bodies, and that the increase in the number of students needs to be planned and managed. However, the general emphasis of at least the first part of the Alteration is that there is a largely undifferentiated “student problem” that has to be tackled in a primarily restrictive way. The situation is much more complex than this

but the proposed approach is reinforced by somewhat alarmist reference to the student population in Leeds growing by “thousands” over the Review period, and of “large swathes of housing in Headingley and adjoining areas” having been acquired for student letting. Also, although para. 7.6.31a explains the limited scope of planning controls, the overall implication is that the “problem” is capable of a planning solution.

7.172 My conclusion on the first issue is that concentration of students has certainly created problems but that those problems are diverse in nature and in many cases can and should be tackled by means other than planning. It is over-simplistic to assume that seeking to prevent further growth in student numbers in and around Headingley through planning control will in any substantive way reduce the problems identified in para. 7.6.29 of FD/RDUDP. The success of any planning policy will depend upon its efficacy in maintaining and enhancing the diversity of the housing stock.

### ***Growth in Student Numbers***

7.173 2. There was general agreement at the RTS that there is little point in attempting long-term projections of student numbers because of uncertainties over matters such as the future direction of government and university education policies and the effects of introduction of “top-up” fees. However, there was also a consensus that future growth is unlikely to be at the same rate as over the past 15 years or so, during which time student numbers in the City roughly doubled to around 40,000, especially as participation of young people in further education approaches the Government target of 50%.

7.174 The University of Leeds’ projections appear to bear this out with an increase of some 900 students envisaged from 2004/5 to 2007/8, equivalent to about 3% over 3 years [INQ/DOC/13, para. 1.14]. Applying this rate of increase to the figure of 40,145 students currently requiring accommodation would suggest an increase in the total number of students in Leeds of something over 5,000 over the Plan period to 2016. This is a very crude calculation that must be treated with considerable caution but it does accord reasonably well with the 5,000 additional students over 10 years that Unipol give as an upper estimate of likely growth. Whilst this level of growth would clearly be significant, it would be nothing like that experienced in the recent past and does not readily bear out the somewhat alarmist emphasis of the RUDP text referred to above. Also, even on the Council’s assessment in evidence that a substantial part of the total student population live within the proposed ASHORE, it does not follow that most of the additional population will be housed there, and Unipol suggest that there will only be a limited effect on Headingley [INQ/DOC/13, para. 1.15]. There is no cogent evidence to suggest that the likely scale of future growth in student numbers in Headingley is such as to lend support to a restrictive approach to student accommodation.

### ***Emphasis and Scope of Policy H15***

7.175 3. The proposed Policy is unequivocal in stating that proposals within the ASHORE that fall within the scope of the three criteria “will not be permitted”. Although the Council indicated at the RTS that they were prepared to consider certain exceptions, for example for students with particular housing needs, there is no scope in the Policy as written [beyond that generally available under S54A of the Town and Country Planning Act 1990] to do so. There is no provision for considering individual site circumstances or the merits of a particular proposal. Nor apparently would it be

applied with any obvious flexibility as it is envisaged that it would bear on proposals for even one additional bedspace. In my view such a restrictive policy would require very special justification.

- 7.176 Although for the purposes of the licensing regime for HMOs in the Housing Act 2004, a “single household” is defined by reference to a family relationship, there is no such stipulation in planning law. The Town and Country Planning [Use Classes] Order 1987 includes within the same Class, C3, Dwellinghouses, both a dwellinghouse occupied by a single person or family and one occupied by up to 6 residents living together as a single household, so that a change from one to the other does not require planning permission. Cr. 03/2005 confirms that such a household can also include groups of people, not necessarily related to one another, who choose to live on a communal basis. Proposed Policy H15 would thus not bear on cases where a landlord purchases a property to let to a group of students living as a single household. As this appears to be one of the main ways in which the stock of student housing in Headingley has expanded, and could be expected to continue to do so, the effect of the proposed Policy would be limited from the outset.
- 7.177 Nor would the Policy have any effect upon the large existing stock of student accommodation unless halls of residence were altered, extended or redeveloped [criterion i], or other student housing was extended [criterion ii]. Although the Council reasonably argue that action under planning powers must be seen as only part of an approach that also involves other disciplines and agencies, and is being pursued through the Shared Housing Action Plan [CD/GEN/02], they also accept that the effect of the proposed Policy on Headingley would be “marginal”. Bearing in mind also its restrictive emphasis, and the level of detail at which it is intended to operate, this begs the question of whether it is being put forward to give a sense of action being taken rather than in the expectation that it will bring tangible planning benefits. The aspiration that it will send out clear signals about the unacceptability of future student accommodation in Headingley [INQ/DOC/13, para. 1.17] is not in itself sufficient justification. I conclude on the third issue that proposed Policy H15 is unreasonably inflexible in emphasis and of doubtful efficacy.

### ***Reasonableness and Practicality of Policy H15***

- 7.178 4. Planning policies not infrequently seek to reserve certain types of dwelling to meet particular needs [such as affordable housing], or to control the balance of the housing stock in some way [such as to retain dwellings of a particular size or character], but this is not the same as endeavouring to control or preclude occupation by a particular category of occupant, in this case students. Such an approach poses the immediate problem of defining a “student”. Whilst the Council argue that it is essentially a person in full time education, objectors have drawn attention to the wide range of means of study now available, as well as highlighting likely difficulties in application of the proposed Policy such as how it would affect students sharing accommodation with non-students, employed people who become students, doctors and nurses in training, and post-graduate and mature students. It has also been pointed out that those seeking accommodation because they will shortly become students, and to whom the Policy could therefore reasonably be expected to apply, could not at that particular time be termed “students”. That the Council suggest that exceptions might be made in certain such cases simply highlights the difficulty of producing any reasonable or workable definition.



- 7.179 Both the Council and the HMO Lobby argue that being a student implies a certain way of life and pattern of residence that have particular land-use implications and that student occupancy is therefore a planning issue. As noted above, I am not convinced that all the problems referred to are entirely attributable to students, or are planning problems, but even if they were this would not in my view justify treating students as an undifferentiated group subject to a particular form of planning control that does not apply to the rest of the population. Such an approach would in principle be unreasonable and discriminatory, as is evident from even a moment’s consideration of the situation if it were taken to any persons defined by occupation [such as teachers] or perceived stage in life [such as elderly people].
- 7.180 Also, although the Council say that the AUDP Policies H9 and H15 already identify students as a population group, the first does so in order to ensure that “balanced provision” is made for their needs, and the latter encourages or discourages student accommodation in different locations and in general terms. Neither seeks to directly preclude occupation of properties by students. It is almost inconceivable that the Council would take the same restrictive policy approach to the other population groups identified in Policy H9, namely ethnic minorities, elderly people, people with disabilities and households on low incomes.
- 7.181 The cited policies of other local planning authorities on student housing [LCC/028, Ax. 1] do not support the Council’s approach. These are primarily positive, enabling policies that seek to encourage provision of purpose-built student accommodation, and safeguarding of the same, to relieve pressure on the housing market. Even the closest in emphasis to that proposed here, a policy in the Nottingham Local Plan Review [First Deposit Draft], is couched in terms that planning permission will be granted for student housing, subject to stated criteria. None have the restrictive emphasis of proposed Policy H15. Nor does the evidence on appeals in 2003/4 [LCC/028, Ax. 5] support the Council’s contention that proposed Policy H15A has already been tested several times. In none of the three cases in which Inspectors reportedly considered the draft Policy did they accord it more than limited weight, which is to be expected given the early stage at which the RUDP then was.
- 7.182 Any effect that proposed Policy H15A had in spreading the student presence more widely would take time to achieve. Meanwhile in my view Policy H15 would do nothing to reduce Headingley’s attractiveness to students and landlords. At the same time, by restricting provision and improvement of purpose-built student accommodation such as halls of residence within the ASHORE, whilst leaving the stock of rented shared housing virtually unaffected, it would increase student pressure on the housing stock and accelerate the loss of family housing. Although the HMO Lobby argue that any development that brings additional students into Headingley should be resisted, I believe that a clear distinction can be drawn between purpose-built accommodation provided by the universities and specialist providers, and subject to defined management and maintenance regimes, and shared conventional dwellings in residential streets. The former might increase student numbers within the area, and thus have some effects on the overall demographic balance and certain aspects of local character, but would have no adverse effect on the existing housing stock. Any risks that students would be likely to move from purpose-built accommodation into shared housing would in my view be outweighed by the benefits of enlarging the stock of good quality accommodation, which might in turn lead to a more general raising of standards in student housing. Indeed, this is an argument for seeking to encourage rather than restrict provision of purpose-built accommodation.

## The Policy in Detail

### *Criterion (i)*

- 7.183 The widening of the scope of criterion (i) at RD stage to restrict alteration, extension and redevelopment of halls of residence that would result in a net increase in bedspaces, as well as the building of new halls, attracted objections on the grounds that this would unreasonably inhibit the improvement of the building stock to meet the future needs of students. Although the Council subsequently conceded that the “no net increase in bedspaces” test might be applied across two or more sites together, I consider it undesirable to impose such a restriction as a matter of policy, especially as the scale and implications of any proposal can be fully appraised through the development control process. It would be preferable for the Council and providers to together prepare an accommodation strategy for the area as a context for considering individual proposals. Over time this is more likely to lead to a progressive upgrading of accommodation standards, and a corresponding reduction in community problems, than the over-restrictive approach currently proposed.
- 7.184 Criterion (i) is also flawed in that the restriction it imposes on new halls of residence is at odds with the exclusion of the two university campuses, and especially that at Beckett Park, from the ASHORE. Although this is justified as enabling students to live where they study, reducing the need to travel and the impact on the community, it is illogical as it could potentially lead to a considerable increase in the number of students accommodated within the ASHORE. Given that students would be unlikely to confine all their leisure time activities to campus, the impact on the community would appear to be little different from that of students living elsewhere.

### *Criterion (ii)*

- 7.185 The universities object to the proposed prohibition of any increase in the number of habitable rooms on the basis that this could prevent desirable improvements to dwellings, and suggest control over the number of bedrooms instead. I appreciate the logic of using the more widely defined habitable rooms as a yardstick so as to preclude the subsequent conversion of additional rooms to bedrooms but the criterion is open to the more serious criticism that the term “student housing” is not defined. Although the Council say that what is such housing should be apparent from the context, this is only properly the case with student halls of residence and other forms of purpose-built and specifically provided accommodation. Elsewhere to determine that, say, a terraced house is student housing on the basis of its occupants at a particular point in time is at odds with national advice that planning controls are concerned with the use of land, and that the question of who is to occupy premises will normally be irrelevant [Cr. 11/95, para. 92]. There would also be serious practical problems in implementation. For example, a house with 6 occupants, all of whom were students, might be defined as “student housing” but would the same apply to one occupied by 3 students and 3 employed people?

### *Criterion (iii)*

- 7.186 It appears that the intention of this criterion, at least in part, is to proscribe larger new flats provided for students to share but to exempt from control smaller flats intended for the wider housing market. Some objectors seek a wider restriction, applying to all dwellings or to all flats, and also to changes of use to student accommodation and to

extensions and alterations. Others argue that the control should apply to flats with four or more bedrooms, rather than three, so as not to preclude flats for students with dependents. In my view the fundamental issue is whether the intended prohibitory occupancy condition can be justified in principle and irrespective of the precise level of control proposed.

- 7.187 Cr. 11/95 advises that, with certain limited and identified exception, if housing is an acceptable use for land there will seldom be good land-use planning reasons for restricting occupancy to a particular type of person. It seems to me that whilst there may well be a good case for restricting occupation of purpose-built student residences to students in recognition of the particular purpose, form and management of the accommodation, a condition that seeks to preclude students and, by implication confine occupation to non-students, is quite a different matter. The Circular advice continues that occupancy conditions should not be imposed “save in the most exceptional cases” but it cannot reasonably be argued that they are justified here because the problems attributed to students in Headingley are “exceptional” in their nature and scale. It is clear from the totality of the advice that what is said about exceptions is intended to apply to “an individual house [or extension] on a site where development would not normally be permitted” and not to a large, defined geographical area.
- 7.188 Nor is the Council’s proposed occupancy condition analogous to those applied to dwellings for agricultural workers because in the latter case the proposal is being permitted to meet particular needs in a situation where planning permission would normally be refused. Here houses in multiple occupancy, or flats of 3 or more bedrooms, would appear to be acceptable in principle but only if occupied by persons other than students. To say, as the Council do, that if such properties were to be provided in the ASHORE they would be occupied by students, and thus without a condition there would be a sound case for refusal, is a tendentious and circular argument. Further confusion arises from the statement in the supporting text that it may be difficult to determine whether new development will be occupied by students and that conditions will be applied “where there is an element of doubt”. This does not bode well for consistent application of the Policy.
- 7.189 Measured against the tests for conditions in Cr. 11/95, the proposed occupancy condition cannot readily be justified on grounds of need as in planning terms there would be no good case for refusing permission without it. It is also arguably not relevant to planning as there are alternative ways of dealing with problems in Headingley, and it would be unreasonable for reasons set out above. There could also be major problems in enforcement as, whilst members of the public might draw attention to possible breaches of conditions, collecting evidence and proving contraventions could be difficult, especially as it might well be hard to argue that a contravention on one particular property had resulted in direct and discernible harm to the surrounding area.

### *Exceptions*

- 7.190 Objectors seek various exceptions from the Policy to cover occupiers such as students with dependents and those with special needs, and postgraduate and mature students; and also to allow renovation for student use of vacant and derelict properties, and former local authority dwellings, on a not-for-profit basis. The Council counter that the former can be provided for within the existing stock of student

bedspaces, and that to allow the latter would potentially enable a large number of proposals to proceed in contravention of the Policy. To me the fact that so many exceptions have been suggested, all on the face of it with a good claim to consideration, underlines the significant shortcomings of the Policy. My overall conclusion on Issue 4 is that the proposed Policy H15 is unreasonably restrictive and could not be practicably implemented.

### **Houses in Multiple Occupation**

7.191 5. The HMO Lobby suggest that the problems inherent in seeking to define and control occupancy by “students” could be avoided by focussing on the form of tenure, and that as the majority of HMOs in the ASHORE are occupied by students, that term [as defined in the Housing Act 2004] should be substituted for reference to student housing and occupation in the proposed Policy. Whilst I can see the attractions of this proposal, it has three fundamental shortcomings. Firstly, it would fundamentally change the purpose of the Policy to control of HMOs, and the Council say they have no hard evidence on the extent of population problems related to occupancy of such properties. Secondly, confusion would arise with the existing Policy H18 on HMOs in the AUDP. That Policy appears to me to be unequivocal in its approach and would be relevant to instances of students not living as a household. Thirdly, the introduction of the Housing Act definition of a HMO leaves unchanged Class C3 of the Use Classes Order which, as already noted, draws no distinction between a dwelling occupied by a family, and one in which 6 residents live together as a single household. I do not therefore see how a policy aimed at HMOs could bear on shared student occupancy which has been identified as extensive in Headingley.

7.192 Spatial planning, as outlined in PPS1, seeks to integrate planning policies with policies that have an impact on land-use but which cannot necessarily be implemented through the planning system; and the preparation of the LDF may be the opportunity to examine how planning and housing legislation can be better dovetailed together to address issues raised by multi occupation. It may also be that in the months ahead the possible implications for planning control of the HMO licensing system introduced by the Housing Act will become clearer.

### **Suggested Additional Policy**

7.193 6. Concerned that proposed Policies H15 and H15A will do no more than slow the growth of the student population in the ASHORE, the HMO Lobby seek an additional policy, H15B, stating an intention to designate sub-areas or Diversity Zones where ceilings would be set on the proportion of houses in multiple occupation, as a basis for reducing their numbers by a variety of means. Rather than a policy this seems to me to be essentially a statement of intent to carry out further work, the exact nature of which is far from clear. It is hard to see how this approach would bear on forms of occupancy covered by Class C3 of the Use Classes Order, and the implications of the Housing Act licensing system for planning control need further study, as noted above. Nor would it be appropriate to seek to cover the detailed measures proposed for reducing the number of HMOs in Supplementary Planning Guidance; if they were to be used in implementing the policy then they should be set out in that policy. In any case it appears from Alteration 7/009, deleting Policy H19 and related text, that the Council are moving away from the position of preparing specific policy guidance for HMOs in defined areas, of the type the objector seeks.

## ASHORE

- 7.194 7. The justification for the ASHORE as designated is that it covers both concentrations of student occupancy and a “buffer zone” where there is pressure for student housing but still a significant non-student population. Objectors are divided between those who seek extensions to the Area, and those who resist any such enlargement and argue for deletion of the designation in its entirety. The HMO Lobby seek inclusion of Beckett Park Campus in the interests of consistency, and Kirkstall Hill on the grounds that it is vulnerable to further student housing development. The HMO Lobby, Unipol and the Universities submit a joint statement arguing for inclusion of Moor Grange and Lawnswood on the grounds that they are vulnerable to student pressure; contraction of the eastern edge of the Area to exclude properties abutting the University of Leeds campus; and exclusion of Burley Lodge and Woodhouse pending an assessment of the potential role of student housing in their regeneration, with the proviso that if they came under pressure for student housing they be included as a second phase. The proposed addition at Kirkstall Hill is shown in S/21770 etc. and the changes proposed in the joint statement are shown in S/21546/21544/30429.
- 7.195 There is no objection in principle to defining an area within which a restrictive policy should apply and I acknowledge that the proposed ASHORE relates reasonably to the concentration of student occupancy as shown by demographic information [LCC/028, Ax. 2]. The definition of a “buffer zone” beyond that concentration is then, as the Council say, largely a matter for judgement, as indeed is evident from the differences of view referred to above. However, as I consider that proposed Policy H15 is inflexible, unreasonably restrictive and unlikely to be effective it follows that the ASHORE concept is similarly flawed. I recommend that it be replaced by an Area of Housing Mix within which a revised Policy H15, recast in more positive terms, would seek to maintain and enhance what I see as the central planning issue of the Alteration, namely the quality and variety of the local housing stock. Such a policy would have both regulatory and promotional aspects; the first to maintain a reasonable stock of housing suitable for family occupation, and the second to encourage improvements to the student housing stock, in particular through provision of purpose-built accommodation, with the aim of reducing conflict over time between the interests of students and other residents.
- 7.196 Progressive improvement of the student accommodation stock should be the subject of discussion between the Council, the universities and accommodation providers, of the sort evidently envisaged in the second part of proposed Policy H15. However, the proposed text is unsatisfactory in a number of respects. Firstly, it is inappropriate to refer to “the manifest problems of a concentrated student population” because it is by no means “manifest” that the problems referred to stem solely from the presence of students, or are capable in all cases of a planning solution. Secondly, and similarly, some of the themes referred to, such as improving communications, and better regulation, do not obviously fall within the sphere of planning, nor is it clear what is meant by “dealing with the residual effects of dispersal”. Thirdly, “lobbying for enhanced legislative control” can be a corporate aim of the Council but is not a valid statement of planning policy. I recommend below revised text outlining the aim of this part of the Policy as to work towards an agreed strategy for student housing in Headingley.
- 7.197 “Area of Housing Mix” is a provisional title and the revised policy and supporting text I recommend are intended to be a framework and a direction rather than definitive. It is

for the Council to decide both what the policy area should be called and the details of the policy itself. However, if the emphasis is positive rather than restrictive then the precise extent and definition of the area become less important and there is a good case for both widening the area to include the additional areas suggested by objectors, namely Kirkstall Hill, Beckett Park Campus, Moor Grange and Lawnswood, and retaining within it those parts suggested for deletion, namely Burley Lodge and Woodhouse. In this way it will be possible over time both to monitor the effectiveness of the policy in those parts of the Area where student occupancy is not currently extensive, and to channel the social and economic benefits of properly planned student accommodation into those parts that are in need of regeneration. I do however recommend making the suggested detailed amendments to the boundary west of the University of Leeds campus as the sites there currently included in the proposed ASHORE are closely related to the campus and have little or no affinity with Headingley as a whole.

### ***Policy H15A***

- 7.198 8. Some objectors argue that market forces should not be resisted, that forcing students to go where they do not wish to live would not help other parts of the City to thrive, and that such an approach would run contrary to sustainability. Nevertheless, the principle underlying the proposed policy has not been seriously challenged and, subject to reservations over the details, is generally supported by the universities and other major providers of student accommodation. The approach essentially builds on the first part of AUDP Policy H15 and, whilst doubts have been expressed about the effectiveness both of that Policy and of the Council’s role to date, it is evident that a good deal of student housing has been provided in the past few years in locations outside Headingley. Reference was made at the RTS to developments at Kirkstall Brewery; Sugarwell Court, Meanwood Road; Clarence Dock; and Sentinel Towers which together provide over 2,300 bedspaces; and there was no good evidence that the effect had been anything other than generally beneficial.
- 7.199 It seems to me that the demand for student housing is such that with proper foresight and planning there is little risk of a policy of dispersal failing commercially, adversely affecting existing student areas or proving seriously unpopular with prospective tenants. There was also general agreement at the RTS that providing student housing can be a powerful force for regeneration, students often acting as “trail blazers” in initially unpromising areas and in turn attracting a wider housing market. I consider the thrust of proposed Policy H15A to be appropriate and well founded.
- 7.200 That said, I doubt whether a policy couched essentially in terms of broad “encouragement”, and with equally broad criteria, and which is described by the Council as primarily a development control tool, would in itself be effective in creating any real alternative student housing locations to Headingley. I agree with those objectors who argue for a more proactive approach, identifying particular areas well-suited to student housing, and setting out how the Council will plan for their development, so as to give confidence and certainty to would-be accommodation providers. Whilst there were suggestions at the RTS that there was a reluctance to be specific because of fears of creating a “second Headingley”, I consider it imperative to the success of the Policy for the Council to take a strong lead from the outset in planning for student housing in appropriate locations as an integral part of regeneration, and in partnership with the universities and other accommodation providers. Provided the criteria for selecting the areas are sound, identifying them

specifically need not mean denying investment to equally deserving candidates elsewhere. The approach taken by Sheffield City Council in the Devonshire Quarter of the City, to which attention was drawn at the RTS [INQ/DOC/13a, paras. 4.16 and 5.4; and S/20297/20298/A], could repay examination.

7.201 At the time of drafting the Policy no specific areas had apparently been identified but in evidence the Council suggested Little London, Lincoln Green, Richmond Hill, Hunslet, Holbeck, Beeston and Armley. Some of these areas were criticized at the RTS as poorly located relative to the universities, having limited public transport, or perceived as high crime areas. Some suggested alternatives were Kirkstall Road, North Street/Regent Street and Meanwood. I do not have detailed information on which to advise on possible areas but the Council should initiate discussions with the universities and major accommodation providers to draw up a short list of possibilities. Clearly, good public transport links will be of central importance, as will the scope to build a viable student community that makes a positive contribution to the area. Although reservations have been expressed about the City Centre as a possible location because of high land values, it has the great advantages of being close to the universities and a major magnet in its own right. Innovative means of funding and providing student housing there might be found and it should not be ruled out prior to the discussions I recommend.

7.202 RD changes to the Policy text make a number of improvements including deletion of reference in criterion (iii) to “modest” student population. It might be that something more than “modest” would be acceptable and the word is in any case imprecise and capable of widely differing interpretations. Continuing reference to assimilating student population “without prejudice to the amenity and viability of the existing community” is in my view somewhat pejorative; with proper and comprehensive planning from the outset problems of “assimilation” should not arise. I recommend below a revised policy that addresses this point as well as seeking to cover other matters raised at the RTS. However, it is not intended to be the last word on the subject but rather a framework to be fleshed out in the light of discussions with other parties.

## **RECOMMENDATIONS**

**7.203 I recommend that the UDP be modified by:**

**1. incorporating paras. 7.6.28 – 7.6.30 of the supporting text of RD Alteration 7/008 subject to the following amendments:**

**a. updating the second sentence of para. 7.6.28 to reflect the latest available information on past growth in student numbers and future projections;**

**b. deleting the final two sentences of para. 7.6.28 and substituting the following:**

**“The fact that large numbers of properties in and around Headingley are let to students inevitably puts pressure on the housing stock available for other sectors of the population and reduces that suitable for families. This encourages the view that the population overall is out of balance and that action is needed to ensure a sustainable community.”**

- c. inserting the following at the end of para. 7.6.29:

**“It is not suggested that all these problems are solely attributable to the presence of students, or that all students create such problems. Nor are the majority of them capable of being solved directly through planning powers. Nevertheless they are particularly associated with a high concentration of student occupancy, and planning has an important role in reducing and managing them through working to ensure that the community as a whole is well balanced and sustainable for the long term.”**

2. deleting paras. 7.6.31 – 7.6.31b of the supporting text and inserting the following:

**“Area of Housing Mix**

**Planning control over student housing is limited because a change from a family dwelling to one occupied by students living together as a household does not generally require planning permission. Accordingly it is only purpose-built student housing, extensions to existing properties occupied by students and changes of use that will require permission.**

**Within these limitations the Council will use its development control powers to manage provision of additional student housing as far as possible so as to maintain a diverse housing stock that will cater for all sectors of the population including families. It will also encourage proposals for purpose-built student housing, specifically reserved and managed for that purpose, that will improve the total stock of student accommodation, relieve pressure on conventional housing and assist in regenerating areas in decline or at risk of decline. This approach will apply within an Area of Housing Mix covering Headingley, Hyde Park, Burley and Woodhouse where students form a significant part of the population, together with the adjoining areas of Moor Grange and Lawnswood where pressure is likely for further student housing.**

**The Council will also work with the universities and with providers of student accommodation to agree a student housing strategy for the Area which will aim to strike a balance between this and other forms of housing; to set out Headingley’s role in terms of accommodating student housing and to progressively improve the student housing stock.”**

3. deleting Policy H15 and inserting the following:

**WITHIN THE AREA OF HOUSING MIX PLANNING PERMISSION WILL BE GRANTED FOR HOUSING INTENDED FOR OCCUPATION BY STUDENTS, OR FOR THE ALTERATION, EXTENSION OR REDEVELOPMENT OF ACCOMMODATION CURRENTLY SO OCCUPIED WHERE:**

- i) THE STOCK OF HOUSING ACCOMMODATION, INCLUDING THAT AVAILABLE FOR FAMILY OCCUPATION, WOULD NOT BE UNACCEPTABLY REDUCED IN TERMS OF QUANTITY AND VARIETY;**



ii) THERE WOULD BE NO UNACCEPTABLE EFFECTS ON NEIGHBOURS’ LIVING CONDITIONS INCLUDING THROUGH INCREASED ACTIVITY, OR NOISE AND DISTURBANCE, EITHER FROM THE PROPOSAL ITSELF OR COMBINED WITH EXISTING SIMILAR ACCOMMODATION;

iii) THE SCALE AND CHARACTER OF THE PROPOSAL WOULD BE COMPATIBLE WITH THE SURROUNDING AREA;

iv) SATISFACTORY PROVISION WOULD BE MADE FOR CAR PARKING; AND

v) THE PROPOSAL WOULD IMPROVE THE QUALITY OR VARIETY OF THE STOCK OF STUDENT HOUSING.

THE AREA OF HOUSING MIX IS IDENTIFIED UNDER POLICY R1 AS AN AREA POLICY INITIATIVE WHERE THE COUNCIL WILL WORK WITH THE UNIVERSITIES, PROVIDERS OF STUDENT ACCOMMODATION AND THE LOCAL COMMUNITY TO DRAW UP A STUDENT HOUSING STRATEGY. SO FAR AS IS POSSIBLE IN PLANNING TERMS THAT STRATEGY WILL:

- MANAGE PROVISION OF NEW STUDENT ACCOMMODATION SO AS TO MAINTAIN A REASONABLE BALANCE WITH OTHER TYPES OF HOUSING
- SEEK PROGRESSIVE IMPROVEMENT OF THE STUDENT HOUSING STOCK
- IDENTIFY OPPORTUNITIES FOR PROVISION OF PURPOSE-BUILT AND MANAGED STUDENT HOUSING THAT WOULD REDUCE PRESSURE ON THE REST OF THE HOUSING STOCK.

4. incorporating para. 7.6.31c of the RD supporting text;
5. deleting Policy H15A and inserting:

STUDENT HOUSING DEVELOPMENTS WILL BE PROMOTED IN THE FOLLOWING LOCATIONS, WHERE THE COUNCIL WILL WORK WITH THE UNIVERSITIES AND WITH ACCOMMODATION PROVIDERS TO IDENTIFY AND BRING FORWARD FOR DEVELOPMENT SITES THAT WOULD SATISFY THE CRITERIA SET OUT BELOW:

*Council to insert locations following discussions with the universities and accommodation providers.*

AND IN OTHER LOCATIONS, WHERE PROPOSALS WOULD:

i) HAVE GOOD CONNECTIONS BY PUBLIC TRANSPORT TO THE UNIVERSITIES, EITHER EXISTING OR TO BE PROVIDED TO SERVE THE DEVELOPMENT; OR BE CLOSE ENOUGH TO ENABLE EASY TRAVEL ON FOOT OR BY CYCLE;

- ii) **BE ATTRACTIVE TO STUDENTS TO LIVE AND OF SUFFICIENT SCALE TO FORM A VIABLE STUDENT COMMUNITY, EITHER IN THEMSELVES OR IN ASSOCIATION WITH OTHER DEVELOPMENTS;**
- iii) **BE WELL INTEGRATED INTO THE SURROUNDING AREA IN TERMS OF SCALE, CHARACTER AND ASSOCIATED SERVICES AND FACILITIES;**
- iv) **CONTRIBUTE DIRECTLY TO THE REGENERATION OF THE SURROUNDING AREA, PREFERABLY AS PART OF COMPREHENSIVE PLANNING PROPOSALS; AND**
- v) **NOT UNACCEPTABLY AFFECT THE QUALITY, QUANTITY OR VARIETY OF THE LOCAL HOUSING STOCK.**

**6. incorporating Plan M/071, amended to include Kirkstall Hill, Beckett Park Campus, Lawnswood and Moor Grange [as shown in S/21770 etc.] and retitled “Area of Housing Mix”.**

## **ALTERATION 7/009 (POLICIES H18 AND H19)**

### **Objections**

21061 Chinacorp Nine Ltd  
21499 Leeds Property Association  
21544 Unipol Students Homes

### **Issue**

7.204 Are the proposed changes to the supporting text to Policy H18, and deletion of Policy H19, justified?

### **Inspector’s Reasoning and Conclusions**

7.205 With the exception of that part of Leeds Property Association’s representation that objects to students and non-students being treated differently, these objections are either to the previous Alteration or effectively support this one. I deal with the proposed approach to students under 7/008 but the additional proposed para. 7.8.1 correctly draws the distinction in planning terms between HMOs and shared student accommodation. The Council do not explain why they propose deleting all references in policy and supporting text to an area-specific approach to HMOs other than to say that the changes are needed to reflect different approaches to dealing with HMOs city-wide and with student accommodation in the ASHORE. In the absence of any further information from them or from objectors I cannot conclude on whether or not the changes are justified but on the assumption that the Council have so satisfied themselves I endorse the Alteration. A minor typographical error in proposed para. 7.8.1 requires correction; “he” should read “The”.

**RECOMMENDATION**

**7.206 I recommend that the UDP be modified in accordance with FD Alteration 7/009.**

## CHAPTER 8 – LOCAL ECONOMY

### ALTERATION 8/001 (POLICY E7 – PROPOSAL FOR NON-EMPLOYMENT USES)

#### Objections (First Deposit)

21524	R Gaunt & Sons (Holdings) Ltd	22002	Pinnacle Group
21674	Government Office for Yorks and the Humber	21999	Bracken/Chartford Developments
21586	Aire Place Property Co Ltd	21997	Threadneedle Property Fund Management plc
21585	Topencounters Ltd	21996	MCD
21584	Keyland Developments Ltd	21946	Independent Motor Auctions
21583	Keyland Developments Ltd	21941	RWE Npower (Formerly Innology c/o Thames Water)
21565	Walker Morris	21885	Crosby Homes Yorkshire Ltd
20299	Unite	21721	BT PLC
21534	Leeds Teaching Hospitals Trust	21879	Yorkshire Group Plc
21748	House Builders Federation	21816	Harron Homes
21520	University of Leeds	21815	Whitehurst Developments Ltd
21454	Bellway Homes	21811	Secondsite Property Holdings Ltd
20783	Linpac Group Limited	21760	St Modwen Ventures Ltd
20742	Hartwell Plc	21759	St Modwen Ventures Ltd
20631	Jones Homes	21758	St Modwen Ventures Ltd
20519	G Wimpey (North Yorks Ltd)	22380	Burford Group (Green Properties)
20518	Wilson Connolly Northern ltd	21880	Rawdon Mill LLP
21539	Commercial Estate Projects Ltd		
21831	Leeds Review Consortium		

#### Objections (Revised Deposit)

30000	Jones Homes	30413	Government Office for Yorkshire and the Humber
30056	B&Q PLC	30450	Commercial Estates Projects
30210	Secondsite Property Holding	30452	Marshalls PLC
30214	Independent Motor Auctions	30453	George Wimpey
30370	St Modwen Ventures Ltd	30454	Taylor Woodrow
30372	ESN Ltd		
30401	BT PLC		

#### Issues

- 8.1
1. Would proposed Policy E7 be unduly restrictive or inflexible in expecting mixed-use development? Would it accord with PPG3 as revised by the inclusion of para. 42(a)?
  2. Is it necessary to define “locality” in clause iii. of Policy E7?
  3. Should any areas be exempt from Policy E7?
  4. Should a further policy be introduced to resist employment use of greenfield land or adopt a sequential approach to employment development as for residential development?

#### Inspector’s Reasoning and Conclusions

- 8.2
1. The effect of Alteration 8/001 would be to strengthen Policy E7 which is seen by some as already inflexible. Its aim is to retain employment sites for employment

purposes unless it can be demonstrated that there are sufficient alternative sites and opportunities in the District and locality. An additional requirement is proposed that there should be mixed-use development on the site comprising a significant proportion of employment generating development [IC/005 is to change “satisfactory” to “significant” in para. 8.5.12a to accord with the Policy wording in the RDUDP]. Alternatively it must be demonstrated, through appropriate marketing, that the site or premises is not capable of accommodating mixed-use development or that, due to scale or other environmental reasons, mixed use is not appropriate.

- 8.3 Para. 42 of PPG3, March 2000, states that local planning authorities should review all their non-housing allocations when reviewing the development plan and consider whether some of this land might be better used for housing or mixed-use development. The Council have not undertaken such a review as part of this partial Alteration of the UDP. The Regional Employment Land Survey [RELS] is awaited. Survey work was undertaken in 2003 and it is anticipated that RELS will be ready to inform work for the LDF. The Council’s interim stance, [as explained in CD/DP/08] is that there is no scope for reducing the stock of employment allocations in view of the scale of existing loss to other uses and the need to retain both key employment sites and a spread of employment land throughout the District.
- 8.4 New para. 42(a) of PPG3 was issued in January 2005. In summary, it states that local planning authorities should consider favourably planning applications for housing or mixed-use developments unless the proposal fails to reflect the policies in PPG3; the housing development would undermine the regional or local housing strategy; or it can be demonstrated, preferably through an up-to-date review of employment land that there is a realistic prospect of the allocation being taken up for its stated use in the plan period.
- 8.5 In terms of employment considerations the third clause of para. 42(a) places the onus upon the Council to demonstrate that there is a realistic prospect of the land being taken up for such purposes or that its development would undermine regional and local strategies for economic development and regeneration. Although mixed-use development should be encouraged generally, there is no requirement or even suggestion in national policy that a site be marketed for 6 months for continued employment use either alone or as part of a mixed-use scheme. Because mixed-use development can cover a multitude of uses, it would be difficult to market a site except in extremely general terms without having the benefit of a planning permission. There is also no requirement in guidance that mixed-use development should include a significant proportion of employment development, whatever that may mean. In fact, PPG3 para. 42(a) refers to housing or mixed-use development as alternatives which suggests that the latter is not a requirement of policy.
- 8.6 In these circumstances I consider that the proposed Policy E7 is an inappropriate means of “keeping employment use on the agenda” as the Council describe it. It would place an onus upon the applicant to demonstrate through marketing that there was no interest in mixed-use development or employment as part of such a development and in so doing it would be over-restrictive compared with national policy. It is one thing to take into account market attractiveness factors, including whether the site has been or is being actively marketed, in reviewing employment land [as advised in the ODPM Guidance Note] or in reaching a decision on an application. It is quite another to require a site to be marketed for a six month period before a proposal for housing would be considered. This would present obstacles to

development contrary to Government intentions. In the extreme, the Council’s proposed requirement could prevent the efficient redevelopment of the site for housing and so thwart the objective of maximising the use of previously-developed land.

- 8.7 Revised PPG4/PPS4 may include guidance on how best to assess realistic prospects of take-up, as the Council anticipate, but for the moment PPG3 para. 42(a) sets out the only provisos which the Government considers apply to a policy approach of favourable consideration to housing proposals on such sites, and I consider that it would be inappropriate to introduce more restrictive requirements. There is nothing in local circumstances to suggest an approach other than in line with national guidance.
- 8.8 For these reasons I consider that proposed clauses v. and vi. and the supporting text in para. 8.5.12a should not form part of the RUDP. In these circumstances, the need, which there would otherwise be for the Policy to be clearly understandable, to define “significant proportion”, “mixed-use development”, “not capable of accommodating mixed-use development” and “appropriate marketing” does not arise. Also in these circumstances I do not consider that any of the additional criteria suggested by objectors are necessary. The need for mixed-use development should be considered on the merits of the site in question in consultation with owners/applicants and not against a rigid policy formula which, as discussion at the Inquiry showed, would be extremely difficult to establish in a comprehensive way to suit all circumstances and would allow very little flexibility. The facts that the Council assert that they would be flexible in the application of the proposed Policy, and that the existing Policy E7 has only been used in refusing 5 applications to date, do not alter my view.
- 8.9 Whether proposed clauses i. to vi. should be regarded only as factors as one objector suggests, rather than prerequisites as the Council intend, is not relevant in view of my conclusion that v. and vi. should not be included in the Policy. However, I consider that it would be reasonable to join the original clauses of existing Policy E7 together as a suite of criteria or requirements. Clause i. refers to key employment allocations; clauses ii. and iii. are relevant to the issue of the effect of a proposal upon regional and local strategies for economic development and regeneration and iv. is a basic requirement. I also see no harm in the inclusion of “or last” after “currently” in the Policy. Similarly to include “on the proposal site” would improve clarity.
- 8.10 Given that the Policy defines non-employment uses as those outside the B Use Classes, I see no need to define employment uses as B1, B2 and B8 as suggested by BT. Leeds Teaching Hospital Trust consider the definition of acceptable employment uses as being limited and should include hospitals. They recommend adding a new criterion to the policy, which would allow construction of new hospital developments. I do not consider that such a clause is necessary and it would beg the question of other uses, such as community buildings. If such a proposal were to be made on employment land it would be judged on its merits against UDP policies.
- 8.11 2. The Alteration proposes to define “locality” in clause iii. of E7 in order to overcome problems which the Council have experienced in application of the Policy. I note in para. 214.8 of the AUDPI Report it is reported that “local areas are hard to define but experience shows that developers and the Council can usually reach agreement.” Be that as it may, the Alteration defines locality as “a reasonable walk to work distance, namely 1.5 miles (approximately 30 minutes walking time) from the site boundary” and adopts this as a surrogate for other sustainable transport times.

- 8.12 The Council consider this is preferable to, for example, 15 minutes peak drive time by car and 20 minutes peak travel time by public transport, which they themselves have advocated to applicants, and to similar suggestions by objectors. I do not consider that having definitions based on more than one mode is confusing or impracticable as the Council argue; both are established means of assessing accessibility and all assessments assist in informing a judgement. Furthermore I consider that, seen in the context of guidance in PPG3 42(a) clause 3, the Council’s proposed definition of “locality” would be rather too fine-grained leading to analysis of impact on a very circumscribed local area. Whilst I accept that it is desirable that workplaces should be provided conveniently to where people live, as set out in AUDP Strategic Principle 6, I consider that it is too restrictive to define “locality” for the purposes of the Policy in terms of a 1.5 mile radius. Accessibility can be achieved sustainably by public transport modes, cycling and walking or combinations of modes, and a site specific assessment taking into account the particular circumstances of the site is to be preferred to a set formula which would be unlikely to fit all circumstances.
- 8.13 I therefore consider that the Council’s proposed definition would result in “localities” which were unrealistically small and unsuitable to inform the necessary judgement in terms of PPG3 guidance. The impact of proposals for non-employment uses needs to be assessed on a District-wide or areal basis with a meaningful definition in the context of “local strategy”, such as a sector of the District perhaps defined by a combination of wards as was used in a recent appeal decision [APP/N4720/A/04/1155015] referred to in LCC/015/D. For these reasons I conclude that the proposed addition to para. 8.5.12 of the AUDP need not and should not be made. I have taken into account all other matters, including in the expressions of support for the alteration the view that “locality” should be more limited, to a 1 mile radius, but none alters my conclusion on this issue.
- 8.14 3. Keyland Development Ltd [KDL], Innology and the Pinnacle Group consider that Neighbourhood Renewal Areas [NRAs] should have a distinct and enabling policy base and be exempt from E7. There is an adequate supply of employment land sufficient to last about 32 years at long-term average take up rates, and whilst KDL concur with the Council’s economic objectives, they consider that Policy E7’s rigid adherence to allocated employment use would not allow the possibility of new visions for NRAs and the accompanying reconfiguration of land use allocations that may be necessary as part of a comprehensive Area Action Plan [AAP]. Some objectors consider that the proposed amendments to the Policy would restrict the potential for regeneration more generally.
- 8.15 The Council consider that area-based initiatives should be undertaken in the context of UDP policies and proposals [in terms of Alteration 11/003 para. 11.5.3] and that exemption would nullify the employment allocations in these areas and override the key site designations under Policies E8 and E18 which are safeguarded by clause i. of Policy E7. They argue that, because land allocated for employment within R1 areas amounts to over half the District total, the suggestion would entail a substantial revision to the UDP’s employment land strategy which is beyond the scope of the Review.
- 8.16 I do not consider that there is a need for any areas [including the specific case of Independent Motor Auctions, Morley] to be exempt from what is intended to be a District-wide policy, particularly if that policy is amended to accord with Government

guidance in PPG3 42(a), as I conclude it should be below. Proposals for housing or mixed-use development on designated employment sites could be considered against it.

- 8.17 I have already concluded that para. 8.5.12a should not be included in the RUDP but I consider in principle that KDL’s suggested additional paragraph 8.5.12a would, in part, be an improvement to the UDP because it would make clear the distinction in future courses of action and I therefore endorse the first sentence of the proposed new paragraph. I consider that the clause suggested by the Council [“although the objective for providing for sufficient employment opportunities will be a significant and constituent part of such AAPs”] is a necessary part of it. However, I see no need for the phrase “visions for regeneration initiatives”; regeneration proposals would be clearer.
- 8.18 Additionally, I see no good reason for the final suggested sentence. It is unnecessary because Policy E7 allows the Council to take into account all changing circumstances of employment land supply. Also to suggest that particular care would be taken in certain circumstances suggests that in other circumstances such care would not be applied, which would be to give the wrong impression. It would also be inappropriate because the Council will need to take into account adequacy of employment land in regional and local strategy terms both within and without NRAs and so there would be no basis for particularity. I therefore conclude that the final sentence [“As some designated employment sites may be lost to some other uses through this process [the AAP preparation], the Council will scrutinise applications for non-employment uses on designated sites outside the policy areas with particular care”] should not be included in the RUDP.
- 8.19 Finally, in the light of the KDL objections, Policy E7 should also be amended to make it clear that it refers only to proposals made in planning applications and not those which may be made for future plans such as the AAP for Aire Valley Leeds [AVL].
- 8.20 4. Churwell Action Group are concerned that employment sites should not be developed for housing as this would lead to the development of greenfield sites for employment. They recommend a new policy resisting employment uses on greenfield allocations. Similarly Cllr. Leadley, amongst others, considers that employment land should be subject to a sequential approach as for housing land and suggests a new policy to that effect. However, it would be contradictory to resist the development of allocated land, particularly as it is necessary to provide for the needs of industry in modern accommodation on new sites and in new locations. There is also no specific support in national guidance for the suggested sequential approach to employment development and it would be inappropriate to introduce one into the UDP.
- 8.21 In reaching my conclusions on objections to Policy E7 I have taken into account the Council’s arguments that the majority of housing land needs up to 2016 can be met by existing brownfield land reserves within the Main Urban Area and that the Regional Spatial Strategy housing requirement is being exceeded on an annual basis, as is the percentage target for development on previously-developed land. However, such circumstances do not exempt the Council from following national guidance on employment matters. The Council also stress that greenfield employment allocations would not be eligible for housing development even if they were no longer needed for their intended use. However, this point is covered by clause 1 of PPG3 para. 42(a).



- 8.22 I have also borne in mind the generous allocations of employment land not only in Leeds but within the Yorkshire and the Humber Region. Para. 5.13 of RSS [CD/REG/08] encapsulates the regional situation and concludes with reference to the need to review existing allocations. GOYH also consider that the Council’s approach to protection of land allocated for employment in relation to possible use of some of it for housing appears over-restrictive, particularly in the light of the ample long term employment land supply. Whilst I accept the need to maintain an adequate supply of employment land, I find no local circumstances to justify a policy which runs counter to Government guidance.
- 8.23 This applies also to the Council’s particular concern about the supply of employment land in the northern and north-western part of the District. They point to Table 5.1 of CD/DP/09 as evidence that leakage from employment use to housing is increasing in these areas. However, this is to be expected given the deliberate emphasis of national policy on the development of brownfield land and the fact that many old-established employment sites/buildings within these areas may, for a variety of reasons, no longer be suitable for their original purpose. Brownfield windfall development has made a very significant contribution to housing land supply in recent years. Policy E7 as proposed would be likely to reduce that supply and run counter to the Council’s, and indeed national housing policy. I am therefore not convinced that the amount of leakage involved is yet a matter for concern and I do not consider that it justifies the changes proposed to Policy E7. Nor do I consider that the particular circumstances of a sector of the District would justify a District-wide policy. In any event, if it is or becomes a demonstrable concern then the Council can exert control in the terms of clause 3 of PPG3, para. 42(a).
- 8.24 The Council also consider that because some large allocations are taking time to come forward, the retention and redevelopment of existing sites would make an important contribution to the scale and spread of economic development generally. However, if the Council are concerned to such a degree about employment strategy then they should review its provisions and employment allocations at the earliest opportunity, along with the review of existing allocations as required by Government guidance.
- 8.25 The Council regard parts of objections by the University of Leeds, R Gaunt & Sons (Holdings) Ltd, Topencounters Ltd and Aire Place Property Co. Ltd., that the AUDP allocates more employment land than required, as not duly made. Also Hartwell plc’s suggestion that para. 8.5.4 should be amended to refer to wider catchment area definition is outside the scope of the Review and therefore also outside my remit.
- 8.26 Irrespective of my conclusions on the objections, it appears to me that AUDP Policy E7 now needs to be replaced with one consistent with revised PPG3 guidance. It is for the Council to consider how the Policy should be drafted to this end but clearly the policy wording should be in positive terms and should not be more restrictive than PPG3 para. 42(a). The Policy should apply to both allocated land and redundant land or buildings in [or last in] industrial or commercial use, but no longer needed for such use. The Policy or supporting text should explain how it will be established whether the land or buildings are no longer needed for industrial or commercial use. In my view the assessment of need extends further than that made by site owners/applicants; it is not simply a matter of whether they no longer need it, but whether there is a planning need for the site to be retained for that purpose. This is why the onus lies with the local planning authority, although they would need to take

into account the evidence relating to need in all its aspects which an applicant might present.

## **RECOMMENDATIONS**

### **8.27 I recommend that:**

**1. no modification be made to the UDP in accordance with Alteration 8/001 but that Policy E7 and its supporting text be modified to accord with PPG3, para. 42 (a); and**

**2. the supporting text of Policy E7 be modified to:**

**a. make clear that the Policy refers only to proposals made in planning applications and not those which may be made for future plans, such as the AAP for AVL; and**

**b. include a new paragraph as follows:**

**“Within areas designated as special policy areas it is important that regeneration proposals should be developed through Area Action Plans [AAPs] and that the proposals should be developed free from the constraint of existing employment designation, although the objective of providing for sufficient employment opportunities will be a significant constituent of such AAPs.”**

## **CHAPTER 9 - SHOPPING POLICIES**

9.1 The Council proposed no Alterations to Chapter 9 of the Adopted UDP.

## **CHAPTER 10 - LEISURE AND TOURISM**

- 10.1 The Council proposed no Alterations to Chapter 10 of the Adopted UDP.

## CHAPTER 11 – AREA BASED INITIATIVES AND REGENERATION

### ALTERATION 11/001 (INTRODUCTION TO CHAPTER 11)

#### Objections

20749 Tockwith with Wilstrop Parish Council  
21625 Micklefield Properties Ltd

#### Issue

- 11.1 How should para. 11.2.2 be worded?

#### Inspector’s Reasoning and Conclusions

- 11.2 The criticism that the section headed by the bullet point entitled “practically orientated” failed to acknowledge the input of developers to regeneration plans has been addressed by Alteration RD 11/001. No further amendment is necessary.

#### RECOMMENDATION

- 11.3 I recommend that the UDP be modified in accordance with RD Alteration 11/001.

### ALTERATION 11/002 (POLICY R1 - PROPOSED AREA BASED INITIATIVES)

#### Objections (First Deposit)

20127 Headingley Village Society  
20858 Mrs Gawthorpe  
20864 WARDEN  
20879 Thorp Arch Parish Council  
20893 Boston Spa Village Society  
20899 Mr Thomson  
20902 Mrs Thomson  
21561 DTZ Piedad Consulting  
21567 Cllr. Golton  
21575 Keyland Developments Ltd  
21580 Keyland Developments Ltd

21581 Keyland Developments Ltd  
21603 Cllr. Hamillton  
21608 Morley Town Council  
21626 Micklefield Properties Ltd  
21787 Ashdale Land & Property Co Ltd  
21907 Redleaf IV Ltd Partnership  
21940 RWE Npower (Formerly Innology  
c/o Thames Water)  
22000 Bracken/Chartford Developments  
22003 Pinnacle Group  
22299 Boston Spa Parish Council

#### Issues

- 11.4
1. Should other areas be added to the list of area based initiatives in Policy R1?
  2. Should the “Aire New Town” area be specifically recognised as a Comprehensive Neighbourhood Renewal Area [CNRA]?
  3. Should the potential for using the development of student housing as a catalyst for regeneration be incorporated into the supporting text on the regeneration areas of Harehills, the Aire Valley, Hunslet, East Bank and Beeston/Holbeck?
  4. Should the East Bank Neighbourhood Regeneration Area be extended or at least cross referenced to the Marsh Lane Goods Yard Prestige Development Area?

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5. Should Thorp Arch be deleted from Policy R1 as a New Community?
6. Should Micklefield’s regeneration area boundary be extended to include additional areas?
7. Should para. 11.3.1, “town centres”, be amended to refer to major development proposals?
8. Should a form of simplified planning apply to CNRAs? Should a new policy be prepared specifically for the Aire Valley? Should the UDP be amended to allow flexibility in the preparation of regeneration proposals for the “Aire Valley Leeds” [AVL] CNRA which will be the subject of a future Area Action Plan [AAP]?

### Inspector’s Reasoning and Conclusions

- 11.5 1. In RD Alteration 11/002 the Council intend to add “Central Headingley” and “Far Headingley and West Park” as two new Local Communities to reflect the fact that plans are in hand to draw up Village Design Statements. This satisfies outstanding objections in this respect.
- 11.6 Suggestions that Kirkstall and Bramley town centres should be added to the “Town Centre” list and that central Morley should be added to the “Other Neighbourhood Regeneration” list appear to be based upon perceived need rather than a definite proposal to address the problems. I consider that it is important that additions should only be made if there is proposed to be a plan of action as it were and therefore I cannot recommend that Kirkstall, Bramley and central Morley be added to the lists.
- 11.7 I do not consider that fringe City Centre areas such as the Prestige Development Areas should be added to the list in order to encourage renewal, improvement and redevelopment. They are already adequately covered in policy terms in Chapter 13 of the AUDP and it is unnecessary to duplicate reference to them.
- 11.8 2. The “Aire New Town” site, which stretches from Yorkshire Chemicals to ARLA Foods on Kirkstall Road, is currently partly included within the Waterfront Strategy. However, as the site is not a corporate regeneration priority it cannot qualify as a CNRA. I agree that the matter should be kept under review but for this Alteration no amendment should be made.
- 11.9 3. RD Alteration 11/003 under the heading “Residential” satisfies this objection in general terms. Whether or not reference should be made to student housing in the text on specific regeneration areas should await the discussions with the universities and accommodation providers to identify areas for development of new student accommodation that I advocate under Alteration 7/008. As I note specifically on Beeston Hill/Holbeck [Chapter 22, para. 22.2], it would be appropriate to include references once such areas have been defined.
- 11.10 4. The Marsh Lane Goods Yard Prestige Development Area is within the defined City Centre and is intended for uses complementary to that area as indicated in para. 13.7.38 of the AUDP. It is not necessary or appropriate to include it within, or cross reference it to, the East Bank Neighbourhood Renewal Area.
- 11.11 5. Several objectors to the Thorp Arch Strategic Housing Site [SHS] designation

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see no role for Thorp Arch Trading Estate [TATE] to be acknowledged as a New Community in Policy R1. My conclusions on this issue derive from those related to TATE in Chapter 24 where I recommend its deletion as an SHS and as a proposal in the UDP. Consequently I conclude that it should be deleted from Policy R1.

- 11.12 6. In view of my conclusions on the Micklefield SHS and the Micklefield Regeneration Area [MRA] in Chapter 16 of my Report, and with regard to PAS land and GB, I conclude on this issue that there should be no extensions to the MRA. I deal in detail with such objections in Chapter 16.
- 11.13 7. Alteration RD 11/002 includes an amendment to the paragraph dealing with town centres and satisfies the Churwell Action Group objection, now withdrawn.
- 11.14 8. I do not consider that a form of simplified planning should apply to the CNRAs because it is necessary that regeneration proceeds within the parameters of the Plan and that, for example, these substantial areas are subject to adopted retail policies. Keyland suggests that a new policy should be advanced to exclude application of all other UDP policies, with the exception of the UDP Strategic Objectives [the policies set out in Chapter 3], to sites within the CNRAs. It is also suggested that a set of special area policies should be drafted for these areas outside of the UDP, but which should have development plan status.
- 11.15 Innology [Thames Water Property Services] consider that a more detailed policy is required with development plan status to provide the clarity and certainty needed by landowners and developers in the Aire Valley and to make comprehensive regeneration happen in the near future. The Policy should cover the following: i) whether planning applications will be accepted on a piecemeal basis or will have to conform to a comprehensive masterplan, ii) infrastructure requirements and iii) advice on the scale of acceptable uses including residential, retail and leisure as well as business, industrial and warehousing uses.
- 11.16 The Council respond that such a policy giving detailed guidance for AVL would be premature at this stage as no conclusions have been reached on the scale, nature and location of the infrastructure required or on the scale, location and mix of acceptable uses. The Council intend to prepare an Area Action Plan [AAP] as a development plan document in the new LDF. I consider that this is the appropriate course of action given the amount of work that needs to be done before a more definite framework can be promulgated.
- 11.17 In these circumstances Keyland [KDL] suggested that the following sentence should be added to the end of para. 11.3.2 of Alteration 11/002:

“The Comprehensive Neighbourhood Renewal Areas are designated as Special Policy Areas where policies will be developed through Area Action Plans, in accordance with the UDP’s strategic objectives but unfettered by other policies, to bring about strategic change in them”

This should be seen in the context of my conclusions on KDL’s other objections relating to AVL below and in Chapter 15 but generally I see no reason why CNRAs should have exceptional policy regimes or be “unfettered” from UDP policy. I therefore do not endorse this suggestion in this respect.

### ***The Keyland objections***

11.18 However, the [KDL] objections raise fundamental points about the relationship of the UDP to future AAPs and indeed to the whole approach to the regeneration of AVL in particular. It is agreed between the parties that regeneration is a priority and should be approached in a holistic, integrated and sustainable manner as advised in Government guidance, as advocated by KDL and in fact as described by the Council in their Supporting Paper 1 – Regeneration & Other Area-Based Initiatives [CD/DP/09, para. 4.1]. The priority attached to AVL as an area intended for comprehensive neighbourhood renewal is evidenced in RDUDP Chapter 11 which refers to its various problems and the key issues which must be addressed through a future AAP. As I have said, it is premature to address such issues in any detail in the RUDP as that must be done in consultation with all community interests. However, KDL’s concern is that the core policies in the UDP will not provide a proper foundation for such regeneration.

### ***The effect of the RDUDP’s approach***

11.19 KDL’s vision for AVL is akin to that in the Grimley report “Strategic Vision for the Aire Valley” [Jan. 2002, CD/GEN/10] which envisages a variety of uses and a “gateway” from the M1. That contrasts sharply with the Council’s approach in the UDP which in KDL’s view would lead to a uniform use approach best exemplified by the application of Policy E7 which would require the extensive employment land in the AVL to remain in that use. Development in accordance with the RDUDP policies would result in renewal on a site by site basis and not regeneration in the current sense.

11.20 Such an approach would not allow significant improvement in infrastructure, or the environmental problems of the area, or in terms of access and sustainable transport provision. There would be no connection with, or beneficial spin-off effect on, surrounding residential areas which are amongst the most deprived in Leeds. Given the very large extent of AVL, KDL consider that this would be a lost opportunity to create a new quarter for Leeds and a model of regeneration for the 21<sup>st</sup> century.

11.21 KDL are particularly concerned that the UDP approach appears to be mirrored in the second report by Grimley’s “Aire Valley Leeds – Market Demand and Development Impact Study Final Report” [updated Jan. 2004, CD/GEN/13] and the Halcrow Transportation Report [CD/GEN/14] which follows it. However, at the Inquiry the Council allayed this concern to a degree by emphasising that the Grimley and Halcrow reports have not been approved or adopted. They see an AAP as the way forward; all interested parties would be consulted in the preparation of such a plan.

### ***The constraining effect of the RDUDP as drafted***

11.22 KDL accept that the RUDP should contain policies for AVL but they do not want them to constrain regeneration. The Council rightly want regeneration and the AAP to proceed within the context of the strategic objectives of the UDP rather than within a policy vacuum where anything would be possible, but they accept the point that it would be wrong to constrain opportunities in AVL to the extent that the extensive areas of land subject to Policy E7 must be retained for employment use.

11.23 Their intention that Policy E7 is simply a development control policy, which was expressed at the Inquiry, is not clear from the text of the UDP. KDL argued



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persuasively that without this matter being clarified, and without a change to bullet point 4 of para. 11.5.3, readers of the RUDP would interpret Policy E7 as requiring all such lands to remain in employment use in the AAP and conclude that the Council had made up their minds already on land uses in AVL. This would not only divert attention from the area to other sites, possibly greenfield sites, for other uses such as housing but would rather perpetuate the present perception of the area as the “East End” where only more of the same predominantly B2/B8 development would be considered. This would not encourage comprehensive regenerative attention to focus on AVL nor would it result in the form of comprehensive regeneration that was intended. I agree that in these circumstances the likely consequence would be that B2 and B8 uses would continue to predominate and even their development would be likely to be slow. Such development would be unlikely to provide the catalyst for regeneration in the present day sense of creating sustainable communities.

- 11.24 Of course the present image of AVL derives from the various problems which it suffers. The perception, and indeed in much of the area the reality, is of an “East End” where B2/B8 industrial uses already predominate in large parts; where the Knostrop Waste Water Treatment Works [KWWTW] occupies a large area and advertises its presence by unpleasant odours, and where other uses such as incinerators and waste recycling plant have been sited. Accessibility within the area is also limited and north-south routes will need to be improved by an additional river crossing and new roads. The ELLR and Stage VII of the IRR need to be constructed linking to the M1 which itself may need widening and junction improvements depending on the scale of development ultimately proposed. Public transport also needs to be improved.
- 11.25 Overcoming such constraints will be extremely costly. One of the largest and most expensive problems to address will be the improvement of the effects of KWWTW. Its relocation is unlikely to be practicable at an estimated cost of some £500m according to YWS and because there is no alternative site. Improvement options are to be examined and their costs verified but those considered so far could cost upwards of £100m and odour would not be eliminated entirely. Public funding of such works is most unlikely as the WWTW functions satisfactorily at present. Private funding to effect the improvement would be dependent upon development profits, which would be realised only by high value land uses. Such uses are unlikely to be attracted to the Aire Valley unless the odour problems are dealt with adequately in the early stages of regeneration which implies high, abnormal infrastructure expenditure in advance of development.
- 11.26 This is, to say the least, a challenge, and it is clear that the literal application to AVL of R1 and E7 as drafted would generate neither the interest in the area nor the investment to address the problems. It will be a matter for the AAP to consider the options in terms of land uses. Land uses should not be determined by the need to make enough profit to afford such infrastructure expenditure at the expense of strategic objectives with regard to housing, office development and retailing for example, but on the other hand the options which will have to be considered in preparation of the AAP should not be constrained from the outset by the apparent determination that all existing employment land in AVL should remain in its present use.
- 11.27 There is about a 32 year supply of employment land at recent take-up rates and, as implied in SP5 [CD/DP/09, para. 2.2] the objective is as much, if not more, to retain

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employment land throughout the rest of the District as in AVL where the majority of employment land is concentrated. My conclusions in Chapter 8 on other objections to E7 are relevant in this context. Given the amount of employment land available within the District I do not consider that it is imperative that it should all be retained in its existing use and I am particularly concerned in this respect that the Council have not undertaken a review of employment land as advised in national guidance. In addition, and as importantly, such a site-specific approach to regeneration is inappropriate because as part of planned regeneration it is possible that employment opportunities could be increased substantially within a particular area through more intensive development of fewer sites and/or an adjustment of land uses. The option of such flexibility seems to me to be essential; predetermination and the perpetuation of existing land uses and allocations on the present scale could inhibit the scope of the future AAP.

- 11.28 KDL are also concerned that Policy H2 does not provide for housing in AVL except for the Hunslet Riverside SHS and may therefore prejudice wider consideration of the potential for housing as part of comprehensive regeneration. I think this concern is unfounded. The Council’s SHS [albeit a misnomer as I conclude under Alteration 15/014] is within the AVL AAP area and is largely centred on Hunslet Mills which has planning permission for some 700 residential units. There is other residential potential at this western end of the area, contiguous with the Mill site and at Copperfield College, for example. The RDUDP is also permissive of housing development in the Main Urban Area as windfall development. The potential for further planned residential development will need to be assessed in preparation of the AAP, in the context of national and regional policy, and I see no reason why Policy H2 should prejudice that consideration.

### ***Conformity between the UDP and a future AAP***

- 11.29 Although no decision has yet been taken about the timing of the preparation of a Core Strategy under the new development plan system, it was accepted by the Council at the Inquiry that, because the AVL AAP was to be prepared as a priority within the Council’s Local Development Scheme, it was likely, or certainly possible, that it would be prepared within the context of the saved UDP. The AAP would need to be in conformity with the UDP. The Council’s argument that the AAP could modify saved UDP policy and proposals is flawed. It is therefore necessary that the UDP allows sufficient flexibility to consider regeneration proposals in the AAP without the constraint which, as drafted in RDUDP, Policy E7 and, by reference to it, Policy R1, imply.
- 11.30 Textual amendments are necessary to make this consistently clear within RUDP, otherwise the uncertainty could result in the interpretation that the AAP has stepped outside the framework of the saved UDP and is proceeding unlawfully. The possibility of such a challenge, which would frustrate and delay regeneration, is sufficient reason to clarify the policy basis for the AAP and remove any uncertainty. The Council accept that the wording “in accordance with the UDP’s strategy in Chapter 3” is an adequate context to ensure conformity with the overall objectives underlying the UDP.

### ***Textual amendments***

- 11.31 I therefore consider that the following textual amendments are necessary:

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11.32 To accord with recommended modifications to Policy R1, para. 11.3.2 should be modified to read as follows:

“Reflecting the principles discussed early in this Chapter, the form of the area-based initiative will differ in each case. The Comprehensive Neighbourhood Renewal Areas are established corporately through the Neighbourhood and Community Partnership and represent priorities for concerted action to achieve improvements in housing and environment, health and wellbeing, employment and business, education and skills, and community safety. The Comprehensive Neighbourhood Renewal Areas are designated as special policy areas where policies will be developed through Area Action Plans [AAPs] prepared in accordance with the UDP’s strategy in Chapter 3 but their preparation will not be restricted by other policies in the Plan.”

11.33 Para. 11.3.3 needs to be modified as per IC/018 and as I recommend below as paras. 11.3.3 - 7 to explain the relationship between the old and new development plan systems and the relationship of the future AAPs to UDP policies, and in AVL in particular. I see no problem in incorporating [in 11.3.4] both the Council’s and KDL’s explanation of the purpose of AAPs in that they will include such matters as the distribution of uses and site-specific allocations; focus on the implementation and delivery of area-based regeneration initiatives; and deliver planned growth areas, stimulate regeneration, protect areas particularly sensitive to change and resolve conflicting objectives in areas subject to development pressures. This wording is taken from PPS12 and is a useful explanation. Suggested para. 11.3.5 is necessary to make it clear that it is not the Council’s intention that existing identified employment areas should be restricted by Policy E7 in the opportunities they present to secure comprehensive regeneration and redevelopment, and that existing allocations will remain in force until an AAP is adopted.

11.34 Policy R1 needs to be divided into separate parts to refer to the fact that within special policy areas AAPs will be prepared to secure regeneration, and that AAPs will accord with the UDP’s strategy in Chapter 3 but their preparation will not be restricted by the application of other policies of the plan. It should also be included in Policy that development proposals that do not accord with the provisions of a future adopted AAP will not be supported and that until an AAP has been adopted, all relevant policies of the UDP should be applied for development control purposes. The remainder of Policy R1 should be renumbered as Policy R2, with the amendments consequent upon the identification of the special policy areas. Subsequent Policies R2 and R3 should be renumbered accordingly.

### RECOMMENDATIONS

11.35 I recommend that the UDP be modified by RD Alteration 11/002 subject to:

1. amendment of paras. 11.3.2 - 3 and Policy R1 as follows:

#### Para. 11.3.2

**Reflecting the principles discussed early in this Chapter the form of the area-based initiative will differ in each case. The Comprehensive Neighbourhood Renewal Areas are established corporately through the Neighbourhood and Community Partnership and represent priorities for concerted action to achieve improvements in housing and environment, health and wellbeing, employment**

and business, education and skills, and community safety. The Comprehensive Neighbourhood Renewal Areas are designated as special policy areas where policies will be developed through Area Action Plans [AAPs] prepared in accordance with the UDP’s strategy in Chapter 3 but their preparation will not be restricted by other policies in the Plan.

**Para. 11.3.3**

The Planning and Compulsory Purchase Act 2004 was enacted on 13 May 2004. Many of the area-based initiatives identified in Policy R1 will therefore be taken forward through the new system, under which the UDP will be replaced by the Local Development Framework (LDF). Policy R1 anticipates the new system in identifying areas where further, more detailed work is currently to be given priority.

**Para. 11.3.4**

PPS12: Local Development Frameworks (September 2004) and the Town and Country Planning (Local Development) (England) Regulations 2004 both refer to Area Action Plans [AAPs] at paragraphs 2.17 - 2.19 and Section 7 respectively. AAPs will be Development Plan Documents (DPDs) and subject to examinations and binding reports by an independent Inspector. Amongst other purposes it is clear that AAPs are intended to include planning frameworks for areas of significant change. They will include such matters as the distribution of uses and site specific allocations. They will focus on the implementation and delivery of area-based regeneration initiatives and should deliver planned growth areas, stimulate regeneration, protect areas particularly sensitive to change and resolve conflicting objectives in areas subject to development pressures. A number of the areas identified below will require AAPs on this basis and Policy R1 provides the locus for progressing this work under the LDF system.

**Para. 11.3.5**

The existing policies and proposals of the Plan both at a strategic and site specific level, including those currently applying within a Policy R1 area, will be considered when AAPs are being prepared, to assess whether or not they remain appropriate for application within the area of each AAP. It should be noted that the reference to “areas of significant change” and “site allocations” means that the AAPs may, where appropriate, advance new and different allocations to those currently identified R1 areas on the Proposals Map. It is not the Council’s intention that within the Aire Valley existing identified employment areas should be restricted by Policy E7 in the opportunities they present to secure comprehensive regeneration and redevelopment. Existing allocations will remain in force until an AAP is adopted.

**Para. 11.3.6**

Some initiatives will be accomplished by preparation of plans or frameworks which will be adopted as Supplementary Planning Documents (SPD). SPD will be prepared in accordance with policies of the Plan, and amended in the light of public consultation, following the procedures set out in Government guidance.

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Once adopted SPD will be a material consideration in determining planning applications. At this stage, an initial indication of the particular route to be followed is given, but this may change, since it will depend to a large extent on the outcome of the planning process in each case. Accordingly:

### **POLICY R1**

**THE FOLLOWING AREAS ARE DESIGNATED AS SPECIAL POLICY AREAS FOR THE PURPOSE OF SECURING COMPREHENSIVE NEIGHBOURHOOD RENEWAL:**

- **AIRE VALLEY**
- **GIPTON**
- **HAREHILLS**

**WITHIN THOSE SPECIAL POLICY AREAS, AREA ACTION PLANS [AAPS] WILL BE PREPARED TO SECURE REGENERATION. AAPS WILL ACCORD WITH THE UDP’S STRATEGY IN CHAPTER 3 BUT THEIR PREPARATION WILL NOT BE RESTRICTED BY THE APPLICATION OF OTHER POLICIES OF THE PLAN.**

**DEVELOPMENT PROPOSALS THAT DO NOT ACCORD WITH THE PROVISIONS OF AN ADOPTED AAP WILL NOT BE SUPPORTED.**

**UNTIL AN AAP HAS BEEN ADOPTED, ALL RELEVANT POLICIES OF THE PLAN SHOULD BE APPLIED FOR DEVELOPMENT CONTROL PURPOSES.**

2. renumbering the remainder of Policy R1 as Policy R2, with the amendments consequent upon the identification of the special policy areas [including BEESTON/HOLBECK] and to incorporate the recommendation under Alteration 07/008; and renumbering subsequent Policies R2 and R3 accordingly.

3. deleting Thorpe Arch Trading Estate from the list under New Communities.

### **ALTERATION 11/003 (REGENERATION POLICY PRINCIPLES)**

#### **Objections (First Deposit)**

21574 Keyland Developments Ltd  
21627 Micklefield Properties Ltd  
21910 Hammerson UK Properties Ltd  
21912 Hammerson UK Properties Ltd  
21915 Hammerson UK Properties Ltd

21918 Hammerson UK Properties Ltd  
22018 Harvey Spack Field  
24815 Mrs Hall

#### **Objections (Revised Deposit)**

30411 Hammerson UK Properties Ltd

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### Issues

- 11.36 1. Should the references to resisting development which would undermine the role of centres and the loss of viable employment land uses be deleted and replaced with more positive ones?
2. Should “town centre regeneration” be added to the list of linked strategies referred to in paragraph 11.5.1.?
3. Should there be an additional bullet point under “Employment” in para. 11.5.3 which recognises the significant employment contribution that uses outside B1, B2 and B8, such as retail and leisure development, can make to the town centre and local economy generally?
4. Under “Focus on Existing Centres” should an additional bullet point be added supporting mixed-use redevelopments on key city centre sites which have wide strategic regeneration benefits, not only for the city centre, but also for the local economy generally? Does RD Alteration 11/003 adequately cover the point made?
5. Under “Conservation/Listed Buildings” should an additional bullet point be added to the effect that a flexible approach will be taken in relation to new uses for listed buildings and conservation areas in so far as Government guidance allows?
6. Should the Regeneration Policy Principles acknowledge the benefit of new retail developments in areas with poor access to such facilities, as does Policy S6 of the Adopted UDP?

### Inspector’s Reasoning and Conclusions

- 11.37 1. Keyland [KDL] suggest the deletion of two bullet points. First, that under “Focus on Existing Centres” which states:

- resist developments which would undermine the role of centres - City Centre, Town/District Centres, Local and Neighbourhood Centres protecting their viability and vitality.

It is suggested that it be replaced with:

- support and promote the viability and vitality and the role of all existing centres.

- 11.38 The second bullet point under “Employment” states:

- resist the loss of viable employment land uses, particularly those in and accessible to regeneration and renewal areas through the application of Policy E7.

This bullet point is criticised for its restrictive effect as discussed above.

- 11.39 The Council are concerned that regeneration initiatives should be consistent with national policy which seeks to focus retail and other major trip generating development on existing centres and avoid out of centre development. Whilst the proposed replacement bullet point is a positive reflection of national policy it does not fully reflect the aspect of avoiding development which would prejudice existing centres

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and I consider that it is important to make it clear that areal regeneration should not be at the expense of existing centres. I therefore consider that the first bullet point should be retained.

- 11.40 In terms of the second bullet point, the issue is relevant to consideration of Policy E7 which I deal with in Chapter 8 of my report. I conclude there that the UDP should not be modified as proposed in accordance with Alteration 8/001. I recommend that Policy E7 be modified to accord with PPG3 as revised by para. 42 a) and it is important that some employment uses are retained within areas which are to be regenerated so that there is a sustainable relationship of land uses and regional/local strategies are not harmed. I do not consider that Policy E7, as I recommend it should be modified, would necessarily prejudice regeneration initiatives which should consider all options comprehensively. I therefore see no need to delete or amend the bullet point in question.
- 11.41 2. The linked strategies referred to in the last sentence of para. 11.5.1. are existing corporate strategies produced by the Council and as there is not such a separate strategy for town centre regeneration it would not be appropriate to add it to the list.
- 11.42 3. I consider that it is unnecessary to include “recognise the employment regeneration benefit of uses outside the traditional B1, B2 and B8 use classes and in particular the contribution that alternative uses such as retail and leisure can make to the town centre” as a further bullet point. Such uses remain to be considered in any future AAP against the strategic objectives of the UDP or the Core Strategy in the new development plan system; there is no need to “recognise” their benefits. Such benefits must be balanced in the preparation of the AAP against other factors such as the possible adverse effect on existing centres. With regard to retail development, I note that CD/GEN/13 concluded that there is land available which could support a considerable amount of new convenience and comparison floorspace in a number of town centres and that, in the consultants’ view, these sites could accommodate the identified capacity in Leeds District up to 2011 and beyond, meaning that in sequential site assessment terms, there is no justification for accommodating new development in out-of-centre locations. In this context it would be inappropriate to include the suggested wording.
- 11.43 4. In response to the suggestion that an additional bullet point be added to para. 11.5.3 under “Focus on Existing Centres”, the Council proposed RD Alteration 11/003 which would add “support in-centre developments which have a positive regenerative effect on the centre itself and on the local economy generally”. The objector believes that this Alteration does not go far enough to address the original objection and asks for an additional bullet point, which supports mixed-use development on key city centre sites. I consider that the Alteration does go as far as it needs to in order to cover the objector’s concern. The statement covers the point that appropriate mixed-use development would be supported on such sites within centres.
- 11.44 5. The section “Conservation/Listed Buildings” is intended to refer to the positive regenerative role of protecting and enhancing elements of heritage within regeneration areas and I do not consider that it would be desirable or appropriate to qualify, and thereby possibly undermine, such reference by the suggested additional bullet point. It is unnecessary to refer to the way in which policy might be applied in particular circumstances.

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- 11.45 6. The Council point out that most of the areas referred to in AUDP Policy S6 do not correspond to recognised regeneration areas. Also a deficiency of retailing is not necessarily a criterion for the need for regeneration and I therefore see no need for Chapter 11 to specifically acknowledge the benefit of providing new retail facilities. Cross-reference to, or duplication of, part of AUDP Policy S6 is not necessary or appropriate. There need be no amendment in response to this objection.
- 11.46 For the avoidance of doubt, given the content of the Council’s proofs LCC/030 and 030/A, RD Alteration 11/003 includes an additional section on “Rural Areas” as suggested by GOYH who have withdrawn their objection on this basis.
- 11.47 In the context of KDL’s overall objection relating to AVL, it was agreed between the Council and Keyland at the Inquiry that a sentence could usefully be added to bullet point 4 in para. 11.5.3, “Employment”, to the effect that Policy E7 will not be applied as a constraint or to restrict appropriate land use allocations in future AAPs. The Council pointed out that this does not imply that existing employment allocations or uses will necessarily change and that this too should be made clear. I consider that the amendment is appropriate to avoid the possibility of the RUDP being interpreted in the restrictive manner implied by the bullet point as drafted and I recommend accordingly.

### RECOMMENDATION

- 11.48 I recommend that the UDP be modified in accordance with RD Alteration 11/003 subject to adding to bullet point 4 of para. 11.5.3:

**“Policy E7 will not be applied as a constraint or to restrict preparation of appropriate land uses in AAPs, although this does not imply that these existing employment allocations or uses will necessarily change.”**

### ALTERATION 11/004 (POLICY R2 - COMPULSORY PURCHASE ORDERS)

#### Objections

21633 Tops Estates Plc  
21634 Stylo Barratt Properties Ltd

#### Issues

- 11.49 Is amendment necessary to refer to Compulsory Purchase Order [CPO] powers being used as a last resort and arrangements being made to minimise disruption to landowners and businesses? Should Policy R2 set out specific criteria to be considered in assessing the use of CPO powers?

#### Inspector’s Reasoning and Conclusions

- 11.50 The objectors make a detailed appraisal of CPO policy and suggest that it should be clear that Orders are only to be used as a last resort in the public interest when no other mechanisms are available and when arrangements are made to minimise disruption to landowners and businesses. The Council point out that para. 11.6.1 and Policy R2 taken together already embody the tenets of CPO policy. However, there is



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no reference to the test that the public interest in acquisition must be sufficient to override the private rights sought to be acquired. I consider that such a reference should be added to para. 11.6.1 but that no other modification is necessary.

### RECOMMENDATION

**11.51 I recommend that the UDP be modified in accordance with Alteration 11/004 with the second sentence of para. 11.6.1 amended to read as follows:**

**“CPOs can be used to improve the social, economic or environmental wellbeing of an area, providing that there is an overriding public interest in the proposed acquisition, and that compulsory purchase is pursued as a last resort after attempts to acquire land through mutual agreement have proven impractical.”**

### ALTERATION 11/005 (POLICY R3 - GENERAL IMPROVEMENTS)

#### Objections

20503 Churwell Action Group

#### Issue

11.52 Should para. 11.6.3 give emphasis to the provision of land for recreation and bio-diversity?

#### Inspector’s Reasoning and Conclusions

11.53 In the circumstances outlined in paragraph 11.6.3, the Action Group suggest that emphasis should be given to the provision of land for recreation and bio-diversity. However, as the Council point out, there may be other land use priorities which need to be considered and which may be seen as more beneficial overall. It would therefore be inappropriate to emphasise any particular land use in the paragraph. The paragraph needs to be updated before adoption to reflect the latest situation on the legislation referred to. I note also that para. 11.6.2, line 3, should read “looser joint working”.

### RECOMMENDATION

**11.54 I recommend that the UDP be modified in accordance with Alteration 11/005 subject to updating with regard to the legislation to which reference is made.**

## **CHAPTER 12 - ACCESS FOR ALL**

12.1 The Council proposed no Alterations to Chapter 12 of the Adopted UDP.

## CHAPTER 13 - CITY CENTRE

### ALTERATION 13/011 (PARAGRAPH 13.7.18-19)

#### Objections

21859 Metro  
30451 Metro

#### Issue

- 13.1 Should the supporting text be amended to reflect progress on improvements to the station?

#### Inspector’s Reasoning and Conclusions

- 13.2 In response to the first objection the FD text was amended to refer to a definite intention to open a bus/rail interchange in 2004. The second objection is that the text should be further changed to state that the interchange is now operational. Although the Council have submitted no evidence on the matter, it is clear that what is said should be further updated as a matter of fact. However, as this would leave the Alteration doing no more than to state that the interchange is operational, and that future proposals will include use of the undercrofts, I question its value and recommend that its purpose be reviewed.

#### RECOMMENDATION

- 13.3 **I recommend that the purpose of the Alteration be reviewed in the light of the passage of time and that it be included in the AUDP only if it would usefully convey tangible proposals.**

### ALTERATION 13/017 (PARAGRAPHS 13.7.62A-B. LEEDS WATERFRONT)

#### Objections

21901 ARLA Foods  
21453 English Heritage - Yorkshire Region  
21998 Bracken/Chartford Developments Ltd

#### Issue

- 13.4 Should the Alteration refer to the role of mixed-use development in regeneration, the importance of the heritage of the waterfront, and the area between Kirkstall Road and the Leeds and Liverpool Canal?

#### Inspector’s Reasoning and Conclusions

- 13.5 The Alteration text gives a brief summary of the scope and aims of the Leeds Waterfront Strategy which has been approved as Supplementary Planning Guidance [SPG] since adoption of the UDP [CD/SPG/05]. There is a limit to what can be said in the Plan without overburdening the text with detail inappropriate at a strategic plan

level. In my view the main aspects of the Strategy are adequately covered and it would be inappropriate to single out for special mention the matters raised by objectors; to do so could implicitly downgrade the status of other equally important matters.

- 13.6 Encouraging a diversity of uses, referred to by ARLA Foods, is one of the Strategy’s Strategic Themes, is explicitly recognised in Section 3 of the SPG, and also informs the Quarters approach in Chapter 13 of the AUDP. English Heritage’s concern that more emphasis should be given to the heritage of the Waterfont is in my view adequately covered in Section 7 of the Strategy, and also addressed in more general terms by a range of policies in the AUDP. The area between Kirkstall Road and the canal, the subject of Bracken/Chartford Developments’ objection, does not fall within the City Centre but is specifically covered in the Strategy where both its character [Section 1] and scope for development [Section 6] are assessed; and it would be invidious to single out this one part of the Strategy area for special mention in the RUDP. All these references indicate that the Council is alive to the importance of the matters raised by the objectors.

### **RECOMMENDATION**

- 13.7 I recommend that the UDP be modified in accordance with FD Alteration 13/017.

### **ALTERATION 13/019/RD (HOLBECK URBAN VILLAGE STRATEGIC HOUSING SITE)**

#### **Objections**

30209 Isis Waterside Regen.  
30408 Royal Mail Group plc.  
30428 SJS Prop. Man. Services

30430 British Waterways  
30443 Petros Textiles Ltd.  
30445 Simons Estates

#### **13.8 Issues**

1. Is the Alteration consistent with the outcome of negotiations between the Council and developers, and generally reasonable in its approach?
2. Should the Canal Basin and Tower Works be separately identified within the Holbeck Urban Village [HUV] Strategic Housing Site [SHS]?
3. Should a figure be given for the number of dwellings to be provided on the SHS?
4. Is the requirement in criterion (ii) for development briefs reasonable?
5. Is the approach to existing businesses in the area under criterion (iii) appropriate?
6. Should criterion (iv) of the Policy refer to provision of retail facilities?
7. Is it reasonable to require a flood risk assessment for the whole area [criterion (viii)]?
8. Should land south of Sweet Street be included in the SHS?

## Inspector’s Reasoning and Conclusion

- 13.9 Reporting on development plans is inevitably sometimes overtaken by events and it appears from the written evidence that this may particularly be the case here where some objections are related to planning applications that have since been determined, and certain objectors may no longer have property interests in the area concerned. It is for the Council to decide whether what I say is still valid in the light of such changes.
- 13.10 1. A number of objectors say that the Alteration does not properly reflect the approach they have taken to planning proposals, and the tenor of their negotiations with the Council, and that the AUDP Proposal Area Statements are to be preferred. The underlying concern appears to be that what is said about preparing a framework and development briefs, and undertaking a flood risk assessment, would impose unreasonable and unnecessary constraints on development. Uncertainty is also expressed over the emerging SPG for the area. I deal with the details of these objections below but in general the Alteration seems to me to set out reasonable planning requirements for the regeneration of an important and complex area. Whether or not putting those requirements into practice would constrain development is a matter of implementation rather than plan-making but I have seen nothing in the evidence to suggest that it would. Much will depend on all parties adopting a realistic and pragmatic attitude in not seeking to go over again ground that has already been covered in previous negotiations. Certainly there is nothing in the Alteration to imply that all its requirements for the whole area would have to be met before development could take place on any site.
- 13.11 So far as SPG is concerned, the Alteration appears to me to reflect the thrust of SPG12 of May 1999 [CD/SPG/04]. I cannot comment on the emerging revised guidance as it is neither before me nor part of the RUDP but it will be for the Council to ensure that it is consistent with what the Alteration says. If the revised document is published before the modifications stage on the RUDP, para.13.7.73e of the supporting text should be updated accordingly.
- 13.12 2. Both Isis and British Waterways seek specific recognition of the unique character of the Canal Basin, identified as Proposal Area 22 in the AUDP, and of its potential for mixed-use development relating both to the HUV and to the City Centre. Isis suggest a statement, along the lines of that on Proposal Area 22, defining the Basin’s role within the SHS. British Waterways also want such a statement but for the Basin to be excluded from the SHS. Petros Textiles request similar special mention of Tower Works, based on the statement on Proposal Area 23 in the AUDP, and exclusion from the SHS.
- 13.13 The Council point out that some of the matters to which objectors draw attention in these two areas are already referred to in the Alteration, including mixed uses, pedestrian links and improvements to the public realm; and that both areas are specifically mentioned in para. 13.7.73h. It would also not be helpful to single out the Canal Basin for special mention in a way that might detract from the importance of its role as part of HUV as a whole, and its potential as a catalyst for wider change there; or so as to implicitly downgrade the contribution of other parts of the Urban Village. That said, the supporting text could be usefully amplified to highlight the special character of the Basin, and its potential importance in linking Holbeck to the City Centre, the latter acknowledged by both objectors and the Council. I recommend a

form of words below.

- 13.14 I am less convinced that Tower Works should be specifically mentioned beyond the proposed reference in para. 13.7.73h. The uses referred to in the current statement on Proposal Area 23 are also covered in the Alteration, albeit in somewhat broader terms, and the Council state that any further proposals for the site that were along the same lines as the approved scheme would be likely to accord with the RUDP. More importantly, the Alteration neither states nor implies that housing will be the only acceptable use within the SHS; indeed it is made clear in a number of places that a mix of uses will be sought. There is thus no good reason to exclude either Tower Works or the Canal Basin from the SHS on the grounds that to include them would unreasonably constrain the breadth of development acceptable in either location.
- 13.15 However, as noted elsewhere, under Alteration 15/041 [on Hunslet Riverside] and in para. 7.39 of Chapter 7, the term “Strategic **Housing Site**” is misleading given the range of uses envisaged; and although Policy H3-1B does refer to “housing and associated development” the latter could be interpreted only as development that would directly support and complement housing whereas it is clear that a much greater variety is envisaged. I therefore recommend in Chapter 7 that for the avoidance of doubt HUV, along with the other SHSs, be designated “Strategic Housing and Mixed Use Site”.
- 13.16 3. My recommendation in Chapter 7 that indicative yields be given for all housing sites would address the objections from Isis and Simons Estates that no such figure is given for HUV SHS. There seems no reason why such a figure should be taken as a fixed target rather than an estimate of housing capacity as the Council appear to fear but to avoid such misinterpretation I recommend that the purpose of the figures be included in the explanatory text.
- 13.17 4. Preparation of development briefs for key sites is common practice and I see no particular reason to suppose that any prepared for the Urban Village would be unduly prescriptive, would stifle opportunities for creativity, or would cause delays in implementation, as several objectors suggest. The Council acknowledge that such briefs will need to be consistent with SPG for the area, and that they may not be appropriate for sites where proposals have reached the planning application stage. Provided all parties take the reasonable and pragmatic approach I refer to above, it may well be that in those cases the outcome of work already undertaken would suffice. Given the strategic role of the RUDP it would be over-detailed and inflexible for it to specify particular sites for which development briefs will be prepared. This would detract from the ability to respond to changing circumstances over time and is a matter best handled through SPG.
- 13.18 5. I do not read what the Alteration says about employment in the area as either insufficiently sensitive to the needs of existing businesses, as Royal Mail argue, or tantamount to a requirement to retain such businesses, as SJS Property Management contend. The Policy refers to “retention of a significant employment element” but qualifies this in the supporting text by saying that “some reconfiguration and relocation will be necessary”. This seems to me an appropriate balance to strike in an area where significant change is clearly envisaged. To include a stipulation that relocation will only occur when satisfactory alternative locations have been identified in consultation with existing businesses, as Royal Mail seek, could unreasonably restrict the necessary scope for change. The statement in the supporting text of an

intention to offer business support and advice to existing and new businesses would clearly help address the objector’s concern [though arguably straying beyond the confines of a land-use plan].

13.19 6. The Council say that provision of retail facilities will be included in the framework to be prepared for HUV and in the meantime I consider that the reference to “service facilities” in criterion (iv) of the Policy covers the matter adequately. In any case, Policy CC21 of the AUDP permits ancillary shopping development that would contribute to the planning objectives set out in a Proposal Area Statement. It would be unwise to imply, however, indirectly, that something more than this might be acceptable in HUV.

13.20 7. As HUV lies within the 100 year floodplain the requirement for a flood risk assessment is reasonable in principle, and there could well be benefits of consistency and economy in undertaking such an assessment for the area as a whole rather than for individual sites. Given the scale of regeneration proposed in the area, a coordinated approach is sensible. Even though development around canals may not necessarily face the same risks as that along rivers [as noted in para. 38 of PPG22], there is no good reason to single out the Canal Basin for a separate assessment even if this were practicable. Provided all parties were willing to exercise some flexibility and not re-visit matters already resolved, as I note elsewhere, the requirement should not inhibit or delay development.

13.21 8. Land south of Sweet Street is included in Proposal Area 31, Holbeck, in the AUDP but would be excluded from the proposed SHS because, say the Council, the Alteration would be more orientated towards housing provision than previous policy, and such an approach would not be appropriate in an area of modern employment buildings. I deal with a similar issue at Hunslet Riverside in Chapter 15 where I recommend that an area unlikely to be available for redevelopment within the Plan period be excluded from the SHS. Likewise it would be reasonable and realistic here not to include an area intrinsically unsuited to introduction of housing and which is clearly in productive and potentially long-term employment use. Sweet Street would be a logical boundary and SJS Property Management do not explain what development opportunities straddle it. To say that such opportunities would come within the SHS, regardless of where the boundary ran, would only confuse and complicate the Plan.

## **RECOMMENDATION**

**13.22 I recommend that the UDP be modified in accordance with RD Alteration 13/019, subject to inserting the following after the first sentence of para. 13.7.73h:**

**“The Canal Basin offers opportunities to create a high quality mixed-use development in a key waterfront location, and to link Holbeck to the City Centre in a way that will benefit both areas and assist regeneration within the Urban Village. Developers will be encouraged to create and enhance pedestrian routes through the area.”**

## **ALTERATION 7/003 (LAND AT KIDACRE STREET)**

### **Objection**

25640 Secondsite Property Holdings Ltd

### **Issues**

- 13.23
1. Is it reasonably certain that the site will become available during the Plan period?
  2. Would it provide an acceptable environment for housing, in terms of accessibility to facilities and services, and living conditions for residents?
  3. Would development for housing have an unacceptable effect on the stock of land with potential for office use?
  4. Would allocation of the site for housing prejudice the proper planning of the City Centre?

### **Inspector’s Reasoning and Conclusions**

- 13.24 Although the original objection refers to the suitability of the site for housing as part of a mixed-use development, it was confirmed at the Inquiry that a wholly residential allocation under Policy H3.1 is sought. The site lies within the City Centre as defined in the AUDP. The bulk of it is without notation though the north-west corner lies within a Prestige Development Area [PDA] where Policy CC31 supports prestige development for offices, recreational and cultural uses, conference and exhibition facilities and hotels.
- 13.25
1. It is clear that both the Transco offices, and the car parking area in the north-west corner of the site, could be made available within the Plan period. The situation with regard to the gas storage and transmission plant is more problematical. Transco advise that the high pressure gas main along the site’s western boundary could be removed, and associated equipment be housed either within the gas holder site or in a pressure reduction station of reduced size off Holmes Street. However, although similar work has evidently been undertaken in other places, no feasibility study or cost estimate has yet been undertaken here. Moreover, there are no current plans to decommission the two gasholders and, although it is said that technically they could be replaced by gas storage within the high pressure system, this is described as a costly exercise for which a robust business case would have to be made. At the Inquiry the objector accepted that at no time has any indication been given of the likely availability of the gasholders, and Transco go no further than to say that there is “a strong possibility” that the site as a whole will be available for development by 2016.
- 13.26 Allocation of the site for housing could clearly generate a business case for de-commissioning the gasholders, and the objector points out that they and Transco are experienced in working together on such projects. Nevertheless, from what I have seen of the scale and extent of the gas storage and transmission plant on the site, I am not convinced on the evidence submitted that there is a reasonable certainty that the site as a whole would become available for redevelopment within the Plan period.



Whilst part of it is vacant and under-used previously-developed land, and thus a priority for action in terms of advice in para. 27 of PPS1, the practical difficulties in bringing the land forward, and likely extended timescale for overcoming them, do not suggest a pressing case to consider an allocation as part of this Review. Even if the whole site were to become available, I believe that the cost and complexity of decommissioning the gasholders, and the time necessary to do so, would mean that there would be a very substantial time delay between developing the northern, relatively unencumbered, portion of the site and tackling the rest. This would result in the gasholders remaining close to housing for a good length of time, in my view creating unacceptable living conditions for residents in terms I examine further under the next issue.

- 13.27 2. The Review proposes to delete AUDP Policy H7 which “generally” encourages housing in the City Centre, and no changes are intended to the overall thrust of Chapter 13 that housing there should be part of mixed-use development, often in a supporting role in Principal Use Quarters. However, whilst there are no specific housing allocations within the City Centre in the AUDP, the Council conceded at the Inquiry that housing is in principle an appropriate use within the Centre, and that PPG3 guidance applies there as elsewhere. I see nothing in the Plan that would rule out in principle a development solely of housing there. Certainly housing is not included within the uses precluded in Policy CC30 which applies to those parts of the City Centre not covered by specific designations, including the bulk of the Kidacre Street site. The emphasis on commerce as the driver for the City Centre need not necessarily preclude “pure” housing development in moderation; it seems to me that there is still a good way to go before housing would approach anywhere near the over-dominance which the Council fear would put their strategy at risk. Nor is there anything in national guidance on mixed-use development to say that such development should be on each and every site, or can be considered only within a site; different uses on different sites within a larger area would appear an equally valid mixed-use approach. Overall, neither national guidance nor the UDP preclude consideration of a housing-only allocation.
- 13.28 However, whilst PPG3 gives priority to re-using previously-developed land within urban areas for housing, in preference to green field sites, it does not imply that housing should be an automatic choice in all such cases. Clearly, other uses must necessarily be accommodated and other policies brought to bear. Among the criteria in PPG3 for assessing previously-developed sites are suitability for housing use, proximity to facilities and services by modes other than the car, and ability to build communities. The guidance also seeks high quality living environments in which people will choose to live. Also, although there was a good deal of detailed discussion at the Inquiry on the relevance of paras. 42 and 42a of the PPG [the latter newly introduced], neither seems to me to appreciably advance the objector’s case. Whilst the general principle of ceding surplus employment land to housing is certainly relevant, in terms of para. 42 the objection site is not an allocation and the Council have not reviewed their non-housing allocations as part of this Review. Para. 43 arguably applies only to applications for planning permission rather than to preparation of development plans but even if it has a wider import it contains an exception for proposals that fail to comply with other guidance in the PPG, which must include that on a site’s suitability for development.
- 13.29 The area around the Kidacre Street site is almost entirely commercial in character, and to the west and south are the Dewsbury Road gyratory system and the M621

Motorway respectively. Whilst there are certainly both bus services and sources of employment close at hand, there is very little else within easy walking or cycling distance by way of facilities and services that residents might reasonably expect on a day to day basis. The objector cites advice in PPG13 that walking has the potential to replace short car trips, particularly under 2kms, and in “Planning for Sustainable Development: Towards Better Practice”, para. 2.1.7, that 800m is an easy walking distance. However, in my view it is over-simplistic to assume that facilities and services within such radii would by definition be so readily accessible as to encourage residents to walk. Perceptions of the ease, attractiveness and safety of a walk can be as important as its actual distance and in the case of the Kidacre Street I consider that that there are serious deficiencies in all these respects.

- 13.30 The shortest distance from the northern edge of the site to the closest part of the Prime Retail Quarter, agreed by the two sides, is about 930 m [LCC/086/J] though other routes identified are significantly longer, and the Merrion Centre, cited as one source of food shopping, is on the opposite side of the City Centre. Shops and community facilities in Dewsbury Road and Hunslet are respectively 1km and 2kms away. Walking to the City Centre took me upwards of 15 minutes, and longer to both Dewsbury Road and Hunslet. All three journeys mean walking alongside and crossing very busy main roads with high levels of traffic, noise and fumes, and to reach both Dewsbury Road and Hunslet means traversing areas with very few people about that do not give much sense of security. Also, although there are a few discontinuous cycle routes, there is little to tempt other than the most intrepid to use a cycle to reach these destinations.
- 13.31 In my view the undoubted sustainability benefits of the site’s proximity to bus services and a good number of workplaces, and its relative closeness to the station [probably sufficient to encourage commuters to walk], are outweighed by the likelihood that, because of its location and links, the majority of trips from housing there to shops and other facilities would be made by car. Although the AUDP identifies some enhanced pedestrian routes locally, I have seen nothing to indicate that these would be on such a scale as to radically improve the scope for walking locally in the foreseeable future.
- 13.32 Residential redevelopment has taken place in some outwardly unpromising locations in Leeds, and the need to take account of the wider context of sites, to which PPG3 refers, may be of somewhat lesser importance if a satisfactory environment can be created within a scheme. The objector’s proposals show a primarily inward-looking layout, and the Council do not challenge evidence that noise from surrounding roads and buildings could be reduced to acceptable levels through detailed design. However, noise is only one factor to consider. In my view housing development on this site in isolation, in an otherwise wholly commercial area and bounded to the west and south by major roads, would produce a poor quality living environment, remote from services and facilities. Largely isolated from existing housing areas, including Holbeck Urban Village to the west, there would be no real possibility of building a community in the terms envisaged by PPG3.
- 13.33 I refer under the first issue, above, to the likelihood of the northern part of the site being redeveloped well before the southern area with the result that housing on the former would be close to the gasholders on the latter; this would particularly be so if the land owned by the City Council was included in the redevelopment, as the objector suggests. Nor am I convinced that the relationship between the two could be satisfactorily resolved through detailed design. The gasholders are large and

dominating structures, some 54 m tall when full and 9-10 m when empty, and in my view they would have a baleful influence on any housing nearby, and quite possibly restrict sunlight to some extent. Whilst I note the examples quoted by the objector of land close to gas works being redeveloped, and the appeal decision in Bedford, I have no means of knowing whether the circumstances in those cases were in any way comparable to those at Kidacre Street. I do note however that the gasholders on the objection site are over 10 m higher than the tallest of those in the Bedford case. Overall, I conclude that as matters stand today the site would not provide an acceptable environment for housing on any scale, in terms of accessibility to facilities and services, and living conditions for residents.

- 13.34 3. The Council describe the stock of office floorspace in the City Centre, estimated in the Statement of Common Ground at around 12 years supply [P/25640/G], as adequate but not excessive. This seems to me a fair judgement and I have seen nothing in the considerable amount of detailed evidence on the matter to suggest that use of the site for a purpose other than offices would unacceptably deplete the reserve of land available for that purpose. The Council rightly point out that past take-up rates are not necessarily a good guide for the future and that there is only a finite number of City Centre sites. However, as the bulk of the objection site currently carries no allocation or designation, it cannot be regarded as having a particular priority for office use and I do not see the effect on the stock of land with potential for office use as a compelling objection to redevelopment for housing.
- 13.35 4. The objector argues that the site has severe deficiencies in terms of its location, access and aspect to adjoining roads that would rule out a viable office development [P/25640/B, Ax. 11] and that only housing, for which there is a strong market [P/25640/B, Ax. 12], could fund the inevitably high costs of remediation. Certainly it is not as well placed as other nearby office sites, with only a limited frontage to Dewsbury Road, and a less than straightforward access from either junctions 3 and 4 of the M621. However, the case is based mainly on a market appraisal which looks only at a limited number of attributes, essentially considers only low density offices as an alternative to housing, and does not explore whether there might be scope to bring in land in other ownerships, notably in the PDA, in such a way as to create a development that would be greater than the sum of its individual parts.
- 13.36 Commercial realism is clearly an essential part of the planning process but I regard the evidence presented here as insufficient to determine the future of a large and potentially important City Centre site. The access limitations do not appear to be materially worse than those affecting a good number of other such sites and, as the more accessible ones are redeveloped, attention will inevitably have to turn to those less favoured. Also, despite the limited frontage to Dewsbury Road, the location close to one of the principal road links into the City has potential for a landmark development, either in its own right or in combination with the PDA to the west, where tall buildings could establish a strong presence. The recent redevelopment within the PDA might constrain this possibility in the short-term, but does not rule it out for all time and for all schemes.
- 13.37 The Review has only a limited bearing on the City Centre but the Council intend to prepare an Area Action Plan for it as part of the LDF and envisage submitting the completed plan to the Government Office in July 2006. Although preparatory work has apparently started, the evidence to the Inquiry, cited as one possible input into the Plan, is very much conceptual in emphasis [LCC/086(B), Ax. 6] and I share the

objector’s view that the Council’s timetable is probably optimistic. There is a difficult balance to strike here between bringing a site into productive use but in a form that might jeopardize long-term development, and delaying the possible benefits of regeneration to enable a more wide-ranging appraisal in the future, but the results of which are unknown. The strategic policies for the City Centre have remained unchanged for several years, at least in any formal sense, whilst change and development there have continued apace, so the Area Action Plan would appear timely. As the Council have chosen not to review City Centre policies through the Review I believe it would be wrong to seek to determine the future of a large and potentially important site on the limited information to the Inquiry. Options for its development should properly be explored through the Area Action Plan and in the context of its surroundings. It would not be good planning for that Plan to have to adapt to accommodate a predetermined housing use on the site, as advocated by the objector.

13.38 Whilst I conclude that a housing allocation on the site would not have an unacceptable effect on the stock of land with potential for office use, this is outweighed by my adverse conclusions on the three other issues. As I recommend that no change be made in response to the objection, it is unnecessary for me to address the submissions made at the Inquiry on how a recommendation in the objector’s favour might be dealt with so far as it affected the PDA [which is not covered by the Review].

#### **RECOMMENDATION**

**13.39 I recommend that no modification be made to the UDP.**

## CHAPTER 14 – AIREBOROUGH, HORSFORTH & BRAMHOPE

### ALTERATION 14/004 (GREENLEA ROAD, YEADON, POLICY H3-3:5)

#### Objections

21819 Mr F Hanson  
21820 Mr F Hanson  
21875 Mr P Williams

#### Issue

- 14.1 Should the site be included in an earlier phase than Phase 3 of the RUDP?

#### Inspector’s Reasoning and Conclusions

- 14.2 This site of about 1.06ha represents a rounding off of the adjacent housing estate. It has been allocated for housing purposes in the development plan for the area since 1989. Following the sequential approach, it should not be developed before previously-developed land.
- 14.3 However, as I explain in para. 7.32 of my Report, there are a number of allocated greenfield sites, of which the objection site is one, which should be considered for development as modest urban extensions, in accordance with the sequential approach, before committing to the large-scale and much more expensive solution of ELE which the Council propose in Phase 2. Although individually and cumulatively such sites do not compare in scale and purpose with ELE, they would make better use of existing resources in the medium term. The development of the objection site would make good use of existing infrastructure and facilities. It is also a significant factor that the ELE would have a much greater environmental impact than smaller scale additions to the urban area, such as this, which would be more readily assimilated.

#### RECOMMENDATION

- 14.4 I recommend that the UDP be modified to include site H3-3.5, Greenlea Road Yeadon in recommended Phase 2.

### ALTERATION 14/010 (WESTBROOK LANE/ BROWNBERRIE LANE, HORSFORTH, H3-3;23)

#### Objection

21595 Trinity & All Saints

#### Issue

- 14.5 Should the site be included in an earlier phase than Phase 3 of the RUDP?

## Inspector’s Reasoning and Conclusions

- 14.6 The objection site comprises a playing field, which is part of Trinity and All Saints College, fronting onto Westbrook Lane and is part of a larger housing site [H3-3:23] which extends to about 3.9ha. The eastern part of the site has planning permission for the development of student flats granted in 2000 and is proposed to be included in Phase 1 of the RUDP as H3-1A:39. The western part of the site is included in Phase 3 as a greenfield site. The area surrounding the site is predominantly residential to the east and north. The remaining area with the exception of the College buildings is relatively open in character and GB adjoins the site to the south.
- 14.7 Outline planning permission was granted for the students’ flats development just prior to the issue of PPG3 in March 2000 but had been the subject of lengthy discussions between the Council and the College since the application’s submission in 1998. The College claims that special circumstances exist in that the site forms part of the college campus which is of a restricted nature in terms of providing for students’ needs. Student housing on the objection site would provide accommodation in a more sustainable way than at a distance from the College, and would also ensure the viability of the College.
- 14.8 At the time of the Council’s response to the objection, consultation on the College’s Estate’s Strategy was due to take place. The timescale involved has not been indicated but the evidence before me does not show a need for more accommodation; how the College’s viability would be affected if more flats were not provided, and whether or not such accommodation could be provided elsewhere within the campus. There is therefore no basis upon which I could make an exception to the proposed phasing of the site’s development to meet the College’s purposes. I am also concerned that development of the site would result not only in greenfield development but also in the loss of playing fields and pitches, which are protected by other policies of the UDP. For these reasons I conclude that the site should be included in Phase 3 rather than an earlier phase of the Plan.
- 14.9 As the Council point out, material considerations can lead to a decision which is other than in accordance with the provisions of the development plan and it would be for the College to advance such arguments if they wished to pursue the development of student accommodation on the objection site.

### RECOMMENDATION

- 14.10 I recommend that the UDP be modified in accordance with FD Alteration 14/010.**

### ALTERATION 14/012 (A660/A65)

#### Objection

21494 Mr Reed

#### Issue

- 14.11 Should criterion iv. of paragraph 14.1.3 of the AUDP be deleted?

## **Inspector’s Reasoning and Conclusions**

- 14.12 Criterion iv. refers to “restraint on the amount of new residential development in the A660/A65 road corridor, due to its limited capacity to accommodate traffic”. The representation states that three factors will increase traffic and congestion in the road corridor, namely unimplemented planning approvals; general increase in car use; and the impact of Supertram on the road network. The Council state in the RDUDP that the criterion is to be deleted to reflect the deletion of Policy T2a at the earlier proposed modification stage of the UDP in accordance with the recommendation of the AUDPI Inspector, following detailed consideration of objections to it [CD/DP/01 p.243]. It may be that traffic congestion will increase for the reasons the objector puts forward. However, the point is that there is now no policy of restraint in the UDP and as the Alteration is consequential upon the modification that has already been made, I conclude that the criterion should be deleted.

## **RECOMMENDATION**

- 14.13 I recommend that the UDP be modified in accordance with FD Alteration 14/012**

### **ALTERATION 14/014 (BREARY LANE EAST, BRAMHOPE POLICY N34.1)**

#### **Objection**

21253 Taylor Woodrow Developments

#### **Issue**

- 14.14 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusion**

- 14.15 The objector considers that the Council’s dwelling supply assumptions are incorrect, because the UCS is an over-optimistic assessment of the availability of brownfield sites, both in terms of timing and location, and that there needs to be flexibility in future land supply either in this Plan period or beyond. I conclude in Chapter 7 that the housing land supply is adequate for the Plan period and under Alterations 5/001 and /002 that, in principle, Policy N34 and associated PAS land should be retained to provide future flexibility and to ensure that GB boundaries endure beyond 2016.
- 14.16 In terms of this site-specific objection, the Council consider that the site does serve two of the five stated GB purposes in that it would assist in safeguarding the countryside from encroachment and assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 14.17 In terms of the former purpose, the AUDPI Inspector accepted that this was the only purpose GB designation would serve, but that the overall GB value was relatively low. I agree with that view. In terms of the second purpose, a tight rein on greenfield development is necessary in accordance with the sequential approach and to maintain the focus on urban regeneration. However, Policy N34 prevents development which would affect the purpose of encouraging the recycling of derelict and other urban land. As I have stated in general terms in paras. 5.14 - 15, the

function of GB in terms of regeneration and urban renaissance is not weakened by the designation or retention of PAS land. If this was the case national guidance would not support PAS designation.

- 14.18 Para. B6 of Annex B of PPG2 also states that development plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan with all the controls and scrutiny that that involves. PAS sites therefore present no hindrance to regeneration and urban renaissance. Objectors point to the fact that Leeds has undergone very successful urban regeneration recently with PAS land in place.
- 14.19 With regard to the GB objective of retaining land in agricultural, forestry and related use, again this is unaffected by PAS designation and it is not necessary to include the site in GB to ensure this effect. GB objectives are not regarded as matters which should determine GB boundaries.
- 14.20 I acknowledge that the rear boundary of houses on Breary Lane East and Creskeld Lane and adjacent roads would provide a clearly defined boundary but so do the woodland and field boundaries which define the adopted GB.
- 14.21 In this context therefore I do not consider that there are exceptional local circumstances, or indeed any changes of a local nature, which warrant the site being redesignated as GB.
- 14.22 The fact that the site was included in the GB in the Approved City & County Borough of Leeds Development Review (1972) and the Approved Aireborough, Horsforth and Bramhope Local Plan (1989) does not override its present status as PAS. At those dates local planning authorities were not advised to consider the designation of safeguarded land.
- 14.23 Although designation of the site as PAS does not imply that its development is inevitable, the site may be considered as a possible source of development land at a future review of the Plan, or beyond the present Plan period, against national guidance and LDD criteria which apply at the time. Given my conclusions on housing land supply generally in Chapter 7, I consider that it would be premature to allocate the site for residential development at this stage because it is not required to satisfy the overall housing need. There is also no evidence of a local need to allocate more land in Bramhope for housing purposes. The fact that the previous Inspector regarded its GB value as relatively low, and that the site could be developed with minimum harm to the GB or to the character of the village, does not elevate it above other sites which are allocated in the AUDP. I am also mindful that the site is a large one and is located in a settlement which is well detached from the MUA, is relatively small and has few services. It is not in as sustainable location as many other PAS sites.

## **RECOMMENDATION**

- 14.24 I recommend that no modification be made to the UDP.**



## **ALTERATION 14/016 (HAW LANE, YEADON POLICY N34.3)**

### **Objections**

20223 Ms Gray  
25192 David Wilson Homes

### **Issues**

- 14.25 1. Should the site be included in the GB, retained as PAS land, or allocated for residential development?
2. Should the site be used for affordable housing?

### **Inspector’s Reasoning and Conclusions**

- 14.26 1. David Wilson Homes [DWH] object to the deletion of this PAS site and consider that the Council strategy for removing safeguarded land is a misconceived approach to the concept of "plan, monitor and manage". I deal with the general issues of housing land supply during and after the Plan period in Chapter 7 of the Report and with the need for PAS land in Chapter 5. I conclude that, whilst there is a sufficiency of land for this Plan period based on the present RSS requirement, further land may be required after 2016 or if the RSS requirement is increased. PAS land may also be required for purposes other than housing which cannot be foreseen. I do not regard the changes in strategic circumstances as exceptional or as constituting clear and permanent falsification of the basis upon which the PAS sites were designated in the AUDP. For these reasons, as well as to maintain enduring GB boundaries, I conclude that the PAS sites generally should not be returned to the GB. I therefore conclude that there is no strategic basis upon which to designate the site as GB.
- 14.27 Local circumstances have not changed either, except that the adjacent dye works has been redeveloped for housing and so its unneighbourly effects would no longer affect the living conditions of any future residents of the objection site. This was the main concern for the AUDP Inspector in considering its suitability for development and as a PAS site and the constraint has been removed. However, its removal is not a factor which has the effect of bringing forward a PAS site for allocation.
- 14.28 The AUDP Inspector anticipated that circumstances might change. At para. 350.7 of his Report he hypothesised that the extent of need for land for new housing might change and stated that “safeguarding the land ... would not mean that it necessarily would or should be developed even in the longer term, but would mean that its potential could be considered on review of the UDP without a need to remove it from GB. Whether or not it [the site] should be allocated for development at that time would depend not only on whether and how conditions have changed, but also upon the underlying strategy of the review.” Circumstances have changed in terms of underlying strategy involving other sources of land supply and in terms of the emphasis on brownfield land being the priority for development. Such changes mean that the site does not need to be allocated for development, but that does not mean that it should be returned to GB.
- 14.29 The Council refer to the fact that the site was within the GB between 1996 and 2001 and they consider that the site still serves three GB purposes: checking the unrestricted sprawl of large built-up areas; assisting in safeguarding the countryside

from encroachment; and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

- 14.30 I do not consider that the development of the site would amount to unrestricted sprawl because it is bordered on three sides by development. The existing GB boundary would restrict further extension. The boundary is not a strong one except for that with “The Bungalow” but it is sufficient for the purpose, as it was deemed to be at the last Inquiry.
- 14.31 In terms of the second purpose, any development on the edge of a built-up area and countryside is encroachment in varying degrees, and I take the Council’s point that development on the highest north-eastern part of the site particularly would appear to be an encroachment into local views. However, because the site is otherwise the lowest part of an indent in the built-up area I do not consider that it could, in its entirety, be described as an encroachment in terms of an intrusion into the countryside. I agree that it would be possible also to assimilate development below the ridgeline.
- 14.32 As I state at paras. 5.14 -15, I do not consider that PAS sites hinder urban regeneration; Policy N34 does not permit their permanent development.
- 14.33 I acknowledge the role the site plays in providing opportunities for informal recreation and access to the open countryside of Yeadon Banks via the bridleway and well-used informal footpaths on the site. The value of the site as perceived by local people is reflected in the recent application for it to be registered as a “village green”. However, PPG2 advice [para.1.7] is that the extent to which the use of land fulfils such objectives is not itself a material factor in the inclusion of land within a GB. It is not an exceptional circumstance or reason in itself for altering the GB boundary. The agricultural use and value of the land as rough grazing similarly do not affect the issue of GB designation.
- 14.34 Although I note that some supporters of the Alteration refer to excessive pressure having already been placed on local services and infrastructure through previous development, there is no dispute that the site is in a sustainable location close to the town centre and local facilities and is well-served by public transport. It is within striking distance of Guiseley railway station and the Airport industrial estate. The Council raise no concerns in terms of infrastructure, facilities in the nearby Policy S2 centre, or the site’s relationship to the MUA. They see no problems in other respects raised by local people, such as traffic congestion or flood risk.
- 14.35 However, the site’s sustainable location and the fact that it is technically capable of development, as PAS land should be, is not an argument for its residential use in this Plan period. There is a supply of brownfield land which is to be preferred and also, following that, existing allocations to provide for further housing needs. There is no need to draw upon additional PAS land at present. To do so would be contrary to national policy and undermine the sequential approach. Designation of the site as PAS does not imply that its development is inevitable. The site may be considered as a possible source of development land at a future review of the Plan or beyond the present Plan period against national guidance and LDD criteria which apply at the time.
- 14.36 I attach little weight to the argument that insufficient land is available for residential development in “Aireborough” [Yeadon, Guiseley and Rawdon]. The “fair share”

approach to development [which would imply some 70 dwellings per year compared with the total of 317 which would be available during the Plan period] is not an appropriate basis for the distribution of housing land, as I say at para. 7.21 of my Report. The supply of housing must be considered in District-wide terms rather than in terms of individual towns or small areal sectors being apportioned development. There is no overall shortfall and I do not consider that the local supply of land is so limited as to warrant the allocation of this site.

14.37 2 It appears that Ms. Gray’s objection that the site should be developed for affordable housing stems largely from the desire to be rid of problems of fly tipping and dogs fouling on the site. These are management matters which do not justify the site’s development. The need for affordable housing does not warrant the site’s development either, or override the above considerations.

### **RECOMMENDATION**

**14.38 I recommend that no modification be made to the UDP.**

## CHAPTER 15 - EAST LEEDS

### ALTERATION 15/004 (AREA STATEMENT)

#### Objection

22065 Keyland Developments Ltd

#### Issue

- 15.1 Should the Area Statement be amended to reflect the introduction of special policy areas and the preparation of Area Action Plans [AAP]?

#### Inspector’s Reasoning and Conclusions

- 15.2 FD PA 15/004 should be amended to accord with my recommendations relating to Policy R1 in Chapter 11. The first paragraph of the Alteration should be amended to reflect my recommendations in Chapter 7 and below on re-naming the Hunslet Riverside Strategic Housing Site and on East Leeds Extension.

### RECOMMENDATION

- 15.3 I recommend that the UDP be modified in accordance with Alteration 15/004 amended to read “The area covered by East Leeds contains several special policy areas identified for comprehensive neighbourhood renewal under Policy R1 and for which Area Action Plans are to be prepared. These are Aire Valley Leeds, Gipton and Harehills. In addition, East Leeds contains several Action Areas which have been identified for regeneration under Policy R2 and for which Area Statements have been or are to be prepared. [Continue – These include neighbourhood regeneration at Seacroft, ...].

### ALTERATION 15/011 (AIRE VALLEY LEEDS NEIGHBOURHOOD RENEWAL AREA)

#### Objections (First Deposit)

21666 Highways Agency  
21954 Yorkshire Water  
22011 English Heritage

22066 Keyland Developments Ltd  
22078 Reg Vardy  
22300 RWE Npower (Formerly  
Innology c/o Thames Water)

#### Objection (Revised Deposit)

30100 WYAS

#### Issues

- 15.4 1. Should the results of the Aire Valley Leeds Transportation Study be included in the RUDP?

2. Should reference be made to safeguarding the setting of Temple Newsam Historic Park and Garden and the Colton Conservation Area to the north? Should “and scheduled Ancient Monuments” be added to RD Alteration 15/011?
3. Should the Alteration be amended to reflect Yorkshire Water Services’ [YWS] concerns with regard to the presence and environmental effects of the Knostrop Waste Water Treatment Works [KWWTW]?
4. Should the Alteration be amended to express more fully the opportunities and constraints as identified by the Grimley reports “Strategic Vision for the Aire Valley” [Jan. 2002, CD/GEN/10] and “Aire Valley Leeds – Market Demand and Development Impact Study Final Report” [updated Jan. 2004, CD/GEN/13]?
5. Should there be reference to the north-west parts of the area being suitable for leisure, residential, retail and tourist orientated developments to support the City Centre? Should there be a more detailed policy to provide certainty?

### **Inspector’s Reasoning and Conclusions**

- 15.5 1. The Highways Agency [HA] consider that the results of the Aire Valley Leeds Transportation Study should be included in the UDP to address the transportation issues arising from regeneration. Discussions between the Council and the Highways Agency resulted in an agreed addition to the Alteration [LCC/062]:
- “Regeneration proposals for the Aire Valley will need to address traffic and transportation issues and must deal with the relationship to the adjoining Motorway network. Through the preparation of an Area Action Plan the City Council, Highways Agency and other transport providers seek to develop a package of sustainable transport infrastructure improvements and services to support the Council’s regeneration proposals. These measures will in turn be developed through consultation with a range of stakeholders and procured through private sector developer contributions and funding agencies.”
- 15.6 The Council fully accept that sustainable transport measures will need to be addressed in the preparation of the intended AAP. In response to the HA’s views they also propose, in IC/018, to add to the bullet points of key issues in Alteration 15/011 as follows:
- “Sustainable transport measures which are of particular importance in the Aire Valley.”
- 15.7 Enhanced public transport and accessibility to jobs is already included in the list of key issues. The list as proposed to be amended falls short of the HA’s suggested list, but the latter would be inconsistent with the way the key issues are framed in the Alteration in that it would give unduly detailed attention to sustainable transport measures.
- 15.8 It is clear that all the necessary issues will need to be addressed in the AAP and as the HA will be involved with the Council both as a contributing agency to the Plan and as a statutory consultee there is no danger of such factors being overlooked. It is premature to go into further detail in the UDP at this stage or to express a view on the capacity of existing infrastructure and the need for additional facilities. I conclude that

the proposed additions to the Alteration would be sufficient and appropriate and I recommend accordingly.

- 15.9 2. English Heritage’s concern has been addressed by RD Alteration 15/011 in that a further item is proposed to be added to the list of key issues referring to safeguarding the setting of Temple Newsam Historic Park and Garden and the Colton Conservation Area. The West Yorkshire Archaeology Service would like to see “and scheduled Ancient Monuments” added to the bullet point but I see no specific need for this as such sites are protected by statute and by other policies in the Plan.
- 15.10 3. YWS are concerned that the RDUDP as drafted fails to recognise the presence and impact of KWWTW in the Aire Valley [AVL]. Because of its very large scale, the considerable investment it represents and its environmental effects, KWWTW is a feature of AVL which cannot be ignored and must be taken into account in future plans for regeneration, particularly as a variety of uses are to be considered in addition to traditional employment uses.
- 15.11 Inevitably there are odours associated with the plant and despite YWS netting the filter beds flies remain a problem. Relocation of the works is not practicable; the cost is estimated to be about £500m and it is accepted that an alternative site would be difficult to find. Improvements are being considered as part of YWS’s 2005 -10 strategic business plan to address current complaints, many of which are from First Direct at Thwaite Gate. Such improvements are estimated to cost about £5.6m but OFWAT may not approve the works. There will be improvements by 2010 through works required to comply with the Freshwater Fish Directive which may be of some environmental benefit.
- 15.12 More significant improvement would not be sanctioned by OFWAT as it would not be justified in the public interest. They could only be afforded through profit from development of the surrounding area. KWWTW is therefore likely to be a permanent presence which should be acknowledged and taken into account in future planning of the AVL. I consider that such reference should be made in the RUDP.
- 15.13 Whilst industrial development as proposed in the AUDP would not be incompatible with KWWTW, residential, office, retail and leisure uses would be more sensitive to its environmental effects. It is an accepted planning principle, seen with regard to pollution in para. 1.32 of PPG23, that the juxtaposition of conflicting uses should be avoided. YWS’s usual guidance is that a separation distance of 100-500m should be allowed around sewage treatment works but in this case they are not seeking a specific “cordon sanitaire”. Indeed there is no basis for any such distance in national, regional or LCC policies or guidance. The only distance quoted is 400m in Article 6 of the Town and Country Planning (General Permitted Development) Order 1995, but that relates to agricultural development and is a threshold below which permitted development rights do not apply.
- 15.14 The Council consider that existing AUDP Policies GP3 and GP5, which require a judgement to be reached, are sufficient to protect residential amenity if necessary through affording sufficient separation. YWS are not so confident that these Policies have been properly applied in the past and instance recent planning applications which have been approved despite their objection with regard to proximity to KWWTW. They suggest that Alteration 15/011 should include a paragraph relating to odour, specifying that land-use decisions within the AAP should be based on odour

modelling for the WWTW which would take into account changes in configuration of the works, odour mitigation under YWS’s investment programme and any additional works which are secured under development agreements. The suggested limits are 1.5 odour units [OUs] for residential development; 10 OUs for Use Classes B1(a), A1, A2, A3 and D; and 50 OUs for Use Classes B1(b) & (c), B2 and B8.

- 15.15 Odour units have been used in appeal decisions as evidenced by YWS but the current proposal is based on the Environment Agency’s [EA] Draft Technical Guidance Note on Integrated Pollution Prevention and Control [IPPC] H4. This was released in October 2002 in the form of a working draft for consultation. Responses were requested by January 2003. It has not yet been issued as EA guidance. It may be progressed as a code of practice, as proposed in Scotland.
- 15.16 I consider that the fact that guidance is currently draft is alone sufficient reason for the suggested limits not being included in the UDP. The exposure benchmark of 1.5 OU/m<sup>3</sup> 98<sup>th</sup> percentile remains to be confirmed and additionally IPPC H4 does not refer to the use of different OUs in relation to Use Classes as proposed by YWS. Furthermore H4 is draft guidance for arrangements for regulating processes rather than for the purpose of separating uses from an odour source. It is also significant that exposure benchmarks are predicted ground level concentrations which are calculated by mathematical modelling of measured emissions; they are not measurable on the ground. Whilst OU modelling is a useful tool, for example to employ in assessing the impact of development in terms of odour, OUs are not directly transferable to planning policy as a standard.
- 15.17 YWS could not cite any other development plan in which OUs have been used in the proposed way and stated that this was the first time they had lodged such an objection to a development plan and supported it with OU modelling data. The Council are, I believe, right to query the OU contours which result from the modelling based on average emissions data rather than KWWTW site-specific measurements. If the works operate at above average conditions the model would overstate the odour impact. Support for this possibility can be drawn from the fact that very large areas of housing and other uses lie within the 1.5 OU/m<sup>3</sup> contour from large parts of which few if any complaints have been received. This would suggest that either the EA are being too pessimistic in suggesting the 1.5 OU/m<sup>3</sup> contour or the model overstates the odour effect of KWWTW.
- 15.18 I recognise that the use of OUs as a tool for guidance is evolving and that in due course their wider use in planning policy and development plans may in some way follow their use in pollution control. However, I conclude that it would be premature and inappropriate for the suggested standards to be included in the RUDP.
- 15.19 I consider also that inclusion of a lengthy paragraph on odour, and a related standard of any sort, in Alteration 15/011 would imbalance the text of the UDP which refers only in general terms to the future AAP and the task ahead. It would be inappropriate to concentrate on odour from KWWTW as a specific. There are, as I noted on my site visits, other potential sources of odour in the area such as a waste recycling plant and a tannery. Also other unneighbourly and unsightly uses, such as exist in the Cross Green Industrial Estate, may warrant detailed consideration with regard to separation/screening but such matters, as with odour effects, are for consideration in the AAP rather than for inclusion in the RUDP. Other matters raised by YWS such as

noise from vehicles and machinery operating within KWWTW are similarly matters which will need to be taken into account in preparing the future AAP.

- 15.20 For all the above reasons, I consider that it would be appropriate to include the wording suggested by YWS following the introductory paragraph in Alteration 15/011 to reflect the presence and importance of KWWTW. Similarly it would be appropriate to amend the 11<sup>th</sup> bullet point in the Alteration to read “Determining the range of land uses and their locations.” YWS suggest an additional bullet point, “accommodating existing strategically important land uses”. The Council would prefer “recognising the impact of, and on, existing businesses/land uses”. I consider that the Council’s proposed wording is preferable for two reasons. Whilst KWWTW may be strategically important, there are few, if any, other specific strategically important land uses in AVL and consequently the YWS bullet point would be unclear through lack of definition of the phrase. Secondly the Council’s wording covers both the effect of existing uses on new development and vice versa. However, I conclude that the third suggested addition to 15/011 relating to odour effects and OU limits should not be made. I recommend accordingly.
- 15.21 4. Keyland Developments Ltd [KDL] consider that the introduction to 15/011 does not adequately express opportunities and constraints particularly as identified in the Grimley reports. I consider that it is necessary to refer both to the employment initiative which is proceeding in AVL at present as well as the future consideration of the area’s wider potential without necessarily referring to such aspects as “engine for growth” as suggested. A combination of text advanced in the RDUDP and by objectors would be appropriate as I recommend below. I see no need to introduce the word “flexible” to describe the context as other recommended modifications cover the points made about the inflexibility of E7 as proposed to be altered by 8/001 and the approach to the preparation of AAPs. As regeneration will be planned in a holistic fashion, in accordance with national guidance, I see no reason to add “including consideration of those [land uses] which would be required to support a sustainable community” to bullet point 11 as suggested by KDL.
- 15.22 5. To include reference to the north-west parts of the area being suitable for leisure, residential, retail and tourist orientated developments to support the City Centre would be to predetermine proposals in the AAP. Innology on behalf of Thames Water consider that more details are required in the policy to provide certainty. These should include details of the approach in determining planning applications, the infrastructure required, and the range and scale of appropriate uses, building on Grimley’s report. As I have said in the context of the Keyland objections under Alteration 11/002, the preparation of an AAP is the appropriate way forward and more work needs to be done before details such as those proposed can be given. It would be useful to add a cross-reference to paras. 11.3.2 - 7, as I recommend they should be amended, as part of Alteration 15/011.
- 15.23 I have also considered the KDL suggestion that a further bullet point, “appropriate treatment to alleviate flood risk”, should be added to the list in the Alteration. This is an important aspect of infrastructure improvement which is already covered by bullet point 3. It will not be overlooked in this context and also Policy N38B would require flood risk assessment as part of a planning application in the area. I therefore see no need for a separate bullet point.



15.24 The upper case Policy should be amended to refer to AREA ACTION PLAN rather than ACTION PLAN.

## **RECOMMENDATION**

15.25 I recommend that the UDP be modified by RD Alteration 15/011 subject to

1. amending the paragraphs preceding the upper case Policy as follows:

### **“AIRE VALLEY LEEDS” NEIGHBOURHOOD RENEWAL AREA**

The Aire Valley area is a major focus for employment growth in the region. It represents a very significant but underused part of the urban area which could be regenerated to realise its full potential and benefit nearby residents and the City as a whole. The area has considerable strengths and potential in terms of the existing diverse employment base, improving access to a large local workforce in adjacent residential areas, and improved access to the motorway network, the Leeds Inner Ring Road and Leeds City Centre. There are considerable constraints which need to be addressed including contamination, inadequate infrastructure and poor environmental quality. A key feature of the area is the Knostrop Waste Water Treatment Works which treats waste for the whole of Leeds. This key strategic asset has a wide environmental impact which will influence acceptable land uses throughout the Neighbourhood Renewal Area.

[Continue with SRB6 funding paragraph which identifies the ongoing initiative].

Continue “The identification of “Aire Valley Leeds” as a special policy area under Policy R1 will provide a context for regeneration of the area and support comprehensive, sustainable and innovative new development.”;

2. adding the following paragraph:

“Regeneration proposals for the Aire Valley will need to address traffic and transportation issues and must deal with the relationship to the adjoining Motorway network. Through the preparation of an Area Action Plan the City Council, Highways Agency and other transport providers seek to develop a package of sustainable transport infrastructure improvements and services to support the Council’s regeneration proposals. These measures will in turn be developed through consultation with a range of stakeholders and procured through private sector developer contributions and funding agencies.”;

3. amending the Policy to refer to an AREA ACTION PLAN rather than ACTION PLAN;

4. adding “and their location” after “Determining the range of land uses” in bullet point 11;

5. adding two further bullet points/key issues “Recognising the impact of, and on, existing businesses/land uses” and “Sustainable transport measures which are of particular importance in the Aire Valley.”; and

**6. adding at the end of the penultimate paragraph of 15/011 “This will take the form of an Area Action Plan prepared as part of the new planning system introduced by the Compulsory Purchase Act 2004 (see paras. 11.3.2 – 6.)”**

**ALTERATION 15/014 (HUNSLET RIVERSIDE STRATEGIC HOUSING SITE, H3-1B:7)**

**Objections (First Deposit)**

20387 Network Rail  
21955 Yorkshire Water

**Issues**

- 15.26 1. Does the proximity of the Knostrop Waste Water Treatment Works [KWWTW] prejudice the SHS?
2. Do the boundaries of the proposed SHS reasonably and realistically reflect what could be achieved during the Plan period? Should reference be made to rail-related uses as a component of the proposed development framework?

**Objections (Revised Deposit)**

30488 ISIS Waterside Regeneration  
30495 British Waterways  
30496 Airebank Developments Ltd

**Issue**

3. Is flood risk assessment necessary and how should it be undertaken?

**Inspector’s Reasoning and Conclusions**

- 15.27 1. YWS consider that the SHS would be adversely affected to an unacceptable degree by odour from the KWWTW and should not be included in the UDP. The SHS boundary adjoins KWWTW and is only about 20m from the Knostrop Low Level Inlet Works which is a principal source of odour. It is feared that conditions would be intolerable for residents and unmanageable for YWS. Modelling of OU contours has shown that if work currently being considered as part of YWS’s 2005 -10 strategic business plan was carried out to reduce odours there would still be an adverse odour effect across the SHS.
- 15.28 It is common sense not to site housing development adjacent to a major sewage treatment works as would be the case at the eastern end of the SHS. The RDUDP’s approach is somewhat confusing and potentially contradictory in that the Policy addresses “a strategic housing site incorporating mixed use development”, and the supporting text refers to both “a significant concentration of new housing in the form of a second urban village” and (on the east bank of the river) “housing within a mixed-use development”. The title and allocation of “Strategic Housing Site”, and the emphasis on housing, suggest that residential development could be proposed anywhere within the area identified though it is apparent from discussion at the Inquiry that this is not the intention. In particular, there is no indication in the RDUDP that

housing would be concentrated in the north-western part of the SHS, that the anticipated number of dwellings would be about 1,000, or that employment uses might remain over a good part of the SHS, all as evidenced. I therefore recommend that the name be changed to “Strategic Housing and Mixed Use Site” to more accurately reflect the intended balance of uses. This will also necessitate detailed changes to the emphasis of the explanatory text which I leave to the Council.

- 15.29 The further away from KWWTW the less the odour impact would be and it was confirmed during the Inquiry that YWS had not objected to the proposed development of Hunslet Mills for the 700 apartments for which planning permission was granted in 2003. This development, which is about 1km from KWWTW, together with a possible additional 100 units associated with the Mill and a possible further proposal to its north-west for 250 apartments, would form the basis of the housing within the SHS. Additionally housing may replace the Copperfield College, about 800m distant, in the north-eastern part of the SHS. This too should be far enough way from the odour sources to avoid a problem; it was established in the Inquiry that YWS knew of no odour complaints from the College in the past.
- 15.30 Beyond these proposals the Council see some scope for housing on the east bank of the river, in association with “greening” of the waterway, but there is no tangible evidence that this would extend to the south-east corner of the site, close to KWWTW. For reasons set out below there does not appear to me to be any real prospect of the aggregate plant there being redeveloped during the Plan period and I recommend that the SHS be modified to exclude that site. It is equally important to exclude the possibility of housing development being developed too close to KWWTW.
- 15.31 In these circumstances I consider that there is no inconsistency in progressing housing development in advance of the preparation of the AAP, provided that the area within which it is progressed is identified in a practicable way in relation to other uses and the approach is fully explained. Part of the reason for inclusion of both sides of the Aire is to facilitate the area’s comprehensive environmental improvement and I also appreciate the need to take into account the new road construction proposed. These factors warrant an explanation in the text also.
- 15.32 It is in the preparation of the development framework for the SHS and the AAP that detailed consideration of uses that can be satisfactorily sited in relation to KWWTW will need to be undertaken. As part of the preparation of the AAP, YWS do not rule out the possibility of further works to mitigate odour if they are necessary to meet wider development aspirations for the regeneration of AVL in terms of type and mix of uses and sustainability of development. However, it would be necessary to demonstrate that further mitigation measures would offer real benefit in terms of predicted levels of odour; and the works would have to be fully funded by the development in question. Although such additional works would not be justified otherwise as the works currently meets all environmental standards, there remains the possibility of further reducing odour emissions from KWWTW.
- 15.33 I consider that YWS’s concerns would be adequately addressed by the reduction in the extent of the SHS; the change in title of the SHS; a fuller explanation of what is intended in the supporting text; the recognition of KWWTW as I recommend under Alteration 15/011, and the fact that YWS will be fully involved in the preparation both of the development framework for the SHS and the AAP.

- 15.34 2. Network Rail [now the Strategic Rail Authority] originally sought removal from the SHS of the whole area bounded by the rail spur, Knowsthorpe Lane and KWWTW but later reduced this to cover only the aggregate plant towards the south-east end of the site, together with land adjoining the KWWTW. The plant in question is a major capital-intensive development which has gained in importance with the cessation of aggregates handling at the Marsh Lane siding, elsewhere in the City, and is on land held on a long lease from the objector that still has over 20 years to run. The Council accept that it is likely to be an effective fixture for that period, and certainly for the foreseeable future. Whilst they argue that the proposed boundary of the SHS would enable maximum flexibility and a strategic vision, I consider that there is little or no prospect of this particular site becoming available for some radically different type of use during the Plan period. In the interests of certainty it should be omitted from the SHS.
- 15.35 The objector and the Council are not far apart on the question of referring in the Plan to rail-related uses. The former acknowledge that there are no firm proposals for such uses over and above the existing aggregates and coal handling but wish to safeguard the potential of their land for the future, especially as it has the advantage that it can be served from the east, without routing trains through the City station, and is not subject to constraints that affect other rail-side sites locally. For their part the Council accept the importance of the rail link, and also that the type of use now envisaged would be markedly more compatible with mixed uses over the remainder of the site than the container terminal initially referred to.
- 15.36 Whilst there are no proposals firm enough to justify a specific allocation, and it would be for the proposed development framework to examine the possibilities in more detail, I consider that the objector’s land qualifies in principle for protection for freight handling in the terms set out in PPG13 [para. 45], and that it would be helpful to users of the Plan if this was acknowledged in the supporting text. It would also be useful to make clear the need to plan mixed uses so as to provide effective buffer zones to rail-served uses, as both sides accept. I suggest a form of words below.
- 15.37 3. British Waterways and ISIS Regeneration both raise concerns at the requirement for a comprehensive flood risk assessment [introduced in RD Alteration 15/014 in response to the Environment Agency [EA] objections under Alterations 7/002 and 7/003]. It is suggested that the site should be broken down into 3 distinct areas. Airebank Developments Ltd raise a similar objection and suggest that a comprehensive flood risk assessment would lead to delays and frustration.
- 15.38 Flood risk assessment prior to commencement of development is a necessary requirement which is not outweighed by considerations of frustration and delay. Policy N38B, which I deal with under Alteration 5/003, requires an overall flood risk assessment as part of a planning application where consultations with the Council or the EA have identified a need for it, or where there is other clear evidence that a proposal is likely to be affected by flooding, or could increase the risk of flooding elsewhere. My recommendation under Alteration 5/003 makes these circumstances clear. In this case the site needs to be considered as a whole and so the criterion should be retained.

**RECOMMENDATION**

**15.39 I recommend that the UDP be modified in accordance with RD Alteration 15/014 subject to:**

- 1. changing the Policy title to “Hunslet Riverside Strategic Housing and Mixed-use Site”, and amending the supporting text to clearly set out the intended balance between housing and other uses;**
- 2. amending the boundary of the site in accordance with Doc. S/20387/A; and**
- 3. adding the following as an additional paragraph at the end of the supporting text:**

**“East of the river there is a rail link which is expected to have a long-term future and this part of the site has considerable potential for further rail-related uses, which will be explored through preparation of the development framework. It will be important to ensure that such potential is safeguarded for the future, in line with national advice on transport planning, and that any layout provides an adequate buffer between rail facilities and sensitive uses such as housing and open space.”**

**ALTERATION 15/015 (EAST LEEDS EXTENSION AND ASSOCIATED ALTERATIONS 15/018, 15/020, 15/025, 15/026, 15/027 AND 16/016)**

**Objections (First Deposit) (15/015)**

20178 Mr Lane	21967 Elor Consortium
20382 Barwick in Elmet and Scholes Parish Council	22020 Leeds Area RDA
20882 Mr Rose	22033 Mr Ross
20906 Mr Leftley	22044 Mrs Evans
20929 Mr Bolton	22053 Mr Evans
21009 Ms Bowden	22067 Mr Hartley
21016 Mr Bowden	22074 Mr Bhaskaran
21024 Ms White	22082 Mr Gilfillan
21025 Ms Rose	22089 Mr Lindley
21048 Miss Brown	22099 Mrs Fox
21194 Mr Firth	22106 Mr Fox
21382 Ms Harper	22113 Ms Mawson Mole
21395 Mrs Harper	22120 Ms Young
21401 Mr Ake	22127 Ms Usman
21408 Mr Pearce	22134 Ms Smith
21417 Mrs Leftley	22141 Mr & Mrs Bell
21423 Ms Tyson	22148 Mr Smith
21430 Mr Tyson	22155 Ms Cororan
21436 Mr Burnley	22162 Mr Smith
21444 Ms Burnley	22169 Mr Packer
21667 Highways Agency	22176 Ms Packer
21715 Hallam Land Management	22183 Ms Thorpe
21764 Persimmon Homes West Yorks Ltd	22190 Ms Thorpe
21947 Government Office for Yorks and the Humber	22197 Ms Clark
21950 Thorpe Park (Leeds) Ltd &	22204 Mrs Ward
21965 CPRE WEST YORKSHIRE	22211 Mr Carmichael
	22218 Mr Marshall
	22225 Mrs Marshall

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22232	Dr. Corcoran	22724	Mr Dickinson
22239	Mr Slinger	22731	Mr Landey
22246	Mrs Atkinson	22738	Miss Stephenson
22253	Mr Butler	22745	Mrs Cox
22260	Mr Berrow	22752	Mr Ghaleh-tak
22267	Ms Berrow	22759	Dr. Warren
22274	Mrs Duncan Ellis	22766	Mr Myers
22281	Mr Ellis	22773	Mr Gibbins
22306	Mr Westerman	22780	Miss Noble
22314	Ms Brewer	22787	Mrs Foster
22321	Ms Pease	22794	Mr Foster
22328	Ms Johnson	22801	Ms Baddams
22342	Mr Hobson	22808	Mr Brown
22349	Ms Hartley	22815	Mrs Mannix
22386	Mr Robinson	22822	Mr Mannix
22393	Ms Robinson	22829	Mr Castle
22400	Ms Beesley	22836	Mrs Castle
22407	Mr Beesley	22843	Ms Brown
22415	Ms Brown	22850	Ms Brown
22423	Ms McLollghlin	22857	Mr Jackson
22429	Mr Wilson	22864	Mr & Mrs Watson
22436	Ms Jayne	22871	Ms Rule
22443	Mr Broadhead	22878	Mr Macleod
22450	Ms Ford	22885	Ms Borlant
22457	Ms Green	22892	Ms Voice
22464	Mr Green	22899	Mr Hewitt
22471	Mr Taylor	22906	Mr Voice
22478	Mrs Taylor	22913	Ms Giles
22485	Dr. Joyce	22920	Mr Graham
22492	Mrs Joyce	22927	Ms Graham
22499	Mr & Mrs England	22934	Ms Dickinson
22506	Mr Gough	22941	Mr Atkinson
22513	Mrs Hobson	22948	Dr. Rutherford
22520	Mr Downing	22955	Mrs Rutherford
22527	Mrs Crossfield	22962	Mr Wilkinson
22534	Mr Ledear	22969	Mrs Wilkinson
22541	Mrs Ledgard	22976	Mrs Scott
22548	Mrs Gibbins	22983	Mr Pitman
22555	Ms Jarley	22990	Mrs Pitman
22562	Ms Mason	22997	Mr Ellerby
22569	Mrs Morley	23004	Mrs Boyd
22576	Dr. Morley	23011	Mr Walmsley
22583	Thoner Parish Council	23018	Mr Rymer
22591	Mrs Morrison	23025	Mr Dickinson
22598	Mrs Senior	23032	Mr Dickinson
22611	Mr Senior	23039	Mrs Dickinson
22612	Mrs Cooke	23046	Mr Noble
22619	Mrs Whitehead	23053	Mr Boyd
22626	Mr McLollghlin	23060	Ms Peaker
22632	Mr Platt	23067	Mr Pickup
22639	Mr Coulson	23074	Ms Atkinson
22646	Ms Brownridge	23081	Mr Fawkner-Corbett
22653	Miss Nettleton	23088	Ms Fawkner-Corbett
22660	Mr Brown	23095	Mr Robinson
22667	Mr Millross	23102	Ms Robinson
22674	Mr Jaudin	23109	Ms Fisher
22682	Miss Clements	23116	Ms Fisher
22689	Mr Stainthorpe	23123	Mr Beaver
22696	Mr Morton	23130	Mrs Mitchell
22703	Mrs Hebden	23137	Mr Mitchell
22710	Mrs Riley	23144	Mr Sidebottom
22717	Mrs Carr	23151	Mrs Sidebottom

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23158 Mrs Walker	23694 Mrs Levick
23165 Mr Walker	23701 Mrs Gilboy
23172 Mr Meadows	23708 Mr Burnell
23179 Mr Bates	23715 Mr Burnell
23186 Mrs Zaczeniuk	23722 Mrs Burnell
23193 Mrs Brereton	23729 Miss Rootveldt
23200 Mrs Ake	23737 Mr Arundel
23207 Dr. Shark	23744 Ms Arundel
23314 Mr Stark	23751 Mrs Cane
23323 Mrs Percy	23758 Mr Franks
23330 Mr Percy	23765 Mrs Franks
23337 Mr Gibbins	23772 Mrs Thornton
23344 Mr Bowyer	23780 Mrs Butler
23351 Mrs Bowyer	23787 Ms Wakefield
23358 Mr Ibbotson	23805 Mr Power
23365 Mrs Waterland	23812 Mr Hopps
23372 Miss Steele	23819 Mr Marshall
23379 Mr Thorpe	23826 Ms Wigglesworth
23386 Mr Courtman-Stock	23833 Mr Carter
23393 Miss Hartley	23840 Ms Carter
23400 Miss Lemon	23847 Ms Sullivan
23407 Dr. Prentice	23854 Ms Ashworth
23414 Mrs Prentice	23861 Ms Ashworth
23421 Mrs Alikhamzadeh	23868 Mr Stephenson
23428 Mr Long	23875 Ms Scott
23435 Mrs Wood	23882 Ms Stehpenon
23442 Mr Armitage	23889 Ms Parkins
23449 Mrs Armitage	23896 Mr Parkins
23456 Mrs Rymer	23903 Mr Brookes
23463 Mrs McElwee	23910 Mrs Brookes
23470 Mrs Pickle	23917 Mr Butler
23477 Mr Schofield	23924 Mr Pickard
23484 Mr Kay	23931 Mrs Pickard
23491 Mrs Kay	23938 Mr Ritchie
23498 Ms Henton	23945 Mrs Hartley
23505 Ms Hewitt	23952 Mrs Mountain
23512 Mr Rawden	23959 Mr Crone
23519 Ms Rawden	23966 Mr Hayes
23526 Ms Finigan	23973 Mr Davis
23533 Mr Fineran	23974 Mr Curran
23540 Mr Coleman	23975 Mr Rushworth
23547 Mr Coleman	23976 Miss Mooney
23554 Mrs Schofield	23983 Mrs Myers
23561 Ms Pearce	23990 Mr Joyce
23568 Ms Ramsey	23997 Mr Brereton
23575 Mr Ramsey	24005 Mrs Lord
23582 Mr William	24011 Mr Belcher
23590 Ms Neat	24018 Mrs Belcher
23596 Ms Nettleton	24025 Ms Gaunt
23603 Mr Nettleton	24032 Ms Weatherhead
23610 Mr Nicholson	24039 Mr Weatherhead
23617 Ms Dowes	24046 Mr Green
23624 Ms Long	24053 Ms Green
23631 Mr Miller	24060 Ms Stapleton
23638 Ms Miller	24067 Mr Stapleton
23645 Mr Atkinson	24074 Ms Middlemiss
23652 Mrs Marsden	24081 Ms Conner
23659 Mr Clarkson	24088 Ms Weaver
23666 Mrs Lindley	24095 Mr Weaver
23673 Mrs Clarkson	24102 Mr Buttler
23680 Miss Clarkson	24109 Ms Butler
23687 Mr Pease	24116 Mr Morrison

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24123	Mr Hartley	24396	Dr. Crellin
24130	Ms Middlemiss	24403	Ms Thackray
24137	Ms Crellin	24410	Ms Crawford
24144	Ms Brewer	24417	Ms England
24151	Ms Heaton	24424	Ms Procter
24158	Mr Heaton	24431	Mr Fox
24165	Mrs Strachan	24438	Mrs Fox
24172	Mr Strachan	24445	Mrs Roberts
24179	Mr Wood	24452	Mr Goodwin
24186	Mr Ward	24459	Mrs Goodwin
24193	Mr Pritchard	24466	Miss North-Lewis
24200	Mr Laycock	24473	Mrs Sugaman
24207	Mr Palmer-Jones	24480	Mr Sugaman
24214	Ms Palmer-Jones	24487	Mr Connor
24221	Ms Fall	24494	Mr Crawford
24228	Mr Grimwood	24501	Mrs Procter
24235	Ms Landey	24508	Cllr. Procter
24242	Mr Smith	24515	Miss Tighe
24249	Mr Crellin	24522	Mrs Bhaskaran
24256	Ms Seymour	24529	Mrs Postill
24263	Ms Gosden	24536	Mr Postill
24270	Ms Mooney	24543	Mr Burnett
24277	Mr Procter	24550	Mrs Davis
24284	Mr Storrar	24557	Mrs Hayes
24291	Mr Sinclair	24576	Ms Turner
24298	Ms Sinclair	24583	Mrs Knight
24305	Ms Dillon	24590	Dr. Robertson
24312	Ms Hall	24597	Mrs Robertson
24319	Ms Martin	24604	Mrs Ritchie
24326	Mr Walker	24611	Mr Carr
24333	Ms Bales	24618	Mrs Ward
24340	Mr Richmond	24625	Miss Boyle
24347	Mr Bales	24632	Dr. Giles
24354	Mr Kettlewell	24639	Mr Finch
24361	Mr Flannery	24646	Mr Deighton
24368	Ms Flannery	24653	Ms Deighton
24375	Mr Beecroft	24660	Ms Windsor Lewis
24382	Mr Mason	24792	Miss Smith
24389	Dr. Seymour		

### Objections (First Deposit) 15/018)

20337	Mr Firth	22036	Mr Ross
20885	Mr Rose	22047	Mrs Evans
20907	Mr Leftley	22057	Mr Evans
20926	Mr Bolton	22070	Mr Hartley
21006	Ms Bowden	22077	Mr Bhaskaran
21013	Mr Bowden	22085	Mr Gilfillan
21021	Ms White	22092	Mr Lindley
21028	Ms Rose	22102	Mrs Fox
21045	Miss Brown	22109	Mr Fox
21386	Ms Harper	22116	Ms Mawson Mole
21392	Mrs Harper	22123	Ms Young
21399	Mr Ake	22130	Ms Usman
21405	Mr Pearce	22137	Ms Smith
21413	Mrs Leftley	22144	Mr & Mrs Bell
21420	Ms Tyson	22158	Ms Cororan
21427	Mr Tyson	22165	Mr Smith
21433	Mr Burnley	22172	Mr Packer
21441	Ms Burnley	22179	Ms Packer
22023	Leeds Area RDA	22186	Ms Thorpe
22029	Mr Lane	22193	Ms Thorpe



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22200	Ms Clark	22685	Miss Clements
22207	Mrs Ward	22692	Mr Stainthorpe
22214	Mr Carmichael	22699	Mr Morton
22221	Mr Marshall	22706	Mrs Hebden
22228	Mrs Marshall	22713	Mrs Riley
22235	Dr. Corcoran	22720	Mrs Carr
22242	Mr Slinger	22727	Mr Dickinson
22249	Mrs Atkinson	22734	Mr Landey
22256	Mr Butler	22741	Miss Stephenson
22263	Mr Berrow	22748	Mrs Cox
22270	Ms Berrow	22755	Mr Ghaleh-tak
22277	Mrs Duncan Ellis	22762	Dr. Warren
22284	Mr Ellis	22769	Mr Myers
22303	Mr Smith	22776	Mr Gibbins
22310	Mr Westerman	22783	Miss Noble
22317	Ms Brewer	22797	Mr Foster
22324	Ms Pease	22804	Ms Baddams
22331	Ms Johnson	22811	Mr Brown
22345	Mr Hobson	22818	Mrs Mannix
22352	Ms Hartley	22825	Mr Mannix
22389	Mr Robinson	22832	Mr Castle
22396	Ms Robinson	22839	Mrs Castle
22403	Ms Beesley	22846	Ms Brown
22410	Mr Beesley	22853	Ms Brown
22418	Ms Brown	22860	Mr Jackson
22425	Ms McLollghlin	22867	Mr & Mrs Watson
22432	Mr Wilson	22874	Ms Rule
22439	Ms Jayne	22881	Mr Macleod
22446	Mr Broadhead	22888	Ms Borlant
22453	Ms Ford	22895	Ms Voice
22460	Ms green	22902	Mr Hewitt
22467	Mr Green	22909	Mr Voice
22474	Mr Taylor	22916	Ms Giles
22483	Mrs Taylor	22923	Mr Graham
22488	Dr. Joyce	22930	Ms Graham
22495	Mrs Joyce	22937	Ms Dickinson
22502	Mr & Mrs England	22944	Mr Atkinson
22509	Mr Gough	22951	Dr. Rutherford
22516	Mrs Hobson	22958	Mrs Rutherford
22523	Mr Downing	22965	Mr Wilkinson
22530	Mrs Crossfield	22972	Mrs Wilkinson
22537	Mr Ledoard	22979	Mrs Scott
22544	Mrs Ledgard	22986	Mr Pitman
22551	Mrs Gibbins	22993	Mrs Pitman
22558	Ms Jarley	23000	Mr Ellerby
22565	Ms Mason	23007	Mrs Boyd
22572	Mrs Morley	23014	Mr Walmsley
22579	Dr. Morley	23021	Mr Rymer
22587	Thorner Parish Council	23028	Mr Dickinson
22594	Mrs Morrison	23035	Mr Dickinson
22601	Mrs Senior	23042	Mrs Dickinson
22607	Mr Senior	23049	Mr Noble
22615	Mrs Cooke	23056	Mr Boyd
22622	Mrs Whitehead	23063	Ms Peaker
22630	Mr McLollghlin	23070	Mr Pickup
22635	Mr Platt	23077	Ms Atkinson
22642	Mr Coulson	23084	Mr Fawkner-Corbett
22649	Ms Brownridge	23091	Ms Fawkner-Corbett
22656	Miss Nettleton	23098	Mr Robinson
22663	Mr Brown	23105	Ms Robinson
22670	Mr Millross	23112	Ms Fisher
22678	Mr Jaudin	23119	Ms Fisher

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23126	Mr Beever	23662	Mr Clarkson
23133	Mrs Mitchell	23669	Mrs Lindley
23140	Mr Mitchell	23676	Mrs Clarkson
23147	Mr Sidebottom	23683	Miss Clarkson
23154	Mrs Sidebottom	23690	Mr Pease
23161	Mrs Walker	23697	Mrs Levick
23168	Mr Walker	23704	Mrs Gilboy
23175	Mr Meadows	23712	Mr Burnell
23182	Mr Bates	23718	Mr Burnell
23189	Mrs Zaczeniuk	23725	Mrs Burnell
23196	Mrs Brereton	23732	Miss Rootveldt
23203	Mrs Ake	23740	Mr Arundel
23310	Dr. Shark	23747	Ms Arundel
23317	Mr Stark	23754	Mrs Cane
23326	Mrs Percy	23761	Mr Franks
23333	Mr Percy	23768	Mrs Franks
23340	Mr Gibbins	23775	Mrs Thornton
23347	Mr Bowyer	23783	Mrs Butler
23354	Mrs Bowyer	23790	Ms Wakefield
23361	Mr Ibbotson	23808	Mr Power
23368	Mrs Waterland	23815	Mr Hopps
23375	Miss Steele	23822	Mr Marshall
23382	Mr Thorpe	23829	Ms Wigglesworth
23389	Mr Courtman-Stock	23836	Mr Carter
23396	Miss Hartley	23843	Ms Carter
23403	Miss Lemon	23850	Ms Sullivan
23410	Dr. Prentice	23857	Ms Ashworth
23417	Mrs Prentice	23864	Ms Ashworth
23424	Mrs Alikhamzadeh	23871	Mr Stephenson
23431	Mr Long	23878	Ms Scott
23438	Mrs Wood	23885	Ms Stehpenson
23445	Mr Armitage	23892	Ms Parkins
23452	Mrs Armitage	23899	Mr Parkins
23459	Mrs Rymer	23906	Mr Brookes
23466	Mrs McElwee	23913	Mrs Brookes
23473	Mrs Pickle	23920	Mr Butler
23480	Mr Schofield	23927	Mr Pickard
23487	Mr Kay	23934	Mrs Pickard
23494	Mrs Kay	23941	Mr Ritchie
23501	Ms Henton	23948	Mrs Hartley
23508	Ms Hewitt	23955	Mrs Mountain
23515	Mr Rawden	23962	Mr Crone
23522	Ms Rawden	23969	Mr Hayes
23529	Ms Finigan	23979	Miss Mooney
23536	Mr Fineran	23986	Mrs Myers
23543	Mr Coleman	23994	Mr Joyce
23550	Mr Coleman	24001	Mr Brereton
23557	Mrs Schofield	24008	Mrs Lord
23564	Ms Pearce	24015	Mr Belcher
23571	Ms Ramsey	24023	Mrs Belcher
23578	Mr Ramsey	24031	Ms Gaunt
23585	Mr William	24038	Ms Weatherhead
23592	Ms Neat	24045	Mr Weatherhead
23599	Ms Nettleton	24052	Mr Green
23606	Mr Nettleton	24059	Ms Green
23613	Mr Nicholson	24066	Ms Stapleton
23620	Ms Dowes	24073	Mr Stapleton
23627	Ms Long	24077	Ms Middlemiss
23634	Mr Miller	24084	Ms Conner
23641	Ms Miller	24091	Ms Weaver
23648	Mr Atkinson	24098	Mr Weaver
23655	Mrs Marsden	24105	Mr Buttler

## Leeds UDP Review – Inspector’s Report Chapter 15

24112	Ms Butler	24392	Dr. Seymour
24119	Mr Morrison	24399	Dr. Crellin
24126	Mr Hartley	24406	Ms Thackray
24133	Ms Middlemiss	24413	Ms Crawford
24140	Ms Crellin	24420	Ms England
24147	Ms Brewer	24427	Ms Procter
24154	Ms Heaton	24434	Mr Fox
24161	Mr Heaton	24441	Mrs Fox
24168	Mrs Strachan	24448	Mrs Roberts
24175	Mr Strachan	24455	Mr Goodwin
24182	Mr Wood	24462	Mrs Goodwin
24189	Mr Ward	24469	Miss North-Lewis
24196	Mr Pritchard	24476	Mrs Sugaman
24203	Mr Laycock	24483	Mr Sugaman
24210	Mr Palmer-Jones	24490	Mr Connor
24217	Ms Palmer-Jones	24497	Mr Crawford
24224	Ms Fall	24504	Mrs Procter
24231	Mr Grimwood	24511	Cllr. Procter
24238	Ms Landey	24518	Miss Tighe
24245	Mr Smith	24525	Mrs Bhaskaran
24252	Mr Crellin	24532	Mrs Postill
24259	Ms Seymour	24539	Mr Postill
24266	Ms Gosden	24546	Mr Burnett
24273	Ms Mooney	24553	Mrs Davis
24280	Mr Procter	24560	Mrs Hayes
24287	Mr Storrar	24579	Ms Turner
24294	Mr Sinclair	24586	Mrs Knight
24301	Ms Sinclair	24593	Dr. Robertson
24308	Ms Dillon	24600	Mrs Robertson
24315	Ms Hall	24607	Mrs Ritchie
24322	Ms Martin	24614	Mr Carr
24329	Mr Walker	24621	Mrs Ward
24336	Ms Bales	24628	Miss Boyle
24343	Mr Richmond	24635	Dr. Giles
24350	Mr Bales	24643	Mr Finch
24357	Mr Kettlewell	24650	Mr Deighton
24363	Mr Flannery	24657	Ms Deighton
24371	Ms Flannery	24663	Ms Windsor Lewis
24378	Mr Beecroft	24789	Miss Smith
24385	Mr Mason		

### Objections (First Deposit) (15/025)

20642	Mr Firth	22030	Mr Lane
20886	Mr Rose	22037	Mr Ross
20908	Mr Leftley	22048	Mrs Evans
20925	Mr Bolton	22058	Mr Evans
21005	Ms Bowden	22071	Mr Hartley
21012	Mr Bowden	22079	Mr Bhaskaran
21020	Ms White	22086	Mr Gilfillan
21029	Ms Rose	22093	Mr Lindley
21044	Miss Brown	22103	Mrs Fox
21385	Ms Harper	22110	Mr Fox
21391	Mrs Harper	22117	Ms Mawson Mole
21398	Mr Ake	22124	Ms Young
21404	Mr Pearce	22131	Ms Usman
21412	Mrs Leftley	22138	Ms Smith
21419	Ms Tyson	22145	Mr & Mrs Bell
21426	Mr Tyson	22159	Ms Cororan
21432	Mr Burnley	22166	Mr Smith
21440	Ms Burnley	22173	Mr Packer
22024	Leeds Area RDA	22180	Ms Packer

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22187	Ms Thorpe	22671	Mr Millross
22194	Ms Thorpe	22679	Mr Jaudin
22201	Ms Clark	22686	Miss Clements
22208	Mrs Ward	22693	Mr Stainthorpe
22215	Mr Carmichael	22700	Mr Morton
22222	Mr Marshall	22707	Mrs Hebden
22229	Mrs Marshall	22714	Mrs Riley
22236	Dr. Corcoran	22721	Mrs Carr
22243	Mr Slinger	22728	Mr Dickinson
22250	Mrs Atkinson	22735	Mr Landey
22257	Mr Butler	22742	Miss Stephenson
22264	Mr Berrow	22749	Mrs Cox
22271	Ms Berrow	22756	Mr Ghaleh-tak
22278	Mrs Duncan Ellis	22763	Dr. Warren
22285	Mr Ellis	22770	Mr Myers
22304	Mr Smith	22777	Mr Gibbins
22311	Mr Westerman	22784	Miss Noble
22318	Ms Brewer	22791	Mrs Foster
22325	Ms Pease	22798	Mr Foster
22332	Ms Johnson	22805	Ms Baddams
22346	Mr Hobson	22812	Mr Brown
22353	Ms Hartley	22819	Mrs Mannix
22390	Mr Robinson	22826	Mr Mannix
22397	Ms Robinson	22833	Mr Castle
22404	Ms Beesley	22840	Mrs Castle
22411	Mr Beesley	22847	Ms Brown
22419	Ms Brown	22854	Ms Brown
22426	Ms McLollghlin	22861	Mr Jackson
22433	Mr Wilson	22868	Mr & Mrs Watson
22440	Ms Jayne	22875	Ms Rule
22447	Mr Broadhead	22882	Mr Macleod
22454	Ms Ford	22889	Ms Borlant
22461	Ms green	22896	Ms Voice
22468	Mr Green	22903	Mr Hewitt
22475	Mr Taylor	22910	Mr Voice
22484	Mrs Taylor	22917	Ms Giles
22489	Dr. Joyce	22924	Mr Graham
22496	Mrs Joyce	22931	Ms Graham
22503	Mr & Mrs England	22938	Ms Dickinson
22510	Mr Gough	22945	Mr Atkinson
22517	Mrs Hobson	22952	Dr. Rutherford
22524	Mr Downing	22959	Mrs Rutherford
22531	Mrs Crossfield	22966	Mr Wilkinson
22538	Mr Ledear	22973	Mrs Wilkinson
22545	Mrs Ledgard	22980	Mrs Scott
22552	Mrs Gibbins	22987	Mr Pitman
22559	Ms Jarley	22994	Mrs Pitman
22566	Ms Mason	23001	Mr Ellerby
22573	Mrs Morley	23008	Mrs Boyd
22580	Dr. Morley	23015	Mr Walmsley
22588	Thorner Parish Council	23022	Mr Rymer
22595	Mrs Morrison	23029	Mr Dickinson
22602	Mrs Senior	23036	Mr Dickinson
22608	Mr Senior	23043	Mrs Dickinson
22616	Mrs Cooke	23050	Mr Noble
22623	Mrs Whitehead	23057	Mr Boyd
22629	Mr McLollghlin	23064	Ms Peaker
22636	Mr Platt	23071	Mr Pickup
22643	Mr Coulson	23078	Ms Atkinson
22650	Ms Brownridge	23085	Mr Fawkner-Corbett
22657	Miss Nettleton	23092	Ms Fawkner-Corbett
22664	Mr Brown	23099	Mr Robinson

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23106	Ms Robinson	23642	Ms Miller
23113	Ms Fisher	23649	Mr Atkinson
23120	Ms Fisher	23656	Mrs Marsden
23127	Mr Beever	23663	Mr Clarkson
23134	Mrs Mitchell	23670	Mrs Lindley
23141	Mr Mitchell	23677	Mrs Clarkson
23148	Mr Sidebottom	23684	Miss Clarkson
23155	Mrs Sidebottom	23691	Mr Pease
23162	Mrs Walker	23698	Mrs Levick
23169	Mr Walker	23705	Mrs Gilboy
23176	Mr Meadows	23713	Mr Burnell
23183	Mr Bates	23719	Mr Burnell
23190	Mrs Zaczeniuk	23726	Mrs Burnell
23197	Mrs Brereton	23733	Miss Rootveldt
23204	Mrs Ake	23741	Mr Arundel
23311	Dr. Shark	23748	Ms Arundel
23318	Mr Stark	23755	Mrs Cane
23327	Mrs Percy	23762	Mr Franks
23334	Mr Percy	23769	Mrs Franks
23341	Mr Gibbins	23776	Mrs Thornton
23348	Mr Bowyer	23784	Mrs Butler
23355	Mrs Bowyer	23791	Ms Wakefield
23362	Mr Ibbotson	23809	Mr Power
23369	Mrs Waterland	23816	Mr Hopps
23376	Miss Steele	23823	Mr Marshall
23383	Mr Thorpe	23830	Ms Wigglesworth
23390	Mr Courtman-Stock	23837	Mr Carter
23397	Miss Hartley	23844	Ms Carter
23404	Miss Lemon	23851	Ms Sullivan
23411	Dr. Prentice	23858	Ms Ashworth
23418	Mrs Prentice	23865	Ms Ashworth
23425	Mrs Alikhamzadeh	23872	Mr Stephenson
23432	Mr Long	23879	Ms Scott
23439	Mrs Wood	23886	Ms Stehpenson
23446	Mr Armitage	23893	Ms Parkins
23453	Mrs Armitage	23900	Mr Parkins
23460	Mrs Rymer	23907	Mr Brookes
23467	Mrs McElwee	23914	Mrs Brookes
23474	Mrs Pickle	23921	Mr Butler
23481	Mr Schofield	23928	Mr Pickard
23488	Mr Kay	23935	Mrs Pickard
23495	Mrs Kay	23942	Mr Ritchie
23502	Ms Henton	23949	Mrs Hartley
23509	Ms Hewitt	23956	Mrs Mountain
23516	Mr Rawden	23963	Mr Crone
23523	Ms Rawden	23970	Mr Hayes
23530	Ms Finigan	23980	Miss Mooney
23537	Mr Fineran	23987	Mrs Myers
23544	Mr Coleman	23995	Mr Joyce
23551	Mr Coleman	24002	Mr Brereton
23558	Mrs Schofield	24009	Mrs Lord
23565	Ms Pearce	24016	Mr Belcher
23572	Ms Ramsey	24024	Mrs Belcher
23580	Mr Ramsey	24028	Ms Gaunt
23586	Mr William	24033	Ms Weatherhead
23593	Ms Neat	24040	Mr Weatherhead
23600	Ms Nettleton	24047	Mr Green
23607	Mr Nettleton	24054	Ms Green
23614	Mr Nicholson	24061	Ms Stapleton
23621	Ms Dowes	24068	Mr Stapleton
23628	Ms Long	24078	Ms Middlemiss
23635	Mr Miller	24085	Ms Conner

## Leeds UDP Review – Inspector’s Report Chapter 15

24092	Ms Weaver	24379	Mr Beecroft
24099	Mr Weaver	24386	Mr Mason
24106	Mr Buttler	24393	Dr. Seymour
24113	Ms Butler	24400	Dr. Crellin
24120	Mr Morrison	24407	Ms Thackray
24127	Mr Hartley	24414	Ms Crawford
24134	Ms Middlemiss	24421	Ms England
24141	Ms Crellin	24428	Ms Procter
24148	Ms Brewer	24435	Mr Fox
24155	Ms Heaton	24442	Mrs Fox
24162	Mr Heaton	24449	Mrs Roberts
24169	Mrs Strachan	24456	Mr Goodwin
24176	Mr Strachan	24463	Mrs Goodwin
24183	Mr Wood	24470	Miss North-Lewis
24190	Mr Ward	24477	Mrs Sugaman
24197	Mr Pritchard	24484	Mr Sugaman
24204	Mr Laycock	24491	Mr Connor
24211	Mr Palmer-Jones	24498	Mr Crawford
24218	Ms Palmer-Jones	24505	Mrs Procter
24225	Ms Fall	24512	Cllr. Procter
24232	Mr Grimwood	24519	Miss Tighe
24239	Ms Landey	24526	Mrs Bhaskaran
24246	Mr Smith	24533	Mrs Postill
24253	Mr Crellin	24540	Mr Postill
24260	Ms Seymour	24547	Mr Burnett
24267	Ms Gosden	24554	Mrs Davis
24274	Ms Mooney	24561	Mrs Hayes
24281	Mr Procter	24580	Ms Turner
24288	Mr Storrar	24587	Mrs Knight
24295	Mr Sinclair	24594	Dr. Robertson
24302	Ms Sinclair	24601	Mrs Robertson
24309	Ms Dillon	24608	Mrs Ritchie
24316	Ms Hall	24615	Mr Carr
24323	Ms Martin	24622	Mrs Ward
24330	Mr Walker	24629	Miss Boyle
24337	Ms Bales	24636	Dr. Giles
24344	Mr Richmond	24642	Mr Finch
24351	Mr Bales	24649	Mr Deighton
24358	Mr Kettlewell	24656	Ms Deighton
24365	Mr Flannery	24664	Ms Windsor Lewis
24372	Ms Flannery	24788	Miss Smith

### Objections (First Deposit) (15/026)

20887	Mr Rose	22025	Leeds Area RDA
20909	Mr Leftley	22031	Mr Lane
20924	Mr Bolton	22038	Mr Ross
21004	Ms Bowden	22049	Mrs Evans
21011	Mr Bowden	22059	Mr Evans
21019	Ms White	22072	Mr Hartley
21030	Ms Rose	22080	Mr Bhaskaran
21043	Miss Brown	22087	Mr Gilfillan
21278	Mr Firth	22094	Mr Lindley
21384	Ms Harper	22104	Mrs Fox
21390	Mrs Harper	22111	Mr Fox
21397	Mr Ake	22118	Ms Mawson Mole
21403	Mr Pearce	22125	Ms Young
21411	Mrs Leftley	22132	Ms Usman
21418	Ms Tyson	22139	Ms Smith
21425	Mr Tyson	22146	Mr & Mrs Bell
21431	Mr Burnley	22160	Ms Cororan
21439	Ms Burnley	22167	Mr Smith

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22174	Mr Packer	22658	Miss Nettleton
22181	Ms Packer	22665	Mr Brown
22188	Ms Thorpe	22672	Mr Millross
22195	Ms Thorpe	22680	Mr Jaudin
22202	Ms Clark	22687	Miss Clements
22209	Mrs Ward	22694	Mr Stainthorpe
22216	Mr Carmichael	22701	Mr Morton
22223	Mr Marshall	22708	Mrs Hebden
22230	Mrs Marshall	22715	Mrs Riley
22237	Dr. Corcoran	22722	Mrs Carr
22244	Mr Slinger	22729	Mr Dickinson
22251	Mrs Atkinson	22736	Mr Landey
22258	Mr Butler	22743	Miss Stephenson
22265	Mr Berrow	22750	Mrs Cox
22272	Ms Berrow	22757	Mr Ghaleh-tak
22279	Mrs Duncan Ellis	22764	Dr. Warren
22286	Mr Ellis	22771	Mr Myers
22305	Mr Smith	22778	Mr Gibbins
22312	Mr Westerman	22785	Miss Noble
22319	Ms Brewer	22792	Mrs Foster
22326	Ms Pease	22799	Mr Foster
22333	Ms Johnson	22806	Ms Baddams
22347	Mr Hobson	22813	Mr Brown
22354	Ms Hartley	22820	Mrs Mannix
22391	Mr Robinson	22827	Mr Mannix
22398	Ms Robinson	22834	Mr Castle
22405	Ms Beesley	22841	Mrs Castle
22412	Mr Beesley	22848	Ms Brown
22420	Ms Brown	22855	Ms Brown
22427	Ms McLollghlin	22862	Mr Jackson
22434	Mr Wilson	22869	Mr & Mrs Watson
22441	Ms Jayne	22876	Ms Rule
22448	Mr Broadhead	22883	Mr Macleod
22455	Ms Ford	22890	Ms Borlant
22462	Ms green	22897	Ms Voice
22469	Mr Green	22904	Mr Hewitt
22476	Mr Taylor	22911	Mr Voice
22481	Mrs Taylor	22918	Ms Giles
22490	Dr. Joyce	22925	Mr Graham
22497	Mrs Joyce	22932	Ms Graham
22504	Mr & Mrs England	22939	Ms Dickinson
22511	Mr Gough	22946	Mr Atkinson
22518	Mrs Hobson	22953	Dr. Rutherford
22525	Mr Downing	22960	Mrs Rutherford
22532	Mrs Crossfield	22967	Mr Wilkinson
22539	Mr Ledead	22974	Mrs Wilkinson
22546	Mrs Ledgard	22981	Mrs Scott
22553	Mrs Gibbins	22988	Mr Pitman
22560	Ms Jarley	22995	Mrs Pitman
22567	Ms Mason	23002	Mr Ellerby
22574	Mrs Morley	23009	Mrs Boyd
22581	Dr. Morley	23016	Mr Walmsley
22589	Thorner Parish Council	23023	Mr Rymer
22596	Mrs Morrison	23030	Mr Dickinson
22603	Mrs Senior	23037	Mr Dickinson
22609	Mr Senior	23044	Mrs Dickinson
22617	Mrs Cooke	23051	Mr Noble
22624	Mrs Whitehead	23058	Mr Boyd
22631	Mr McLollghlin	23065	Ms Peaker
22637	Mr Platt	23072	Mr Pickup
22644	Mr Coulson	23079	Ms Atkinson
22651	Ms Brownridge	23086	Mr Fawkner-Corbett

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23093	Ms Fawkner-Corbett	23629	Ms Long
23100	Mr Robinson	23636	Mr Miller
23107	Ms Robinson	23643	Ms Miller
23114	Ms Fisher	23650	Mr Atkinson
23121	Ms Fisher	23657	Mrs Marsden
23128	Mr Beever	23664	Mr Clarkson
23135	Mrs Mitchell	23671	Mrs Lindley
23142	Mr Mitchell	23678	Mrs Clarkson
23149	Mr Sidebottom	23685	Miss Clarkson
23156	Mrs Sidebottom	23692	Mr Pease
23163	Mrs Walker	23699	Mrs Levick
23170	Mr Walker	23706	Mrs Gilboy
23177	Mr Meadows	23714	Mr Burnell
23184	Mr Bates	23720	Mr Burnell
23191	Mrs Zaczeniuk	23727	Mrs Burnell
23198	Mrs Brereton	23734	Miss Rootveldt
23205	Mrs Ake	23742	Mr Arundel
23312	Dr. Shark	23749	Ms Arundel
23319	Mr Stark	23756	Mrs Cane
23328	Mrs Percy	23763	Mr Franks
23335	Mr Percy	23770	Mrs Franks
23342	Mr Gibbins	23777	Mrs Thornton
23349	Mr Bowyer	23785	Mrs Butler
23356	Mrs Bowyer	23792	Ms Wakefield
23363	Mr Ibbotson	23810	Mr Power
23370	Mrs Waterland	23817	Mr Hopps
23377	Miss Steele	23824	Mr Marshall
23384	Mr Thorpe	23831	Ms Wigglesworth
23391	Mr Courtman-Stock	23838	Mr Carter
23398	Miss Hartley	23845	Ms Carter
23405	Miss Lemon	23852	Ms Sullivan
23412	Dr. Prentice	23859	Ms Ashworth
23419	Mrs Prentice	23866	Ms Ashworth
23426	Mrs Alikhamzadeh	23873	Mr Stephenson
23433	Mr Long	23880	Ms Scott
23440	Mrs Wood	23887	Ms Stehpenson
23447	Mr Armitage	23894	Ms Parkins
23454	Mrs Armitage	23901	Mr Parkins
23461	Mrs Rymer	23908	Mr Brookes
23468	Mrs McElwee	23915	Mrs Brookes
23475	Mrs Pickle	23922	Mr Butler
23482	Mr Schofield	23929	Mr Pickard
23489	Mr Kay	23936	Mrs Pickard
23496	Mrs Kay	23943	Mr Ritchie
23503	Ms Henton	23950	Mrs Hartley
23510	Ms Hewitt	23957	Mrs Mountain
23517	Mr Rawden	23964	Mr Crone
23524	Ms Rawden	23971	Mr Hayes
23531	Ms Finigan	23981	Miss Mooney
23538	Mr Fineran	23988	Mrs Myers
23545	Mr Coleman	23996	Mr Joyce
23552	Mr Coleman	24003	Mr Brereton
23559	Mrs Schofield	24010	Mrs Lord
23566	Ms Pearce	24017	Mr Belcher
23573	Ms Ramsey	24020	Mrs Belcher
23579	Mr Ramsey	24026	Ms Gaunt
23587	Mr William	24034	Ms Weatherhead
23594	Ms Neat	24041	Mr Weatherhead
23601	Ms Nettleton	24048	Mr Green
23608	Mr Nettleton	24055	Ms Green
23615	Mr Nicholson	24062	Ms Stapleton
23622	Ms Dowes		



## Leeds UDP Review – Inspector’s Report Chapter 15

24069	Mr Stapleton	24373	Ms Flannery
24079	Ms Middlemiss	24380	Mr Beecroft
24086	Ms Conner	24387	Mr Mason
24093	Ms Weaver	24394	Dr. Seymour
24100	Mr Weaver	24401	Dr. Crellin
24107	Mr Buttler	24408	Ms Thackray
24114	Ms Butler	24415	Ms Crawford
24121	Mr Morrison	24422	Ms England
24128	Mr Hartley	24429	Ms Procter
24135	Ms Middlemiss	24436	Mr Fox
24142	Ms Crellin	24443	Mrs Fox
24149	Ms Brewer	24450	Mrs Roberts
24156	Ms Heaton	24457	Mr Goodwin
24163	Mr Heaton	24464	Mrs Goodwin
24170	Mrs Strachan	24471	Miss North-Lewis
24177	Mr Strachan	24478	Mrs Sugaman
24184	Mr Wood	24485	Mr Sugaman
24191	Mr Ward	24492	Mr Connor
24198	Mr Pritchard	24499	Mr Crawford
24205	Mr Laycock	24506	Mrs Procter
24212	Mr Palmer-Jones	24513	Cllr. Procter
24219	Ms Palmer-Jones	24520	Miss Tighe
24226	Ms Fall	24527	Mrs Bhaskaran
24233	Mr Grimwood	24534	Mrs Postill
24240	Ms Landey	24541	Mr Postill
24247	Mr Smith	24548	Mr Burnett
24254	Mr Crellin	24555	Mrs Davis
24261	Ms Seymour	24562	Mrs Hayes
24268	Ms Gosden	24581	Ms Turner
24275	Ms Mooney	24588	Mrs Knight
24282	Mr Procter	24595	Dr. Robertson
24289	Mr Storrar	24602	Mrs Robertson
24296	Mr Sinclair	24609	Mrs Ritchie
24303	Ms Sinclair	24616	Mr Carr
24310	Ms Dillon	24623	Mrs Ward
24317	Ms Hall	24630	Miss Boyle
24324	Ms Martin	24637	Dr. Giles
24331	Mr Walker	24641	Mr Finch
24338	Ms Bales	24648	Mr Deighton
24345	Mr Richmond	24655	Ms Deighton
24352	Mr Bales	24665	Ms Windsor Lewis
24359	Mr Kettlewell	24787	Miss Smith
24366	Mr Flannery		

### Objections (First Deposit) (15/027)

20888	Mr Rose	21437	Mr Burnley
20910	Mr Leftley	21438	Ms Burnley
20923	Mr Bolton	22026	Leeds Area RDA
21003	Ms Bowden	22032	Mr Lane
21010	Mr Bowden	22039	Mr Ross
21018	Ms White	22050	Mrs Evans
21031	Ms Rose	22060	Mr Evans
21042	Miss Brown	22073	Mr Hartley
21174	Mr Firth	22081	Mr Bhaskaran
21383	Ms Harper	22088	Mr Gilfillan
21389	Mrs Harper	22095	Mr Lindley
21396	Mr Ake	22105	Mrs Fox
21402	Mr Pearce	22112	Mr Fox
21410	Mrs Leftley	22119	Ms Mawson Mole
21416	Ms Tyson	22126	Ms Young
21424	Mr Tyson	22133	Ms Usman

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22140 Ms Smith	22625 Mrs Whitehead
22147 Mr & Mrs Bell	22638 Mr Platt
22161 Ms Cororan	22645 Mr Coulson
22168 Mr Smith	22652 Ms Brownridge
22175 Mr Packer	22659 Miss Nettleton
22182 Ms Packer	22666 Mr Brown
22189 Ms Thorpe	22673 Mr Millross
22196 Ms Thorpe	22681 Mr Jaudin
22203 Ms Clark	22688 Miss Clements
22210 Mrs Ward	22695 Mr Stainthorpe
22217 Mr Carmichael	22702 Mr Morton
22224 Mr Marshall	22709 Mrs Hebden
22231 Mrs Marshall	22716 Mrs Riley
22238 Dr. Corcoran	22723 Mrs Carr
22245 Mr Slinger	22730 Mr Dickinson
22252 Mrs Atkinson	22737 Mr Landey
22259 Mr Butler	22744 Miss Stephenson
22266 Mr Berrow	22751 Mrs Cox
22273 Ms Berrow	22758 Mr Ghaleh-tak
22280 Mrs Duncan Ellis	22765 Dr. Warren
22287 Mr Ellis	22772 Mr Myers
22307 Mr Smith	22779 Mr Gibbins
22313 Mr Westerman	22786 Miss Noble
22320 Ms Brewer	22793 Mrs Foster
22327 Ms Pease	22800 Mr Foster
22334 Ms Johnson	22807 Ms Baddams
22348 Mr Hobson	22814 Mr Brown
22355 Ms Hartley	22821 Mrs Mannix
22392 Mr Robinson	22828 Mr Mannix
22399 Ms Robinson	22835 Mr Castle
22406 Ms Beesley	22842 Mrs Castle
22413 Mr Beesley	22849 Ms Brown
22421 Ms Brown	22856 Ms Brown
22422 Mr McLollghlin	22863 Mr Jackson
22428 Ms McLollghlin	22870 Mr & Mrs Watson
22435 Mr Wilson	22877 Ms Rule
22442 Ms Jayne	22884 Mr Macleod
22449 Mr Broadhead	22891 Ms Borlant
22456 Ms Ford	22898 Ms Voice
22463 Ms green	22905 Mr Hewitt
22470 Mr Green	22912 Mr Voice
22477 Mr Taylor	22919 Ms Giles
22482 Mrs Taylor	22926 Mr Graham
22491 Dr. Joyce	22933 Ms Graham
22498 Mrs Joyce	22940 Ms Dickinson
22505 Mr & Mrs England	22947 Mr Atkinson
22512 Mr Gough	22954 Dr. Rutherford
22519 Mrs Hobson	22961 Mrs Rutherford
22526 Mr Downing	22968 Mr Wilkinson
22533 Mrs Crossfield	22975 Mrs Wilkinson
22540 Mr Ledear	22982 Mrs Scott
22547 Mrs Ledgard	22989 Mr Pitman
22554 Mrs Gibbins	22996 Mrs Pitman
22561 Ms Jarley	23003 Mr Ellerby
22568 Ms Mason	23010 Mrs Boyd
22575 Mrs Morley	23017 Mr Walmsley
22582 Dr. Morley	23024 Mr Rymer
22590 Thorner Parish Council	23031 Mr Dickinson
22597 Mrs Morrison	23038 Mr Dickinson
22604 Mrs Senior	23045 Mrs Dickinson
22610 Mr Senior	23052 Mr Noble
22618 Mrs Cooke	23059 Mr Boyd

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23066	Ms Peaker	23602	Ms Nettleton
23073	Mr Pickup	23609	Mr Nettleton
23080	Ms Atkinson	23616	Mr Nicholson
23087	Mr Fawkner-Corbett	23623	Ms Dowes
23094	Ms Fawkner-Corbett	23630	Ms Long
23101	Mr Robinson	23637	Mr Miller
23108	Ms Robinson	23644	Ms Miller
23115	Ms Fisher	23651	Mr Atkinson
23122	Ms Fisher	23658	Mrs Marsden
23129	Mr Beever	23665	Mr Clarkson
23136	Mrs Mitchell	23672	Mrs Lindley
23143	Mr Mitchell	23679	Mrs Clarkson
23150	Mr Sidebottom	23686	Miss Clarkson
23157	Mrs Sidebottom	23693	Mr Pease
23164	Mrs Walker	23700	Mrs Levick
23171	Mr Walker	23707	Mrs Gilboy
23178	Mr Meadows	23709	Mr Burnell
23185	Mr Bates	23721	Mr Burnell
23192	Mrs Zaczeniuk	23728	Mrs Burnell
23199	Mrs Brereton	23735	Miss Rootveldt
23206	Mrs Ake	23743	Mr Arundel
23313	Dr. Shark	23750	Ms Arundel
23320	Mr Stark	23757	Mrs Cane
23329	Mrs Percy	23764	Mr Franks
23336	Mr Percy	23771	Mrs Franks
23343	Mr Gibbins	23778	Mrs Thornton
23350	Mr Bowyer	23786	Mrs Butler
23357	Mrs Bowyer	23793	Ms Wakefield
23364	Mr Ibbotson	23811	Mr Power
23371	Mrs Waterland	23818	Mr Hopps
23378	Miss Steele	23825	Mr Marshall
23385	Mr Thorpe	23832	Ms Wigglesworth
23392	Mr Courtman-Stock	23839	Mr Carter
23399	Miss Hartley	23846	Ms Carter
23406	Miss Lemon	23853	Ms Sullivan
23413	Dr. Prentice	23860	Ms Ashworth
23420	Mrs Prentice	23867	Ms Ashworth
23427	Mrs Alikhamzadeh	23874	Mr Stephenson
23434	Mr Long	23881	Ms Scott
23441	Mrs Wood	23888	Ms Stehpenson
23448	Mr Armitage	23895	Ms Parkins
23455	Mrs Armitage	23902	Mr Parkins
23462	Mrs Rymer	23909	Mr Brookes
23469	Mrs McElwee	23916	Mrs Brookes
23476	Mrs Pickle	23923	Mr Butler
23483	Mr Schofield	23930	Mr Pickard
23490	Mr Kay	23937	Mrs Pickard
23497	Mrs Kay	23944	Mr Ritchie
23504	Ms Henton	23951	Mrs Hartley
23511	Ms Hewitt	23958	Mrs Mountain
23518	Mr Rawden	23965	Mr Crone
23525	Ms Rawden	23972	Mr Hayes
23532	Ms Finigan	23982	Miss Mooney
23539	Mr Fineran	23989	Mrs Myers
23546	Mr Coleman	23991	Mr Joyce
23553	Mr Coleman	23998	Mr Brereton
23560	Mrs Schofield	24004	Mrs Lord
23567	Ms Pearce	24012	Mr Belcher
23574	Ms Ramsey	24019	Mrs Belcher
23581	Mr Ramsey	24027	Ms Gaunt
23588	Mr William	24035	Ms Weatherhead
23595	Ms Neat	24042	Mr Weatherhead

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24050	Mr Green	24360	Mr Kettlewell
24056	Ms Green	24367	Mr Flannery
24063	Ms Stapleton	24374	Ms Flannery
24070	Mr Stapleton	24381	Mr Beecroft
24080	Ms Middlemiss	24388	Mr Mason
24087	Ms Conner	24395	Dr. Seymour
24094	Ms Weaver	24402	Dr. Crellin
24101	Mr Weaver	24409	Ms Thackray
24108	Mr Buttler	24416	Ms Crawford
24115	Ms Butler	24423	Ms England
24122	Mr Morrison	24430	Ms Procter
24129	Mr Hartley	24437	Mr Fox
24136	Ms Middlemiss	24444	Mrs Fox
24143	Ms Crellin	24451	Mrs Roberts
24150	Ms Brewer	24458	Mr Goodwin
24157	Ms Heaton	24465	Mrs Goodwin
24164	Mr Heaton	24472	Miss North-Lewis
24171	Mrs Strachan	24479	Mrs Sugaman
24178	Mr Strachan	24486	Mr Sugaman
24185	Mr Wood	24493	Mr Connor
24192	Mr Ward	24500	Mr Crawford
24199	Mr Pritchard	24507	Mrs Procter
24206	Mr Laycock	24514	Cllr. Procter
24213	Mr Palmer-Jones	24521	Miss Tighe
24220	Ms Palmer-Jones	24528	Mrs Bhaskaran
24227	Ms Fall	24535	Mrs Postill
24234	Mr Grimwood	24542	Mr Postill
24241	Ms Landey	24549	Mr Burnett
24248	Mr Smith	24556	Mrs Davis
24255	Mr Crellin	24563	Mrs Hayes
24262	Ms Seymour	24582	Ms Turner
24269	Ms Gosden	24589	Mrs Knight
24276	Ms Mooney	24596	Dr. Robertson
24283	Mr Procter	24603	Mrs Robertson
24290	Mr Storrar	24610	Mrs Ritchie
24297	Mr Sinclair	24617	Mr Carr
24304	Ms Sinclair	24624	Mrs Ward
24311	Ms Dillon	24631	Miss Boyle
24318	Ms Hall	24638	Dr. Giles
24325	Ms Martin	24640	Mr Finch
24332	Mr Walker	24647	Mr Deighton
24339	Ms Bales	24654	Ms Deighton
24346	Mr Richmond	24666	Ms Windsor Lewis
24353	Mr Bales	24786	Miss Smith

### Objections (Revised Deposit)

30158	Mr D Evans
30163	Mrs S Evans
30412	Government Office for Yorkshire and the Humber
30469	Cllr Peter Gruen

### Issues

- 15.40 1. Is there a need for development on the scale proposed in order to meet the RPG housing requirement during the Plan period?
2. If there is such a need, is the East Leeds Extension [ELE] demonstrably the best location for development, and the most sustainable form?

3. Is the timing of the proposal appropriate?
4. Should land at Grimes Dyke, Whinmoor be separately allocated for development, or regarded as the first phase of ELE?
5. Would the impact of development on the Green Belt and the landscape be acceptable?
6. Could access be provided in an effective, safe and sustainable way, and without detriment to the existing highway system and the adjoining urban area?

### **Inspector’s Reasoning and Conclusions**

- 15.41 Alteration 15/015 is the substantive change, setting out the proposed allocation of some 215 ha of land as ELE for release in Phase 2, subject to certain criteria. The other Alterations noted above propose consequent changes to the AUDP text and Proposals Map. 15/018 would bring the Red Hall housing allocation [H4:6] within the ELE site; and 15/025, 15/026, 15/027 and 16/016 would substitute the ELE allocation for the PAS designation on sites at Red Hall Lane / Skeltons Lane; South of A64, Whinmoor; North of A64, Whinmoor; and Scholes Park Farm; the last-named falling within Chapter 16. Together these account for four of the six PAS sites that would together comprise ELE; there are no objections to the other two, Manston Lane and West of Wetherby Road, Red Hall. For convenience I also deal here with Alteration 15/020 which would bring the Grimes Dyke, York Road, Whinmoor allocation [H4.8] within ELE.
- 15.42 The majority of individual objectors made combined objections to the substantive Alteration, and to the proposed allocation for housing of four PAS sites between Wetherby Road [A58] to the north-west and Pendas Fields to the south-east; and were represented at the Inquiry by Thorner Parish Council [TPC].
- 15.43 My overall conclusion, below, is that proposals for ELE should be moved from Phase 2 of the Plan to the recommended Phase 3 to reflect both the overall housing land-supply situation as I see it, and the need for a considerable amount of planning and design work on the proposal itself. However, in the event that the Council were not to accept the associated recommendations I also consider objections which relate to the details of the proposals rather than to the principles, such as those concerned with the monitoring indicators and timing of development. Such matters would need to be addressed if ELE was retained in the Plan in its currently proposed form.

### ***Need***

- 15.44 1. The Council accept that regional guidance requires them to do no more than achieve the annual average additions to the housing stock set out therein, and that the supply figures in the RUDP, as amended by IC/009, imply an excess over the RSS figure of some 3,900-5,400 dwellings during Phase 1, and 300-2,400 dwellings during Phase 2, leaving aside any possible carry forward from one phase to another. However, they argue that for a number of reasons it would be prudent to identify an additional source of supply. Although it is anticipated that sites will continue to become available on previously developed land, the Plan depends heavily upon such sites, the Urban Capacity Study [UCS] cannot give any

guarantees on supply, and about a third of the capacity identified is in the City Centre. A reservoir of additional land is therefore required both to draw on in the event of possible under-supply [which could inhibit economic growth as well as run counter to regional guidance], and to provide a range of housing across the District. ELE is seen as a major part of that reservoir. It would be readily available but would only be brought forward if and when the monitoring mechanism indicated a need for it. Controlled in that way it would not put at risk the strategy of continuing emphasis on previously developed land.

- 15.45 TPC suggest that with possible carry forward of sites the excess of supply over need could be as high as 4,200-7,800 dwellings, equivalent to over-provision of some 20-50%, and at a level that would be substantially in conflict with RSS. They argue that the likely supply from brownfield windfall sites is robust enough to obviate the need for a reservoir of land on the scale proposed, and that accordingly the Council should have followed the advice in para. 30 of PPG3, namely that they should have not continued the search for sites “further than required to provide sufficient capacity to meet the agreed housing requirement”. Proper allowance for windfalls in line with para. 36 of the Guidance would, they say, make it unnecessary to consider whether or not an urban extension would be appropriate in the terms set out in para. 30.
- 15.46 Whilst para. 30 of PPG3 would clearly allow for a planning authority to stop a search for sites at the edge of the urban area, there is nothing in national guidance to endorse reliance on windfall alone. Para. 34 says that “Sufficient **sites** [my emphasis] should be shown on the plan’s proposals map to accommodate at least the first five years...of housing development proposed...”; and the ministerial statement [CD/GOV/15] expands on the reasons for this, namely to guard against unrealistic windfall allowances and to allow allocations to be drawn on expeditiously if monitoring demonstrates that windfalls are not being realised as anticipated. The extent of the allowance to be made for windfalls, and the balance between that allowance and allocated sites, then become largely a matter of judgement, as TPC implicitly accept in suggesting alternative allocations, including a reduced ELE. They provide no evidence to support their suggested 10% figure for excess of housing supply over need,
- 15.47 The higher the dependence on windfalls, the more important it becomes to have land in reserve, properly protected against premature use, to cope with unforeseen circumstances. The fact that it is anticipated that windfalls will account for some two thirds of the housing supply in both Phases 2 and 3 [Table at para. 7.4.2, as modified by IC/009] suggests that a significant reserve is justified. Certainly it would not be prudent to wait until brownfield opportunities were exhausted, as Barwick and Scholes PC argue, before considering a reserve supply, given the time that would be necessary to bring such a reserve into use. However, I have seen no clear evidence that the Council have given any detailed consideration to what size the reserve should be, or how it should be provided. Rather they appear to have identified ELE as a vehicle, largely on the basis that it would be an urban extension, without comparing it in any detail with other options or PAS sites. They have then taken the capacity of its constituent sites as defining an appropriate level of dwellings to plan for as a reserve.
- 15.48 In evidence the Council suggest that the capacity of 4,000 dwellings for ELE given in the RUDP [135 ha. net x 30 dph] is probably conservative and that average

densities across the site might be nearer 40 dph. This would certainly accord more closely with national advice on making the best use of land and, on the basis of broad calculations, would appear capable of adding a further 800-1,400 dwellings [LCC/055C]. I do not give great weight to TPC’s much higher estimated total of 10,000 dwellings as this derives from applying a density of 50 dph, at the top of the main PPG3 range, to the gross area of the site, and without due allowance for other elements of development. Nevertheless, even on the Council’s figures the capacity of ELE is very substantial and, although the intention is that development would be phased, infrastructure considerations would appear to determine that, once started, the development would need to be carried out in full, making it a major strategic commitment. Given that about half of its capacity might be developed prior to 2016, that commitment would extend well into the next plan period and could be a significant constraint on future policy making. For this reason alone the scale and form of development proposed at ELE require particularly rigorous justification.

- 15.49 Whilst I accept that, in principle, the proposed managed release guidelines provide a robust defence against premature release of ELE, or release in response to only a marginal housing shortfall, I am concerned about the inflexibility of the release in Phase 2 of a very substantial quantum of development in one location. Given the lead-in time necessary to commence building, and the length of time the site is likely to be in course of development, there could be a significant and sustained concentration on greenfield development that would be at odds with the general emphasis on previously developed land both in national guidance and elsewhere in the RUDP. I conclude on the first issue that there is a need to provide for a reserve of housing land for the Plan period, over and above that available from previously developed windfall sites, but that the scale of development implied by ELE requires much more detailed and rigorous justification in the Plan than is currently evident.
- 15.50 I recommend under Alteration 7/004 that the Plan should make clear how the residual requirement to be met in later phases follows on from allocations and windfall assumptions made at earlier stages in the process. This will inevitably involve a substantial element of judgement but the aim should be to provide as clear a justification as possible for the quantum of development envisaged to be potentially necessary on greenfield land, especially at ELE.
- 15.51. GOYH’s objection that estimates should be given for the annual dwelling supply and development timescale is met, at least in part, by the table in Alteration 7/004, as amended by IC/009. For reasons set out below I recommend that ELE be moved from Phase 2 to Phase 3 but in Chapter 7, Housing, I also recommend that the annual dwelling supply from it be given. However, as the Council now say that the overall capacity figure is probably conservative, it should be reassessed in the light of the additional work done on density and capacity [LCC/055C]. Also, the text should make clear that the site will ultimately be developed to its full capacity as the reference to 1,500-2,300 dwellings in the table, against a stated capacity of 4,000, is potentially misleading.

### ***Location and Sustainability***

- 15.52 2. The Council say that the ELE strategy has its origins in their UDP Issues report, published in 1990, in which concentration of development there, to form a planned, phased development with new facilities and services, was canvassed as one option for providing for additional housing towards the end of the Plan period.

Because constraints to the north and east of the City were considered relatively light, particularly compared with South Leeds, the area was seen as offering significant opportunities for development [LCC/055A, Axs. 3a and 3b]. Others, notably ELOR Consortium, trace the policy history further back [INQ/DOC/6, para. 3.7] and it is clear that the concept of ELE has been under debate for some time. It is equally clear that the AUDPI Inspector acknowledged the potential of East Leeds for significant growth, after an exhaustive analysis of potential housing locations and sites.

- 15.53 Given this history, it is surprising that there appear to have been no serious efforts, at least on the basis of the evidence before me, to develop proposals in any detail until publication of a consultants’ report, “Development Principles”, shortly before the Inquiry [LCC/055A, Ax. 1]. Even this document is conceptual in scope, and broad-brush in approach, and was apparently not undertaken on the basis of any written brief from the Council. In recommending designation of ELE land as PAS, rather than the housing allocations some objectors had sought, the AUDPI Inspector considered that this would allow the Council “...to plan this important NE sector of Leeds on a comprehensive basis, integrating land use and transportation planning...”, and enable “...more specific allocations at the next Review...” [CD/DP/01(14), para. 401.38]. Certainly a feasibility study of the proposed East Leeds Orbital Route [ELOR] has been carried out but it is not evident that the proposed allocations have been informed by the sort of comprehensive planning advised by the previous Inspector. Rather, the starting point appears to have been the substitution of housing for 6 PAS sites, and a carry forward of 2 existing housing sites, followed by preparation of broad development principles essentially tailored retrospectively to the proposed allocations.
- 15.54 As the Council argue, development of ELE is some years away, preparation of a development plan does not require the level of detail appropriate to a planning application, and because benefits cannot be quantified at present does not mean that they will not come to fruition. However, I consider that the justification for the proposals is lacking in some important ways, as follows.
- 15.55 ELE is indisputably an urban extension which would follow previously developed land in the PPG3 search sequence, and urban sites in the RSS sequence; and TPC accept that their suggested alternative sites enjoy no advantage in these terms. Also, although the Parish Council argue that development on some 10 out of 35 other PAS sites would be more sustainable than at ELE, their analysis is flawed in a number of important respects, particularly in terms of the relative importance to be attached to services and facilities, and in my view cannot therefore be relied upon. However, the significance of the analysis is that it does seek to compare sites, albeit imperfectly, and demonstrates the possibility of an alternative strategy, based on disaggregation of development rather than concentration on “critical mass”. Whilst the Council criticise such an approach in a number of respects, they also accept that they have not themselves undertaken any such comparisons of sites, or detailed analysis of development options, a matter I also draw attention to under Policy N34. Importantly, it is not necessary to extend any comparisons as far as PAS sites given the number of previously allocated sites under Policy H3-3, proposed for release in Phase 3, but none of these have been weighed in the balance against ELE. The locational and sustainability credentials of the Extension are therefore largely a matter of assertion, drawing heavily on the work of the AUDPI Inspector, rather than of argument supported by recent analysis.



- 15.56 ELE would produce a substantial amount of housing, some of which would be accessible by non-car modes to existing employment to the west, to the developing employment area at Thorpe Park and to further employment uses proposed both there and at Red Hall. Residents would also be well placed to take advantage of a good network of existing bus services, with the prospect of a future Supertram link to Swarcliffe and a rail halt at Austhorpe. All these are benefits in its favour, in the terms set out in paras. 31 and 67 of PPG3. Because of its considerable size it would also provide opportunities for mixed uses to an extent that would not be possible on smaller sites elsewhere [though the current proposals do not make any great strides in that direction]. However, for reasons of scale, the level of services and facilities envisaged, and the relationship between ELE and the existing urban area, I am much less convinced of the proposal’s ability to function as a community; or [with the possible exception of bus services and some schools] to utilise existing physical and social infrastructure, as advised in paras. 66 and 67 of PPG3 respectively.
- 15.57 There is no guidance in PPG3 on minimum or appropriate sizes for urban extensions; and nothing to specifically support the Council’s point that such an extension in Leeds would need to be of substantial size in order to be proportionate to the mass of the City [LCC/001, para. 7.2]. Whilst it might be expected that, in general terms, the larger the development the better the range of facilities and services it would support, the argument that ELE would have “critical mass” does not carry great intrinsic weight. The three proposed community nodes within the development are apparently intended to provide local shops and health and community services only and on that basis they would seem to offer little benefit to residents in the existing urban area. Certainly the limited evidence before the Inquiry on the relationship between community size and level of facilities [P/22583 etc/B] suggests that ELE would not be large enough in itself to support much more at local level.
- 15.58 So far as the relationship with the existing urban area is concerned, Seacroft and Cross Gates Town Centres would be upwards of 800m and 1,500m away from the site respectively and would undoubtedly provide a range of services to ELE residents, as well as benefiting from their custom. However, no work has been done on this issue and the fact that none of the site is within a 15 minute walking distance of Cross Gates, and only a relatively small part so accessible from Seacroft [LCC/055A, Ax.1, Section 7], does not immediately suggest close linkages to the whole. Nor are walking routes in the area inherently attractive. The Development Principles [LCC/055, Ax. 1] show a number of connection points at which ELE would be “stitched” to its surroundings by road, footpath or public transport links but these are essentially conceptual and do not appear to me to offer anything more than could be obtained from any development on the edge of an urban area. The way in which outward extension of the urban edge is envisaged over a very wide front does not on the face of it suggest that it would be easy to marry together existing and proposed development in a positive way, or to give ELE a coherent identity and character of its own.
- 15.59 The Council’s argument that ELE would complement the proposed EASEL regeneration scheme in East and South East Leeds is in my view unconvincing. The project is clearly ambitious in scale, as outlined by Cllr. Gruen, and success would appear to depend largely on focussing improvements, and widening tenure

patterns, within its area. Whilst building a large number of new dwellings close by might well provide more choice overall, it is unclear how it would enhance EASEL; indeed the reverse would be more likely. No evidence has been put forward that it will be necessary to decant population out of the project area in order to enable progressive redevelopment, and making that area more attractive to residents so as to encourage them to stay would appear to contribute more to regeneration than tacitly encouraging them to move.

- 15.60 Indeed, the Council’s evidence on ELE and EASEL is somewhat inconsistent in that, whilst arguing that the two are complementary, when addressing objections on timing of ELE they say that it is unclear what circumstances would justify bringing the Extension forward to support regeneration; and that “early release...could undermine rather than complement the regeneration initiative...” [LCC/005, paras. 4.8.3 and 4.8.7]. However, proposals for EASEL are said to be at an early stage, and because of their size and scope it is likely that their implementation will extend over a lengthy period. There could thus be a significant overlap between that project and ELE, even if the latter did not commence until the Council anticipate, with the same adverse effects upon regeneration that they fear.
- 15.61 The Council rightly say that TPC have produced no evidence that development of the PAS sites they refer to could accommodate mixed uses, or that the services and facilities that would relate to them have capacity to accommodate their development. However, similar criticisms can be levelled at aspects of ELE given the present level of knowledge upon it. In the light of all the forgoing concerns I conclude on the second main issue that, even at the level of generality appropriate to a development plan inquiry, the proposal has not been shown to be the best location for, and the most sustainable form of, a strategic housing land reserve in such terms as would justify releasing it in the proposed Phase 2 of the Plan, and in advance of other possible sites.
- 15.62 As I set out in para. 7.32 of the Housing Chapter, an alternative strategy based on smaller, urban edge sites in sustainable locations would be more flexible and robust, enabling land to be brought forward if and when necessary during a revised Phase 2 without the degree of pre-planning and capital commitment required for ELE. It would also better reflect PPG3 advice that urban extensions are likely to be more sustainable where they can utilise existing physical and social infrastructure. If it then became apparent from monitoring that the supply of brownfield land was reducing to an unacceptable extent, and additional land was required over and above the smaller greenfield allocations, ELE could be brought forward within Phase 3.
- 15.63 Putting the proposal back would also give more time for progress on detailed planning and design, the need for which is graphically illustrated by the long list of criteria to which the Alteration is subject. Because of the way those criteria are expressed it is unclear whether their outcome would determine whether or not the allocation was implemented, or would simply be matters to be taken into account on a proposal already decided in principle. Preparation of a development framework and provision of highway infrastructure are matters that can reasonably be regarded as part of the detailed planning on any allocation. Others, notably assessment of the need for an orbital relief road and submission of a sustainability appraisal, imply more fundamental questions about the standing of the proposal, and the amount of preparatory work already undertaken. Should a sustainability appraisal prove

unfavourable, for example, would the allocation be retained regardless, or abandoned? The Council make clear that ELE is being advanced for housing supply rather than strategic housing reasons [LCC/001, para 7.5] and they indicated at the Inquiry that there would be no detriment to the Plan should it prove unnecessary to bring the land forward. I therefore recommend adding to the Policy a series of tests that would need to be satisfied for the allocation to be released, relating to monitoring, the benefits of an orbital road and sustainability.

### ***Timing***

- 15.64 3. Hallam Land Management, Thorpe Park and ELOR Consortium all seek earlier phasing to enable occupation of dwellings before 2011, related to criteria on housing land supply and housing choice, regeneration, employment growth and infrastructure provision. Nexus Land and Property, in objections to Chapter 7 Alterations, seek release of a part of ELE, north of the A64, within Phase 1.
- 15.65 RD changes introduce some flexibility into the relevant policies, by stating that Phase 2 is “anticipated” to commence in April 2011, and that the date for first occupations at ELE would be determined by the monitoring process, but ELOR Consortium maintain their objection. They wish to see commencement from April 2009, or an alternative date determined broadly by consideration of the matters noted in the preceding paragraph. Taking the 2009 date, and assuming a period of 29 months to commencement of development on the basis of their indicative programme [W/21967/21530, AX.1] would mean starting the planning process no later than December 2006.
- 15.66 Whilst I endorse the principle of having a reserve of land against the possibility of windfall sites not being delivered at the anticipated rate, I have seen no convincing evidence that it would be needed as early in the Plan period as this. To start planning for ELE in little more than a year’s time would present a major distraction from the necessary emphasis on brownfield land and could seriously undermine the central housing strategy. ELOR Consortium’s request that the timing of development should relate to a start on development rather than to occupation of the housing would also seem to be directed primarily at securing an earlier start than is envisaged in the Plan. Even for a project that involves a great deal of preparatory work I cannot see that such an approach would in itself add greatly to the certainty and clarity that the objector seeks. It is surely the commitment to the project that is most important, irrespective of the precise details of the trigger mechanism used. Nor do I favour using the indicators proposed by ELOR Consortium in a way that would be unique to ELE, not least since they would appear capable of enabling development to go ahead immediately. Far from producing the clarity and certainty the objector seeks, they would appear to be open to widely varying interpretation, especially if couched in the suggested terms of material considerations, of which “full account” would be taken.
- 15.67 In particular, I cannot envisage a yardstick on housing choice that would find general acceptance, or on which the developers of ELE and the Council would agree; and, in any case a qualitative range in size, type, tenure and so forth is something to be sought throughout the City rather than in one development alone. What PPG3 says about creating mixed communities applies just as much at the City-wide level as it does to localities within it. For reasons set out at paras. 7.41-7.45 of the Housing Chapter, I do not accept the argument that development in the

City Centre is seriously distorting the overall housing market, and the accompanying implication that land should be released in the suburbs, and at ELE in particular, to somehow compensate for this.

- 15.68 Under Location and Sustainability, above, I question the link between ELE and regeneration. I certainly do not see such a link as a strong argument in favour of developing ELE sooner rather than later. So far as employment growth is concerned, IC/015 makes clear that timing of employment proposals is not constrained by the housing release mechanism, and ELOR Consortium themselves say that there is no reason why extension of Thorpe Park Business Park should not go ahead well before 2011. However, although such an extension could well enable development of an exciting Knowledge Campus and New Economy Business District, there is no commitment to this as yet, at least as part of the ELE proposals, and it was described by the Council at the Inquiry as essentially an aspiration.
- 15.69 ELE could certainly provide a large number of houses close to Thorpe Park, and any extension to it, in a way that would potentially promote sustainability but I regard it as somewhat simplistic to assume that residents of the one would work in the other to such an extent that the two proposals ought properly to be treated as a “package”; or that the timing of one should strongly influence that of the other. For a high-technology development such as is envisaged, the housing catchment would probably be City-wide, if not beyond, and whilst local housing would certainly be a step in a sustainable direction, this is not in my view a matter that carries great weight, especially given the proximity of Thorpe Park to the existing built-up area of Leeds.
- 15.70 Objectors’ principal argument on infrastructure relates to the proposed ELOR which is seen as integral to both ELE and further employment development at Thorpe Park, as well as benefiting the existing urban area and helping to alleviate congestion problems on the Outer Ring Road [ORR]. I deal more fully with ELOR below and under Alteration 6/015. Suffice to say here that, whilst the road would need to be planned and programmed as part of the overall development, there is no obvious reason why need for transport infrastructure should in itself be a trigger for early development of ELE. Further employment development at Thorpe Park is capable of being adequately served by the Manston Lane Link Road. Despite the time that has passed since the AUDPI Inspector endorsed the principle of a relief road [CD/DP/01(14), para. 377.28], much work remains to be done before it can be regarded as in any sense a commitment. Alteration 15/015 makes clear that ELE is conditional on, among other things, an assessment of need for the road and, although the 2003 Pell Frischmann report [CD/GEN/18 a & b] concludes that the road would give value for money, it does not take account of the effects of traffic generated by associated development; and conclusions on matters such as road safety, air quality, noise and public transport are provisional and, in some cases, tentative.
- 15.71 An assessment of the impact of ELE on the highway network was submitted to the Inquiry [LCC/056/C] but it is limited in scope and its overall conclusion that “there could well be some relief to existing roads” from an orbital link does not move the debate on ELOR a great deal further forward. Certainly there is at present no documentary evidence to show that, with development in place, the road would still yield clear public benefits. Also, although much has been said about the relationship between ELOR and the on-going Ring Road Route Study, the project

brief for the latter [LCC/056/D] says only that the consultants should “be aware” of the work done on ELOR and that “it should only be regarded as a material consideration in the study process”. None of these matters suggest that highway infrastructure is, in itself, a matter that would justify an earlier start to ELE, particularly as it is envisaged that ELOR would be privately financed and therefore necessarily carried out in parallel with development, rather than in advance of it.

- 15.72 Nexus Land and Property’s case for early release of part of ELE is based in part on provision of infrastructure, notably ELOR, that I deal with above, and also on comparison with proposed strategic sites, support for Supertram, and availability of the land in question. I cover the sustainability merits of the strategic sites elsewhere but for reasons set out above I do not regard ELE as so inherently sustainable a location as to justify early release. Under Alteration 6/001 I say that sustainable transport is not in itself sufficient justification for development; and the ready availability of the land does not carry weight given the range of matters concerning the development of ELE that remain to be resolved. In Chapter 7, Housing, I address the general question of whether phasing and release of sites should be regulated by SPG, or other means external to the Plan, and conclude that it should not but this does not lend support to Nexus’ argument that ELE should be allocated [which I take to mean released] now.
- 15.73 In the event that the Council do not accept my recommendation that ELE be moved from Phase 2 to Phase 3, then I should say that on the question of its timing I do not agree with Mr and Mrs Evans who seek a return to the FDUDP wording of Alteration 15/015, or with Cllr.Gruen who wants a deferment, with no dates stated. Relating implementation to the monitoring process introduces reasonable flexibility lacking in the previous reference to 2011 alone, whilst retaining a sense of direction which would be lost if the process was completely open-ended. Given that the monitoring indicators are solely concerned with assessing housing supply against RPG requirements, and that the process is thus transparent, concerns about a premature start on development in response to the prospect of funding for an orbital road would seem unfounded. Again, the inconsistency in Policy H2 between the reference in the heading to Phase 2 to release of ELE being “anticipated” on 1 April 2011 and that in the text to first occupation being “after 2011” should be resolved. The Council acknowledge that the latter should be brought into line with the former.

***Grimes Dyke, Whinmoor***

- 15.74 4. Persimmon Homes seek release of land at Grimes Dyke, Whinmoor [allocated as housing site H4.8 in the AUDP but proposed in the RUDP for inclusion in ELE] in Phase 1 of the housing strategy. Alternatively, they ask that it be regarded as the first phase of ELE in Phase 2. I make clear in Chapter 7 that sufficient land can be found for Phase 1 needs from previously developed land, allocations and SHSs. There is thus no justification for releasing greenfield sites such as this in Phase 1, and to do so would risk undermining the housing strategy. I also cover in large part under Housing the argument that this site should be released to compensate for an imbalance in the housing market caused by an increasing proportion of flats.
- 15.75 In essence, whilst the objector’s figures show that there clearly has been a significant shift in the relative proportions of houses and flats built in the last few years, this can be seen largely as an adjustment in response to an historic under-

provision of flats and to an increasing proportion of single-person households in the population. There is no evidence of a serious imbalance of housing types within the housing stock as a whole such as would specifically justify releasing greenfield sites as a corrective. Arguments that the objection site is more sustainable than TATE should be seen in the context of my recommendation under Alteration 24/003 that the latter be deleted.

- 15.76 The possibility of development on the site has some pedigree. The AUDPI Inspector considered it most suitable for development and capable of being developed independently of the then Seacroft/Cross Gates Bypass. The Council were themselves prepared to grant planning permission in 1999/2000 apparently on the basis of proposals that would have dovetailed access with adjoining ELE land [albeit that they subsequently changed their stance in response to publication of PPG3]. I note also that in the early stages of the Review the Council proposed the site as the first phase of ELE [CD/DP/08 and 09]; and they accept that in principle it is a sustainable location for development.
- 15.77 I also consider the site a generally sustainable one, and significantly more sustainable than the bulk of ELE. It is the only substantive part of that proposal that lies within 15 minutes walking distance of an existing town centre [Seacroft], there are primary schools and some local services and employment close at hand to the west, and both bus services and the proposed Supertram terminus on the A64 would be within easy walking distance of the whole site. Admittedly at the time of writing the prospects for Supertram are far from clear but that is not a good reason to discount it and plan on the assumption that it will not be built or that, in its absence, alternative public transport enhancements would not be forthcoming. In addition, in strategic terms development here would constitute an urban extension bounded on two sides by the existing urban area in such a way that its development would have only a limited effect on the landscape to the east. It would be bounded to the east by the beck, where landscaping could establish a clear “edge” and from higher ground on York Road [A64] it would be seen against the background of the existing urban area, and as a modest and contained extension of it.
- 15.78 Whilst it is good planning practice to consider the scope for a comprehensive approach to adjoining sites, I see no compelling reasons why development of the objection site must await a decision to proceed with the whole of ELE. The Council’s evidence on this point is limited and unconvincing. They concede that the site is capable of independent access, and it cannot be right that such access was only agreed “at a stage when there was no prospect of the site being developed in tandem with adjoining land” [LCC/055, para. 4.10.4]. Para. 15.2.5 of the AUDP makes clear that the possibility of such a linkage was expressly considered, and requires allowance to be made for a possible future access to serve both the site and adjoining PAS land whilst conceding the possibility of an alternative, short-term access.
- 15.79 The Council are evidently concerned that the developer of this site should contribute towards a comprehensive access strategy for ELE but they have already conceded in principle that some development could take place in advance of construction of ELOR, in accepting that some 700 dwellings might be so built around the three proposed development “nodes”. Similarly, in this case I see no good reason why an appropriate developer contribution should not be sought towards possible long-term access improvements; and the likely timing of development would allow ample time

for the details of both housing and orbital road to be resolved so as to avoid any conflict between the two. If required in the Phase 2 I recommend, the site could be developed without the major infrastructure implications associated with ELE as a whole, and could thus form part of a more phased and flexible approach to land release in general and to ELE in particular. I return to this issue below.

***Impact on the Green Belt and Landscape***

- 15.80 5. In response to objections from TPC, Barwick and Scholes Parish Council and others that the PAS sites that would constitute ELE should be returned to the GB, the Council rightly point out that much of the land concerned, north of the A64 and south of the Leeds-Barwick road, has never been approved GB, having enjoyed only interim status in the Development Plan Review 1972. The question of a “return” to the GB does not therefore arise here and in accordance with PPG2 it would be necessary to show exceptional circumstances to support changing GB boundaries to include it. TPC do not claim such circumstances and others do not address the point.
- 15.81 The AUDPI Inspector evidently carried out a detailed analysis of the different sites within ELE and concluded that, although some encroachment into the countryside was necessary to provide for long-term needs, development would not unacceptably narrow the gap between the City’s main urban area and Thorner and Scholes, or risk coalescence of those settlements. In his view, an orbital road would provide a firm GB boundary beyond which further development was most unlikely, impact on the landscape would be limited and could be ameliorated by landscaping, and the various sites fulfilled only limited GB purposes [CD/DP/01(14), Topics 400, 401, 411, 937 and 938].
- 15.82 In broad terms I agree with this analysis, and also that the north and east parts of the District are relatively less constrained than those to the south and west where the closeness of settlements one to another makes maintaining their separation by GB more critical. In principle this means that it would be easier to accommodate a large scale development without serious harm to GB purposes in East Leeds than elsewhere. Furthermore, the Council’s landscape evidence in defence of ELE, showing that the land concerned is relatively contained visually, and generally seen against an urban background, has not been seriously challenged. Given that development here would not involve any loss of land currently within the GB, and that there have been no significant changes on the ground since adoption of the AUDP, impact on the GB is not in itself a compelling objection.
- 15.83 Nevertheless the fact remains that the AUDPI Inspector carried out his assessment against the background of an identified need for a large reserve of land to meet long-term development needs. The Council dispute that there is now such a need but nevertheless propose to allocate almost 40% of the reserve for development without any comparison of ELE with other possible options for development in terms of landscape merit or impact of development on the landscape. PPG2, para. 3.15 makes clear that the visual amenities of the GB should not be injured by proposals conspicuous from the GB and which might be visually detrimental. My own, necessarily limited, examination of sites allocated in the AUDP suggests that there are a number where development would have less impact on the GB than ELE, or at least an equivalent effect, and where it would be better related to the existing urban area, with less intrusion into the surrounding countryside. This adds further

weight to my view that a more disaggregated strategy based on releasing other smaller urban extensions before ELE is preferable.

- 15.84 The Council resist TPC’s argument that ELE is needed only in part, principally on the grounds that a smaller development would not secure the benefits of “critical mass”, including funding for ELOR. As already noted, I remain unconvinced on the evidence to the Inquiry that “critical mass” should carry great weight in determining the scale and location of urban extensions; and, as explained below, further work needs to be done on the relationship between ELE and ELOR. The partial approach is also criticized on the basis that it could mean taking for development land between York Road and the Leeds-Barwick road that was formerly approved GB in preference to land that had only interim GB status.
- 15.85 I consider this area between the two roads to be the most significant in terms of the impact of development on the adjoining GB, given the relative narrowness of the open gap separating Scholes from the edge of the City. Development of ELE would reduce that gap by about half and further reduce the already tenuous separate identity of the village. If the aim is to minimise the possible impact on GB, and maintain a significant separation between communities, then it is this area that should be kept undeveloped, or at least developed last. Accordingly, I recommend that prior to adopting the Plan the Council examine the possibility of confining development principally to areas north of the A64, and south of the Leeds-Barwick Road. The latter, in particular, would also have the merits of being close to the Thorpe Park Business Park and capable of being accessed by an extension of the already committed Manston Lane Link. The form of access beyond this, whether by ELOR, or an alternative development road, would be a matter for further examination. Development within the central section of ELE need not be precluded completely but this might well be an area where public open space provision could be concentrated. I estimate that in broad terms development on this reduced scale could yield between 2,900 and 3,900 dwellings, depending on density<sup>1</sup>, the latter figure being little short of the Council’s initial estimate for ELE as a whole.
- 15.86 I also recommend that further consideration be given now to how the overall development might be phased with a view to incorporating proposals into the Plan. Whilst this is a matter that is clearly closely bound up with provision of infrastructure, even a broad indication of phasing would be a helpful guide for the future and provide valuable flexibility for bringing land forward under PMM, should this be necessary in response to any falling off in the supply of brownfield land.
- 15.87 As currently envisaged, development of the PAS sites would not involve any changes to the GB boundary and no evidence has been advanced that that boundary is deficient in any way. It is conceivable that detailed amendments might be necessary if and when the line of ELOR was finalised and, in that case, I would expect them to emerge from the proposed development framework and to be implemented through the LDF. That being so, I see no great benefit in adding an additional criterion under Alteration 15/015, as suggested by ELOR Consortium, to state that the GB boundary will be determined by the studies identified under the other criteria. This is a statement rather than a criterion and serves no useful

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<sup>1</sup> Estimate based on assumptions in LCC/055C and the following. Total gross area of PAS sites 4, 5, 7, 11 [part] and 38 = 160.8 ha. No development between A64 and Leeds-Barwick road. 60% net developable area = 96.5 ha. Net densities of 30 and 40 dph [within PPG3 range of densities which make more efficient use of land].



purpose. It might also imply that the ultimate scale of ELE could be significantly larger than is currently envisaged.

### **Access**

- 15.88 6. TPC have produced no substantive evidence in support of their argument that access to ELE would have an unacceptable impact on adjacent residential areas, and they conceded at the Inquiry that the proposals involved neither access through such areas, nor demolition of any existing properties. For their part the Council argue that opening of the A1/M1 link has freed sufficient capacity on the City’s radial routes to accommodate the additional traffic from an initial 700 or so dwellings at ELE [focussed on the three nodes shown in the Development Principles (LCC/055/A, Ax. 1)] before it would be necessary to construct ELOR [thus also providing pump-priming investment to build the road]. Much appears to depend on the performance of the junctions between the radials and the ORR [A6120] and here there is reasonable confidence that minor improvements, as envisaged at the AUDPI, would obviate any serious problems. Highway modelling undertaken for the Inquiry suggests that additional traffic from the initial dwellings would not increase flows on the ORR much beyond the 5% guideline figure at which the Institute of Highways and Transportation [IHT] advise that a transport assessment is required [LCC/056/C, paras. 1.9-1.20].
- 15.89 This evidence has not been seriously challenged, and the underlying assumptions are generally robust. It seems a reasonable prediction for the first two years or so of development at ELE subject to two caveats. Firstly, the IHT guideline serves only as an indicator of a significant traffic impact necessitating transport assessment; and, just as the Council argue that that it does not necessarily mean that there will be an adverse impact, or one that cannot be mitigated, equally the reverse applies. More detailed work is needed to investigate the nature of the impact on the ORR and the extent to which it could be mitigated. Secondly, it is unclear to what extent the analysis takes account of the possible start date for ELE, and how traffic volumes might have changed in the meantime, though what was said at the Inquiry tends to suggest that the scope for any traffic growth is already very much constrained by congestion on the highway network generally. As the work was evidently undertaken at short notice for the Inquiry I recommend that a further, more detailed analysis be carried out to inform a phased approach to ELE.
- 15.90 As noted above, the state of play on ELOR is complicated by its relationship with the ORR Study that was still in progress at the time of the Inquiry. However, even allowing for the fact that implementation of the highway proposal is still a good way off, the Council’s evidence on it is surprisingly tentative given its importance to ELE and the length of time it has been under consideration. Thus it is stated that once ELOR or another form of orbital link was built “...there would be no material adverse impact on the existing highway network and there could well be some relief to existing roads...”; and that it is “possible” that the one-time Seacroft and Cross Gates By-Pass could be replaced by an alternative orbital route “...subject to the outcome of on-going work...”. That ELOR is not regarded as a definitive solution is evidenced from reference to the possibility of “...an alternative development access route...” [LCC/056/C, para 1.2; and LCC/056, paras. 2.2 and 7.3].
- 15.91 Also, although traffic modelling undertaken for the Inquiry shows significant reductions in traffic flows on the ORR east of the A58 junction with ELE complete

and ELOR in place, a number of important questions remain unanswered. These include the impact of additional traffic on radial roads and ORR junctions, and on the ORR west of the A58; the extent to which ELOR might encourage car-commuting and the balance between any such extra journeys and sustainability benefits from public transport measures and proximity to local employment; and the relationship between ELOR’s roles as development access road and orbital relief road.

- 15.92 All the evidence, both on these and other, transport-related, objections suggests that some alternative highway capacity will be needed if existing traffic levels on the ORR are to be reduced, and attendant problems of pollution, noise, accident risk and severance ameliorated. These problems are particularly severe at Seacroft and Cross Gates where the scope for improvements to the road, as advocated by Barwick and Scholes Parish Council and others, is most constrained [as I also note under Alteration 6/015]. It is evident that ELOR has the potential to provide some such relief, and that it is unlikely that improving the ORR alone, as some objectors advocate, would provide a feasible alternative. It is equally clear that transport-related measures in ELE, and associated with it, have the potential to bring real benefits. These include improvements to bus services [that could also benefit areas outside ELE], extension of Supertram into the site, and construction of a railway station at Austhorpe. Unfortunately most of the benefits are speculative at the present time and, even allowing for the considerable time before implementation is likely, and the strategic level of the proposals, there is an insufficient basis on which to judge whether the transport aspects are sound. These aspects should be addressed in response to the criteria under the Alteration but in view of the central importance of ELOR I recommend inclusion of a test of demonstrable public benefit from the road.
- 15.93 The Highways Agency’s request for a rider to be added to Alteration 15/015 seeking multi-modal transport assessment before any planning permission is granted for ELE is clearly a precautionary approach reflecting concern over possible adverse impact of additional traffic on the junction of the M1 and A6120 at Austhorpe [Junction 46] and that of the A1[M], A1 and A64 at Bramham [Junction 45]. Both sides agree that the principle of the Manston Lane Link has been addressed but it is unclear whether, and to what extent, there has been consultation on the wider traffic implications of ELE, including ELOR. The Agency express themselves willing to talk to the Council, and clearly this is something that can be undertaken at any time, regardless of what is said in the UDP. However, for a project of this scale and importance it is unsatisfactory to rely either on a rider in the Plan or on the Council’s assurance that there will be consultation “at the appropriate time”. Nor is it sufficient to rely on the general requirement in proposed Policy T2B for planning applications involving significant travel demand to be accompanied by transport assessments; or on the Council’s assumption that the Highways Agency will “no doubt” have taken into account the anticipated scale of growth in east Leeds in considering the proposed upgrading of the A1[M] between Bramham and Wetherby. The number of uncertainties that remain, and on which further work is necessary, support the case for possible implementation of ELE to be put further back in the Plan period.
- 15.94 If access to ELE from the existing highway network was managed as the Council envisage, namely via a limited number of high capacity junctions to main roads, there seems no reason why traffic on local roads used by the Riding for the Disabled Association should rise to such an extent as to put the Association’s

activities at risk. Nor, subject to careful design, need development impinge harmfully on their premises or prejudice use of bridleways. As the Council say, the latter should be retained and used as links to surrounding open countryside. These, and means for horses and riders to cross new roads, are all matters of detailed design and should not preclude development in principle.

### **Overall Conclusion**

- 15.95 ELE is justified in principle as a long-term reservoir of housing land against the possibility that brownfield windfall sites do not come forward as anticipated. However, the size of the reservoir required should be explicitly quantified in the Plan.
- 15.96 The Council’s case for development of ELE relies heavily on the assessments made by the AUDPI. Although these were based on a considerable amount of evidence submitted to the last Inquiry, they are now over six years old. Little appears to have been done in the meantime to develop the proposals further and no cogent analysis has been made of the sustainability merits of the site compared with those of other possible urban extensions. Many of the benefits claimed for the proposal are essentially speculative at present. An alternative strategy of smaller-scale urban extensions would provide a more flexible reserve stock of housing land for Phase 2, enabling ELE to be included in Phase 3 and meantime subjected to further analysis and planning. Grimes Dyke, Whinmoor [H4.8] and, because it has similar characteristics, Red Hall [H4.6] could form part of the Phase 2 reserve.
- 15.97 Prior to inclusion in the Plan, ELE should be re-examined with a view to concentrating development north of the A64 and south of the Leeds-Barwick road in order to maintain a clear open break between the City and Scholes. Proposals for the overall phasing of the development should also be included, at least in outline.
- 15.98 It should be made clear that ELE will only be released when required, and subject to it being shown that there would be clear public benefits from an orbital road, and that the development as a whole would be demonstrably sustainable.
- 15.99 My recommended re-phasing of ELE is covered in Chapter 7, Housing. I recommend below consequent changes to Alteration 15/015 together with the abandonment of Alterations 15/018 and 15/020, relating to Red Hall Lane, Red Hall and Grimes Dyke, Whinmoor. The latter follows from my recommendation in Chapter 7 that these sites be included in a re-cast Phase 2 and effectively means that the situation reverts to that set out in the AUDP. In addition, the recommendations below, and in particular No. 1, also have implications for other site-specific Alterations the Council propose in Chapters 15 and 16 that would bring sites within ELE., namely 15/023 [Manston Lane], 15/024 [West of Wetherby Road], 15/025 [Red Hall Lane/Skeltons Lane], 15/026 [South of A64, Whinmoor], 15/027 [North of A64, Whinmoor] and 16/016 [Scholes Park Farm]. As the ultimate form of ELE would need to be reviewed if my recommendations are adopted I must leave it to the Council to consider these Alterations further in the light of that review and before putting them forward as formal proposed modifications.

### **RECOMMENDATION**

- 15.100 I recommend that:

1. prior to adoption of the RUDP the proposed allocation be re-assessed with a view to confining the bulk of built development to the north of the A64, and south of the Leeds - Barwick Road; and including outline phasing proposals in the Plan;
2. the UDP be modified in accordance with Alteration RD 15/015, subject to:
  - a. deleting the first two sentences and substituting:

“Land around the eastern edge of Leeds is identified as a long-term reserve of land to be used in the event that brownfield sites do not come forward at the rate and in the quantity necessary to meet the annual average housing requirement set out in the Regional Spatial Strategy. It will only be released if monitoring shows that this is the case, if any orbital road produces clear public benefits, and if development there is demonstrably the most sustainable option.”

- b. in the bold text:

- deleting “Policy H3-2” and “Phase 2” and substituting “Policy H3” and “Phase 3”;
- deleting sub-paragraph iv;
- adding the following at the end:

**THE ALLOCATION WILL BE BROUGHT FORWARD FOR DEVELOPMENT ONLY IF:**

- i. **MONITORING INDICATES THE NEED FOR FURTHER LAND TO BE RELEASED TO MEET THE RSS ANNUAL AVERAGE HOUSING REQUIREMENT;**
    - ii. **THE ASSESSMENT OF THE NEED FOR AN ORBITAL ROAD DEMONSTRATES THAT SUCH A ROAD WOULD BOTH SERVE THE PROPOSED DEVELOPMENT SATISFACTORILY AND PRODUCE CLEAR PUBLIC BENEFITS TO USERS OF THE HIGHWAY SYSTEM; AND**
    - iii. **SUSTAINABILITY APPRAISAL DEMONSTRATES THAT THERE ARE NO PREFERABLE, MORE SUSTAINABLE SITES; AND THAT THE DETAILED PROPOSALS FOR THE EXTENSION ARE INTRINSICALLY SUSTAINABLE.**
  - c. adding the following at the end of the first paragraph of supporting text after the bold text:

**“The impact of such a road upon the highway system will be fully assessed and, so far as the trunk road network is concerned, this will be done in consultation with the Highways Agency.”**

- d. incorporating IC/015 into the supporting text;
  - e. adding the Alteration text, as amended, to follow Policy H3 in Chapter 7.
3. FD Alterations 15/018 and 15/020 be abandoned.

### **ALTERATION 7/003 (15/019)**

### **REAR OF SEACROFT HOSPITAL, SEACROFT**

#### **Objection**

20785 NHS Estates

#### **Issue**

15.100 Should the site be designated a Strategic Housing Site for release in Phase 1 under Policy H3-1B?

#### **Inspector’s Reasoning and Conclusions**

15.101 The site is a housing allocation carried forward from the AUDP [H3-3.24]. The Review envisages its release in Phase 3 but the objector argues that in terms of sustainability it is comparable with urban brownfield sites and preferable to those proposed for release under Phase 2. In addition its potential to support and utilise major infrastructure provision and support regeneration of Seacroft qualify it to be a Strategic Site.

15.102 Although the objection states that this site is to be preferred to “many” sites identified for release in Phase 2, that Phase effectively only includes one site, ELE, albeit that it comprises a number of constituent parts. Any comparisons therefore are with that site only.

15.103 The site is an extensive area of unused grassland with no evidence of previous development upon it, and by reason of its scale it would be hard to argue that it is within the curtilage of the Hospital and therefore previously developed land as defined in Annex C of PPG3. The objector accepts that it is greenfield and the Council rightly say that as such it is sequentially inferior to previously developed land within urban areas, as noted in para. 30 of the Guidance. However, I regard this approach as somewhat simplistic and not determinative in itself. The site is firmly embedded in the City’s urban area, with existing housing to west and east; there is no official public access to it; it has no productive use; and it is effectively landlocked by the hospital to the north and the railway to the south. Subject to appropriate inclusion of greenspace, for which there is a requirement in the AUDP, development of the land for housing would appear to me to fall foursquare within the

second category of the sequential approach in Policy H2 of RPG12, namely “other infill within urban areas”. That category precedes urban extensions and on any reasonable analysis development of this site should precede that of ELE.

- 15.104 Good availability of services locally also weighs in favour of developing this site earlier rather than later. There are frequent bus services on the A64 radial road, an ASDA superstore stands directly across from the north-western frontage of the site, Cross Gates District Centre is within about 1 km, there are further local shops on York Road close at hand, and there is a range of schools within easy reach. Development here has an advantage over that at ELE in that it would in almost all respects be tapping into existing services and facilities without the need for provision of new infrastructure.
- 15.105 As to whether the site should be designated Strategic, only one of the criteria in Policy H2[B] is directly relevant, namely that the development should be part of a comprehensive regeneration initiative, where housing supports and utilises major infrastructure provision. However, whilst new housing here would no doubt help to underpin regeneration in Seacroft generally, it does not seem to me to have such a pivotal position as to qualify it for a genuinely strategic role, especially as it lies outside the proposed Neighbourhood Regeneration Area. Also, whilst I have referred to its proximity to local services and facilities, it seems unlikely that this site alone would, in the terms of the Policy, support and utilise [or indeed, need] “major infrastructure provision”
- 15.106 Nor do I consider that the site accords with what “Planning to Deliver” says about strategic sites. There they are described as sites which are likely to be critical to the delivery of the plan strategy, and the building blocks of the local authority’s managed release of land. They will signal the strategic foundations for future housing development in the area, and it is clearly envisaged that they might involve significant lead times and construction periods [CD/GOV/07, p. 14]. Whilst all of this could well apply to ELE, it is unlikely that development of a site such as this within the urban area, even at the relatively large size of 17.6 ha, would have any far-reaching strategic implications.
- 15.107 I conclude that the site would not qualify as a Strategic Site within Phase 1, and that as it is greenfield it should not be ranked on a par with the brownfield sites that otherwise comprise that Phase. However, its location within the urban area and sustainability qualify it for inclusion in the revised Phase 2 that I recommend in Chapter 7 in advance of ELE.

## **RECOMMENDATION**

- 15.108 I recommend that the UDP be modified by transferring Site H3-3.24, Rear Seacroft Hospital, Seacroft, from Policy H3-3 to Phase 2 as I recommend in Chapter 7.

## **ALTERATION 15/020 (GRIMES DYKE, YORK ROAD, WHINMOOR)**

### **Objections**

21763 PersimmonHomes (West Yorks)

**Note**

15.109 This objection is covered in paras. 15.74 - 15.79, above.

## CHAPTER 16 – GARFORTH

### ALTERATION 16/002 (AREA STATEMENT NEW PARA.)

#### Objection

22414 Ashdale Land & Property Co Ltd

#### Issue

- 16.1 Should additional land be identified as Strategic Housing Sites [SHS] at Allerton Bywater and Micklefield?

#### Inspector’s Reasoning and Conclusions

- 16.2 I deal with these specific issues under 16/004, /005 and /009 below. In the light of what I say there I conclude that no further land should be added to the Allerton Bywater SHS which I recommend should be included in the RUDP. With regard to Micklefield, although I recommend that a reduced Regeneration Area should be included in the UDP, I conclude that the SHS should not be included within it but that the housing sites should be within Phase 3 of the RUDP. Consequently, the proposed Area Statement should be amended in accordance with my recommendation below.

#### RECOMMENDATION

- 16.3 I recommend that the UDP be modified in accordance with Alteration 16/002 amended to read:

**“The former coalfield villages of Allerton Bywater and Micklefield are identified as areas for Local Community Regeneration under Policy R1. Land at Allerton Bywater has been identified as a Strategic Housing Site under Policy H3-1A.”**

### ALTERATION 16/004 (ALLERTON BYWATER VILLAGE REGENERATION)

#### Objection

22096 Ashdale Land & Property Co Ltd

#### Issues

- 16.4 1. Should land at Park Lane be included in the GB or retained as PAS land?
2. If retained as PAS, should the site be included in the Allerton Bywater Village Regeneration Area and its potential for future development recognised in the UDP text?



## Inspector’s Reasoning and Conclusions

- 16.5 I deal here with Ashdale Land & Property Company Ltd’s objections to 16/004 and /019 as they are inter-related. The Company support the principle of identifying Allerton Bywater as an area for Local Community Regeneration, and seek to extend the Village Regeneration Area [VRA] by the inclusion of some 41ha at Park Lane.
- 16.6 The Council consider that the Park Lane site, currently PAS, should be returned to GB as it was in the Garforth and District Local Plan [1986]. I deal in Chapter 5 with the general issue of PAS and conclude that there is no justification for returning PAS land en masse to GB and that it is important to retain flexibility for the future. PAS is a resource which may or may not be deployed in the future.
- 16.7 Local circumstances in relation to this site have not changed since the comprehensive consideration given to it at the AUDPI and the recent, ensuing adoption of the GB boundary. For the Council to return the site to GB would be inconsistent with their acceptance of the analysis of the site’s GB function following the AUDPI Inspector’s recommendation. Although the proposed GB boundary would safeguard more adjacent countryside from encroachment, the objection site has been deemed to have only a marginal GB purpose, and to be generally well-contained within defensible boundaries. The existing GB boundary would check the unrestricted sprawl of Allerton Bywater and prevent its merging with Kippax.
- 16.8 The role of the site in meeting GB objectives of providing opportunities for access to open countryside for the urban population [principally via public footpaths nos. 28 and 30]; retaining attractive landscapes near to where people live and retaining land in agricultural use are not aspects which would warrant its return to GB. In any event these aspects too have not changed since they were considered at the AUDPI.
- 16.9 The former railway embankment, which has been converted to a footpath and linear park, “The Sidings”, would be a clearer boundary than the hedgerows and footpaths which mark the existing boundary, but that is not an exceptional circumstance which justifies changing the GB. I do not consider that the embankment’s use as a recreation facility, or its effect in largely containing views out of the settlement, necessarily rule out development on the further side, although I accept that there would have to be a significant need for additional development to justify its breach which would represent an important threshold in the settlement’s growth. That need does not exist at the moment but I would have expected a proposal to delete this PAS site to be based upon definite evidence, for example that the regeneration initiative was complete, or would definitely be complete when committed measures had been implemented, and that comprehensive consideration had been given to the need for further development in Allerton Bywater in the long-term. Such evidence is lacking at present.
- 16.10 On the first issue therefore I conclude that the site should remain as PAS, there being no exceptional circumstances which warrant its return to GB.
- 16.11 2. The established regeneration boundary on Plan No. M/030 [Alteration 16/004] appears to me to be appropriate for the purpose encompassing as it does the built-up area and the Plan allocations which are being developed. There are no plans as yet to continue beyond the present committed phases. Retention of the objection site as PAS means that options for the future are nevertheless kept open and that extension of the VRA would not necessarily be ruled out if circumstances changed. However, to

be included in the VRA now would beg the question of the site’s role in regeneration of the village and would appear to promote the site’s status from PAS to some form of regenerative function. The objector argues that further development could assist and augment current efforts to secure sustainable regeneration in the community. However, there is no proven need for more housing locally and no support in national or regional guidance for greenfield residential development, which would be divorced from the MUA. It would therefore not be appropriate to allocate the site for housing purposes. Whilst I accept that uses other than, or in addition to, housing may be envisaged, there is no suggestion that the site is currently required for any other form of development which would assist in regeneration; references on behalf of the objector to further employment development, mixed-use development and a local centre on the objection site have no foundation in terms of need as far as I can see.

- 16.12 Nor is there a need to consolidate the settlement. The village has an adequate range of services for its present size and it would only be the additional growth represented by the objection site that would warrant further facilities being provided. Also inclusion within the VRA would be inconsistent with Policy N34. Consequently I do not consider that it would be appropriate to add the site to the VRA on what would amount to a speculative basis. Nor in these circumstances do I consider that it would be appropriate to include in the UDP text reference to the ability of the objection site to be brought forward in phases, on completion of the Millennium Village Development, to assist in maintaining the momentum of regeneration that the current initiative seeks to put in place.
- 16.13 In reaching this conclusion I bear in mind that Allerton Bywater is not a very large settlement; it had a population of about 3,900 in some 1,629 households in 2001. The present regeneration initiative, involving some 520 new dwellings and about 25,000 sq. ms. of new commercial and community space, is in reasonable balance with the needs of the settlement. To add a 41ha site would appear to me now to be quite out of scale with foreseeable future regeneration needs, despite my colleague Inspector’s views at the time of the AUDPI Report. The fact that Allerton Bywater was chosen as the second Millennium Village and is something of a showpiece does not signify that further land should be developed beyond the committed or allocated development. Bearing in mind the fact that the colliery closed in 1992 the initial impact must already have been absorbed.
- 16.14 I consider that the focus now needs to be upon continuing the attention given to the existing community and then, around 2010 when the present project is expected to be complete, taking stock before deciding on Allerton Bywater’s future role within the Leeds District. Relative sustainability would be a factor to take into account at that stage. This approach would be preferable to expanding the VRA, as suggested, for unspecified purposes which might carry unspecified community benefits. There is no inconsistency with RSS regeneration policy in this respect, particularly taken together with its sequential approach to housing development.
- 16.15 In summary I conclude that the Park Lane site should be retained as PAS but that the UDP should not include the site in the Allerton Bywater Village Regeneration Area or refer to its potential for future development. The UDP should be modified in accordance with Alteration 16/004 without amendment.

## **RECOMMENDATION**

- 16.16 I recommend that the UDP be modified in accordance with Alteration 16/004**

## **ALTERATION 16/005 (ALLERTON BYWATER STRATEGIC HOUSING SITE)**

### **Objection**

21983 Leeds Review Consortium

- 16.17 1. Should the site be shown as a Strategic Housing Site [SHS]?

### **Inspector’s Reasoning and Conclusions**

- 16.18 Leeds Review Consortium object to the site being identified as an SHS; it already has planning permission and so should be removed from Phase 1 and shown as an “existing commitment”. The Council have re-classified the existing housing allocation H4:10 as an SHS to reflect the investment and regeneration benefits that the Millennium Community proposals will bring to this former mining community. They regard its status as consistent with the priorities established by RSS Policy S2. I consider that this is a sound reason for acknowledging that the site has a strategic purpose and agree that the site’s having planning permission has no bearing upon its status in this respect. The Council point out that there is no category of “commitments” in the Plan.

### **RECOMMENDATION**

- 16.19 I recommend that the UDP be modified in accordance with Alteration 16/005 amended to take account of my recommendation that the SHS should be included in Housing Phase 1A.

## **ALTERATION 16/006 (QUEEN STREET, ALLERTON BYWATER)**

### **Objections**

21646 Taylor Woodrow Developments  
21647 Taylor Woodrow Developments

### **Issue**

- 16.20 Should the Queen Street housing site be included in Phase 3 of the RUDP or in an earlier phase?

### **Inspector’s Reasoning and Conclusions**

- 16.21 Objections 21646 and 21647 to Alterations 7/002 and 7/003 are that the housing allocation at Queen Street should not be included in Phase 3 of the RUDP. This 4ha site is currently in agricultural use. It is not well-related to the MUA and there is other committed development in Allerton Bywater. There is also the likelihood of modest development of brownfield windfall sites in the village, which is already set to grow considerably in size through development of the SHS. For these reasons I do not consider that the objection site should be advanced to an earlier phase of the UDP.

## RECOMMENDATION

**16.22 I recommend that the UDP be modified in accordance with Alteration 16/005.**

### ALTERATION 16/008 (MICKLEFIELD VILLAGE REGENERATION AREA)

#### Objections

21619 Micklefield Properties Ltd  
21739 Persimmon Homes West Yorks. Ltd  
21922 D Kerry

#### Issues

- 16.23 1. Should the Council consult on the production of a timetable for broadening the partnership and the delivery of the Action Plan?
2. Should the text of the UDP give greater clarification of the role of the developers of the SHS?
3. Should the Micklefield Regeneration Area [MRA] be extended to include land north of the railway station and land at Old Micklefield?

#### Inspector’s Reasoning and Conclusions

- 16.24 1. Micklefield Properties Ltd (MPL) support the principle of the Regeneration Areas and the approach taken by the Council to the issues associated with the regeneration of Micklefield. They indicate their willingness to collaborate with the Council, the local community and other parties to assist in delivering the objectives in respect of Micklefield. However, in order to prevent delay and ensure that the regeneration and redevelopment of Micklefield is achieved as soon as practically possible, MPL suggest that the Council should consult on the production of a timetable for broadening the partnership and the delivery of the Action Plan. They suggest that an appropriate end date in these respects should be 6-12 months after the adoption of the RUDP, or earlier if no or minimal objection is received. However, In the light of my conclusions with regard to the SHS under Alteration 16/009 it would not be appropriate to include such a timetable involving development and, in any event, this aspect of implementation need not be dealt with in the suggested detail in a UDP.
- 16.25 2. In the light of my conclusions with regard to the SHS under Alteration 16/009, below, there is no need to explain the role of the developers of the SHS in more detail. Alteration 16/008 itself will need amendment to confine the Regeneration Area to the existing built-up area of the village and the Peckfield Business Park. There is no reason why the regeneration initiative should not proceed on this reduced basis without the early development of greenfield housing land.
- 16.26 3. In view of my conclusions with regard to the Micklefield VRA and SHS under Alteration 16/009, below, I conclude that the land north of the railway station and in Old Micklefield should not be added to the Regeneration Area. Given the housing land supply situation there is certainly no justification for use of GB land for residential development as I conclude generally in Chapter 7 in relation to several objections that

GB land should be allocated for residential development or designated as PAS. Even though the land to the north of the station is well-placed in that respect there is no need in principle to extend the VRA with a view to adding to the housing allocation or for any other evident purpose. To do so in either case in terms of housing would be contrary to national guidance with regard to greenfield sites. Given my conclusions on GB and PAS issues it would be inconsistent to recommend a change to GB boundaries which have only recently been established. I see no justification for such change anyway in terms of the sites’ GB function.

16.27 Nor is it necessary to include this land to effect access to the Manor Farm allocation or to improve links between the housing allocation H4:72 and the station. The Council indicate that the existing open-ended cul-de-sac through Garden Village would provide an acceptable access.

### **RECOMMENDATION**

**16.28 I recommend that the UDP be modified in accordance with Alteration 16/008 amended to exclude reference to the SHS and the developers of the constituent housing sites and that the VRA be confined to the built-up area of the village and the Peckfield Business Park.**

### **ALTERATION 16/009 (MICKLEFIELD STRATEGIC HOUSING SITE)**

#### **Objections (First Deposit)**

21620 Micklefield Properties Ltd  
21860 Metro  
21988 Leeds Review Consortium  
22291 Micklefield Parish Council [MPC]  
22296 Barratt Leeds  
24803 Mr Baldwin

#### **Objection (Revised Deposit)**

30363 Mr M. Baldwin

#### **Issues**

- 16.29
1. To what extent is Micklefield a sustainable location?
  2. Do the need for regeneration, and the priority given to it in RPG [now RSS] and the Proposed Alteration, outweigh the sequential approach?
  3. To what extent is housing development a prerequisite for regeneration? What level of housing provision is necessary for the regeneration initiative to succeed? How would regeneration proceed otherwise than by development of the SHS?
  4. If the housing is not developed in Phase 1 it would be post 2011 or beyond the Plan period; would that accord with RSS priority or otherwise be appropriate?
  5. What should be the extent of the SHS in terms of its regeneration role?

## Inspector’s Reasoning and Conclusions

- 16.30 1. Micklefield’s sustainability credentials, which were established at the time of the AUDPI, are based mainly upon its railway station; it is, as the Inspector stated at the time, the settlement’s greatest asset [para. 442.9]. Three trains per hour at peak times, and a half hourly service through the day, provide access to and from Leeds in about 20 minutes. York and Selby are some 17 minutes distant on an hourly service. Garforth is a 5 minute train journey away, although there is about a 10 minute walk from Garforth station to the centre. There is also a regular bus service to Garforth centre and Castleford is accessible by bus in about 20 minutes.
- 16.31 However, Micklefield now has relatively few other assets. It is basically a former colliery village with a population of about 1,800 in 2001. There is a primary school, post office, general store, sandwich shop, church, public house, youth and adult centre and a retired social centre. The SHS allocations would have added some 350 dwellings at pre-PPG3 densities but now would be expected to accommodate 500-600 units which would represent a very large increase in the village population. The resultant size of the settlement would to my mind be out-of-scale with the modest existing provision of shops and facilities and with the likely scale of new facilities that would be provided through regenerative efforts.
- 16.32 No doubt such an expanded population would help support existing facilities and services, although Micklefield Parish Council [MPC] point out that additional development in the village has not helped so far. Since 1998 over 100 new dwellings have been built, taking the total number of dwellings in the village to about 700. Even so, one shop has closed in Old Micklefield, one in New Micklefield and the Miners’ Welfare Club & Institute has also closed and been redeveloped for housing. MPC attribute closure of the shops to people’s changing shopping habits. Predictably people are doing bulk shopping at larger stores than Micklefield can offer and no doubt new residents would choose to do the same. Consequently there is debate about whether the population increase implied by the proposed SHS would in fact support any more, or larger, shops in the village.
- 16.33 There is some spare capacity in the existing primary school but the numbers of pupils generated by the SHS development would require its extension. The likely costs of what would be a sizeable extension have not been assessed and some adjustment to the site might be necessary to avoid building within the GB. Such works would be of little regenerative benefit to the existing settlement, being occasioned solely by its expansion. Secondary school pupils would have to bus to Garforth Community College or Brigshaw High School where additional facilities might be necessary.
- 16.34 Seventeen starter units, for which planning permission was granted in 1998, have been built on “Enterprise Court” at the eastern end of the Peckfield Business Park [PBP, allocation E3B.6] which is on the site of the former colliery. No estimate of the number of jobs created was available to me but clearly the scale of development at PBP does not as yet compensate in any way for the loss of colliery employment. Having said that, the colliery closed some 24 years ago and those employed there are unlikely to be awaiting replacement local employment opportunities within the village. 125 people were unemployed in Micklefield at the time of the 2001 Census.
- 16.35 At the time of my site visit, PBP had otherwise not progressed since the site was cleared in 1985/6, although it was stated at the Inquiry session in October 2004 that

more starter units are proposed and that 6 plots for a variety of uses are the subject of negotiation. However, there is little certain information available as to future intended progress of development or job numbers likely to be provided. There are few other local sources of employment apart from Garforth and Castleford, and Leeds itself is more accessible, by train, than many other nearer centres are by bus.

- 16.36 I am therefore concerned that there is an insufficient and otherwise uncertain employment base in Micklefield to make it a truly sustainable location for large-scale residential development or indeed a focus for regeneration through such development. Its main advantage is the rail service, but this is only advantageous in allowing access and commuting to other centres, and existing and future residents would be largely dependent upon such travel, or the car, for jobs and services. I fear that, unless and until substantial progress is made on PBP, Micklefield will remain very much a dormitory settlement. I do not consider that Micklefield is as sustainable a location as was thought in the mid-1990s under policies then applicable.
- 16.37 2. The housing allocations H4:13 and H4:72 have been classified as an SHS for the exceptional strategic reason of regenerating the former pit settlement. As such the Council consider them together to be an important building block in their overall housing strategy. This is a similar situation to that at Allerton Bywater except that the development there is largely of previously-developed land. Nevertheless the Council regard the need for regeneration in Micklefield as an overriding consideration which outweighs the sequential approach and promotes these sites above others. The proposal in their view accords with the guidance in PPG3 para. 31 “to build communities to support new physical and social infrastructure”. It is argued that confirmation and retention of the SHS would both act as a catalyst for the Micklefield Regeneration Strategy [June 2001], enabling direct contributions to be made to the achievement of regeneration objectives in line with RSS, which encourages local planning authorities to focus investment in areas of greatest need. Impetus would be lost if the enabling development were delayed to a later phase of the Plan.
- 16.38 The Council do not regard the fact that Micklefield is not a “coalfield town” as significant given the need for regeneration, the settlement’s location within the S2 first priority regeneration area as defined in RSS, and the fact that the SHS encompasses existing residential allocations whose early development is important if regeneration is to be effected.
- 16.39 I am not so confident of the Council’s interpretation of RSS however. I acknowledge that there is little connection between RSS Policies S2 and H2 to establish beyond doubt whether it is intended that regenerative efforts should be focussed upon settlements such as Micklefield. However, H2 iv) does not mention coalfield settlements or villages, and “coalfield towns” certainly suggests a much higher order of settlement than Micklefield. The S2 regeneration area covers a very wide area and includes several large coalfield towns which contain a high level of accessible services and jobs within them. Micklefield does not contain much in the way of either. In addition H2 iv) intends that priority should be given to the use of previously-developed sites and conversions before greenfield land; but the SHS is predominantly greenfield. Areas A and G, which MPC regard as brownfield elements, are in fact parts of a farm which, as agricultural buildings would not come within the definition of previously-developed land in PPG3, Annex C. Irrespective of which parts of the SHS the Parish Council would find acceptable or beneficial, I do not consider that their development would accord with national or RSS priorities.

- 16.40 H2 v) refers to other development that supports the RSS and which provides, or has the potential to provide, good public transport and non-car mode links to a wide range of employment and services. Micklefield does not have within it or nearby “a wide range of employment and services”. As noted, it has a very limited range of local services. It has a rail service which links to larger centres including central Leeds but I do not consider that it is a sustainable solution for some 500-600 new households to be accommodated in what amounts to a dormitory settlement, albeit well-linked by rail to Leeds. The rail service does not compensate for poor local service provision which has in fact deteriorated since the mid-1990s.
- 16.41 It would therefore appear to me that combining the strands of RSS policy with regard to sustainability, regeneration and the sequential approach does not support the development of greenfield land in a village such as Micklefield. Section b) of Policy H2 includes the only reference to small towns and villages within the Policy. Micklefield lies in a rural area where the provision of housing should be to meet local needs and/or support local services, again giving priority to the re-use of previously-developed land or buildings and to conserving, (and where possible enhancing), the character of the small town or village. The proposal to develop the Micklefield SHS in Phase 1 of the RUDP exceeds the level which could be justified on the basis of meeting local needs and/or supporting local services and ignores the priority stated within the Policy. It would also radically change the character of the settlement by almost doubling its size. In evidence against the suggestion that the Allerton Bywater Regeneration Area should be extended significantly by the Park Lane site, the Council expressed concern that such a scale of development would swamp that settlement. That danger in Micklefield is greater in my view, and there would be far fewer facilities for the much increased population than exist at Allerton Bywater.
- 16.42 It must also be a matter for concern that the development of such a large area of greenfield land in an attractive rural situation accessible to the national motorway network would divert attention from regeneration on brownfield land in more sustainable locations within or better related to the MUA. Such regeneration and brownfield development should be the first priority. If and when the contribution to housing land supply from brownfield sites began to reduce, and PBP had been progressed, then Micklefield might be expected to play a greater role but at present I consider that such development would conflict fundamentally with the sequential approach to housing. I conclude on the second issue that the need for regeneration, and the priority given to it in RSS and the Proposed Alteration, do not outweigh the sequential approach.
- 16.43 3. MPC also consider that that too much housing is being proposed for early development in relation to the regeneration needs of the settlement. They support the designation of Micklefield under Policy R1 and recognise that, as a stand-alone policy, without any associated residential development, it would reinforce the legitimacy of the regeneration initiatives in the village, integrate regeneration proposals into the wider Leeds Regeneration Strategy and encourage and help sustain external funding for such proposals. They accept that limited residential development is justified, and as members of the Micklefield Regeneration Partnership, have been involved in the preparation of a Preliminary Regeneration Package [PRP] as a basis for future discussion. However, they reject the assumption that sensible and effective regeneration must be predicated upon the release of the two housing sites within the SHS in Phase 1 of the Plan.
- 16.44 They doubt whether the two sites qualify properly as an SHS or have any but a local



regenerative function as they would only marginally affect the total supply of housing in the District. The sites are greenfield; if it were not for the regeneration initiative and the s.106 monies which development would bring they would be in later phases of the Plan, if they were required at all during the Plan period. There has been no systematic review of greenfield housing allocations in sustainability terms against criteria in RSS P3e) and H2a. The proposed SHS does not involve previously-developed land, infilling, or urban extension, and Micklefield is not a market or coalfield town. The Council’s proposal could in MPC’s view therefore only possibly be said to comply with criterion v) which relates to other development which supports the Regional Spatial Strategy. It is considered that the SHS linked to regeneration is seen by the Council as an expedient mechanism for the early release of the two sites. The fields themselves are not in need of regeneration and MPC do not see why the development of the whole SHS is a legitimate and necessary component of the comprehensive village regeneration initiative.

- 16.45 Although the Council state that the proposed scale of housing is essential to the comprehensive regeneration initiative for Micklefield, discussions on the relationship between development and regeneration are not far advanced and are far from conclusive, as is apparent from the MPC objection. Even though MPC are heavily involved with the Micklefield Regeneration Partnership and the production of the PRP, they criticise the fact that the housing sites are proposed for release too early, without prior consideration of how much s.106 funding is required and, therefore, of how much housing would be appropriate. Although the prospective developers assert that preliminary and provisional assessments of the cost of the regeneration package would require the full development of the allocations, there is no evidence available to me to indicate that this is the case. MPC have been invited to produce their cost estimates but there is no agreement with the prospective developer as to the economic relationship between the level of housing proposed and the intended regeneration measures of improving facilities and infrastructure.
- 16.46 The PRP appears to me to be at a very rudimentary stage. Its components are varied and include, for example, a meeting and indoor sports hall, improvements to Churchville House Residential Home and funding for a Regeneration Development Officer [to continue the work of the Economic Community Development Officer funded for 3 years by Yorkshire Forward]. It has not yet been established to what extent the projects might be funded, or in some cases continue to be funded, by other means such as grants, which would not involve large-scale development of greenfield land in the village. Whilst such provision as improved recreational/sports facilities and a community hall would be reasonable and properly related to the development concerned, I am not sure to what extent some of the proposed schemes would fulfil that requirement. For example, the continued funding of existing training/education courses, a community bus and new toilets at the church would not appear to be related to the proposed residential development but are rather items which one would expect to be funded in alternative ways and not through greenfield residential development.
- 16.47 The Community Initiative Fund is intended to be a general catch-all to facilitate and fund ad hoc projects and is apparently modelled on the Allerton Bywater Millennium Village situation where £500,000 has been provided for community projects as part of a s.106 agreement. Clearly the prospective developer at Micklefield would be willing to provide such monies if asked in order to progress the SHS development but it is questionable whether such a request is reasonable given that projects are unspecified.

- 16.48 On the evidence before me the PRP appears to be essentially a “wish list” of projects which have not been completely costed or assessed for feasibility and viability. The item, “Plan Reference D - consider the reservation of land within the development site for the creation of further retail facilities, if they are considered to be viable when the population of the village expands” is also extremely vague and in my view a poor basis upon which to progress regeneration which is intended to address infrastructure and service deficiencies. MPC’s view that the future need may be to keep open the existing shops in the village may be more realistic, but developing up to 600 dwellings here to do so, or on the off chance that better shopping provision may be supported, would not be justified. Whilst there is brownfield land within or adjacent to the MUA with better and closer facilities than Micklefield can offer, I consider that it should be developed in preference to greenfield land which brings uncertain regenerative benefits to this small settlement.
- 16.49 Notwithstanding the fact that Micklefield “still suffers from relative social isolation, a lack of facilities, derelict land and degraded infrastructure”, as MPC put it, I do not consider that almost doubling the size of the village is a sustainable way to effect remedies. There has been no clear explanation as to why development of these sites for housing is a necessary component of the comprehensive regeneration initiative, and how release in Phase 1 would materially enhance the regeneration of the derelict land and degraded infrastructure within the rest of the existing settlement. Nor is it clear how the proposed development would address local deprivation levels or improve access to employment.
- 16.50 Some 1,500 people would come to live in a settlement which, even if improved as proposed, would remain lacking in facilities and dependent on travelling to access them. There is no effective link between the SHS development and the progression of PBP either and therefore no guarantee that employment opportunities would increase in the village as housing was built, as is the case at Allerton Bywater.
- 16.51 I attach little weight to the benefit which the Council see in the SHS development providing greater coherence to the settlement either physically or socially.
- 16.52 In summary, I conclude that it has not been satisfactorily established to what extent housing development is a prerequisite for regeneration. I consider that the regenerative benefits are uncertain and small in scale relative to the amount of greenfield development proposed, and that even if implemented would not provide sufficient facilities to cater for the resultant population. Furthermore I consider that it has not been established that the regenerative measures could not be funded in other ways than through s.106 funds derived from large-scale residential development. The Council consider it to be very unlikely but produce no evidence to substantiate their view.
- 16.53 4. In terms of timing I acknowledge that it would be desirable for regenerative benefits to come early to Micklefield, although it is arguable that they should have come before now and that the needs, two decades after the colliery closure, are more modest than they were then because the village has changed in character and adapted to a new role. However, insufficient work has been done to justify the proposed scale of development in relation to regeneration schemes, or to establish an appropriate balance between regeneration benefits and the related level of housing. I cannot therefore recommend that such a large scale of residential development proceeds in Phase 1 of the RUDP, despite the RSS priority, and I consider that the

development of the housing allocations should be deferred to my proposed Phase 3.

- 16.54 As the construction of the realigned A1 is nearing completion, and in view of my conclusions with regard to the SHS, the limitation that development or occupation of the site should not proceed before completion of the A1 improvement is unnecessary.
- 16.55 5. The Council consider that the extent of the sites is a matter which is beyond the scope of the Inquiry. In these circumstances it is not within my remit to recommend a reduction in the extent of the allocations as MPC suggest, for example in terms of Area H either because of its landscape quality or the distance from the station.
- 16.56 In the latter respect, MPC argue that Area H is beyond the 800m walking distance from the railway station and residents in that area would be likely to use the car to access the station. It is also further from bus services. In their view therefore Area H does not comply even with H2 a) v) of RSS and there is no justification for its release prior to Phase 3 other than to generate s106 monies for regeneration. However, the Council point out that the LTP walking strategy states that 1km or 15 minutes is a convenient walking distance. PPG13 recognises walking as the most important mode of travel at the local level, offering the greatest potential to replace short car trips, particularly under 2km. Bus and cycle would also be alternatives to walking to the station. I conclude therefore that Area H is not too distant from the railway station to be suitable to accommodate residential development. Other aspects such as GB function were dealt with by the AUDPI Inspector and there are no exceptional circumstances locally which would warrant a change to the GB boundary.
- 16.57 Given my conclusions on balance between the sequential approach and regeneration in the village and the overall housing land supply generally, I conclude that there is no justification for extending these largely greenfield housing allocations as suggested by some objectors. I deal with site-specific aspects elsewhere in the Report, except for the suggestion that the housing allocation should be extended to the improved line of the A1. MPL and Barratt (Leeds) suggest that the boundary of the site should be extended to the boundaries of the new road. This would require a consequential change to the GB boundary and the exceptional circumstances advanced are that the physical nature of the land will change through the construction of the A1 realignment. It is suggested that the present boundary would create a small sliver of GB land between the A1 and new development which would fulfil no Green Belt function. I disagree with this view for two reasons. First it is not desirable to extend the housing allocation here to allow more housing to be built in Micklefield. Secondly, in principle, the construction of a road does not affect the extent of GB which will wash over the A1 as it did before. There are no exceptional circumstances for amending the GB boundary in this part of Micklefield.
- 16.58 Rather than extending the VRA I consider that it should not be larger than the existing built-up area and the PBP. The extent of the housing allocations necessary and reasonable in terms of capacity to regenerate the settlement needs much more further study before a development area could be fully justified and decisions made upon the numbers of dwellings to be built, provision of areas of open space, and protection of the green wedge and views for example. There are areas between the two parts of the village [Areas B and C] and on its northern and western sides which in my view, even though they are within the allocations, should be safeguarded from development, but the precise details of future development, which would also need to take into account other factors/uses such as known archaeological interest, access to

the countryside, any other necessary land uses, and the effect on the local landscape generally, are not matters which need to be determined at this stage.

- 16.59 I have considered all other views on the Micklefield SHS but none affects my conclusions that it should not be an SHS and should not proceed in Phase 1 of the UDP. Metro’s suggested additional text, that public transport contributions would be expected in relation to the SHS as the capacity of the railway line is limited at the present time, is not necessary in view of my conclusion on the matter. The issue of developer contributions to transport improvement is covered by Policy T2D and Alteration 6/005 in the form I recommend that it should be included in RUDP.

## **RECOMMENDATION**

- 16.60 I recommend that the UDP should not be modified in accordance with Alteration 16/009 but that the housing allocations H4.13 and H4.72, without areal amendment, be included in the proposed Phase 3 of the UDP.**

## **ALTERATION 16/014 (POLICY N34.8 - LAND EAST OF SCHOLES)**

### **Objections**

21951 Scholes Development Co Ltd  
24801 Scholes Development Consortia

### **Issue**

- 16.61 Should the site be included in the GB, retained as PAS land, or allocated for housing?

### **Inspector’s Reasoning and Conclusions**

- 16.62 Strategic aspects of the objection, relating among other things to national advice, the Urban Capacity Study [UCS], and the adequacy of housing land supply, are covered in Chapters 5 and 7. Although the Council did not accept representations to strategic housing sites as duly made, the issues raised are essentially covered under the sites in question.

### ***Green Belt***

- 16.63 The site was designated GB in the Garforth and District Local Plan [1986] but proposed by the Council as PAS at the last UDP Inquiry. The AUDPI Inspector endorsed and recommended extension of the PAS designation. He reported the Council’s view of the site’s contribution to GB purposes as “marginal” and his own as “not especially critical”.
- 16.64 At the Inquiry the Council’s case was largely based on their decision to remove the PAS designation from all such sites in response to their assessment of the availability of brownfield land, rather than on site-specific physical characteristics. They accepted that such characteristics had not changed since the last UDP Inquiry, and that they had not made any detailed analysis of the site’s GB functions as part of the Review. However, in support of GB permanence they pointed out that the site had been GB for much longer than it had been PAS; the former designation had lasted some 35 years,

from the County Development Plan of 1966 onwards, whereas the latter had been for only some 4 years, since adoption of the UDP in 2001.

- 16.65 Such a comparison is not in my view determinative in itself. Definition of GB boundaries is not an exact science based on unchanging principles. Rather it must seek permanence but permanence tempered to some extent by the needs of the time, and inevitably it involves a substantial element of judgement. PPG3 makes clear that if boundaries are excessively tight it may not be possible to maintain the degree of permanence that GB should have; and whereas the Garforth LP Inspector sought permanence “for decades ahead”, the AUDPI pointed out that the limited allocations of housing land made in that Plan had been used early in the Plan period.
- 16.66 The AUDPI endorsed the PAS designation in the context of a perceived need to safeguard a reserve of land for long-term development. Even if, as the Council argue, that need no longer prevails, for permanent GB boundaries to be established for the future it seems to me that the starting point must be the AUDP boundary, especially given the lack of change in the local situation since its adoption. In terms of GB purposes, to the extent that checking the unrestricted sprawl of large built-up areas is applicable to Scholes, the Council accept that the existing GB boundary, marked by hedgerows and in part by an access road, is robust. It is clearly less definite than the urban edge of Scholes to the west, and somewhat more diffuse to the south of Rakehill Road than to the north; and the countryside on each side of the boundary is little different in character. Nevertheless, even with these caveats I consider the existing boundary to be defensible, and to comply with the guidance in PPG3, para. 2.9.
- 16.67 Large settlements north-east of the City are well-separated and it is not necessary to keep the site open to check sprawl. Nor is there a risk of Scholes and Barwick merging into one another, given that the latter lies upwards of a kilometre from the eastern boundary of the site; and it is noteworthy that if there was development on the site it would not extend any further to the east than existing buildings along Main Street at the south end of Scholes. Development would inevitably encroach on the countryside but the effect would be limited, especially given that the existing form of the village would impose “stops” to both north and south. I deal with the fourth and final relevant GB purpose, assisting in urban regeneration, more fully under Policy N34 but no evidence has been advanced that this site has a particular bearing on the matter. Importantly, the issue here is not between GB and development but whether the site should be GB or PAS, and the latter designation would not weaken the necessary concentration on regeneration in any way.
- 16.68 Although the Council argue that GB objectives [PPG2, para. 1.6] also support the case for returning the site to GB, they accept that those objectives are not relevant to defining boundaries. If the site was developed, one right of way over it would certainly be subsumed, and the character of others would be changed to some extent, but access to open countryside would not be affected to any significant degree. Nor need the recreational facilities within the site be supplanted. Given the extent of pleasant landscape that would remain to the east, there would not be any serious harm in that respect, and no evidence has been advanced that there is a particular need to retain the land on agricultural grounds. I do not therefore see the site as fulfilling GB objectives to any great extent but, in any case, as with GB purposes, above, none of these matters would be prejudiced if the land was retained as PAS.

16.69 From the evidence I have seen there is no over-riding site-specific case for the land to be returned to the GB now, as with the other PAS sites; it is properly for the Council to judge the matter in due course on the basis of a full and comparative assessment of GB purposes.

***Sustainability***

16.70 Although it has clearly changed and grown over the years, Scholes is still arguably a village and what para. 70 of PPG3 says about housing in villages is therefore relevant. It was accepted at the Inquiry that Scholes is not identified in the development plan as a local service centre but it does have a reasonable range of services including a primary school, chapel, church, village hall, library, public houses, several shops and regular bus services. PPG3 countenances significant additional housing in villages only where it would support such services and they would otherwise be unviable without modest growth. Whilst I take the point that it may not be appropriate to wait until services are obviously at risk before putting that advice into practice, I have seen no clear evidence, either on the ground or at the Inquiry, that in the case of Scholes further housing would make the difference between viability and non-viability. Additional custom from new residents would no doubt be welcome but that is not the determining issue, and is something that could apply to many businesses around many potential housing sites. Nor, in terms of the other PPG3 criteria, is there anything to suggest that Scholes has a particular need for affordable housing, over and above that evident in other similar communities, or that needs to be specially addressed; and, whilst development could no doubt be designed to be in keeping with the village, this is not a particularly pressing point either.

16.71 Should there be a need in future to identify land within the PAS reserve for development then this site does have some sustainability and access merits that should be taken into account, including reasonable proximity to sources of employment on the east side of the City, including at Thorpe Park, and to the proposed Supertram terminus and park and ride site at Swarcliffe. Nor would development appear to present any insuperable highway problems, given that opening of the M1/A1 link has evidently released capacity on the A64, and minor changes and improvements at junctions would seem sufficient to accommodate extra traffic within the village. However, all these matters would need to be weighed in the balance along with the possible GB considerations as part of a comprehensive and comparative study. It would not be good planning to commit this site for development, even in later phases of the Plan, in isolation and on the basis of the limited information available at the Inquiry. For that reason, and because there is no imperative in terms of housing land availability, I do not recommend an allocation. Nor, for reasons given above, do I consider that a pressing case has been made for a return to the GB. The site should therefore remain as PAS in the RUDP.

**RECOMMENDATION**

**16.72 I recommend that no modification be made to the UDP.**

**ALTERATION 16/015 (POLICY N34.10 – PIT LANE, NEW MICKLEFIELD)**

## Objection

22008 Ashdale Land & Property Co Ltd

## Issues

- 16.73 1. Should the site be included in the GB or retained as PAS land?  
2 If it is retained as PAS land should it be included in the MRA?

## Inspector’s Reasoning and Conclusions

- 16.74 The Pit Lane site, of about 4.3ha, is designated as PAS in the AUDP. It was originally included in the GB in the Garforth and District Local Plan [1986]. It was proposed as a housing site [H4.14] in the Pre-adoption Revised Deposit Draft Leeds UDP [1993] [CD/DP/25a] but the Council followed the AUDPI Inspector’s recommendation that the site should be designated as PAS under Policy N34. The Peckfield Business Park [PBP, allocation E3B.6] which extends to about 12.75ha is adjacent to the objection site on the west.
- 16.75 Ashdale consider that the site in combination with their other landholdings in the settlement would provide the opportunity to deliver a comprehensive form of development that would make the most of Micklefield’s inherent advantages as a sustainable location. However, the Council consider that the right balance has been struck by the Micklefield SHS; no more housing is required in the settlement and there would be no purpose in including the site in the MRA. They consider that it should be returned to GB.
- 16.76 1. Taking the GB aspect first, I agree with the analysis and conclusion of the AUDPI Inspector that the site “serves very little GB purpose” [para. 419.12]. Given that the Council previously proposed that the site should be taken out of the GB and allocated for housing, and that before receiving the AUDPI Report a planning brief was prepared, the Council must have gone through the process in the 1990s of assessing whether or not it served a GB purpose, and been confident in their conclusion that it did not and that it was not necessary to keep it permanently open. Para. 419.4 of the AUDPI Report confirms their view at that time, and specifically states that the site is not part of the countryside and that development would be contained.
- 16.77 No exceptional local circumstances have been demonstrated to justify the proposed change to include the site within the GB. It remains a well-enclosed site and its development would not constitute unrestricted urban sprawl. The Council now argue that it serves a GB purpose in safeguarding the countryside from encroachment. In this respect, they consider Pit Lane would be a better boundary than the former railway embankment which has now merged with the countryside beyond. However, the site is not a significant feature in the wide stretch of countryside between Micklefield and Garforth and I consider that it is unnecessary to give it GB protection for that reason. I do not regard Pit Lane as a better boundary than the existing GB boundary and certainly the Council’s stated preference does not amount to justification for change. I deal with the general points about assisting urban regeneration and avoiding uncertainty under Alterations 5/001 and /002.

- 16.78 In terms of GB objectives the Council also argue that inclusion of the site in GB would fulfil that of retaining attractive landscapes on the edge of the village, and also retaining land in agricultural use. However, such objectives are not determinants in defining boundaries. The land is Grade 4 in terms of land quality and there is no MAFF objection. An area of about 0.75ha in the south-eastern corner of the site is allotments which Ashdale propose would be replaced elsewhere within the village if the site were to be developed. This need not be decided at this stage however, in the context of PAS designation. Retaining a finger of open countryside which gives a local landscape view, and the agricultural considerations, do not alter my views on the GB aspect of the case.
- 16.79 I conclude that there are no exceptional strategic or local circumstances which warrant the site being returned to the GB. I see merit in retaining it as PAS not only to provide the flexibility necessary to ensure the permanence of existing GB boundaries in the longer term but also to retain the option, if necessary in the future, of development in Micklefield. Of course, as I have said above in connection with the SHS, this would very much depend upon the development of a significant employment base in the village.
- 16.80 I agree with the AUDPI Inspector that, as one would expect on PAS land, there are no insuperable technical constraints on development, including the effect of the landfill site to the south-west. He was also concerned not to prejudice the possibility of a new settlement. That specific consideration no longer applies, and the context is not now one of a need for greenfield land for housing, but I do not consider that these factors affect fundamentally the consideration of GB function. On the first issue therefore I conclude that the site should remain as PAS and not be returned to GB.
- 16.81 2. Even though the objection site is well-placed in relation to Micklefield railway station, local recreational and community facilities, and lies between the built-up area and PBP, I do not consider that it should be included within the MRA in the light of my conclusions under Alterations 16/008 and 16/009. Retention of the site as PAS land means that options for the future are kept open. To be included in the MRA would beg the question of the site’s role in regeneration of the village and would appear to promote the site’s status from PAS to some form of regenerative function. There is no need for more housing to be allocated and, whilst I accept that housing may not be the only or even the preferred use of the objection site, there is no other form of development for which a site is currently required. Also inclusion within the MRA would be inconsistent with Policy N34. Consequently, I do not consider that it would be appropriate to add the site to the MRA on what would amount to a speculative basis.

## **RECOMMENDATION**

- 16.82 I recommend that the objection site be retained as PAS within the RDUDP but not included within the Micklefield Regeneration Area.**

## **ALTERATION 16/016 (POLICY N34.11- SCHOLES PARK FARM)**



## **Objection**

21948 Government Office for Yorkshire and the Humber

## **Inspector’s Reasoning and Conclusions**

16.83 I have dealt with this site under Alteration 15/015.

## **ALTERATION 16/017 (POLICY N34.12 – MOORGATE, KIPPAX)**

## **Objection**

22294 Persimmon Homes (West Yorks)

## **Issue**

16.84 Should the site be included in the GB, retained as PAS land or allocated for housing?

## **Inspector’s Reasoning and Conclusions**

16.85 In Chapter 5 of my Report I conclude that the status of PAS sites should not be deleted en masse as the Council propose, nor should they be changed without a comprehensive assessment and rationale relating to possible long-term PAS need.

16.86 There have been no changes in local circumstances which otherwise warrant the site’s inclusion within the GB and the contradiction of the Council’s action in adopting the UDP. Whilst development of the whole site would involve some encroachment into the countryside, it would not constitute unrestricted sprawl and the gap between Kippax and Garforth, which is narrow well to the west of the objection site, would not be reduced significantly. The AUDPI Inspector addressed these matters at para. 454.6 of his Report; and in overall terms considered that the site’s contribution to GB purposes was marginal. Development pressures on the remaining parcels of land between the site and Garforth can be resisted by application of GB policies; there is no likelihood of neighbouring towns merging as the Council fear. The GB objectives of providing opportunities for access to the open countryside and retaining land in agricultural, forestry or related uses were considered fully by the AUDPI Inspector; there has been no change and they do not now warrant a reversal of policy.

16.87 Whilst the objective of securing nature conservation interest appears not to have been addressed in the AUDPI Report, GB designation cannot be justified on this ground; there are other more appropriate means of protecting such interest if justified. PAS designation does not itself affect such interest which would need to be taken into account, as would all relevant factors such as access, if ever PAS options were being considered for development. Any development would be expected to avoid harm to such interests and indeed to retain or improve access to open countryside as the AUDPI Inspector commented [para. 454.11]. This could be done by maintaining and extending the existing well-used network of footpaths across the site.

16.88 The fact that the site was GB in the Garforth Town Map [1974] and the Local Plan [1986] carries little weight as the AUDP was the first Plan to take a comprehensive approach to GB and PAS land for Leeds District as a whole. Kippax itself, apparently,

has no undeveloped housing allocations and is, apart from the objection site, tightly constrained on all sides by established GB. My impression from visiting the area is that there are relatively few brownfield sites which would be available for development. Whilst it is right that development should be concentrated upon previously-developed land before greenfield land, there could come a time when brownfield windfall sites do not suffice for strategic needs or indeed for Kippax’s own requirements. These may be in relation to other forms of development than housing. To return the site to GB would allow no possibility of future greenfield development in the settlement without reconsideration of GB boundaries which, as they are supposed to endure, is to be avoided.

- 16.89 The objection site could perhaps be considered to be a large site in relation to the size of the settlement, but I have no basis upon which to consider its partial reduction; the Council have not assessed the need for change in this way but have rather adopted an “all or nothing” approach, both strategically and locally. I take the Council’s point that in its eastern part particularly the site includes flat high land which contrasts with the rest which faces southwards into the settlement. However, if the whole site was required for development in the future, development of the highest parts could be avoided thus maintaining the present sense of enclosure of the settlement in the landscape and reinforcing the GB boundary.
- 16.90 I have also considered the Council’s arguments about the merits of the existing and proposed GB boundaries. I find the present boundary acceptable, as did the AUDPI Inspector and the Council in adopting the UDP. Exceptional circumstances do not apply. In all the above circumstances, I conclude that the site should be retained as PAS.
- 16.91 The site is in a reasonably sustainable location in relation to Kippax centre and to employment opportunities in east Leeds. It is also well served by bus links. However, these factors do not override strategic reasons, relating to housing supply and sustainability of other sites better related to Leeds, against its advancement from PAS land to a housing allocation in Phase 2 or 3 proposed by the Council.
- 16.92 My conclusion that TATE should not be included in the RUDP as a strategic housing site does not affect my view with regard to the objection site. Nor does the possibility of the timely provision of infrastructure on this site in itself make a good case for releasing PAS sites now.

## **RECOMMENDATION**

- 16.93 I recommend that no modification be made to the UDP.**

### **ALTERATION 16/018 (POLICY N34.39 – WOOD LANE, SCHOLES)**

#### **Objection**

24802 Scholes Development Consortia

#### **Issue**

- 16.94 Should the land be included in the GB or retained as PAS land?

#### **Inspector’s Reasoning and Conclusions**

- 16.95 The grounds of objection are general rather than site specific, concerning the permanence of the GB, the robustness of the UCS, and the sustainability of the proposed Thorpe Arch SHS. I deal with these aspects in Chapters 5, 7 and 24 of the Report.
- 16.96 The Council argue that including the site in the GB would fulfil GB purposes of safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging recycling of derelict land. On the first point, although the land is farmed it is effectively isolated from the wider belt of agricultural land between Scholes and the main built-up area of the City by flooded onetime brickpits, surrounded by trees and now a Leeds Nature Area [LNA], and by the equally well wooded alignment of the former Stanks-Scholes railway. The long views to the north referred to seem to me to be very much foreshortened by trees, at least in the summer months, and the site as a whole is largely enclosed between vegetation to the west and the built edge of the village to the east. The former railway line that in part marks the GB edge is a clear and defensible line on the ground [rather than simply a boundary identifiable only on a plan as the Council argue] and in my view including the site in the GB would serve no real purpose in terms of safeguarding the countryside from encroachment. So far as assisting in regeneration is concerned, I say at paras. 5.14 – 15 that it is not necessary to redraw GB boundaries to ensure this. There is no conflict between continuing with PAS designations and focussing on recycling previously-developed land.
- 16.97 Green Belt objectives, as well as purposes, have been referred to but here as elsewhere, I make the point that the former are not relevant to defining GB boundaries. Retaining the PAS designation would not in any way prejudice GB objectives of providing access to open countryside or retaining attractive landscapes. Whether or not the objection site might be allocated for development is in my view a matter for the future but I do not see it as complementary to ELE, as the objector suggests, not least because it would be important to keep a clear open break between the City proper and Scholes. That said, if a case for further housing in Scholes was made, this site could provide a reasonable and modest rounding-off of the village to the west in a way that would not prejudice its separate identity. The LNA is well-screened by a dense belt of trees along its eastern edge and subject to careful design and landscaping there seems no reason why development nearby should harm its conservation value. Nor should it spoil enjoyment of either the well-used public footpath to the south or the cyclepath and walkway proposed along the former railway line.

## **RECOMMENDATION**

- 16.98 I recommend that no modification be made to the UDP.**

### **ALTERATION 16/019 (POLICY N34.40 – PARK LANE ALLERTON BYWATER)**

#### **Objection**

22007 Ashdale Land & Property Co Ltd

## **Inspector’s Reasoning and Conclusions**

16.99 I deal with this objection under 16/004 above where I conclude that the Park Lane site should remain as PAS and not be included in the GB.

## **RECOMMENDATION**

**16.100 I recommend that no modification be made to the UDP.**

## **ALTERATION 16/025 (POLICY N34.9 - LAND AT SOUTH GARFORTH)**

### **Objection**

24799 Mr Gash

### **Issue**

16.101 Should the site be included in the GB, retained as PAS land, or allocated for housing?

## **Inspector’s Reasoning and Conclusions**

16.102 As I explain under Alteration 5/001 of my Report, the status of PAS sites should not be deleted virtually en masse as the Council propose. In this case there have been no changes in local circumstances which otherwise warrant the site’s inclusion within the GB and the contradiction of the Council’s action in adopting the UDP. The site was proposed by the Council as PAS in the Consultation Draft and Revised Draft UDP [1993] in the context of higher housing need and a proposed bypass bordering its southern side. The bypass proposal was withdrawn in 1994, but the site was established as PAS in the knowledge of this; in fact the Council proposed the present GB boundary. Whilst the GB boundary is not as strong as the line of a bypass would have been, it is nevertheless an acceptable boundary now, as it was at the adoption of the AUDP. I do not regard the Council’s currently proposed boundary, which would largely follow the rear of property boundaries, as intrinsically any better.

16.103 Whilst development of the whole site would involve some encroachment into the countryside, it would not constitute unrestricted sprawl because the site is reasonably well enclosed particularly at the eastern end, and the gap between Garforth and Kippax, which is most vulnerable at the eastern end of Garforth rather than here, would not be significantly affected. The GB objectives of providing opportunities for access to the open countryside, via public footpaths through the western part of the site, and retaining land in agricultural, forestry or related uses were presumably considered fully by the Council before proposing the site as PAS in the first place and before adopting the UDP; they do not now warrant a reversal of policy.

16.104 The fact that the site was GB in the Garforth Town Map [1974] and the Local Plan [1986] carries little weight as the AUDP was the first Plan to take a comprehensive approach to GB and PAS land for Leeds District as a whole. Even considered in isolation, Garforth itself now has few, small undeveloped housing allocations and is, apart from the objection site, tightly constrained on all sides by established GB beyond very hard edges formed by housing areas. Whilst it is right that development

should be concentrated upon previously-developed land, both in Garforth and the wider MUA, before greenfield land, there could come a time when brownfield windfall sites and Plan allocations do not suffice for strategic needs or for Garforth’s. These may be in relation to other forms of development than housing. To return the site to GB would allow no possibility of future greenfield development in the settlement without reconsideration of GB boundaries which, as they are supposed to endure, is to be avoided.

16.105 The site is in a reasonably sustainable location in relation to Garforth centre and to employment opportunities in east Leeds. It is also well served by bus and rail links. However, these factors do not override strategic reasons against its advancement from PAS land to a housing allocation in Phase 2 or 3 proposed by the Council. I have seen no concrete evidence supporting the objector’s concern that housing allocations will force out other non-housing uses to peripheral or unsustainable locations. The Council can avoid such consequences, should they arise, by the operation of the development control function.

16.106 My conclusion that TATE should not be included in the RUDP as a strategic housing site does not affect my conclusion with regard to the objection site. Nor does the possibility of the timely provision of infrastructure on this site in itself make a good case for releasing PAS sites now.

#### **RECOMMENDATION**

**16.107 I recommend that no modification be made to the UDP.**

## CHAPTER 17 - MORLEY

### ALTERATION 17/004 (BRUNTCLIFFE ROAD, MORLEY)

#### Objection

25177 David Wilson Homes

#### Issue

- 17.1 Should the site be included in an earlier phase than Phase 3 of the UDP?

#### Inspector’s Reasoning and Conclusions

- 17.2 The site [H4.73 in AUDP] extends to about 5ha., has a capacity of about 180 dwellings and is proposed for residential development in Phase 3 of RDUDP as site H3-3.35. The principle of development has therefore been established. Following a recommendation by the AUDPI Inspector, the site was allocated for a mixed development of housing and employment uses. The Council approved proposals for B1 use on the adjacent employment site in June 2004.
- 17.3 The site lies about 1.2km from Morley town centre. Morley is a suitable location for new development, benefiting from existing infrastructure, access by a variety of public transport services and a wide range of local services and community facilities. There is an hourly train service to Leeds from Morley station. Hourly bus services on the A650 connect to the town centre [journey time 8-10 minutes], Leeds, Wakefield and Bradford. The site is also close to existing and proposed employment development in Morley.
- 17.4 The objector argues that the UDP strategy concentrates greatly on the expansion of Leeds to the east of the urban area through the location of strategic sites identified in Policy H3-1B and the East Leeds Extension [ELE], which include substantial areas of greenfield land currently lacking infrastructure. If greenfield land was required, development of the objection site would make use of existing infrastructure, including transport, shopping facilities and a wide range of community services within an established town centre, which I conclude from my site visits to the area could both cater for more residents and benefit from the increased trade and activity which they would bring to the area.
- 17.5 I do not consider that it is sound planning to embark upon the development of a major urban extension such as ELE which would extend the urban area into open countryside before using what might be termed structural infill sites or smaller, less obtrusive urban extensions such as this Bruntcliffe Road site. As importantly, it is a waste of resources to provide extensive new infrastructure and facilities in such a large extension when existing facilities could be used first to cater for smaller allocated sites which relate better to the urban area.
- 17.6 I consider the “fair share” approach to housing land provision at para. 7.21 of my Report. Morley has a population of 55,000 or 7% of the total population of the City. Completions in Morley have been at a relatively high level recently, about 300 dwellings per annum [dpa] or twice what might be expected on a pro rata basis. At

this rate the objector estimates that the existing maximum provision of 1,378 dwellings would last only 4.6 years; there would be a shortfall in Phase 1 of the RUDP and an even larger shortfall in Phase 2.

- 17.7 However, the rate of 300 dpa is about 15% of recent annual total completions in Leeds and the objector’s estimate of likely completions of some 140 - 150 dpa resulting from the Council’s approach would not be such a low total. Whilst local needs and circumstances are a relevant factor it is not automatic that past completion rates should continue, particularly when a disproportionate amount of development has taken place in the past. In this respect I am mindful that the AUDPI Inspector accepted that, at the time of the last Inquiry, Morley should be allowed a period of comparative stabilisation.
- 17.8 More fundamentally, as I conclude at para. 7.21 of my Report, if housing land were to be distributed on a statistical basis according to existing population as suggested it would simply perpetuate existing housing distribution denying any strategic influence. As the Council point out also, national policy to develop brownfield before greenfield land could itself result in geographical imbalances between demand and distribution. I therefore do not accept that there is an inadequate supply of housing land in the Morley area which justifies the allocation of this site in Phase 1 of the RDUDP.
- 17.9 However, I do consider that Morley’s highly sustainable location signifies that further development should be accommodated in the Plan period and that the development of the Bruntcliffe Road site should precede ELE in the RUDP’s phasing. In taking this view I bear in mind that the site is greenfield and should not be developed before previously-developed land. However, the phasing provisions which I recommend in Chapter 7 and the PMM approach should allow the appropriate development of this site in such a way, if and when required, and in advance of ELE.
- 17.10 The Council’s interpretation of PPG3 para. 31 as relating to the identification of suitable sites and not to the timing of their release is a narrow view. The criteria are to be used in assessing which sites to allocate for housing. If there are phases in the Plan as in this case, the same criteria should apply to judging which sites to assign to which phases.

## **RECOMMENDATION**

- 17.11 I recommend that site H3-3.35, Bruntcliffe Road, be included in Phase 2 of the RUDP, as I recommend it should be modified.**

### **ALTERATION 17/005 (DAISY HILL, MORLEY)**

#### **Objection**

25181 David Wilson Homes

#### **Issue**

- 17.12 Should the site be included in an earlier phase than Phase 3 of the UDP?

### **Inspector’s Reasoning and Conclusion**

- 17.13 This site is about 2.9ha and has an estimated capacity of about 100 dwellings. It is proposed for residential development as site H4.83 in the AUDP and therefore the principle of development has been established. It is proposed for residential development in Phase 3 of RDUDP as site H3-3.37.
- 17.14 The site lies about 700m from Morley town centre and to the north-east of Morley station to which there is footpath access. It comprises small fields principally used for grazing, stabling and riding horses. All but the eastern side of the site is bounded by development. Although the objection site is not previously-developed land it does, as the AUDPI Inspector concluded, enjoy very great advantages in terms of housing development. It is also largely enclosed visually by housing and industrial development.
- 17.15 Because this site has self-evident advantages in terms of proximity to services and community facilities as well as public transport options, I consider that it should be allocated for development earlier in the Plan period than Phase 3. In particular, for the reasons I explain at para. 17.5, I consider also that it would not be appropriate for ELE to precede the development of this site. In any soundly based sustainability appraisal of options it would be almost inevitable that the objection site which does not intrude into the countryside, is within walking distance of an existing railway station and benefits so well from existing infrastructure, would score more highly than the ELE.

### **RECOMMENDATION**

- 17.16 I recommend that site H3-3.37, Daisy Hill, be included in Phase 2 of the RDUDP as I recommend it should be modified.**

### **ALTERATION 7/002 & /003 (ALTERATION 17/007, WHITEHALL ROAD, DRIGHLINGTON)**

#### **Objections**

25168                      Lowry Homes  
21821/21822              Wilson Connolly (Northern)

#### **Issue**

- 17.17 Should the site be included in an earlier phase than Phase 3?

### **Inspector’s Reasoning and Conclusions**

- 17.18 The site was originally designated GB in the Morley Town Map [1966] but was allocated for residential development in the Morley Local Plan [1986]. The site [allocated as H3B:13 in the AUDP] is now proposed for residential development in Phase 3 of RDUDP as site H3-3.2. The principle of development has therefore been established.



17.19 The site is a greenfield site which is not within or adjacent to the MUA as defined in the RDUDP and is less well related to Policy S2 centres than, for example, the Bruntcliffe Road and Daisy Hill sites which I deal with above. It is therefore not so well placed in sustainability terms and I consider that it is rightly included in Phase 3.

## **RECOMMENDATION**

**17.20 I recommend that the site be included in Phase 3 of the UDP.**

### **ALTERATION 17/037 (LOW MOOR FARM, MORLEY)**

#### **Objection**

25179 David Wilson Homes

#### **Issue**

17.21 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusions**

17.22 The site, which extends to about 7.4ha, lies about 1.4km north-east of Morley town centre. Its removal from the Green Belt was promoted by the Council in the Draft UDP. The AUDPI Inspector agreed with the Council’s view that harm to the GB and its purposes could be contained if the site was excluded from the GB. He considered that the loss of the site from the Green Belt would be less significant than other locations. In sustainability terms, the site is well related to existing housing and is reasonably convenient to public transport, albeit that it is not an easy walk to the railway station. It was consequently included as a PAS site in Policy N34 of the AUDP.

17.23 As I explain under Alterations 5/001 and /002, I conclude that the status of PAS sites should not be changed en masse as the Council propose. In this case there have been no changes in local circumstances which warrant the site’s inclusion within the GB and the contradiction of the Council’s and the AUDPI Inspector’s previously expressed views about its GB function. The site is in a sustainable location. If it were ever to be considered for development then substantial landscaping could be incorporated to present a softer, wooded appearance to this high edge of Morley which would also create a strong GB boundary. I consider that the site should be retained as PAS.

17.24 I conclude at para. 7.16 of my Report that based on the present RPG requirement there is a sufficient supply of housing land for the Plan period. Given my conclusions and recommendations in terms of housing land supply and allocations, and with regard to sites at Daisy Hill and Bruntcliffe Road [under Alterations 17/004 and /005], which would provide a reasonable continuity of housing supply in Morley once previously-developed land had been utilised, I conclude that the objection site should not be allocated for residential development.

**RECOMMENDATION**

**17.25 I recommend that no modification be made to the UDP.**

**ALTERATION 17/038 (WEST OF CHURWELL)**

**Objections**

- |                             |  |
|-----------------------------|--|
| 20300 Mr Vranic             | 20437 Mr Nelson  |
| 20350 Mr Parker             | 20604 Ms Cowling                                       |
| 20351 Mr Brook              | 20816 Mrs Stevens                                      |
| 20352 Mr Whittam            | 20817 Mr Suffield                                      |
| 20355 Ms Clarkson           | 25062 Cllr. Tetley                                     |
| 20356 Mr Wilks              | 25076 Morley Town Council                              |
| 20359 Ms McGregor           | 25077 Morley Town Council                              |
| 20361 Mr Crowther           | 25097 Mrs Tetley                                       |
| 20363 Mrs Kirk              | 25099 W.A.C.A  |
| 20365 Ms Saunders           | 25104 Mr Burnley                                       |
| 20367 Mrs Woolner           | 25130 Mr Liversidge                                    |
| 20369 Ms Elsbj              | 25157 Mrs Hadley                                       |
| 20371 Ms Downes             | 25195 Persimmon Homes (West<br>Yorkshire) Ltd          |
| 20372 Mr Sykes              | 25208 Mr Carwell West Ardsley<br>Community Association |
| 20373 Mr Glen               |  |
| 20375 Mr Steckles           |  |
| 20378 Mr Commons            |  |
| 20427 Churwell Action Group |  |

20435

**Issue**

17.26 Should the site be retained as PAS land, left unallocated or designated as greenspace under Policies N1 or N5?

**Inspector’s Reasoning and Conclusions**

17.27 The objection site forms part of an extensive area of open space, rough grazing and allotments between the urban edge of Churwell and the M621, beyond which lies the GB. Although the site does not adjoin GB, as PAS land it serves the function of ensuring protection of the GB in the longer term by providing a future option for development without affecting it.

17.28 Churwell Action Group and local residents support the proposed deletion of the PAS designation from the site but request that it be made greenspace rather than left unallocated so as to provide for informal recreation and conservation of biodiversity, and to make it more secure from possible future development. I deal under Alteration 5/001 and /002 with Persimmon Homes’s objection in principle to deletion of Policy N34 on PAS sites, namely that it provides a necessary flexibility to meet future development needs. I address below their further argument that the suitability of this site for development should be recognised.

17.29 Whether or not it should be designated as greenspace in the Plan essentially turns on whether there is a demonstrable shortfall of such space in the surrounding area, and a reasonable prospect of a greenspace use being brought to fruition within the Plan period. On the first point objectors say that much open land has been lost to development in Churwell and that, apart from the adjacent Clark Springs Wood, the

site is the only remaining area of informal open space. The Council say that an assessment of recreational land is in progress but no information from it was available at the time of the Inquiry. I must therefore rely largely on anecdotal evidence and my own assessment of the situation from what I have seen on my visits.

- 17.30 Importantly, Churwell is not identified in the AUDP as a priority area for improving greenspace provision under Policy N3 and from this I assume that the level of provision there is not markedly below the average for Leeds as a whole. Although Clark Springs Wood is the only existing informal greenspace, it is a fairly extensive area and threads through housing in a way that makes it quite widely available. Also, from what I have seen on my visits, there is a fairly good range and quantity of open spaces of other kinds locally, both at the more formal Churwell Park and in playing fields. Admittedly these do not offer the sort of informal recreation that might be available on the objection site but together they add up to a reasonable level of provision overall for a community of the size of Churwell, and two further greenspaces are proposed in the AUDP at King George Avenue and Harwill Approach. In addition, a good number of rights of way provide access to extensive tracts of open land to both the north-west and south-east.
- 17.31 The land west of the objection site is evidently well-used for informal recreation and I have no doubt that that site would be equally popular if it were made officially available. However, I have seen no compelling evidence that there is such a shortfall in provision in the surrounding area as to justify a greenspace designation in the Plan. Nor, given that the site is mostly rough grazing, is there anything on the ground or in evidence to suggest that it is of any great intrinsic value or interest in terms of biodiversity, certainly compared with the adjoining Clark Springs Wood.
- 17.32 Although I see no reason why creation of a new greenspace should necessarily depend on acquisition by the Council under Policy N5, it would almost certainly need some investment under that Policy beyond the officer time that the Action Group envisage. The Council accept that the Policy has not been particularly successful in practice and say that they must concentrate limited available resources on areas with more pressing needs and locally on improving existing greenspaces and implementing the two proposals in the Plan. From all this I see little prospect of a substantive Council input into any further greenspace work in the area. Also, whilst in time it might be possible to agree some form of access and partnership agreements with landowners, as the Action Group suggest, it is evident that no work has been done on this so far; and the initial reaction of one of the owners concerned is not particularly encouraging [LCC/054/A].
- 17.33 Whilst I appreciate the Action Group’s wish that the Plan should be aspirational, it should also be realistic and contain only proposals where there is a reasonable prospect of implementation during its lifetime. On the available evidence I see no such prospect at the present time. Looking to the future, the Group may well wish to discuss their proposals further with both the Council and owners with a view to consideration as part of the LDF but there is no good case for a greenspace designation in the RUDP.
- 17.34 As noted by the AUDPI Inspector, development of the objection site would be subject to noise, access and landscape constraints, and would probably be costly relative to the limited scale of development achievable. Nor would housing there be within easy walking distance of local services and facilities. For all these reasons I do not

consider the site an obviously attractive candidate for development, as suggested by Persimmon Homes, and certainly not in advance of existing allocations in the Plan. However, the point about PAS land is that it is a reserve of potential sites for the long-term, from which the most sustainable ones could be selected after further, detailed analysis. As I say in considering PAS generally, that analysis has not yet been done. Meanwhile I see no harm in retaining the PAS designation and no benefit in removing it and leaving the site unallocated. As PAS designation carries no implication that any particular site will ultimately be developed, retaining it does not make the objection site more vulnerable to development as local residents who support its removal might fear. Also, the status of the site would be clearer as PAS than if left unallocated, and the restrictive emphasis of Policy N34 would appear to address the Council’s concern that without GB protection such land would be vulnerable to early and adventitious applications for planning permission.

## RECOMMENDATION

**17.35 I recommend that no modification be made to the UDP.**

### ALTERATION 17/039 (TINGLEY STATION)

#### Objections

21117 Ms Spencer	21355 Mr Pitts
21124 Ms Higham	21356 Mrs Jackman
21345 Mr Jackman	21357 Mrs Pitts
21346 Mrs Whincup	21359 Ms Marsden
21347 Mrs Froggatt	21380 Mrs Doidge
21348 Mrs Townend	25060 Mr Jackman
21349 Mrs Burton	25151 Mrs Kirk
21350 Mr Hemingway	25152 Mr Healey
21351 Mrs Hemingway	25153 Mr Jackman
21352 Mr Fox	25154 Mr MacPherson
21353 Mr Marsden	25174 The Robert Ogden Partnership
21354 Mr Jackman	25175 Appleyard Exors

#### Issues

- 17.36
1. Should the site be included in the GB, retained as PAS under Policy N34 or be allocated for employment purposes during the Plan period under Policy E34?
  2. Should the site be developed to include a conference centre?
  3. Should the site be allocated for housing purposes in Phase 2 or 3 of the Plan?

#### Inspector’s Reasoning and Conclusion

##### Context

- 17.37 This site of about 44ha lies adjacent to J28 of the M62 and about 4km/2.75 miles from J29/42 of the M62/M1. It is bounded by the A653, Dewsbury Road, on the west and on the east by the A654, Thorpe Lane.

- 17.38 The site was originally included as GB in the 1966 West Riding County Development Plan Review and was so designated in the West Yorkshire Structure Plan 1980 and Morley Local Plan 1986.
- 17.39 In January 1989 the Council’s Planning and Development Committee agreed in principle to release the site on the basis that it would provide for demand for large industrial and distribution sites which could not be accommodated by existing industrial allocations. A development brief was prepared in 1989.
- 17.40 The site was subsequently included in the Consultation Draft UDP [May 1992] under Policy E17 and for large-scale Industry/Distribution Use under E21:1. It was also proposed as suitable for Leisure/Cultural Facilities under reference LT5B:2 although that was deleted in December 1992 as incompatible with manufacturing/distribution use. In the UDP Revised Draft of June 1993 it was proposed under Policy 4:38 for employment development and reserved for large-scale employment users under Policy E9, until January 1995 when the deletions of the site as an employment allocation and of Policy E9 were included as proposed changes to the UDP. In June 1996 an appeal [N4720/95/249883] against the failure of the Council to determine within the prescribed period an outline application [Ref. 90/23/274] for B1, B2 and B8 uses and a hotel on the site was dismissed. In August 2000 the Council accepted the AUDPI Inspector’s recommendation that the site should be excluded from the GB and safeguarded under Policies N34 and N40.
- 17.41 1. In terms of the suggested allocation of the site for employment purposes, it is for the objector to show that it is necessary to increase the supply of employment land. In the context of the proposed return of the site to GB, the Council must prove that there are exceptional circumstances involving clear and permanent changes to warrant such action. I shall deal first with the employment aspects, then with PAS, and finally with other matters, including the Leeds Supertram, relevant to the first issue.

***Employment aspects***

- 17.42 Unlike housing land, employment land has no RSS requirement upon which to base the quantity for which provision should be made in the UDP. The explanatory text of Chapter 8 of the AUDP remains largely unchanged in the RDUDP because, as this is a partial review of the AUDP, employment aspects, apart from Policy E7, have not been addressed. Flexibility is required in the provision of employment land, as explained in AUDP paras. 8.1.8 and 8.3.1. Paras. 8.3.4 and 5 explain the need for leeway.
- 17.43 The Council’s UDP Monitor of 26 September 2002 [P/25174/1A, Ax.12, para. 4.3.1] states that “A crude comparison of supply with development rates shows that in quantitative terms there is adequate supply for the period to 2016 and beyond. Using the current long-run development rate of 25ha p.a it would seem that there would be sufficient land for 32 years. At peak rates of 35ha p.a supply would last about 23 years.” The Robert Ogden Partnership’s [ROP] assessment is similar: at a take-up rate of about 32ha p.a the supply in purely quantitative terms would last about 24 years, i.e. to 2028 in theory. Overall the Council conclude that the supply of employment land is still generous and sufficient to last through the UDP period [to 2016], although they say “not all of it is immediately available and there are emerging

concerns about the maintenance of local supply in the west of the City” [above Monitor].

- 17.44 However, ROP seriously questions the adequacy of the supply in qualitative and availability terms. PPG4 has not changed since 1992 in its advice that the provision of employment land should include sufficient range and choice of sites. RSS favours flexibility to promote Leeds as a focus for growth. RSS Policy E3 refers to the need to undertake a rigorous assessment of the amount of employment land needed and to provide for a range of types and size of site. It is argued that such guidance illustrates the inadequacy of the Council’s crude quantitative assessment compared to previous take-up rates.
- 17.45 The ROP assessment produced in support of the argument for allocation eliminates several AUDP sites because they are likely to be developed for B1 uses or on size grounds. It is made on the basis of a 10ha threshold capable of accommodating about 40,000 sq.ms. of B2/B8 floorspace for large occupiers, say above 4,650 sq.ms. [50,000 sq.ft.]. Although it is not argued that the objection site should be reserved for specific or large users [indeed as the Council point out that would not be an option in policy terms and there would be nothing to stop applications for B1 use on the Tingley site anyway if it was allocated] the assessment is very much based on attracting large B2/B8 users and therefore does not look at Leeds in the round let alone at the wider sub-regional picture.
- 17.46 It nevertheless concludes that 6 sites allocated in Leeds are unconstrained and immediately available [P/25174/3, para.5.5.27 and Ax.18], subject in one case to resolution of ownership problems, which I do not see as insuperable. I do not attach great weight to the facts that 4 of these are below 20ha [although above 10ha] or that of the 2 above 20ha, one [Nepshaw Lane, E4:13] also has a B1 allocation, or that there are no sites above 40ha. In total they amount to some 108ha which is sufficient to be going on with in terms of such sites.
- 17.47 It cannot be expected that all the sites allocated in the AUDP will be immediately available and attract development interest at the outset of the Plan period. This is recognised in section 8.3 of the AUDP. I recognise that 4 of the above sites are not as well related to the M1/M62 corridor market although 2 [Nepshaw Lane, E4:13 and Gildersome E4:14] are close. E4.14 is not far from the objection site. It extends to 40ha and proposals are being considered for about 98,659 sq.ms. of employment space including plots for either B1(c), B2 or B8 uses totalling about 83,517 sq.ms. I therefore do not see a pressing case for the allocation of Tingley Station for employment purposes or based on the requirements of a particular sector.
- 17.48 Whilst there is some uncertainty with regard to the rate of development of Aire Valley Leeds [AVL], which sites are also discounted from the ROP assessment, there is a substantial commitment to it both in the Regional Economic Strategy [CD/REG/06] and through the AUDP/RDUDP. The Council are intent upon making an Area Action Plan [AAP] for the area a high priority in their Local Development Scheme. Much work has already been undertaken to progress development and urban regeneration there. About £12m has been invested in infrastructure works including construction of J45 and advanced works on the East Leeds Link Road [ELLR]. Plans are nearing conclusion, admittedly after considerable delay in the parties involved reaching agreement, for the construction and financing of ELLR which will open up a large part of the area directly to the M1.

- 17.49 Four “participating” sites within AVL, totalling about 100ha, are likely to receive planning permission in the near future for development including B2/B8 uses. Although the Council stated that there may be a condition on the planning permissions that those developments should not proceed until 2008, these 4 sites should not be discounted from the reckoning in the Plan period. Subject to various highway improvements, which would be the subject of other conditions attached to the four planning permissions, it has been determined that the Strategic Highway Network [SHN] can cope with the developments. The Highways Agency [HA] have expressed concern about further development within AVL but a group comprising them, the Council and landowners has been set up to determine what measures need to be carried out to ensure that the wider AVL can be developed whilst still maintaining the integrity of the SHN. Such issues will also be addressed within the priority AAP.
- 17.50 Development of the remainder of AVL is clearly dependent upon infrastructure improvements including enhanced access, a further river crossing and possible measures to deal with the effects of odour and flies from Knostrop Waste Water Treatment Works [KWWTW]. Remaining infrastructure costs are therefore likely to be very high, possibly totalling some £190m. ROP poses the question as to how the financial shortfall would be made up from profit on the remaining 100ha especially given that further contributions from applicants for development on the four “participating” sites, which will by then have received planning permission, will not be forthcoming. There is debate about the nature of the development that will be appropriate in AVL given that the infrastructure costs are likely to be so high and the level of public funding is uncertain. High value land uses such as retailing and B1 would bring greater profit but there could be a conflict of uses in environmental terms and also possible conflict with UDP policies.
- 17.51 Also, responding to ROP’s suggestions that higher value uses and a truly mixed development should be pursued in AVL, a housing market assessment has been commissioned by the Council. If it were possible to introduce housing into AVL then the amount of land available for employment development might be reduced, although as the Council point out, housing development would be dependent upon removal of the filter beds at KWWTW, and there might therefore be no net loss of land for employment purposes. Discussion of such possibilities does accentuate the uncertainty over the future role of AVL, which will only be determined in detail by the future AAP.
- 17.52 I accept also that, as things stand, there must be doubts about the environmental suitability of part of the area for employment use. Food/pharmaceutical users in particular, who could account for some 25% of developer interest, would be likely to be deterred by close proximity to the KWWTW, although the concern about having to pass through residential areas is not likely to be such a problem.
- 17.53 The Council expect all these issues to be addressed in the AAP and my recommendations in relation to Alteration 15/011 are designed to allow flexibility in the preparation of that future Plan. Whether the problems will be resolved satisfactorily and in such a way as to provide variety, choice and availability/delivery remains to be seen. However, there are two basic points. The first is that much of AVL is allocated for employment development in the AUDP and will remain so. The allocation of the objection site at no great distance from AVL would be likely to seriously prejudice the urban regeneration initiative there in that it would divert interest to a relatively soft option for development thereby taking away potential investment from AVL. The

second is that the urban regeneration of the AVL is an initiative which is directly in line with Government policy and it should be pursued vigorously, as the Council intend, and not be undermined by development of the objection site.

- 17.54 Whilst I acknowledge that AVL will be a challenge, I consider that it would be premature to conclude that suitable sites for B2 and B8 development will not come forward there and that therefore Tingley Station will be needed in the Plan period. I disagree that such a site is required as a matter of urgency now and is as important to the future economic prospects of Leeds as ROP argues. For all these reasons I conclude that the objection site should not be allocated for employment development in the RUDP.
- 17.55 In reaching this conclusion I recognise that there is a preference and latent demand for employment land in locations along the M62 and M1 corridors and indeed other locations close to the motorway network. This has probably led to industry gravitating to areas such as Wakefield, Normanton and Huddersfield and to parts of South Yorkshire. However, there are undoubtedly many other factors affecting Leeds’ competitive position within the sub-region, one being grant availability, for example in South Yorkshire. Such matters were referred to by the Inspector at the AUDPI [para. 962.6 & 7].
- 17.56 I have also taken into account the view that AVL is relatively unattractive compared with the objection site as it is an extra 15 minute drive time from the objection site and the M62. AVL is equally well sited in relation to the motorway network in my view and has the advantage of closer proximity to Leeds itself quite apart from the regenerative benefits which will accrue.
- 17.57 I acknowledge that windfall employment sites cannot be relied on to a great degree because they are uncertain in supply and are likely to be smaller sites, which are less likely to be capable of providing large-scale B2/B8 users with acceptable accommodation. I have also taken into account the potential loss of employment land to residential use which amounts to some 10ha p.a. [UDP Panel Report 26 September 2002] with a knock-on effect on the development of, and need for, larger employment sites. I accept that such change is likely to continue; it is an aspect of employment land supply which needs careful monitoring. However, I do not consider that the possibility of such losses justifies the provision of more employment land at this stage, given the present supply and uncertainty over the extent of change.
- 17.58 Broad comparisons with Manchester in terms of premises/space available and take-up of large B2/B8 development are interesting but the conclusion, based on such limited analysis, that Leeds is performing less well is not a telling basis for allocating more employment land. Nor is an individual objector’s view, even supported by a “market commentary” concerning the difficulty of finding large, well-located employment sites in Leeds, a sufficient basis for further allocation of employment land. Such decisions must be based on a proper regional assessment and involve other local planning authorities in the strategic decision. Evidence of demand and expressions of interest are not the same as need, and whilst Leeds should not be expected to forego development for lack of suitable sites, or to lose too much employment development to nearby districts, the Leeds economy is robust at present and it has an adequate supply and choice of employment sites.



- 17.59 With regard to regional assessment, the Regional Employment Land Survey [RELS], required as part of the rigorous assessment of the amount of employment land needed in RSS Policy E3, is at an early stage. Although ROP has doubts that this survey will analyse fully the employment land demand and supply in qualitative terms, I do not doubt that it will give a better and more comprehensive basis than either the Council’s basic quantitative assessment or ROP’s analysis in evidence to the RUDP Inquiry. RSS para. 11.23 [previously RPG12, para 11.20] states that “as well as providing baseline information it will be a tool for managing change in accordance with Policy E5” and that RELS is “critical for the monitoring, implementation and review of Policies E3 to E5.” Its results will inform more adequately the preparation of the Council’s future Core Strategy and relevant Local Development Document in the new LDF system. I conclude that, without further analysis, there is an inadequate basis upon which to allocate the objection site in the RUDP. Equally I consider that the Council’s stance, without the results of RELS and further analysis of employment land, is an insufficient basis upon which to conclude that the site will not be required in the long-term and that it should be returned to GB.
- 17.60 I consider that the Council are being inconsistent also in their view [para. 4.14 LCC/018] that ROP’s arguments related to site quality and relative site advantage are premature in advance of revision of the employment land strategy. I consider that it would be premature in advance of RELS to delete PAS land which has been found to have potentially unique attributes for employment development in the long-term.
- 17.61 There is also inconsistency in the Council arguing that they are not reviewing or allocating new employment land, because that would be outside the scope of this Review, and their proposing to include possibly 28ha of employment land in ELE. I can see that the suggestion is based on the need for ELE to follow guidance on mixed-use development but I have heard no evidence of employment need to justify the inclusion of such land. Indeed, it is also inconsistent given the Council’s arguments against Tingley Station that there is sufficient employment land supply, and that a greenfield allocation for employment purposes would have an adverse effect on urban regeneration initiatives such as AVL.
- 17.62 Equally I give little weight to the Council’s argument that there is an imperative to review PAS in this partial Review, as I conclude in Chapter 5. As the ROP argued in this case, the Council cannot have it all ways: they cannot say there is a requirement to review the site’s status but that it cannot stay as PAS and it cannot be an employment allocation because they are not dealing with employment. The only option the Council present in these circumstances is that the site must return to GB.
- 17.63 In that respect I take the point that if the objection site was returned to GB, and AVL does not come forward as intended, there would most likely be a need to reconsider GB boundaries, certainly before the expiration of the 10 year period beyond the end of the RUDP. This possibility should be avoided as it would conflict fundamentally with GB guidance. The Council is in effect undertaking an early review of GB to return PAS land to GB without the necessary analysis of employment land and consequently inviting a further early review of the RUDP to cater for development needs in the longer term. This is not going to result in an enduring GB.
- 17.64 The site is the only PAS site which has previously been considered for employment purposes and whilst PAS land may be considered for any use if required in the long-term, its history, character and location indicate its suitability for that purpose rather

than for housing. The general reason given by the Council for returning PAS lands to GB relates only to housing in that PPG3 and the UCS results amount to exceptional circumstances. However, such circumstances do not affect employment land.

- 17.65 I have also taken into account the fact that whilst RPG12 Policy E4 a) [which postdated the AUDPI] gave, and in RSS continues to give, preference to land within urban areas [particularly previously-developed land] that is “subject to being able to deliver a continuing supply of sufficient quantity and quality across the portfolio identified in Policy E3” and taking into account “preparation costs identified by RELS, the targets for availability in Policy E5 and the likely level of resources for site preparation purposes and infrastructure provision available to partners in the development process established by monitoring (Chapter 11)”.
- 17.66 Of course, PPG2 para. 2.6, current at the time of the AUDPI, requires that opportunities for development within the urban area have been considered. The Council do not advance any previously-developed land of a sufficient size in a suitable location which could meet possible long-term need for employment land elsewhere in the District. I therefore do not discount the objection site because it is not, apart from about 6% of its area, previously-developed land. However, the matters referred to in the above quote from RPG12 are not yet capable of analysis but must be carefully examined before the present strategy is reviewed. I consider that the next comprehensive review of the development plan would be the appropriate time to undertake such analysis, which means in effect in the new LDF system.

### ***PAS/Green Belt***

- 17.67 I deal with the PAS issue generally under Alterations 5/001 and /002 of my Report. It is for the Council to show that there are exceptional circumstances which necessitate revision to GB boundaries. The Copas case [CD/CL/01] makes it clear that exceptional circumstances only exist if the reasons for removing a site from the GB have subsequently been shown to be clearly and permanently falsified.
- 17.68 I conclude, for the reasons set out in Chapter 5, that the Council’s arguments with regard to PPG3 and the UCS results do not constitute exceptional circumstances which warrant the almost blanket return of PAS land to GB which they propose. PAS sites are not safeguarded for any particular purpose, indeed as I stress in Chapter 5, there is no specific commitment to an eventual use or to release for development. That said, this site originates, and has since been discussed, in the employment context and it is in my view really only suitable for that purpose. Although it was included within GB from 1966 it was proposed by the Council themselves for employment purposes in the 1990s, and the discussion at the AUDPI concentrated on its potential employment use. I give little weight to the argument that the Council agreed with the AUDPI’s package of PAS sites in its entirety to avoid a further Inquiry at the time. It was in any event open to them to disagree with the Inspector’s conclusions on this site for other than housing reasons.
- 17.69 In these circumstances I consider that the Council’s argument with regard to exceptional circumstances in the housing context do not cover the issue of the future of this site. Whilst they say they have re-appraised the site, it is clear there was no specific, systematic or recorded assessment of the particular circumstances of the site or the need for it to be retained as PAS before the decision was taken to propose its return to GB in the FDUDP.

- 17.70 The Council place weight on the requirement to review the status of PAS sites as per para. 5.4.8 of the AUDP. I deal with this argument in general terms at para. 5.9 of my Report and criticise the view that this partial review after only 3-4 years is the necessary or appropriate time to review PAS. I do not consider that the Council advance sufficient justification in housing or, as I have stated above, in employment terms, let alone exceptional circumstances, for concluding that the site should be returned to GB at this time.
- 17.71 The Council’s case is largely based on the site’s past GB credentials; the fact that it has been GB for longer than it has been PAS, and in terms of it serving GB purposes. The AUDPI Inspector acknowledged that the site did fulfil important GB functions [para. 491.16] and that its development would cause harm to 4 out of 5 GB purposes [para. 491.17]. It would check the unrestricted sprawl of the built-up area; prevent neighbouring towns from merging; and assist in safeguarding the countryside from encroachment and urban regeneration. Because it comprises a large and central part of the area of open countryside between Morley, Middleton, and Ardsley, its development would prejudice the separate identity of those settlements. However, all these aspects were weighed in the balance by the previous Inspector who concluded nevertheless that the site should be designated as PAS, subject to a commitment to Supertram [ST]. The Council’s argument that the site would serve these GB purposes does not constitute changed or exceptional circumstances compared to the time of the last Inquiry or the adoption of the UDP.
- 17.72 Additionally, as I say at paras. 5.14 - 15 in the PAS section of my Report, the designation of PAS does not prejudice urban regeneration or the recycling of derelict and other urban land. If it did it would not be included in PPG2 guidance. Under Policy N34 this site could not be developed in the Plan period for employment purposes, except as a departure from the Plan. As PAS it will not divert attention from AVL where the AUDPI Inspector recommended large-scale employment allocations at the same time as recommending that the objection site should be designated as PAS. Circumstances have not changed in this respect.
- 17.73 Para. 1.6 of PPG2 is clear that once GBs have been defined, the use of land in them has a positive role to play in fulfilling the six objectives there set out. However, para. 1.7 goes on to state that the extent to which the use of land fulfils these objectives is not in itself a material factor in the inclusion of land within a GB. Exceptional circumstances should not be linked to the objectives of GB.
- 17.74 Again, these matters were considered by the AUDPI Inspector and the state of site has not changed significantly since then. It is obvious that the site provides access to open countryside for the urban population, and is in a natural “green” state, although the quality of the landscape is not relevant to inclusion in the GB. There has, since the AUDPI, been restoration of the redundant sewage treatment works and railway line on the site but such restoration was conditioned in planning permissions which predated the Tingley session at the AUDPI in February 1996. The site is largely in agricultural use, the majority of the land being best and most versatile agricultural land of grade 2 [11ha] and 3a [14.9ha] which is a “weighty factor to be taken into account” as the AUDPI Inspector stated. The classification has not changed since the last Inquiry. PPG2 was current in its present form when the AUDPI Inspector considered all these aspects and GB objectives and he weighed them in the balance at the time.

17.75 There has been no significant change in other respects to constitute exceptional circumstances warranting a return to GB. There has been no change in the objection site’s merits for employment purposes except that it would now be immediately available. The Council also raise the point that the existing northern edge of the site is not a well-defined GB boundary and does not accord with PPG2 para. 2.9. However, the boundary was acceptable to the previous Inspector and indeed to the Council at the time they accepted his recommendation. There are therefore currently no exceptional strategic, local or other circumstances to warrant returning the site to GB.

### ***Supertram [ST]***

17.76 The site lies on ST’s originally planned route. This locational advantage played a significant part in the AUDI Inspector’s recommending that the site should be designated as PAS. Consequently the AUDP [para. 17.2.20] states specifically that “The site will only be considered in future at a review of the Plan and in the event that the Supertram link to Tingley is implemented or firmly committed.”

17.77 Although ROP avers that the ST’s extension to Tingley is as firmly committed now as it was in August 2000 when the Council decided to accept the AUDPI Inspector’s recommendation, the 7km southern link between Balm Road and Tingley has since been omitted to reduce the cost of the scheme, which is now proposed to terminate at the Stourton Park & Ride [P&R] site. This reduced scheme, described as the “Best and Final Offer” [BAFO] in the bidding process, was submitted to the SoS for approval in November 2004. However, the Balm Road-Tingley section has not been abandoned. There are references for example at paras. 3.1 and 3.3 of the Joint Metro/LCC Project Team Report, Annex E to the Report to the Council’s Executive Board of 8 November 2004 [LCC/059/E] to opportunities, and retaining options, for the scheme’s extension. BAFO is “best” and “final” in relation to the current scheme and does not mean that it is the last that will definitely be heard of the Tingley section.

17.78 The Council consider that construction of the Tingley section is most unlikely to proceed as it is the lowest priority section. They suggest that the capital cost of extending ST to Tingley would be between £50-70m and, as this section has probably the lowest demand usage, such construction costs would be likely to be prohibitive compared with potential revenue income. An extended scheme would also have to be treated as a new scheme: it would have to compete with other public transport schemes, including possibly a ST link to Leeds/Bradford Airport, for inclusion in a future Local Transport Plan [LTP] and a further submission for funding would have to be approved. The Council therefore consider that the AUDPI Inspector’s reason for taking the land out of the GB has now, at this Review, effectively gone.

17.79 However, the Council produced no specific and comprehensive evidence of capital costs or likely revenue income and there has been no consideration of the possible beneficial effect on potential revenue of employment development at Tingley [including possible contributions to the provision of a P&R site]. ROP argues that the Tingley Station site would provide a better P&R site than that proposed at East Ardsley as it would relate better to incoming traffic on Dewsbury Road and would avoid an expensive crossing of the M62. P&R services on such a line would also work in tandem with workers travelling in the opposite direction from the City Centre to the site at peak hours.

- 17.80 Although I do not doubt that there would be considerable problems and high costs involved in progressing the Balm Road-Tingley section in the future, I conclude that it has not been abandoned, and I would expect the above possibilities and suggestions to be taken into account in any future decisions on the line and should the site be considered for development in the long-term in conjunction with ST.
- 17.81 I bear in mind that there was considerable uncertainty surrounding ST’s provision at the time the Council accepted the AUDPI’s report in August 2000. Prior to that date, the 1998 scheme submission had failed on costs grounds; and consultants, Steer Davies Gleave, were appointed and reported in 1999 that the line to Tingley showed a lower performance in cost/benefit terms. The current LTP was also published in July 2000, before the Council accepted the AUDPI’s Inspector’s recommendations. It recognised that the Balm Road-Tingley section would be the lowest priority, stating that the Stourton-City Centre section was first priority, followed by extension northwards to Lawnswood via the Universities and Headingley [CD/REG/03, para. 7.19]. Additionally at that time, in contrast with the present, no CPO powers were in place.
- 17.82 It must also be borne in mind that ST’s implementation or firm commitment is not a prerequisite of PAS designation. It is rather the case that the site will only be considered in future at a review of the Plan and in the event that the ST link is implemented or firmly committed. It would be premature to conclude now that the Balm Road-Tingley section will never be built and that this aspect of the circumstances which led to the PAS designation has been clearly and permanently falsified justifying the site’s return to GB.

***Other transport considerations***

- 17.83 With regard to other transport considerations, the site is compliant with PPG13 in terms of its location which is away from congested central and residential areas and with adequate access to trunk roads. It is compliant with PPG2 Annex B, B3 in terms of its sustainability. It is close to potential sources and destinations of freight and also to a potential workforce which could access the site by a variety of means. The site’s accessibility on foot, cycle and public transport was described as its “major planning merit” by the AUDPI Inspector [491.65]. Also the relationship with Tingley Common would encourage better co-ordination with public transport services in the southern part of Leeds.
- 17.84 Its good accessibility characteristics as an employment site were therefore a factor in its designation as PAS in the first place. No evidence of public transport improvements or systems, other than ST, which might significantly improve its already good accessibility and avoid congestion, was heard by the AUDPI Inspector. ROP now argues that a bus-based priority service along Dewsbury Road and service extensions from Middleton could provide good public transport services to the site. This is not disputed in principle by the Council. A Quality Bus Corridor [QBC] or Initiative along the Dewsbury Road corridor is to be implemented in 2005/6 and will involve bus priority measures at key junctions. If ST were to be built but curtailed at Stourton, ROP argues that the feasibility of the bus-based concept would not be affected; in fact it is argued that a P&R service from the objection site would be better served by a bus-based priority service with infrequent or no intermediate stops rather than ST.

- 17.85 However, the currently proposed corridor improvements are not so far-reaching as those ROP suggests and would not provide dedicated bus lanes, for example, or such a level of public transport accessibility as to create a convincing case at present for the development, even if needed, to proceed on this basis. Whilst I consider that the Council are being unduly pessimistic about the adverse effect on other bus services of the suggested improvements, neither these, nor the proposed QBC, is sufficient to support making the site an employment allocation in the RUDP.
- 17.86 In terms of access and highway impact on the local road network and the M62 the Council raise no specific objections. They differ with ROP to a degree over the HA’s approach to traffic management rather than widening of the M62. The HA’s “Route Management Study” provides a detailed approach to the future of the M62, and alternative means of demand management do form part of the HA’s policy but such measures are still being trialled. Whilst these are matters which will be considered in the future in any event, and would need to be assessed in detail if the site was to be considered for development, there is no evidence of an insuperable highway problem affecting the site’s development. There are some acknowledged problems of highway capacity in the development of AVL but they have not precluded an employment allocation. Highway considerations have not changed in a way that would clearly and permanently falsify the basis for deletion of the site from GB and do not weigh against continued PAS designation. Nor on the basis of the evidence presented would they weigh against an employment allocation at Tingley Station.

***Use for conference facilities***

- 17.87 The Council state that there is widespread agreement that Leeds does need a conference facility and that this is recognised in the Leeds’ Cultural Strategy. However, I agree with their view that a City Centre site would be preferable, or at least one which is in a more sustainable location for a use which would attract visitors to Leeds rather than residents to work. As conference centre feasibility and location are currently being considered in a specific study there is certainly no need to allocate the objection site now in order to provide such a facility which in any event would take only a part of the site. Also, as my conclusion is that the site should remain as PAS, it would be inappropriate to recommend its use for a conference centre.

***Use for residential development***

- 17.88 3. The Council’s view that the objection site is not suitable or required for housing development is implicit in its evidence. In my view the site would not be a suitable one for residential development; it is greenfield land which is not well integrated with existing communities or particularly close to local services and facilities. Also, given my conclusions on housing land supply generally, I conclude that there is no need for further housing land other than that which I recommend should be included in the RUDP. I therefore conclude on this issue that the site should not be allocated for housing purposes.

***Summary***

- 17.89 On the face of it there remains a generous supply of land for employment purposes until 2016 and beyond at past rates of take-up. The planned supply should provide the necessary variety and choice of sites. There is no justification for allocating the objection site to add to the existing provision or, contrary to Government guidance, to

cater specifically for large B2/B8 users. I consider that allocation as an employment site, whether general or specific, would divert attention away from the development of AVL and the regeneration efforts being made there, which are in line with national, regional and local policy. I conclude that the objection site should not be allocated for employment purposes in the RUDP. However, that is not to say that the site should be returned to GB. There has been very little change in circumstances in the last 3-4 years and no exceptional circumstances to warrant the Council’s proposed alteration. None of the relevant circumstances has been clearly and permanently falsified.

## **RECOMMENDATION**

**17.90 I recommend that no modification be made to the UDP.**

### **ALTERATION 17/040 (SPRING GARDENS, DRIGHLINGTON)**

#### **Objections**

25142 Ms Dya  
25188 Lowry Homes  
25190 Wilson Connolly Northern

#### **Issue**

17.91 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusions**

17.92 As I conclude in Chapter 5 of my Report, the status of PAS sites should not be changed en masse as the Council propose. In this case there have been no changes in local circumstances which warrant the site’s inclusion within the GB. The issue of GB function was addressed in detail by the AUDPI Inspector and I do not disagree with that analysis or the overall conclusion that the site’s contribution to the GB is limited. In terms of the 5 purposes of GB, development of the site would not result in sprawl. It could be regarded as a natural extension of the settlement or as a rounding off as the Council chose to describe it when it was previously proposed as a housing site. There would remain a wide swathe of GB land between Drighlington and Gildersome to prevent their merging.

17.93 There would be some encroachment into adjacent countryside but this would not amount to an intrusion as the site is largely contained by existing development on all sides except the eastern edge, where an enduring boundary could be created. The impact of development on the landscape would be limited. Again the Council argued at the previous Inquiry that the impact of development on the countryside would be minimal and even that the then current state of the urban fringe would be improved. The site is intrinsically unremarkable in landscape value terms and has no significant role in the wider landscape. Access to the open countryside would remain at a high level locally. The site is of low agricultural quality [3b] and Pitty Close Farm would remain a viable agricultural holding. The purpose of preserving the setting and special character of a historic town is not relevant here and I have already dealt with the purpose of urban regeneration in relation to the PAS sites at paras. 5.14 - 15 of my Report. Consequently I conclude that the site should not be returned to the GB.

- 17.94 The site is available and is not subject to any known infrastructure constraints as one would expect of PAS. The AUDPI Inspector was satisfied that highways and drainage issues could be resolved. A subsequent drainage assessment has confirmed this and progress has been made on provision of access from adjacent land.
- 17.95 Drighlington is not included within the MUA as defined on RDUDP M/096. There is no definitive categorisation of settlements either in RSS or the AUDP but I do not consider that it would be appropriate to define Drighlington as part of the MUA or as a “smaller urban area” because it is a detached, small settlement with limited facilities. I therefore do not accept the objector’s argument that the objection site should be regarded as “other infill” and as compliant with RSS Policy H2 a) ii), setting it above other, better located sites in the phasing sequence. The site is too large to be regarded even as structural infilling.
- 17.96 The Council question whether a site of some 9ha can be considered as sustainable given the scale of local services. They point out that the favourable appeal decision referred to [APP/N4720/A/01/1078140] was for a site of about 0.62ha rather than one capable of accommodating over 270 dwellings at 30 dph. The suitability of this PAS site, its relative sustainability and the scale of development would need to be assessed in relation to the need for development if and when that was established. There is no need for its allocation now. It is unnecessary to add it to the reservoir of greenfield sites which are to be phased into the land supply in accordance with my recommended Policy H3. I find no cause to substitute any PAS site for allocated housing sites. It must be stressed again that PAS land would only be considered for development if and when required and certainly not in this Plan period. As such its existence does not prejudice urban regeneration. Whilst I see no good reason to return the site to GB that is not to say that good reason exists to develop the site at this stage or even to expect that it will inevitably be developed, but the option of assessing the need should be retained for the long-term.
- 17.97 I deal with issues relating to the overall supply of housing land at para. 7.16 of my Report where I conclude that there is no District-wide need to allocate more land for residential development during the Plan period. I accept that local needs and circumstances are factors to be considered, as stated in RDUDP para. 7.2.1 bullet point 4, but in this case there is no exceptional or compelling evidence of local need to warrant bringing the site forward as an allocation at this stage.
- 17.98 Nor do I accept, for reasons given at para. 7.21 of my Report, that provision should be made on a “fair share” basis as argued by the objector. This would suggest that Morley North should accommodate about 878 dwellings over the Plan period compared with the estimate of forthcoming units of about 751 or, using the Council’s discounted figures, 804 units. The figures are not far apart but the supply of housing must be considered in District-wide terms rather than on the basis that individual settlements or small areal sectors are apportioned development. There is no overall shortfall and I do not consider that the local supply of land is likely to be so limited as to warrant the allocation of this site during the Plan period.

## **RECOMMENDATION**

- 17.99 I recommend that no modification be made to the UDP.**



## **ALTERATION 17/041 (NEW LANE, EAST ARDSLEY)**

### **Objection**

25188 Taylor Woodrow Developments

### **Issue**

17.100 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

### **Inspector’s Reasoning and Conclusions**

17.101 This site of about 3.8ha lies on the northern edge of East Ardsley. It was included in the GB in the Morley Local Plan [1986] and was designated as PAS following the recommendation of the AUDPI Inspector. Prior to that the Local Plan Inspector had recommended the site should be excluded from the GB and in part allocated for residential development.

17.102 As I explain in Chapter 5 of my Report, I have concluded that the status of PAS sites should not be changed en masse as the Council propose. In this case there have otherwise been no changes in local circumstances which would warrant the site’s inclusion within the GB, and the contradiction of the AUDPI Inspector’s previously expressed views about its GB function which led to its exclusion by the Council from GB. Whilst the development of the site would narrow the gap between East Ardsley and Common Lane, it would not result in sprawl or merger and a sufficient gap would remain as GB. Access to the countryside would not be significantly affected. Equally there is no basis upon which to reverse the view taken on adoption of the UDP that the site need not be kept permanently open.

17.103 Although there is uncertainty over ST and the site is in a less sustainable situation than some which are better related to the MUA and to Policy S2 centres, it is reasonably well-related to facilities and public transport services. Access to the site is available. My conclusion is that it should be retained as PAS in order to retain long-term options.

17.104 I do not consider that the site should be allocated for residential development. I do not agree with the objectors that the site should be considered as infill under RPG Policy H2 ii) as it is not infill in the form of a small gap or any structural sense. In any event, for the reasons given under Alteration 7/001, there is no need for the site to be promoted to an allocation at this stage. It is therefore unnecessary to balance its value as open land and its sustainability characteristics with need or against the suitability of other PAS sites. That exercise would have to be undertaken if and when the need for further development land arises.

17.105 I deal generally at para. 7.21 with the “fair share” approach. In this case ward boundary changes have occurred but in any event I do not favour a ward-based approach to need assessment and I do not consider that there is such a need in this locality to warrant an individual PAS site being allocated for development.

## RECOMMENDATION

**17.106 I recommend that no modification be made to the UDP.**

### **ALTERATION 17/042 (BRADFORD ROAD, EAST ARDSLEY)**

#### **Objection**

25191 Andrew Ramsden

#### **Issue**

17.107 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusions**

17.108 The objection site was unallocated in the Morley Town Map [1966] but included in the GB in the Morley Local Plan [1986]. It was proposed as GB in the Consultation Draft UDP but following the consideration of objections at the AUDPI, the Inspector recommended, and the Council accepted, that the site be designated as PAS land. The site extends to about 13.5ha, and lies to the west of the New Lane site.

17.109 I see no reason to disagree with the AUDPI Inspector’s reasoning in considering GB purposes in relation to this site. Nor do I disagree with his conclusions that the site is not essential to the strategic role of the GB in separating larger settlements and that it is unnecessary to keep the site permanently open. The finger of land between East and West Ardsley is minimal as it is and such a gap could be retained effectively by greenspace provision within the site as envisaged by the AUDPI Inspector.

17.110 The site’s development would not result in the unrestricted sprawl of a large built-up area because it is bordered on all but the northern side by existing development. As such there would be no significant encroachment in the sense of intrusion into open countryside. In my view, New Lane forms a defensible and appropriate GB boundary. The purpose of preserving the setting and special character of a historic town is not relevant in this case. Whilst allocation of this large site for development now would prejudice urban regeneration by recycling derelict and other urban land, retention as PAS would not have this effect but would instead keep options open for the future.

17.111 The site is available and is not subject to any known infrastructure constraints, as one would expect of PAS. Possible concerns about access have been addressed by a highway statement on behalf of the objector which indicates that satisfactory access could be achieved without acquisition of third party land.

17.112 The site is not included within or adjacent to the MUA as defined by the Council. However, it is in a reasonably sustainable location and close to a range of existing services, albeit they are not within a Policy S2 centre. Morley town centre is about 4km distant. The site is reasonably well-served by existing public transport giving access to Wakefield in about 13 minutes and Leeds in a little over half an hour. Its sustainability in accessibility terms may be less now than previously thought likely as the southern arm of ST is not included in the current proposal. However, the relative

merits of the site [including its scale if considered together with the New Lane site, its agricultural land quality and the effect on access to open countryside] would need to be considered alongside other options if and when necessary development could not be accommodated on allocated land or previously-developed land.

- 17.113 None of the site’s positive attributes are in themselves sufficient to justify the allocation of the land for development in this Plan period given the extent of potential brownfield development and other planned provision which I recommend should be included in the RUDP. I do not regard the site as infill within an urban area, nor do I consider that it should be as high as the objector suggests in the sequence set out in RPG12 Policy H2.
- 17.114 I accept that local needs and circumstances are a factor to be considered, as stated in RDUDP para. 7.2.1 bullet point 4, but in this case there is no compelling evidence relating, for example, to local or affordable housing need or the need to improve open space provision, to warrant bringing the site forward as an allocation.
- 17.115 Nor do I accept that provision should be made on a “fair share” basis as argued by the objector. Although there have been ward boundary changes, the objector’s assessment would suggest that what was the Morley South area should accommodate about 1,027 dwellings over the Plan period compared with the estimate of forthcoming units of about 689 or, using the Council’s discounted figures, 847 units. However, the supply of housing must be considered in District-wide terms rather than on the basis that individual settlements or small areal sectors are apportioned development. To accept the objector’s argument would encourage a simplistic approach to housing supply and one which would perpetuate present development patterns, giving rise to unnecessary pressure for further housing land outside existing urban areas. This would prejudice national policy related to both urban renaissance and GB. There is no overall shortfall of housing land at present and I do not consider that the local supply of land is likely to be so limited as to warrant the allocation of this site during the Plan period.
- 17.116 Consequently I do not consider that more land needs to be allocated in this locality and I consider that to do so at this stage would prejudice the necessary focus on the development of brownfield land in Leeds generally.

## **RECOMMENDATION**

- 17.117 I recommend that no modification be made to the UDP.

### **ALTERATION 17/043 (LANESIDE FARM, CHURWELL)**

#### **Objection**

25180 David Wilson Homes

#### **Issue**

- 17.118 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

## Inspector’s Reasoning and Conclusions

- 17.119 The objection site, which extends to about 17.5ha, is on the north-eastern edge of Morley, to the south-east of Victoria Road. The site is bordered on 3 sides by development. The GB boundary, which is, in part, a farm track, forms the other, south-eastern side. This boundary appears to have been determined by continuing the line of the built-up area northwards to St George’s Avenue.
- 17.120 The GB issue has been considered at two previous development plan inquiries. The Inspector who held the Morley Local Plan [MLP] Inquiry in 1984 recommended that the land should be excluded from the GB and most of it allocated for residential development. The Council rejected that recommendation and it was therefore included in the GB in the MLP.
- 17.121 Having considered objections to its continued GB status the AUDPI Inspector concluded that its development would not result in the unrestricted sprawl of a large built-up area because it would not extend further eastwards than does existing development to the north and south of the site. Nor, for the same reason, would its development narrow the gap between Morley and Middleton. It would result in the loss of the remaining gap between Churwell and Morley but this is already much reduced visually by the lengthy ribbon of housing on the Victoria Road edge of the site. I agree that it is not the purpose of GB to separate parts of Morley itself which were described as “almost indistinguishable local neighbourhoods” by the previous Inspector. There would be loss of countryside although I do not consider that the site’s development would result in encroachment in the sense of an intrusion into open countryside for the same reasons to which I refer above in the context of checking sprawl and the merging of towns. The present distant view from Victoria Road could be retained by avoiding development of a section of the site and by careful layout and design.
- 17.122 I deal with the regenerative purpose of GB at paras 5.14 - 15 of my Report and I do not repeat the points here. Suffice it to say that safeguarding of PAS is not intended to, and does not, affect this function of GB. The fifth purpose of GB relating to the setting and special character of historic towns, is not relevant in this case.
- 17.123 As I explain in Chapter 5 of my Report, I have concluded that the status of PAS sites should not be changed en masse as the Council propose. For the reasons given above I find that there have been no changes in local circumstances which warrant the site’s inclusion within the GB and the contradiction of the AUDPI Inspector’s previously expressed views about its GB function and the Council’s subsequent action in adopting the UDP.
- 17.124 The site is available with no significant constraints on development. If it should be needed in the long-term, its development would, in principle, be compliant with Policies SP3 and SP5 of the AUDP. Additionally its development would not be at odds with Policy H2 of RSS. The site lies about 900m from Morley town centre and close to local facilities, a primary school and employment opportunities. It is reasonably well-served by bus routes to the town centre, Leeds and other centres. However, such attributes do not warrant its allocation as a housing site at present, given the adequacy of supply of land, and should the need arise in the future, its suitability would need to be assessed alongside other options. I therefore conclude that there should be no modification to the UDP.

## **RECOMMENDATION**

**17.125 I recommend that no modification be made to the UDP.**

### **ALTERATION 17/044 (OWLERS FARM, MORLEY)**

#### **Objection**

25178 David Wilson Homes

#### **Issue**

17.126 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusion**

17.127 The objection site comprises about 4.1ha of land which lies to the south of Wide Lane on the eastern edge of Morley. It was originally designated as GB in the Morley Town Map [1966]. The Inspector who held the Morley Local Plan Inquiry in 1984 recommended that the land should be excluded from the GB and allocated for residential development. The Council rejected that recommendation and it was therefore included in the GB in the Morley Local Plan [1986]. It was proposed by the Council to be excluded from GB in the Consultation Draft UDP in 1992; the AUDPI inspector recommended it should be PAS and the Council accepted that view.

17.128 There have been no changes in local circumstances since the AUDPI. The site sits low in the landscape and its development need not extend the built-up area beyond its present eastern boundary on the north side of Wide Lane. I do not consider that such development would amount to sprawl but would rather be a natural extension of the town, as the AUDP Inspector concluded. Development would involve the loss of some open land of low landscape quality but would not amount to significant encroachment or reduce the effectiveness of the GB in terms of separation of settlements. There are therefore no exceptional local circumstances to warrant returning the site to GB.

17.129 The site is capable of development, as a PAS site should be, and is well related to public transport services which operate along Wide Lane. There are some local shops and services, although because the site is 1.6km from Morley town centre it is less well placed than some PAS sites in relation to Policy S2 centres. Such attributes do not warrant the site’s allocation because my recommendations provide for a sufficiency of housing land during the Plan period. If a need were to arise in the longer-term, the site’s characteristics would need to be assessed against such need and against other site options. I conclude that the land should be retained as PAS.

## **RECOMMENDATION**

**17.130 I recommend that no modification be made to the UDP.**

## CHAPTER 18 - NORTH LEEDS

### ALTERATION 18/006 (POLICY H3-3:26, CHURCH LANE, ADEL)

25171 David Wilson Homes

#### Issue

- 18.1 Should the site be included in an earlier phase than Phase 3?

#### Inspector’s Reasoning and Conclusions

- 18.2 Alterations 7/002 and 7/003, to which related objections have been made, would place this site, currently H4.21 in the AUDP, under proposed Policy H3-3, for release only in Phase 3. The thrust of this objection is that on grounds of sustainability and contribution to range of choice the site should be brought forward into Policy H3-1A so enabling its release in Phase 1. Alternatively, Policy H3-2 should be amended to give a wider range of sites and the site included therein.
- 18.3 The site is indisputably greenfield land and thus yields priority to previously developed land, and sustainability considerations do not as a matter of principle outweigh that order. I also agree with the Council that the site is not necessarily “extremely well located to benefit from local services and facilities” [in the objector’s words] compared with some other Phase 3 sites. However, there is a range of daily needs services and facilities close by. These include a butcher, baker, bank, building society and day nursery within easy walking distance on Otley Road, together with restaurants, takeaways, a dentist and optician, and a public house. Looking more widely, Holt Park District Centre and a secondary school are about a kilometre away, with primary schools just beyond this; and there is a frequent bus service to the City Centre on Otley Road. All this adds up to a sufficiently sustainable location to qualify for release if and when PMM indicates that the supply of brownfield land is insufficient to meet housing need; and, given that it would tap into existing infrastructure, there is a good case for its development preceding that of the much larger greenfield area of ELE which would depend heavily on provision of new facilities and services.
- 18.4 Development of the site would also relate satisfactorily to the surrounding area in that there is already housing along its southern and western edges, the latter extending well to the north along Otley Road so that building here would arguably be a small urban extension. There are trees and hedging along the northern boundary that could be reinforced to make a firm edge, and existing trees on both Otley Road and Church Lane effectively screen long distance views from the north. As I comment on other proposed Phase 3 sites, it does not make good sense to embark on major extensions into the open countryside like ELE before developing less obtrusive sites such as this.
- 18.5 The objector also argues that proposed allocations under Policies H3-1B and H3-2 fail to provide a sufficient geographical spread of sites to meet PPG3 guidance on widening housing opportunity and choice; and that those in Phases 1 and 2 of the Plan are heavily biased towards the east and south east of the District. In paras. 7.21-22 of Chapter 7 I reject the implication that development should be spread around the City to give some form of “fair share” in relation to the existing population. Clearly the sequential approach, sustainability and local needs are more important considerations. Nevertheless, in this particular case the relative paucity of Policy H3-

1A allocations in and around Adel, and the limited scope there for use of previously developed land, add some further weight to the case for bringing the Church Lane site further forward, given its acceptability in other respects. As it is greenfield it cannot be listed alongside brownfield sites under H3-1A but it should be included in the amended Phase 2 that I recommend.

## **RECOMMENDATION**

- 18.6 I recommend that the UDP be modified to include H3-3.26, Church Lane, Adel in Phase 2.**

## **ALTERATION 18/031 (HOLT PARK DISTRICT CENTRE)**

### **Objection**

25219 Councillor Illingworth

### **Issue**

- 18.7 Is the text of the proposed Alteration sufficiently clear and precise to secure the regeneration of the District Centre in a way that would benefit local residents?

### **Inspector’s Reasoning and Conclusions**

- 18.8 Cllr. Illingworth does not dispute the need for regeneration of the District Centre but wishes the text to be strengthened to refer to “outcomes to be achieved” rather than “issues to be addressed”; to include preparation of an environmental assessment and Traffic Impact Assessment<sup>1</sup> as one outcome; and to carry a rider requiring demonstrable achievement of all the outcomes, and resolution of all outstanding issues. He particularly wishes to see a net gain in overall quantity of public playing pitches as an outcome.
- 18.9 Cllr. Illingworth has a general concern about how the Council exercise their planning powers, and particular misgivings about how proposals for Holt Park are emerging. In his view those proposals are not the only way to regenerate the Centre, as the Council claim. To a large extent they would replace rather than improve the existing facilities and there would be a net loss of both car parking and recreational open space; the latter would be to the disadvantage of local residents and sports teams, and would be particularly unacceptable given the shortfall in such space throughout Leeds.
- 18.10 I can understand the objector’s general concerns to the extent that the Council acknowledge that there is considerable unmet demand for playing fields in Leeds but appear either unable or unwilling to monitor changes [P/25219/C, Answer to Question 19]. Specifically on Holt Park it is also clear that regeneration proposals for the Centre as a whole are influenced to a considerable extent by the involvement of ASDA as operators of the existing food store and owner of other shop units; by the decision to promote redevelopment of the secondary school as a PFI scheme; and by the education authority’s wish to have a new school operational before the existing one closes [avoiding the need for pupils to be “decanted” from one to the other but

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<sup>1</sup> PPG13 uses the term “Transport Assessment” rather than “Traffic Impact Assessment” and I follow suit.

also necessitating a new site]. These constraints must inevitably affect how the various elements of the scheme relate together and would appear to effectively preclude the progressive “in situ” redevelopment of the Centre that Cllr. Illingworth would prefer. Regeneration is also being promoted by a project board in such a way that public consultation on the proposals will only come when they have reached a considerable degree of finality.

- 18.11 That said, the details of the proposals are to be worked up through a Supplementary Planning Document [SPD] and the UDP should be concerned only with the strategic aspects. Also, I agree with the Council that it would be wrong to start from the assumption that they will not deliver a satisfactory scheme and that therefore the Plan text must be couched in particularly restrictive terms. The approach to the proposals at Holt Park should be consistent with that taken elsewhere in the Plan and my remit is limited to seeking to ensure their overall, intrinsic soundness rather than examining in detail plans that are still at a formative stage, or trying to “police” their implementation. Inevitably also the Council must take due account of the realities of land-ownership and the need to phase large developments; and there will be opportunities in the future for public comment on the proposed SPD, and for detailed proposals to be assessed against the full range of policies in the UDP. A balance has to be struck between seeking to secure proposals that are acceptable in overall planning terms, and avoiding both excessive detail inappropriate to a strategic plan and matters more concerned with implementation rather than with the proposals per se.
- 18.12 The statement in the Alteration that a number of listed issues “will be addressed” is unsatisfactorily vague as such issues could presumably be “addressed” without there being any real commitment to securing them. Equally, I do not favour the objector’s suggested preamble that “outcomes will be achieved”, and a rider that development will not be permitted until “all outcomes are demonstrably achieved, and all outstanding issues...have been satisfactorily resolved”. Planning inevitably involves weighing many competing requirements and seeking the best overall outcome, and this may mean having to accept less than the ideal in some respects. In this context the wording sought is unreasonably restrictive and, as far as the rider is concerned, would appear to apply a more stringent test than prevails elsewhere in the Plan, without any obvious justification. Also, even allowing that the wording could be interpreted with some flexibility, it would imply seeking the stated outcomes from all proposals within the Regeneration Area boundary, irrespective of their nature and scale. This would be unhelpfully prescriptive. I recommend amending the preamble to state “The objectives are...” as more accurately reflecting the intentions of the proposed planning framework and at the same time acknowledging that it may not achieve perfection in every respect.
- 18.13 Although the Council acknowledge that more shopping floorspace at Holt Park would undoubtedly generate more traffic, I have seen no cogent evidence to justify singling out the regeneration proposals as a whole for environmental and transport assessment as a matter of planning policy, and over and above any such assessments that would be made at the planning application stage. The Town and Country Planning [Environmental Impact Assessment] [England and Wales] Regulations 1999 are the appropriate yardstick against which to assess whether or not such assessment is needed here and it would be unnecessary and potentially confusing to introduce a further, separate requirement into the Plan. So far as transport assessment is concerned, PPG13 recommends these for developments with “significant” transport implications [a word echoed in proposed Policy T2b under



Alteration 6/003] and, from the evidence under both Alterations, the Holt Park proposals would appear to fall squarely into that category. I would expect the transport implications of the proposals to be considered as those proposals are worked up in detail but in any case they would need to be assessed as part of any major planning applications.

- 18.14 In response to an objection by Sport England the Council propose to amend the reference to securing “a net gain in the overall quality of playing pitch provision” to include also “quantity” and the rider “unless it can be demonstrated that other significant benefits to sport can be provided” [IC/001]. In response the objection has been withdrawn. The reference to “quantity” would clearly address that aspect of Cllr. Illingworth’s objection but he remains concerned about the rider. The Council consider that his concern is misplaced because failure to achieve a net gain does not automatically mean there will be a loss; any loss would need to be assessed against existing Plan policies, notably N1 and N6; and GO call-in powers would provide a further safeguard.
- 18.15 AUDP Policy N1 does indeed protect existing greenspace generally against development and N6 precludes development of playing pitches unless “there is a demonstrable net gain to overall pitch quality and provision...”. However, on a matter of this importance, and given the acknowledged overall shortage of pitches in the City, I consider it insufficient to rely on the development control process, and the possibility of call-in, as safeguards. On the latter point, in his decision not to call in the planning application for replacement of the secondary school the Secretary of State makes clear that he intends to use his powers in this respect very selectively and only if planning issues of more than local importance are involved [LCC/043/A]. Such scrutiny would not necessarily address Cllr. Illingworth’s understandable concerns that improvement and partial enclosure of some of the pitches at Tinshill Recreation Ground to meet the needs of the new school could result in loss of availability to local residents. In my view the Plan text should leave no room for possible ambiguity.
- 18.16 I accept that the rider to the Plan text on playing pitch provision would only bear upon the aim of securing a net gain in provision and would not in itself presuppose a loss but the Council accepted at the Inquiry that, on the basis of the regeneration proposals as they currently stand, there would be a net loss of pitches. They rightly say that any such loss of playing field space would need to be balanced against the qualitative benefits of new provision, including an all-weather pitch at the secondary school and improvements to pitches at Tinshill, but the wording of the AUDP text requires only that it should be demonstrated that there would be “other **significant** benefits to sport” [my emphasis]. This test is a good deal less stringent than that in para. 15 of PPG17, namely that development on playing fields should only be allowed where the fields lost would be replaced by others of equivalent quantity and quality, or where it would be “for an outdoor or indoor sports facility of sufficient benefit to the development of sport to **outweigh** the loss of the playing field” [my emphasis]. It may be that when the proposals are worked up in more detail there will be no loss but, to ensure that the matter is open to proper scrutiny, the PPG17 test should apply. I recommend an amendment accordingly. Subject to this change I see no reason to exclude the playing fields from the Regeneration Area.
- 18.17 I have considered all the other matters raised in the objection, including concerns about procedures and consultation. However, these fall outside my remit and I could not make any meaningful recommendations upon them so far as the RUDP is concerned.

- 18.18 There are minor discrepancies between the wording of IC/001 [which I endorse] and that in the Council’s evidence, LCC/043, in that the latter refers to leisure “facilities” rather than a leisure “centre”; and updates the timescale given in the supporting text. As these further changes are both a better reflection of what the Council have in mind, and are more realistic, they should be incorporated, with any further updating as appropriate to take account of the passage of time.
- 18.19 At the time of the Inquiry a decision on the application for outline planning permission for the replacement secondary school, a major element in the regeneration proposals, was imminent. The text should be updated to reflect this, and any other progress that has been made by the time the formal Plan modification stage has been reached.

## **RECOMMENDATION**

**18.20 I recommend that the UDP be modified in accordance with FD Alteration 18/031, as amended by IC/001 and LCC/043 but subject to the following further amendments:**

- 1. deleting THE FOLLOWING ISSUES WILL BE ADDRESSED: and substituting THE OBJECTIVES ARE:**
- 2. deleting “unless it can be demonstrated that other significant benefits to sport can be provided” and substituting as a new sentence:**

**“Loss of playing pitches will only be acceptable where pitches are replaced by others of equivalent or better quantity and quality, or where outdoor or indoor sports facilities are provided of sufficient benefit to the development of sport to outweigh the loss.”**

- 3. updating the text to reflect the up to date situation on the proposals at the formal modification stage.**

## **ALTERATION 18/033 (POLICY N34.21, MOSELEY BOTTOM, COOKRIDGE)**

### **Objection**

25186 Taylor Woodrow Developments

### **Issue**

- 18.21 Should the site be included in the GB, retained as PAS land, or allocated for housing?

### **Inspector’s Reasoning and Conclusions**

- 18.22 I note that there is a discrepancy between the western boundary of the PAS site as shown on the AUDP proposals map and that on the plan submitted with the objection in that the latter follows the railway line west of the Moseley Beck rather than the Beck itself. This appears to reflect a change to the boundary which was supported by the Council and recommended by the Inspector at the AUDPI but which for some reason did not find its way into the Plan. I consider the objection on the basis of the site as shown in the AUDP though I refer further below to the merits of the change.

- 18.23 I deal with the strategic issues raised concerning PAS policy in Chapter 5, including whether or not there are exceptional circumstances to justify returning land to the GB, permanence of the GB, and the role of PAS in meeting long-term development needs. In evidence the objector also raises the question of housing land supply during the Plan period to 2016 and, whilst accepting that there would be no deficit during that time against the current regional target, suggests that the new RSS could introduce a substantially higher target figure, and that consideration should also be given to local market factors.
- 18.24 The RSS is covered in Chapter 7, Housing, where I conclude that there is no scope to vary the approved regional housing figure and that the UDP should proceed on that basis. So far as local housing markets are concerned, the objector argues that Leeds’ outer suburbs, including Cookridge, are characterised by above-average house prices and high demand for affordable housing, and calculates that there could be a shortfall of dwelling supply against need in Cookridge of around 110 units during the Plan period. At para .7.16 I conclude that the Plan makes sufficient overall provision for housing, and in paras. 7.21-22 I reject a “fair share” approach of assigning new housing in proportion to population distribution or past building rates. Perhaps more importantly here, whilst local needs are certainly relevant to distribution of new housing, I have only a limited appraisal of the situation in one ward [and moreover a ward which no longer exists following boundary changes], and no means of comparing the situation with other parts of the City. There is no sound basis on which to conclude that there would be a housing shortfall around the objection site so pressing as to justify allocating that site during the Plan period. The principal site-specific matters to consider are therefore the extent to which the site might contribute to GB purposes, and provide a sustainable location for development.
- 18.25 There is no evidence that site-specific matters have changed since the AUDP Inquiry when the Council argued that the land did not make a significant contribution to GB purposes and the Inspector considered that it fulfilled very limited GB functions. The Council now advance two GB purposes as relevant, namely assisting in safeguarding the countryside from encroachment and assisting in urban regeneration. To the extent that the site is open, and has a well defined urban “edge” along its eastern side, then it does help secure the wider countryside but its role in this respect is limited because there is a marked change in landscape character along the Moseley Beck and railway line on its western side. I do not agree with the Council that the site is part of “a continuous belt of countryside”. Seen from the public footpath south of Dean Grange Farm on the west side of the valley it appears as of limited extent, is overshadowed by the extensive urban area of Cookridge on the hillside to the east, and plays no great part in the wider landscape. The existing GB boundaries to the west and north, defined respectively by the Beck and by woodland, are logical, clear and defensible. Whilst it would be prudent to look at the site afresh as part of a comprehensive future review of PAS sites, I see no good reason to include it in the GB now.
- 18.26 I conclude in paras. 5.14-15 of Chapter 5 that retention of PAS land need not prejudice concentrating on urban regeneration and there is nothing in the evidence on this particular site to suggest that that designation would in any way detract from the emphasis on recycling derelict and other urban land. The Council concluded as much at the last Inquiry when they rightly pointed out that what was at issue was a safeguarding policy and not a development proposal.

- 18.27 I agree with the Council that it is not appropriate to look at the sustainability credentials of the site in isolation and without comparing all its attributes with those of other potential development sites. However, if and when such a comparison is made I believe there are here some sustainability merits that would repay closer examination including relative proximity to bus and rail services into the City, to Holt Park District Centre, and to the wider range of services and facilities available in Horsforth. This is a further reason to retain the long-term flexibility of the PAS designation.
- 18.28 I comment above that the Moseley Beck is a sound GB boundary. However, the adjoining railway line would be sounder still, as apparently envisaged in the change considered at the last Inquiry and commended by the Inspector [CD/DP/01(17), paras. 559.5 and 559.9]. Such a change would bring the Beck within the site but if it was decided in future that the site should be developed, the wildlife value of the watercourse could be safeguarded through detailed design, as the Council acknowledged at the AUDPI. The Council may wish to consider further the merits of adopting the railway as a boundary as part of any comprehensive reappraisal of PAS sites.

## **RECOMMENDATION**

- 18.29 I recommend that no modification be made to the UDP.**

## **ALTERATION 18/034 (POLICY N34:22, CHURCH LANE , ADEL)**

### **Objections**

20565 Messrs Wagstaff  
20841 Mr Townsend  
25167 Eddison Trust  
25172 David Wilson Homes (Northern)

### **Issue**

- 18.30 Should the site be included in the GB, retained as PAS land, or allocated for housing?

### **Inspector’s Reasoning and Conclusions**

- 18.31 Strategic matters raised, including whether or not there are exceptional circumstances for changing GB boundaries, the concept of permanence, national guidance and the emerging RSS are all covered in Chapter 5. In particular I deal at para. 5.7 with matters of timescale but David Wilson Homes refer to the AUDPI Inspector’s view that sufficient safeguarded land should be identified to last for 10 years beyond the end of the Plan period, and argue that by the same logic GB boundaries should endure until at least 2026, that is 10 years beyond the end date of this Review. The Council dispute this approach on the basis that it does not follow from what the previous Inspector said that “longer-term development needs” [in PPG3 terms] should necessarily be related to a fixed timescale; rather, “longer-term” should be taken to mean “as far as can be seen ahead”.
- 18.32 Certainly PPG2 does not define such phrases in terms of years and it would be wrong to be too dogmatic on the matter. However, the Guidance does make clear that

“longer term” in the context of the development needs for which safeguarded land is to cater, means “well beyond the plan period” [PPG2, para. B2]. I interpret this as applying as much to reviews of plans as to their initial preparation so that on review there would be a conscious rolling forward of the longer-term forecasting and planning period, which must inevitably extend well beyond the end date. There is nothing to suggest that the Council have done this in any structured or detailed way, either on this site or generally in the Review. I believe that the starting point at Adel, as elsewhere, must be that the GB boundary as currently defined provides both current certainty and future flexibility.

- 18.33 The Council do not suggest that there have been any changes in site-specific circumstances since they accepted the AUDPI Inspector’s recommendation that the objection site be designated PAS but they argue that it fulfils three GB purposes, namely checking the sprawl of large built-up areas, assisting in safeguarding the countryside from encroachment and assisting in urban regeneration. On the first two purposes, development would inevitably extend the built-up area of the City, and there would be some encroachment into the countryside, but in my view it would not amount to what PPG2 terms “unrestricted sprawl”. Admittedly land to the east of the site, designated as GB and Green Corridor, is open but the western and southern boundaries adjoin the edge of the urban area, and the northern boundary is broadly on a line with that edge on the opposite side of Otley Road. Development would thus have some logic as essentially a rounding off of the built-up area as it exists to the west, and the new northern boundary would be defensible in those terms. Although it is currently defined only by scattered trees and a broken hedge line, it could be reinforced by landscaping to be essentially as firm as the existing urban edge.
- 18.34 I deal with the relationship between PAS and urban regeneration in Chapter 5, and suffice to say here that I see no reason why continued designation of this particular site as PAS would unacceptably prejudice the necessary emphasis on regeneration. Equally, however, I do not accept Messrs Wagstaff’s argument that development might itself assist regeneration by attracting investment as that is something that could be said of virtually any greenfield site with some connection with the City.
- 18.35 Although the Council cite GB objectives as well as purposes as part of their case I make the point here, as elsewhere, that the former are not relevant to definition of GB boundaries. In any case neither the opportunity that the site provides for access to open countryside via the public footpath across it, nor retention of its current agricultural use, would be prejudiced in any way by retention of the PAS designation.
- 18.36 Overall, there are no exceptional site-specific circumstances to justify including the site in the GB at this stage. If and when the Council consider the GB credentials of this site as part of an overall review of PAS sites they will also need to assess its sustainability. I comment at para.18.3, above, that there are sufficient local services available to make the proposed H3-3.26 site sustainable but the same would not necessarily apply to the much larger development of this site. This is a matter that would warrant particular scrutiny.
- 18.37 Although both Messrs Wagstaff and Mr Townsend suggest that the site might be brought forward for development within the Plan period I have already identified a sufficient supply of housing land for that period and, in any case, this site should not be committed in isolation and in advance of a general review of PAS sites.

## RECOMMENDATION

### 18.38 I recommend that no modification be made to the UDP.

#### ALTERATION 7/003 (LAND AT BODINGTON, LAWNSWOOD)

##### Objection

21518 University of Leeds <sup>2</sup>

##### Issues

- 18.39 1. Would a housing allocation be appropriate in terms of national advice on the sequential approach and sustainability, and visual impact?
2. Would it unacceptably reduce the quantity or range of choice of the stock of land with potential for employment use?
3. Would the traffic generated by a housing development unacceptably exacerbate congestion on the A660?

##### Inspector’s Reasoning and Conclusions

- 18.40 The site is allocated for employment use under Policy E4 of the AUDP, and as a Key Business Park Site, reserved for B1 office use, under Policy E18. Policy E19 says that prestige office development will be promoted on such sites. It lies within an Urban Green Corridor where Policy N8 states that the existing corridor function of land should be at least retained. Immediately to the south are a proposed Supertram terminus and park and ride site.
- 18.41 1. I deal in Chapter 7, with the objector’s arguments that the Council have not as part of the Review systematically assessed the development potential of possible housing sites [both existing and suggested by objectors] in line with advice in paras. 29 and 31 of PPG3; and that the Urban Capacity Study is flawed and the assumptions which derive from it are therefore over-optimistic. The argument that employment allocations have not been reviewed for possible housing use as advised in para. 42 of the same Guidance is covered under Policy E7. I address objections specifically to proposed allocations at TATE and EOO under Alterations 23/003 and 19/006 respectively.
- 18.42 The objection seeks allocation of the Bodington site under Policy H3-3, and complementary to this, a revised Policy H2 that would give primacy to housing on previously developed land but also facilitate release first of the most sustainable sites within the MUA, and then of other sites, if the land supply fell below a 5 year quantum [P/21517/1A, Ax. 1]. The Council consider the latter element to be not duly made but even if it was I am not convinced that it would be helpful or workable, or any great improvement on what the Plan proposes by way of monitoring. It would be imprecise and potentially ambiguous to leave to the future decisions on what were “the most sustainable sites” that ought properly to be made in the Plan itself.

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<sup>2</sup> Documents relating to this application are recorded under objection no. 21517 in CD/INQ/DOC/14.

- 18.43 The nub of the site-specific objection is that if during the Inquiry a site is found that is preferable in sequential or sustainability terms to any one identified under Policy H3-3 it should be allocated, and that Bodington is such a site. I comment in Chapter 7, Housing, on the difficulties that arise from the partial nature of the Review, and the absence of any comprehensive reassessment of earlier allocations, but, though the objector’s sustainability comparison of sites [P/21517/2, Ax. B] highlights the absence of any comparable exercise by the Council, it does not in my view carry great weight. Described by the objector as broad and rudimentary, it contains no weighting of the various criteria used to take account of the range and true accessibility of local facilities and services, as was demonstrated by detailed comparisons between the objection site and Pottery Lane, Woodlesford. More importantly, para. 30 of PPG3 makes clear that in applying the sequential approach it is necessary only to identify sufficient land to meet the housing requirement, not to consider all the land in the area. If the Plan itself makes adequate allocations, quantitatively and qualitatively, as I consider it does, then comparisons with other sites are unnecessary.
- 18.44 Turning to site-specific considerations, Policy H2 of RSS defines “other infill within urban areas” as the third category in the sequential approach to allocation of housing land, after previously developed land but ahead of urban extensions. The objection site is, as the Council say, greenfield and part of a swathe of open land, but I believe they are interpreting the RSS definition too narrowly when they say that it relates only to an open gap in an otherwise built-up area, analogous to the definition frequently used for development control purposes, and therefore does not apply here. At the strategic level intended I believe that the site can be regarded as structural infill and therefore of some priority in the search sequence. Certainly the Council could not advance any policy evidence to support their interpretation of the Guidance.
- 18.45 In the light of this it is unnecessary to consider in detail what constitutes a “node” in terms of PPG3 guidance on nodes in good public transport corridors, as was discussed at some length at the Inquiry, but in any case it is common ground that the site enjoys good accessibility by bus, and potentially by Supertram. I am not convinced however, either from the evidence or from my site visits, that the site is well-placed in relation to facilities and services which residents might expect to use frequently in such a way as to encourage walking and cycling and reduce car use. Although there is a convenience store some 700 m away, this would require the shopper to walk along a busy main road, and the nearest shopping facilities of any size are at Holt Park, some 2 kms away and well beyond walking distance. The objector’s evidence on what is available within 3 kms [P/21517/1A, Ax. 8] does not indicate any obvious accessibility to a good range of truly local services.
- 18.46 So far as visual impact is concerned, detailed analysis of what the AUDPI Inspector said is not particularly productive given that he was considering a much larger proposal, with a large shopping element, on both the objection site and surrounding land. I also consider the Council’s resistance to the objection proposal on grounds of impact on the Green Corridor to be inconsistent with their apparent acceptance at the previous Inquiry that the then much larger scheme was compatible with it. However, in my view it would be very much more difficult to integrate a housing scheme into the Corridor and retain its function under Policy N8 than would be the case with offices. With the former there would be an imperative to increase densities in line with PPG3 which, even with good peripheral landscaping, would be likely to have a much greater impact on the openness of the Corridor than would a business park with its opportunities for a more dispersed layout and a good deal of internal amenity open space. Overall, I conclude on the first issue that a housing allocation would be

appropriate in terms of national advice on the sequential approach but that this is outweighed by the site’s limited accessibility to local facilities and services; and that the allocated use would be preferable to housing in terms of visual impact.

- 18.47 2. RSS states that in 1999 there was some 17 years supply of undeveloped employment land in West Yorkshire, based on past rates of take up, and the Council’s own monitoring indicates that in those broad terms provision in the City is more generous still with over 800 ha of land available, equivalent to over 32 years supply [CD/REG/08, para. 4.47 and P/21517/1B]. The Council accept that there has been no significant change in circumstances since the AUDPI Inspector concluded that the proposed employment use of the site could be deleted without great harm to the employment aims of the Plan [CD/DP/01(17), para. 562.48].
- 18.48 However, whilst para. 42 of PPG3 identifies employment land that is surplus to reasonable requirements as a wasted resource, it also advises that local planning authorities should review the future of their non-housing allocations when reviewing their development plans. It does not suggest that a quantitative sufficiency alone is enough to dispense with allocations, or that this is something that can properly be done in an ad hoc way; and I believe the Council are right to see the recently inserted para. 42a of the same guidance as indicating that proposals to put employment land to other uses should be given proper scrutiny. Here also release is predicated in part on consideration of an up-to-date review of employment land.
- 18.49 Employment allocations have not been examined as part of this Review and, as I note elsewhere, under Alteration 17/039, Tingley Station, the Regional Employment Land Survey [RELS] required under Policy E3 of RSS is at an early stage. The Guidance makes clear that quality and range of choice are to be taken into account as part of the Survey but no detailed information has been submitted to the Inquiry on which I can reach an informed conclusion on how the objection site compares with other employment land in these respects. What evidence there is [P/21517/1C and LCC/089/C] suggests that the preponderance of B1 sites in south and east Leeds identified by the AUDPI Inspector still prevails and that his comments on the role of the Plan in providing sites elsewhere, and the contribution of the Bodington proposal to choice, remain relevant [CD/DP/01(7), para. 206.112; and CD/DP/01(17), para. 562.48]. The objector’s brief commercial assessment identifies only a quantitative sufficiency of land and does not address quality or distribution of sites [P/21517/1A, Ax. 4].
- 18.50 Bodington’s location, on a main radial road and close to the Outer Ring Road and to extensive housing areas, its attractive setting, and its good public transport links, existing and proposed, suggest that the site has considerable potential for prestige office development. Certainly there is no evidence to suggest otherwise, either because of intrinsic deficiencies or abortive marketing, or to demonstrate that the site is unlikely to be taken up for that purpose during the Plan period. As with Tingley Station, I see no good case to change the allocation of the site on the basis of the evidence to this Inquiry, and in advance of the outcome of RELS and further analysis of employment land availability. It is not sufficient to say, as the objector does, that the supply of land is quantitatively so healthy as to make waiting for such further work unreasonable. I conclude that a housing allocation would unacceptably reduce the range of choice of land with potential for employment use.
- 18.51 3. The AUDPI Inspector recommended deletion from the AUDP of a policy restricting further housing development in the A660/A65 corridor on a number of



grounds including that it was not supported by any analysis of highway capacity, that there was no good reason to discriminate against housing alone, and that this corridor had particularly good public transport alternatives to the car, both existing and proposed. His view was that that the public transport attributes justified encouraging further development in the corridor rather than restricting it. On the basis of the evidence before me, little appears to have changed. Certainly the Council’s data on traffic flows and speeds [LCC/089], post-dating the last Inquiry, indicates a significant level of congestion on the A660, with evidence of associated peak-spreading and rat-running, but it was accepted that the capacity of the road could not be deduced from the speed data, and that the problems experienced here were not greatly different from those on other radial roads into Leeds, or other centres. Neither the capacity of the road, nor a threshold of acceptability for increased traffic generation, has been established.

18.52 Also, arguments that the highway network would be well suited to cater for employment-generated traffic, but not for that from housing, are unconvincing. The supposition that commuters to an office development would generally be travelling in an opposite direction to the main traffic flows appears somewhat simplistic and, as at the last Inquiry, has not been supported by evidence; and it was conceded that commuters are as likely to indulge in rat-running as drivers on non-work journeys. From what has been put to the Inquiry, if there is any significant difference between housing and offices in terms of highway impact the advantage lies with the former as likely to generate significantly less traffic during peak periods. Overall there is nothing to show conclusively that traffic generated by a housing development on the objection site would unacceptably exacerbate congestion on the A660.

18.53 To sum up, I consider that the site’s status in the sequential approach on housing, and its acceptability for that purpose in terms of traffic generation [Issues 1 (part) and 3], are outweighed by the effect that taking the land for housing would have on the range of choice of land with potential for employment use [Issue 2], and by limited accessibility to local services and facilities [Issue 1 (part)]. The likely visual impact of a housing scheme is not determinative in itself but weighs further against the objection.

## **RECOMMENDATION**

**18.54 I recommend that no modification be made to the UDP.**

## CHAPTER 19 - OTLEY AND MID-WHARFEDALE

### ALTERATIONS 7/002, 7/003 & 19/001 (SITE H3-3.27, RUMPLECROFT, OTLEY)

#### Objections

21645 Taylor Woodrow Developments (Alteration 7/002)  
21660 Taylor Woodrow Developments (Alteration 7/003)

#### Issue

- 19.1 Should site H3-3.27 be included in Phase 3 of the Plan or an earlier phase?

#### Inspector’s Reasoning and Conclusions

- 19.2 This is a greenfield site of some 4.9ha on the northern edge of Otley and at the northern extremity of the District. As such it should not be developed before previously-developed land. The site is not infilling in the urban area but rather at best a rounding off of development, as concluded by the AUDPI Inspector [622.9-12]. As such it does not qualify for early development in terms of PPG3. I have already noted in the context of Alteration 19/003 that Otley is a market town which according to RSS should be “the focus for smaller-scale economic and housing development in accordance with Policies P1, E2 and H2 to enhance their role as service/employment centres.” I do not regard Otley generally as a part of the MUA as do the Council, in contradiction of RSS.
- 19.3 Local need does not override these considerations. I do not consider that the local housing land supply, even from the UCS, should be discounted to the extent the objector suggests; the Council dispute the figure of 75 units but in any event I do not accept that it should be as low as the objector claims. There is also considerably more scope for the redevelopment of previously-developed windfall sites in the area outside that covered by the UCS. This is acknowledged in evidence by the Council who refer to the average of 30 dwellings p.a. with planning permission, but it has been assessed in more detail in the context of objections to Alteration 19/006, and it is right that the focus should be on the possible development of such sites before the development of greenfield land. Releasing the objection site would take the focus off previously-developed land to the detriment of urban regeneration.
- 19.4 The objector estimates that there would be a shortage of housing based on a “fair share” approach to supply. I consider the “fair share” approach in general terms at para. 7.21 and conclude for the reasons I explain there that it is not one to follow. Similarly the fact that the area is one of high demand for housing does not justify the early release of greenfield housing land.
- 19.5 I note that the site is available deliverable for development with no technical constraints, and that until the issue of PPG3 in March 2000 the Council were minded to approve a planning application for its development, subject to a s.106 agreement on affordable housing and greenspace provision. There is a range of facilities and services locally and the site lies within 1.5km of Otley town. It is therefore in a reasonably sustainable location. However, such considerations do not alter my view

nor does the fact that I have recommended the deletion of the EOO site from Phase 1 of the Plan [under Alteration 19/003].

## RECOMMENDATION

- 19.6 I recommend that, with regard to the objection site, the UDP be modified in accordance with Alteration 19/001.**

### ALTERATION 19/006 (EAST OF OTLEY STRATEGIC HOUSING SITE)

#### Objections (First Deposit)

20438	Mr Watson	21342	Mrs Garnett
20549	Mr Simpson	21343	Mr Garnett
20573	Ms McComas South East Otley Residents Association	21344	Mr Blake
20691	Mrs Allison	21358	Mrs Blake
20721	Mr Sharkey	21456	Mr & Mrs McQueen
20722	Mrs Walker	21458	Ms Penny
20739	Mrs Walker	21460	Mrs Owen
20740	Mr & Mrs Carr	21462	Ms Keach
20748	Ms Rawling	21464	Mr Merrick
20756	Ms Watson	21466	Mr Buck South East of Otley Residents Association
20772	Mr Davis	21467	Mrs Lewis
20774	Mr Evans	21470	Mr Thompson
20776	Ms Rook	21472	Mr Richardson
20778	Ms Davis	21474	Mr Schofield
20780	Mr & Mrs Carr	21750	Ms Bamforth
20782	Ms Hussey	21752	Mr Bamforth
20788	Mr Littlewood South East Otley Residents Association	21756	Ms Connor
20975	Cllr. Fox	21889	Mr George
20977	Ms Rook	21896	Mrs Young
20987	Mr Wadkin South East Otley Residents Group	21898	Mr Young
21051	Mrs Smith	21900	Cllr. Francis
21070	Ms Clayton	22014	CPRE West Yorkshire
21072	Mr Kitching	24793	Leeds Review Consortium
21133	Mr Latham	25047	Mr Blake
21290	Mr Buck	25050	Mrs Radford
21291	Mrs Lewis	25052	Dr. Klemm
21301	Mr Crowther	25053	Mr Klemm
		25055	Ms Shah
		25183	University of Leeds

#### Objections (Revised Deposit)

30500	Pool Parish Council
30501	Mr. J. Bock, SEORA
30502	Mrs. S. Lewis

#### Issues

- 19.7 1.** Should the site be developed in Phase 1 of the Review UDP or be included in Phase 3? Should it be deleted from the Plan?

## **Inspector’s Reasoning and Conclusions**

### ***Introduction***

- 19.8 The site extends to about 30.2ha, of which about 20ha is proposed in the AUDP for housing [under Policy H6] and some 5ha for employment development [under E4:20]. East of Otley [EOO] is carried forward in the RDUDP as a Strategic Housing Site [SHS] under Policy H3-1B:1 to be released in Phase 1.
- 19.9 The site is therefore already allocated in the AUDP and the principle of its development has been established. Matters which some objectors raise, and might otherwise be the subject of an environmental impact assessment, such as visual impact, noise and the effect on nature conservation, were considered at the AUDPI. The issue is therefore one of the site’s phasing; whether there is a need for it to be developed which justifies its place in Phase 1 as the Council propose or whether it should be in Phase 3, or at least later than Phase 1. In these circumstances, it should not be deleted entirely from the Plan as some suggest.
- 19.10 The site is predominantly greenfield land bordered to the north and west by development and on the south and east by the line of the East of Otley Relief Road [RR], proposed under Policy T20.4, which would link the existing stretch of the Otley Bypass [OB] to the Pool Road, A659. The site is described by the Council as “essentially urban fringe” and adjoining countryside. It is mainly in agricultural use as grazing land together with a pig farm, and some glasshouses associated with the garden centre which lies to the north. There are a few isolated dwellings. Existing greenspace on the lngs Tip to the north-east of the Cambridge Estate pushes into the middle of the western side of the allocation. As a greenfield site, EOO’s development should not usually precede that of previously-developed land.
- 19.11 The AUDP assumed that about 400 dwellings would be built on the site, but with the increased densities advised in PPG3 the RDUDP anticipates that the site would accommodate at least 550 dwellings, although its capacity could be up to about 850 dwellings. The drainage and transport assessments which form part of the Council’s evidence are based upon the higher number as a test for robustness. Between 275 and 425 affordable housing units could therefore be provided on the site if the Council’s 50% target was achieved.
- 19.12 The Council’s justification for the allocation in the RUDP Supporting Paper [CD/I/09] refers to a combination of benefits which they consider outweighs the harm of greenfield development. These are strategic housing; affordable housing; employment land; greenspace and provision of the RR. I shall consider the case under the same headings, and then deal with other matters raised including drainage of the site and risk of pollution.

### ***Housing Strategy***

- 19.13 Para. 30 of PPG3 relates to the sequential approach and is clear that the re-use of previously-developed land and buildings within urban areas identified by the Urban Capacity Study [UCS] comes first followed by urban extensions and then new development around nodes in good public transport corridors. Furthermore, PPG3 para. 28 anticipates that RPG, now RSS [CD/REG/08], should identify the major areas of growth in the Region.
- 19.14 Otley is defined as a market town in RSS and is described as a “freestanding market town” in para. 19.1.1 of the AUDP. In terms of the sequence in RSS Policy H2 (a)

the proposal would be fourth in the sequential list. MUA extensions clearly come before extensions to market towns such as Otley, and moreover, whilst greenfield sites are not precluded, priority is to be given under iv) to the use of previously-developed sites and conversions before greenfield land. Para. 4.40 of RSS states also that market towns such as Otley should be “the focus for smaller-scale economic and housing development in accordance with Policies P1, E2 and H2 to enhance their role as service/employment centres.” The Council acknowledge that EOO is more than a small-scale development.

- 19.15 The Council’s justification in terms of housing strategy states that “In this corner of the District, with only a certain amount of brownfield development achievable in the town, it is sensible to allocate one strategic housing site” which “should extinguish the case for any other greenfield development in this part of Leeds”. However, in the period January 2000 to September 2004, 595 dwellings were built within a 3 mile radius of Otley Market Square on sites of 5 dwellings or more. Of these 375 [which is 63%] were on brownfield land. The South East of Otley Residents Association [SEORA] have suggested that there is more potential for such development in the local area, which the Council acknowledge to a degree, and in the District as a whole they argue that there is sufficient previously-developed land to meet the RSS requirement for housing provision.
- 19.16 Until such time as the supply of brownfield sites fails to provide sufficient capacity for new housing development, the allocation of a greenfield housing site needs particular justification because development of such a site would divert attention away from the redevelopment of previously-developed land and dilute the effort towards regeneration and urban renaissance. Any arguments for the release of greenfield land while previously-developed land supply exists locally or District-wide could be resisted on the basis of PPG3 and the Council’s related housing strategy; there need be no inconsistent allocation made with the purpose of extinguishing a hypothetical local case for greenfield land release. I therefore do not consider that EOO’s place in Phase 1 accords, in principle, with the Council’s housing strategy. Whilst the proposal is not, as some suggest, a reversion to the “predict and provide” approach, it is contrary to the Government’s committed policy of maximising the use of previously-developed land and empty properties, and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.
- 19.17 Inclusion of EOO in Phase 1 therefore appears to me to be inconsistent with current guidance and with the starting points of national and regional policy which is minimising the need for greenfield development and the need to travel. Otley can only be regarded, at best, as a fairly distant outlier to the main urban area of Leeds and as such I do not regard it, in principle, as an appropriate location for a very sizeable greenfield urban extension, amounting to about a 15% increase in the town’s size, in an early phase of the Plan, when its development would also precede potential brownfield sites both locally and District-wide.
- 19.18 Nor do I consider that the site is in or around a node in a good public transport corridor, or that its development would minimise the need to travel. In terms of public transport, there is no rail service and no plans to provide one. Development of EOO would not therefore prejudice any future direct rail service or integrated transport solution as some suggest; the town would continue to rely on the present rail service from Menston, linked by a local bus service [W9] to Otley bus station.

- 19.19 Metro consider that the existing bus services are the most cost-effective means of transport provision to link Otley to surrounding settlements. The 20 minute frequency, express X84 bus service from Otley to Leeds takes about 50 minutes in all to reach Leeds. According to objectors it is not a reliable service, suffering as it does at peak times from the effects of congestion on the A660, which would be exacerbated by the traffic generated from the proposed development.
- 19.20 The W9 bus/Menston train journey is quicker, at about 39 minutes, but there are capacity problems that are likely to increase with local development which is already committed in both Leeds and Bradford Districts. These could only be addressed by very high capital investment, said to be about £15 million, in new rolling stock for which there are no apparent plans and which the EOO developers could not be expected to contribute towards in a significant way. The journey from EOO via Menston would also involve two bus journeys and a rail journey unless the Cambridge Estate/EOO service was improved to the extent of regularly running directly through to Menston thus obviating the need for a change in Otley.
- 19.21 The present hourly W7 bus service linking the Cambridge Estate with Otley bus station is recognised as inadequate to serve further development. The Council and developer state that the service would be improved as part of the development proposals, although the exact details of the frequency increase are unknown. Even if the service were to be extended and improved in frequency as proposed, and problems of bus passage through the Cambridge Estate resolved, it would still not be a convenient or attractive journey by bus to Menston railway station and by train to Leeds. In these circumstances I do not consider that as many residents of EOO would make commuter trips by public transport as the Council anticipate and, for this reason, do not consider that the site is as sustainable as others better related to the main urban area closer to Leeds.
- 19.22 The criticism by objectors that local public transport is not good is therefore justified. The site is within Zone D as defined in the Council’s Draft SPG [CD/SPG/02] as having poor public transport accessibility which is unlikely to be improved. The proposal is therefore seen by objectors as contrary to Strategic Aim 2 [SA2] of the FDUDP [Alteration 3/001] with regard to reducing the need to travel. The Council acknowledge that the proposal does not sit particularly comfortably with SA2, but rightly point out that the Zone D definition, as well as being in a draft document, is a reflection of the existing situation and that local public transport is intended to be improved as part of the proposal funded by the developer.
- 19.23 The Council consider that improvements to the bus service are a detailed matter which would be addressed at the planning application stage but that the developer is committed to such improvement, and Metro agree in principle. The other measures listed in the Metro letter [LCC/079A, DJP12] are suggestions which Metro say “could” be included in association with the development but there is no certainty of this; it is not clear to what extent finance would be available for improved public transport and subsidy in addition to the improved W7 service.
- 19.24 In all these circumstances I do not consider that the early phasing of EOO would accord with national and regional policy in terms of the sequential approach of PPG3. I do not consider that the Council’s justification under the heading Housing Strategy in the Supporting Paper [CD/DP/09] is a weighty argument for such phasing.

- 19.25 Objectors criticise the UCS in that it does not assess the potential for brownfield development beyond a 200m radius from Otley town centre. I find it surprising, given that the Council defined Otley as part of the MUA, that they restricted their assessment of brownfield potential to a tight radius from the centre of the town. I accept that the potential in the wider area has been estimated differently in accordance with “Planning to Deliver - the managed release of housing sites: towards better practice” [CD/GOV/07] but given that EOO was being advanced for development in Phase 1, and the Council clearly anticipated pressure for greenfield development without it, it would have been useful to assess the potential for brownfield development more accurately to establish to what extent reliance could be placed on previously-developed land and buildings in the Plan period. This exercise was taken on board by SEORA who suggest that there is a much greater potential in the Otley area.
- 19.26 Nevertheless, in responding to SEORA’s initial list of possible brownfield housing sites, the Council discount all but 18 of them for a variety of reasons, principally because in 33 cases they accommodate active businesses. However, they do acknowledge that there will be further residential development of brownfield land in the Otley area. Planning permissions exist for some 660 dwellings on 8 sites [LCC/070 Table1] which include 117 affordable housing units. There may be potential for about 414 more dwellings on a further 10 sites, yielding an estimated 72 affordable housing units. During the Plan period to 2016 therefore there could be about 1,074 – 1,117 dwellings built of which the Council agree that between 189 – 209 might be affordable housing units.
- 19.27 The Council’s position is that these totals are theoretical; they cannot be regarded as certain because not all the sites are likely to come forward, whereas the yield from the EOO site would be much more certain in their view. In any event, the need for affordable housing in particular justifies the development of EOO as an addition to the permitted and potential brownfield sites, which would be windfall development anyway and allowed for as such in the Council’s calculations.
- 19.28 SEORA do not accept the Council’s discounting of sites and suggest that their final list of possible sites could yield, taking the middle of their lower and upper estimates, some 1,500 dwellings built by 2011 and about 2,000 by 2016. They estimate that the sites eligible to contribute affordable housing on the basis of the UDP criteria could yield about 300 affordable housing units by 2011 [20% of the total]. On the basis of the proposed RDUDP policy this could increase to as many as 500 affordable housing units [taking 25% of the total]. The scope for affordable housing units in SEORA’s view is therefore much greater than either the Council calculated in the first place or than that which they accept might theoretically be possible now.
- 19.29 I acknowledge the problems of assessing the likelihood of brownfield sites coming forward, the discounts which it is appropriate to attach and the likely yield of affordable housing units. However, based on the amount of brownfield land which has come forward in Otley in recent years and my assessment from visiting the sites which SEORA advance, I consider that there is significant potential for further development of previously-developed land in the town/area. I note that the AUDPI Inspector reported [628.11] that the Council’s view at the time of the last Inquiry was that industrial sites in Otley tended to be redundant premises and were often unattractive for modern developments. The “Action Plan for Otley 2004/5” key issues [CD/GEN/28, p.5 3bp] include the statement that “the range of derelict and vacant

sites and buildings within the town centre could offer development potential and the opportunity to enhance the town’s environment.” I consider that it is important to give priority to the redevelopment of such sites to further urban regeneration and renaissance. The possibility of the redevelopment of one large employment site in the town [Garnett’s], which would be in line with the Action Plan, illustrates the potential well.

- 19.30 The fundamental point is that such sites would be unlikely to come forward if a large greenfield site were to be developed in Otley early in the Plan period. There might also be wider harmful effects than upon Otley alone. The area affords an attractive residential environment which would draw interest from those who might otherwise choose to live closer to Leeds. In this way it would reduce interest in, and scope for, regenerative development within the Leeds Main Urban Area [MUA] as well as in Otley itself.
- 19.31 I consider that the Council are being somewhat pessimistic in discounting the SEORA suggestions to the extent that they do. Town centre redevelopment can well accommodate significant residential development even though it may not be the dominant use, but the Council appear not to accept that redundant employment sites, in the centre or in Otley generally, are likely to be developed for residential purposes. They would not necessarily encourage their residential redevelopment because it is a matter of concern to them to retain sites for future employment use and not to prejudice the continued availability of employment land in the area.
- 19.32 I accept that there should not be pressure upon businesses to close and sell their sites for housing development, as the Council seem to suggest would be the consequence of concentrating on brownfield redevelopment, but a realistic view, in the context of PPG3 para. 42(a), should be taken of the prospects of old-established industrial premises being re-used for their original purposes. There is no support in revised PPG3 for retaining employment sites unless and until the criteria suggested in Alteration 8/001 are satisfied. My conclusions on Alteration 8/001 in Chapter 8 are relevant here.

### ***Affordable Housing***

- 19.33 The Council made it clear at the Inquiry that EOO would not be an SHS in Phase 1 if it were not for the fact that the site is expected to deliver 50% affordable housing, and that, despite the sequential approach, they consider the proposal is justified in terms of RSS Policy H4 b) which requires that the need for different types and sizes of housing should be taken into account in the release of land for housing. The proposal would satisfy criterion (ii) of RDUDP Policy H2B to which it is related. The question now then is whether the need for affordable housing, and the ability of the EOO site to contribute to that need, outweigh the harm which would be caused by the site’s development in Phase 1 of the RUDP.
- 19.34 I deal with the need for affordable housing in the Rural North Leeds [RNL] zone as a whole under Alteration 7/007. Whilst not underestimating the need, I question whether the Council know, and include in the RUDP, enough about the nature and true scale of the need to justify their proposals. I am also concerned about their recent performance in achieving very few, only some 122, affordable housing units out of over 2,000 dwellings built in the last financial year, as emphasised by Councillor Fox.



- 19.35 Although I cannot make a recommendation concerning implementation of the RUDP, I suggest that the Council adopt, and apply consistently, a 25% target for affordable housing on all eligible sites rather than selectively on only some of them. In this way, the potential for affordable housing provision would be maximised, as it apparently needs to be, and distributed throughout the District. The focus upon the development of previously-developed land inevitably implies that affordable housing units will be provided predominantly in the MUA and correspondingly there will be fewer sites presenting affordable housing opportunities in rural areas. The Government have re-affirmed that the rural exceptions policy is the preferred way to address the issue in rural areas.
- 19.36 Quite apart from the disadvantages of the TATE proposal [see Chapter 24 of my Report], concentrating the provision of affordable housing in two locations at TATE and Otley, at opposite extremes of the very large RNL zone would be highly unlikely to satisfy the locational preferences of those in RNL who are looking for such accommodation. Otley is within a narrow peninsula which extends to the west of the main body of the RNL area which is roughly triangular and has its centroid some ten miles to the east. Development around the northern edge of the MUA of Leeds is more likely in my view to satisfy demand from RNL and reduce need to travel long distances for work or social purposes. I consider that there is a fundamental geographical mismatch in this respect and that in the local circumstances there should not be rigid adherence to the 5 defined zones within Leeds in terms of satisfying demand within the area.
- 19.37 I therefore do not see Otley [alone or as proposed with TATE] as being suitable to satisfying a wider demand for affordable housing emanating from the RNL zone. It is very much at the extremity of the zone. Indeed, objectors argue with the Council that it is outside the area of the “Golden Triangle” concept diagram in PLANet Yorkshire and Humber [CD/REG/09 p.28] which is a “draft spatial vision and strategic approach”. Such an interpretation is possible given the nature of the diagram, but I am conscious of the fact that the document is only in draft and the Council say that it is possible that the “Golden Triangle” may be extended westwards. With regard to the extent of the area and the policies which might apply to it, it would be prudent to await the agreed inter-district approaches with regard to the “Golden Triangle” which could be fed into future development plan policy.
- 19.38 SEORA argue that up to 500 affordable housing units could derive from their brownfield sites which is more than EOO would yield. These figures assume that all the sites would be built however. On the basis of the Council’s estimates of brownfield sites with planning permission and potential there could be a yield of between 189 and 209 affordable housing units.
- 19.39 Setting aside arguments about uncertainty of delivery, the Council argue that 189-209 affordable housing units would only be about 70% of the total of 275 which would accrue from achieving 50% affordable housing units within the 550 dwellings assumed on EOO or less than half of the total of 425 if 850 units were built on the site. Three Guiseley sites are not in the RNL zone and when their contribution is deducted only between 60 and 80 affordable housing units could be built in Otley which is 22/29% of 275 and 14/18% of 425 affordable housing units. Even if the affordable housing provision anticipated on EOO was achieved, it would still fail to meet the known demand for such accommodation. There are no other allocations in

Otley which would deliver affordable housing. Rumpolecroft [Alteration 19/001] is the only allocation and in terms of likely affordable housing yield and location is not a substitute or alternative to EOO.

- 19.40 At the Inquiry objectors questioned whether the developer would be willing and able to provide 50% of the total number of units as affordable housing, and pointed to a press report in the Wharfedale Observer dated 31 December 2003 which indicated that the “high level” of affordable housing provision could not be expected. The Council stated that the developer had been misquoted in this respect and was in fact fully behind the proposal, although they acknowledged that the indicative target of 50% of the total number of dwellings would be a matter for negotiation.
- 19.41 The Council propose Inquiry Changes IC/010 and 011 which would explain that the exact detail of the mix of affordable housing types would be established through discussion with developers and taking into account issues which would include site circumstances. A developer could be expected to resist provision of 50% affordable housing if it were to be entirely of a fully subsidised type [i.e. for rent by a Registered Social Landlord (RSL)], which becomes a negative value to the developer. That cost would need to be added to all the other abnormal costs involved in developing the site. The prospective developer is aware that there are varying degrees of what constitutes “affordable housing” [e.g. housing for sale and RSL rented, which could include shared equity] and that the actual types and amounts would be negotiated at the planning application stage. The Council cannot set a non-negotiable target as some objectors suggest; that would be contrary to Government guidance.
- 19.42 Notwithstanding these arguments I consider on the basis of the likely total costs involved in developing the site [see para. 19.100] that there can be no certainty that as much as 50% of the total would be achieved and in these circumstances I do not consider that the possibility that the site might yield more than 25% affordable housing units warrants its early release with the harmful consequences to urban regeneration which would follow. Nor do I consider that there is justification for a 50% target on this site, in contrast with others in Leeds where a lower target would apply.
- 19.43 In reaching this conclusion on the affordable housing aspect of the case I have taken into account the argument that there are definite advantages in having a large site which is part of an urban area compared with affordable housing development distributed in villages in RNL. A mix and variety of types of dwellings and tenure could be achieved on such a large site and the affordable housing units would be close to a higher order of facilities and greater employment opportunities than would be the case if they were spread thinly through smaller settlements.
- 19.44 Such an amount of affordable housing units would not be produced from small windfall sites. The Council evidence that, between 1991 and 2004, of a total of 39 brownfield sites [of 5+ dwellings] with planning permission within a 3 mile radius of Otley town centre only 5 were large enough to deliver affordable housing. From a total of 667 dwellings, only 41 would be affordable housing units which illustrates the point that the sum of many smaller sites does not deliver as many affordable housing units as would EOO. However, these arguments do not outweigh the harm in bringing such a large greenfield site forward in an early phase of the UDP.
- 19.45 With regard to proximity to employment opportunities, the objectors regard Otley as a commuter town with insufficient opportunities to accommodate workers from 550-850

additional dwellings. The evidence bears this out as about 65% of the town’s resident workers are employed outside Otley and there is a commuting imbalance as about 1,770 more people commute out to work than commute in.

- 19.46 I have also taken into account the Council’s argument that the development of EOO would provide land for housing in a high demand area and that if it were not to be provided, to accord with Policy H2 B (iii), there would be continued and greater pressure for housing in North Yorkshire leading to increased longer distance commuting back into the Leeds District. Avoiding such effects is an objective of planning policy generally and a particular aim of regional and local policy.
- 19.47 However, I do not regard the early development of a large greenfield site as vital to this end. Provided the regional housing requirement is met, which it is likely to be for a considerable time without the development of EOO, sufficient housing will be available within the Leeds District and I see no point in allowing early development of a greenfield site at EOO which itself is fairly distant from Leeds. It may be less far to Leeds from Otley than from much of North Yorkshire, but there is no evidence that I have seen that people are likely to move from North Yorkshire to EOO as the Council hypothesise [para. 4.7 of LCC/070], or to prefer Otley to North Yorkshire locations.
- 19.48 In fact, given the Council’s current letting policy, affordable housing cannot be offered exclusively to Otley or RNL residents, and there is likely to be demand for the affordable housing that is provided, and for the market housing too, from people moving out of Leeds, thereby extending the length of their journeys to work. Tight control over the amount and location of new development is necessary to satisfy the several objectives of urban regeneration, properly ordering greenfield development and avoiding lengthy travel to work.
- 19.49 I have not given weight to arguments relating to crime increase and devaluation of property prices as it is inappropriate to associate crime with provision of affordable housing and effect on property prices is not a planning consideration.

### ***Employment***

- 19.50 Fundamentally, the Council argue that employment does not form part of the UDP Review and that the proposal therefore should not be deleted; that the Government encourages mixed-use development, and that 25ha of housing alone, without being mixed with employment development, would be inconsistent with national policy in this respect. Certainly on a site of this size it would be appropriate to provide for mixed-use development and the provision of about 5ha of land seems reasonable and would assist in increasing local jobs. I therefore do not regard it as any form of device on the part of the Council or the developer but as an integral part of the proposal. Nor, in these circumstances, do I believe that the 5ha allocation within the site would ultimately be developed for housing rather than employment purposes as some objectors argue.
- 19.51 However, the mix of employment development on the site is difficult to foresee. Objectors argue that the development would not provide many new jobs; that B8 uses would be likely to predominate, and that relocation of existing businesses to the site from within Otley would occur, implying little net increase in employment.

- 19.52 In supporting the case for the release of EOO, the Council see “a need for more employment land in Otley, particularly for large sites capable of providing modern designed development.” [CD/DP/09]. The Council have received about 26 inquiries for land for a variety of employment uses in Otley in the last 6 years which indicates that there would be some interest in the allocation. They expect a mix of light industrial development, warehousing and some office use that could provide up to 700 jobs which would also help towards reducing outward commuting for work and provide an opportunity for people to live closer to their workplace than many do at present. The evidence from 2001 census data is that there is an inflow of 2,365 workers to Otley and an outflow of 4,133 Otley residents to work elsewhere, giving a net outflow of about 1,770. This is a significant number which it would be desirable to reduce.
- 19.53 The Council are also concerned about the loss of existing employment land in the north-west of the District generally. They acknowledge that the EOO allocation would have a role in compensating for the loss of existing employment land in the Otley area. Supporting Paper 3 states with regard to EOO that “such provision helps to justify the loss of employment use in less suitable ageing premises in the centre of Otley where there is pressure for redevelopment to provide housing and more appropriate town centre uses.”
- 19.54 Objectors argue that 4 enquiries per year for employment land in the town does not indicate a large interest and that the area is poorly related to the motorway network and therefore would not be particularly attractive to new industrial investment. They see no need for such provision as the Airport industrial area/Coney Park is close by and capable of providing larger scale employment for the area, although the Council regard much of this as specifically related to the Airport. Although objectors recognise a need for small-scale workshop provision in Otley itself there is no great demand. At present unemployment levels in the town are low; at the time of the Inquiry there were only 131 persons claiming unemployment benefit in Otley which indicates that there is not a significant pool of labour.
- 19.55 Whilst I agree that the development of EOO should not proceed without the proposed employment development, and that there would be likely to be take-up of the proposed employment land, I consider that there is no pressing need for such provision in Otley which of itself warrants early phasing of the site. Whilst the employment development could provide some jobs for residents, the effect of this modest allocation on stemming commuter outflow would be likely to be limited. In fact on the basis of present patterns and predictions there would be an overall increase contrary to FDUDP PA 3/001 SA2.
- 19.56 I therefore conclude that the need for employment land provision, either in itself or in relation to the provision of affordable housing, does not warrant bringing this greenfield site forward for development in an early phase in the Plan, and such provision would not outweigh the prejudicial effect which development of this large greenfield site would have in terms of diverting the focus away from the development of brownfield sites.
- 19.57 The issue of accommodating the proposed employment development without prejudice to residential amenity was dealt with at the AUDPI. There is no reason to disagree with the conclusion reached by the Inspector that there would be no problems in terms of safeguarding residential amenity on the remainder of the site. The Council have elaborated the proposal since then. Although the matter is not

entirely resolved in the Draft Development Framework Document [DDFD, LCC/070/C], I am confident that separate accesses to, and sufficient distance between, employment and residential development could be achieved. I therefore do not consider that the juxtaposition of the uses would be a problem.

### ***Relief Road [RR] and Environmental Improvements***

- 19.58 The RR’s impact on traffic, and the benefit to the town centre and A659, were considered at the AUDPI in 1995 [topic 621] and the Inspector’s conclusion was favourable. The Supporting Paper [CD/DP/09] refers to the benefits of reducing congestion, noise and nuisance of through traffic as well as reducing the number of HGVs.
- 19.59 Some 6,650 vehicles travel daily through Otley on the A659, and it is estimated that about 5,300 of these would transfer to the RR. About 215 of these would be HGVs. The development itself [based on 850 dwellings rather than 550] would generate about 6,800 daily two-way vehicle movements. The employment development would generate about 1,375 vehicle movements of which about 159 would be HGVs. Through traffic would be reduced overall by about 4,900 vehicles or about 35% and the number of HGVs by about 50% [including a reduction of 193 HGVs or 52%]. It is estimated that traffic on the A659, Pool Road, would be likely to reduce in net terms by some 43%.
- 19.60 I accept that the Council’s estimates of traffic entering Otley from EOO, based on the 2001 census, are likely to be understated, but nevertheless I consider that there would be an overall net benefit to the town centre environment from reducing traffic and HGVs to the extent likely by the provision of the RR. The TOP621 estimates are superseded by the Council’s current impact estimates and there is no good reason to reject the Council’s survey of, or assessment of the effect on, HGV movements as SEORA do. HGV traffic is predicted to increase in places, Billam’s Hill for example, and the bypass would obviously not address all the town’s traffic problems, in terms of the river crossing for example which is seen by some as the most pressing issue. However, it could not be expected to do so as it would be essentially a development road serving EOO and incidentally providing some relief to the town.
- 19.61 I consider that there is no doubt that drivers would use the RR in preference to the existing route. Although it might not be as quick as the Council suggest, I estimate that it would be significantly quicker than the present town centre route, even given the level of traffic using it and the need to negotiate the roundabouts on the RR. HGV drivers would be no exception in preferring its use; the RR would be designed to accord with modern day design standards, and the maximum gradient would be within recognised criteria to ensure that it would be fully utilised by HGVs.
- 19.62 The RR would therefore be more attractive to drivers than the existing town centre route, quite apart from the fact that traffic management measures which may be introduced in time in the town centre could well lengthen the time necessary to pass through the town. Signing would also lead many motorists onto the RR in preference to the present route. The estimate that some 60% of the traffic using the RR would be local traffic generated by the EOO development does not detract from the benefit of reducing traffic through the centre.

- 19.63 There would be no vehicular access from the development onto East Busk Lane or, apart from for buses, through the Cambridge Estate. This would avoid “rat-running” or any increase in traffic on these roads. Although I note that, in supporting the proposal generally, the Town Council want Cambridge Estate residents to be able to get through EOO to the bypass, I consider that the preclusion of a connection would be preferable.
- 19.64 I am more concerned about the additional traffic on the A660 generated from EOO. There is no policy of traffic restraint on the A660; the Council are, in Alteration 18/002, remedying a failure to delete para. 18.1.2, which refers to such a policy, at the UDP modification stage when the “parent” Policy T2A was deleted. There is therefore no inconsistency between promoting EOO and UDP policy towards the A660. That said, there would be a significant impact on the route into Leeds which is already congested at peak times. The projected increase in traffic of up to 21% [accepting that this is based on the top of the range of development] would be likely to exacerbate the difficulty of accessing Leeds on the journey to work.
- 19.65 Supertram is unlikely to be a solution to this problem as Otley is distant from the proposed interchange point and it is unlikely to be available in advance of the housing on EOO if the latter was included in Phase 1. Although the likely increase in traffic on the A660 would be within the road’s capacity, and the local problem at Dynley Arms needs to be addressed irrespective of EOO’s development, I consider that the increased traffic on what is already a congested road at peak hours is a detrimental effect of the proposal.
- 19.66 Objectors raise questions about the financial viability of the RR. It would be 1.35km long and would cost £5.5m to construct [compared with £2.2m at the time of the last Inquiry], which would be borne by the developer. Whilst the costs have been assessed, and include the necessary embankments and land stabilisation required, given the expected level of affordable housing provision on the site I do have some doubt that the cost of the road together with all the other unspecified costs of public transport provision and subsidy, drainage and remediation works would be borne by the proposed development. I return to this concern at para. 19.100 below.
- 19.67 Objectors raise the question of whether the proposed agreement that the RR should be built within a prescribed 5 year period would be effective and whether it should be required to be built in a shorter timescale. The 5 year period and the suggested change to the UDP to refer to the agreement feature in para. 626.35 of the AUDPI Report. The wording of this part of the AUDP [at 19.2.6] is not proposed for change and is therefore not at issue.
- 19.68 I can appreciate objectors’ concern that it should not be too long before the road is built and that it should be phased with the development because as more houses were completed on EOO without it the impact on existing roads would increase. However, it is unrealistic to expect the RR to be built before the development as Otley Town Council do. The timescale of 18 months from the start of “significant development” suggested by others is too short and there is also no definition of “significant development”. The important thing is that RR should be built to serve the development; the developers accept that it is necessary to build the road as quickly as possible, starting as intended with the first phase from the A660 to the first roundabout. However, it is inevitable that it will need to be phased over a period of time, as covered by the AUDP. I see no need to require a bond as some suggest.

- 19.69 Completion of the RR would be likely to lead to traffic management/road safety measures and related environmental improvements in the town centre. These would further objectives of the “Otley Town Centre Action Plan” [CD/GEN/27] and the “Market Town Initiative” [CD/GEN/28]. Measures could involve a one-way system, additional pedestrian crossings and the widening of footways.
- 19.70 However, no such measures have been planned as yet. There is reference in the Council’s evidence to a study being necessary after the construction of the RR and to the RR being a catalyst for environmental improvement/traffic management measures. It is therefore unclear at this stage exactly how such measures would relate to the provision of the RR, how they would be funded and in what sort of timescale they would be provided. Whilst they would be facilitated by the RR to an extent, I cannot rely upon them being a benefit to the town which would be directly forthcoming.
- 19.71 The provision of the RR is necessary to serve the development of the EOO site; it is not so important as to feature as a road proposal in the LTP and it is not a proposal which the Council promote except that it would be paid for through development. Whilst the RR would bring some benefit in reducing traffic through Otley, the associated development would carry some disbenefits, not least additional congestion on the A660. There is no certainty as to what, when or how traffic management measures would follow EOO’s development. I conclude therefore that the provision of the RR is not so important in itself as to justify inclusion of EOO in Phase 1 of the RUDP contrary to the sequential approach of PPG3.

### ***Greenspace***

- 19.72 Greenspace provision is cited in the Leeds UDP Review Supporting Paper 3 - Housing [CD/DP/09] as one aspect supporting the proposal’s place in the sequence. Increasing such space would be effected by providing a green corridor through the site and bringing back into use the Ings Tip playing fields, which are no longer used because of the incidence of tipped material, such as glass, coming to the surface and causing injury.
- 19.73 Increased provision would be an incidental benefit of the proposed development but not one which I consider warrants advancing the site in the sequential approach. If there were a severe shortage of open space in Otley, consideration could be given to providing more by means other than through additional development. Similarly I do not regard the development of the proposed green corridor within the site, leading into the countryside, as a pressing objective warranting the early release of this greenfield site for development. In reaching this conclusion on this aspect of the case I have taken into account the evidence given at the Inquiry that the issue of the relocation of pitches, referred to as an outstanding matter at 621.16 of the AUDPI Report, has been resolved. There would therefore be no net loss of playing fields as some suggest.

### ***Other Matters***

#### ***Site Drainage and Flood Risk***

- 19.74 The AUDPI Inspector was satisfied that water and sewerage infrastructure could be provided to allow for the development of the site [para. 626.33 of the AUDPI Report]

and the Council have confirmed in evidence that this is the case. Their Supporting Paper on EOO states in the introduction that “issues to be resolved” include washlands and contamination.

- 19.75 The AUDPI Inspector recorded also that part of the site lay within the 1:100 years flood plain but that it was not part of any washland and could be protected from flooding. PPG25 has been issued since the AUDPI; it is necessary to establish that the proposed development meets its requirements, can be properly drained by sustainable drainage methods and does not cause flooding off-site.
- 19.76 Only about 0.4% of the site at its eastern end is at risk from flooding from the River Wharfe during a 100 year flood event, according to the Environment Agency’s [EA] Flood Hazard Maps published in November 2004. None of the site is functional floodplain or washland [which is basically land that floods regularly in a controlled way]. Problems of flooding and of standing water at times of heavy rain would be addressed by improving the drainage of the site generally which would be done, as fully explained in LCC/080, by reconfiguring and upgrading culverts running through the site and beyond it to the Wharfe. If necessary land would be raised and land drains installed. Measures to effect adequate drainage of the proposed covering layers on the playing fields would also be undertaken which would reduce the likelihood of waterlogging which occurs currently. Part of the eastern end of the site would remain liable to flood but it is proposed that this area would remain undeveloped.
- 19.77 Run-off from the site would not increase beyond that which currently occurs and would be balanced as necessary by means of on site storage, possibly in the 3 ponds illustrated in the DDFD [LCC/070/C]. Their capacity would be determined precisely as part of the development proposals. I do not consider that they would need to be as capacious as objectors suggest for the reasons given by the Council relating to the amounts of water which would need to be stored on site and discharge times. I find no reason to doubt the calculations presented by the Council in this respect. Run-off from the Chevin and A660 would drain naturally as it does now, or be accommodated within the site system, and would not be likely to cause flooding of the site.
- 19.78 The type of storage ponds proposed are relatively common features on larger developments. They would be required to be designed and constructed to avoid risk of flooding and to all current safety standards, which would include fencing, the provision of lifebelts and gradually sloping bank construction to facilitate escape. I agree with the Council that, properly designed, the ponds would be seen as an environmental enhancement and part of the greenspace concept rather than a safety hazard.
- 19.79 The developer’s proposals for storage and culvert improvement would be acceptable to the EA providing that flood risk would not be significantly increased downstream. Peak flows downstream would be increased by about 5% during a 100 year flood event, or about 15mm immediately downstream of the site, which equates to about 0.05% of the Wharfe’s flow, and which are considered by proponents of the development to be insignificant. This would be a matter for the EA to judge when detailed proposals were made but I am satisfied on the basis of the evidence presented that drainage could be achieved which would avoid increased risk of flooding downstream of the site.



- 19.80 Flooding of the RR itself would occur but the road would not act as a dam to floodwater as some objectors fear because it would not be raised on an embankment where it passes through the floodplain. Adequate drainage would be put in place to ensure that where the RR is on embankment it would not cause constriction of groundwater and surface water flows. Access to the development would be maintained at times of flood if Pool Road became impassable, as it can do currently.
- 19.81 Some objectors consider that a Flood Risk Assessment [FRA] should be required now. However, the EA require a FRA prior to development which effectively means as part of a planning application. The necessary drainage works themselves would, of course, require planning permission. If the development was phased, the FRA would need to take that into account and evaluate the effects on flood risk of each phase of the development. The Council produced in evidence a large part of the information which would form the basis of an FRA, and although it is not yet fully compliant with all the guidance in PPG25 Ax. F, I am satisfied that measures could be taken to satisfactorily avoid flood risk. In any event RD Alteration 19/006 criterion (iv) includes reference to a FRA incorporating an appropriate drainage strategy (including any off-site works). I conclude, having taken into account all material submitted by the objectors and the Council, that the site could be adequately drained to avoid flooding and increased run-off and to be compliant with the guidance in PPG25.

### ***Pollution***

- 19.82 In addition to the former Ings Tip/Old Otley Tip, which is largely enclosed by the site, some 7ha of the site itself is affected by tipping. Part of this, the East Busk Lane Tip to the north-east of the site was tipped with inert material. Investigation is therefore not expected to reveal a problem but the remediation proposed is the provision of a 600mm cover to that area. The area to the north-west of the Ings Tip, [the Victorian Tip], and to the south-east are also filled land, most recently with material removed from the Ings Tip in 1980. The Ings Tip itself was in use from 1913 to its capping in 1974. There is continuing concern about the possibility of pollution from tipped material on the site and from the Ings Tip, both in terms of gas emissions and leachate affecting the adjacent watercourse.
- 19.83 The AUDPI Inspector was satisfied that pollution could be dealt with by established methods of protecting sites from gas emissions from landfill [para. 626.39]. To cover the point, para.19.2.6 iii of the AUDP refers to the need to test to determine if landfill gas is present on any part of the site and for a scheme to be agreed, if necessary, for any remedial measures, such as a perimeter vent trench and gas protection measures within foundations.
- 19.84 Where tipped material occurs beneath garden or landscaped areas, it is proposed that a 1m thick surface cover of “clean” material would be placed over it to provide an adequate level of protection. This would comprise 150mm topsoil, 450mm compacted clay subsoil and 400mm coarse granular blanket. A basal marker layer would be provided to indicate the presence of tipped material below. Material which is unsuitable for retention beneath development areas would be removed as necessary.
- 19.85 Additionally the prospective developer has, since the AUDPI, proposed measures to deal with the pollution of watercourses. Remediation would be achieved by separating clean surface water in the ditches from potentially contaminated water within the waste mass. A low permeability cap would be placed on the landfill to

minimise rainwater percolating downwards into the waste mass, and where necessary, a barrier wall would be installed to prevent contamination of the watercourse. Alternatively the watercourse could be diverted through natural ground.

- 19.86 Whether the water level in the existing ditches is in equilibrium with groundwater in the tip would be the subject of further investigations. If the water level in the ditches is in fact linked to the groundwater level in the tip, it might be necessary to maintain the connection, whilst at the same time preventing contamination reaching the watercourse. This could be achieved by installing a permeable reactive barrier to the perimeter of the tip. Such barriers allow the passage of water whilst filtering out contamination. If however the water levels are not linked and groundwater within the tip is found to be relatively static, a conventional barrier such as a sheet piled wall could be installed and the watercourse could be engineered so to be hydraulically isolated from groundwater. The final remedial solution would include all the necessary protective measures and would be selected to suit the prevailing groundwater and surface water conditions.
- 19.87 The situation is being monitored and I am confident that appropriate remediation measures could be provided to prevent pollution affecting the residential development, watercourses and storage ponds. Normal measures, such as oil interceptors, would protect the watercourses from any predictable pollution from site surface water itself. As the Council state, if the drainage system was abused, by occupiers disposing of chemicals into the surface water system, as the objectors fear, the EA or Water Company could take any necessary action against those responsible. The interceptors and storage ponds installed as part of the development would enable any significant pollution incident to be isolated and dealt with before the pollutants left the site. This would not be the case if the watercourses were affected by a significant pollution incident at present.
- 19.88 Objectors are also concerned that the capping of the tipped land within the site and on the Ings Tip by up to 1m of clean material would raise the ground adjacent to proposed dwellings and be unneighbourly. I would expect such effects to be avoided in part through the overall layout, design and landscaping of the development and through “doming” of the main tipped area. I also take the Council’s point that, in practice, some of the topsoil would be stripped and reused within the capping layer so the height of the capping layer above existing ground level would not be uniformly 1m. This is, I believe a matter which would and could be properly be addressed as a detail at the planning application stage and it does not affect the principle or the timing of development.
- 19.89 I conclude that measures could be introduced to remediate pollution effects although more work needs to be undertaken involving on-site investigations and risk assessment, for example that for hazardous gas requiring twelve months gas data over a grid of gas monitoring wells. Objectors’ concerns that the detailed proposals which would need to form part of a future application would be inadequate to deal with site drainage and the possible effects of pollution should be allayed by the fact that they would need the approval of the appropriate regulating authority before any planning permission could be issued. I note that the Council argue that without the development it is doubtful that any of the remedial works proposed would proceed. However, I do not consider that this is a weighty argument for the early release of the site for development contrary to the sequential approach advocated in PPG3.

### ***Regeneration***

19.90 In response to objections that the development of EOO would not comply with Policy H2 B criteria the Council argue that it would assist in regeneration in some respects, although regeneration was not advanced as a reason for the proposal in their Supporting Paper. The RR would to some degree facilitate environmental improvement and traffic management measures but would not necessarily assist regeneration. Additional population might help to support or stimulate local services and facilities but this in itself is not regeneration. My concern, expressed above, is that the early release of a large greenfield site as proposed would have a harmful effect on regeneration both within Otley and the wider Leeds area.

### ***Other Aspects of Sustainability***

19.91 The Council consider that EOO has good connectivity with the rest of Otley, which, as a reasonable sized market town, could support the development in terms of social infrastructure and access to shops and services. The additional population would also benefit the town in terms of increased usage of facilities and increasing the vitality and viability of the town centre.

19.92 However, objectors consider that the site is not in a sustainable location in terms of access to local facilities. They argue that it is remote from Otley town centre, being about 20 minutes walk from the eastern end of the site and a further 5 minutes walk to the existing Waitrose supermarket. The surrounding area has no shops and the development would be unlikely to support further local retailing so residents who have access to a car would be likely to drive into town. The view was expressed at the Inquiry that the proposed development conflicts with sustainability principles and that if the UDP were being prepared afresh, EOO would not be an allocation because it is not sustainable.

19.93 I note that there is only a corner shop close to the site which sells a limited range of goods. I agree that the proposed development would be unlikely to support more local shops, although Otley town centre provides a good range of services and is not so far distant as to preclude the development of the site or the inclusion of significant amounts of affordable housing. The site is within nationally accepted walking and cycling distances of the town centre. I note also that Sainsbury’s have planning permission for a new supermarket in the town centre. It is proposed to improve the local bus service in frequency and there are other bus services which run along Pool Road into the town.

19.94 Unlike some objectors, I do not consider that EOO is as poorly placed as the Weston Estate which is on the northern side of the River Wharfe with poor pedestrian and cycle linkages to the town centre involving a significant gradient. The route from EOO to the town centre would be a level one, and under today’s policies would have to be designed to include attractive and convenient pedestrian and cycle routes, as well as to be served by public transport. I see no basis for the assumption made by some objectors that the affordable housing would be provided at the eastern extremity of the site or alongside the RR; in fact from what the Council say it would be more likely to be distributed around the site.

19.95 Education provision was taken into account in allocating the site in the AUDP and at the time of the last Inquiry, on the basis of the assumed capacity of the site, it was

stated that the numbers of schoolchildren generated could be accommodated [paras. 626.15 & 31]. More new places would be needed with higher density development and s.106 agreements would be required to cover provision. This should not be a problem at primary school level where there is spare capacity but accommodating secondary school children would require some reorganisation at Prince Henry’s Grammar School to give priority to Otley residents.

- 19.96 In terms of health provision one additional GP would be required in the town but hospital provision, at the newly redeveloped Wharfedale Hospital, would be adequate. Dental care is already a problem as in much of the rest of Leeds and that is for the NHS to address. It is not a matter which warrants a halt to development.
- 19.97 I accept that the residents of the proposed affordable housing on the site would be closer to more facilities in Otley than if they were scattered amongst smaller settlements. However, these beneficial factors do not warrant EOO’s early release for development.

### ***The need for a Masterplan***

- 19.98 Several residents suggest that Policy H3-1B should make it clear that, prior to the commencement of detailed design of this large-scale development, a comprehensive masterplan should be prepared, detailing the layout of the development, its character, buildings and other significant features together with proposed roads and traffic and other management measures. It is requested that this should be subject to public review to ensure that all necessary aspects have been taken into account in planning the development. However, para. 19.2.6 ii of the AUDP requires an agreed planning framework which should be made subject to public consultation as part of the planning application process. I consider that this would satisfy the objectors’ point in this respect.

### ***Overall Conclusion***

- 19.99 I conclude that to incorporate EOO in the first phase of housing development in the RUDP would be contrary to the sequential approach in PPG3. I consider that the reasons advanced in the Council’s Supporting Paper for proposing to include EOO early in the Plan period, - delivering strategic housing, affordable housing, the RR, employment land and greenspace - are not individually or together, sufficient to outweigh the harm that would result to the overall strategy of the Plan in terms of concentrating housing on previously-developed land and fostering urban regeneration.
- 19.100 Although some of the “abnormal” costs listed by SEORA [S20438/D, para. 14] are not exceptional and are not in themselves costly, I consider that the total amount implied is such that the site would be a very expensive one to develop. The Council appear to have taken costs on trust from the developer and accepted the assertion that all necessary costs would be met. I would expect them jointly to have costed the proposal as a package to establish that the high level of affordable housing they expect, and upon which the proposed phasing is primarily based, is in fact attainable. Without such evidence I doubt it would be.
- 19.101 In addition, I agree with the point, made by Appleyard Arbor Homes/ Construction in support of their Pottery Lane, Woodlesford site, that the RR represents a significant

infrastructure investment and that it would be more sustainable to first utilise sites which do not require such extensive infrastructure improvements. This is an approach which commends itself generally, and particularly where urban extension can be achieved in close relationship to the main urban area of Leeds without major infrastructure provision or the costly extension and subsidy of public transport services. For all these reasons the proposal would be more appropriately included in my proposed Phase 3 than in the Plan’s Phase 1.

## **RECOMMENDATION**

**19.102 I recommend that EOO be included in the proposed Phase 3 of the RUDP and not as an SHS in Phase 1.**

### **ALTERATION 19/008 (WEST OF POOL IN WHARFEDALE PAS)**

#### **Objections**

25169 Persimmon Homes (West Yorks)

25176 Wilson Connolly Northern

#### **Issue**

19.103 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusions**

19.104 The site, which was designated as a PAS site [N34.23] in the AUDP, extends to about 11ha, and lies to the west of Pool. Its designation included a reserved road line for the proposed West of Pool Bypass, which was to be funded by the housing development.

19.105 In brief summary, the site’s history is that most of it, apart from an unallocated area within the southern part, was included in the GB in the West Riding of Yorkshire Development Plan [1966]. In the Draft UDP [1992] the site was proposed to be GB, except for an area of about 1.1ha to the west of Church Close which was left unallocated and then, in the Revised Draft [1993], was proposed for residential development [site H4:27]. Having considered objections to the Revised Draft, concerning the lack of a bypass for Pool, the Council proposed changes to delete the whole area from GB and allocate it for residential development in association with a proposed bypass. Following receipt of objections to these proposed changes, the Council reverted to the Revised Draft proposals that, apart from H4:27, the site should be GB. Having heard the various objections, the AUDPI Inspector recommended that the whole site, including H4:27, should be removed from GB and designated PAS, together with the safeguarding of a western bypass for Pool along the line adopted by the West Yorkshire County Council in 1985. The Council accepted this recommendation and included the PAS site and bypass in the AUDP.

19.106 I conclude in Chapter 7 of my Report that the status of PAS sites should not be changed virtually en masse as the Council propose. Whilst the AUDPI Inspector’s conclusions were reached in the context of the housing need and availability of sites at the time, the process involved consideration of whether the objection site fulfilled a

GB purpose and whether it was necessary to keep the land permanently open. His conclusion in this case was negative on both counts, there being only a limited impact upon the purposes of GB. The Council did not appear to have entirely clear cut views on the issue during the preparation of the Plan, and they accepted the Inspector’s recommendation, and thereby the related arguments, that the site should be PAS.

- 19.107 There have been no changes in local circumstances which warrant the site’s inclusion within the GB and the contradiction of the AUDPI Inspector’s previously expressed views about its GB function or the role of its constituent parts. The Council state that the main purpose of including this land in the GB is that of assisting urban regeneration upon which there is much greater emphasis now than at the time of the last UDPI. However, I have already referred, at paras. 5.14 – 15, to the fact that the existence of PAS does not prejudice urban regeneration and therefore this factor does not weigh heavily against the site’s continued designation as such.
- 19.108 Whilst the Council do not take issue with Wilson Connolly that the site is close to bus routes, “the few remaining shops in the village” and to a primary school, they argue that such proximity is not a factor which should lead to the specific designation of the site as safeguarded land in advance of the comparative merits of other sites which may be short-listed for evaluation. However, the Council have made no attempt at such assessment before proposing to delete this, and most other, PAS sites either. In my view the site is not in as sustainable a location as some other PAS sites because Pool is a relatively small settlement with limited service provision. However, if and when the PAS site is considered for development, or when a comparative assessment of PAS sites is undertaken as I advocate, this factor must be weighed against the need for, and the environmental and safety benefits of, a bypass to the settlement which could be provided in conjunction with it.
- 19.109 The AUDPI Inspector, after assessing the situation fully under Topic 1015 of his Report, was satisfied that a western bypass funded by associated housing development was the only realistic answer to the traffic problems on Main Street, which could be complemented by minor works and traffic management measures to address problems on Arthington Lane and Pool Bank. There is no further evidence submitted by any party that there is now no, or less, need for a bypass, and I consider that the option should be retained. I do agree with the Council that there is no need to amend the text of para. 19.2.10 to refer to the need for the bypass and to say that its precise location would be the subject of further highways and planning considerations, both as suggested by Wilson Connolly. Such references would be premature as they would tend to suggest that the site will be developed. However, I consider that it is necessary to keep the site as PAS; there are no exceptional circumstances to warrant its return to GB and it is desirable to keep long term options open.
- 19.110 I conclude in Chapter 7 that, based on the present RSS requirement, there is a sufficient supply of housing land for the Plan period. Given my conclusions and recommendations in terms of housing land supply and allocations, I conclude that the objection site should not be allocated for residential development. The sustainability characteristics of the site and its immediate availability do not affect this conclusion.

## **RECOMMENDATION**

- 19.111 I recommend that no modification be made to the UDP.

## CHAPTER 20 - PUDSEY

### ALTERATION 20/009 (PUDSEY ROAD SWINNOW)

#### Objections

20521 Barwick Developments Ltd

#### Issue

- 20.1 Should the site be included for residential development in Phase 1 of the UDP?

#### Inspector’s Reasoning and Conclusions

- 20.2 Proposed housing allocation H3-3.19 [AUDP site H3C-14] is an area of about 1.3ha to the north of Pudsey Road and the east of Ivy Chase. It lies within the MUA as defined.
- 20.3 The objector argues that the site is previously-developed land in terms of PPG3 Annex C, because it was a quarry, and as such should be brought forward as a Phase 1 housing allocation. There has been no restoration of the site and it appears to them as an unnatural and man-made landform. There is no nature conservation interest and no amenity use, and therefore no clear reason that outweighs its suitability as a brownfield development site.
- 20.4 The site may have been within the same ownership as the quarry but the evidence before me indicates that quarrying has affected only about 10% of the site area, by the Council’s estimation, in the eastern part. The remainder appears not to have been developed. The whole site cannot therefore be said to be previously-developed land or to qualify under PPG3 Annex C. Even the part that has been quarried has blended into the landscape. I therefore do not consider that the site should be included within the first Phase of housing development on the grounds that it is previously-developed land.
- 20.5 However, in line with my recommendations with regard to several other objections to H3-3 sites, in the event that brownfield sites and Phase 1 allocations did not provide the necessary housing land supply in terms of the PMM approach, I see no reason why this site should not be brought forward in an earlier phase than ELE. The site is close to facilities and services locally, and in Pudsey town centre to which access is available by a frequent bus service. It would be sensible planning, if and when the need for greenfield development arises, to make use of existing infrastructure by developing this site before embarking upon the ELE extension.
- 20.6 The appeal decision of 1999 was based on a specific proposal to erect 24 dwellings on the site and does not affect the acceptability of its development in principle because of ground conditions, site stability, tree cover or amenity value. Had it done so, and if the Council had subsequent concerns about its developability, it should not have been retained as an H3-3 site.

## RECOMMENDATION

- 20.7 I recommend that the UDP be modified to include H3-3.19 Pudsey Road, Swinnow in the proposed Phase 2.**

## ALTERATION 20/020 (HILL FOOT FARM, PUDSEY)

### Objections

20537 Mr & Mrs Fenlon  
25205 Bradley Stankler Planning

### Issue

- 20.8 Should the site be retained as PAS land or designated as Protected Open Land under Policy N11 of the AUDP?

### Inspector’s Reasoning and Conclusions

- 20.9 The Council have included representation 20537 in their template and representation 20702 in their proof of evidence under the heading First Deposit Objections. However, both are opposed to development taking place on this land and therefore technically support the principle of designating the site under Policy N11 which the Alteration promotes. The third objection, from Bradley Stankler Planning on behalf of Mr. S. Fielding, raises the objection to the Council’s proposal.
- 20.10 I deal with the strategic aspects of PAS land under Alterations 5/001 and /002. Although in this case there is no change to GB boundaries involved, because the site is proposed to be protected as open land under Policy N11, my reasons for recommending that PAS land and Policy N34 should not be deleted remain relevant. Although this PAS site does not lie “between the urban area and the GB” [in the terms of PPG3 para. 2.12], it effectively performs the same function of ensuring protection of the GB in the longer term by providing a future option for development without affecting GB land which borders Pudsey and Farsley on their southern and western sides respectively.
- 20.11 As a large area between Pudsey and Farsley is also already protected by Policies N8 and N11 there is, apart from the objection site, no area which could be considered for long-term development if the need arose, without reviewing either areas protected by those policies, or the GB between Pudsey and Bradford, which is particularly narrow. Because the site is bordered by development on three sides and forms a re-entrant into the built-up area it appears to me to relate to the urban area as much if not more than to the countryside to the north-east. It is the case that the objection site could provide a corridor or access to that countryside but neither PAS designation, nor indeed development, would prejudice that possibility as public access and open space could be provided within any development proposal, as envisaged by the AUDPI Inspector in relation to the north-eastern field and eastern paddock.
- 20.12 In these circumstances, I consider that it would be sensible to retain the site as PAS rather than apply a restrictive countryside protection policy. Retaining the PAS designation in no way weakens the sequential approach with regard to housing or diverts the focus from the development of previously-developed land as some who



oppose its retention believe. It must also be borne in mind that it is not only for housing that PAS land might be required in the long term and also, as the AUDPI Inspector stated, PAS designation does not mean that the site will necessarily be developed.

20.13 Although the site was included under Policy EN14P of the Pudsey Local Plan [1985], that designation is historic; the site’s present contribution to open countryside and its suitability to be included under Policy N11, which is intended to protect large tracts of open countryside, is not greatly apparent from Galloway Lane or any public vantage point. The Council acknowledge that the site frontage does not afford a direct view of open countryside. The frontage has been reduced to some extent by the development of the Hillfoot Surgery, and the view is impeded by the range of buildings, hardstandings and car parking related to the Hill Foot farmstead. Although the Council say that the appearance of the site could and should be tidied up, there is no indication that such improvement, or its development as open space, would follow designation under Policy N11. The variation in the street scene which the site offers is of very limited local benefit and does not in my view warrant designation under N11. Nor do the proximity to Owlcotes Plantation, or the existence of Owlcotes Deserted Medieval Village within the existing N11 Policy area some distance to the east, add weight to the argument for the site’s designation as proposed. In terms of this relationship, I agree with the AUDPI Inspector’s detailed assessment, at para. 678.9 of his Report, that the site is not seen as part of Owlcotes Hill. In any event such aspects do not alter my view that the site should remain as PAS land for the reasons I have stated.

20.14 Concerns of supporters of the Alteration about the loss of private views from dwellings are not proper planning considerations. Concerns about access are not proven; the Council do not raise such concerns and providing a safe access would be one of the many factors to be considered in detail should the need for development of the site arise in the long-term.

## **RECOMMENDATION**

**20.15 I recommend that no modification be made to the UDP.**

### **ALTERATION 20/021 (CALVERLEY LANE, FARSLEY)**

#### **Objections**

20848 Mr Driver  
23321 J Driver & Partners  
25182 R Gaunt & Sons (Holdings) Ltd

#### **Issue**

20.16 Should the site be included in the GB, retained as PAS land, or allocated for housing?

#### **Inspector’s Reasoning and Conclusions**

20.17 I cover the essentially strategic arguments for and against retaining the PAS designation, including those on permanence of the GB, exceptional circumstances and the Urban Capacity Study, in Chapters 5 and 7 of my Report, and those on the

sustainability of sites such as TATE and EOO under Alterations 24/003 and 19/006 respectively.

- 20.18 The site was designated GB in the Pudsey Local Plan [1985] but removed from it in the AUDP and designated PAS. The AUDPI Inspector concluded that, although the site gave a rural foreground to the western part of Pudsey, in a UDP context its contribution to GB purposes and objectives was no longer sufficient to justify its long-term retention within the GB, the sensible boundary to which would be the Outer Ring Road [ORR].
- 20.19 I agree with the objectors that there have been no site-specific changes in circumstances since the GB boundary was last defined but such definition inevitably involves a substantial element of judgement and in the case of the AUDP was done in the context of an identified need for a reserve of land for potential long-term development. High ground west of the ORR effectively conceals the urban area of Bradford and, to that extent, the site does not serve directly to prevent the coalescence of the two cities, at least visually. However, the most important attribute of GBs is their openness and I consider that the site, together with Kirklees Knowl to the north-east, is a significant element in the belt of open land, only about 2 kms wide, between the urban edges of Bradford and Farsley. This quality of openness is evident from both the ORR itself and from more distant viewpoints such as on the A65 to the north.
- 20.20 Although the site is not farmed, it is little different in character from land west of the ORR, so that it could be argued, as the Council do, that the GB effectively “washes over” the highway. Whilst the ORR could undoubtedly be effectively held as a GB boundary, I see no good reason on the evidence before me to prefer it as a boundary to the urban edge of Farsley which is clear and well defined, at least from public view points. To that extent I take a different view from the AUDPI Inspector [but not from the earlier conclusion on the Pudsey Local Plan]. I consider that the site’s potential contribution to GB purposes of checking sprawl, preventing coalescence and safeguarding the countryside from encroachment should properly be taken into account in a comprehensive review though for reasons fully set out under Alterations 5/001 and /002 I do not recommend any change to GB boundaries either here or elsewhere as part of this Review.
- 20.21 Despite some evidence of a former reservoir on the site, the site cannot be considered as previously developed in the terms set out in Annex C to PPG3 and thus it is secondary to such land in the sequential approach. Also, although objectors have argued that the Council have paid insufficient attention to the housing needs of the constituent parts of the City, the latter’s evidence that brownfield windfall sites have come forward on a scale commensurate with the size of Pudsey has not been convincingly challenged. The objection site is thus not an obvious priority for development. However, should additional land be needed within PAS designations then this would be a reasonably sustainable option, being within easy walking distance of Farsley Town Centre, with a good range of local services and facilities, and with further services and employment available close at hand in the wider urban area.
- 20.22 Objectors argue that the site is not readily usable for agriculture, being essentially isolated by the ORR and prone to fly-tipping and trespass. However, these are essentially matters of land management rather than land-use and do not have a direct bearing on its GB status. Also, although there are access problems these do not

necessarily preclude all uses and it does not appear that the possibility of alternative productive uses compatible with the GB has been explored. The present condition of the land is not therefore a determining matter.

20.23 I see no good case for a Phase 3 housing allocation, as sought by R Gaunt and Sons, in advance of a comprehensive review of PAS policy and sites. Were the Council to undertake such a review as part of preparation of the LDF, as I believe they should, then the need for housing land, and the sustainability attributes of this site, would need to be weighed against GB considerations. This in turn would mean looking at the whole function of the relatively narrow belt between Leeds and Bradford, including Kirklees Knowl to the north-east. Whilst there are no exceptional circumstances to justify changing the GB as part of the current partial Review, on the evidence before me I believe that there would need to be a strong case for development here, as part of a wider appraisal, to outweigh the site’s potential GB contribution.

### **RECOMMENDATION**

**20.24 I recommend that no modification be made to the UDP.**

### **ALTERATION 20/022 (KIRKLEES KNOWL)**

#### **Objections**

21177 Ms Place  
23322 J Driver & Partners

#### **Issue**

20.25 Should the site be included in the GB, retained as PAS land, or allocated for residential development?

#### **Inspector’s Reasoning and Conclusions**

20.26 Although the Council’s skeleton report includes Ms Place as an objector [above] her representation opposes further development in Farsley, a position that would clearly be assisted by the proposed inclusion of the site in the GB under this Alteration. I have therefore treated her as a supporter. This is corroborated by the Council including her name in a list of 131 supporters attached to their evidence [LCC/061].

20.27 The nub of the objection by J Driver & Partners is that there has been no material change in circumstances to justify departing from the AUDPI Inspector’s conclusion that the GB boundary should be drawn to exclude this site. I concur with this under Alterations 5/001 and /002 where I cover the Council’s overall case for including PAS sites in the GB and conclude that neither national advice published since the last UDP Inquiry, nor the identified sufficiency of land available for development within urban areas, constitute exceptional circumstances to change GB boundaries as part of this Review.

20.28 That said, as noted above, the AUDPI Inspector was looking at GB boundaries against the background of an identified need for a sizeable long-term reserve of housing land. If and when the Council carry out a comprehensive review of all PAS sites, as I advise, then this site has important potential GB attributes that should be

carefully considered. Together with land south-west of Calverley Lane [see Alteration 20/021 above], it forms part of an extensive tract of open land that extends outwards from the urban edge of Farsley across the ORR and which is clearly seen as such from adjoining roads and from more distant viewpoints to the north. What I say about the clear urban edge on the opposite side of Calverley Lane applies here too and I consider that Kirklees Knowl could perform the same GB functions as the land there, namely checking sprawl, preventing coalescence and safeguarding the countryside from encroachment.

20.29 Although the Council refer to the GB objectives of providing access to open countryside and retaining productive agricultural land these do not have a direct bearing on how the GB boundary might be defined. However, there is a public footpath along the southern boundary of the site, from which its openness is very evident, and the land shows every sign of being productive. The objector’s comments on problems of severance by the ORR, poor soil quality and illicit dumping and grazing are identical to those on Calverley Lane and appear to relate more to that site than to this one. In my view they are not matters that should rank highly in any future review.

### **RECOMMENDATION**

**20.30 I recommend that no modification be made to the UDP.**

### **HARE LANE, PUDSEY (H3.3-12)**

#### **Objection**

20296 Mr John Scannell

#### **Issue**

20.31 Should the site be included for residential development in Phase 1 of the UDP?

#### **Inspector’s Reasoning and Conclusions**

20.32 The objector has withdrawn this objection having now received planning permission. IC/013 sets out the necessary modifications which need to be made to include the site in the first phase of development as site H3 – 1A.41. I recommend accordingly.

### **RECOMMENDATIONS**

**20.33 I recommend that the UDP be modified by adding Hare Lane Pudsey to the H3 – 1A sites and deleting it from the H3 – 3 sites, and to take account of consequent changes in accordance with IC/013.**

### **DELPH END, PUDSEY (H3.3-30)**

#### **Objections**

21817 Country & Metropolitan Homes  
21818 Mr B Verity

## Issue

20.34 Should the site be included in an earlier phase than Phase 3 of the UDP?

## Inspector’s Reasoning and Conclusions

- 20.35 The site, which is about 1.4ha, lies on the western edge of Pudsey between Waterloo Road, Gibraltar Road and Bradley Lane. The last two roads define the GB boundary. It is within the MUA as defined by the Council. The objectors consider it to be an infill site bordered by development and therefore within the highest category in terms of both national and regional guidance [PPG3 para. 30 and RSS Policy H2]. The Council describe the site’s character as transitional between Pudsey and the rural GB which at this point is particularly sensitive because of the close proximity of the main urban areas of Leeds and Bradford. However, development of the site would be a relatively small addition of housing and as the site is embedded within the defined built-up area/MUA I do not consider that the Council’s argument carries great weight; the site does not serve any GB purpose and the principle of its development has been established. It remains a matter of the timing of development.
- 20.36 The objectors argue that the site is in a sustainable location although the Council respond that such considerations should not determine the phasing of the site’s development or override the fact that it is a greenfield site which should not be developed before previously-developed land. Whilst accepting the latter point, I consider that a site’s location in relation to facilities, services and public transport provision is an important factor in determining the order of as well as the location of residential development.
- 20.37 I agree with the Council that bringing this site forward into Phase 1 of the UDP would be likely to prejudice concentration of development on brownfield sites in the early years of the Plan. However, in this case, I see no reason why the site should not be included in an intermediate phase between the Council’s proposed Phases 1 and 2 for development if and when the brownfield windfall supply fell to an unacceptably low level. I consider that it would be preferable to develop this site before embarking on the major urban extension proposed at ELE with all the infrastructural costs implied.
- 20.38 I refer to the “fair share” approach to housing allocations at para. 7.21 of the Report and conclude that it is not one to be followed or one that justifies the site’s development within Phase 1 of the RUDP.

## RECOMMENDATION

- 20.39 I recommend that the UDP be modified to include H3-3.30, Delph End, Pudsey in the proposed Phase 2.**

## CHAPTER 21 - ROTHWELL

### ALTERATION 21/010 (POLICY N34.27 - GREENLAND FARM, OULTON)

#### Objections

21973 Oulton Estates (Canada) Ltd  
22064 Keyland Developments Ltd

#### Issue

- 21.1 Should the site be included in the GB, retained as PAS land or allocated for residential development?

#### Inspector’s Reasoning and Conclusions

- 21.2 The objection site comprises about 3.56ha of agricultural land to the east of Oulton, to the south of Fleet Lane. The area was designated GB in the Rothwell and District Local Plan [1983] but the Council proposed its exclusion from GB in the Revised Draft UDP [1993] arguing, in contrast with their present case, that it did not play a critical GB role and that it was therefore appropriate to identify it as safeguarded land.
- 21.3 My assessment of the site accords with this view, and with that of the AUDPI Inspector at paras. 700.19 and 26 of his report. The site is bounded on 3 sides by existing development and does not impinge upon GB land. Its development would not involve a significant encroachment into the countryside; would not constitute sprawl, and it is unnecessary to keep the site open to prevent neighbouring towns merging.
- 21.4 Apart from the development of the Greenland Farm buildings, there have been no changes in local circumstances since adoption of the UDP and none which constitute exceptional circumstances warranting the site’s inclusion within the GB. The existing GB boundary was established by the Council on adoption of the AUDP and was satisfactory to them at the time being determined largely by rounding off of the settlement. The argument that the existing edge of the settlement is now seen as preferable is not sufficient reason for change. Similarly arguments about GB objectives relating to retaining land in agricultural use, landscape and access to open countryside were considered by the AUDPI Inspector [para. 700.30] and were not regarded as overriding considerations by him or, apparently, by the Council at the time of adoption of the UDP. For these reasons, and for those given under Alterations 5/001 and /002 in relation to PAS generally, I conclude that the site should not be designated as GB. None of the arguments advanced by the Oulton Society and those sharing its opinion alter my view.
- 21.5 As one would expect, the site is capable of development as all PAS land should be. I see no insuperable problem with regard to access, which would be considered in detail when and if the site needed to be developed. The Council raise no difficulties in this respect. I accept that the site is well-related to the Main Urban Area [MUA] as defined although I do not consider that it is as well-related to facilities as some other PAS sites. I have considered the estimate that future housing delivery within Rothwell is likely to be only 67% of current rates and that many of the dwellings will be built in the early part of the Plan period. I note that there have been Ward boundary changes. However, given my conclusions and recommendations in terms of strategy

and housing land supply in Chapter 7, and land at Pottery Lane, Woodlesford, which would provide a reasonable continuity of housing supply in this area once previously-developed land has been utilised, I conclude that the objection site need not be allocated for residential development but should remain as PAS land.

- 21.6 With regard to the Council’s proposed IC/012, contained in LCC/082, I accept that the developed frontage of Farrer Lane identified in red hatching on the plan attached to Keyland’s statement 0672/22064 should not be included in the PAS site but consider that land adjacent to Oulton Beck should not be removed from it because its integration with the PAS site would need to be considered if development did proceed at some future date.

## **RECOMMENDATIONS**

- 21.7 I recommend that the developed frontage of Farrer Lane be excluded from the PAS site, and included within the built-up area of Oulton as shown on the Proposals Map, but otherwise no modification be made to the UDP.**

## **ALTERATION 21/011 (POLICY N34.28 – ROYDS LANE, ROTHWELL)**

### **Objection**

21972 Oulton Estates (Canada) Ltd

### **Issue**

- 21.8 Should the site be included in the GB, retained as PAS land or allocated for residential development?

### **Inspector’s Reasoning and Conclusions**

- 21.9 The objection site comprises about 3.8ha of agricultural land to the south-east of Rothwell. The area was designated GB in the Rothwell and District Local Plan [1983] but the Council proposed its exclusion from GB in the Revised Draft UDP [1993] arguing, in contrast with their present case, that it did not play a critical GB role. In evidence to the AUDPI the Council described it as forming “a rounding off of the existing settlement” and a “distinct area with defined boundaries”.
- 21.10 My assessment of the site accords with these views, and with that of the AUDPI Inspector at paras. 701.10 of his report in that development of the site would not constitute sprawl or threaten coalescence of Rothwell with neighbouring settlements and has little of the character of open countryside. Although the site is bounded on only 2 sides by existing development it is bordered by Oulton Park and golf course to the south and east and to the west by a sports ground and football club. As such it does not impinge upon GB land or open countryside but in large part is contained within the existing development on Royds Lane and Arran Way. Arguments about GB objectives relating to landscape and access were considered by the AUDPI Inspector [para. 700.11 and 12] and did not affect his view on GB function. There have been no changes in local circumstances since adoption of the UDP which would constitute exceptional circumstances warranting the site’s inclusion within the GB. For these reasons, and for those given in relation to PAS generally, I conclude that the site should not be designated as GB.

21.11 The site is capable of development as all PAS land should be. It is well-related to the MUA as defined. It is within about 600m of Rothwell town centre and close to bus services. I have considered the local needs and circumstances advanced on behalf of the objectors in identical terms in the context of their objection to the Greenland Farm site. Given my conclusions and recommendations in terms of strategy and housing land supply in Chapter 7, and land at Pottery Lane, Woodlesford, which would provide a reasonable continuity of housing supply in this area once previously-developed land had been utilised, I conclude that the objection site need not be allocated for residential development but should remain as PAS land.

## **RECOMMENDATIONS**

**21.12 I recommend that no modification be made to the UDP.**

### **ALTERATION 21/012 (POLICY N34.29 – PITFIELD ROAD, CARLTON)**

#### **Objection**

24800 Messrs Oldroyd and Proud

#### **Issue**

21.13 Should the site be included in the GB or retained as PAS land?

#### **Inspector’s Reasoning and Conclusion**

21.14 The site was designated GB in the Rothwell and District Local Plan [1983] but [together with land to the north] was proposed for housing in the Draft and Revised Draft UDPs of 1992 and 1993 respectively. However, the AUDPI Inspector recommended that an area of some 4.3ha be designated PAS primarily on the grounds that, whilst the land had potential for housing use in the long-term, the need for some phasing of development and highway improvements, and its agricultural land quality, meant that other sites were to be preferred in the short-term.

21.15 I deal under Alterations 5/001 and /002 with arguments about the relationship between the proposed deletion of PAS sites, the availability of housing land and national guidance. The objector here also contends that the RUDP housing strategy is over-dependent on large strategic sites like TATE, and skewed to the east of the City at the expense of communities to the south like Carlton which are well placed for access to sources of employment. I cover strategic matters in Chapter 7 where I make the general point that new housing sites do not necessarily have to be distributed across the District in a way that is seen to give “fair shares” to all [para. 7.21]. Rather the strategy should have a clear underlying logic and justification, and be founded on sustainability. That said, access to local employment is clearly an important aspect of sustainability, to which I return below in the particular context of Carlton.

21.16 The AUDPI Inspector considered that the value of the site to GB purposes was “marginal” and that it might be developed in the longer term without significant damage to the GB [CD/DP/01(20), paras. 706.10 and 706.18]. There is no evidence of any significant local land-use changes since but in 1998 an Inspector dealing with a called-in application for housing development concluded that it would cause some



harm to GB purposes by reason of encroachment, that it could undermine the purpose of preventing the merging of neighbouring towns, and that it would not assist with urban regeneration. However, the reason for subsequent dismissal of the appeal, as summarised by the Council, was that the proposal was premature pending fixing of GB boundaries in the UDP rather than that it would cause intrinsic harm to the GB. All these points reinforce my own view, deriving from the evidence and from my visit to the site and the surrounding area, that the site’s GB merits are finely balanced.

- 21.17 Certainly seen at close quarters the site is firmly enclosed by a housing estate to the west, and to a somewhat lesser extent by a ribbon of housing to the east along Pitfield Road which lies within the village envelope and where there appears to have been some new development. To the north is a small allocation for housing and a large complex of disused agricultural buildings off the village’s main street. It is reasonable to assume that the whole of this adjoining area will eventually be redeveloped so that housing would then bound the objection site on three sides. This would reinforce the impression that the site is within the village structure. At the Inquiry the Council also accepted that the existing GB boundary, marked by an unmade road and hedges to the south of the site, is in some ways more defensible than the one they now propose. Development of the objection site could thus arguably be a rounding-off of the village, albeit a substantial one.
- 21.18 However, from the public footpaths on higher ground to the east a different picture emerges. Seen from here there is little to differentiate the objection site from the open farmland to the east and south, and it appears as part of a continuum of open land extending from north of Carlton southwards towards the M62. On this basis I would agree with the Council that it appears as part of the open setting of Carlton rather than of the village itself, and plays a not insignificant role in maintaining the separate identity of Carlton and Ouzlewell Green, and more widely, of the extensive built-up areas of this part of the West Yorkshire conurbation. It seems unlikely that the impact of development there could be reduced appreciably by landscaping works in the surrounding area, even if on the scale suggested by the objector.
- 21.19 The AUDPI Inspector made his assessment of the GB merits of the site in the context of a search for substantial additional reserves of housing land. Whilst the two issues cannot be divorced, the site characteristics I have noted above carry weight and lead me to the view that there is no justification for changing the GB boundary at the present time. However, should it be decided in the future that land was needed here for development, defining an enduring GB boundary would need some care and could not be done on the basis of the objection site alone. Rather, it would require a wider examination of the heavily urbanised area between Leeds, Rothwell and Wakefield where there is little separation between many settlements, and should include an assessment of whether and to what extent Carlton might be allowed to extend in the long-term across the narrow gap between its current built-up area and Ouzlewell Green to the south. These are issues that should be addressed as part of the review of the PAS strategy in preparation for the LDF that I advocate at para. 5.38 of my Report.
- 21.20 Any such assessment must also inevitably look at the sustainability of possible locations for long-term development. The Draft and Revised Draft UDPs singled out Carlton as in special need of further housing to support and maintain local community services. It seems to me that this argument would repay some re-examination as the village has a basic level of services but some are not evidently flourishing and further

development could well have an overall regenerative effect on the community. This in turn would involve looking at the relationship with Rothwell as a provider of local services, and at the relative merits of developing here as against in larger urban areas. Meanwhile I have seen nothing to suggest that Policy N34 would be unable to resist any pressure for development on the objection site.

- 21.21 One important aspect in which the village is well placed is proximity to substantial sources of employment such as Stourton, Rothwell and Lofthouse so that, although commuting would inevitably be involved, it would be over short distances. Whether all these factors would justify development on the scale of the objection site, which the Council estimate would double the number of dwellings in the village, is currently an open question. Until it can be answered as part of an assessment of long-term development options, the Pitfield Road site should remain as PAS. The original objection also suggested that the site could be considered for development under Phases 2 or 3 of the Plan though this was not followed up in subsequent evidence. From my conclusion on the PAS issue it follows that I do not endorse this suggestion.

## **RECOMMENDATION**

- 21.22 I recommend that no modification be made to the UDP.**

### **ALTERATION 7/003 (H3-3.16 POTTERY LANE, WOODLESFORD)**

#### **Objection**

20307 Appleyard Arbor Homes and Appleyard Arbor Construction

#### **Issue**

- 21.23 Should the site be included in an earlier phase than Phase 3 of the RUDP?

#### **Inspector’s Reasoning and Conclusion**

- 21.24 The objection site comprises two parts: a greenfield site of about 1.1ha to the north of Pottery Lane and, to the south, a site of some 2.5ha which is to a limited extent brownfield, having accommodated a previous gas works and a car park. In total it might accommodate between 105-175 dwellings. Site H3-1A.15 in the RDUDP originally formed a third, separate part of the site [H3B.82] in the AUDP. This separate part is the subject of a planning application [Ref. 22/138/03/FU] for 31 houses and 21 flats which the Council have resolved to approve subject to a s.106 agreement relating to affordable housing and greenspace provision.
- 21.25 The Council have included the objection site in Phase 3 in the RDUDP on the basis that it is a greenfield site which according to para. 32 of PPG3 should not precede brownfield sites, as identified in Policy H3-1A. The objectors consider that it should be included within Phase 1 for immediate release for residential development because it has better sustainability qualities than, and therefore should precede, sites in Phase 1 [EEO, TATE and Micklefield] and ELE, although the site cannot be seen as a substitute for such sites because of their relative scale.
- 21.26 There is no dispute that the objection site is in a sustainable location. It is within the MUA, close to a range of services and facilities, and is highly accessible by public

transport. A major asset is that Woodlesford railway station is adjacent to the southern boundary of the site and connects with Leeds City Station in about 10 minutes by 6 peak hour trains running roughly every 20 minutes between 0700 and 0900. Otherwise trains are about every 30 minutes; every 40 minutes on Saturdays, and at hourly intervals on Sundays. Services on the Hallam and Pontefract lines also provide access to Castleford, Pontefract, Wakefield, Glasshoughton, Barnsley and Sheffield. Peak hour bus services at 15 minute intervals also provide access to Leeds in 25 minutes and there is an hourly service to Wakefield, which is 35 minutes journey time. Bus stops are within 400m of the objection site and easily accessible on foot.

- 21.27 In addition the site is well-located close to the existing cycle route network which connects to Leeds [8km/5 miles or about 30 minutes ride] and to Rothwell, and other parts of the City. The Leeds & Liverpool Canal provides nearby recreational facilities and has the potential for further development both recreationally and for transport although there are no plans, and I do not see a great deal of scope, for a passenger waterbus.
- 21.28 Local facilities are concentrated at the Beechwood Centre about 350m from the objection site where there is a reasonable range of shops and services. Other local facilities include a medical centre, playgroup, Kwiksave supermarket and primary and secondary schools. Although the nearest local primary school has closed, that remaining, about a mile away, currently has some spare capacity and there is no indication that capacity could not be increased if necessary in the longer term. The shopping facilities in the area are adequate to serve everyday needs although I accept that, for larger scale grocery shopping, Morrisons at Rothwell [3km distant] and Tesco at Garforth [6km away] would attract shoppers. Local employment facilities do exist but the significant factor in terms of employment opportunities is the ease of access to Leeds City Centre and other centres by public transport. I accept the objector’s argument that development of the objection site would support local services and facilities and help to build a stronger community in Woodlesford. I do not consider that the uphill walk from the site to the facilities in the village is a factor which reduces the site’s sustainable position significantly.
- 21.29 I therefore accept that the objection site is better served in some ways than the three Phase 1 brownfield sites which the objectors consider perform so poorly against sustainability criteria as to preclude their earlier development or justify the objection site sitting alongside them. They are Bowcliffe Road, Bramham [RDUDP H3-1A.33]; East Moor, Tile Lane [H3-1A.35] and Dunstarn Lane, Adel [H3-1A.8]. However, the Adel sites are well within the urban fabric and are as well served as much of suburbia. As previously-developed land, they should be a priority for development so as to make the best use of urban land in accordance with Government guidance. The Bramham site is less well-positioned but is a small brownfield site close to the centre of the village. I therefore disagree that these sites perform so poorly as to preclude their development or their inclusion in Phase 1 as brownfield sites and I see no reason to advance greenfield sites to stand alongside or before them in Phase 1.
- 21.30 In any event, as the Council stress, there are no duly made objections to the three sites. In addition I do not accept the suggested change of wording to the UDP [P/20307/B] which would give priority to the objection site over the three sites and TATE, as proposed, because there is no proposal to prioritise or order site development within Phase 1 and it would be an unnecessary refinement to do so.

- 21.31 At paras. 7.32 and 15.62 of this Report I say that it is not sound planning to embark on ELE, as a very large urban extension with major infrastructure implications, before release of smaller identified greenfield sites which are either structural infill within urban areas or small-scale extensions, and are well related to the MUA and in inherently sustainable locations. The objection site is one such as development there would link closely to the existing built-up area of Woodlesford and would make good use of existing infrastructure. It should not be included in Phase 1 because it would tend to divert the focus away from development of brownfield sites before their potential was fully realised but it is well qualified for inclusion in my proposed Phase 2, preceding any release of ELE.
- 21.32 There are no known infrastructure constraints upon the site’s development. It has been established that contamination from the former gas works would not be a problem and that the risk of flooding of a limited part of the site could be avoided by development measures. The objectors also point to the fact that, as the subject of a s.278 agreement in connection with the proposed development of H3-1A.15, a new access to Aberford Road is required which would cross, and thereby serve, the larger part of the objection site. Given the inadequacy of the present junction of Pottery Lane and Aberford Road, even for present traffic use, I consider that this road improvement would be of considerable benefit to Woodlesford. I tend to agree with the objectors that it would be more sensible, and indeed sustainable, to develop the site as one rather than come back in due course to build the dwellings which would be served directly by the new road. Advancement to an earlier phase than Phase 3 would therefore be desirable from this point of view also. I therefore conclude that the site should be included in the Phase 2 which I recommend in Chapter 7.

## **RECOMMENDATION**

- 21.33 I recommend that the UDP be modified to include site H3-3.16, Pottery Lane, Woodlesford in the proposed Phase 2.**

## CHAPTER 22 - SOUTH LEEDS

### ALTERATION 22/004 (BEESTON HILL/HOLBECK REGENERATION/ NEIGHBOURHOOD RENEWAL)

#### Objections

21963 Land Securities

22150 Dr Tyler (Leeds Houses in Multiple Occupancy Lobby)

#### Issues

- 22.1 1. Should the Alteration refer to the potential for student housing to assist the regeneration of the Neighbourhood Renewal Area [NRA]?
2. Should the boundary of the NRA be extended to include the Beeston/Mill Shaw/Elland Road area?

#### Inspector’s Reasoning and Conclusions

- 22.2 1. Since the objection was made the Beeston Hill and Holbeck Land Use Framework has been approved which identifies a number of possible sites for student housing, subject to further consultations with the universities and the local community. This goes further than the amendment sought by the HMO Lobby and it would seem logical to refer to it in the Alteration. However, in para. 7.201 of Chapter 7 I note that the Council have identified a number of areas where student housing could be appropriate and I advise there that further discussions be held with the universities and major accommodation providers in order to draw up a short list of locations where such housing will be promoted, for inclusion in Policy H15A. Rather than deal with Beeston Hill/Holbeck in isolation it should be included in this consideration. Once the locations have been identified, appropriate and more detailed references can be included in all the relevant area chapters of the Plan.
- 22.3 2. Although Land Securities’ objection is listed as above, the Council have not responded to it. I have seen no evidence that it has been withdrawn and so have addressed it on the basis of what it says and what I have seen on the ground. The Alteration says that the UDP will take account of wider regeneration opportunities that would benefit the NRA, including access to jobs, and that a proposed Action Plan will link the Area with developments in the wider locality that could bring positive benefits. However, none of this implies that for something to be of benefit to the NRA, or to be linked to it, it has to be within the designated area. Extending the boundary on the extensive scale proposed by the objector would certainly embrace more employment opportunities but there is no evidence that in itself this would necessarily be beneficial. Bringing in an area that is significantly different in character could also run the risk of fundamentally changing the proposed policy approach. The emphasis on improving links with the wider area would appear sufficient in itself. I have no detailed information on which to recommend a better boundary than that proposed in the RUDP and nor can I see any obvious advantage in the suggestion that there should be a core renewal area within a broader Action Plan.

## **RECOMMENDATION**

- 22.4 I recommend that the Beeston Hill/Holbeck NRA be included among those locations to be considered for inclusion in Policy H15A, as recommended to be amended, and that appropriate references then be included in the relevant area chapters of the Plan.**

## **ALTERATION 22/007 (SHARP LANE STRATEGIC HOUSING SITE)**

### **The Objections (First Deposit)**

21975 Leeds Review Consortium

#### **Issue**

- 22.5 Should the site be shown as a strategic housing site [SHS]?**

#### **Inspector’s Reasoning and Conclusions**

- 22.6** Leeds Review Consortium object to the site being identified as an SHS; it already has planning permission and in their view should be removed from Phase 1 and shown as an “existing commitment”.
- 22.7** The Council have classified this existing AUDP housing allocation as an SHS to reflect the fact that the proposal supports a wider regeneration initiative involving the enhancement of Middleton District Centre. I consider that this is a sound reason for acknowledging that the site has a strategic purpose and agree that the site’s having planning permission has no bearing upon its status in this respect. The Council point out that there is no category of “commitments” in the Plan.
- 22.8** The size and nature of the site amply qualify it to be a building block of the Council’s housing strategy, in the terms described in Planning to Deliver, and its inclusion within Phase 1 would enable an early start on the regeneration which is evidently very necessary. Given that the principle of development of the site is apparently long-established, I believe that the Council should be pro-active in bringing it forward. It would also be appropriate to consider whether development of the site would support regeneration not only of Middleton District Centre but also of at least part of the extensive housing area to the west. This could produce a major strategic housing opportunity capable of bringing benefits to a wide area. In Chapter 7, Housing, I recommend that the site be included in Phase 1 of the housing provision. Here I endorse the addition of the site-specific text.

## **RECOMMENDATION**

- 22.9 I recommend that the UDP be modified in accordance with Alteration 22/007**

## CHAPTER 23 - WEST LEEDS

### VIADUCT ROAD

#### Objection

25641 Secondsite Property Holdings Ltd

#### Issues

- 23.1
1. Would the site provide an acceptable environment for housing, in terms of living conditions for residents and accessibility to facilities and services?
  2. Would development for housing have an unacceptable effect on the stock of land with potential for employment use?

#### Inspector’s Reasoning and Conclusions

- 23.2 The site has an area of about 0.4 ha, is derelict, and was formerly occupied by a gasholder. The objector estimates that it could accommodate 15-20 dwellings and seeks its inclusion in Policy H3-1A for release in Phase 1.
- 23.3 The Council’s argument that there is no need for further housing land does not carry great weight in this instance given the modest size of the site and the fact that it is previously developed land within the Main Urban Area. Subject to satisfying the requirements of proposed Policy H4, redevelopment of the site would appear to be acceptable in principle if it came forward as a windfall proposal. Nor do I see any close parallels between what is proposed here and the appeal decisions submitted on cases in the north-west of England as the reasons why possible over-supply of housing land was of concern there, including that it would undermine regeneration priorities, do not apply here. The Council accept that redevelopment of the site would assist in the regeneration of the surrounding area. Consideration of the objection therefore turns on the two issues set out above, in the context of whether or not it would be appropriate to allocate this site alone, as part of the partial Review of the AUDP.
- 23.4
1. The site lies within an area of commercial and industrial uses, bounded by a car dealer and repair garage to the north, a Council depot to the south and a railway viaduct to the west, beyond which are further commercial uses including a scrapyard. The nearest housing area is some 200m away, on the opposite side of the busy Kirkstall Road, and effectively isolated from the site by distance and by the intrusive and intimidating influence of heavy traffic flows. Looking at the site alone, I consider that the nature of the surrounding area, and the likelihood of high noise levels from businesses and from adjoining roads and the railway, rule it out as an acceptable location for housing. The very poor environmental quality would outweigh any benefits there might be in terms of extending the City Centre housing market, supporting the Centre generally, and extending regeneration outwards. Also, although it is suggested that the site would be particularly suitable for affordable or student housing, the fact that such accommodation might have less exacting or different requirements does not justify siting it in substandard surroundings.

- 23.5 The site has a number of sustainable attributes in that there are some local shops and health facilities on Kirkstall Road, a good number of sources of employment nearby, frequent bus services along Viaduct Road and Burley Place, and proposals for a Quality Bus Corridor on Kirkstall Road. However, for any substantive shopping or services it would be necessary to travel to the City Centre or to Kirkstall. Both of these are about 2 kms away, beyond reasonable walking distance and, with the possible exception of the canalside path, the surrounding area would not encourage walking or cycling, particularly because of the heavy traffic on Kirkstall Road. If the aim is to encourage true sustainability, in terms of ready and pleasant access to local facilities, the site is distinctly lacking.
- 23.6 PPG3 makes clear that new housing development, on whatever scale, should not be viewed in isolation, and that an important determinant of housing use is the ability to build communities [paras. 56 and 31]. It is possible that housing could be an appropriate use for the objection site as part of a wider, possibly mixed-use, development but this would appear to depend on establishing a community of some “critical mass” that might well generate its own support services, and for which acceptable environmental conditions could be created. This is a matter that would be better examined as part of the planning framework for the Kirkstall Road/Burley Road area, on which the Council say they have commenced work, rather than through the current partial Review. There is no good case for allocating this site alone as part of that Review.
- 23.7 2. Although the site is within an employment allocation in the AUDP, the Council do not argue that there is a dearth of alternative employment sites either district-wide or in the locality that would preclude its use for other purposes under Policy E7. Certainly the objector’s detailed and unchallenged evidence shows that there is a healthy supply of land for both offices and other forms of employment-generating development. Also, I agree with them that the location, restricted accessibility and poor presence of the site are likely to make it unattractive to any prestigious type of employment use.
- 23.8 However, to proceed from there to argue that housing is the only option for the site, because only that use could fund the high costs of necessary remediation, is to ignore the possibility that there are small-scale, less demanding commercial uses for which the site might be suitable and for which remediation requirements could well be much less exacting. Such uses, which could include activities that are problematical in or near residential areas, might be less lucrative than housing but could still make constructive use of the site. Whilst I do not endorse the proposed introduction of a marketing test into Policy E7, it would not be unreasonable to expect some indication from the objector that attempts had been made to dispose of the site for such purposes. No such evidence has been submitted. I conclude on the second issue that development for housing would not have an unacceptable effect on the stock of land with potential for employment use but that it has not been shown that the land is incapable of reasonable beneficial use for its allocated purpose. This adds some further weight to my conclusion on the first issue that the site should not be allocated for housing at this stage and in isolation.

## RECOMMENDATION

- 23.9 I recommend that no modification be made to the UDP.**



**CHAPTER 24 - WETHERBY**

**ALTERATION 24/001 (AREA STATEMENT 24.1.3)**

**Objections**

20859 Mrs Gawthorpe	24813 Mrs Hall
20865 WARDEN	24817 Mr Hall
20875 Thorp Arch Parish Council	24868 Ms Rainbow
24796 Wetherby Town Council	24870 Mr Rainbow
24798 Cllr. Procter	24896 Ms Humphreys
24810 Mr Oldridge	24898 Mr Humphreys
24811 Mrs Oldridge	

**Inspector’s Reasoning and Conclusions**

24.1 The few representations on this alteration are replicated by very similar representations made to Alteration 24/003 below. They raise no objection to the text in para. 24.1.3 but object to the principle of developing Thorp Arch Trading Estate. I deal with the substantive objection under that heading below where I conclude that no modification should be made to the UDP. Accordingly, with regard to Alteration 24/001 also, no modification should be made to the UDP.

**RECOMMENDATION**

24.2 I recommend that no modification be made to the UDP.

**ALTERATION 24/003 (THORP ARCH TRADING ESTATE)**

**Objections (First Deposit)**

20385 National Grid Plc	21094 Ms Henderson
20607 Walton Parish Council	21097 Ms Peterkin
20614 Ms Jackson	21100 Ms Crooks
20618 Mr Doran	21101 Mr Crooks
20619 Ms Doran	21102 Mr Beardmore
20620 Ms Harrison	21103 Ms Beardmoore
20621 Mr Harrison	21185 Mrs Rooke
20768 Mr Lambert	21186 Mrs Fothergill
20818 Mrs Curd	21187 Mr Fothergill
20819 Mr Curd	21188 Mrs Walker
20820 Ms Purdie	21191 Wetherby Town Council
20823 Ms Newman	21192 Ms Atkinson
20824 Mr Newman	21193 Mrs Lambert
20853 Ms Farndale	21198 Dr. Wilson
20854 Mr Kilby	21200 Mr Lund
20860 Mrs Gawthorpe	21202 Mr Ambler-Shaw
20866 WARDEN	21206 Mr Spencer
20874 Thorp Arch Parish Council	21207 Mr Chadwick
20880 Ms Kilby	21211 Mrs Whitworth
20889 Mr Walker	21212 Mr Whitworth
20890 Walton Parish Council	21213 Mr Reed
20892 Boston Spa Village Society	21214 Mrs Reed
20898 Mr Thomson	21215 Mr Smith
20903 Mrs Thomson	21216 Mr Storr
21093 Mr McGettigan	21217 CPRE West Yorkshire

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21218	Mr Speight	24837	Mr Warren
21219	Mrs Fairey	24838	Ms Kilby
21220	Mr Fairey	24839	Miss Hope
21221	Mr Trench	24840	Mr Marshall
21222	Mr Peterson	24841	Mr Anderson
21223	Mr Smith	24842	Mr Johnson
21224	Mr Kirkby	24843	Mrs Taylor
21225	Mrs Kirkby	24844	Mr Bentley
21226	Mr Greenhalgh	24845	Mr Roth
21228	Mr Chaplin	24846	Ms Osborn
21229	Mr Letts	24847	Mrs Roth
21230	Mrs Letts	24848	Mr Osborn
21231	Mrs Hartley	24849	Mrs Gardiner
21232	Mr Geldart	24850	Mr Gardiner
21233	Mrs Castle	24851	Miss Bentley
21234	Mr Riley	24852	Mrs Bentley
21668	Highways Agency	24853	Mr Heaney
21936	Mr Ingram	24854	Mrs Warnett
21949	University of Leeds	24855	Mrs Wilson
21956	Yorkshire Water	24856	Mrs Grimbleby
21959	Taylor Woodrow	24857	Ms Burn
21961	WYAS	24858	Mrs Hurley
21968	Leeds Review Consortium	24859	Mrs Johnson
22015	CPRE West Yorkshire	24860	Ms Richardson
22063	Mr Rodger	24861	Mr Richardson
22295	Persimmon Homes West Yorks Ltd	24862	Ms Rainbow
22297	Cllr. Thomson Boston Spa Parish Council	24863	Ms Johnson
23796	Ms Crosby	24864	Mr Grimbleby
23797	Mr Grice	24865	Ms Spurr
23798	Mr Sewell	24866	Mr Spurr
23799	Mr & Mrs Barnes	24867	Ms Warnett
23800	Mr Marsden	24869	Mr Rainbow
23801	Mr Allison	24871	Ms Fisher
23802	Ms Allison	24872	Mr Fisher
23803	Mr Middleton	24873	Mr Wainwright
23804	Mr Hudson	24874	Ms Howson
24797	Cllr. Procter	24875	Ms Wright
24804	Mrs Webbs	24876	Ms Jones
24805	Mr Tyler	24877	Ms Barraclough
24806	Mrs Williams	24878	Ms Cotton
24808	Mrs Oldridge	24879	Ms Baldock
24809	Mr Oldridge	24880	Ms White
24814	Mrs Hall	24881	Ms Vincent
24816	Mr Hall	24882	Mr Baldock
24819	Mrs Johnston	24883	Mr Sanderson
24820	Clifford Parish Council	24884	Mr Baross
24823	Yorkshire Wildlife Trust	24885	Ms Waind
24824	Mrs Smith	24886	Mr Waind
24825	Mr Smith	24887	Mr Richmond
24826	Mr Hurley	24888	Ms Richmond
24827	Ms Leonard	24889	Ms Kemp
24828	Mrs Chapman	24890	Mr Wilson
24829	Mr Chapman	24891	Ms Wilson
24830	Miss Smith	24892	Ms Gerald
24831	Revd Jephson	24893	Mr Alldridge
24832	Dr. Kinsey	24894	Ms Tyrer
24833	Mr Kilby	24895	Mr Tyrer
24834	Mrs Kilby	24897	Ms Humphreys
24835	Mrs Marshall	24899	Mr Humphreys
24836	Mrs Warren	24900	Ms Sanderson
		24901	Ms Alldridge
		24902	Ms Fairclough

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24903 Ms Till	24965 Mr Middleton - Walker
24904 Mrs Smyth	24966 Mr Mather
24905 Mr Smith	24967 Mrs Mather
24906 Mrs Karotkin	24968 Mr Locke
24907 Mrs Leonard	24969 Mrs Locke
24908 Mr Smith	24970 Mrs Young
24909 Mr Gilmartin	24971 Mrs Midgley
24910 Miss Allison	24972 Mr Midgley
24911 Miss Allison	24973 Mr Strain
24912 Mr Munro	24974 Mrs Strain
24913 Mr Hall	24975 Mrs Cromach
24914 Mrs Suryads - Hall	24976 Mr Blythe
24915 Mrs Whiteley	24977 Mr Pontefract
24916 Mrs Allen	24978 Mr Ruston
24917 Mr Allen	24979 Mr Abbiss
24918 Mr Mortimer	24980 Mrs Benson
24919 Mrs Mortimer	24981 Mr Parrott
24921 Mr Heaps	24982 Mr Towndrow
24922 Mrs Heaps	24983 Mr Sales
24923 Mr Thewell	24984 Mr Ford
24924 Mrs Thelwell	24985 Mr Blenkinsop
24925 Mrs Sharpe	24986 Mr Howard
24926 Miss Johnson	24987 Prof. Crawford
24927 Mr Ryder	24988 Mrs Crawford
24928 Mrs Hodgson	24989 Mrs Dawson
24929 Mr Hodgson	24990 Mr Postill
24930 Miss Bourne	24992 Dr. Davies
24931 Mr Paddy	24993 Mrs Fletcher
24932 Mrs McDonald	24994 Dr. Davies
24933 Mrs Walker	24995 Dr. Wilson
24934 Mr Walker	24996 Mr Williams
24935 Mr Walker	24997 Mr Trenholme
24936 Mrs Lee	24998 Mrs Excell
24937 Mr Lee	24999 Ms Duxbury
24938 Mr Clayton	25000 Mr Duxbury
24939 Mrs Clayford	25001 Dr. Heum
24940 Mr Clayford	25002 Mrs Spry
24941 Mr Sharpe	25003 Mr Spry
24942 Mr Flannery	25004 Miss England
24943 Mr Haggar	25005 Mrs Vivian
24944 Mrs Flannery	25006 Mr Bowen
24945 Mrs Rogers	25007 Mr Judson
24946 Mr Rogers	25008 Mrs Clark
24947 Ms Jones	25009 Mr Fletcher
24948 Mr Binsted	25010 Mr Heaton
24949 Mr Willatt	25011 Miss Etherington
24950 Ms Stockwell	25012 Mrs Park
24951 Mr Millican	25013 Mr Mitchell
24952 Mr Stephenson	25014 Mr Humphreys
24953 Mrs Stephenson	25015 Mrs Rastrick
24954 Ms Dillion	25016 Mr Lambert
24955 Mr Dillow	25017 Mr & Mrs Feenan
24956 Mrs Goodall	25018 Mr Stringer
24957 Miss Goodall	25019 Mrs Rawnsley
24958 Thorp Arch Parish Council	25020 Mr Rawnsley
24959 Mr Kitson	25021 Mr Rawnsley
24960 Mr West	25022 Mr Robinsion
24961 Mrs West	25023 Mrs Mlinro
24962 Mr Hoult	25024 Mr Bartle
24963 Mrs Hoult	25025 Walton Parish Council
24964 Ms Bruce - Walker	

25026 Mrs Childe  
25027 Mrs Foster  
25028 Mr Foster  
25029 Mrs Sturdee  
25030 Dr. Sturdee  
25031 Mrs Bidgood

25032 Ms Thompson - Royds  
25033 Mrs Robinson  
25034 Mrs Taylor  
25220 Mr Ingram  
25226 Ms Caithness

### **Objections (Revised Deposit)**

30222 Terence O’Rourke  
30223 Terence O’Rourke  
30224 Thorp Arch Parish Council  
30365 English Heritage  
30494 Colin Burgon MP

### **Issues**

- 24.3 1. Should Thorp Arch Trading Estate [TATE] be introduced into the UDP as a Strategic Housing Site [SHS]? Would it comply with guidance on sustainable development, housing land requirements and the sequential approach to housing?
2. To what extent does the need for affordable housing justify the allocation? Is the 50% target for affordable housing provision warranted and likely to be achieved?

### **Inspector’s Reasoning and Conclusions**

#### ***Introduction***

- 24.4 TATE is part of a former Royal Ordnance Filling Factory [ROFF] which was built between 1940 and 1942 and occupied some 260ha. The ROFF closed in 1958 since when parts of the site have been developed for the British Library [BL], which employs about 1,200 staff and HMPs Whealstun and Rudgate. The remainder, TATE, comprises about 156ha and has been developed for employment/retail uses partly in the former ROFF buildings and partly through new build. About 2,300 people are employed on TATE itself. It has been owned since 2000 by the Trustees for Hanover Property Unit Trust [THPUT].
- 24.5 The whole of TATE is proposed as an SHS to accommodate 1,500 dwellings, 750 of which would be provided as affordable housing according to the Council’s 50% target for the site. It is intended that some of the employment uses would be reorganised and consolidated broadly within the southern and eastern part of TATE, and areas between there and the BL and HMPs would be developed for housing [illustrated on LCC/078, Plan 5]. A new neighbourhood centre is intended to be provided adjacent to the “Buywell Centre”, which comprises some 11,500 sq.ms. of retail floorspace in 12 ex-ROFF bunkers, selling a variety of goods, mainly furniture but including clothing, footwear, fireplaces and electrical appliances. There is also a garden centre and café. Parts of the site as indicated on the PM would continue to be protected as Sites of Ecological and Geological Importance [SEGIs] under AUDP policies.

#### ***Brownfield land***

- 24.6 Although some objectors question TATE’s brownfield character, Annex C of PPG3 is clear that the definition of previously-developed land covers the curtilage of development and includes defence buildings such as this former ROFF. There is

nothing in the Annex to suggest that parts of the site, apart from the SEGIs, should be excluded from the definition. However, I take the point made that much of the western section of TATE was not as intensively developed as the rest and comprises wooded areas and open land. In the circumstances that large areas of amenity and open space would be required for the proposed development it is reasonable to assume that they would be accommodated within such areas and that the whole site would not be developed to the boundary of the curtilage.

**PPG3 guidance**

- 24.7 The Council regard the site as a special case with regard to the sequential test in PPG3 in that it does not sit comfortably with any of the three specified categories at para. 30. It does not lie within urban areas identified by the UCS. It is in fact well outside the Main Urban Area [MUA] as defined by the Council, being over 2km from the nearest such area which is Boston Spa, itself very much a small outlier as it is a considerable distance from the Leeds urban edge. It cannot therefore be seen as any form of urban extension and it would not be new development around a node in a good public transport corridor as existing public transport services are poor; there is no node and no such corridor.
- 24.8 Similarly the Council say that, due to its location and brownfield character, and given that the primary purpose of the allocation is to deliver a significant level of affordable housing to meet local needs in the absence of more sustainable alternative sites, TATE is a “special case” in terms of the RSS sequential test in Policies P1 and H2 a). It conflicts with the locational principles of Policy P1 which follow closely the guidance in PPG3 para. 30. In addition it conflicts with Policy P1 e) i) which says that market towns such as Wetherby should be the focus for development, and iii), which provides for small-scale housing growth in and around smaller towns and villages.
- 24.9 In terms of guidance on development in rural areas there appears also to be a conflict in principle in that the proposal involves much more than a limited amount of housing and is not infill development or peripheral expansion of an existing settlement. In fact the Council describe the SHS in the UDP Review Supporting Paper 3 [CD/DP/09] as “the proposed new settlement”. Although the housing development would not be “from scratch” [in PPG3 para. 72 terms] in that there is substantial employment development at TATE, it would in my view constitute a new settlement and its viability and sustainability should be examined as such. I note that there is no proposal for a new settlement in the RSS, no exception to the sequential approach is allowed for on the basis of affordable housing and there is no role identified for TATE in employment development terms in the RSS. Indeed, such development should be focussed on the MUA and market/coalfield towns.
- 24.10 In terms of the criteria of para. 31 of PPG3, the site satisfies the first in that it is previously-developed land. Its development would reduce the need to use greenfield land. It also complies with the last criterion in that there are no significant physical and environmental constraints on development of the land. The level of contamination from its former ROFF use has already been assessed and could be dealt with if development were to proceed [although this represents an unknown cost]. In terms of the third criterion, there are no insuperable infrastructure constraints, and there is a recycling facility close by.

24.11 The sustainability issue in this case therefore centres upon the second and fourth criteria which concern firstly, location and accessibility and secondly, the ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities.

***Location and accessibility***

24.12 TATE lies about 4km or just over 2 miles east of the A1. Boston Spa and Wetherby are the nearest large settlements, at about 4km and 5.6km/3.5mils distance respectively. Harrogate is some 18.4km/11.5mils to the north-west; York about 20km/12.4mils to the east and Leeds is 24.3km/15.1mils to the south-west. Tadcaster is 6.7km/4.2mils away via Wighill Lane.

***The local road network***

24.13 The existing road network in the area is acknowledged to be poor; it is rural in nature and poorly maintained. Direct access to TATE [from the A1 and Wetherby] is via Wetherby Road/Walton Road, the C78, via a T-junction with TATE’s Street 5, and, since November 2004, via a roundabout junction with Avenue C East. The C78 between Wetherby and Wood Lane is about 6.5m wide and is subject to a 60mph limit. There is a 7.5 tonne HGV ban on the C78, Wighill Lane, eastwards to Tadcaster. The road carries about 800 vehicles [2 way] in the am peak. It has poor vertical and horizontal alignment, a poor surface, no footways or cycle facilities and no street-lighting. The Council state that it has a poor safety record evidenced by warning signs and three speed cameras between the A1 and TATE. There have been 2 fatal accidents in the last 5 years on the C78. Proposals to upgrade the A1 would remove the existing direct access from Walton Road to the A1 northbound and there is projected to be an increase of about 10% in traffic on the Wetherby Road in Walton.

24.14 The Council have produced no predictions of increased traffic from the proposed housing development. Nor have they given any details of increased industrial traffic generated from the consolidated and enhanced employment development even though it is acknowledged that enhancement of employment opportunities would mean more employment and activity on the site and could attract new businesses. Setting aside this unknown factor, it is clear from the Wetherby Area District Environment and Nature Group’s [WARDEN] assessment of an additional 1,275/1,230 trips in the am/pm peaks respectively from the housing development, although unassigned to particular roads, that there would be likely to be a significant impact on the C78 to Wetherby and the road to Boston Spa. I accept also that, even allowing for a proportion of residents working on TATE, there would be longer delays at the main access to the site.

24.15 Although the Council have no specific proposal of their own to improve the C78, it is intended that it would be reconstructed to modern standards as a condition of the proposed development. This would involve improvements to the horizontal and vertical alignment and the introduction of a speed limit along its length. Widening would be necessary between School Lane and Smiddy Hill to accommodate right-turn lanes to those roads and to Church Causeway. The Council produced no estimate of the practicality or cost of such works. Some detailed estimates had been made about 3 years ago but have not been updated. WARDEN provided the only very rough estimate that the costs could be in the order of £3 million.

- 24.16 A packhorse bridge across the Wharfe, which is single carriageway with a narrow footway, provides the only convenient access into Boston Spa which is the nearest settlement other than Walton and Thorp Arch. It has a range of facilities including a secondary school. About 400 vehicles [2 way] use the bridge in the am peak hour which cause congestion currently because passage across it is not controlled by any other means than “slow” signs. The likely increase in traffic from the SHS, combined with some likely increase following rearrangement of local access to the A1 after its improvement, would in my view necessitate the introduction of traffic lights to control one-way flows. This would add to the existing congestion and delays in reaching Boston Spa.
- 24.17 The problem of access to and within Boston Spa does not stop there. Whilst mitigation measures [such as gateways, carriageway width reduction and lower speed limits] are proposed to reduce traffic speed and through traffic in Thorp Arch village, currently unrestricted car parking on Bridge Road leading from the bridge to Boston Spa High Street effectively narrows the carriageway to single width for a much longer length of road than the bridge. Car parking would need to be prevented along its length to ensure the free flow of traffic, and this may be problematic because of the lack of off-street parking for many residents of Bridge Road.
- 24.18 Additionally, the junction of Bridge Road and High Street is a three arm priority junction where the High Street has priority. Given that traffic travelling into the village would come south through the traffic lights at the bridge in groups they would then be likely to experience a second similar delay at peak periods in exiting onto High Street. A pelican crossing some 10m to the west of this junction could add to the delay in making right turn movements, even if a second set of traffic lights were to be introduced at the junction.
- 24.19 Little thought appears to have been given to the ways in which the above problems in Boston Spa would be addressed as part of the SHS development. The Council’s intention to consider the “various alternatives” for traffic control, and undertake public consultation on the matter before a decision is made in the context of an adopted proposal, does not assure me of the certainty of a satisfactory or viable solution which would make the SHS capable of implementation. The possible cost is again not in evidence. In the circumstances I would expect work to have been done prior to the proposal being made to address such a problem of connecting TATE to the nearest sizeable settlement. Given my conclusion [at 24.51-53] that despite the provision of basic facilities at TATE there would still be a high degree of dependence on Boston Spa for shops and services involving regular trips, I consider that the likely access problems weigh heavily against the proposal.
- 24.20 It is acknowledged also that the existing access from Wighill Lane into Street 5 of TATE would need to be improved, possibly by way of a new roundabout. Whilst no doubt an engineering solution is possible, there is no evidence before me of what would be involved, whether third party ownership is involved or likely to be a problem, or of the likely cost of the works which would need to be taken into account.
- 24.21 The highway network in the vicinity of TATE is rural in nature and poorly maintained, with poor road markings and surfacing, and a number of key junctions have severe problems in terms of visibility. Only WARDEN have assessed these problems and referred to their cost implications. The Council give no indication or assurance either

in the FD/RDUDP or in evidence, except in the criteria contained in 24/003, that such matters need to be or would be addressed successfully and by what means. There is no recognition by the Council of the need for related highway works which might need to be included in the LTP and I can only conclude that the developer would be expected to fund all such improvement works.

- 24.22 The same applies to the need for a pedestrian crossing of Wighill Lane to Walton which, given increased interaction between the latter and a new settlement at TATE, would be required. Improved footways would generally need to be provided on several routes in the area and there is proposed to be a footway along the bus-only access from the estate to Church Causeway. Improved cycling facilities and links are also proposed and the National Cycle Network Route 66 is planned to be extended to connect to the A659 and provide cycle routes from Wetherby and Tadcaster to TATE. Again no costs of such works, or the respective roles of the Council and future developer in them, have been presented.
- 24.23 It appears to me that providing convenient and safe footways and cycleways could be very costly. Although the area is flat, and attractive to walkers and cyclists in that respect, it is inhospitable otherwise with narrow rural roads, in places poorly surfaced and with little or no street lighting. Considerable expense would be involved in creating safe cycle routes to Boston Spa and Wetherby and the latter settlement is beyond a reasonable cycle ride for most people for journeys to work or for shopping.
- 24.24 Considerable off-site works/management measures would be needed to bring the local road network up to a standard fit to accommodate the traffic generated by the proposed housing. No evidence was presented at the Inquiry of the individual or total costs of the necessary highway works. It was asserted that THPUT were aware of the total costs. Objectors’ doubts that the Trust owns or controls the necessary land to effect the highway improvements were not answered convincingly by the Council, although it was stated that the Council do have CPO powers.
- 24.25 It is necessary when considering such a large-scale, strategic proposal to be sure that the project is feasible and certain of implementation. WARDEN are justified in their criticism that, until the Council’s evidence was issued for the Inquiry session, there was no indication of the measures that would be necessary to improve highway infrastructure to accommodate the proposal. Even then the information presented was in the form of assertions that works would be undertaken and could be afforded. There has been no systematic or comprehensive analysis of the works required, the costs involved or their likely timing in relation to the residential development. Local residents reading the proposals in FD/RDUDP would find no acknowledgement that the highway network was inadequate to serve the proposal, how it would need to be improved or whether it would be improved before, during or after the residential development. It is not enough to itemise the prerequisites of development as the Council do in Alteration 24/003 without any prior assessment or analysis of the feasibility of the proposal.

### ***Public transport***

- 24.26 Existing public transport services to TATE are also acknowledged to be poor. The nearest railway stations are at Ulleskelf [some 11km/7 miles] on the York/Leeds line and Cattal [about 13km/8 miles] on the York/Harrogate line. About 10 buses per day [5 in each peak period] pass through TATE, within which there are several stops. Off-



peak services are infrequent during the day and absent in evenings and at weekends. At present most people living or working in the area have little option but to use the car. Not only is the service poor in terms of frequency but the journey times to Harrogate, York and Leeds itself are long.

- 24.27 The 770/771 service links TATE with Harrogate [journey time of some 45 mins], Wetherby [15mins], Walton, Boston Spa [9mins], Bramham [16mins], and Leeds [55-60mins]. It provides a 30 minute frequency at peak times; 3 buses arriving at TATE from Harrogate and from Leeds in the am peak and 3 making the return journey in the pm peak. Otherwise there is a 30 minute service in each direction stopping at Walton and Thorp Arch villages
- 24.28 The 780/781 from Tadcaster to Wetherby does not actually go into TATE and only two buses a day connect Tadcaster [15 minute journey time] and Knaresborough [38 minutes] to Walton Corner allowing only a journey to work from Tadcaster leaving at 0725. Service 412 between York and Wetherby provides one bus to and from York at peak times. The journey time is about 47 minutes from York centre. The 174 service between Wakefield and Wetherby provides two daily services to and from Thorp Arch.
- 24.29 The Council propose in their evidence to the Inquiry that bus services would be improved and, it is argued, they would be supported by a critical mass of new residents. A 15 minute frequency peak hour and 15-30 minutes between peaks service, Y1, is proposed between TATE, Boston Spa, Tadcaster and York. Some 36% [or about 350] of TATE employees currently live in these settlements. The route would also introduce an evening and weekend service.
- 24.30 It is also proposed to improve the frequency of the 770/771 service between Harrogate, Wetherby, TATE and Leeds from half-hourly to every 15 minutes during peak hours; to between 15-30 minutes between peaks and to a 30 minute frequency in the evenings.
- 24.31 A bus-only route is proposed from TATE to Church Causeway which would reduce bus route lengths, journey and running costs generally on routes via Boston Spa. A further option would be to introduce an “executive”, high quality limited stop service via TATE/Wetherby to Leeds similar to one which already runs between Ripon, Harrogate and Leeds.
- 24.32 A bus interchange is also proposed, to be located within TATE next to the proposed neighbourhood centre. This would allow travellers to change buses to access other destinations or to change mode from car or cycle. It is expected that TATE residents would access the interchange or the existing bus stops within TATE by foot. It is intended that discounted public transport season tickets would be available for incoming residents to encourage their use of bus services.
- 24.33 Such improvements and measures are supported in writing in general terms by Metro, and the other operator involved, Harrogate and District Travel Ltd, has expressed interest and opinion verbally on routing and timing.
- 24.34 Such public transport improvements would undoubtedly be a considerable improvement on present services in the area, if they could be effected. There is no doubt that subsidy by the developer would be required to achieve such a network with the frequency proposed. Despite assertions that preliminary costings had been

undertaken and that the services would be viable, not even a rudimentary assessment of costs in relation to viability on the basis of the proposed development was presented in evidence. WARDEN cast considerable doubt on viability, illustrating the sizeable scale of bus usage necessary for the proposed York service to break even. There is only support from operators in principle. I have seen no evidence that such a service at 15-30 minute frequency would be viable without a high and continuing subsidy and I do not consider that there is likely to be as high a patronage as would be required.

- 24.35 Whilst I accept that the improved services, if permanently provided, would offer the opportunity for existing employees at TATE to alter their mode of transport to work, I consider it highly unlikely that large numbers would do so because of the bus journey times involved, particularly as it must be assumed that for many from Harrogate and York, for example, it would involve taking a local bus first to reach the TATE service leaving from those centres. This would add to the already lengthy total travel time between these places and TATE. There is little incentive to use public transport in these circumstances. There is no significant local congestion constraint on rural journeys to work and no problem of car parking within TATE which might encourage use of public transport. The Council’s reference to the possibility of reducing car parking within the employment areas through conditions on new planning permissions for consolidation of the estate does not appear to me to be a reliable measure as existing businesses would be unlikely to accept relocation on such a basis.
- 24.36 I also consider that the Council are placing too much weight on the role and importance of the proposed interchange within TATE. I accept that it would be a considerable improvement on existing facilities in the area but question whether “interchange” is an exaggeration of its function which would certainly not amount to that of a public transport node in a good public transport corridor. I consider it unlikely that many people would change from one bus service to another to travel long distances, or even between Wetherby and Tadcaster for example, in preference to using the car which would be considerably quicker and more convenient. Attempting to create a transport interchange or node here in this way does not make the proposal compliant with PPG3 or make the proposal a sustainable one. I also consider that an “executive” style service to Leeds would not be sustainable directly from TATE or diverting via TATE. The length of the journey either way would be a considerable deterrent to its use.
- 24.37 The suggested intranet for TATE, providing timetable and routing information, and real time bus arrival times, would assist in the use of the facilities but I am doubtful that, even with other measures envisaged, there would be sufficient compensation in the public transport package for the inherently unsustainable proposal to add 1,500 dwellings to this location.
- 24.38 The proposed Travel Plan [TP] for the site could be the subject of a s.106 agreement in the context of a future planning application and could be extended to include employees within TATE. BL and HMP staff could be involved, although they have not been consulted as yet. The Council consider that, with the development of an intranet for TATE’s commercial as well as residential users, the scheme could be successful in effecting modal shift and car sharing for example. There could be a 15% reduction in car trips to work when the TP was implemented in conjunction with the proposed comprehensive bus services.

- 24.39 However, it is unlikely that a TP would prove as effective here as in large single organisations, and in more urban areas of the type included in “Making Travel Plans Work” [LCC/088/C]. Undoubtedly there would be some beneficial effect, possibly amounting to 165-300 fewer cars, if there was only a reduction in the use of cars by some 7-9% as in the rural cases studied in that document. However, there is no certainty that the TP would work as well as that given the lack of congestion and parking restrictions in TATE. Nor can it be guaranteed that the TP would continue in existence permanently as there would be no penalty which the Council could invoke once planning permission was granted on this basis. If the TP were to be related to targets within a first phase of development that could still result in about 1,750 residents at TATE without such a Plan if those targets were not met.
- 24.40 In these circumstances I consider that whilst such a Plan would be an appropriate element in a s.106 agreement related to any permission for housing, its beneficial effects could not be guaranteed nor would they be likely to be on such a scale as to overcome the inherent unsustainability of the location.
- 24.41 Similarly a car club would be a legitimate requirement within a s.106 agreement related to the development. The THPUT as estate owners could be responsible for establishing the club and operating it both for residential and commercial interests within TATE which would make a time-efficient combination, possibly providing employers with a car pool during the day and residents with transport in the evenings. Each car club is said typically to replace 6-10 private cars and reduce individual mileage by 25-77% p.a. However, despite an existing Leeds car club, Whizz-Go, having expressed the view that such a club would be viable and might be commercially funded, the feasibility, scale and permanence of such a club are unknown quantities. I consider that the benefits would be likely to be small-scale in the totality of the proposed development. As with a TP, it is delivery in terms of improving services and effecting modal shift which is important and not simply providing the opportunity or chance of improvement. Even in combination I do not consider that the proposed measures would render large-scale development sustainable in this location.
- 24.42 As with the highway improvements required and costs involved, there is no basic evidence that the package for public transport, necessary subsidies and related improvements is viable. Additionally there is no certainty that the latter are likely to be permanently available. I have seen no evidence to make me at all confident that sufficient and adequate services would be permanently available or result in any significant transfer from private to public transport. Additionally residents of TATE would be faced with journeys which, by whatever means, would be relatively long to Leeds, York and Harrogate. I conclude that in these circumstances the location is not, and has not been shown capable of being made, sufficiently sustainable to warrant residential development of such a scale and nature as proposed in the SHS. I conclude that the proposal does not comply with PPG3 para. 31 criteria in terms of location and accessibility or with RSS Policy H2 a) v) and is therefore also inconsistent with FDUDP SA2 para. 3.3.1 3/001 and more generally with 4.9 of RD Alteration 4/002.

### ***Local services and facilities***

- 24.43 TATE lies close to the villages of Thorp Arch and Walton which have very limited facilities. Boston Spa [population 4,628] and the market town of Wetherby [population

11,155] are the nearest large settlements, at about 4km and 5.6km distance respectively. The former provides a range of facilities and some specialist shops. The latter provides a good range of services and facilities including a recently built Morrison’s supermarket. However, walking and cycling to either of these larger settlements are not currently, or likely to be, attractive options.

- 24.44 Within TATE there is the existing Buywell Centre. Although one unit was empty at the time of my site visit I do not doubt that there is commercial interest in the properties which provide a retail warehouse type shopping destination. It appears to be particularly attractive to weekend visitors, who number about twice the surveyed 700 visitors per day on weekdays. The retail units offer an assortment of goods which would provide the occasional needs of a community although not their everyday needs. More basic provision is intended to be provided in an adjacent neighbourhood centre which would include a grocery store and be the focal point for facilities such as a school and medical centre.
- 24.45 The nearest existing primary school is in Thorp Arch but it is intended that a new 2 form entry primary school would be provided at TATE. Secondary school provision would be in Boston Spa and Wetherby. This would involve some relocation of pupils currently attending those schools to provide capacity. No detailed information was available on this matter but the Council were confident that such capacity would be available.
- 24.46 Similarly, following discussions with the local Primary Care Trust, it is proposed that there would be a medical centre, dentist and pharmacy provided within the neighbourhood centre. Otherwise the nearest health facilities are in Boston Spa, Bramham, Wetherby and Tadcaster.
- 24.47 Recreation facilities would be provided in the form of playing fields at the proposed primary school which would be available for public use, as would be the school hall and facilities. A community centre might also be provided on site. NCN Route 66 and the Ebor Way are accessible from TATE and would provide further outdoor recreational opportunities.
- 24.48 The Council consider that in making such provision, and providing dwellings close to existing places of work, a high degree of self-containment would be achieved in TATE. RD Alteration 24/003 states that a sustainability assessment will be needed to demonstrate that the proposal will provide a high degree of self-containment.
- 24.49 I tend to agree with WARDEN that this should have been done before rather than after the proposal was made in order to form a judgement that it is a realistic proposition. Information on the size and nature of new or existing settlements against which to assess the viability of services and likely self-containment is surprisingly limited given that it is a major aspect of sustainability. WARDEN point to past, superseded guidance in PPG13 [1997] which stated that the Government then aimed to avoid the development of “small new settlements” which are unlikely to reach a size of 20,000 dwellings within 20 years. TATE SHS is proposed to be a finite settlement of 1,500 dwellings or about 3,500 residents. In this context WARDEN refer to data in “Towards an Urban Renaissance” which suggests that with a population of 3,500 no more than a corner shop, primary school and medical centre could be expected to be viable. For the majority of other services the population would be dependent on other

centres. The existing retail warehouse units would continue to provide for occasional rather than day-to day needs.

- 24.50 The Study of the Relationship between Transport and Development in the London, Stansted, Cambridge and Peterborough Growth Area [Colin Buchanan & Partners & GVA Grimley, 2004, paras. 7.4.5-8] identified the minimum threshold capacity to encourage local self-containment as 5-6,000 dwellings or 15,000 population, with the potential to grow to around 10,000 dwellings or 25,000 population. Whilst the range of population and the higher figure is related to the provision of a new secondary school, the proposed population of TATE is below the bottom of the range at which local self-containment is likely according to such research.
- 24.51 Such views do not constitute Government guidance, but assist in making a judgement as to the level of provision likely to be afforded in varying sizes of settlement. Certainly from my experience I would consider it most unlikely that additional facilities of the type which would lead to any basic degree of self-containment, such as a variety of local shops, post office and petrol filling station, would be provided on TATE if the population remained at about 3,500. I am also conscious of the fact that the SHS would probably be developed over a 10 year timescale and would be dependent, to a degree, upon on-going reorganisation of part of the existing employment area within the site. In my view in these circumstances it is unlikely that the basic facilities, and indeed the proposed bus services, would be provided until some years into the development period except with considerable and lengthy subsidy. Meanwhile residents moving into the area would be reliant upon Boston Spa and Wetherby for their everyday needs which would not be a sustainable situation. Travel patterns, involving the use of the private car because of lack of local services and the distances involved, would become established and would be difficult and unlikely to change even if and when provision of local facilities and bus services improved.
- 24.52 The Council also place some weight on the availability of the internet. They state, very optimistically in my view, that “for some needs, such as personal business, people may have to travel outside TATE, although a wide range of advice and financial services will be available on the internet.” I consider that there is no doubt that TATE residents would have to travel considerably to satisfy their personal, shopping, educational and recreational needs. The internet is not a substitute for travel in these circumstances.
- 24.53 Although the existing population of Thorp Arch and Walton [about 840] could be expected to look to local services within TATE, the local workforce of 3,800 and visitors to the Buywell Centre would be unlikely to add any support to local services other than the proposed grocery store for occasional purchases. Even with such additions to a resident population of 3,500 I do not consider that sufficient services would be viable within TATE to achieve a level of self-containment that would constitute a sustainable settlement. It would be inevitable that residents would have to visit Boston Spa and Wetherby for services which it would not be possible to sustain in TATE. For higher order provision the length of journeys to York or Leeds render TATE’s location unsustainable. The length of time of bus journeys to such destinations would make that form of transport for shopping or leisure trips highly unattractive to TATE residents.
- 24.54 In this respect I am mindful that PPS1 [para. 27 (v)] is clear in the guidance that, in preparing development plans, planning authorities should seek to provide improved

access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The guidance acknowledges that it should be recognised that achieving this may be more difficult in rural areas. It would be unrealistic in my view to locate 3,500 people in TATE and expect them to travel by foot or cycle, or by public transport to the extent that the suggested bus services would be viable or that PPS1 would be satisfied in this respect.

### ***Self-containment***

- 24.55 I therefore cannot attach much weight to the argument that adding 1,500 dwellings to the existing trading estate would render TATE significantly more sustainable than the current use of the site. It is true that it would allow current and future workers within TATE the opportunity and choice of living close to their work. The Council evidence the fact from census data that on average in local wards 23.6% of those employed work either at home or within 2km of home. Excluding rural wards this rises to about 29.5%, which compares well with 29.2% in Wetherby itself. The Council consider that there is potential for such percentages of workers to be matched within TATE, which would imply some 1,140 people both living and working within TATE. Mr Locke made reference to a survey by previous owners of the site, Rutland Management Ltd, which is said to have indicated that about 5% of the number employed on the site would be interested in living nearby. On present figures this would suggest some 190 workers might live in the proposed dwellings.
- 24.56 The numbers living and working on TATE SHS would certainly be likely to increase over time although to what extent it is impossible to say. There is no mechanism currently available, apart from the provision of some live/work units, to encourage or ensure that existing workers on TATE would live there or that future residents would seek work there. Live/work units are unlikely to be a very large element in the total provision; I note the Council state that the level of provision would be subject to demand.
- 24.57 Decisions as to where to live are complex, when family members may have different work/school destinations, and they involve more than the convenience of one worker. I would doubt whether significant numbers of workers currently living in say York or Harrogate, which offer a quality of services, facilities and life that could not be approached by TATE, would actually choose to live near their work at TATE. In this respect I am also mindful that it is intended that TATE should retain its character as a former ROFF and that the residential areas are proposed close to the prisons, the BL and existing and proposed industrial areas which, with the best of intentions and planning, would be unlikely to provide an overly attractive general environment or perception of the settlement. I am therefore unconvinced by the Council’s arguments that there would be a high degree of self-containment here because of the juxtaposition of residential development and employment uses.
- 24.58 I have taken into account the letters of support for the residential development from the local employers but they refer principally to providing the opportunity/choice of living on the site and the housing being of assistance in terms of recruitment. Little weight can be attached to the Council’s suggestion at the Inquiry that bullet point 10 of the policy within Alteration 24/003, encouraging the TATE workforce to take up residence on the estate, might be implemented through TATE owners/local employers

contributing to employees’ removal expenses to TATE. I do not consider that this would be likely to be offered to existing workers. I am also mindful that the Council do not currently operate a local lettings policy either which would favour local employees, although one may be introduced. For these reasons therefore I do not consider that the SHS would be likely to achieve a high degree of self-containment in the short term or necessarily in the longer term. In this respect I have taken into account the fact that THPUT have objected to the RD Alteration’s reference to providing “a high degree of self-containment”. Whilst I fully agree that the original FDUDP reference to “a self-contained development” was grossly overoptimistic and misleading, I too seriously doubt that even a high degree of self-containment could be achieved through the proposal.

- 24.59 In this respect also I take the point made by Mr Locke that TATE is ideally placed to attract the car drive/commuter as there is convenient access to the motorway network via the A1 and A1/M1 link. The Council appear unconfident that TATE would reduce commuting into Leeds as they say at RDUDP, p.39 para. 7.4.1 that it “may” result in a reduction in commuting. It seems likely to me that TATE would become more of a dormitory settlement for workers in York, Harrogate and Leeds than one with a high degree of self-containment. This would be contrary to national guidance.
- 24.60 The current situation of a large employment area in a remote rural location is not sustainable and to add 3,500 residents who would need to travel for all but the very basic services would not assist or deliver sustainable development. To accept such an argument would be to encourage adding housing to any remote employment premises in the hope that existing or future workers would want to live in that location and help make it more sustainable. Because of its location, and the uncertainty of achieving adequate public transport or more than basic service provision, I do not consider that the site’s development would be compliant with PPS1, or para. 42 or the first bullet point of para. 42a) of PPG3. Only part of it is an existing employment allocation and I can see no need to reorganise the site to preserve existing jobs.
- 24.61 The Council also argue that TATE would help contribute to economic aspirations of both regional and local strategic guidance. The proposals for consolidation and enhancement of employment could add, by the Council’s estimation, about 450 workers [net] on the site and would in effect increase the amount of land allocated/to be developed for employment purposes in the District. However, this is in contrast with the Council’s argument at other sessions of the Inquiry, such as Tingley Station, that there is no need for more employment land either now or in the post-Plan period.
- 24.62 I consider that it would be inappropriate to enhance employment opportunities in an area which is remote, and is poorly served by public transport and likely to remain so even if it became an SHS. The proposed housing development would not make TATE less remote and the Council’s evidence and argument concerning enquiries and demand for premises [LCC/078, Ax. 3] does not convince me that TATE should be seen as a location for enhanced employment development or satisfying local demand for employment uses. By excluding the larger centres, such as York, around the edge of the “search area”, discussed in Ax. 3, the availability/supply of premises has been artificially curtailed and the exercise gives a false impression of the focus of interest. Refurbishment and limited replacement of what is already on TATE could, where necessary, proceed without the proposed housing development, but to my mind this is not an appropriate location for employment growth arising from consolidation related to a large addition of residential development. No evidence was

presented to indicate that there would be a loss of employment in the long-term if the SHS did not proceed.

***Affordable housing***

- 24.63 2. Although they are an element within the housing land supply, the 1,500 dwellings proposed at TATE are not necessary to meet the requirements of RSS nor to satisfy the aim of PPG3 to focus on development of brownfield land. The Council is already achieving a high percentage of development on brownfield land [see para. 7.11 of the Report].
- 24.64 The justification for the SHS is the need for affordable housing in the north-eastern part of the RNL zone. Although, at 336 dwellings per year, the affordable housing requirement in RNL is not as great as in the outer suburbs, sites above the necessary size threshold are rare in the rural area. The past and likely yield of affordable housing units is insufficient to address the problem, as evidenced by the table at para. 4.4.7 of LCC/078. Even with the introduction of a smaller site size threshold and the application of the rural exceptions policy towards provision, the yield of affordable housing units would be less than required to cope with the backlog of demand. LCC/078/A, Ax. 9 illustrates the problems, particularly for the first time buyer, and as I have said in Chapter 7, the problem is not to be underestimated.
- 24.65 Whilst the intended provision of affordable housing at TATE would assist in addressing the problem numerically, I am not satisfied for the reasons I have already given that TATE would constitute a sustainable or anything like a self-sufficient community or be certain to be served by improved bus services. In these circumstances I consider that locating 750 affordable housing units at TATE would be inappropriate, whatever the RNL need, as the residents in such dwellings would be more likely than most to be dependent on public transport.
- 24.66 The Council lay considerable weight on the fact that this is a limited review of the UDP. However, as I have stated when considering affordable housing thresholds and targets generally, I consider it a considerable drawback that the AUDP as proposed to be revised would remain badly out-of-date and fail to justify affordable housing proposals with evidence of present problems of affordability or to include comprehensive up-to-date analysis of the problem. The latest assessment of affordable housing need [CD/GEN/01], published in November 2003 and prepared in accordance with Government guidance, was not available to be used explicitly in the FD/RDUDP to justify the affordable housing proposals. The particular current difficulties for first time buyers have not been addressed except in evidence to the Inquiry. The issues and data have not been the subject of consultation with housebuilders generally or with the public. In this respect TATE has been introduced into the RUDP, without amendment to the UDP to justify the proposal on the basis of affordable housing need or the 50% affordable housing target, and without any sustainability assessment or systematic comparison with other sites or strategic ways of addressing the affordable housing issue. Whilst accepting the Council’s point that a comprehensive review of affordable housing strategy would not be certain of producing a solution, I do consider that such a review is necessary. The “limited review” approach is not satisfactory in addressing a growing and District-wide problem and it does not allow the opportunity for all those concerned and interested in a solution to become involved.



- 24.67 The Council emphasise the affordable housing needs of “the Golden Triangle” which is shown diagrammatically in PLANet [CD/REG/09] but that is at an early stage in terms of RSS and inter-district policy formulation. The concentration of development generally in or close to the MUA inevitably means that affordable housing also should be provided in such areas in quantity rather than in less easily accessible rural areas such as TATE or indeed within “the Golden Triangle”. I have serious doubts that it is appropriate for Leeds to make, unilaterally, what amounts in my view to an exception to national housing policy to address local affordable housing problems before all options within and between the districts involved have been assessed.
- 24.68 The Council state that they have already undertaken initial negotiations with landowners who are aware of the Council’s target of 50% and have agreed to provide the significant amount of affordable housing required within TATE. The policy wording in proposed IC/010 explains that the exact detail of the mix of affordable housing types will be established through discussion with developers, this would include site circumstances. However, I note the caveats in the THPUT objection [30222 para. 1.6] and the fact that their willingness to provide affordable housing will depend on other costs. As I conclude above, the other costs involved are likely to be very considerable and in the absence of evidence of the ability to meet them as well as provide the proposed level of affordable housing, I have serious concerns that the Council’s target, which would be a matter for negotiation, would not be met and that the primary purpose of the SHS allocation would not be achieved. Given this context, I consider that the justification for the SHS of providing affordable housing does not warrant “special case” status and does not outweigh PPG3 guidance.
- 24.69 New para. 18 of PPG3 states that local planning authorities should make sufficient land available either within or adjoining existing rural communities to enable local affordable housing requirements to be met in a manner which contributes to the achievement of sustainable communities. For the reasons I have outlined I do not consider that TATE would have this effect, or result in social inclusion. I concur with a number of objectors who consider that priority should be given to following the sequential approach rather than treating affordable housing provision as a factor to justify TATE as a “special case”.

### **Conclusions**

- 24.70 As I have stated with regard to all the proposals to improve TATE’s accessibility, there has been no evidence submitted on costs, feasibility or likely viability of implementation. And yet the costs of highway network improvement; reconstruction and part-widening of the C78; new roundabout access to TATE; traffic lights/controls in Boston Spa; traffic management in Thorp Arch; improvements to footways, cycleways and street-lighting; public transport improvements and subsidies, the proposed interchange, the TP and car club implementation are likely to be very large indeed.
- 24.71 In addition it would be necessary to provide local services involving the land and subsidy for the proposed retail unit; a new primary school and contributions to operational costs; contributions to financing secondary school places; and land and possibly funding for a community centre. There would also be the costs associated with reorganisation of the employment units.

- 24.72 Because of the lack of precise evidence a judgement has to be made as to feasibility of the proposal. I seriously doubt that all these works could be supported by the development of 1,500 dwellings of which the Council expect that 50% should be affordable housing units. I accept that it is not just the profit from the residential development that would be available to TATE’s owners but also the income from the existing estate. However, there is no information on this aspect either or of the feasibility of diverting monies in such a way. It would appear that the Council have taken the feasibility/viability of the proposal on trust from THPUT without any analysis of costs or even detailed discussions on the matter.
- 24.73 The Council criticised WARDEN’s expectation that some analysis of costs should be presented at the Inquiry arguing that it is the principle of the proposal that should be established in the UDP; that detailed costs and sustainability assessments would follow as part of a planning application and that WARDEN itself should have done more to analyse solutions. However, para. 34 of PPG3 states that it is essential that the operation of the development process is not prejudiced by unreal expectations of the developability of particular sites. To assess whether or not developability is a real expectation some analysis of viability has to be made and it is for the Council to do that rather than the objectors. The Council have presented no such analysis in this case and I have no confidence that the necessary provision could and would be successfully funded from the proposed development.
- 24.74 My overall conclusion is therefore that the TATE SHS should not be introduced into the UDP because the site’s development would not comply with PPG3 guidance at paras. 30 and 31. Although it is previously-developed land, its inherent unsustainability in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent. For these reasons I conclude that the area is not an appropriate one for the provision of affordable housing on the proposed scale, and in any event on the basis of the evidence before me there is serious doubt that the provision of 750 such houses, which is the justification for the proposal, would be achieved given other likely costs involved. In these circumstances I attach little weight to the Council’s argument that no improvement would come about unless development proceeded. The potential benefits to existing residents and workers in the area do not outweigh the considerations which have led to my conclusion.

***Other matters***

- 24.75 As I conclude that TATE should not be an SHS I shall not recommend its inclusion, or the associated Inquiry changes, in the UDP. However, with regard to other objections I consider that the proposal need not have a harmful ecological impact. Parts of the site are already recognised for their ecological interest and would continue to be protected by their designation as SEGIs. Any further nature conservation interest identified could be protected by appropriate measures conditioned as part of any planning permission.
- 24.76 Other aspects of sustainability which are intended to be addressed as part of the development, such as waste recycling, sustainable drainage and energy efficiency in housing design are not weighty factors in favour of the proposal as they could be achieved in any residential development area.

- 24.77 In heritage terms, IC/021 would be an appropriate change to the text in response to objections to RD Alteration 24/003 in that it would replace the specific reference to a Class II archaeology site with a more general and easily understood phrase relating to archaeological interest. TATE is of interest as an example of a ROFF, but EH’s view is that safeguarding its character and retaining some of its buildings for example would not prejudice the development of the site or vice versa. Such consideration would therefore not preclude development.
- 24.78 The view has also been expressed that, in the absence of development, the long-term conservation of the site’s heritage could not be guaranteed. I accept that development may help in conserving character and buildings within part of the site but am mindful that the site has been reasonably well preserved since 1958 under past policy regimes which have limited its development and I see no reason why its heritage should suffer because the SHS proposal does not proceed, particularly as its value is now better recognised. Nor do I consider that the positive heritage factor of the proposal outweighs those other aspects of the case that have led me to recommend against the SHS.
- 24.79 I am also concerned that “Strategic Housing Site” would be a misnomer for TATE as it would imply that the whole site could be used for housing purposes whereas this is clearly not the intention. The definition of the SHS on the PM M/065 shows the whole site owned by THPUT as an SHS with no distinction between housing development areas, the employment areas which exist or are proposed to be consolidated, or the SEGIs. I am also mindful that there are objections that the SHS should extend more widely to include other land; that it includes areas which did not historically form part of the estate, and that it should be reassessed in land-use and planning terms and not with regard solely to land ownership. The Council respond that the single ownership allocation would enable comprehensive redevelopment in accordance with a master plan and increase the certainty of delivery. This may be so but exclusion of existing development from the proposed settlement or community would be likely to divide areas rather than build a new comprehensive and inclusive community.
- 24.80 The concern of YWS that the operation of the nearby WWTW may affect the amenity of future residential and some employment users of areas within a radius of 400m through odour and flies, and the National Grid’s concern that power lines cross the edge of the site, could be addressed in the layout of any development. I therefore do not consider that they are determining factors in this case.
- 24.81 The fact that GOYH have not objected to the proposal does not confirm its acceptability in terms of Government policy. The issue must be considered in the light of all the representations received and the related evidence and arguments; it is not the role of GOYH to assess the proposal in that manner.
- 24.82 WARDEN’s standing and the numbers of people which the organisation represents in terms of objection to the proposal were queried at the Inquiry. I attach little weight to the criticism of WARDEN’s objection in this context; it is a duly-made objection on planning grounds and it is also mirrored in large part by many objections from other local residents and organisations. None of these other matters outweigh my conclusions on the two main issues.

## RECOMMENDATION

**24.83 I recommend that no modification be made to the UDP.**

### **ALTERATIONS 7/002, 7/003 & 24/005 (H3-3.32, CHURCHFIELDS, HIGH STREET, BOSTON SPA)**

#### **Objections**

21644 Taylor Woodrow Developments  
21661 Taylor Woodrow Developments

#### **Issue**

24.84 Should the site be included in an earlier phase than Phase 3?

#### **Inspector’s Reasoning and Conclusions**

- 24.85 The objection site is a greenfield site of about 8.5ha which lies to the north of High Street. Planning permission was refused [Application No. 31/298/99Fu] for its residential development in November 2000 because, amongst other reasons, it was contrary to PPG3 advice relating to greenfield development. However, it remains allocated for residential development in the AUDP and it is therefore the timing of the development rather than the principle which is at issue.
- 24.86 The Council have defined Boston Spa as being within the MUA but have excluded the objection site, wrongly according to objectors’ who consider that it is physically integrated within the settlement. However, I question whether a settlement of this size should be included within the MUA as advised in RSS, or therefore whether the site should be seen as infill within an urban area or indeed an urban extension. Within small towns and villages in rural areas [according to para. 6.30 and Policy H2 (b) of RSS] the provision of housing should be to meet local needs and/or support local services, giving priority to the re-use of previously-developed land or buildings and to conserving (and where possible enhancing) the character of the small town or village. The release of a large site such as this early in the Plan period would be contrary to national and regional guidance with regard to priority. The level of services which Boston Spa offers, combined with its relatively distant location in relation to Leeds, up to an hour’s bus journey away, does not outweigh such consideration or itself warrant the site’s inclusion in Phase 1 of the RUDP. I do not consider that it should precede other better located allocated sites which I recommend should be included in an intermediate phase between Phase 1 and ELE.
- 24.87 I consider the “fair share” approach to housing land provision at paras. 7.21-22 where I conclude that it is not appropriate. Nor do past building rates necessarily have to be continued within a settlement or ward as such an objective would also be likely to prejudice the effectiveness of strategic change in seeking to concentrate on previously-developed land and urban regeneration where it is most required. It is not appropriate either to seek a 5 year housing supply for a particular ward within the District. In any event the Council illustrate in evidence that the prospects for future housing provision in the Wetherby Ward are significantly better than the objectors suggest.

24.88 The fact that I recommend that TATE should not be included in the RUDP, with the consequence that affordable housing would not be provided on the scale which the Council envisage there, does not alter my conclusion with regard to this site. Further work on, and justification for, changes to the Council’s approach to affordable housing needs to be undertaken, along with a comprehensive assessment of the relative merits of possible sites. Local needs and circumstances need to be comprehensively assessed. This must be for a future plan within the new development plan system, and meanwhile I recommend that a 25% target should be applied to all eligible sites within the District.

## **RECOMMENDATION**

**24.89 I recommend that the objection site be included in Phase 3, as recommended to be amended.**

### **ALTERATION 24/010 (GREEN LANE/GROVE ROAD, BOSTON SPA)**

#### **Objection**

21978 Taylor Woodrow Developments

#### **Issue**

24.90 Should the site be included in the GB, retained as PAS land, or allocated for housing?

#### **Inspector’s Reasoning and Conclusions**

24.91 I deal with the strategic aspects of the objection under Alteration 5/001 and /002 where I conclude that it is inappropriate to return PAS land to GB en masse. In this case, apart from the lower quarter, the site was unallocated land prior to adoption of the Wetherby and District Local Plan [1984] when it was included within the GB, but it was subsequently designated as PAS in the AUDP, after being proposed as a housing allocation [H4.51]. There have been no exceptional local circumstances to warrant reversing the Inspector’s recommendation, or the Council’s subsequent and recent action in following his view, that the site need not be kept permanently open. The site’s development would not result in unrestricted sprawl or encroachment into the countryside. The site is largely enclosed by the built-up area to the north and east and by adjacent development comprising Martin House, High Trees School and two residential properties to the west and south. Although these buildings on the western and southern sides are themselves within the GB they would largely shield development on the site to the extent that encroachment would not be significant. There is no danger of neighbouring towns, or in this case the villages of Boston Spa and Clifford, coalescing. The physical gap between them would be reduced to a degree by development but not to an unacceptable extent visually. I deal with the regenerative aspects of PAS and GB designations at paras. 5.14 -15 of the Report and the objection site does not serve to preserve the character/setting of a historic town.

24.92 In terms of GB objectives, the site does provide unofficial recreational space, but PAS designation would not affect this situation and GB designation is not necessary in this context. The site is not in agricultural use and, although it is of Grade 2 quality, MAFF

did not object to its allocation or designation as PAS. Much of the land hereabouts is of high quality and, recent choices having been made for PAS land designation, I see no point in the site reverting to GB thus involving re-opening debate on such matters in the future. This would not assist in providing certainty. I do not consider that the proposed GB boundary is significantly to be preferred to that which exists at present and with which the Council were apparently satisfied when they adopted the UDP. In all these circumstances I conclude that the site should be retained as PAS rather than be included in the GB.

24.93 The objection site is close to local shopping and community facilities in Boston Spa. However, for reasons which I give under Alteration 24/005 above in the context of advancing a housing allocation to an earlier phase of the Plan, I do not regard Boston Spa as a settlement within which PAS land should be promoted to a housing allocation over other more sustainable sites closer to Leeds. To allocate more land in this pleasant village would divert attention from the development of previously-developed land and urban regeneration. If and when the development potential of previously-developed land and allocated sites, such as the Churchfields site, is realised, and taking into account future local needs for housing and other development in the village, the objection site may be required as a long-term option; it would be prudent to retain it as such. It would be inappropriate to draw a tight protective line around the settlement giving little or no leeway for the future without reconsideration of GB in years to come. I therefore conclude that the objection site should be retained as PAS land rather than be allocated for residential development in the RUDP. The fact that the site is genuinely available and deliverable, as PAS land should be, does not affect my view.

24.94 I refer to my recommendation that TATE should not be included in the RUDP under Alteration 24/003 above and for the reasons stated there, do not consider that this site should be promoted from PAS land to a housing allocation to satisfy local affordable housing need.

## **RECOMMENDATION**

**24.95 I recommend that no modification be made to the UDP.**

## **ALTERATION 24/012 (AREA STATEMENT - SPOFFORTH HILL)**

### **Objections**

21952 Shepherd Homes Ltd  
21957 Taylor Woodrow  
21958 Taylor Woodrow

### **Issue**

24.96 Should the site be designated “Rural Land”, retained as PAS land, or allocated for housing in Phase 1?

### **Inspector’s Reasoning and Conclusions**

24.97 I deal with the strategic aspects of the objection under Alterations 5/001 and /002. Although in this case there is no change to GB boundaries involved, my reasons for

recommending that PAS land and Policy should not be abandoned remain relevant. This PAS site does not lie “between the urban area and the GB” [in the terms of PPG3 para. 2.12] but it effectively performs the same function of ensuring protection of the GB in the longer term by providing a future option for development without affecting GB land which borders Wetherby on its southern side. As the town is bordered on the eastern side by the very definite boundary of the A1, with an extensive, established designation of “Rural Land” beyond, there is no other option for future growth but on the north or west side of town. Within this context, the site is a re-entrant into the town and therefore development here, particularly in the eastern part of the site, would relate reasonably, and better than any other possible extension, to the existing built-up area and the town centre. The fact that the Council proposed to allocate the site in the Draft UDP of June 1993, and the AUDPI Inspector’s expressed opinion at para. 843.5 of his Report, confirm my view.

- 24.98 In these circumstances, I consider that it would be sensible to retain the site as PAS rather than apply a countryside protection policy, as the Council propose, which would allow of no option for development outside the existing built-up area in the long-term. It must be borne in mind that it is not only for housing that PAS land might be required in the long-term. The site’s agricultural land quality, which is about 80% Grade 3A and 7% Grade 2, and its role in providing access to, and views of adjacent countryside, would need to be considered against the need for further development and all other relevant factors, if and when such need arose.
- 24.99 I do not consider that the site should be allocated for residential development in the RUDP; this would be contrary to the sequential approach and would prejudice concentration on the development of previously-developed land and urban regeneration. Although the Council have defined Wetherby as part of the MUA, this is in contradiction of the RSS, and I do not consider that a large urban extension to Wetherby is necessary or appropriate at present or in the foreseeable future. Although the town has a range of service and facilities commensurate with its market town function it is, at best, a small outlier distant from main centres and higher order services. Whilst extensions to market towns are not precluded by RSS, the priority is for the use of previously-developed land and conversions before greenfield land.
- 24.100 The fact that I recommend that TATE should not be included in the RUDP, with the consequence that affordable housing would not be provided on the scale which the Council envisage there, does not alter my conclusion that the objection site should not be promoted to a housing allocation. Further work on, and justification for, changes to the Council’s approach to affordable housing needs to be undertaken, along with a comprehensive assessment of the relative merits of possible sites. This must be for a future plan within the new development plan system, and meanwhile I recommend that a 25% target should be applied to all eligible sites within the District. I attach little weight to the argument that employees at TATE could live in Wetherby and have an improved journey to work pattern if the objection site were to be developed; it certainly does not outweigh the considerations which have led me to my conclusion that the site should remain as PAS.
- 24.101 Finally as the text of the FD Alteration in relating to Leeds Road, Collingham has been corrected in the RD Alteration, I do not address the matter further.

## RECOMMENDATION

**24.102 I recommend that no modification be made to the UDP.**

### ALTERATION 24/015 (THE RIDGE, LINTON)

#### Objection

21960 Endercourt Ltd

#### Issue

24.103 Should the site be included in the GB, retained as PAS land, or allocated for housing?

#### Inspector’s Reasoning and Conclusions

24.104 The objector seeks allocation of the site for housing under Policy H3 or, alternatively, addition to Policy H5 of a criterion allowing development on greenfield sites where it would be for home-work units secured for that purpose. Failing both these outcomes, retention of the PAS designation is sought.

24.105 I deal with the strategic aspects of the objection, including arguments on the question of exceptional circumstances to change GB boundaries, under Alterations 5/001 and /002. No site-specific evidence was offered on a related objection, to the threshold for provision of affordable housing in the Rural North, and this is covered under Alteration 7/007.

24.106 Whilst the Inspector who considered objections to the Wetherby and District Local Plan [adopted in 1984] endorsed inclusion of the site in the GB, the AUDPI Inspector considered that its loss would not have a great impact. The latter took the view that its only relevant GB function was safeguarding the countryside from encroachment, and that its importance in this respect depended on the contribution its openness made to the adjacent remaining open countryside [CD/DP/01(23), paras. 917.2 and 917.4]. Given that this assessment drew on a good deal of detailed evidence on the likely visual impact of development of the site [which was also outlined to me], and that there have been no significant changes locally since, it carries weight.

24.107 On my visit to the site I noted that it is to all intents invisible from the nearest public vantage point to the north, Sicklinghall Lane, and cannot be readily seen from roads immediately to the west, south and east. It is only seen to any extent from Trip Lane to the south, and then at some distance, partly screened by trees and in the context of a good deal of housing round about. Although it arguably makes some contribution to the character of Linton by separating areas of housing on the flanks of the ridge that give it its name, it is essentially a narrow, enclosed tongue of land which is only tenuously linked to the wider GB to the north, and which does not materially assist in safeguarding the countryside from encroachment. Nor does it play a positive role in fulfilling GB objectives, particularly as it is not publicly accessible.

24.108 For all these reasons my view is that the site has no great GB merit. However, as I advise, the Council should make a comprehensive appraisal of all PAS sites, in the



light of all available evidence, before seeking to change GB boundaries. It would be inappropriate for me to recommend a change here, in isolation and on the basis of only limited information upon which to base comparison of sites.

- 24.109 Turning to the question of whether the site should be allocated for housing, the AUDPI Inspector considered that if building was restricted in height and extent it would not be readily seen. I agree and, although the Council argued that this would not necessarily be what a developer had in mind, normal development control powers should be adequate to control visual impact. However, what would be acceptable visually would be unlikely to achieve the higher densities sought in PPG3. and, given the character of the surrounding area and also the restricted access, I believe the Council would be hard-pressed to secure a development that was both acceptable in the locality and made efficient use of land.
- 24.110 More fundamentally, Linton is not in my view a sustainable location for further development on any scale. The AUDPI Inspector commented that allocation of the site would not accord well with the aims of PPG13, or the main strategic aims of the UDP, and that remains the case, with the further guidance on sustainability in PPG3 now also weighing against it. Linton essentially has only a bus service to Leeds and Wetherby, a public house and a village hall (albeit a large and well-appointed one), and it was accepted for the objector at the Inquiry that it was neither well located for access to jobs, shops and services by modes other than the car, nor complied with the PPG3 search sequence.
- 24.111 Reference has been made to AUDP Strategic Aim SA2 [as proposed to be amended] and Strategic Principle SP5(ii) in support of the argument that housing at Linton would help reduce the extent of longer-distance commuting into Leeds, including from communities in North Yorkshire; and the Council accept that Linton is a village that would qualify as an area of high demand under SP5(ii). However, in view of its location and lack of services, any saving in travel distances that would accrue from people working in Leeds being able to live closer to the City could well be outweighed by the additional car mileage they and their families would incur in gaining access to services such as shops and education. The Strategic Aims and Principles need to be read alongside national and regional advice on the sequential approach and sustainability and in my opinion they do not weigh heavily in support of the objection proposal.
- 24.112 Whilst PPG3 emphasizes the need to plan to meet the needs of the whole community, it does not single out executive housing in any way, and there seems no compelling case for making special provision for it in communities like Linton. Possible benefits to the local economy are unquantified, and it was accepted for the objector at the Inquiry that any reduction in house price inflation brought about by increased supply would be localised and transitory. Similarly, although home working is undoubtedly an important, growing and potentially sustainable sector of the economy, there is nothing to suggest that there is a special case for providing for it at The Ridge. There are evident problems in defining a home-work unit as proposed by the objector, and the Craven District Local Plan cited is not particularly helpful as it relates to conversion of rural buildings to employment uses with ancillary living accommodation [P/21960/B]. What is envisaged here, dwellings containing an office, appear to be indistinguishable in planning terms from conventional dwellings and I see no good case for allowing them in places where conventional housing would

not be favoured, either on specific sites or by addition of an exceptions criterion to Policy H5, as proposed, which would apply throughout the District.

24.113 The representations from both sides on the ecology of the site suggest that the site has at least local importance as unimproved Magnesian limestone grassland though it is unclear whether, and to what extent, that status might have been affected by reported recent agricultural operations there. In the light of this, and of the objector’s point that only part of the land may be of ecological interest, housing on at least part might not necessarily be ruled out on conservation grounds if it was otherwise acceptable. Much would depend on more detailed investigation, and a precautionary approach would be appropriate. Equally, however, I do not see inclusion of the site in GB as a prerequisite for its protection, as the Council seem to suggest. Many sites of ecological interest lie outside GBs and their protection relies on appropriate use and management and, in some cases, particular designations. Overall I consider that the principal objection to use of the site for housing is that it is not in an intrinsically sustainable location. The limited ecological evidence I have does not add greatly to the debate and its effect is essentially neutral.

24.114 The above site-specific matters merit consideration when in due course the Council make the necessary future assessment of all PAS sites that I advocate but none outweigh my earlier recommendation that there should be no change to PAS policy. My overall conclusion is that there is no good case for either a residential allocation or for inclusion in the GB.

#### **RECOMMENDATION**

**24.115 I recommend that no modification be made to the UDP.**

## **CHAPTER A7 - WASTE MANAGEMENT**

### **ALTERATION A7/003 (POLICY WM3 REDUCTION AND RE-USE)**

#### **Objection**

30001 G.E. Hall

#### **Issue**

A7.1 Should the words “where possible” be included in Policy WM3?

#### **Inspector’s Reasoning and Conclusions**

A7.2 The objector criticises inclusion of the words “where possible” in revised Policy WM3 because it is seen as inconsistent with the Regional Integrated Waste Management Strategy Policy S5 (in 'Lets take it from the Tip') and with section 10 of the Leeds UDP Supporting Paper 8, specifically para. 10.2. Clearly there needs to be a greater effort to recycle waste and a strong policy to that end. However, I consider that “where possible” reflects the practicalities of the situation in that it would not always be necessary or sensible to attach such a condition to every planning permission for development.

A7.3 I note that the Council intended to delete the word “all” from this policy in response to FD objections by the Government Office for Yorkshire and the Humber [GOYH: 21676] and the Environment Agency [21844]. This was not done in fact in the RD Alteration, but has subsequently been proposed as IC/019. I recommend that “all” should be deleted from Policy WM3 because it would not always be appropriate to insist upon such measures and inclusion of the word “all” would be inconsistent with “where possible” introduced by RD Alteration A7/003.

#### **RECOMMENDATION**

**A7.4 I recommend that the UDP be modified in accordance with RD Alteration A7/003 and IC/019.**

### **ALTERATION A7/004 (POLICIES WM4, WM7, WM10 & WM12 RECOVERY)**

#### **Objections (First Deposit)**

21569 Keyland Developments Ltd  
21573 Keyland Developments Ltd  
21938 RWE Npower (Innology c/o Thames Water)

#### **Objections (Revised Deposit)**

30414 Government Office for Yorkshire and the Humber  
30415 Government Office for Yorkshire and the Humber  
30460 RWE Npower (Innology c/o Thames Water)

## Issues

- A7.5 1. Should the word “all” be deleted from Policy WM4?
2. Should Policy WM12 be deleted and para. A7.4.11 amended to delete reference to the Aire Valley Leeds [AVL] being identified as an area of search to remedy any shortfall in new waste processing industries?

## Inspector’s Reasoning and Conclusions

- A7.6 1. Although GOYH did not object to Policy WM4 during the Revised Deposit consultation period, they did object to the inclusion of the word “all” in Policy WM4 at the First Deposit stage. Although the Council agreed to delete the word from FD Policy WM4 on the grounds that it could make the policies unworkable, this was not done in RD Alteration A7/004. It has subsequently been proposed as IC/020. I agree that it should be deleted as it would not always be appropriate to insist upon such measures and inclusion of the word “all” would be inconsistent with “where possible” introduced by RD Alteration A7/004.
- A7.7 2. Keyland Developments Ltd and RWE Npower object to Policy WM12 and the last sentence of A7.4.11 because the likely effect would be that AVL became the sole focus of the search for sites for new waste processing industries. I agree that the development of such waste processing industries, even though they may be more akin to manufacturing and storage uses than traditional scrap/salvage yards, could tend to reinforce the poor environmental image of the Aire Valley and possibly make it less attractive to regenerative investment, thus prejudicing neighbourhood renewal and the improved image sought in Policy R1 [Alteration 15/011]. It is also clear from the Council’s responses that such facilities could alternatively be distributed within the City “as appropriate” even though there are economies of scale in clustering of such uses. Although co-location can be advantageous, a broad range of locations should be sought. Consequently I conclude that Policy WM12 and the last sentence of A7.4.11 should be deleted. Such modification would not preclude consideration of such development proposals in AVL.

## RECOMMENDATION

- A7.8 I recommend that the UDP be modified by RD Alteration A7/004 subject to:**
- a. amending it to accord with IC/020; and
  - b. deleting Policy WM12 and the last sentence of A7.4.11.

## ALTERATION A7/005

- A7.9 The Council asserts that all objections to the FDUDP have been withdrawn on the basis of Alterations in the RDUDP. The letter of 10<sup>th</sup> May 2004 included as an appendix to Proof LCC/099 confirms this. On face value, the Council assume this includes the Churwell Action Group’s points about monitoring & enforcement. For the avoidance of doubt, I consider that it would not be appropriate to identify Policies where monitoring and enforcement were accorded specific reference and importance

because all Policies in the UDP are expected to be monitored and enforced as resources permit.

## CHAPTER A9A - CAR PARKING GUIDELINES

### ALTERATION A9A/002 (SCHEDULE OF GENERAL CAR PARKING GUIDELINES –INTRODUCTION)

#### Objections

21090 Boston Spa Village Society  
21754 Boston Spa Parish Council

#### Issue

A9A.1 Should the parking guidelines be expressed as minima rather than maxima for areas other than the City Centre and its fringes, or reference to Policy S2 centres be removed or amended?

#### Inspector’s Reasoning and Conclusions

A9A.2 Although the objectors express concern that the guidelines have been changed from minima to maxima, para. 6.6.2 of the AUDP makes clear that they have been maxima since the Plan was adopted. Alteration A9A/001 simply makes that situation clear in Chapter A9A as well as in Chapter 6, Transport, and does not introduce any substantive change in the way the guidelines are to operate.

A9A.3 National guidance in PPG13 says unequivocally that development plans should set maximum levels of parking and that there should be no minimum standards, other than for parking for disabled people. Whilst I appreciate the problems that can arise where both on- and off-street parking is in short supply, and where public transport services are limited, Boston Spa is not unique in either respect and in my view these are not local considerations that would warrant the radical departure from national policy that is sought. Nor would it be appropriate to exempt town centres, as defined in Policy S2, from application of the guidelines or to seek to differentiate between such centres according to their relative remoteness. Although there may be particular local problems, town centres as a whole enjoy better accessibility by public transport than other areas, and more restrictive parking guidelines are therefore justified in them. Also, the Review has not addressed the classification of centres and this aspect of the objections is thus essentially outside its scope.

A9A.4 PPG13, para.53, advises local authorities to use discretion in assessing parking for small developments so as to reflect local circumstances, and says that such an approach will cover most development in rural areas. Alteration A9A/002 echoes this guidance in saying that the Council will apply the guidelines with sensitivity to local circumstances, and that such circumstances might include the levels of public transport accessibility and on-street parking control. This is as far as the Plan can reasonably go to meet the objections.

A9A.5 An amendment to this Alteration is proposed, IC/012, to address objections from the Government Office [GOYH] to Alterations A9A/006 and A9A/006/RD. I discuss the IC below but endorse its inclusion here. When it is included a grammatical error needs to be corrected in that the second sentence is not complete in itself and needs to be linked to the first.

## RECOMMENDATION

**A9A.6I** recommend that the UDP be modified in accordance with FD Alteration A9A/001 as amended by IC/012.

## ALTERATION A9A/003 (SCHEDULE OF GENERAL CAR PARKING GUIDELINES - A1 & A2 – RETAIL)

### Objection

21804 Pinnacle Group

### Issue

A9A.7 Are the proposed parking guidelines for retail development unreasonably stringent compared with national guidance?

### Inspector’s Reasoning and Conclusions

A9A.8 Maximum parking standards set out in PPG13 [Annex D] and RSS [Table 7.3] apply to retail developments of over 1,000 sq m gross floorspace. The Alteration would bring the UDP guidelines into line with these in that the threshold for supermarkets and larger food stores and for major comparison developments would be raised from 500 sq m to 1,000 sq m.

A9A.9 Above that threshold, and except in the Core Car Parking Policy Area, the guideline for food retail would be 1 space per 14 sq m. As this is the same as the figure in PPG13, and arguably somewhat generous in terms of the range in RSS, it cannot be considered unreasonably stringent. Nor is it unreasonable that the guidelines for the Core Car Parking Policy Area [which are not subject to review] should be considerably more restrictive, given the high level of accessibility to the City Centre by public transport and the many competing pressures and constraints on space there.

A9A.10 For major comparison developments the guideline other than in the Core Car Parking Policy Area would be 1 space per 25 sq m compared with 20 sq m in PPG13, and with a range in RSS of from 20 sq m up to 60 sq m according to location, the most stringent figure being for a regional centre. Given that Leeds is such a centre, and that both the PPG and RSS leave local planning authorities free to adopt more rigorous standards, neither the Alteration figure nor the [unchanged] Core Area guideline can be considered inherently unreasonable.

## RECOMMENDATION

**A9A.11** I recommend that the UDP be modified in accordance with FD Alteration A9A/003.

## **ALTERATION A9A/006 (SCHEDULE OF GENERAL CAR PARKING GUIDELINES - C3 – RESIDENTIAL)**

### **Objections**

21685 Government Office for Yorkshire and the Humber  
30419 Government Office for Yorkshire and the Humber

### **Issue**

A9A.12 Should the parking guideline for housing outside centres and specially controlled areas be expressed as an average?

### **Inspector’s Reasoning and Conclusions**

A9A.13 The Alteration appreciably reduces AUDP parking guidelines in line with PPG3 advice and relates them to fewer, broader categories of dwelling. Outside centres and areas of special parking control the FD proposed a guideline of 1.5 spaces per dwelling “on average over the development”. This figure reflects advice in PPG3, para. 62, that standards resulting, on average, in development with more than 1.5 off-street spaces per dwelling are unlikely to be acceptable on sustainability grounds. GOYH’s first objection is that averaging the standard across a development would be at odds with a parliamentary statement by Keith Hill in July 2003 that the average was intended to apply across a local authority’s area. The second objection is that the proposed deletion of the words in question from the RD does not overcome the first objection.

A9A.14 The Council highlight a number of uncertainties about how an average parking guideline across the District is to be achieved, including whether or not it applies to new development only, what base year is to be used for calculations, and how a parking space is to be defined. In the absence of any detailed national guidance on these points I see no real alternative to stating the guideline without qualification, as proposed in the RD, and attempting to achieve it as an average in new development across the District, however rough and ready that might be, through day to day development control. Recording levels of parking from planning applications could clearly assist in monitoring the success of that approach.

A9A.15 Alteration A9A/002 stresses the importance of applying parking guidelines with flexibility in response to differing local circumstances. IC/012 would helpfully amplify this message so far as housing is concerned, echoing the words used in the parliamentary statement, and I endorse it accordingly in para. A9A.6, above.

### **RECOMMENDATION**

**A9A.16 I recommend that the UDP be modified in accordance with RD Alteration A9A/006.**



## **ALTERATION A9A/008 (SCHEDULE OF GENERAL CAR PARKING GUIDELINES - D2 – LEISURE)**

### **Objections**

21686 Government Office for Yorks and the Humber  
21687 Government Office for Yorks and the Humber  
25638 Government Office for Yorks and the Humber

### **Issues**

- A9A.17 1. Is reference to commuted parking justified?
2. Should the guideline for concert halls be expressed in terms of parking spaces per unit of floorspace rather than per seat?

### **Inspector’s Reasoning and Conclusions**

A9A.18 1. Although the Council say that the principle of commuted provision of parking spaces has been brought over from the AUDP and is therefore not part of the Review, it was clearly open to them in reviewing the guidelines to delete the relevant references in the extant Plan. They did not do so, and indeed included a new reference to commuted spaces for cinemas and conference centres. Logically therefore the references form part of the Review.

A9A.18 National guidance on the matter is clear in PPG13 and RSS. Para. 86 of the former advises that as there should be no minimum parking requirement and that it is inappropriate for local authorities to seek commuted payments based purely around the lack of parking on the site. Para 7.71 of the latter states that rigorous standards are justified in part because businesses seeking town centre locations would no longer be expected to make commuted payments to provide communal parking. Although the Council say that the case for commuted payments is not “based purely around the lack of parking on the site” [in the words of PPG13] but on its communal benefits, and that they made representations on this point in response to the draft revised RPG12 [CD/REG/02], the advice remains unchanged in RSS.

A9A.19 That the Council may regret such advice, and consider themselves hard pressed otherwise to finance communal parking in the city and town centres, are not in themselves good reasons to depart from national advice. Many other local planning authorities might well feel the same. Although para. 7.69 of RSS acknowledges the importance of providing “adequate” parking in town centres, and advises local planning authorities to consider allowing parking above maximum standards where it will serve the town centre as a whole, this does not justify what appears on the face of it to be a parking levy, potentially at odds with the overall emphasis on restricting parking in centres and encouraging non-car modes of transport. I recommend that references to commuted provision be deleted from the Alteration. It is then for the Council to decide, in the light of national and regional guidance what, if any, provision should be made on site.

A9A.20 Alteration A9A/009 has not attracted any objections and so is not formally before me but I advise that the reference there to commuted parking provision be deleted for the reasons set out above and for consistency.

A9A.21 2. The proposed parking guideline for concert halls is expressed as 1 space per 15 seats whereas that for assembly and leisure use in RSS is 1 space per 22-25 sq m. However, it seems to me that in many respects concert halls are similar to cinemas and conference centres, and stadia, all of which are assessed in both national and regional advice on the basis of seating, and that this would be a more precise starting point than a generic use and floorspace. Also, as the Council’s proposed guidelines group concert halls and sports arenas together, and use the national and regional figure for the latter, it would be sensible to assess both on the same basis.

A9A.22 A good number of the Plan parking guidelines are either related to thresholds that are significantly lower than those set out in PPG13 and RSS, or have no thresholds at all. As this is not something that has attracted objections I make no formal recommendation upon it, and local planning authorities have discretion to set levels of parking for small-scale development appropriate to local circumstances. However, the Council may wish to satisfy themselves that their stance is defensible, if necessary at appeal.

## **RECOMMENDATION**

**A9A.23 I recommend that the UDP be modified in accordance with RD Alteration A9A/008, subject to deleting references to commuted spaces.**