

Mrs Sue Ansbro
White Young Green Consulting Group
Arndale Court
Otley Road
Leeds
LS6 2UJ

Our Ref: APP/N4720/A/11/2154750 &
APP/N4720/A/11/2154755
Your Ref: SA/A057457-2
& C-0155020

19 March 2012

Mrs Angela Reeve
Drivers Jonas Deloitte
Four Brindley Place
Birmingham
B1 2HZ

Dear Mrs Ansbro and Mrs Reeve,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

**APPEAL A: BY HARROW ESTATES
AT FORMER CLARIANT WORKS, CALVERLEY LANE, HORSFORTH, LEEDS
LS18 4RP
APPLICATION REFERENCE: P/10/04068/OT**

**APPEAL B: BY HORSFORTH RIVERSIDE LLP
AT RIVERSIDE MILLS, LOW HALL ROAD, HORSFORTH, LEEDS, LS18 4EF
APPLICATION REFERENCE: P/10/04261/OT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry which opened on 8 November 2011 into your clients' appeals as follows:

APPEAL A: by Harrow Estates against a decision by Leeds City Council to refuse planning permission for residential development to provide up to 400 dwellings with associated public open space, parking, landscaping, an ancillary retail unit (GFA up to 500m²), provision of land for allotments, retention of sports ground with pavilion, and associated off-site highway works at Former Clariant Works, Calverley Lane, Horsforth, Leeds, LS18 4RP in accordance with application reference P/10/04068/OT, dated 6 September 2010;

APPEAL B: by Horsforth Riverside LLP against a decision by Leeds City Council to refuse planning permission for residential development at Riverside

Mills, Low Hall Road, Horsforth, Leeds, LS18 4EF in accordance with application reference P/10/04261/OT dated 20 September 2010.

2. On 22 June 2011 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted for both appeals subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statements that accompanied each appeal and that were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Inspector's comments at IR8. The Secretary of State is content that the Environmental Statements comply with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the appeals.
5. The Secretary of State notes that the main parties agree that appeal proposals B is more clearly described as residential development for up to 150 dwellings with associated open space and off-site highway works (IR3) and he has determined the appeal on that basis.
6. For the reasons given by the Inspector, in reaching his decision on these appeals, the Secretary of State has taken into account the revised location plan for Appeal B, the revised plans and supporting documentation concerning Calverley Lane North, and the final version of the travel plan (IR6). In doing so he is satisfied that no prejudice has been caused to any party.

Matters arising after the close of the inquiry

7. Following the close of the inquiry, the Secretary of State received a letter from Mrs Sue Ansbro dated 15 December 2011. This letter drew attention to the fact that the inquiry had taken evidence about an error in the unilateral obligations put forward in support of the appeals. Having considered Mrs Ansbro's letter and the planning obligations, the Secretary of State is satisfied that there is no need for him to refer back to parties about it prior to reaching his decision. Copies of Mrs Ansbro's letter are available on request from the addresses at the foot of the first page of this letter. The Secretary of State's broader conclusions on the Unilateral Undertakings are set out at paragraph 27-29 below.

Policy considerations

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case, the development plan comprises the Yorkshire and the Humber Plan (the RS) and the saved policies of the 2006 Leeds Unitary Development Plan Review (the UDP). The Secretary of State considers that the development plan policies most relevant to the appeals are identified by the Inspector at IR22 to 28. He attaches little weight to the emerging Core Strategy in determining the appeals for the reasons given by the Inspector at IR31.
10. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and its Supplement: *Planning and Climate Change*, Planning Policy Guidance (PPG) note 2: *Green Belts*, PPS3: *Housing*; PPS4: *Planning for Sustainable Economic Growth*, PPS5: *Planning for the Historic Environment*, PPS9: *Biodiversity and Geological Conservation*; PPG13: *Transport*; PPG17: *Planning for Open Space, Sport and Recreation*, PPS25: *Development and Flood Risk*; Circular 11/95: *The Use of Conditions in Planning Permission*; Circular 05/05: *Planning Obligations*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011); the Ministerial Statement - Planning for Growth; the Government Statement - Planning and the Budget; and those supplementary guidance notes and documents identified at IR29-31.
11. The draft National Planning Policy Framework which was published for consultation on 25 July 2011 is a material consideration. However, as this is a consultation document and is subject to change, the Secretary of State has given it little weight.
12. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the Yorkshire and the Humber Plan is formally revoked by order, he has attributed limited weight to the proposed revocation in determining this appeal.
13. The Secretary of State has taken into account the listed buildings at Low Hall (IR30). In deciding the application he has had special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they may possess in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. The Secretary of State has also taken account of the conservation areas within the vicinity of the sites including Rawdon Cragg Wood Conservation Area which includes the open land immediately to the north of Riverside Mills (IR14). In deciding the appeals, he has paid special attention to the desirability of preserving or enhancing the character or appearance of these areas, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

15. The Secretary of State considers that the main issues in this case are those identified by the Inspector at IR104, and the relationship of the proposals to the development plan.

Sustainability

16. The Secretary of State agrees with the Inspector's reasoning at IR105 - 131 and his conclusions at IR132 - 134. He shares the Inspector's view that in comparison with the fallback position, both proposals have the potential to generate a material increase in traffic movement and that the sites are in a location where there is no existing public transport service and accessibility standards for travel on foot are not met (IR132). Having carefully considered the proposed package of measures to provide transport improvements (IR115-122) and the significant benefit which the introduction of the bus service would bring to existing uses in the locality, the Secretary of State agrees with the Inspector that the proposals would achieve an adequate level of accessibility by public transport (IR132). He also agrees with the Inspector (IR132) that, with the improvements proposed, cycling would be an effective sustainable option. Like the Inspector, the Secretary of State is satisfied that in respect of these matters the proposals are consistent with UDP Policies T2, T2D, T5, and T9, RS Policy YH7, and national policy in PPG13 (IR132).
17. However, the Secretary of State shares the Inspector's view that walking would not be an attractive option for regular journeys to the nearest schools and most local services, and that the proposals do not perform satisfactorily against UDP Policies T2 and T5, RS Policy YH7, and PPG13 in respect of this matter (IR133). Notwithstanding this, like the Inspector (IR134) he concludes that, taking account of the benefits included in the proposal to existing uses and the ability of the sites to be re-used for industrial purposes without any such measures, the redevelopment of the sites would not be inappropriate having regard to policies which promote sustainable patterns of development.

Highway safety and traffic movement

18. Having given careful consideration to the Inspector's analysis at IR135 - 140, the Secretary of State shares his conclusion (IR140) that the proposed developments would neither materially reduce highway safety nor adversely affect the free movement of traffic at the junction of Calverley Lane South and the ring road. Like the Inspector, he is satisfied that the proposals comply with UDP Policies T2 and GP5 in respect of these matters (IR140).

Other considerations

Housing land supply

19. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR141 - 142. Like the Inspector (IR142), he considers that there is a significant shortfall against a five years housing land supply and consequently paragraph 71 of PPS3 is engaged. The Secretary of State also agrees that the contributions

that would be made to housing land supply are in themselves a significant benefit of the proposals, and that the proposals would contribute to meeting the requirements of UDP Policy H1 and RS Policy H1 (IR142).

The loss of employment land

20. For the reasons set out at IR143 - 144 the Secretary of State agrees with the Inspector's conclusion (IR144) that there is no need to retain the sites for employment purposes and that their redevelopment for housing is consistent with UDP Policy E7.

The Green Belt

21. For the reasons given by the Inspector, the Secretary of State agrees with him that the proposals for the part of the Appeal A site that is in the Green Belt do not constitute inappropriate development in the Green Belt, and the uses proposed are consistent with the provisions of UDP Policy N33 which reflects national policy in PPG2 (IR145). He also agrees with the Inspector that the redevelopment of the two sites, with areas of greenspace, provides an opportunity to effectively assimilate the sites into the surrounding landscape in accordance with UDP Policy N24, and to enhance the visual amenities of the Green Belt (IR146).

Effect on the character and appearance of the area

22. The Secretary of State agrees with the Inspector's comments at IR147. He shares the Inspector's view (IR146) that the proposals would make a positive contribution to the character and appearance of the area, would enhance the special landscape area and the appearance of Rawdon Cragg Wood Conservation Area, and respond positively to UDP Policies N19 and N37. The Secretary of State also agrees that the redevelopment of the Clariant site would complement the existing streetscape of Low Hall Road, including its listed buildings, as sought by the Horsforth Design Statement (IR146).

Affordable housing

23. Like the Inspector (IR148) the Secretary of State is satisfied that the two planning obligations provide appropriate mechanisms to secure the provision of the 15% affordable housing sought by the Interim Affordable Housing Policy in respect of this part of Leeds, thereby complying with UDP Policy H11.

Previously developed land

24. The Secretary of State shares the Inspector's view that the re-use of the appeal sites, which largely comprise previously developed land, is an effective use of land, as advocated in PPS3 (including paragraph 69), and it enhances the sustainability credentials of the appeal proposals (IR149).

Conclusions on other considerations

25. The Secretary of State agrees with the Inspector's conclusions on other considerations at IR150. Like the Inspector (IR150) he attaches significant weight to the improvement to the character and appearance of the locality and to the contributions which would be made to the housing land supply in Leeds. He also agrees that the delivery of affordable housing and the use of previously developed land are important considerations (IR150).

Conditions

26. The Secretary of State has considered the suggested conditions which are annexed to the IR, national policy as set out in Circular 11/95 and the Inspector's comments at IR100-103. He is satisfied that the conditions reproduced at Annex A and B to this letter are reasonable and necessary and meet the tests of Circular 11/95.

Obligation

27. The Secretary of State has considered the Unilateral Undertakings that accompany each of the appeals, national policy as set out in Circular 05/2005, the CIL Regulations and the Inspector's remarks at IR9 and at IR151-158. He is satisfied that the matter raised in the letter dated 15 December 2011 from Mrs Ansbro does not impact on the effectiveness of the obligations. In respect of the allotments proposed under the Appeal A scheme, the Secretary of State agrees with the Inspector that, whilst the allotments would be beneficial and are an acceptable land use in the Green Belt, there is nothing to indicate that they are necessary to make the development acceptable in planning terms (IR156). He agrees with the Inspector's conclusions at IR156 in respect of the planning obligations and, for the reasons given by the Inspector, he gives no weight to the allotments scheme (IR158).
28. Like the Inspector (IR151), the Secretary of State considers that the planning obligations are consistent with the requirement of the Interim Affordable Housing Policy to provide 15% of new dwellings in this part of Leeds as affordable housing. He agrees that the travel plan and associated highway works and public transport measures are important components of the proposals (IR155). He has taken account of the fact that the obligations make provision for the contributions for additional school places sought by the Council (IR154).
29. The Secretary of State is satisfied that, apart from the allotments, the remaining provisions in the Undertakings meet the tests set out in the CIL Regulations and in national policy in Circular 05/2005 and, like the Inspector (IR158), he considers that they carry substantial weight.

Overall Conclusions

30. The Secretary of State agrees with the Inspector's overall conclusions at IR159 - 160. He has found that the redevelopment of the sites would not be inappropriate having regard to policies which promote sustainable patterns of development (paragraph 17 above) and, like the Inspector, he is satisfied that the

proposals would be in a demonstrably sustainable location in accordance with UDP Policy H4 (IR159). He has also concluded that the delivery of affordable housing and the use of previously developed land are important considerations (paragraph 25 above) and he weighs these in support of the scheme. Like the Inspector (IR160), the Secretary of State attaches significant weight to the improvement to the character and appearance of the locality and to the contributions which would be made to the housing land supply in Leeds. The Secretary of State also agrees with the Inspector that the considerations in paragraph 69 of PPS3 support the proposals and that they are consistent with the support for economic development in Planning for Growth and Planning and the Budget (IR160).

31. In conclusion, the Secretary of State is satisfied that the development plan policies in favour of the appeal proposal outweigh those policies with which the scheme conflicts. As such, he concludes that the appeal proposal is in accordance with the development plan. He has not found any material considerations of sufficient weight to indicate that he should determine the appeal other than in accordance with the development plan.

Formal Decision

32. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your clients' appeals and grants planning permission for:

APPEAL A: residential development to provide up to 400 dwellings with associated public open space, parking, landscaping, an ancillary retail unit (GFA up to 500m²), provision of land for allotments, retention of sports ground with pavilion, and associated off-site highway works at Former Clariant Works, Calverley Lane, Horsforth, Leeds, LS18 4RP in accordance with application reference P/10/04068/OT, dated 6 September 2010 subject to the conditions at Annex A.

APPEAL B: residential development for up to 150 dwellings with associated open space and off-site highway works at Riverside Mills, Low Hall Road, Horsforth, Leeds, LS18 4EF in accordance with application reference P/10/04261/OT dated 20 September 2010 subject to the conditions at Annex B.

33. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
34. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
35. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

36. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

37. A copy of this letter has been sent to Leeds City Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely

Christine Symes

Authorised by Secretary of State to sign in that behalf

**APPEAL A: BY HARROW ESTATES
AT FORMER CLARIANT WORKS, CALVERLEY LANE, HORSFORTH, LEEDS
LS18 4RP
APPLICATION REFERENCE: P/10/04068/OT**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Plans A1-A16 listed in Document G3.
- 5) The reserved matters shall be prepared in accordance with the Horsforth Village Concept Plan and Plans A5 and A6.
- 6) None of the dwellings shall be occupied until Calverley Lane North has been adopted by the Highway Authority, and, notwithstanding condition No 7, the highway works to Calverley Lane North, shown on Plans A12 and A14, shall be completed prior to the occupation of the first dwelling.
- 7) No dwelling shall be occupied until the access works shown on Plan A9 have been undertaken to an adoptable standard. The visibility splays shown on the plan shall be maintained free of obstructions to visibility greater than 1m in height above the adjoining carriageway.
- 8) No construction of the accesses shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No dwelling shall be occupied until a landscape management plan and programme, including long-term design objectives, and management maintenance responsibilities has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved programme.
- 10) No development shall take place until a scheme for wildlife protection, mitigation and enhancement, including details for bat mitigation and an ecological method statement and timescale, has been submitted to and approved in writing by the local planning authority. The bat mitigation details shall include an indicative programme for site clearance and development, location of temporary roosts, and the design of permanent roosts. The scheme shall be implemented in accordance with the approved timescale.

- 11) No development, with the exception of demolition, shall take place until: a detailed scope of works for further intrusive investigation involving characterisation of contamination and site ground conditions and a detailed programme of phased development has been submitted to and approved in writing by the local planning authority; and an intrusive site investigation involving characterisation of contamination and site ground conditions has been undertaken, in line with the scope of site investigation works document and the detailed programme of phased development, and the resultant report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, and include an interpretative discussion of results and findings, a conceptual site model, a risk assessment, and, if necessary, recommendations for further investigation and remediation.
- 12) No development, with the exception of demolition, shall commence until any remediation statement and programme required by condition No 11, demonstrating how the site will be made suitable for residential development, and including provision for verification reports, have been submitted to and approved in writing by the local planning authority. Remediation works shall be carried out in accordance with the approved statement and programme. If significant unexpected contamination, not identified in the site investigation report, is encountered, operations on that part of the site shall cease immediately, and the local planning authority shall be informed. Further remediation works shall be carried out in accordance with a revised statement and programme to be submitted to and approved in writing by the local planning authority. The site or phase shall not be brought into residential use until all the verification reports have been approved in writing by the local planning authority.
- 13) The development shall be carried out in accordance with the flood risk assessment dated March 2010, and the Environmental Statement addendum by Entec of 2010 and the associated mitigation measures. None of the dwellings shall be occupied until all of these mitigation measures have been implemented.
- 14) No development, with the exception of demolition, shall take place until a scheme and programme for the provision of separate foul and surface water drainage works, including details of any balancing and off-site works, have been submitted to and approved in writing by the local planning authority. No additional piped discharge of surface water from the site shall take place until an outfall has been provided in accordance with the approved scheme. None of the dwellings in any phase of the development shall be occupied until the drainage scheme has been implemented in respect of that phase.
- 15) Before the development, with the exception of demolition, begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

- 16) The dwellings on the site shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a Final Code Certificate has been issued for it, certifying that Code Level 3 has been achieved.
- 17) No development of any phase shall take place until arrangements for access, storage, parking, loading and unloading of all plant, equipment, materials and vehicles required in connection with the construction of that phase, have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The approved arrangements shall be retained for the duration of the construction period.
- 18) The retail unit hereby permitted shall not be open to customers outside the following times: 0700 to 2200 hours from Monday to Saturday, and 0700 to 1800 hours on Sundays and bank or public holidays.
- 19) No deliveries shall be taken at or despatched from the retail unit outside the following times: 0730 to 1900 hours from Monday to Saturday, and 0930 to 1400 hours on Sundays and bank or public holidays.
- 20) Construction of the retail unit shall not commence until a scheme for the storage and disposal of waste and litter has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the retail unit is brought into use.

**APPEAL B: BY HORSFORTH RIVERSIDE LLP
AT RIVERSIDE MILLS, LOW HALL ROAD, HORSFORTH, LEEDS, LS18 4EF
APPLICATION REFERENCE: P/10/04261/OT**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Plans B1-B10 listed in Document G3.
- 5) The reserved matters shall be prepared in accordance with the Horsforth Village Concept Plan and Plans B3 and B4.
- 6) No more than 50 dwellings shall be occupied on the site until an access road has been constructed through the adjoining Clariant site, and is available for use.
- 7) No more than 50 dwellings shall be occupied on the site until all the off-site highway works listed in the planning obligation dated 10 November 2011 relating to the adjoining Clariant site have been completed.
- 8) None of the dwellings shall be occupied until Calverley Lane North has been adopted by the Highway Authority, and, notwithstanding condition No 7, the highway works to Calverley Lane North, shown on Plans B8 and B10, shall be completed prior to the occupation of the first dwelling.
- 9) No dwelling shall be occupied until the access works shown on Plan B6 have been undertaken to an adoptable standard. The forward visibility splay shown as red on the plan shall be maintained free of obstructions to visibility greater than 1m in height above the adjoining carriageway.
- 10) No construction of the access shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No dwelling shall be occupied until a landscape management plan and programme, including long-term design objectives, and management maintenance responsibilities has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved programme.
- 12) No development shall take place until a scheme for wildlife protection, mitigation and enhancement, including an updated bat survey and an

ecological method statement and timescale, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved timescale.

- 13) No development, with the exception of demolition, shall take place until an intrusive site investigation involving characterisation of contamination and site ground conditions has been undertaken, in line with the Wardell Armstrong document 'Proposed Scope of Work for Additional Site Investigation' dated 25 February 2010 ref AJD/GPW/KW/SH02669/Jo5a, and the resultant report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, and include an interpretative discussion of results and findings, a conceptual site model, a risk assessment, and, if necessary, recommendations for further investigation and remediation.
- 14) No development, with the exception of demolition, shall commence until any remediation statement and programme required by condition No 13, demonstrating how the site will be made suitable for residential development, and including provision for verification reports, have been submitted to and approved in writing by the local planning authority. Remediation works shall be carried out in accordance with the approved statement and programme. If significant unexpected contamination, not identified in the site investigation report, is encountered, operations on that part of the site shall cease immediately, and the local planning authority shall be informed. Further remediation works shall be carried out in accordance with a revised statement and programme to be submitted to and approved in writing by the local planning authority. The site or phase shall not be brought into residential use until all the verification reports have been approved in writing by the local planning authority.
- 15) No development shall take place until a scheme and programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
- 16) The development shall be carried out in accordance with the flood risk assessment dated 22 April 2010, and shall incorporate the following mitigation measures:
 - Limiting surface water run-off to greenfield run-off rates (5 litres/second/ha) up to and including the 1 in 100 year (plus climate change) rainfall event.
 - Ground levels altered or an intercept drain installed to direct water to Gill Beck.
 - A grassed swale/ ditch to be provided to intercept flows from wells/ springs and to be directed towards the River Aire.
 - A survey of the structural integrity of the mill pond retaining embankment to be undertaken and any associated repair work carried out.
 - The spillway from the mill pond to be surveyed and repaired if necessary.

No development, with the exception of demolition, shall take place until details of the flood risk mitigation measures have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until all mitigation measures have been implemented in accordance with the approved details.

- 17) No development, with the exception of demolition, shall take place until a scheme and programme for the provision of separate foul and surface water drainage works, including details of any balancing and off-site works, have been submitted to and approved in writing by the local planning authority. No additional piped discharge of surface water from the site shall take place until an outfall has been provided in accordance with the approved scheme. None of the dwellings in any phase of the development shall be occupied until the drainage scheme has been implemented in respect of that phase.
- 18) Before the development, with the exception of demolition, begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 19) The dwellings on the site shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a Final Code Certificate has been issued for it, certifying that Code Level 3 has been achieved.
- 20) No development of any phase shall take place until arrangements for access, storage, parking, loading and unloading of all plant, equipment, materials and vehicles required in connection with the construction of that phase, have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The approved arrangements shall be retained for the duration of the construction period.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

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

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

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



Report to the Secretary of State for Communities and Local Government

by Richard Clegg BA(Hons) DMS MRTPI

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

Date: 13 January 2012

TOWN AND COUNTRY PLANNING ACT 1990 LEEDS CITY COUNCIL APPEALS BY HARROW ESTATES AND HORSFORTH RIVERSIDE LLP

Inquiry opened on 8 November 2011

Former Clariant Works, Calverley Lane, Horsforth, Leeds, LS18 4RP and Riverside Mills, Low Hall Road, Horsforth, Leeds, LS18 4EF

Appeal Refs: APP/N4720/A/11/2154750, APP/N4720/A/11/2154755

File Ref: APP/N4720/A/11/2154750

Former Clariant Works, Calverley Lane, Horsforth, Leeds, LS18 4RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Harrow Estates against the decision of Leeds City Council.
- The application Ref P/10/04068/OT, dated 6 September 2010, was refused by notice dated 31 March 2011.
- The development proposed is residential redevelopment to provide up to 400 dwellings with associated public open space, parking, landscaping, an ancillary retail unit (GFA up to 500m²), provision of land for allotments, retention of sports ground with pavilion, and associated off-site highway works.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

File Ref: APP/N4720/A/11/2154755

Riverside Mills, Low Hall Road, Horsforth, Leeds, LS18 4EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Horsforth Riverside LLP against the decision of Leeds City Council.
- The application Ref P/10/04261/OT, dated 20 September 2010, was refused by notice dated 31 March 2011.
- The development proposed is described as 'residential development'.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The inquiry sat for six days: 8-11 and 15-16 November 2011. Site visits took place on 16 November. A pre-inquiry meeting had been held previously on 31 August 2011, and a note of the meeting is at Document G1.
2. The appeals were recovered for decisions by the Secretary of State for Communities and Local Government by a letter dated 22 June 2011, as they involve proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
3. The main parties agreed that appeal proposal B is more clearly described as residential development for up to 150 dwellings with associated open space and off-site highway works, and I have considered the appeal on that basis. Both applications were submitted in outline form, with approval sought for access at this stage.
4. Planning permission was refused in both cases for the following reasons:
 1. *The site lies outside the main urban area, in a location which is remote from local services. As such, the site is not in a demonstrably sustainable location for residential development and the sustainability measures promoted are considered insufficient to outweigh this locational disadvantage. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic*

- aim SA2, policies H4, T2, T9; RSS (2008) policies YH7, LCR1, T1 and government guidance in PPS1, PPS3 and PPG13.*
2. *The site is poorly served by non car modes of transport. The proposed bus service is insufficient to meet the minimum standards suggested by the SPD Public Transport Contributions and proposals for Calverley Lane North result in disbenefits for cyclists. Consequently residents would be primarily dependent upon use of the private car. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies GP5, H4, T2, T2D, T5, T9; RSS (2008) policies YH7, T1, T3; SPD Public Transport Improvements and Developer Contributions (August 2008) and government guidance in PPS1, PPS3 and PPG13.*
 3. *The submitted Travel Plan is unacceptable as regards baseline mode splits and targets, penalties and mitigation if targets not met, travel to school by sustainable transport and the form, timing and length of monitoring. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic aim SA2, policy GP5, para 6.3.9, 6.3.12, RSS policy T1, SPD Travel Plans (May 2007) and government guidance in PPG13.*
 4. *The development is accessed from the A6120¹ (Ring Road) which is a high speed, heavily trafficked primary route. The access from Calverley Lane South onto the A6120 does not have adequate capacity to cater for the development and is considered unsafe. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2 and T5 and government guidance in PPS3 and PPG13.*
 5. *The proposed access works to Calverley Lane North fail to take proper account of cyclists returning to the site, detrimental to their safety and convenience. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T5; RSS policy T1 and government guidance in PPG13.*
 6. *The Transport assessment is based on a VISSIM model which has a number of serious flaws, in particular the queue lengths in the existing situation do not validate which has implications for the fallback and development case results. This means that the model does not provide an acceptable representation of impacts on the local highway network and the Transport Assessment cannot be relied upon to make a sound planning decision. The application is therefore, detrimental to highway interests contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T2B and PPG13 para 23-25.*
5. Following the refusals of planning permission, discussions had continued between the main parties concerning highways and transport matters. Further proposals were submitted to the Council involving a revised travel plan, a revised scheme for Calverley Lane North with a wider footway/ cycleway, and a revised VISSIM model. In the light of these proposals, the Council resolved that it would not be pursuing the fifth and sixth reasons for refusal, that part of the second reason for

¹ In the decision notices, the fourth reason for refusal refers to the ring road as the A6110. It was clear from the representations and my site visits that the ring road is the A6120, and I have identified it accordingly.

refusal which refers to disbenefits for cyclists on Calverley Lane North, and that part of the third reason for refusal which refers to baseline mode splits and targets, and the form, timing, and length of monitoring in the travel plan (Document CD22, section 2.5).

6. The appellants undertook further work on the travel plan, and a final version was submitted at the inquiry. The revisions to the works proposed for Calverley Lane North and to the travel plan do not represent substantial changes to the nature of the schemes, and I am satisfied that they would not cause prejudice to the interests of any party. Prior to the opening of the inquiry, a letter from the agent for Horsforth Riverside LLP advised that there were a number of minor drafting errors in the red line defining the boundary for appeal site B (Document HEHR27). No comments had been received concerning the boundary in response to the notice served at application stage, and the amendments relate to parts of that site where no built development is proposed. The revised boundary would not cause prejudice to other parties. Accordingly I have taken the revised location plan for appeal B, the revised plans and supporting documentation concerning Calverley Lane North, and the final version of the travel plan into account in considering these appeals.
7. The documentation considered by the Council includes several plans covering matters such as built form and urban density, for which approval is sought as they are considered fundamental to the outline schemes proposed. Other plans, covering matters such as site context and analysis, were submitted for illustrative purposes only. The plans submitted for approval and those for illustrative purposes are identified accordingly in the lists in Document G3.
8. Environmental statements accompanied both of the planning applications². They are comprehensive documents and their adequacy was not disputed by the Council. I have taken the environmental information for both proposals into account, and I am satisfied that the requirements of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 have been met.
9. Two planning obligations in the form of unilateral undertakings were submitted at the inquiry (Documents HEHR36 and HEHR37). Document HEHR36 relates to appeal A, and its provisions concern affordable housing, a greenspace scheme, off-site highway works, the retail unit, the proposed bus service, a bus service infrastructure scheme, an education contribution, payment of residential metrocard fees, a recreation ground scheme, an allotments scheme, a contribution towards footpath and cycleway works, the revocation of hazardous substances consents, the access road, and the travel plan. Document HEHR37 relates to appeal B, and its provisions concern affordable housing, a greenspace scheme, a riverside footpath, an education contribution, retention of two stone buildings, payment of a travel plan monitoring fee, payment of residential metrocard fees, a restriction on occupation until the first dwelling on the former Clariant site has been occupied, the establishment of a management company, and the travel plan. The appellants submitted a note which explains the relationship between the two obligations (Document HEHR34).

² Documents HEHR 6a-b, 7a-b, 19a-b, 20a-b, 22, 23, and 25.

10. This report contains a description of the sites and their surroundings, an explanation of the proposals, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendations. Lists of appearances and inquiry documents are appended. The written closing submissions on behalf of the main parties are included as inquiry documents: in delivery they were subject to a number of detailed alterations.

The Sites and Their Surroundings

11. The main parts of the appeal sites are the disused industrial premises of the Clariant works and Riverside Mills, and both appeal sites include Calverley Lane North. Appeal site A also includes a sports ground and paddock on the east side of Calverley Lane South, and the roundabout junctions of the ring road with the A65 and the A657 and associated lengths of highway, and appeal site B includes a central section of the former Clariant works (Plans A1 and B1).
12. The sites are in the valley of the River Aire, beyond the main urban area of Leeds, and about 9km to the north-west of the city centre³. The river forms the south-west boundary of Riverside Mills: the former Clariant works lies adjacent to the south-east, but at the edge of Riverside Mills, the river flows under a railway bridge and is separated from site A by the railway and a stretch of open land. In addition to the railway, the valley is also followed by the Leeds-Liverpool Canal, which is nearby on the far side of the railway. Low Hall Road runs along the north-eastern boundary of the Clariant works. On the opposite side of this road are a number of industrial and commercial premises; other built development includes a few dwellings on the northern side of Riverside Mills, others at the western end of Calverley Lane North, and a restaurant on the opposite side of Calverley Lane South to site A. Otherwise, open land extends on the other side of the River Aire, and to the west, north and east of the sites and the nearby buildings.
13. The built-up area of Horsforth is on higher land to the north-east the edge of which is marked by the A65. To the south-west and south respectively, and also higher above the valley, are Calverley and Rodley, the latter being continuous with the main urban area of Leeds. Leeds ring road, the A6120, crosses the Aire valley to the east. Vehicular movement between the appeal sites and the ring road is along Calverley Lane North, which joins the A6120 just to the south of the Horsforth roundabout, and Calverley Lane South. Both are lit and have a sealed surface, but there is no footway for much of Calverley Lane North and on part of Calverley Lane South the footway is of variable quality. The towpath of the Leeds-Liverpool Canal is part of national cycle route 66, and Bar Lane, a public bridleway which runs between the A65 and Calverley Lane North, is signed as a link to this route⁴. Bar Lane is unlit and for most of its length does not have a sealed surface. Further to the west, Knott Lane also provides a link to the A65. It does not provide a through route for motor vehicles, has occasional lighting, and the surface is of variable quality. The ring road, which carries over 41,000

³ The location of the sites is shown on the plan on page 7 of the design and access statement for appeal A (Document HEHR5). The boundary of the main urban area is defined on the Unitary Development Plan proposals maps (in Document CD4): the former Clariant works and Riverside Mills are found on map 14.

⁴ Figure SCG 04 in Document CD23 shows NCR66, and on page 6 of Document HEHR2 there is a photograph of the NCR sign.

vehicles daily (Document L1), and the A65 and the A657, which both lead into Leeds from the north-west, are all well-trafficked routes.

14. There are several conservation areas within the vicinity of the sites. Rawdon Cragg Wood Conservation Area includes the open land immediately to the north of Riverside Mills. Horsforth Conservation Area extends southwards to the roundabout junction of the A65 and the ring road. A short distance to the south of the junction of Calverley Lane South and the ring road, Calverley Bridge Conservation Area encompasses a short stretch of the canal and the buildings and land between it and the River Aire. The eastern part of Calverley and the open land of the valley side to the north form the Calverley Conservation Area.
15. The Clariant premises were formerly a chemical works, comprising offices, laboratories, and production and storage facilities, which were built from 1956 onwards⁵. In 1996 the pharmaceutical business closed, with a loss of 120 staff, and from 2004 the number of employees dropped further until operations ceased in 2009 (Document HEHR1). This part of site A amounts to about 12.5ha and falls from Low Hall Road towards the railway line. Certain buildings and structures have been demolished, but a variety of industrial and commercial buildings remain⁶. Several buildings on the eastern side of the site, close to Calverley Lane South are over 15m tall⁷. On the frontage of Low Hall Road, six semi-detached houses lie within this part of the site. The sports ground on the eastern side of Calverley Lane South remains in use by several local organisations: there is a single-storey pavilion in the north-west corner. Immediately to the south of the sports ground, a smaller area of land is used as a paddock.
16. Riverside Mills occupies a triangular site of about 7.7ha. It was used for the dyeing of fabrics until 2000, and was subsequently occupied by a number of temporary uses. It is now vacant (Document HEHR1). The buildings are positioned centrally across this site, and a prominent feature within this group is a tall factory chimney⁸. Some structures date from the late 18th and early 19th centuries, and there is also a substantial group of utilitarian twentieth century buildings⁹. There is an extensive area of open land within the site alongside the River Aire, and there are other open areas to the north-east of the buildings. Substantial tree cover exists in the north-western part of the site and the area between the two accesses, and the whole of Riverside Mills is covered by a tree preservation order (Document G16). The central section of the Clariant works is included within the appeal site to allow for the provision of an access road from Calverley Lane South.

The Proposals

17. Both proposals involve residential redevelopment of the industrial sites. Proposal A would involve up to 400 dwellings, a retail unit and areas of open space on the Clariant site. It would also involve the retention of the sports ground with works undertaken to improve the pavilion, and allotments would be provided on the

⁵ See paras 9.3.19-9.3.20 of Document HEHR6a.

⁶ Photographs of buildings on appeal site A are on pages 10, and 11 of Document HEHR5.

⁷ The plan on page 9 of Document HEHR5 shows the heights of the existing buildings at the Clariant works.

⁸ There is an aerial photograph of Riverside Mills in section 1 of Document HEHR12, and other photographs are on the following page and at the end of chapter 12 of Document HEHR 19a.

⁹ See chapter 12 of Document HEHR 19a and Appendix 39 in Document HEHR 20a.

adjacent paddock. Proposal B would involve the provision of up to 150 dwellings and areas of open space, and the retention of two existing stone buildings.

18. The proposals have been prepared jointly, and the overall planning framework for the two sites includes an urban density plan (Plans A6 and B4) and a built form and massing plan (Plans A5 and B3) which indicate that the taller buildings (three storeys) and the higher densities (36-45 dwellings per hectare) would be in central locations within each site, and at the main access to the combined sites on Calverley Lane South. These plans are for determination as part of the appeals. Other illustrative plans set out design parameters for the two sites (Plan C5) and an overall open space framework (Plan C6).
19. The off-site highway works are largely common to the two schemes. Both proposals include the alterations to Calverley Lane North to restrict the carriageway to one way movement in the direction of the ring road and the provision of a shared cycleway/ footway. Other works comprise an uncontrolled crossing on Calverley Lane South at the junction with the ring road, a signalised toucan crossing on the A65 to the west of the Horsforth roundabout, footway improvements on Calverley Lane South, Calverley Lane North, and the ring road. These works are specified in the planning obligation for appeal A, and are required to be undertaken before the first occupation of any dwelling on the Clariant site. A provision in the planning obligation for appeal B would prevent occupation of any dwellings on the Riverside Mills site prior to the occupation of the first dwelling on the Clariant site¹⁰, thereby linking these highway works with the residential development at Riverside Mills. The works at the Horsforth and Rodley roundabouts are only included in appeal proposal A.
20. The travel plan relates to both appeal proposals. In addition to the footway and cycleway measures included in the off-site highway works, it includes funding for a bus service which would provide a link between the sites, Horsforth town centre and Horsforth railway station for a period of ten years, and funding for bus and rail travel cards (Metrocards) for occupiers of the developments. The planning obligation for appeal A provides for a contribution of £100,000 towards footpath and cycleway works in the vicinity.
21. The proposals have come forward by way of two separate applications, and there will be separate decisions on the current appeals. However, in the scenario where planning permission is granted only for appeal B, that permission would effectively not be capable of implementation because the accompanying planning obligation restricts occupation there in advance of occupation on the Clariant site. Therefore, whilst the Clariant scheme could come forward by itself, the Riverside Mills scheme would only be delivered in conjunction with that on the adjacent land.

Planning Policy

22. The Development Plan comprises the Regional Strategy (RS) in the form of The Yorkshire and Humber Plan (Document CD3) and the saved policies of the Leeds Unitary Development Plan Review (UDP)¹¹. In the RS, Policy YH4 explains that regional cities (of which Leeds is one), together with sub-regional cities and

¹⁰ Paragraph 8.1 in Schedule 1 of Document A.

¹¹ The UDP Review is at Document CD4 and Document G11b includes a consolidated schedule of saved policies.

towns, should be the prime focus for housing and other development in the region. Sites should be allocated by giving first priority to the re-use of previously developed land and the more effective use of existing developed areas within the relevant city or town, second priority to infill opportunities within cities and towns, and third priority to extensions to cities and towns (Policy YH7). Part B of Policy YH7 seeks a transport-orientated approach to ensure, amongst other matters, that development takes into account capacity constraints and deliverable improvements, complies with the public transport accessibility criteria, and maximises accessibility by walking and cycling.

23. The RS includes policies concerning the Leeds City Region. Parts E and D of Policy LCR1 address strategic patterns of development and transport. Most development should be focused on the regional cities of Bradford and Leeds and on the sub-regional cities and towns, and, amongst other measures, strategic patterns of development should maximise the opportunities to use non-car modes of transport and reduce the overall need to travel. Policy H1 requires specified annual average net additions to the dwelling stock: the annual figure for Leeds is 4,300 dwellings for the period 2008-2026. Measures to manage the delivery of new housing are set out in Policy H2: they include prioritising housing development on brownfield land and conversions to contribute to a regional target of at least 65%, and the identification of sites to ensure a 15 year supply of housing land, including a five year supply of specific deliverable sites. Affordable housing should be provided to meet the needs of local communities (Policy H4), with targets for provision set in local development frameworks (LDFs). Policy T1 explains that the Region will aim to reduce travel demand, travel growth and congestion, shift to modes with lower environmental impacts, and improve journey time reliability. Transport assessments should be informed by the public transport accessibility criteria, and Policy T3 makes it clear that they should also be used to guide the allocation of sites in LDFs. Development should make use of existing public transport services or provide a focus for viable new services. The public transport criteria, which are referred to in several of the RS policies are set out in table 13.8, which is concerned with access to employment and social infrastructure (destination accessibility), and table 13.9, which is concerned with access from housing (origin accessibility).
24. Turning to the UDP, the strategy includes a series of strategic goals, aims and principles. Strategic Goal SG4 is to ensure that development is consistent with the principles of sustainable development. Strategic Aim SA1 seeks to secure the highest possible quality of environment, and Strategic Aim SA2 seeks, amongst other matters, to encourage development in locations that will reduce the need for travel, and to promote the use of public transport and other sustainable modes. Strategic Principle SP3 establishes that new development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are, or can be, well served by public transport.
25. Through Policy H1, the UDP is to make provision for the housing requirement identified in the RS (above, para 23). Policy H3 provides for the release of housing land in three phases, each of which will comprise allocated and windfall sites: phase I is identified as the period 2003-2008, and phases II and III are identified provisionally as 2008-2012 and 2012-2016. Residential development on unallocated sites in a demonstrably sustainable location will be permitted under Policy H4, provided that the development is acceptable in sequential terms, is within the capacity of infrastructure, and complies with other relevant

policies. Policies H11 and H12 provide for affordable housing. On land last used for employment purposes, most uses outside the B use classes will not be permitted unless a series of criteria are satisfied (Policy E7). However, the first part of the policy indicates that this restriction does not apply to housing on land no longer needed for employment use.

26. New development should be served adequately by existing highways or planned improvements (Policy T2). They should also be capable of being adequately served by public transport and taxis, make adequate provision for cycle use, and, in the case of housing, be within convenient walking distance of local facilities. Policy T9 specifically encourages an effective public transport system to give appropriate access to employment and a range of facilities. Where public transport accessibility would otherwise be unacceptable, contributions or action to make enhancements will be sought (Policy T2D). Policy T5 requires safe and secure access for pedestrians and cyclists in new developments.
27. The sports ground and paddock included in the Clariant proposal are within the Green Belt and a special landscape area (SLA)¹². Both designations extend to the north-west, north and south of the sites: the Green Belt also extends beyond the ring road to the east. Development is restricted in the Green Belt, and the overall approach is set out in Policy N33, which reflects national policy in Planning Policy Guidance Note 2 (PPG2). More detailed policies include Policy GB24, which explains that allotments will normally be permitted in the Green Belt, provided that they would not be detrimental to visual amenity. Similarly, in the SLA development must not seriously harm the character and appearance of the landscape (Policy N37). Where proposals abut the Green Belt or other open land, Policy N24 stipulates that they must be assimilated into the landscape. New buildings adjacent to conservation areas should preserve or enhance the character or appearance of those areas (Policy N19). Policies N2 and N4 support the provision of greenspace, and Policy LT6B encourages footpath access along the River Aire.
28. Other relevant policies of the UDP include Policies GP5 and GP7. The former requires that development proposals should resolve a series of detailed planning considerations, including access, and the latter explains that a planning obligation is necessary where development would not otherwise be acceptable and a condition would not be effective.
29. Several supplementary planning guidance notes (SPGs) and documents (SPDs) have been referred to by the parties. SPG3 contains detailed local policy on affordable housing (Document CD7). For the purposes of this SPG, the appeal sites are within the outer suburbs affordable housing market zone¹³, where the Interim Affordable Housing Policy 2011 (Document CD6) has reduced the proportion of affordable housing sought to 15%. Guidance on public transport contributions is set out in the Public Transport Improvements and Developer Contributions SPD (Document CD5). The Council is preparing an SPD on travel plans, and consultation drafts were published in 2007 and 2011 (Documents CD9 and CD10). Detailed policy for greenspace is in SPG4, and guidance on

¹² Appendix 26 of the UDP includes a brief description of the SLAs: the appeal sites are in area 18 – Woodhall/ Calverley/ Cragg Wood/ Hunger Hills.

¹³ The plan at the back of SPG3 shows the five affordable housing market zones.

sustainable design and construction is included in the SPD – Building for Tomorrow Today (Document G15).

30. The Horsforth Design Statement, produced by a local steering group, was adopted by the Council as an SPD in 2010 (Document G9). The appeal sites are situated in character area 8 – Low Hall. The recommendations for enhancement refer to the opportunity provided by redevelopment of the industrial buildings on the south side of Low Hall Road to address the setting of the listed buildings at Low Hall with new buildings of a more appropriate scale and materials, and to provide a more attractive streetscape along Low Hall Road. There is also a need to develop the paths, bridleways and the towpath in the area to link any new development to the proposed North West Country Park. In its management plan section, the SPD refers to a need for major highway improvements to alleviate traffic congestion and improve pedestrian facilities at the Horsforth roundabout on the ring road.
31. The Council is preparing an LDF. However publication of the Core Strategy, intended for autumn 2011, has been delayed, and the Strategic Sites DPD had also not been published at the date of the inquiry. No documentation from the emerging LDF was referred to in the representations.
32. Relevant planning policy statements (PPSs) and guidance notes include PPS1 - Delivering Sustainable Development, PPG2, PPS3 - Housing, PPS4 – Planning for Sustainable Economic Growth, PPS5 – Planning for the Historic Environment, PPS9 – Biodiversity and Geological Conservation, PPG13 – Transport, PPG17 – Planning for Open Space, Sport and Recreation, and PPS25 – Development and Flood Risk. I have also had regard to the Draft National Planning Policy Framework, the Ministerial Statement - Planning for Growth, and the Government Statement - Planning and the Budget. Insofar as the Draft National Planning Policy Framework is concerned, as this document is still at a relatively early stage in the process and could be subject to change, I consider that it carries only limited weight.

Planning History

33. The planning history of the two sites is set out in the statement of common ground (Document CD22). Most previous proposals concern the previous industrial activities and are not relevant to the current appeals. There have been two planning applications for residential redevelopment of Riverside Mills. In 2002, an outline application for about 350 dwellings was submitted, but later withdrawn. Subsequently, in 2005, an outline planning application was submitted for up to 144 dwellings and about 4,565m² of B1 floorspace. Planning permission was refused because the site was not in the urban area and was low down the search sequence, it was poorly served by public transport and local services, traffic generated by the development could not easily access or egress the site from the primary road network, and there was an absence of information to confirm that the site could be brought forward without causing significant flood risk. An appeal was dismissed in 2007 on the grounds that the site was not well served by public transport and was not in a demonstrably sustainable location, and that the proposal would be prejudicial to highway safety¹⁴. A planning obligation considered as part of the appeal would have provided a contribution of

¹⁴ Appendix 12 of Document CD22.

£20,000 towards a riverside walk, a travel plan contribution of £500,000 to include funding for a bus service for at least five years, and provision of 25% of the dwellings as affordable housing.

Agreed Matters

34. A planning statement of common ground covers the following matters:

- A description of the appeal proposals. It is agreed that the proposals and their planning obligations represent a materially different package of sustainability measures to those put forward as part of the previous proposal from the redevelopment of Riverside Mills (above, para 33).
- A series of development principles and parameters.
- The application process and community consultation.
- The sites and their surroundings.
- The identification and size of the existing buildings on the Clariant and Riverside Mills sites.
- The planning history.
- Statutory designations and relevant policies.
- The sites have a lawful use for employment purposes, and the previous use generated a significant number of jobs and activity to and from the sites.
- If the sites were brought back into active employment use within their existing buildings, which would not require planning permission, this would not provide the highway and public transport improvements which could be delivered through the appeal proposals.
- On the Clariant site, 40,117m² of gross external floorspace (GEF) is potentially physically capable of re-use for B2 purposes without a requirement for planning permission¹⁵ (this represents all of the existing buildings at the former works¹⁶).
- At Riverside Mills, 8,559m² GEF is potentially physically capable of re-use for B2 purposes without a requirement for planning permission¹⁷ (this represents 87% of the existing buildings at Riverside Mills¹⁸).
- Leeds does not have a five years supply of housing land. Figures produced by the Council indicate a level of supply sufficient for 3.5 years, whilst figures from the recent Grimes Dyke appeal indicate a level sufficient for 3.2 years.
- The suitability of the principle of residential development is dependant on an acceptable sustainability package.

¹⁵ Although there were different activities undertaken at the Clariant works (para 15), the main parties agreed that for ease of assessment, all of the floorspace which could be re-used would be considered as B2 floorspace.

¹⁶ The existing floorspace is given in table 1 of Document CD22.

¹⁷ As in the case of Clariant, the main parties agreed that all of the floorspace which could be re-used would be considered as B2 floorspace.

¹⁸ This proportion is calculated using the floorspace figures in table 2 of Document CD22.

- The sites are not well suited for new employment development, and there is a sufficient supply of employment land in the immediate locality and the District.
- Residential development could have the potential to be better integrated into the Green Belt and valley landscape, and would promote the use of previously-developed land.
- There are no reasons relating to ecology to prevent residential development being brought forward. Mitigation and enhancement measures are set out in the environmental statements.

35. A transport statement of common ground covers the following matters:

- The sites' location, access and proximity to services. Figure SCG 02 shows the location of local facilities and gives distances and walking times from the centre of the combined appeal sites, and figure SCG 08 gives the distances to the nearest bus stops. Figures SCG 03 and 04 show 2km and 5km isochrones from the sites. The latter includes a range of facilities and two rail stations.
- Background traffic data and accident analysis.
- 67% of floorspace is a robust position for re-occupation of the Clariant site and a reasonable level for Riverside Mills.
- Trip rates for B2 use in table 6 as a representation of a possible fallback position.
- Having regard to the mitigation measures proposed, the traffic impact on the highway network is acceptable with the exception of the situation at the junction of Calverley Lane South and the ring road.
- The accessibility and sustainability of the sites and the Calverley Lane area would improve due to the development.
- The travel plan includes a series of sustainable travel initiatives.

36. At the inquiry, the main parties further agreed:

- A supplementary note concerning traffic matters (Document G12). Tables 1-3 in the note set out numbers of trips for a range of fallback scenarios calculated using average trip rates, and for the appeal proposals calculated using 85th %ile trip rates¹⁹.

The Case for the Appellants

The material points are:

Introduction

37. Although the appeal proposals are the subject of separate applications and appeals, the planning obligations and conditions are structured in such a way that there is no prospect of the Riverside Mill site coming forward as a separate proposal (above, paras 9 and 21). The Clariant site is capable of being delivered

¹⁹ Table 1 supersedes table 5.2 in Document L1 and the fallback position based on average trip rates in the table on page 8 of Document HEHR2. The figures for the fallback position based on 85th %ile trip rates in that table were acknowledged at the inquiry to be incorrect, but no replacement figures for this scenario were submitted.

on its own and has been assessed in that way. In essence the appeal proposals arise from an invitation by the Council to prepare proposals for the combined sites and to present them in the context of a package of sustainability measures. The process of consultation, negotiation and discussion which has been undertaken was careful, detailed and thorough. Ultimately the applications were reported to the relevant Panel with recommendations for approval.

Sustainability – the background

38. It is the Council's view that at present the area is not a sustainable one in transportation terms. There are no dedicated cycle facilities, pedestrian linkages are poor and there are no bus services past the appeal sites. However, there are a substantial number of businesses in the vicinity of the appeal sites, currently in the order of 13, with over 400 employees and the potential in the redevelopment of the Woodbottom Mill site for a significant uplift on those figures²⁰. In addition, there is a well used sports ground immediately opposite the Clariant site²¹. The appeal proposals have the potential to reduce the need to travel by private car in connection with the existing uses in the area, and consistent with the guidance in PPG13, and they would also avoid the unsustainable fallback position.

The fallback position

39. It is considered possible that at least 80% occupancy of the Clariant site could be achieved and at least 67% of the floorspace is capable of re-use at Riverside Mills (Document CD22). It is, therefore, realistic to expect some 62-71% of the Clariant site to be reoccupied and some 34-67% of the Riverside site to be reoccupied (Document HEHR3). The assessment of the potential for traffic generation has proceeded on the basis of an assumed B2 use. The Council's approach to consideration of the impact of the fallback use incorporates the use of the 2002/2005 survey information (Document L1). However, at the time of the surveys the Riverside Mills site was closed, the Clariant site was being run down, and operated a particular kind of business, chemical manufacturing, with a shift pattern, and there is no evidence that this arrangement would be likely to be replicated in future smaller scale users. There is no evidence to support the appropriateness of a 60% factor to reflect the fact that the site was not fully operational at the time of the surveys. Use of the surveys does not reflect the reality of what might occur on the appeal sites. The location has been, and is, attractive to a range of businesses, and the evidence does not support the use of low trip rates by the Council.
40. The comparison by the Council of an 85th %ile trip rate for the proposed residential development with an average trip rate for the fallback uses is neither supported by the relevant Department for Communities & Local Government/ Department for Transport (DCLG/DfT) Guidance nor by any relevant market evidence as to the types of users who would be attracted to the Clariant and Riverside sites. The appropriate comparison is that of 85th %ile rates for the development with 85th %ile rates for the fallback position. Average trip rates for residential development are also referred to for comparison purposes²². On the

²⁰ A somewhat higher number of businesses was recorded in Appendix 5 of Document HEHR1/App, but certain changes were noted at the inquiry.

²¹ Document HEHR1 (section 2.5), and photographs of activity in connection with the sports ground are at Appendix 4 of Document HEHR1/App.

²² The trip rates used by the appellants are in Appendix 1 of Document HEHR2/App.

basis of that comparison the Appellants have made clear that they accept the view that having regard to the fallback position there is not a nil detriment in terms of highway impact and have accordingly advanced transport improvements.

Accessibility criteria – walking

41. Tables 13.8 and 13.9 of the RS are intended to be used to inform transport assessments, rather than to require compliance. They do not attempt to address every possible location where development might be appropriate. In addition the focus of the tables is journey times, rather than, for example, expressing some limitation on the willingness to walk. The tables do not address cycling as a sustainable mode, not because the RS seeks to deny its relevance, but simply because they are intended as broad indications of an approach to accessibility, rather than a set of hurdles which have to be cleared before any proposal could be considered acceptable.
42. Whether all of Leeds, the 6 wards with car ownership equal to or higher than Horsforth, or just Horsforth are considered, there are clear indications that very many people, in the all-Leeds context some 20.8% of pupils, were walking distances of between 2-3km to school. It is also relevant that the minimum distance for free school travel to primary school is 2 miles (3.2km)²³. Calverley Lane North would be improved, and would not represent a poor pedestrian environment. A crossing would be provided on the A65.

Cycling

43. As to cycling, the range of destinations available within 5km is set out in the travel plan. Cycleway improvements would be provided to an appropriate standard. There are connections available to the national cycle route on the canal towpath, as well as advisory routes, and Bar Lane would provide an alternative link to the use of Calverley Lane North to reach the controlled crossing over the A65 to Horsforth and the railway station.

Bus service

44. The proposed bus service would provide a seven day a week service, from 0700 to 2200 hours at a 30 minute frequency, and supported for 10 years in order to promote viability. It would provide connections to Town Street and the railway station in Horsforth, with a stop convenient for a short walk to the primary and secondary schools. The SPD and RS provisions should not be regarded as requirements; moreover the guidance in the SPD is aimed at sites in urban areas. A more rounded and sensible approach to the provision of bus services is the one taken by Metro²⁴. That is set out in the most up to date correspondence from Metro, in which it expresses the view that a 10 year subsidy for a one bus operation (to Horsforth) provides the best outcome in terms of the longevity of the service beyond the funding period²⁵.

²³ Free school travel is available to children under the age of 8 who live more than two miles from the nearest qualifying school, and to children aged between 8 and 16 who live more than three miles from the nearest qualifying school.

²⁴ Metro is the West Yorkshire Passenger Transport Executive.

²⁵ Email dated 3 February 2011 from Metro to the Council, in Appendix 11 of Document L2.

The travel plan

45. There are only two issues that arise as to the adequacy of the travel plan; the first with regard to penalties and mitigation measures, and the second with regard to sustainable travel to school. The Council suggested examples of travel plans which included the approach sought on penalties and mitigation, including the Grimes Dyke and Allerton Bywater cases²⁶. However there is no material difference between the approach in these cases, and that adopted in the travel plan prepared for the appeal proposals.
46. Insofar as travel to school is concerned, parents have a choice as to where they send their children, and it is not possible to predict which of a range of schools will be used or by how many pupils. There is evidence of the willingness of parents and children to walk distances of the kind which would be involved here to local primary schools (above, para 42). As to other alternatives, car sharing is not only possible but, even in circumstances where there is no travel plan coordinator available to help organise it, quite popular. It is evident that car sharing features as a part of school travel plans with the potential for it to be increased with the assistance of a travel plan coordinator. There are in addition other alternatives, for example taxi buses. With regard to the particular circumstances of the West End Primary School, it is relevant to note that although there are quite a significant number of pupils within the Horsforth area who would qualify for bus travel, a bus service previously provided has been withdrawn for lack of support.
47. The travel plan should be regarded as entirely appropriate for the circumstances of this case, with a generous level of funding available in order to deal with any required additional measures. There is no basis for adopting an approach which effectively involves open ended liabilities.

Sustainability – environmental considerations

48. Moreover, it is also important to consider environmental sustainability, which is wider than simply transportation considerations. The proposals would improve views, including views from the Green Belt. In addition there would be removal of the adverse visual impacts on the adjacent special landscape area. In addition, the Riverside site is adjacent to a conservation area, and there are listed buildings near the Clariant site: the proposals have the potential to enhance views into and from the conservation area and the setting of the listed buildings.
49. In addition, and arising from the Ministerial Statement – Planning for Growth and the Government Statement - Planning and the Budget, there are clearly powerful material considerations related to the encouragement of sustainable development proposals and the support they provide for economic recovery.
50. The appeal proposals promote development which addresses sustainability issues by:
- Providing homes in a location adjacent to an active and growing employment area, thus giving the opportunity for people to live near their work.

²⁶ These travel plans are referred to in the appeal report and decision at Documents HEHR 31b and 32.

- Being convenient to a substantial well used and multi-purpose recreational facility, protected by UDP policy, and embracing not simply sports pitches but a multi-purpose pavilion building.
- Having off-site facilities nearby and within easy walking distance, which include a restaurant, a public house, other open space facilities and footpath and cycleway connections.
- Having a retail facility on-site, capable of being supported not only by the appeal developments but also by the adjacent employment development.
- The provision of a bus service which will encourage sustainable travel not only to the appeal site but also the adjacent employment premises.
- The provision of cycle and footway facilities in a form which is agreed to be appropriate and which will encourage sustainable modes of travel.
- Providing a range of other environmental sustainability benefits.

Highway safety at Calverley Lane South

51. The Council has specifically considered this junction and others in Leeds in the context of criteria designed to identify problems, but it does not meet the criteria for action to be taken. In addition the Council has undertaken speed surveys in order to consider whether the current speed limit is appropriate and has concluded that it is. It is also relevant to have regard to the fact that the design and layout of the junction has not been found to be deficient in any respect material to this case.
52. Accidents at the junction have been relatively few. There have only been two since 2005²⁷. It is not sufficient to say that there have been accidents at the junction, since any junction of this kind is from time to time likely to be subject to accidents; that does not mean that the junction is unsafe or unsatisfactory in any way.
53. It is unrealistic to expect a substantial queue of vehicles to occur at the junction with the ring road. Calverley Lane North is available as an alternative route away from the area. In any event, simply adding more vehicles to a queue at the Calverley Lane South junction would not alter the characteristics of the junction and cause it to be in any way unsafe. As the junction is currently safe, the accident level is not a matter for concern, and as there is no alteration in the characteristics of the junction, there is no basis for suggesting that the addition of further traffic will cause the junction to become unsafe.
54. Moreover the fallback position would generate significant additional traffic, compared to the existing situation, and, given re-use for B2 purposes, a different mix of traffic which would undoubtedly increase the commercial/heavy goods vehicle element of the flow through the junction.
55. The position at the junction is summarised as follows:
 - There is no criticism of the design and layout of the junction material to the circumstances of this case having regard to any relevant design standard.

²⁷ Table 8.1 in Document L1.

- No analysis of the accident data shows there to be any elevated rate of accidents for the junction, and the Council's own analysis does not demonstrate that the junction has any safety related problem.
- There is no reason for car drivers to make a right turn out of the Calverley Lane South junction, because alternatives are available at Calverley Lane North, or in certain circumstances by a left turn out of Calverley Lane South. Survey evidence indicates that drivers use Calverley Lane North as a route out of the area.

Benefits of the proposals

56. The proposals would provide both market and affordable housing in circumstances where there is a significant deficiency in the supply of land for house building (Document CD22). They would make use of brownfield land, which is of particular significance in Leeds where there is concern about the release of greenfield sites. There is a significant number of businesses in the area, and the proposals would provide a better mix and balance of uses. The retail facility would benefit nearby occupiers, and the proposals would provide support for local facilities.
57. The visual amenity of the Green Belt would be improved, and the proposals would also benefit the SLA and the conservation area adjacent to Riverside Mills. The proposals would offer the opportunity for well designed high quality developments which would enhance the character and appearance of the area. The planning obligations provide for necessary schemes and contributions.

Conclusions

58. The appeal proposals are materially different in scale, and the package of measures materially different to those considered at the earlier appeal (above, para 33). Wide-ranging and substantial benefits would flow from the appeal proposals. In transportation terms, they offer a package of measures which is appropriate in scale and kind to achieve the agreed level of modal split, and to support a sustainable pattern of movement to and from the site.

The Case for the Council

The material points are:

Consideration of the applications

59. Whilst the planning applications were recommended for approval, the reports of 3 March 2011 made clear the officers' views that the decisions to be made were finely balanced, and that the sites would always struggle to meet high sustainability criteria due to their location.

The fallback position

60. The Council's view is that 62-71% of the agreed floor space at the Clariant site physically capable of re-use would be re-used, depending on market conditions. For Riverside Mills, a range of between 34% and 67% of floorspace would be

likely to be re-used²⁸. The appellants use 67% as the re-occupation rate for each site when assessing trip generation. However there is no evidence to establish that the occupation rates would exceed 67%. In particular, the claimed re-occupation rate of the Clariant site of at least 80% is not supported by any evidence. There is therefore no basis for concluding that the re-occupation rates would be any higher than agreed by the Council.

61. In order to robustly assess the effects of the development, average trip rates should be used in the assessment of the fallback, in order to ensure that the effects of the scheme are not understated. In this regard, the extent and intensity of possible re-use are relevant. It is also considered that 85th %ile trip rates would not reflect the level of usage recorded on the network²⁹. Such an approach accords with the DCLG/DfT publication - Guidance on Transport Assessment, so as to avoid overly optimistic outputs once the effects of proposed sustainability measures are factored in. The 2002 and 2005 survey material is used simply as a starting point in this assessment. As for the attractiveness of the other sites around the appeals sites, that will be affected not just by the locational aspects of those businesses, but also the characteristics of the premises on those sites. There is no robust evidence, for example, to show that just because Turner and Townsend have invested in their premises nearby, that similar users would be attracted to the existing buildings at Riverside Mills or the Clariant premises. Average trip rates put forward by the appellants derive from an assessment which includes single industrial units, sites of up to 15,000m², and edge of centre sites. An alternative assessment includes industrial estates, premises between 10,000 and 70,000m², and suburban sites (Document L1).
62. Guidance on Transport Assessment supports the use of 85th %ile trip rates in a development scenario where there are not comparable sites in a standard database, and there are few free-standing sites in the TRICS database. Given that what has to be assessed in the fallback scenario is the likely trip generation of the existing buildings on the appeal sites, and what has to be assessed in the development case is the likely traffic generation of new housing, there is nothing inherently wrong in using average trip rates in the former case and 85th %ile in the latter³⁰. There is no imperative to compare trip rates on a like for like basis, because the two scenarios are not like for like. In any event, even using the appellants' preferred average trip rates, and applying the high occupation level (table 1 of Document G12), there is still a significant difference between the total number of trips in the fallback and development case scenarios generated in the morning peak (353 vehicles compared to 393 vehicles) and in the evening peak (267 compared to 421). Whether comparisons are made using average trip rates or 85th %ile trip rates, the development case always produces significantly higher two way flows in the evening peak than in the fallback scenario³¹. It is therefore clear that there is detriment to the highway network in the development case, making the need for successful sustainability measures which bring about mode shift all the more important

²⁸ Document CD22 and letter of 1 June 2010 and email of 20 May 2010 from the Council in Appendix 4 of Document L4.

²⁹ Letter from the Council dated 28 April 2010 and email from the Council dated 23 December 2009 in Appendices 3 and 4 of Document L2.

³⁰ The trip rates used by the Council are set out in table 5.1 of Document L1.

³¹ Although there are no updated calculations of trip numbers for the fallback scenario using 85th %ile rates, the calculations for the development scenario using average trip rates in the table on page 8 of Document HEHR2 remain correct.

Sustainability – the existing situation

63. The Appellant accepts that improvement measures are required in order to show that the proposals would be in a demonstrably sustainable location. Metro has described the sites as isolated and situated outside reasonable walking distances of quality public transport services³², and the Inspector who determined the previous appeal considered that Riverside Mills was not in a demonstrably sustainable location.

Assessment of accessibility

64. Whilst Policy YH7 of the RS is not to be used as a development management tool, the explanatory text accompanying Policy T1 makes it clear that the indicator of the stated desired outcome would be conformity with accessibility standards set out in tables 13.8 and 13.9. Policy H4 of the UDP is also an important benchmark against which to test the proposals. It requires windfall housing sites either to be in the main or smaller urban areas, which neither appeal site is, or else in a demonstrably sustainable location. Paragraph 7.2.14 refers to sequential testing, not demonstrable sustainability. A previously developed site can fail the test of demonstrable sustainability, as the appeal sites would in the absence of improvement measures.
65. The Public Transport Improvements and Developer Contributions SPD also provides a means of assessing the adequacy of the public transport improvement measures. The SPD provides a means of delivering the requirements of UDP Policies T2 and T2D, which require new development to be adequately served by public transport. Those policies apply to all development in Leeds, not just to proposals in urban areas. The SPD defines appropriate levels of accessibility in the terms set out in paragraph 4.3.15: within 400m of a bus stop providing at least a 15 minute service to a major public transport interchange.
66. The IHT guidance on walking³³ provides assistance on likely walk speeds, what kind of factors affect the propensity to walk and thus acceptable walking distances, and what may be regarded as appropriate distances to walk to various kinds of facility. Whilst this guidance is not to be rigidly applied, it provides a useful means of evaluating the walk distances that would be involved in activities such as commuting and walking to school.

Walking

67. The measures proposed would involve improvements to Calverley Lane North, Calverley Lane South and Horsforth New Road. They would bring qualitative improvements, but they would not shorten any routes. The only facilities that would be within an easy walking distance of the centre of the sites would be the public house near the canal, the restaurant on Calverley Lane South, the proposed shop, the sports ground and pavilion, and the allotments.
68. The walk distances to schools are of particular concern. Although the Council, as education authority, may have advised the appellants to focus their attention on public transport improvements in relation to West End Primary School, that school should not be regarded as the sole, or even main, destination for primary

³² Email dated 9 June 2010 in Appendix 11 of Document L2.

³³ Appendix 12 in Document L2.

school age children living on the site. The expansion of West End Primary School is not assured, there is parental choice in where to send children to school, and the perceived performance of schools, and their attractiveness to parents, changes over time. The statutory distance of 2 miles does not provide a yardstick against which to test the appropriateness of walking. It is simply the means by which, according to law and policy, the Council assesses whether the responsibility of meeting the cost of home to school transport rests with the parent or whether the local authority has an obligation to assist³⁴. It should not be taken as a proxy for a distance below which pupils and their parents or carers will be likely to walk to school.

69. Newlaithes is the nearest primary school to the appeal sites. It could be reached via the improved length of Calverley Lane North, then walking across the A65 on the new crossing west of the Horsforth roundabout, across the ring road on an extant crossing on its north side, and then back across the A65 on an extant crossing east of the Horsforth roundabout. For West End Primary School, the distance along sealed and lit routes would be 2.5km³⁵. Of the routes available, Knott Lane and Bar Lane are not suitable for use to and from schools in the dark or in wet weather. The pupil level annual school census (PLASC) data demonstrate that the rate of car use for school travel increases with their greater availability, and the level of car ownership rate for the proposed developments is likely to be at least the same, or higher, than the rate for Horsforth, given the greater proximity of most of Horsforth to facilities and public transport. There is a low likelihood of travel to and from school, work, shops and other destinations by foot, even with the proposed improvements in place.

Cycling

70. The existing routes for cyclists to and from the appeal sites are not likely to be used, for the reasons expressed by the previous Inspector. Bar Lane may be a signposted link to a national cycle route, but it is unlikely to be used for non-leisure trips. The measures proposed create new provision, but do not affect distances or topography.

Public transport

71. The only change to public transport provision would be the provision of a bus service from the sites to Horsforth railway station and Horsforth Town Street. This proposed service would fall short of what is expected by the public transport SPD, not just in respect of the frequency of service but, just as importantly, the nature of the destinations served. It would not provide a direct service to a major public transport interchange. The only school journey which would derive any assistance from the new bus service would be that to West End Primary School. However the service would only be likely to reach a point about 350m from that school. As a result, a primary school pupil, who would not be expected to travel alone, would have to walk, with his or her parent or carer, from home to the bus stop, wait for the bus, travel on it, walk 350m to school and be dropped off.
72. Moreover Metro has questioned the long-term viability of the proposed service. Whilst it referred to a 10 year subsidy for one bus operation providing the best

³⁴ Consultation response on the planning applications from the Council's Transport Policy Section: in Appendix 15 of Document L2.

³⁵ Figure SCG2 in Document CD23.

outcome in terms of longevity³⁶, this view was expressed in the context of a comparison with a 15 minute frequency service, subsidised for five years. It does not represent a judgment about the chances of the 30 minute service enduring. The continuation of the bus service beyond the funding period is a very important matter. However there is no evidence of matters such as likely patronage levels, to inform a judgment about the prospects of the durability of the service. On the evidence produced by the appellants, and the proper interpretation of the Metro correspondence, it cannot be said that the bus service would endure, or even would be likely to endure, after the end of the subsidy period.

Sustainability - conclusion

73. The measures proposed to be taken to improve the accessibility of the site by non-car modes, assessed in the light of Policies YH7, T1 and table 13.9 of the RS, the requirement of UDP Policy H4 for the sites to be or become a demonstrably sustainable location, and relevant aspects of national guidance, are not sufficiently robust to indicate that the proposals would bring about development of enduring sustainability, even having regard to the lawful use of the sites.

The travel plan

74. The travel plan is largely aspirational, and definitive measures are largely absent. Whether they would produce any such change and, if so, how much, is entirely unknown. Enforcement measures need to be addressed. It is true that the approach, in principle, to enforcement measures is the same as to be found in the Grimes Dyke and Allerton Bywater travel plans. However, in those cases the Council had no concerns about the ability to sustainably access those sites by the time the inquiries were heard, and, in the Allerton Bywater case, never had any such concern. The need for, and rigour of, enforcement measures will depend upon the importance of the measures in the travel plan in remedying any existing deficiency in sustainable travel options to and from a site. The issue is, therefore, one which will vary from site to site.
75. It is proposed to provide a reserve fund of £50,000. But there is no clarity over what measures, over and above those discussed in the travel plan, would be realistically available. If the measures in the travel plan are failing, there is no evidence as to what other steps could be tried. If the reference is to bus provision, either for the public or school pupils, then £50,000 will not go far at all. It is not clear how decisions as to the spending of that money would be made. The Council has no input into the appointment of the travel plan coordinator. If the Council and the travel plan coordinator do not agree on what measures are necessary, or how much to spend on them, there is no clarity over what would happen then. There can be no confidence that the £50,000 reserve fund would have any success in remedying lack of success of the measures in the travel plan or any failure in meeting its targets.

Highway safety and capacity

76. Because existing conditions produce an insufficiently high accident rate to place a junction on the list of sites for concern, it does not follow that the increased flows involved in the development case cannot be of concern in safety terms. Of the

³⁶ Email dated 3 February 2011: in Appendix 11 of Document L2.

12 accidents which have occurred at the junction in the last ten years, 6 can be directly associated with traffic turning right out of Calverley Lane South³⁷. Significant queues would form at the junction, and drivers would either have to wait and try to turn right, wait and turn left and drive round the Horsforth roundabout, or use Calverley Lane North to reach the Horsforth roundabout before heading south. Turning right out of the junction is only possible in the following circumstances: where one of a small number of acceptable gaps occurs, where vehicles are 'flushed' out by drivers on the ring road, where the vehicle forces its way out of the junction, or where the vehicle undertakes a two stage manoeuvre involving waiting in the central hatched area of the ring road. All but the first involve a serious risk to highway safety. Regardless of whether a particular accident rate would result which would trigger concern, the increase in the prospects of accidents ought not to be countenanced. The alternatives to making a right turn produce no safety problem, but they would increase journey lengths, and are not sustainable outcomes.

Benefits of the schemes

77. The Council accepts that it has not got a five year housing land supply. It is either 3.2 or 3.5 years, depending on which figures are used. The difference is immaterial for the purposes of decision-making. It is accepted that the provision of housing, with affordable housing at the appropriate proportion is a substantial benefit of the scheme. It is also accepted that the re-use of previously developed sites is a significant benefit, as is the ability to improve the visual quality of the area by the removal of the existing buildings. Furthermore, the increased opportunity for sustainable access to existing land uses is a benefit to which weight ought to be attached.
78. PPS3 supports housing where there is no five year land supply, and the Statements Planning for Growth and Planning and the Budget emphasise the contribution housing can make to economic development. However the policies do not support development which would be insufficiently sustainable. The benefits do not outweigh the harm which the present proposals for residential use would bring. Moreover there is no evidence that the sustainability measures which form part of the proposals could not be enhanced without endangering the viability of the schemes.
79. The proposals have been considered by both the Council and the appellants as a comprehensive development of the two sites. Consequently, no consideration has been given in the Council's evidence to the ability to develop either site in isolation, either in general terms or in terms of considering when each of them would trigger the need for sustainability measures or off-site highway works, and the appellants have only considered this to a limited extent. Accordingly, it is considered that there is no secure and robust evidential basis for finding that different decisions for the two proposals would be an appropriate outcome.

³⁷ Table 8.1 in Document L1.

The Cases for Interested Parties

The material points are

i) Councillor A Carter (Documents O2a-b)

80. The sites are in Horsforth Ward, but it is considered that the developments would have as great an effect on Calverley and Farsley ward, which Councillor Carter represents. They would be unsustainable, because of their potential impact on the free movement of traffic and road safety, and the situation has worsened since the previous appeal. The A6120 is already severely congested, particularly at the Rodley and Horsforth roundabouts. The proposals for the Rodley roundabout are insufficient: traffic lights are needed here to allow for the free flow of traffic and pedestrian safety. This is particularly important as children from Rodley going to school in Calverley cross the A6120 at this point, and there are no adequate pedestrian crossing facilities. Additional congestion would occur on the A657 and the junction at Greengates in Bradford.
81. A further large housing development is likely to be proposed on land identified as a protected area of search at Kirklees Knoll in Farsley³⁸. Development here would generate traffic on the A6120
82. The nearest school to some of the proposed houses would be Calverley Church of England Primary School. Both it and Calverley Parkside School are full. It is not considered that provision has been made for a sufficient contribution to increase the capacity at Calverley Church of England Primary School.

ii) Councillor B Cleasby (Documents O6a-b)

83. A number of employment sites have already been lost along the A65 corridor in Leeds. This has led to an increase in travelling to work, and the roads which cross the Upper Aire Valley (one of which is the ring road) are inadequate for the amount of traffic which now uses them. Concerns about the inadequacy of the road network in Horsforth have previously been expressed in relation to a proposal to expand Leeds-Bradford Airport. Accidents have resulted in the closure of the ring road creating considerable congestion. At the Calverley Lane North junction, vehicles would emerge into different lanes on the ring road, where traffic is travelling at speed, close to the Horsforth roundabout. The situation here is unacceptable. Events held in the nearby Horsforth Hall Park generate a great deal of traffic. A large number of possible housing sites have already been identified in Horsforth and Rawdon³⁹.

iii) Councillor C Townsley (Document O5)

84. In Horsforth, Featherbank and Newlaithes Schools have recently been extended to become primary schools to meet increases in the local population. There are consultations underway concerning extending Rawdon St Peters School. These measures would give each local child a place at Horsforth or Rawdon, but there would be no spare capacity. Horsforth High School is full, as are other schools along the A65 corridor. Whilst there is spare capacity in Bramley, travelling to school here from Horsforth or Rawdon would involve a journey of several miles on

³⁸ The approximate location of this land is shown on the plan at Document 2b.

³⁹ A list of sites is included in Document O6b.

two buses or being taken by car. Local doctors' and dentists' surgeries are also full.

85. The local highway network is already under strain, particularly at the Horsforth roundabout. Drivers wishing to turn right from Calverley Lane South would have to wait until they are allowed out by traffic on the ring road, or use Calverley Lane North, which is a country lane, and make a U-turn around the Horsforth roundabout. The roundabout is a pinch point on the highway network, and would also have to be negotiated by drivers travelling to the sites from the Horsforth direction.
86. The appeal sites are not sustainable locations for housing. Because of the area's isolation, this part of Horsforth is more appropriately used for employment opportunities.

iv) Horsforth Civic Society

87. The sites are in an isolated location, which would encourage car-dependency. There are reservations about the travel plan, and the highway network is already over-loaded. The closure of businesses is compounding the problem, with people needing to work elsewhere. The proposals would place pressure on local services, and change the character of schools. Whilst new houses are important, their provision does not outweigh the disadvantages of the proposals. Moreover, the housing market is sluggish and developments are not being completed. A better alternative would involve retaining employment land, as at Kirkstall Forge where development for residential and business use is proposed.

v) Aireborough Civic Society

88. There are historic buildings at Riverside Mills, and they should be included in the adjacent conservation area. Whilst two buildings would be retained, the chimney and others are also of value, and a condition would be appropriate to safeguard the older buildings. Figures submitted by WARD indicate that there is sufficient land available for 25,700 dwellings, a large number of which (23,908) have not yet been built⁴⁰. To the south of the city centre is a large area of brownfield land in a very sustainable location⁴¹. Congestion at the Horsforth roundabout creates many problems, including increased length of bus journey times. Traffic from the proposed developments would exacerbate the situation. In addition, the right turn manoeuvre from Calverley Lane South poses major highway safety problems.

vi) Wharfedale and Airedale Review Development (WARD) (Documents O4a-b)

89. WARD is an umbrella group formed in response to concerns about traffic on the A65. The sites are in an isolated part of Horsforth, which would be an impediment to links being established with the local communities. The car will be used to travel to work, and to shops, schools and other facilities: it is estimated that the developments would generate in excess of 800 private vehicles. There are more sustainable sites south of the city centre (above, para 88). Towards

⁴⁰ An extract from the Council's Housing Land Monitor of 30 September 2010: Appendix 4 in Document O4b.

⁴¹ A plan showing brownfield land south of the city centre is at Appendix 6 in Document O4b.

the end of 2010 there was a supply of over 18,000 dwellings with planning permission⁴², and a five year supply of housing land exists.

90. Access and egress to and from the sites would take place from the ring road between the badly congested Horsforth and Rodley roundabouts. There are severe problems during peak periods at the roundabouts, with approach speeds of no more than 20mph. The appeal proposals would exacerbate existing problems, as there are no satisfactory plans to serve the sites by public transport. A study commissioned by WARD found that the Horsforth roundabout is the single major source of congestion on the A65. Vehicles heading south and joining the ring road at Calverley Lane North would have to make the dangerous manoeuvre of immediately transferring to the fast lane so as to make a U-turn at the roundabout. Safety implications would be more serious for motorcyclists and cyclists travelling to and from the sites.
91. The remoteness of the location would not encourage walking or cycling. The attractiveness of cycle routes is limited by steep gradients, busy roads, and unsealed surfaces. Few destinations are within acceptable walking distances. The proposals do not meet accessibility requirements in the RS, and Metro has expressed concern about the long-term viability of the proposed bus service.
92. There would be an adverse effect on local infrastructure, particularly on education as the secondary school in Horsforth and several local primary schools are full. Doctors' and dentists' practices are over-subscribed. The proposals would also result in the permanent loss of employment land, whereas a current application for the industrial units at Woodbottom Mills indicates that there is a local demand for employment land and buildings. WARD defines sustainability as meaning a situation where development fits in with what is already in the community. The appeal proposals are demonstrably unsustainable.

v) Local residents (Documents O3, O7 & O8)

93. Three local residents spoke against the proposals at the inquiry. They explained that they are not opposed to some form of redevelopment, but it should be sustainable and in keeping with its surroundings. The sites are isolated, and the proposed housing would not be conveniently located for local services. Moreover, nearby schools are full. The road network is congested: the proposals would worsen the situation, and there are concerns about safety. Due to their condition and isolated locations, Barr Lane and Knott Lane are not suitable as cycling or pedestrian routes for journeys to work or school. In addition there is an undersupply of employment premises in Horsforth.

Written Representations

The material points are:

i) Mr S Andrew MP (in Document O1)

94. The sites are isolated and remote from local services. Journeys to school would involve walking along hazardous routes or the use of cars. Additional car trips

⁴² WARD's statement refers to 22,500 dwellings, but the table from the Housing Land Monitor on which it draws shows 18,136 dwellings with planning permission.

would add to local traffic problems on the ring road and the A65. Furthermore, the loss of employment land is unacceptable.

ii) Horsforth Town Council (in Document O1)

95. The sites are in an isolated location, remote from local services, where residential development would not be sustainable. There are concerns about highway safety and congestion, and the impact on local infrastructure, particularly schools. Moreover there is an undersupply of employment land in Horsforth, and planning permission has been granted for a large number of dwellings in Leeds.

iii) Other representations opposing the proposed developments (in Document O1)

96. Seven local residents submitted objections to both proposals at appeal stage, and a further one and Aireborough Rifle & Revolver Club objected specifically to proposal A. The main concerns raised are: the proposals would be unsustainable, local services are not within a convenient distance, there are existing problems of congestion on the highway network, the additional traffic would reduce highway safety, and the loss of employment land. At application stage over 160 individual objections were submitted to proposal A and 87 to proposal B. Similar concerns were expressed as at appeal stage: additional matters raised were the effect on the character and appearance of the area, including the Green Belt and the conservation area, the effect on wildlife, and a lack of need for further housing.

iv) Representations supporting the proposed developments (in Document O1)

97. Three local residents submitted representations of support at appeal stage: two referred to proposal A and one to proposal B. In addition Turner & Townsend, a firm with premises on Low Hall Road, support both schemes. The main reasons put forward are that the proposals would improve the character and appearance of the area, avoid the prospect of anti-social behaviour on the appeal sites, create a more sustainable community in the locality, provide highway improvements, and introduce a bus service which would benefit employees at local firms. At application stage, about seven representations of support for proposal A and four for proposal B were submitted. Similar points were made to those raised at appeal stage.

v) Other representations at appeal stage (in Document O1)

98. One local resident submitted detailed comments on the works proposed to Calverley Lane North adjacent to her property, and a supporter of proposal A suggested that a new railway station should be provided in conjunction with the new housing.

vi) Other representations at application stage

99. Objections were submitted to both proposals by Councillor J Marjoram and Leeds Civic Trust. Both considered that the proposals were not sustainable. In addition, Councillor Marjoram expressed concern about traffic problems, difficulties for primary education provision, and the number of dwellings, whilst Leeds Civic Trust referred to the loss of employment land. Councillor A Barker and Newlay Conservation Society objected to proposal A. Councillor Barker referred to lack of sustainability, traffic problems, capacity problems in schools, and the retention of

employment land, whilst Newlay Conservation Society supported the objections from Horsforth Civic Society⁴³.

Conditions

100. The main parties submitted lists of possible conditions for each proposal which were discussed at the inquiry (Document G14). To ensure that the developments would make a positive contribution to their surroundings, reserved matters should be consistent with the Horsforth Riverside Village Concept Plan and the built form and urban density plans. For similar reasons, landscape management plans and details of surfacing at the access points should be submitted for approval. A management plan is only included on the list of conditions for proposal B. However, although a landscape master plan (Document HEHR8) was submitted for proposal A, it does not cover all of the matters in the suggested condition, and a similar framework would be appropriate for both sites. Matters of detail concerning landscaping, site layout and drainage, and material samples for buildings are more appropriately dealt with as part of the consideration of reserved matters.
101. In the interest of highway safety, conditions are necessary concerning the site accesses and the improvement works to Calverley Lane North. At the inquiry, the Council explained that it was reasonably confident that it could secure adoption of that road, and on that basis, I see no need to delay building work prior to adoption occurring. The appellants had explained that up to 50 dwellings on the Riverside Mills site could be developed with direct access from Low Hall Road, and without the need for improvements to the Horsforth and Rodley roundabouts. To ensure that these works are in place before the whole site comes forward, it would be necessary to limit this development to 50 dwellings prior to construction of the access road through the Clariant site and the completion of all the off-site works associated with proposal A.
102. To safeguard wildlife in this location beyond the main urban area, a scheme for mitigation and enhancement should be submitted for approval. Given the former industrial uses on both sites, investigations of ground conditions and remediation statements would be necessary. Conditions requiring that the developments be carried out in accordance with the flood risk assessments would minimise flood risk, and detailed drainage schemes should be submitted to ensure that the sites would be satisfactorily drained. In accordance with national policy promoting sustainable development, the SPD – Building for Tomorrow Today encourages proposals to achieve at least level 3 of the Code for Sustainable Homes, and to make use of energy from decentralised and renewable sources: conditions would be appropriate to ensure that the development reflects these important policy considerations.
103. Riverside Mills includes structures dating from the late 18th century. There is historical interest associated with this site, and accordingly provision should be made for archaeological work. Two existing buildings would be retained through the means of the planning obligation. However, there is no substantive evidence to indicate that a range of older buildings and structures on this site warrant retention by means of a condition. Nor is there any detailed evidence to justify a condition preventing the removal of existing hedges on both sites. To safeguard

⁴³ These were similar to the representations made by the Civic Society at the inquiry, para 87.

the living conditions of future residents, the opening and delivery times for the retail unit on site A should be controlled, and a scheme for the storage and disposal of waste material would also be necessary. A scheme including access, parking and loading arrangements during the construction phases would protect the living conditions of nearby residents and the amenities of businesses in the vicinity. The agreed lists suggest conditions requiring the submission of reserved matters no later than two years from the granting of outline permission, but there is no good reason to deviate from the statutory three years period. Finally, it is important that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Suggested conditions are set out in full in the annex to this report.

Conclusions

References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus [8].

Main Considerations

104. I have identified the following main considerations in these cases:

(i) Whether the proposals would represent sustainable forms of development, having regard to the existing lawful uses of the site, their relationship to the main urban area and local services, the availability of alternative means of transport to the private car, and the content of the travel plan.

(ii) The effect of the proposals on highway safety and the free movement of traffic at the junction of Calverley Lane South and the A6120.

(iii) Whether any harm arising from the proposals would be outweighed by other considerations.

Sustainability

The fallback positions

105. There is a measure of agreement concerning the fallback position in respect of the appeal sites. Both sites were used until relatively recently for industrial purposes, and contain a range of workshops, warehouses and other buildings [15, 16]. It is agreed that 40,117m² GEF at the Clariant site and 8559m² GEF at Riverside Mills would be capable of re-use for B2 purposes [34]. That represents all of the buildings at the Clariant site and about 87% of the floorspace at Riverside Mills. Whereas the buildings at the Clariant site are contemporary industrial structures, built during the second half of the twentieth century, parts of Riverside Mills are older and, I anticipate, less well-suited to re-use. I have no reason to disagree with the main parties that about 13% of the floorspace there falls into that category.

106. Insofar as the likelihood of re-use is concerned, which is of importance in according weight to the fallback position, the main parties have espoused differing views. The Council suggests that 62-71% of floorspace at the Clariant site, and 34-67% of the floorspace capable of re-use at Riverside Mills, would be reoccupied depending on market conditions [60]. The appellants consider that levels of at least 80% and 67% could be achieved at the Clariant site and Riverside Mills respectively [39]. I note, however, that in the Transport Statement of Common Ground, it is agreed that 67% is acceptable as a robust position for the Clariant site, and as a reasonable level for occupation at Riverside Mills [35].

107. Whilst there are differences in the appropriateness of the approach to be used concerning trip rates, the main parties agree, for the purpose of representing a possible fallback position, the figures for B2 use using average trip rates and for residential development using 85th %ile trip rates [35]. The Council, however, has also had regard to alternative average trip rates for B2 use [62] and the appellants have made use of average trip rates for residential development and 85th %ile trip rates for B2 use [40].

108. It is the Council's position that average trip rates should be used to assess the level of traffic generated in the fallback position and 85th %ile rates for that arising from the appeal proposals [61, 62]. The DCLG/DfT publication – Guidance on Transport Assessment recommends that 85th %ile trip generation rates should be considered as a starting point in the development scenario if sites with comparable accessibility as well as scale and location cannot be found through a standard database system. The Council's evidence that the number of free-standing developments within the TRICS database is small was not disputed by the appellants. Moreover, given the location of the site beyond the main urban area [12], the level of car usage is likely to be greater than on sites within that part of Leeds.
109. Insofar as the fallback position is concerned, the Council has consistently argued that the use of average trip rates would be consistent with the extent of the buildings which could be re-used and the intensity of possible uses. It is also concerned that 85th %ile trip rates would not reflect the level of usage recorded on the network [61]. Average trip rates are included in the transport statement of common ground in respect of B2 use [35], and I do not consider it inappropriate to use average trip rates for this purpose. In any event, there are no 85th %ile figures before me in respect of the fallback position [36].
110. Tables 1-3 of Document G12 set out the agreed number of trips for combined and separate fallback and development scenarios. They include several fallback scenarios calculated with average trip rates and one which makes use of survey data from 2002 and 2005. At the time of these surveys, the dyeing operation at Riverside Mills had closed, and Clariant had reduced the number of employees from their peak level [15, 16]. Given the reduced level of operation at the appeal sites, I do not consider that these scenarios are of assistance in contributing to a fallback position. The average trip rates put forward by the Council and the appellants derive from separate database assessments which have their own shortcomings: the appellants' assessment includes single industrial units, sites of up to 15,000m², and edge of centre sites. On the other hand, the Council's assessment includes industrial estates, premises between 10,000 and 70,000m², and suburban sites [61]. The Council has subdivided these positions on the basis of low, medium and high occupancy levels. Given the expressed position in the transport statement of common ground concerning the appropriateness of using 67% occupancy levels for the purposes of assessment and average trip rates, I prefer the fallback trip levels set out in those rows in tables 1-3.
111. Whether considering the sites together or separately, on the basis set out above, the development scenario trip levels exceed those for B2 use at peak times, weekdays and weekends. Two-way traffic movement during the morning and evening peak periods for both sites is calculated at 305 and 231 trips respectively in the fallback position compared with 393 and 421 trips for the appeal proposals. On the Clariant site, the corresponding figures are 258 and 190 trips in the fallback position, and 284 and 305 trips following redevelopment, whilst at Riverside Mills, they are 54 and 41 trips in the fallback position, and 108 and 116 trips in the redevelopment scheme. I am in no doubt that, without an effective sustainability package, the appeal proposals would result in a material increase in traffic movement to and from the sites.

Accessibility

112. There is a limited grouping of development in the vicinity of the appeal sites, but they are clearly detached from the main urban area of Leeds [12]. Policy YH7 sets out a sequential approach to the distribution of sites in LDFs. Whilst it is not intended to be used as a development control tool, it does set overall priorities for the location of development, and it explains that the first priority for development is previously-developed land within cities and towns, followed by other suitable infill opportunities. Both sites are previously developed land, which supports their sustainability credentials, but the RS makes clear that location within the city is a primary consideration. In the UDP, Policy H4, which is concerned specifically with windfall sites, refers to locations in the urban areas and other sustainable locations.

113. On Low Hall Road there are a number of industrial premises. A restaurant and public house are nearby [12], and the sports ground, pavilion (which is used by certain community groups) and shop included in proposal A would also be well-related to the new housing. There is a good range of facilities and services in the urban area of Horsforth, and the distances and walking and cycling times to these and those in Calverley and the built-up area of Leeds to the south are set out on the plan at figure SCG02 of the transport statement of common ground [35].

114. There is no existing bus service to the sites: the nearest stops are about 800m from the centre of the combined sites on the ring road where there is an hourly service between Horsforth and Seacroft. On the A65, buses run at a 10 minutes daytime frequency to Leeds City Centre: the stops are 1-1.3km from the sites [35]. To reach local facilities in Horsforth or the bus service on the A65 on foot would involve walking along Calverley Lane North or Bar Lane. Between the group of properties at the junction of these roads and the A65, both routes run through open countryside [12], and Bar Lane is neither lit nor finished with a sealed surface. Calverley Lane North is lit and has a sealed surface, but for most of its length there is no footway. Knott Lane also provides a route from the appeal sites to the A65. It is of variable quality and as the lane joins the A65 to the west of Horsforth it would not offer a direct route to most local services [13]. PPG13 explains that walking and cycling have the potential to replace short car trips, particularly those under 2km and 5km respectively. A limited number of facilities, including the shop at the Horsforth roundabout are within the 2km isochrone, whilst the 5km isochrone includes the facilities and services within the built-up areas to the north and south, and the railway stations at Horsforth and New Pudsey [35]. Other considerations for journeys on foot or by bike include the gradient between the sites in the valley and the higher land to the north and south, and crossing the well-trafficked ring road and A65 [13].

Transport proposals

115. Through the planning obligations and the travel plan, the proposals include a package of measures to provide transport improvements. These include off-site highway works, other footway and cycleway improvements, and funding for a bus service and travel cards.

i) Public transport

116. Funding for a 30 minutes frequency bus service for a period of ten years represents a significant improvement from the limited mini-bus service proposed as part of the previous scheme for the redevelopment of Riverside Mills. It is anticipated that the service would run to Horsforth, providing a direct link to the rail station and the local facilities in the vicinity of Town Street [20].
117. Table 13.9 of the RS includes a series of public transport criteria concerned with origin accessibility in respect of 10 or more dwellings. Reference is made to the criteria elsewhere in the RS. Policies YH7, T1 and T3 all expect the criteria to be taken into account in bringing forward sites for development. Policy T3, which is concerned with public transport, refers to the criteria in the context of site allocation in LDFs, and I note that the accompanying text explains that Policy YH7 is not intended to be used as a development control tool. Nevertheless, this policy has an important role in providing a framework for choosing locations for development within and adjoining cities and towns, and, given their size, this is of relevance to the appeal proposals. Part B of Policy T1, moreover, refers to use of the criteria in relation not only to LDFs, but also to transport assessments accompanying planning applications, with the intention of ensuring that development is appropriately located [22, 23]. Several policies in the UDP refer to the importance of adequate access from new development by public transport [26]. Specific guidance on standards of accessibility are set out in the Public Transport Improvements SPD [29], which draws on the RS accessibility criteria. In section 5 of the SPD modal split factors are set out for development in the city centre and other urban locations. This part of the SPD is concerned with the methodology for calculating the level of contribution required and not the scope of the guidance, although I note that paragraphs 5.3.8 and 5.3.9 make reference to the District, and this is consistent with the reference to Leeds, without qualification, in paragraph 2.3.1 which explains the use of developer contributions. I am in no doubt that the SPD applies to the whole of the Leeds District.
118. The SPD specifies the minimum level of accessibility to the public transport network as the site being within 400m (5 minutes convenient walking distance) of a bus stop offering at least a 15 minutes frequency of service to a major public transport interchange (usually the city centre) between 0700 and 1800 hours on weekdays and a minimum 30 minutes frequency outside these hours (up to 2300) and at weekends. Table 13.9 of the RS specifies criteria in respect of employment opportunities and different facilities. Whilst the range of origins is not all-embracing, I am satisfied that residential developments of the scale proposed and located beyond the built-up area would have similar characteristics to an extension to the main urban area, and that the criteria for this category can properly be applied.
119. Bus stops would be provided on the site and Calverley Lane South. Each dwelling would be within 400m of a stop and this criterion would be satisfied. However, the frequency of service would be half of that sought by the SPD and RS, and it would not give access to a major interchange [65]. Shops and other facilities and services in Horsforth would be likely to be within the overall journey times specified in the RS.

120. Whilst the proposed bus service would not provide a link to a major interchange, it would enable connections to be made with other services which run through Horsforth, including the frequent service which travels along the A65 to the city centre⁴⁴. It would also provide access to Horsforth station, from where trains are available to Leeds and other destinations. Insofar as the frequency of the service is concerned, both main parties sought to draw support from the various comments made by Metro on the proposals. It is clear that Metro has regard to the SPD and also that it regards improvements to public transport as important in respect of development on the appeal sites. Its comment in February 2011 that the proposed service represents the best outcome in terms of longevity must be read in the context of the comparison with an alternative of support for a 15 minutes frequency over a shorter five years period [72]. However, Metro had previously expressed reservations about a 15 minutes frequency and suggested that, as it would be unlikely for that level of service to be sustained, the benefits of a 30 minute service should be maximised⁴⁵.
121. The SPD refers to a minimum level of accessibility requirement, whereas Policy T1 of the RS refers to the public transport accessibility criteria informing transport assessments, and the explanatory notes to table 13.9 refer to the use of the criteria as guidelines. In addition to the views expressed by Metro, another relevant consideration is the benefit to existing businesses and residents in the vicinity of the sites from the introduction of a bus service. Other factors are most readily taken into account if the public transport criteria are used as a starting point for assessment of the adequacy of this aspect of the proposal, and it seems to me that this is the correct approach in these cases.
122. Local businesses currently employ over 400 people, and there is the prospect of an increase in this number with a proposal for the redevelopment of Woodbottom Mill [38]. In addition, the sports ground and its pavilion are used by several teams and other organisations, and the continued availability of these facilities forms part of proposal A. At present the only bus services available for people travelling to and from these uses and the local residents are from the A65 and the much less frequent service on the ring road. I consider that the bus service proposal represents a significant benefit in this regard. I have taken into account that the proposal would only guarantee operation of the service for a ten year period. However, even taking into account the phased construction of the new housing, this would provide a prolonged period of time for the bus service to become established. The funding of travel cards [20], which would provide free travel within West Yorkshire for a year for 60% of households on the sites, with 40% and 25% discounts in years 2 and 3, should encourage use of the service⁴⁶. Taken in the round, I consider that the appeal proposals would achieve an acceptable level of accessibility by public transport.

ii) Walking

123. The proposals, including the provision of several lengths of footway and crossings at the Horsforth and Rodley roundabouts, would improve conditions for pedestrians travelling from the appeal sites to the wider area. Table 13.9 of the

⁴⁴ Details of bus services are on figure SCG 07 in Document CD23.

⁴⁵ Email dated 9 March 2010 from Metro in Appendix 11 of Document L2.

⁴⁶ Details of the Residential Metrocard Scheme are in Appendix 26 of Document L2.

RS specifies a 15 minutes walk to local services and a 30 minutes walk to primary schools. Only the public house, the restaurant, the sports ground and pavilion, and the proposed shop would be within a 15 minutes walk. Most local facilities and services, including a range of shops, a post office, and a surgery are found in Horsforth, with walking times in the transport statement of common ground ranging from 16.5 minutes to the shop at the filling station by the Horsforth roundabout to 28.5 minutes to Horsforth library [35]. Most identified facilities are also beyond the 2km distance referred to in PPG13.

124. The routes to local services in Horsforth would be along Calverley Lane North or Bar Lane. The provision of a footway/ cycleway along Calverley Lane and continuing along the ring road to a new controlled crossing of the A65 would represent a significant improvement in the quality of the route, which would also benefit people already travelling to and from the Low Hall area. However, for much of its length the road runs through an open landscape where there is little natural surveillance [12]. Particularly in the winter months when daylight hours are shorter, I do not consider that the nature of the lane, even with the improvements which include a higher standard of lighting, would be conducive to becoming an established pedestrian route to local services.

125. Bar Lane is a shorter route to the A65. My concerns are, however, greater about this route. It is a bridleway with a rough surface, is unlit and also passes through the open landscape to the north-east of the sites. I consider that this combination of factors renders it unsuitable to rely on as a pedestrian route between the sites and Horsforth [13].

126. Primary schools are considered separately in table 13.9 of the RS. Three in Horsforth - West End, Featherbank and Newlaithes - are within the 30 minutes walking time specified, but all are further than 2km from the site. The PLASC data for Leeds primary schools shows that a large proportion of children walk to school. The numbers fall with distance, but in the 2-3km band 20.8% travel in this way. I agree with the Council that data for the six wards with the same or a higher level of car ownership provide a better reference point, having regard to the location of the sites: here a lower proportion of 12.5% travel 2-3km to school on foot. Clearly the PLASC data record mode split having regard to the whole range of circumstances encountered in relation to travel to schools across the district. That does not mean that proportion would be maintained in relation to the appeal sites. The proportion is lower than in Horsforth alone, and having regard to the nature of the routes to Horsforth and the necessity of crossing at least one main road, albeit it via a controlled crossing, I consider that walking, even accompanied by an adult, would not be seen as an attractive option. Children may attend other schools and reference was made by the appellants and Councillor Carter to Calverley Church of England School. The distance is 2.9km, which the main parties agree would take 34.5 minutes [35], and a large part of the journey would be along main roads. That the schools referred to are within the statutory distance of 2 miles, above which free travel is available for children under the age of eight, does not indicate that walking is acceptable. A range of factors, including budgetary considerations, are likely to contribute to this threshold, and I do not consider that it has any value as a proxy for an acceptable walking distance to a primary school.

127. The travel plan envisages a variety of measures, including walking buses, to encourage sustainable means of travel to school. There may be scope for such

an initiative, but there is nothing before me to indicate the likely contribution that this could make. It does not alter my view that accessibility to and from the appeal sites on foot would be limited. I have also taken into account the contribution of £100,000 towards footpath and cycleway improvements. The works identified are a link between Calverley Lane South and the canal towpath and alongside the River Aire. Whilst these may improve part of the route to Calverley School, they would not overcome its deficiency in terms of distance.

iii) Cycling

128. Whilst Bar Lane is signed as a link to the National Cycling Route, because of its rough condition, I consider that it is primarily suitable for leisure riding and not everyday journeys to work or local services. In any event, a large area with a wide range of facilities is within 5km of the sites [35]. Journeys towards Horsforth and Rodley and Calverley are uphill, but the gradients are not excessive for cycle use. Nor, given the greater speed and independence of a cyclist, do I consider that the use of Calverley Lane North would be perceived as an unattractive route for cycling. The provision of a cycleway along this road and up to the A65, where there would be a toucan crossing, together with the link to the towpath would enhance the cycling infrastructure. I am satisfied that cycling would represent a realistic option for travel to and from the appeal sites.

The travel plan

129. There are two other concerns about the travel plan remaining from the reasons for refusal: the adequacy of measures to promote sustainable means of transport to school, and the content concerning penalties and mitigation if targets are not met [5]. The target for school travel is for there to be no more than 70% single household car occupancy for these journeys: this is also the baseline modal split in the travel plan. I have already found that the prospect of walking to school would not be an attractive option from the appeal sites (above, para 122). No dedicated school bus is proposed, and only Horsforth High School and West End Primary School would be served by the proposed bus route, and in the latter case it is agreed that there would be a walk of about 350m from the bus to the school. The PLASC data for the six wards where car ownership is equal to or higher than in Horsforth shows that 74.4% of children who travel 2-3km to school do so by means of a single household car journey, which is clearly above the travel plan baseline and target. A range of measures are suggested to encourage sustainable travel to school. In addition to a walking bus, these include car sharing and park and stride. The travel plan coordinator would be responsible for promoting such measures.
130. Given the likelihood that children from the developments would travel to a number of different primary schools, existing high levels of car usage for school journeys of the length involved, and the nature of the routes to Horsforth and Calverley, the challenges in achieving the target for non-single household car occupancy in respect of school travel should not be under-estimated. Inevitably, at this stage in the process, other measures will be largely aspirational. It is important, therefore, that the travel plan includes appropriate monitoring procedures and mechanisms to ensure that it remains capable of achieving its targets, not only in relation to school travel, but encouraging sustainable modes of travel generally. The monitoring and review procedures would involve the Council, and, if required, provide for an action plan to be drawn up to make any

necessary adjustments. This would be backed by a reserve fund of £50,000. Whilst the Council considers that there is a lack of clarity as to the additional measures which could be undertaken, and it gave certain examples of where additional funding could be required, its transport witness acknowledged in response to my questions, that it was difficult to say with precision what measures or sanctions should be contemplated.

131. The approach to enforcement of the travel plan is consistent in principle with the approach used in the Grimes Dyke and Allerton Bywater cases [45, 74]. However in the present cases there is a need for a package of measures to address the travel needs generated by development in this location beyond the main urban area, which distinguishes them from the earlier appeals. Whilst the size of the reserve fund would not permit adjustments requiring major additional expenditure, the monitoring process would continue for a period of at least ten years, allowing time for measures of the kind outlined to be introduced and established. In the circumstances, I consider that the approach to monitoring and review in the travel plan is reasonable. Nevertheless, in this location, I have reservations about the ability of the travel plan to achieve the level of travel to school sought by sustainable modes.

Conclusions on sustainability and travel

132. In comparison with the fallback position, both proposals have the potential to generate a material increase in traffic movement. The sites are beyond and detached from the main urban area, in a location where there is no existing public transport service and accessibility standards for travel on foot are not met. The proposed bus service is a key element of the package of measures put forward as part of the travel plan. Having regard to the significant benefit which the introduction of a bus service would bring to existing uses in the locality, I consider that the proposals would achieve an adequate level of accessibility by public transport, and that in this respect they would be consistent with the objectives of Policy YH7 of the RS, Policies T2, T2D and T9 of the UDP, and national policy in PPG13. Paragraph B9 in Annex B to Circular 05/2005 makes it clear that wider benefits may arise from infrastructure investment by way of planning obligations, and there is no conflict with national policy for planning obligations or the statutory tests in this regard. I am also satisfied that, with the improvements proposed, cycling would be an effective sustainable option, in accordance with Policy YH7 of the RS, Policies T2 and T5 of the UDP, and PPG13.
133. The weakness of the proposals in respect of accessibility concerns walking, including the opportunity to walk to school. Due to the distance of the sites from the nearest schools and most local services, the time it would take to make the journey, and the nature of the routes, I do not consider that walking would be an attractive option for regular journeys to these destinations. On this aspect, the proposals would not perform satisfactorily against Policy YH7 of the RS, Policies T2 and T5 of the UDP, and PPG13. For this reason, whilst I am satisfied that the overall approach of the travel plan to promoting and maintaining sustainable travel is appropriate, I have reservations about its ability to secure the minimum target of 30% of school travel by sustainable means.
134. I consider that, in themselves, the proposals do not represent fully sustainable forms of development. However, taking account of the benefits included in the proposal to existing uses and the ability of the sites to be re-used

for industrial purposes without any such measures, I conclude that the redevelopment of the sites would not be inappropriate having regard to policies which promote sustainable patterns of development.

Highway safety and traffic movement

135. The ring road is a busy main road, carrying over 41,000 vehicles daily. The A65 and the A657, with which it connects at the Horsforth and Rodley roundabouts respectively, are also well-trafficked routes [13]. There is considerable concern from local residents, elected representatives, and local groups about existing traffic conditions on the road network, and that the additional traffic likely to be generated by the appeal proposals would exacerbate congestion and reduce highway safety [80, 83, 85, 87-90, 93-96, 99].
136. It is common ground between the main parties that the works proposed to the Horsforth and Rodley roundabouts would fully mitigate the impact of traffic generated by the developments at these locations [35]. A particular concern expressed by WARD is that drivers joining the ring road at Calverley Lane North, but intending to head south would have to quickly transfer to the fast lane [90]. However as the junction is close to the roundabout, I expect that vehicles approaching on the ring road would be slowing down, and I note that the Council has advised that using this route as an alternative to making a right turn from Calverley Lane South would not cause a safety problem [76].
137. The movement of vehicles through the junction of Calverley Lane South with the ring road has been modelled by both main parties⁴⁷. Both results indicate queuing on Calverley Lane South, although the Council acknowledged that the extensive queues of over 100 vehicles predicted in its model would not occur and that drivers would divert to Caverley Lane North. This redistribution is taken into account in the appellants' modelling, which gives a maximum queue of 35 vehicles. The models do not identify an acceptable gap as determined by their parameters in the ring road traffic, which leads to extended predicted queue lengths. Right turn manoeuvres are made, however, and I observed a number of vehicles turning right after waiting to join the ring road.
138. The Council expressed concern about right turn manoeuvres where vehicles are allowed out, where they making a two-stage turn or force their way out. I observed instances of the first two of these manoeuvres, and I do not doubt that there is a greater tendency to exit the junction in this way at peak times. There have been twelve personal injury accidents at or close to the junction in the past ten years, six of which were associated with right turns onto the ring road [76]. However, the accident record does not meet the criteria for identification as a site for concern, and the main parties agreed at the inquiry that the design of the junction is not deficient in any material way [51]. An increase in traffic through the junction does not necessarily indicate any material increase in accidents: there is no analysis before me which predicts this outcome. The Council pointed out that, beyond a queue of three vehicles, delays to right-turning traffic would affect drivers intending to turn left, but future residents and other regular users of the local roads would make their journey decisions in the knowledge of the alternative exit to the ring road from Calverley Lane North. Whilst the appellants'

⁴⁷ Documents L2 and HEHR2.

analysis indicates some queuing would occur here, no issue is raised by the Council in respect of capacity or safety at this point on the network [35].

139. Drivers heading south, but using the Horsforth roundabout to avoid the right turn at Calverley Lane South would increase the length of their journey, but not by a significant amount, and the Council accepts that there would be no adverse implications at the roundabout.
140. I appreciate the many concerns raised by other parties about the effects of an increase in traffic movement. However, the information before me does not indicate that the proposals would have a harmful effect. I conclude that the proposed developments would neither materially reduce highway safety nor adversely affect the free movement of traffic at the junction of Calverley Lane South and the ring road. The developments would be adequately served taking account of the planned improvements in accordance with Policy T2 of the UDP, and the resolution of access arrangements complies with Policy GP5.

Other considerations

i) Housing land supply

141. Policy H1 of the RS requires a net annual addition of 4,300 dwellings to the housing stock in Leeds over the period 2008-2026 [23]. Having regard to surplus provision from the earlier part of the plan period, and uncertainty about the categorisation of student housing, the report on the Grimes Dyke appeal calculates the five years housing land supply, required by PPS3, as a range from 20,482-21,655 dwellings⁴⁸. This calculation of the housing land requirement was endorsed by the Secretary of State in his decision on that appeal in May 2011, and is included in the statement of common ground [34].
142. As to supply, table 4 of the statement of common ground gives two figures: 13,053 dwellings (derived from the Grimes Dyke appeal report) and 14,496 dwellings (the Council's figures). These numbers of dwellings would provide a sufficient supply for 3.5 and 3.2 years respectively [34]. In either case there is a significant shortfall against a five years land supply. Consequently, paragraph 71 of PPS3 is engaged. In the absence of a five years supply, this requires favourable consideration to be given to proposals for housing, having regard, amongst other matters, to the considerations in paragraph 69. I address these matters elsewhere, but the contributions that would be made to housing land supply are in themselves a significant benefit of the proposals. The proposals would thereby contribute to meeting the requirements of Policies H1 of the RS and UDP. WARD and other parties had referred to a sufficient supply of housing land [89, 83, 88, 95], but at the inquiry the Council explained that the housing figures in Appendix 4 of WARD's statement had been superseded, and I have relied on those included in the planning statement of common ground.

ii) The loss of employment land

143. This is another matter which has concerned local parties [83, 92, 94, 96, 99]. It is, however, the agreed position of the main parties that the sites, which comprise about 20.2ha of employment land, do not need to be retained for this purpose [34]. Employment land reports were submitted with both applications.

⁴⁸ The calculation is explained in paras 7.59-7.66 of Document HEHR31b.

The report for proposal A identifies, at 2010, 79.561ha of land available in Leeds within a 15 minutes drive isochrone of the Clariant site. This increases to 97.211ha if land in Bradford is included. In addition, 315,518m² of vacant floorspace in Leeds and 372,185m² including Bradford is recorded. Similarly the report for proposal B identifies, at 2009, about 79ha of employment in Leeds within the 15 minutes isochrone⁴⁹.

144. The Council's Employment Land Review of March 2010 records a portfolio of 26 ha of employment land in the Outer North-West Sub-Area, which includes the appeal sites. This is considered to be sufficient for cumulative local needs until 2026, well in excess of the five years supply advocated in the Review. Similarly, the Review indicates that sufficient land exists to meet requirements for offices and industry/ warehousing throughout the District beyond 2016⁵⁰. Criteria (ii) and (iii) in Policy E7 of the UDP are, therefore satisfied. The sites are not reserved for specific types of employment use, and I do not consider that the proposals would result in environmental, amenity or traffic problems (paras 147 and 140), thereby complying with criteria (i) and (iv). On the basis of the available information, I consider that there is no need to retain the sites for employment purposes. In this circumstance, redevelopment for housing is consistent with Policy E7 of the UDP [25].

iii) The Green Belt

145. The Clariant sports ground and the adjacent paddock are in the Green Belt [27]. Policy GB24 of the UDP supports the use of land in the Green Belts for allotments, provided they would not be detrimental to visual amenity. The allotments would occupy a relatively modest parcel of land, set back from Calverley Lane South to the rear of the restaurant, and with tree cover to the east. They would not be conspicuous or detrimental to visual amenity. The sports ground would continue to operate as such and the pavilion would continue to provide accommodation as a local community building. These uses are consistent with the provisions of Policy N33 of the UDP which reflects national policy in PPG2. Accordingly, I find that proposals for this part of site A would not constitute inappropriate development in the Green Belt.
146. The Green Belt extends around the two industrial sites. The former Clariant works contains a number of prominent industrial buildings of varying styles and quality, but more suited to a location within an urban area than the generally open landscape in this part of the Aire Valley. Due to a combination of extensive tree cover and lower height, buildings at Riverside Mills are less prominent from distance, but they include several utilitarian structures which detract from their surroundings. The proposed redevelopment of the two sites, with areas of greenspace, provides an opportunity to effectively assimilate the sites into the surrounding landscape in accordance with UDP Policy N24, and to enhance the visual amenities of the Green Belt.

iv) Effect on the character and appearance of the area

147. The proposals are both in outline form, but it is the clear intention, as expressed in the concept plan and design and access statements, to provide high

⁴⁹ Documents HEHR9 and HEHR16.

⁵⁰ Document G5

quality developments with a mix of housing in line with paragraph 69 of PPS3. This intention is underpinned by the submission of certain parameter plans and the layouts for determination as part of the proposals. Having regard also to my findings in relation to the Green Belt setting of the sites (above, para 146), I consider that the proposals would make a positive contribution to the character and appearance of the area. This would enhance the special landscape area, and the appearance of Rawdon Cragg Wood Conservation Area, responding positively to Policies N37 and N19 of the UDP. The other conservation areas are further from the appeal sites [14], but any effect on their settings would be beneficial. Furthermore, the redevelopment of the Clariant site would complement the existing streetscape of Low Hall Road, including its listed buildings, as sought by the Horsforth Design Statement [30]. The indicative layout for site B shows that substantial areas of tree cover would be retained (Plan B2), and I do not consider that development here would be inconsistent with the intention of the area tree preservation order [16].

v) Affordable housing

148. The Interim Affordable Housing Policy seeks the provision of 15% affordable housing on schemes within this part of Leeds [29]. The two planning obligations provide appropriate mechanisms to secure the provision of this level of housing, thereby complying with Policy H11 of the UDP.

vi) Previously developed land

149. The former Clariant works and Riverside Mills comprise previously developed land. The re-use of such sites is an effective use of land, as advocated in PPS3 (including paragraph 69), and it enhances the sustainability credentials of the appeal proposals.

Conclusions on other considerations

150. No detriment would arise as a result of the loss of employment land and the inclusion of part of site A in the Green Belt. Both proposals would provide a range of benefits, and the delivery of affordable housing and the use of previously developed land are both important considerations. I attach significant weight to the improvement to the character and appearance of the locality, given the status of its landscape and buildings, and to the contributions which would be made to housing land supply in Leeds.

The Planning Obligations

151. Each of the obligations includes a series of requirements associated with the development of the sites [9]. In addition, they are linked through a restriction on occupancy in the obligation for proposal B prior to occupation of dwellings on site A.

152. The first provision of each obligation concerns affordable housing. They are consistent with the requirement of the Interim Affordable Housing Policy to provide 15% of new dwellings in this part of Leeds as affordable housing.

153. Policies N2 and N4 of the UDP seek the provision of a hierarchy of greenspaces to serve residential areas. The obligations secure provision in accordance with these policies and make arrangements for their management.

154. Appendix A to the 3 March 2011 Panel reports on the planning applications explains the need to make provision for additional school places in both Horsforth and Calverley and calculates the contributions sought. The pressure on primary school places was also referred to by local representatives [82, 84, 87, 92, 93, 95, 99]. Both obligations make provision for the contributions sought by the Council.
155. The travel plan and associated highway works and public transport measures are important components of the proposals. Both obligations provide for the implementation of the plan, payment of the monitoring fee, and payments for the Metrocard fee to encourage use of public transport by future residents of the sites. The obligation for proposal A provides for the proposed bus service and its associated infrastructure, and for the off-site highway works. By means of the restriction on occupation included in the obligation for proposal B, dwellings on the Riverside Mills site could only be occupied when the off-site highway works (excluding those at the roundabouts) and the bus service measures had been implemented. Provision of the access road is also included in the obligation for proposal A.
156. As part of the application for reserved matters, the obligation for proposal A requires the submission of details of the retail unit, and schemes for the recreation ground and the allotments. By virtue of the restriction on occupation in the obligation for Riverside Mills, dwellings on that site could not be occupied until the above scheme and details had been approved as part of the reserved matters for proposal A. The retail unit would be an important local facility, given the location of the sites, and the recreation ground scheme is consistent with Policies N2 and N4 of the UDP. However, whilst the allotments would be beneficial and are an acceptable land use in the Green Belt, there is nothing before me to indicate that they are necessary to make the development acceptable in planning terms.
157. Provisions in the obligation for proposal A to provide a contribution towards footpath and cyclepath works, and in that for proposal B to construct a riverside footpath are consistent with Policy LT6B of the UDP, which encourages footpath access along the River Aire. It is appropriate for hazardous substances consents on the Clariant site to be revoked, and the requirement to retain two stone buildings at Riverside Mills would help to give a sense of place to this part of the development. There is a separate provision in that obligation to establish a management company to ensure the management and maintenance of the greenspace, landscaped areas and riverside footpath. As such it is an important part of the implementation of the scheme. In the obligation for proposal A, the greenspace scheme includes arrangements for management by a management company.
158. I consider that all of the obligations in the unilateral undertakings are directly related to the developments and fairly and reasonably related to the schemes in scale and kind. Insofar as the other statutory test is concerned, they are also, with the exception of the allotments scheme, necessary to make the developments acceptable in planning terms. The additional tests of relevance and reasonableness in Circular 05/2005 are satisfied. Regulation 122 of the Community Infrastructure Levy Regulations provides that it would be unlawful for an obligation to be taken into account in a planning decision if it does not meet all of the statutory tests. Accordingly, I have not given weight to the

allotments scheme in reaching my recommendation on appeal A. I consider that the other obligations carry substantial weight.

Overall conclusions

159. The proposals are beyond the main urban area, and they have the potential to generate a material increase in traffic movement, compared to the fallback position. Whilst the level of accessibility with regard to public transport and cycling would be adequate, walking to and from the sites would not be an attractive option. However the package of highway and transport schemes put forward, particularly the introduction of a bus service, offers benefits to existing uses, and both sites could return to active industrial use without any such measures. Overall, the proposals would be acceptable, having regard to policies which promote sustainable patterns of development, and I consider that in the circumstances of the proposals they would be in a demonstrably sustainable location in accordance with Policy H4 of the UDP. No material harm would arise in respect of highway safety or traffic movement.
160. Both proposals offer several important benefits, consistent with national policy and policies in the Development Plan. The improvement to the character and appearance of the locality, and the contributions which would be made to housing land supply in Leeds carry significant weight, and the delivery of affordable housing and the use of previously developed land are also important considerations. In this regard the considerations in paragraph 69 of PPS3 support the proposals, and they are consistent with the support for economic development in Planning for Growth and Planning and the Budget. Having regard to all the aspects of these proposals, and the range of representations advanced, I conclude that the redevelopment of the sites for housing would be appropriate.

Recommendations

161. I recommend that both appeals be allowed and planning permissions granted subject to the conditions in the annex to this report.

Richard Clegg

INSPECTOR

ANNEX – SUGGESTED CONDITIONS

Appeal A

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Plans A1-A16 listed in Document G3.
- 5) The reserved matters shall be prepared in accordance with the Horsforth Village Concept Plan and Plans A5 and A6.
- 6) None of the dwellings shall be occupied until Calverley Lane North has been adopted by the Highway Authority, and, notwithstanding condition No 7, the highway works to Calverley Lane North, shown on Plans A12 and A14, shall be completed prior to the occupation of the first dwelling.
- 7) No dwelling shall be occupied until the access works shown on Plan A9 have been undertaken to an adoptable standard. The visibility splays shown on the plan shall be maintained free of obstructions to visibility greater than 1m in height above the adjoining carriageway.
- 8) No construction of the accesses shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No dwelling shall be occupied until a landscape management plan and programme, including long-term design objectives, and management maintenance responsibilities has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved programme.
- 10) No development shall take place until a scheme for wildlife protection, mitigation and enhancement, including details for bat mitigation and an ecological method statement and timescale, has been submitted to and approved in writing by the local planning authority. The bat mitigation details shall include an indicative programme for site clearance and development, location of temporary roosts, and the design of permanent roosts. The scheme shall be implemented in accordance with the approved timescale.
- 11) No development, with the exception of demolition, shall take place until: a detailed scope of works for further intrusive investigation involving characterisation of contamination and site ground conditions and a detailed programme of phased development has been submitted to and approved in writing by the local planning authority; and an intrusive site investigation

involving characterisation of contamination and site ground conditions has been undertaken, in line with the scope of site investigation works document and the detailed programme of phased development, and the resultant report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, and include an interpretative discussion of results and findings, a conceptual site model, a risk assessment, and, if necessary, recommendations for further investigation and remediation.

- 12) No development, with the exception of demolition, shall commence until any remediation statement and programme required by condition No 11, demonstrating how the site will be made suitable for residential development, and including provision for verification reports, have been submitted to and approved in writing by the local planning authority. Remediation works shall be carried out in accordance with the approved statement and programme. If significant unexpected contamination, not identified in the site investigation report, is encountered, operations on that part of the site shall cease immediately, and the local planning authority shall be informed. Further remediation works shall be carried out in accordance with a revised statement and programme to be submitted to and approved in writing by the local planning authority. The site or phase shall not be brought into residential use until all the verification reports have been approved in writing by the local planning authority.
- 13) The development shall be carried out in accordance with the flood risk assessment dated March 2010, and the Environmental Statement addendum by Entec of 2010 and the associated mitigation measures. None of the dwellings shall be occupied until all of these mitigation measures have been implemented.
- 14) No development, with the exception of demolition, shall take place until a scheme and programme for the provision of separate foul and surface water drainage works, including details of any balancing and off-site works, have been submitted to and approved in writing by the local planning authority. No additional piped discharge of surface water from the site shall take place until an outfall has been provided in accordance with the approved scheme. None of the dwellings in any phase of the development shall be occupied until the drainage scheme has been implemented in respect of that phase.
- 15) Before the development, with the exception of demolition, begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 16) The dwellings on the site shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a Final Code Certificate has been issued for it, certifying that Code Level 3 has been achieved.
- 17) No development of any phase shall take place until arrangements for access, storage, parking, loading and unloading of all plant, equipment, materials and vehicles required in connection with the construction of that phase, have been provided in accordance with a scheme which has been

submitted to and approved in writing by the local planning authority. The approved arrangements shall be retained for the duration of the construction period.

- 18) The retail unit hereby permitted shall not be open to customers outside the following times: 0700 to 2200 hours from Monday to Saturday, and 0700 to 1800 hours on Sundays and bank or public holidays.
- 19) No deliveries shall be taken at or despatched from the retail unit outside the following times: 0730 to 1900 hours from Monday to Saturday, and 0930 to 1400 hours on Sundays and bank or public holidays.
- 20) Construction of the retail unit shall not commence until a scheme for the storage and disposal of waste and litter has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the retail unit is brought into use.

Appeal B

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Plans B1-B10 listed in Document G3.
- 5) The reserved matters shall be prepared in accordance with the Horsforth Village Concept Plan and Plans B3 and B4.
- 6) No more than 50 dwellings shall be occupied on the site until an access road has been constructed through the adjoining Clariant site, and is available for use.
- 7) No more than 50 dwellings shall be occupied on the site until all the off-site highway works listed in the planning obligation dated 10 November 2011 relating to the adjoining Clariant site have been completed.
- 8) None of the dwellings shall be occupied until Calverley Lane North has been adopted by the Highway Authority, and, notwithstanding condition No 7, the highway works to Calverley Lane North, shown on Plans B8 and B10, shall be completed prior to the occupation of the first dwelling.
- 9) No dwelling shall be occupied until the access works shown on Plan B6 have been undertaken to an adoptable standard. The forward visibility splay shown as red on the plan shall be maintained free of obstructions to visibility greater than 1m in height above the adjoining carriageway.
- 10) No construction of the access shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

- 11) No dwelling shall be occupied until a landscape management plan and programme, including long-term design objectives, and management maintenance responsibilities has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved programme.
- 12) No development shall take place until a scheme for wildlife protection, mitigation and enhancement, including an updated bat survey and an ecological method statement and timescale, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved timescale.
- 13) No development, with the exception of demolition, shall take place until an intrusive site investigation involving characterisation of contamination and site ground conditions has been undertaken, in line with the Wardell Armstrong document 'Proposed Scope of Work for Additional Site Investigation' dated 25 February 2010 ref AJD/GPW/KW/SH02669/Jo5a, and the resultant report has been submitted to and approved in writing by the local planning authority. The site investigation report shall explain the methodology employed, and include an interpretative discussion of results and findings, a conceptual site model, a risk assessment, and, if necessary, recommendations for further investigation and remediation.
- 14) No development, with the exception of demolition, shall commence until any remediation statement and programme required by condition No 13, demonstrating how the site will be made suitable for residential development, and including provision for verification reports, have been submitted to and approved in writing by the local planning authority. Remediation works shall be carried out in accordance with the approved statement and programme. If significant unexpected contamination, not identified in the site investigation report, is encountered, operations on that part of the site shall cease immediately, and the local planning authority shall be informed. Further remediation works shall be carried out in accordance with a revised statement and programme to be submitted to and approved in writing by the local planning authority. The site or phase shall not be brought into residential use until all the verification reports have been approved in writing by the local planning authority.
- 15) No development shall take place until a scheme and programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
- 16) The development shall be carried out in accordance with the flood risk assessment dated 22 April 2010, and shall incorporate the following mitigation measures:
 - Limiting surface water run-off to greenfield run-off rates (5 litres/second/ha) up to and including the 1 in 100 year (plus climate change) rainfall event.
 - Ground levels altered or an intercept drain installed to direct water to Gill Beck.

- A grassed swale/ ditch to be provided to intercept flows from wells/ springs and to be directed towards the River Aire.
- A survey of the structural integrity of the mill pond retaining embankment to be undertaken and any associated repair work carried out.
- The spillway from the mill pond to be surveyed and repaired if necessary.

No development, with the exception of demolition, shall take place until details of the flood risk mitigation measures have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until all mitigation measures have been implemented in accordance with the approved details.

- 17) No development, with the exception of demolition, shall take place until a scheme and programme for the provision of separate foul and surface water drainage works, including details of any balancing and off-site works, have been submitted to and approved in writing by the local planning authority. No additional piped discharge of surface water from the site shall take place until an outfall has been provided in accordance with the approved scheme. None of the dwellings in any phase of the development shall be occupied until the drainage scheme has been implemented in respect of that phase.
- 18) Before the development, with the exception of demolition, begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 19) The dwellings on the site shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a Final Code Certificate has been issued for it, certifying that Code Level 3 has been achieved.
- 20) No development of any phase shall take place until arrangements for access, storage, parking, loading and unloading of all plant, equipment, materials and vehicles required in connection with the construction of that phase, have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The approved arrangements shall be retained for the duration of the construction period.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Carter of Counsel	Instructed by the City Solicitor.
He called	
Mr N Huntley BSc MA	Senior Highway Development Engineer.
Mr M Franklin MPlan	Principal Planner.
Mr P Jorysz ⁵¹	Principal Planner.

FOR THE APPELLANTS:

Mr M Kingston QC	Instructed by Ms Ansbro, WYG.
He called	
Mr M Axon BEng FIHT	Director, Vectos.
MTPS	
Ms S M Ansbro	Planning Director, WYG.
BA(Hons) MA MRTPI	

INTERESTED PERSONS:

Councillor A Carter	Member of the City Council for Calverley and Farsley Ward.
Councillor B Cleasby	Member of the City Council for Horsforth Ward.
Councillor C Townsley	Member of the City Council for Horsforth Ward.
Mr M Hughes	Chairman, Horsforth Civic Society.
Dr D C Ingham	Chairman, Wharfedale & Airedale Review Development.
Mr C Woods	Chairman, Aireborough Civic Society.
Mr J Arbuckle	Local resident.
Mrs K Arbuckle	Local resident.
Mr N Hunt	Local resident.

CORE DOCUMENTS⁵²

CD1	Decision notice ref 10/04068/OT (appeal proposal A).
CD2	Decision notice ref 10/04261/OT (appeal proposal B).
CD3	The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS).
CD4	Leeds Unitary Development Plan (Review 2006).
CD5	Public Transport Improvements and Developer Contributions SPD (2008).
CD6	Leeds Interim Affordable Housing Policy 2011.
CD7	SPG3 Affordable Housing Policy Guidance Note (2003) with Housing Need Assessment Updates of 2005 and 2011.
CD8	SG4 Greenspace Relating to New Housing Development (1998).
CD9	Extract from Draft Travel Plans SPD (2007).
CD10	Draft Travel Plan Supplementary Planning Document (August 2011).
CD11	Draft National Planning Policy Framework (July 2011).

⁵¹ Mr Jorysz did not give evidence in support of the Council's case, but contributed to the session on conditions.

⁵² Copies of the national policy documents (CD11-CD20) were not submitted for the appeal files.

- CD12 PPS1: Delivering Sustainable Development (2005).
- CD13 PPG2: Green Belts (1995).
- CD14 PPS3: Housing (2011).
- CD15 PPS4: Planning for Sustainable Economic Growth (2009).
- CD16 PPS5: Planning for the Historic Environment (2010).
- CD17 PPS9: Biodiversity and Geological Conservation (2005).
- CD18 PPG13: Transport (2011).
- CD19 PPS23: Planning and Pollution Control (2004).
- CD20 PPS25: Development and Flood Risk (2010).
- CD21 Report to Plans Panel West 18th August 2011 and resolution concerning the appeals.
- CD22 Planning Statement of Common Ground.
- CD23 Transport Statement of Common Ground.

GENERAL DOCUMENTS

- G1 Note of pre-inquiry meeting.
- G2a-b Letters of notification of the appeals and the inquiry.
- G3 Lists of current plans for proposals⁵³. Submitted by Ms Ansbro and Mr Jorysz.
- G4 Leeds CC – Housing Land Monitor -31 March 2011. Submitted by Mr Franklin.
- G5 Leeds CC – Leeds Employment Land Review – 2010 Update. Submitted by Mr Franklin.
- G6 Horsforth Conservation Area Appraisal and Management Plan. Submitted by Mr Franklin.
- G7 Calverley Conservation Area Appraisal and Management Plan⁵⁴. Submitted by Mr Franklin.
- G8 Rawdon Cragg Wood Conservation Area Appraisal and Management Plan⁵⁵. Submitted by Mr Franklin.
- G9 Horsforth Design Statement. Submitted by the Council.
- G10a-b Executive Board minute and report concerning Document CD6. Submitted by Mr Franklin.
- G11a-b Letters from the Government Office concerning UDP saving directions and schedules of saved policies. Submitted by the Council.
- G12 Agreed supplementary note on transport matters. Submitted by Mr Huntley and Mr Axon.
- G13 Supplementary report into appeal concerning Document HEHR30. Submitted by Mr Carter.
- G14 Lists of suggested conditions. Submitted by the main parties.
- G15 SPD - Building for Tomorrow Today. Submitted by Mr Carter.
- G16 Tree preservation order at Riverside Mills.

⁵³ Annotated to reflect subsequent agreement by main parties that drawing ref W93952/B/12C – Illustrative typical cross-section detail is not for determination.

⁵⁴ The text on page 6 of the appraisal and management plan ends in mid-sentence.

⁵⁵ The Conservation Area Appraisal and Management Plan for Rawdon Cragg Wood states that the boundary was modified in 2011 (to include land east of Knott Lane) and that the appraisal has been formally adopted. The Council, having checked the position, advised that, notwithstanding the content of the document, the appraisal and management plan was a draft document at the date of the inquiry and that the boundary modification remained a proposal.

THE LPA'S DOCUMENTS

- L1 Mr Huntley's proof of evidence.
- L2 Appendices to Document L1.
- L3 Mr Franklin's proof of evidence.
- L4 Appendices to Document L3.
- L5 Mr Carter's closing submissions.
- L6 Emails with comments on draft planning obligation for proposal A.

THE APPELLANTS' DOCUMENTS

- HEHR1 Ms Ansbro's proof of evidence.
- HEHR1/App Appendices to Document HEHR1.
- HEHR2 Mr Axon's proof of evidence.
- HEHR2/App Figures and appendices to Document HEHR2.
- HEHR3 Mr Kingston's closing submissions.
- HEHR4 Planning statement for proposal A.
- HEHR5 Design and access statement for proposal A.
- HEHR6a-b Environmental statement and addendum for proposal A.
- HEHR7a-b Appendices to Documents HEHR6a-b.
- HEHR8 Landscape design statement for proposal A.
- HEHR9 Employment land survey for proposal A.
- HEHR10 Statement of community involvement for proposal A.
- HEHR11 Sustainability statement for proposal A.
- HEHR12 Design and access statement for proposal B.
- HEHR13 Supporting planning statement for proposal B.
- HEHR14 Sustainability statement for proposal B.
- HEHR15 Pre-application consultation statement for proposal B.
- HEHR16 Employment land report for proposal B.
- HEHR17 Transport assessment for proposal B.
- HEHR18 Revised phase I and phase II environmental assessment for proposal B.
- HEHR19a-b Environmental statement and addendum for proposal B.
- HEHR20a-b Appendices to Documents HEHR19a-b.
- HEHR21 Horsforth Riverside Village Concept Plan for proposals A and B.
- HEHR22 Statement of cumulative environmental effects.
- HEHR23 Appendix to Document HEHR22.
- HEHR24 Statement of community consultation update for both proposals.
- HEHR25 Bundle of supplementary environmental impact assessment documents relating to Calverley Lane North.
- HEHR26 Note concerning Document HEHR36.
- HEHR27 Letter dated 27 October 2011 from Drivers Jonas Deloitte to The Planning Inspectorate concerning the boundary of site B.
- HEHR28 Travel plan (version 2 – November 2011).
- HEHR29 Exchange of emails concerning cycle parking at Horsforth High School.
- HEHR30 Notice of refusal of outline planning permission for 500 dwellings at Grimes Dyke, York Road, Leeds.
- HEHR31a-b Appeal decision and original report concerning Document HEHR30.
- HEHR32 Appeal decision concerning residential development on land south of

	Queen Street, Woodend, Allerton Bywater.
HEHR33	Note on fallback employment generation assessment.
HEHR34	Note concerning the relationship between Documents HEHR36 and HEHR37.
HEHR35	Schedule of uses in connection with Clariant sports field.
HEHR36	Planning obligation for proposal A.
HEHR37	Planning obligation for proposal B.

OTHER PARTIES' DOCUMENTS

O1	Correspondence received in response to Document G2a.
O2a-b	Councillor Carter's statement and appendix.
O3	Mr Hunt's statement.
O4a-b	WARD's statement and appendices.
O5	Councillor Townsley's statement.
O6a-b	Councillor Cleasby's statement and appendices.
O7	Mrs Arbuckle's statement.
O8	Mr Arbuckle's statement.

PLANS

A1-14	Plans forming part of proposal A.
B1-10	Plans forming part of proposal B.
C1-7	Illustrative plans for proposals A and B.
D	City of Leeds Management Areas. Submitted by Mr Franklin.
E	Horsforth Conservation Area. Submitted by Mr Franklin.
F	Calverley Conservation Area. Submitted by Mr Franklin.
G	Rawdon Cragg Wood Conservation Area. Submitted by Mr Franklin.
H	Calverley Bridge Conservation Area. Submitted by Mr Franklin.
I	North Leeds Cycling Plan. Submitted by Mr Axon.