



Appeal Decisions

Inquiry opened on 18 March 2010

Site visit made on 30 March 2010

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

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Decision date:
8 March 2011

Appeal Ref: APP/N4720/A/09/2117381 (Appeal A) **Land at Church Fields, Boston Spa, Leeds LS23 6DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Taylor Wimpey UK Ltd against the decision of Leeds City Council.
- The application Ref. P/09/02128/FU, dated 18 May 2009, was refused by notice dated 21 August 2009.
- The development proposed is residential development comprising 170 dwellings and all associated works including; access points, access roads, drainage works, service connections, construction compounds, sales centre, landscaping and a public car park, all on land at Church Fields, Boston Spa, Leeds

Appeal Ref: APP/N4720/A/10/2120991 (Appeal B) **Land at Church Fields, Boston Spa, Leeds LS23 6DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Taylor Wimpey UK Ltd against the decision of Leeds City Council.
- The application Ref. 09/04531/FU, dated 19 October 2009, was refused by notice dated 19 January 2010.
- The development proposed is residential development comprising 153 dwellings and all associated works including; access points, access roads, drainage works, service connections, construction compounds, sales centre, landscaping and a public car park, all on land at Church Fields, Boston Spa, Leeds.

Application for costs

1. At the Inquiry an application for a partial award of costs was made by Taylor Wimpey UK Ltd against Leeds City Council. This application is the subject of a separate Decision.

Decision

2. I allow Appeal A, and grant planning permission for residential development comprising 170 dwellings and all associated works (as listed above) on land at Church Fields, Boston Spa, Leeds, in accordance with the terms of the application, Ref. P/09/02128/FU, dated 18 May 2009, subject to the conditions set out in Schedule 1 below.
 3. I allow Appeal B, and grant planning permission for residential development comprising 153 dwellings and all associated works (as listed above) on land at Church Fields, Boston Spa, Leeds, in accordance with the terms of the application, Ref. 09/04531/FU, dated 19 October 2009, subject to the conditions set out in Schedule 1 below.
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Background and Procedural Matters

4. The Inquiry sat initially for a total of 11 days on: 18, 22-26, 29, 31 March and 1, 29 and 30 April. Earlier, on 23 February, a Pre-Inquiry Meeting (PIM) was held in Leeds. This was attended by representatives of Leeds City Council and Taylor Wimpey UK Ltd, with Councillor John Procter present for part of the time. The PIM was concerned solely with procedural matters.
5. The Inquiry was re-opened on 23 November and sat for a further 3 days (23, 24 and 25 November). My decision to re-open it was consequent upon the General Election of 6 May which led to the formation of the present Coalition Government, and the subsequent action of the new Government to abolish the Regional Strategies. As I shall describe below, these additional sittings took into account the outcome of a decision in the High Court, made shortly before the re-opening, which has reinstated the Regional Strategies until such time as they are abolished under forthcoming legislation.

Regional Strategies

6. The new Government took two specific steps to secure the abolition of the Regional Strategies. On 27 May 2010, the Rt. Hon. Eric Pickles, Secretary of State for Communities and Local Government, wrote to Council leaders in England announcing the Government's commitment to rapidly abolish Regional Strategies and return decision making on planning and housing to local councils. Before any formal announcement on revocation were made, planning authorities and the Planning Inspectorate (PINS) were to have regard to the letter as a material consideration in their decision making. That formal announcement came on 6 July. From that date, the Regional Strategies were revoked with immediate effect further to S79(6) of the Local Democracy, Economic Development and Construction Act 2009.
7. The parties to the Church Fields appeals were consulted during August and September 2010 on the possible need to re-open the Inquiry to examine the implications of the Secretary of State's action, the alternative option that was posed being that I might consider those views following an exchange of written representations. In the light of the representations made, I decided that the Inquiry should be re-opened. However, I made it clear that it should concentrate on matters of relevance to the strategic issues of housing land supply and the effect on regeneration activities in Leeds (Issues (i) and (ii)). As I shall detail below, submissions on two supplementary matters were also invited.

The Cala Homes Challenges

8. The 6th July revocation was challenged in the High Court, the claimant being Cala Homes (South) Limited. This was decided on 10 November, shortly before the Church Fields Inquiry was due to re-open, with the outcome that the revocation was quashed. This means that the RSS is now reinstated as an ongoing part of the development plan. However, in a letter to Chief Planning Officers, also dated 10 November, the Department for Communities and Local Government's (DCLG's) Chief Planner reminded planning authorities of the Secretary of State's letter of 27 May 2010 and of the latter's expectation that decision makers would have regard to his intention to abolish Regional

Strategies through the Localism Bill as a material consideration in their decisions.

9. On 15 November, PINS wrote to the parties setting out my preliminary views on how I saw things proceeding in this altered situation. The matters raised included: the materiality of the statements received in response to the August/September consultations (given the reinstatement of the Regional Strategy); the weight that I should attach to the Secretary of State's continuing intention to abolish the Regional Strategies and: the possibility that the Inquiry might not need to be re-opened, with further legal and other submissions being made in writing.
10. I received representations from the two main parties, from Boston Spa Parish Council (BSPC) and from Councillor Procter. There was a consensus that the evidence should be heard and, given the Council's changed position regarding housing land supply, I reached the view that fresh cross examination would be desirable. For these reasons, I proceeded with the re-opening of the Inquiry as had already been planned prior to the Cala Homes judgment.
11. I did not accede to the requests of BSPC and Councillor Procter that the re-opening should be postponed or held in abeyance. As well as the practicalities regarding the availability of advocates and witnesses, there is also the important principle that appeals should proceed to determination, unless there are compelling reasons why a decision should be delayed. Earlier in the process, the change in Government, and the new agenda for planning, had provided one such reason but I was not persuaded that there should be any further delay.
12. On 7 February 2011, a second challenge by Cala Homes was dismissed by the High Court. This challenge was to the effect that the Secretary of State's statement of 10 November 2010 and the letter of the Chief Planner of the same date, both referring to the proposed revocation of the Regional Strategies, were immaterial to the determination of planning applications and appeals before the formal revocation of those Strategies. The judgment confirms that the intended abolition of Regional Strategies is a material consideration in these and in other relevant decisions.

Supplementary matters

13. The appeal site forms part of the Boston Spa Conservation Area. Very shortly before the Inquiry first opened, the previous Government published PPS5 *Planning for the Historic Environment* which replaced PPG15 *Planning and the Historic Environment* and PPG16 *Archaeology and Planning*. While PPS5 does not change the statutory tests for development affecting conservation areas or listed buildings, there are some changes of emphasis regarding the approach to be taken to such 'heritage assets'.
14. While the implications for the Conservation Area were explored in considerable detail during the first part of the Inquiry, for the re-opened sittings, I invited further testing of the proposals against the policy framework of PPS5 which, after the concept of heritage assets, is the second main innovation of this document. That generated further written submissions on conservation issues, which were taken as read in terms of the interchange between the main

parties. However, given its position on the new PPS, I accorded BSPC a further opportunity to cross examine the appellant's conservation witness.

15. Thus PPS5 was re-visited as a supplementary matter at the re-opened Inquiry. Alongside it, and at the request of BSPC, there was some consideration of the density question in the light of the new Government's changes to PPS3 *Housing*; this deletes the reference in paragraph 47 to a national indicative minimum density of 30 dwellings per hectare.
16. The PPS5 tests and the density question were part of a clutch of design related considerations addressed at the Inquiry. At the PIM, I asked the parties to consider whether the proposed developments could be said to represent the good design that is called for in PPS1 *Delivering Sustainable Development*, a question that overlaps that of the effect upon the Conservation Area. I deal with this under my consideration of issue (iii). A second, related question was whether the development met the aims of the Annex to PPS1 *Planning and Climate Change*. This is a matter that is also covered by PPS5 under Policy HE1: Heritage Assets and Climate Change; again, I address it under the third issue.

Other matters

17. A number of Statements of Common Ground (SoCG) were drawn up between the main parties; they are listed amongst the annexes. Two of them, the Replacement SoCG on Housing Land Supply and that on Density and PPS5 were prepared for the re-opened Inquiry.
18. Parallel Section 106 Planning Obligations were completed by the appellant and the Council prior to the commencement of the Inquiry. They cover affordable housing, education provision, public access areas and sustainable drainage, and a number of measures aimed at encouraging the use of public transport. I address these towards the end of this decision.
19. I carried out an accompanied site visit on 30 March; this had the following sequence: the site itself, viewed from its boundaries; the adjacent built up area of Boston Spa, (the Conservation Area); regeneration areas and other Leeds appeal sites related to Phase 2/Phase 3 land; and, back in Boston Spa, a walk along the riverside path, including the section that runs alongside the appeal site. This was supplemented by unaccompanied walks around Boston Spa Conservation Area, drives in my own car following routes, and at times, suggested to me by Boston Spa Parish Council, and visits to see a range of developments in the local area, including at Wetherby and Thorp Arch.
20. Throughout the Inquiry, much reference was made to previous appeal decisions in Leeds. At the time the Inquiry first sat, the most recent of these concerned a site at Farsley (A/09/2111698), but three that preceded it also bear similarities to the present appeals; they are those at Yeadon (2100709), Garforth (2108224) and Pudsey (2108888). As was the case with Farsley, all were allowed, and a challenge in respect of the Yeadon decision was dismissed in the High Court, this leading to the withdrawal of the Council's applications in respect of the other decisions. At the Inquiry, there was also some reference by the parties to concurrent appeals, also relating to Phase 2/Phase 3 allocated housing land, which at the time of the Church Fields sittings had yet to be

determined. However, while I have noted the views that were expressed in that evidence, I have based my decisions on the merits of the two cases before me.

Main issues

21. I consider there to be three main issues in these cases. The first concerns the effect of the proposed development upon housing land supply and the case for releasing the Church Fields site for development at this time. The second is the effect of its release upon the wider spatial vision for Leeds, in particular, those policies aimed at the regeneration of the City's inner urban areas. The third issue is whether the development would preserve or enhance the character or appearance of Boston Spa Conservation Area and, allied to that, the multi-faceted question of whether it would represent the good design that is called for in PPS1.

Reasons

(i) The Supply of Housing Land

The residential allocation

22. The appeal site comprises an arable field of some 8ha occupying land between the parallel features of the River Wharfe and the High Street, Boston Spa's principal traffic artery. The SoCG Planning provides a brief summary of the field's planning history. It records that it was first identified as a potential housing site in the 1980s as part of the Wetherby Local Plan, that its allocation was subsequently changed to Green Belt, that it was proposed again for housing in the Leeds Unitary Development Plan (UDP) Revised Draft of 1993, and that it was formally adopted as a housing allocation in the Leeds UDP 2001. In the UDP Review 2006 it was confirmed as a Greenfield Phase 3 housing allocation. The main parties agree that, in terms of housing land supply, the difference between them is over timing, and that there was no intention, at the time the SoCG was signed, to de-allocate the site.

The development plan and PPS3

23. Following the first Cala Homes judgment, the development plan consists of the Yorkshire and Humber RSS and the saved policies of the UDP Review. These were adopted in 2008 and 2006 respectively. Following Section 38 of the Planning and Compulsory Purchase Act 2004, these appeals fall to be determined in accordance with the plan unless material considerations indicate otherwise. Two such considerations are of particular importance in applying the policies of these plans.

24. First, as reaffirmed by the High Court's decision on the second Cala Homes challenge, there is the Government's intention to abolish Regional Strategies under its forthcoming legislation. I shall take that clear intention into account in reaching my decision. I note that in two Secretary of State appeal decisions made in June 2010, and put to me at the Inquiry, it is indicated that he affords the relevant RSS less weight than he would have done prior to the publication of his letter of 27 May 2010 (TW41). In the light of the High Court's recent judgment on this question of materiality, I consider that the situation is now essentially the same as it was at the time of those earlier decisions.

25. At the same time, as applied to the two Church Fields appeals, I am in no doubt that the relevant policies of the Yorkshire and Humber RSS should still be accorded significant weight. As I shall develop below, those policies have been subjected to quite recent examination and, in terms of housing land supply which is one of the main issues in these appeals, I have found that they provide the most credible figures to guide housing provision.
26. The second material consideration relates to the saved, or extended, policies of the UDP Review. Those policies need to be read in context. This was made clear in a letter from the Government Office for Yorkshire and the Humber dated 9 June 2009 which stated that 'where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions'. The letter then drew attention to the importance of reflecting policy in PPS3 *Housing* and in Strategic Housing Land Availability Assessments (SHLAAs).
27. The Leeds Local Development Framework (LDF) is now in preparation. The Core Strategy Preferred Approach (CSPA) was the subject of public consultation in late 2009. However, it remains at an early stage in its adoption process and I give little weight to it.
28. At an England wide level, PPS3, as amended in June 2010, is of considerable relevance to this appeal. It sets out a national policy framework for delivering the Government's objectives in terms of housing quality, mix, level and location, and both the effective and efficient use of land. In terms of quantity, local planning authorities are to identify 'sufficient, specific, deliverable sites to deliver sites in the first five years', as well as sites for the ten years beyond. At issue in these appeals is the question of whether there is an up to date five year supply of deliverable sites.
29. Under paragraph 70 of the PPS, where local planning authorities have such a five year supply, and applications come forward for allocated sites (such as Church Fields) that are not yet in that five year figure, authorities will need to consider whether granting planning permission would undermine achievement of their policy objectives. Conversely, under paragraph 71, where that five year supply cannot be demonstrated 'they should consider favourably planning applications for housing', having regard to a range of national and local housing and planning considerations including those specified in paragraph 69.
30. Policy H3 of the UDP Review sets out the housing allocations for Leeds and divides them into three phases. However, following the previous appeal decisions and the Yeadon High Court judgment, the Council accepts that the trigger mechanisms of paragraph 7.2.10 of the Review no longer apply; they have been superseded by PPS3. Related to that, the Council's witness advanced the view that the test of whether Phase 2 or 3 sites should be released is whether Leeds can demonstrate a 5 year supply of housing¹.

The Housing Requirement

31. At the Inquiry there was much divergence of opinion regarding the total housing requirement for Leeds, and over the timings for housing delivery, and

¹ Second Replacement Proof of Evidence of Robin Coghlan, November 2010

- these arguments became further complicated by the Council's response to the Government's revocation of the RSS. At the time of the initial, pre-election sittings, the position was essentially the same as at the Farsley Inquiry which had opened just two months earlier. Thus the development plan requirement for Leeds was then (and following the first Cala Homes judgment is reconfirmed as) that set out in Table 12.1 of the RSS. That table indicates annual average net additions to the housing stock of 2,260 for the years 2004-2008 and 4,300 for the period 2008-2026, the latter period being that of relevance to these appeals.
32. During that first phase of the Church Fields Inquiry, the Council's position was as set out in the emerging CSPA. It sought to achieve the specified higher net additions figure through a 'stepping up' process that would require some 13,650 properties to be built in the five year period 2010/11 to 2014/15, nearly 8,000 fewer than the RSS figure taken over those five years. However, following the revocation of the RSS, Leeds then switched to a new approach which it based upon the advice given by the DCLG Chief Planner in his letter of 6 July 2010. Thus, following point 12 of that advice, it sought to adopt the 'Option 1' target figures, which were those submitted to the original RSS examination.
 33. That target figure of 2,260 per annum for Leeds was adopted as an Interim Housing Requirement (IHR) for development control purposes on 16 August 2010. In the SoCG Housing Land Supply signed on 23 November, the Council accepts that while the figure is taken from the draft RSS 2005 it has no mathematical justification. In a situation where the RSS had been revoked, the Council required a housing target that could be used at the Allerton Bywater Inquiry (which commenced on 23 August) and it was subsequently used at the re-opened session of this Inquiry. However, in the SoCG it is admitted that once this figure was chosen, officers then sought a way to justify it.
 34. In October 2010, the Planning Officers Society issued an advice note on 'Planning post-RSS revocation'. This advised planning authorities to be cautious about changing the strategic principles or targets underpinning their core strategies. Only when the necessary technical studies were complete and discussions held with other authorities in the sub-region would the authority be able to reach an informed view of the robustness of different scales of change and as to whether the evidence would be strong enough to support them. The Society went on to say that 'it would be an obvious own goal to announce that house targets would be reduced to a specific level, and then find following technical studies and consultation that the authority cannot realistically hope to sustain such targets at examination'.
 35. It is unfortunate that this advice was not available to the Council before it derived its IHR because the signs are that it has made those very mistakes. During cross examination at the re-opened Church Fields Inquiry, the Council's witness was unable to justify the 2,260 figure. Indeed, he accepted that the proposal for the IHR that had been put to the Council's Executive Board in July 2010, and finally approved the following month, had been based on erroneous assumptions. The 2,260 figure is cited in the draft RSS for the periods 2004-2011 and 2011-2016; its foundation was the ONS 2003 based population projections, which were then converted into households using the Chelmer model.

36. However, by the time of the RSS examination, new 2003 based household projections were available and these revealed a higher rate of household growth than that assumed in the 1996 household projections which had previously been the latest that were available. That led the EIP Panel to recommend a requirement for Leeds, Bradford, Kirklees and Wakefield together (West Yorkshire excluding Calderdale) of about 10,300 per annum for the period 2011 to 2016). Had that requirement been apportioned pro-rata, the requirement for Leeds would have been 3,810 but the eventual figure of 4,300 gave weight to Leeds' role as 'an engine of the regional economy'. Even taking the assumption that the appropriate figure for Leeds is the lower of the two, the requirement is still substantially higher than that assumed by the Council.
37. Another error was to assume that the finalised 4,300 figure used in the RSS was based upon 2006 projections, a year representative of a 'period of rapid and unsustainable economic growth', as the Council put it. Indeed, the evidence suggests that, had the 2006 based ONS projections been used, the need on population grounds alone for more houses would have been significantly greater than the 4,300 figure (CD17).
38. While the 2,260 IHR figure was adopted by Leeds City Council, it has been discredited on analytical grounds as a means of calculating the five year requirement, for the reasons summarised above. In cross examination, it was described by the Council's planning witness as a misrepresentation.
39. It cannot be right that the present IHR figure should form the basis for the Council's housing requirement given the clear advice of PPS3 regarding assessments of the level of housing provision (paras 32 & 33) and the advice of the DCLG Chief Planner's Guidance under his points 11 and 12 on the need for rigour. Moreover, there was no prior discussion with neighbouring authorities before the IHR was adopted. While Leeds's stance in putting together an interim position was understandable given the new Government's speedy action to revoke RSS, and the number of planning appeals in the pipeline, because of the substantial errors that it embodies, I can give the IHR very limited weight.

Economic factors and Need

40. Beyond the discussion on the IHR, a point frequently made at the Inquiry was that the RSS figure was simply too high, and inappropriate for a time of economic downturn. Against that, there is the question of housing need which, in the appellant's view, has not been reduced.
41. A number of recent reports have sought to assess the effects of the downturn upon housing delivery. Both the Ekogen study, commissioned by the City Council, and the report of Professor Ian Cole's enquiry conclude that, over the short term, the RSS targets would not be met and recommend a re-phasing of housing output targets. However, as the Farsley Inspector noted, Professor Cole does not suggest through re-phasing that there should be any holding back of deliverable sources of supply. I agree with her interpretation of his report that planning authorities should instead be encouraged to do the best they can to meet the current target.
42. As Mr Wivell for BSPC pointed out there is also the question of mortgage availability in the present downturn, as well as a general stagnation in the

housing market. These are matters which are dependent upon many external, indeed world-wide, factors such as the policies of Governments and of the lending institutions. While there is no way of knowing how long the present conditions will last, experience shows that housing market conditions can change relatively quickly depending on the particular decisions that are taken. Focussing on Church Fields, I see no reason to believe that there would not be takers for the proposed dwellings, even though the construction rate might be slower than at more favourable times in the housing cycle.

43. Regarding need, the parties agree that, based upon the Council's emerging Strategic Housing Market Assessment (SHMA), the population of Leeds is growing by at least 8,000 per annum. There is dispute in respect of the growth in the number of households. According to the appellant, the most recent ONS based evidence points to household increases that are substantially above the target that the RSS provides for.
44. For its part, the City Council drew attention to the need to consider immigration data through the work of Leeds University's '*Ethnic Population Projections for the UK and Local Areas, 2001-2051*'. Applying alternative immigration estimates, these studies point to the possibility that the Leeds mid year population at 2007 and the consequent projection to 2026 may be too high, and by significant amounts. While I do not discount this work, which adds an analysis of administrative data to the total international migration statistics assembled by ONS, I note that the study carries the warning that 'the results described in this report are both provisional and experimental and should be cited as such'. My assessment of it is that it would need much further examination before it could reliably replace the present ONS based figures.

A Five Year Supply

45. The previous Government undertook various initiatives in 2009 to encourage local authorities to maintain a good supply of housing in the downturn. For its part, the present Government seeks to increase housing supply by devolving power to local people and stimulating increased private sector investment. It supports locally driven housing and economic development through a faster, more responsive planning system in which local authorities have a greater incentive to facilitate new homes. Central to this approach will be the New Homes Bonus scheme. In terms of national planning guidance, PPS3 with its requirement for a five year land supply provides a common thread, linking the concerns of the previous and present Governments in terms of the supply of housing.
46. The question that remains for this Inquiry is how many homes should be provided for in Leeds in the coming five year period? I have already concluded that the answer cannot be provided by the IHR which has been found to be erroneous. In their evidence to the Communities and Local Government Committee on 13 September 2010, Ministers indicated that (in the context of RSS revocation), while it is open to local authorities to review their LDFs, making their own assessment of the housing needs of their area, those assessments need to be rigorous and justified in their plans². I have already referred to the advice given by the DCLG's Chief Planner in that regard. The

² TW1/7, Appendix 2

message presented is that local authorities need to collect and use reliable information to justify their housing supply policies and enable them to be defended during the LDF examination process.

47. Paragraph 66 of PPS3 refers to circumstances where market conditions have changed and cites as one possible response the initiation of a partial review of the RSS to update the local level of housing provision. Clearly the present downturn presents such a situation, although, given the intended revocation of RSS, such a review and examination would be tied to the LDF process and to the particular circumstances of Leeds. However, the LDF process appears to be proceeding slowly and, from what I could glean, it will be some time before the core strategy reaches the examination stage.
48. In the meantime, the RSS figure is the only one that has been the subject of any rigorous public examination. Notwithstanding the changed market circumstances, it seems to me that it retains considerable credibility as to the level of delivery to aim for. While the output of housing has declined dramatically because of the downturn, the latest ONS evidence points to a level of housing need that has risen to well beyond the RSS derived annual target of 4,300. Given the advice of paragraphs 32 and 33 of PPS3 regarding the assessment of an appropriate level of housing, which should take into account a multiplicity of factors, I find nothing to suggest that a figure of this scale would not be of the right order to guide the provision of housing in Leeds, until such time as a credible updated figure can be justified.

Actual Supply

49. The difference between the parties regarding the actual supply of housing is similar to that recorded at the Farsley appeal. Thus, the SoCG records that the most up to date information is that based upon the SHLAA which the Council approved for publication in February 2010. LCC's position is that the 5 year supply is 13,523, which includes 2,500 windfall dwellings. Were those to be excluded, the supply would be 11,023 units. The appellant's calculation is some 9,400 dwellings, excluding windfall (or student accommodation).
50. At the Inquiry, LCC's position regarding the status of those windfall dwellings remained unclear. Referring to that component in his Second Replacement Proof, the Council's planning witness stated that the authority could no longer rely on the case that it had run at earlier appeals because Inspectors had found against the Council, and their conclusions on the windfall allowance had not been challenged in the High Court. Nevertheless, under re-examination, it was said that the 2,500 allowance was still accounted for in the five year supply figure.
51. PPS3, paragraph 59 makes it clear that allowances for windfalls should not be included in the first ten years of land supply unless local planning authorities can provide robust evidence of genuine local circumstances that prevent specific sites being identified. As the DCLG's Strategic Housing Land Availability Assessments (SHLAA) Practice Guidance explains, this is to provide certainty to communities and developers and to facilitate planning for supporting infrastructure.
52. At the Inquiry, nothing was presented to me to suggest that the test of PPS3, paragraph 59 has been met in Leeds. I am not persuaded that Leeds differs

significantly from other industrial cities and urban areas in respect of the ability to identify land that is likely to become available for development. As its SHLAA confirms, it has been able to identify many specific sites for development in the first two 5 year phases. That is notwithstanding the fact that the SHLAA work has ignored sites of below 0.4 ha outside the city centre, a step that appears to have been taken for pragmatic reasons. On housing land supply I reach the same conclusion as did the Farsley Inspector, which is that the necessary robust evidence to justify the inclusion of a windfall allowance is not there.

53. Another area of disagreement concerns student housing, but as this amounts to a relatively small number of dwellings per year – about 300 in total – it is of small consequence within the overall equation.

Is there an up to date five year supply of deliverable sites?

54. Allowing for my findings in respect of a windfall allowance, the Council's figure on actual supply amounts to just over 11,000, as opposed to the appellant's estimate of about 9,400. The latter figure takes account of 11 sites which the appellant concludes cannot be relied upon to deliver at the rate assumed in the SHLAA. For its part, the Council argued that there were other sites which should be counted back into the supply equation. Given the uncertainties, I shall assume that the Council's figure could be achieved; the SHLAA evidence has, after all, undergone the scrutiny of the Partnership that oversaw it.
55. However, even on that basis, actual delivery would fail to match the five year requirement, based on whichever of the officially set figures were selected. For the reasons given above, I consider that the appropriate, and most credible, figure is that set by the RSS ($4,300 \times 5 = 21,500$). But it would also be below the RSS 'pro rata' figure ($3,810 \times 5 = 19,050$) and the former CSPA delivery figure of 13,650 (2730×5) which aimed to secure a stepping up of housing delivery against the RSS targets. Moreover, it would even undershoot the IHR (11,300) to which I have accorded very limited weight because of the errors inherent in it. Further to paragraph 71 of PPS3, I **conclude** that on none of these measures can the local planning authority demonstrate an up to date five year supply of deliverable sites.
56. I turn now to related guidance in PPS3, including the considerations in paragraph 69. I concentrate next on the fifth of these which addresses wider housing and planning objectives and the spatial vision for the area. The other criteria deal with more detailed matters which I cover under the third issue.

(ii) Spatial Vision

Regeneration

57. The Council's second reason for refusal is based upon its concern that the incremental release of Greenfield sites would undermine its wider policy for regenerating the inner urban areas of Leeds such as EASEL and the Aire Valley. This underlies its wish to hold back the release of the allocated Phase 2 and Phase 3 sites. The starting point for considering this is the SoCG (Planning) and the statement that 'while the development of this site on its own will not undermine the inner area regeneration projects (such as EASEL) the Council

considers the wider release of Greenfield sites will divert investment away from their priority projects’.

58. To my mind, no convincing evidence was presented to the Inquiry to justify the latter part of this assertion. Viewing the proposed development on its own, the site is remote from any of Leeds’s regeneration areas. Located as it is, close to the north eastern corner of the Leeds district, it is about as far away as it could be from those inner areas. While the RSS recognises that ‘excessive new housing provision adjacent to these fragile or failing new market areas can exacerbate the problem’, this is a clearly separate market area and it is difficult to envisage more than a very tenuous link to the economic conditions of EASEL and the other regeneration areas.
59. More generally, I learned that much of the evidence regarding the supposed threat to the regeneration areas from the Phase 2/3 allocations was a repeat of that heard and rejected by the Inspectors at the earlier inquiries. Moreover, despite challenges on other matters, their conclusions on the regeneration element have not been challenged.
60. The Council’s witness was unable to produce any evidence that regeneration projects generally have been held up through the release of a Phase 2 or 3 site. A letter dated 13 August 2010 from the Partnership Director of Bellway, a company that has projects across the city, including in EASEL, indicates that these two market areas – open market and regeneration – are seen as complementary. Indeed, revenues from the former are seen as providing a source of new funding for regeneration. Also, statements by other builders put before the Inquiry provide further evidence of a continuing commitment to develop both types of area. Moreover, I found no evidence to suggest that they do not have the capacity to do so.
61. There is a related question and that concerns the general policy priority to meet the Council’s housing needs through the use of previously developed land (PDL). The national context for this is provided by PPS3 which sets the target that, overall, at least 60% of new housing should be provided on such land. In the case of Leeds, the UDP Review reflects the stance of the former PPG3 *Housing* which required that PDL, or brownfield land, if available, is always developed in preference to greenfield. Under this sequential approach, the Phase 2/3 greenfield allocations were intended to form a reserve for release if and when monitoring shows that the housing requirement cannot be met from alternative, PDL sources.
62. There is a change of emphasis in the RSS. Whereas Policy H2 sets a regional target for brownfield development and conversions of at least 65%, and while Table 2.2 tells authorities to ‘make best use of existing allocations and already identified urban potential in cities and towns’, there is no stipulation that this can only involve brownfield land. That reflects the guidance of PPS3 and the omission of the sequential test (that was formerly in PPG3).
63. For its part, the CSPA aims to maintain a PDL proportion of at least 75% through the Plan period, with higher levels (85-95%) expected in the first five years. Based upon the forecast completions over that period (SHLAA plus Phase 2/3 sites), 83% of supply would still be on PDL. That would comfortably

exceed the RSS overall target as well as the intended overall proportion under the CSPA³.

64. On this second issue, my **conclusion** is the same as that of the earlier inspectors, that the release of the Phase 2/3 sites would not undermine the Council's regeneration strategy. I have noted the Council's additional concern that, until such time as the LDF is adopted and fresh land for development defined, the release of these sites en masse could generate pressure for development on land that is unallocated. It seems to me, however, that such proposals should be capable of being resisted, in particular, through application of the saved policies of the UDP.

Other matters

65. Before leaving this second issue, I comment briefly on the 'fit' of this proposed development to the wider planning vision for Leeds district, going beyond the regeneration areas. It reflects the fifth consideration of PPS3 paragraph 69 and the general concerns expressed by many Boston Spa residents about the principle of development at Church Fields. At the same time, it has to be noted that this is a site that is allocated for housing in the adopted UDP Review.
66. While Boston Spa falls outside the main areas for development identified in the UDP and the RSS, neither plan excludes it as a place for some development. In terms of the RSS hierarchy, the best fit for Boston Spa would seem to be in the tier of Local Service Centre (Policy YH6). Together with the rural hinterlands that these will serve, these are places where, compared to urban areas, the approach should be one of 'a slower pace and scale of growth', with 'development being focussed on the Local Service Centre'.
67. It seems to me that, while his analysis pre-dated the RSS, such a role was envisaged by the Inspector who reported on the Leeds UDP Inquiry. In identifying Church Fields as an appropriate site for a single allocation he foresaw it as a means of accommodating some of Boston Spa's own growth. Thus he endorsed the principle of residential development which has since become a formal allocation. From my reading of the evidence in respect of the Wetherby Market Area, it appears to me that there is a significant local need for both market and affordable housing and that the proposals for Church Fields would contribute towards meeting this.
68. On the sustainability case for developing this site, I acknowledge that there are limited employment opportunities within Boston Spa and that the level of public transport, in terms of bus routes and frequencies, would be only moderate. However, Boston Spa is quite close to significant sources of employment – notably those at Thorp Arch Trading Estate, Wetherby and Tadcaster. Moreover, the Church Fields site is close to several bus stops and the Section 106 obligation seeks to encourage the use of local buses. Added to that, it is within easy walking distance of Boston Spa's shopping facilities, and most of its schools. The SoCG (Planning) describes it as having a high level of sustainability in relation to accessing local services within Boston Spa. I agree.
69. My **conclusion** thus far under the first two issues is that the proposed development would not undermine the wider policy objectives for Leeds, as set

³ TW1/1 para.8.26, Table 8.1

out in the development plan, and that it would be compliant with Government planning guidance, notably that of PPS3 in terms of housing land supply and wider spatial planning considerations. On these two strategic matters, I have reached the same conclusions as did the Inspectors who conducted the four appeals referred to earlier, all of which related to allocated sites. In terms of specific housing policies, I consider that the development would comply in particular with UDP Policies H1, H3 (apart from the precise timing) and H11.

(iii) Character, Appearance and Design

Site and Conservation Area appraisal.

70. The appeal site is a large rectangular field, close to the historic core of Boston Spa, and forming part of the Conservation Area of this essentially linear settlement. It is bounded on its northern side by the River Wharfe in its tree-lined gorge, and to the south by the hedgerow which separates the field from the High Street which is Boston Spa's main axis and principal traffic artery. To the east lies the Grade II listed St Mary's Church and its graveyard, while the western boundary is defined by the extensive grounds of The Moorlands, and other residential properties.
71. Seen from the west, the field provides an open setting for St Mary's Church which is a focal point of Boston Spa. Currently, the main public views of it from that direction are from parts of the High Street across the south eastern corner of the site, and from the public footpath which follows the top of the river gorge, running just outside the site boundary. In terms of other views, the field provides a visual link from that footpath to the buildings and trees along the High Street and, vice versa, from that road to the corridor of the River Wharfe. From parts of the High Street it is possible to obtain glimpses of the listed Thorp Arch Hall and its associated parkland on the far, northern side of the river.
72. Otherwise, the buildings and spaces that characterise both the immediate vicinity, and the wider Conservation Area, are described and appraised in the appellant's Design and Access Statements and supplementary conservation studies, and in the Council's Conservation Area Appraisal and Management Plan. Present day Boston Spa has its origin in the Georgian era and the stimulus of its 'spa resort' period, between about 1760 and 1830. The result is a heritage that brings together, under the unifying principles of Georgian architecture and the use of stone as the dominant building material, a wide variety of building types and styles - from large imposing villas set in spacious grounds to modest terraces with narrow front gardens. This context is further enriched by the distinctive street pattern of Boston Spa. This is based upon the east - west spine of the High Street, the numerous small lanes that lead off that axis, reflecting the pattern of the original strip fields, and by Bridge Road which leads to Thorp Arch bridge, the crossing point of the River Wharfe.
73. The proposed development would present a major frontage to the High Street, and this would be seen in conjunction with the existing properties on its southern side. Those properties are particularly varied in their design which reflects a wide span of ages, from the latter part of the Georgian period to the 20th century, and in their set back from the highway. Many of the earlier buildings are listed. As elsewhere along the High Street, this frontage is

punctuated by a number of lateral through roads, and culs-de-sac, together with the corner properties which flank the entrances to them.

74. These elements, together with the varied boundary treatments, the variety of architectural styles used, and the fine mature trees along the banks of the River Wharfe and elsewhere, combine to create an environment that is both distinctive and of considerable richness. In terms of PPS5, I see the heritage assets as comprising Boston Spa Conservation Area, together with its component parts which include the many Listed Buildings within it. That Conservation Area and those Listed Buildings are designated assets that recognise the inherent qualities of Boston Spa and they are of considerable importance, as the various analyses have emphasised. In making my assessment of the two schemes, the area that I shall consider most closely takes into account the adjoining section of the River Wharfe and its line of mature trees, together with Thorp Arch Hall and its surrounding land on the far side of the river.

The proposals

75. The form of the development would comply broadly with the principles set by the Leeds UDP Review (Policy H3-3A.25). Thus, of the total site area of about 8ha, some 3ha would be laid out as public open space which would include a 45 bay public car park adjacent to St Mary's Church. This 'greenspace' would 'wrap around' the development on three of its sides. To the north, it would act as a buffer between the housing and the riverside footpath, while also enabling public access to that path. Associated with it, but surrounded by housing on three of its sides, would be the 'Memorial Park'.
76. To the east of the housing, a broad strip of open land (labelled 'the Green') would maintain a visual connection between the High Street and the river corridor. On its southern side, the building line to the development would be splayed so as to maintain the present view of the Church as approached from the west.

My analysis

77. I shall now assess the impact of the schemes using the following sequence. Thus, I first test them against the seven objectives of urban design listed in the advice of *By Design – Urban design in the planning system: towards better practice*⁴. Those objectives begin with character and, in addressing that, I examine the response of the two proposals to the context provided by the Conservation Area (I). Arising from that context, I next test them against the policies of PPS5 (II). I then turn to a number of discrete but related topics which also have to do with design, i.e. the functioning and 'liveability' of the proposed housing; they include car parking, pedestrian safety, arboricultural matters and the living conditions, or amenity, provided by the houses (III). This sequence leads me to my overall conclusion on the third issue (IV).

(I) Assessment – *By Design*

⁴ Department for the Environment, Transport and the Regions; Commission for Architecture and the Built Environment (2000)

78. *By Design* seeks to secure better design in 'place-making' in respect of all aspects of the built environment. While the expanded title refers to urban design, the text makes it clear that the guide's design objectives are based on an analysis of 'successful streets, villages, towns and cities' as reminders of what should be sought to create a successful place (my emphases). I raise this because of the divergence of view as to whether Boston Spa is a town or a village, the appellant claiming the former, the City Council, Boston Spa Parish Council (BSPC) and those individual residents who gave evidence, citing the latter. However, it seems to me that *By Design* is about successful places and that its objectives are equally relevant whichever way Boston Spa is seen.
79. The first of the *By Design* objectives relates to **character** and places with their own identity and it is to be secured through 'responding to and reinforcing locally distinctive patterns of development, landscape and culture'. In this case, the context is set by the Conservation Area, the characteristics of which are summarised above.
80. As the appellant's conservation architect explained at the Inquiry, this development does not seek to imitate existing individual dwellings in Boston Spa; rather, the intention is to create an environment that respects and reinforces the local context. The distinction between imitate and respect is an important one, because one of the Council's criticisms made at the Inquiry was that the buildings proposed are not sufficiently similar to existing Boston Spa dwellings. Thus, to cite two examples, the case was made that there has been a failure to respect the hierarchy of floor to ceiling height present in the grander Georgian houses, while roof pitch angles were claimed to exceed those typical of the older buildings.
81. To my mind, this criticism is not well founded. The designs of any particular age reflect the lifestyles and priorities of the time and, while direct replicas of older dwellings may be called for in some circumstances, an approach that responds sympathetically to the style of earlier building forms - though short of direct imitation - will be appropriate in many situations, including in conservation areas.
82. I consider that the individual house types have a Boston Spa 'feel' to them, most apparently in terms of their symmetry, their window proportions, the materials used and their generally simple detailing. At the same time, the many house types, with their widely varying heights and massing, reflect the considerable variety of eighteenth and nineteenth century Boston Spa. There is some departure from the general patterns of those earlier centuries - for example, in terms of the lesser importance attached to the ceiling height hierarchy, the steeper roof pitches of some dwelling types and in the occasional presence of roof dormers which are not a characteristic of Georgian Boston Spa⁵. My overall impression, however, is that the proposed dwelling types are individually well proportioned and generally in character with the range of older buildings elsewhere within the Conservation Area.
83. At the Inquiry, the Council pointed to four house types, the dimensions and interior layout of which were claimed to be very similar to those of dwellings built by the same company in other locations. In those respects, therefore, the

⁵ CD58, p10. para.1

company was not following a bespoke approach, appropriate specifically to Boston Spa. However, I find it unsurprising that there is some apparent similarity to internal layouts used elsewhere, given present day market preferences, and the space and layouts sought for modern living and required for the accommodation of household appliances. But I attach greater importance to the external appearance of the numerous house types which, in my judgement, provide an appropriate present day response to the character of Boston Spa.

84. Turning to the form and layout of the developments, I consider that the proposed streets and new frontages would be in keeping with the existing street scene and pattern in older Boston Spa. Thus, in common with those older streets, many of the proposed dwellings would be sited close to the highway, with others behind short front gardens. Also, the new streets themselves would match the existing hierarchy. Thus, the two vehicular accesses would be new laterals off the High Street, each tightly framed by corner properties and, between them, there would be a third lateral providing a pedestrian/cycle connection to the principal route. These individual streets, and the subsidiary east - west links that would connect them, would themselves display considerable variety in terms of dwelling type and spacing; they would be places with their own character and identity.
85. Other aspects of the proposals respond well to the local context. Thus, the High Street frontage includes a varied mix of housing types, including, appropriately for Boston Spa, some of the larger ones proposed. At the same time, apart from the (relatively narrow) entrances to the three lateral routes, this is a frontage made up predominantly of terraces and other linked properties with only narrow gaps separating them. The layout reflects the generally tight pattern of development along the High Street as a whole, and the scale of the buildings directly opposite, as is apparent from the sections that were prepared by the appellant.
86. Turning the corner, the eastern edge to the development would be similarly varied, the two 3-storey blocks of 'Boathouse Terrace', being a notable, terminating feature. Moreover, those blocks would frame a distinctive pedestrian entrance to the development from the Green. Depending upon how it were laid out and landscaped, matters that could be covered by condition, this substantial area, together with the other areas of open space, could be expected to provide an attractive green setting to the proposed housing.
87. The development would significantly affect the setting of St Mary's Church and the range of views of this key building would change. Inevitably, the mass of the housing would interrupt the extensive views obtainable from the riverside footpath. Indeed, those views would become intermittent ones restricted to glimpses of the church tower, the exception being from the stretch of pathway alongside the end of the park. Moreover, outside the visual corridor provided by the Green, the present visual inter-linkage between the riverside and the High Street would be lost.
88. On the other hand, the splay of the development away from the High Street at the south eastern corner of the site would maintain, and partially frame, the highly memorable view of St Mary's Church as one approaches from the west. Moreover, many new public views of the Church would be opened up, from

within the proposed park, and there would be new, private views from some of the housing. In assessing the effect on the setting of the Church, those new viewing possibilities would need to be weighed against the losses of the more distant views. The same balancing process would need to be applied to the other heritage assets and I consider this in the next section on PPS5.

89. The main parties are in agreement that there is no issue to be raised regarding density and over the implications of the decision by the new Government to remove the reference to a national indicative minimum from PPS3. However, the PPS retains its reference to the need for the efficient use of land and I am satisfied that both the proposed developments would achieve that aim.
90. On the first *By Design* objective, I find that, in key respects, the two developments would respond to and, to an extent, reinforce the existing character of this area. As I shall develop further they would also create new places with their own identity. This would be subject to the final details.
91. My findings on the design approach that has been adopted by the appellant in connection with this objective are in line with the views expressed by English Heritage (EH) in their letters to the Council of 16 July 2009 and 16 November 2009. In essence, their case is that while they would have wished the field to remain undeveloped, and they indeed recommended refusal on that basis, they are, nevertheless, satisfied that the form of the development proposed 'is based on a thorough understanding of the Boston Spa conservation area'.
92. In their view, 'the information submitted with the application demonstrates that the applicants have considered the relationship of the development to the conservation area, nearby listed buildings and the wider landscape setting and that the house types and layout have been developed using local vernacular detailing, based on an assessment of the landscape setting and historical development of the village'. So, 'if the principle of development on this site has been established', EH are 'satisfied that the proposal in its current form would meet their primary requirement of reinforcing local distinctiveness'.
93. That primary requirement underlies the first *By Design* objective. However, before I can reach a final view on 'character' there are related questions to consider that derive from PPS5 and the statutory obligations in respect of conservation areas and listed buildings; I address these matters in section II below.
94. I now turn to the other *By Design* objectives, although I can deal with these more briefly given the extent of my analysis on character. The second one is **Continuity and Enclosure** and the creation of places where 'public and private spaces are clearly distinguished'. There are two main aspects to this, the first of which concerns the relationships to the structural open space beyond the built edges of the development and, the second, the street environment within the development. On the first, the structural open space is well defined by the clear edges to the development. Also, those edges are 'live frontages' where the houses would directly overlook the public spaces, a factor which has been found to make those using such land feel more secure.
95. Regarding the second aspect, the streets would be well defined by the buildings and the plans show a clear distinction between public and private areas. As with the laterals on the south side of the High Street, these relatively narrow

streets would preclude extensive areas of public landscaping, although some opportunities have been identified, especially in Scheme B, and additional trees are indicated within some of the deeper front gardens. In terms of overlooking and security, both schemes avoid blank facades to the street, a principle that is carried through to the corner buildings which generally have windows on all public sides. I find that the schemes meet the second objective of *By Design*.

96. The third objective is **Quality of the Public Realm** and places 'with attractive and successful outdoor areas'. I consider that both schemes have the potential to provide public spaces that are of high quality in appearance as well as in functional terms. First, the green corridor separating the development from St Mary's Church and churchyard has the potential to become an attractive amenity equally available to the occupants of Church Fields and to the people of Boston Spa as a whole. While the details would need to be finalised through a planning condition, there would be great potential to combine the indicated pedestrian route to the development and the riverside beyond with a green space providing for a variety of recreational purposes, together with significant structural landscaping.
97. The other urban greenspace around the development, including the 'Memorial Park' and the open land between the northern edge of the development and the River Wharfe, would provide further scope to create attractive public realm. Again, this would be subject to the details, as would the streets internal to the development. These embody traffic calming measures designed to make them feel safe and convenient to all road users, and the functioning and appearance of these would be important to the success of the proposed developments. I deal with the case for associated raised footways below. I find that this development has the potential to provide a high quality of public realm, subject to the imposition of appropriate conditions.
98. The next objective, **Ease of Movement** is about places that are easy to get to and move through. In my view, both developments would offer a safe and attractive environment for pedestrians and cyclists, as well as catering well for car access at low speeds. They would be favourably located in terms of public transport with all the housing being within 400m of a bus stop, while Boston Spa's centre and most of its schools and other facilities would be within a five to ten minute walking distance. For non-residents, the new streets and footpaths would offer convenient access to the riverside.
99. At the Inquiry there was some debate about the possible requirement for more than one raised footpath alongside the shared surface parts of the streets, having regard to the needs of the blind or partially sighted and other disabled people. In the case of Scheme A, the Council raised concerns about there being only one such footpath along Oxclose Lane. However, while Scheme B responds to that concern by adding a second footway, the appellant maintains that this is unnecessary and that one footpath would suffice within such a lightly trafficked street.
100. This dispute relates to 'Type 3a: Shared Surface Streets'⁶ where, according to the Council's *Street Design Guide*, 'designated pedestrian routes of 2m minimum width should be provided on both sides of the street but would

⁶ Leeds City Council Street Design Guide, Draft Supplementary Planning Document, August 2009 (CD57b)

occasionally be acceptable on one side only subject to discussion and agreement with Leeds City Council'. In this case, both schemes show two footpaths along most of the length of the two main laterals; these are the sections that would carry, relatively speaking, the greatest volumes of traffic.

101. However, as the appellant has indicated, the sections shown in Scheme A with one footpath would have peak time traffic flows substantially below the maximum 100 vehicles per hour defined by the Guide for a Type 3a street. It seems to me that these are situations where the discretion allowed for in the Guide could reasonably be applied and I therefore find the provision in Scheme A to be acceptable in this respect. The scheme would retain a designated footpath route through its Type 3a streets and, with this in mind, I do not think that the needs, or safety, of the blind or the partially sighted, or people with mobility impairments would be materially prejudiced.
102. I address the wider traffic impacts of the development upon the High Street in section III below. In so far as internal design is concerned, I find that the development meets the terms of the objective Ease of Movement.
103. The developments would embody **Legibility**, meaning places that have 'a clear image' and are 'easy to understand'. It would be easy to orient oneself by virtue of the views up and down the lateral streets - towards the belt of trees fringing the river gorge to the north, or towards the High Street to the south - and there would be occasional glimpses of the church tower, for those seeking to walk to the shops. There would be clear entrances from the High Street, and there would be another important way in defined by the two halves of Boathouse Terrace. While there would be few particular landmarks within this wholly residential development, the streets would each have their own, distinctive character, while the open spaces, or features within them, would become obvious landmarks.
104. The Council argued that delivery drivers could face problems in taking goods to the properties on the eastern edge of the development. The nearest place to park would be in Boathouse Close to the rear, meaning that a walk to the front door to deliver the goods would involve a lengthy detour, only partially rectified in Scheme B through the provision of a pedestrian cut. While I see this as a shortcoming, particularly for drivers who do not know the area, I do not consider that it would cause any insuperable problems; one way to resolve it might be through the use of an intercom which would enable goods to be accepted through a property's rear access gates. Taking the developments as a whole, I find that that the legibility objective is met.
105. The two final objectives address **adaptability** and **diversity**. On the first, given the proximity of shopping and other facilities, the Church Fields location is one that might prove attractive to those who seek to work from home, and most, if not all, of the dwelling types would, in principle, enable this. Also, the main public spaces could be used for a variety of purposes. On the latter objective, the wide variety of house types, and the inclusion of a high proportion of affordable units, would be likely to support a diverse community. I find that these objectives are met.

106. My overall finding is that the proposed developments would meet the seven objectives of *By Design* and that, in those terms, they have the potential to create a successful place.

(II) PPS5 and Statutory Obligations

107. PPS5 is built around a series of policies and policy principles, the overarching aim of which is that 'the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations'. This is to be achieved through the delivery of sustainable development having regard to the context of the historic environment and the conservation of England's heritage assets in a manner appropriate to their significance.

108. The principle of development on this site has been accepted and it is embodied in the development plan. Therefore, aside from Policy HE 1 on heritage assets and climate change, which I shall refer to later, the applicable policies are those that relate to development management: notably HE6 on information requirements; HE7 and HE9 on the determination of applications for consent (the latter covering designated assets) and; HE10 which addresses applications affecting the setting of a designated heritage asset. In assessing compliance, the applications, and the Council's determination of them, of course, pre-date the publication of PPS5. Nevertheless, the Inquiry process, the sittings and the written evidence and exchanges, provided ample opportunity for the impacts of these developments to be fully examined and tested against the provisions of the new PPS.

109. To take the relevant policies in turn, I am satisfied that the information needs of Policy HE6 have been met. Thus the appellant has provided a detailed historical and spatial analysis of the Conservation Area which is the setting for the numerous Grade II listed buildings which lie within it. That work, which supplements the two Design and Access Statements, has been undertaken by a consultancy service that specialises in the conservation of historic buildings and in the design of new buildings in historic contexts. It included much detailed field survey. Overall, I consider that the analysis has been conducted to a level that is proportionate to the importance of the assets, and that it has enabled a proper understanding to be gained of the impact of the proposed development upon the significance of those assets.

110. The remaining policies are for the decision-maker, the Inspector in this case. Here I am satisfied that the material before me, that deriving from the two applications, together with the considerable weight of evidence, both oral and in writing, generated at the appeal stage suffices to meet the requirements of those policies.

111. Taking the first of the principles of Policy HE7 (HE7.1), the 'particular significance of any element of the historic environment that may be affected by the proposal' has been identified and assessed. Those elements are the designated heritage assets of Boston Spa Conservation Area and its Listed Buildings, and the related setting of those buildings, notably that of St Mary's Church and other listed buildings that face, or have boundaries with the appeal site. PPS5 equates setting with 'the surroundings in which a heritage asset is experienced'. In identifying the 'particular significance', the Inquiry was able to

draw upon the sources listed in Policy HE7, including the expert advice of English Heritage, together with the detailed local knowledge both of members of the Parish Council and of other residents.

112. It was made abundantly clear to me that many residents place great value on the present open field as a key part of the structure of Boston Spa and, amongst the points made by the Parish Council I have noted their argument about the 'two way flow' of views in and out of the Conservation Area; I have experienced those at first hand. In reaching my findings about the impact upon Church Fields, I have taken these arguments into account alongside those made by the main parties.
113. Returning to the PPS5 principles, the implications of this proposed development for the Conservation Area and for the setting of the Church and other listed buildings were covered by the written evidence and debated in depth at the Inquiry (HE7.2, HE7.3). Of the other relevant principles, HE7.4 and HE7.5 include consideration of the desirability of development making a positive contribution in terms of place shaping and the character and local distinctiveness of the historic environment. The same applies to the relevant considerations under Policies HE9 and HE10 which address impact upon designated heritage assets. I shall now test the acceptability of the proposals against the relevant policies and policy principles.
114. There are two aspects to the proposals, their direct impact and their effect upon the setting of heritage assets. Arising from my earlier analysis in Section I under 'character', I consider that, in terms of the first, the proposals would comply with principles HE7.4 and HE7.5 in that they would sustain and enhance the significance of the Boston Spa Conservation Area while also making a positive contribution to the character and local distinctiveness of the historic environment. It follows that the developments would also accord with Policy HE9.
115. There would be a significant change in respect of the setting of St Mary's Church and the other listed buildings. However, in the case of the Church, I do not consider that harm would result (in the terms specified in policy principle HE10.1) because, as I have found in Section I under 'character', the change would replace the present open viewing possibilities from around the site with a vast range of new possibilities from within the site; to a degree those new, closer, opportunities would 'better reveal the significance of the asset'.
116. Moreover, seen from points to the west, the view of the Church would be maintained by virtue of the splayed edge to the development. To my mind, the framing effect of this new housing frontage would provide the viewer with an even greater focus on the Church as one approaches the centre of Boston Spa. On balance, I consider that there would be a net, positive contribution to the significance of this heritage asset.
117. In terms of the listed and other buildings on the southern side of the High Street, the open setting provided by the present field would be replaced by a new built frontage, providing a similar variety of architectural form to the existing housing and the new setting of a mainly enclosed street. While a long distance view would be largely lost, there would be an increased local focus on

this part of the High Street. I see the effect upon the significance of the heritage asset as neutral.

118. The riverside trees too would be seen and appreciated in a very different way. In place of the unobstructed view from the High Street, they would be experienced from the public open space to the north of the housing, from the Green, and from within the housing area itself, including private views from individual houses facing the trees. As with the High Street properties, the setting for the trees would change greatly but, in my judgement, the loss of the present view would be at least balanced by the gain of a more immediate view that would be experienced by many people, for whom the significance of the asset would be better revealed. I consider that the effect upon the significance of this component of a designated heritage asset would be neutral.
119. Related to this finding, because of the greater public access, there would be increased scope to view the River Wharfe, Thorp Arch Hall and its surrounding landscape.
120. In respect of setting, I find that the developments would be compliant with Policy HE10. Following HE10.1, I consider that the developments would 'preserve those elements of the setting that make a positive contribution', albeit in a changed form, and, in some respects, 'better reveal the significance of the asset'.
121. The above findings in respect of the PPS5 policy principles are compatible with my related conclusion (which also draws from my analysis in section I)– that these developments would comply with the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Thus, they would enhance the character and appearance of the Conservation Area, in compliance with Section 72, and they would preserve, and in some respects enhance, the setting of St Mary's Church and other listed buildings in the vicinity in accordance with Section 66.

(III) Other matters

122. Significant time was devoted at the Inquiry to assessing the adequacy of, and approach to, **car parking provision**. According to the Highway/Transport Supplementary Statement of Common Ground, there is agreement that, based upon the calculations that are relied on by both sides, Schemes A and B contain sufficient provision in terms of allocated spaces. However, there is dispute regarding the number of unallocated spaces needed.
123. Parking provision and its adequacy over the longer term is an area where there can be little absolute certainty, given the many uncertainties, in particular over energy supplies and fuel prices, technological change and the ways people will live in the future. From the information available, however, I have no reason to believe that the planned provision for the two schemes would be insufficient. For Schemes A and B respectively, this would amount to 1.8 and 2 allocated spaces per dwelling and about 2.3 and 2.4 spaces allowing also for the unallocated spaces.
124. I note that both schemes provide for total levels of parking that exceed the guidelines set by Policy T24 of the UDP Review. However, this is an affluent area with a typically high car ownership, and considerable reliance on the car.

I believe that the unallocated provision would cater adequately for the likely variations in car ownership between one household and another. At the same time, households would not be wholly dependent on the car, given the proximity of several bus routes and the encouragement given to the use of public transport through the travel plan. I find the amount of parking, including its split between allocated and unallocated spaces, to be acceptable.

125. In terms of the siting and appearance of the parking spaces, the English Partnerships (EP) guidance *Car Parking: What works where* draws attention to the 'dilemma between an individual's desire to own and park a car and the collective desire to enjoy a safe and an attractive street'. This requires a balance between the two perspectives and for car parking provision to be seen as an integral part of urban design.
126. The designs meet the calculated demand in a range of ways, following eight of the typologies shown in the EP guidance. They provide for a significant proportion of the parking to be provided in the form of small landscaped courts close to the housing that they would serve and/or to be at the rear of housing and out of general public view. Given the proximity of these rear spaces and parking courts to the houses, I am reasonably confident that they would be used. Possible exceptions might be those cases where spaces are laid out in tandem which might make it more convenient for a multi-car household to meet their car parking needs, at least partially, by parking on the street.
127. Indeed, I would expect this to happen to a limited extent, certainly in connection with visitors who, for their first visit, at least, would be unfamiliar with the location of the unallocated spaces. In practice, while the proposed streets would have the width and general capacity to accommodate a certain amount of on street parking, it is unlikely that this would be such as to dominate the street scene. Were it to rise to unacceptable levels in the future, the option would be there to control it through traffic regulation order procedures.
128. The Council drew attention to what it described as the dominance of parking in Boathouse Close and in other areas such as Oxclose Mews and Wood Mews; these are areas of concentrated parking directly in front of terraced housing. However, I do not find the extent of this to be excessive; in the main, such frontage parking is in lengths of just three or four spaces, these being separated from one another by hedge and tree planting. Such an arrangement would be acceptable, subject to careful detailing. That would apply particularly in respect of Boathouse Close, given its length and the overall amount of car parking/garaging present. Subject to such details, I find that the parking arrangements would be acceptable.
129. The proposed **access** arrangements to and from the **High Street** have been the subject of some dispute between the parties. As the Highway/Transport SoCG records, the location, visibility splays, radii and capacity of the proposed site access junctions are acceptable to the Council in highway terms. However, notwithstanding the conclusions of an independent Stage 1 Road Safety Audit which led to some minor changes to the proposed layout, Leeds City Council's Road Safety Officer did not agree with the conclusions of the audit and requested that ghost islands and pedestrian refuges be incorporated into the junction designs.

130. However, the wider Council is reluctant to accept such measures because of their likely impact on the Conservation Area and this has led to the consideration of an alternative option put forward by LCC-Highways whereby, some form of pedestrian crossing(s) and traffic management measures would be provided. While I note the conclusions of the Transport Assessment that traffic generated by the developments could be satisfactorily accommodated on the highway network at all times, having viewed actual conditions on the High Street on a number of occasions, I share some of the concerns, including those made by local residents, that have led to the steps now suggested.
131. From my visits I note that parts of this section of the High Street are heavily parked on occasions, sometimes with cars parked on both sides of the street and close to the road junctions. Those vehicles can impede visibility both for motorists driving along the High Street and for (and of) pedestrians seeking to cross the road. While I would not assess the situation as inherently dangerous, these are areas of potential conflict and they are accentuated by the bend in the road. The proposed developments would add additional junctions quite close to the existing ones, and also more vehicular and pedestrian movements. Without suitable measures to address this, any existing conflicts could be exacerbated. Such measures would be a necessary accompaniment to the grant of planning permission, in my view.
132. Preliminary proposals for such works have been drawn up by the appellant and agreed by LCC Highways (Drg.No.1135-GA-09)⁷. They show no-waiting restrictions along the northern side of the High Street, which would complement the 45 bay car park forming part of the proposals, and pavement build outs which are seen as the locations for controlled, or uncontrolled pedestrian crossings. Subject to its detailed design, the scheme might also provide for a degree of traffic calming.
133. I am confident that a package of measures on these lines would have the potential to secure the necessary degree of safety. At the same time, I agree with the main parties that their detailing would require further study both at the pre-development stage and post-occupation. The latter would enable the final design of the improvement scheme to take account of observed pedestrian desire lines.
134. I find that the car park would benefit the area by providing for cars that would otherwise park on street (as well as fulfilling a requirement of the UDP Review) and that a suitable package of traffic management and pedestrian crossing measures is required in the interests of pedestrian and vehicular safety, as well as of minimising traffic congestion. The submitted measures should be seen as illustrative of the package that might be appropriate, although the final details would require further study.
135. Among its criticisms of the schemes, the Council drew attention to perceived inadequacies in terms of **rear aspect distances**, and **garden size and shape**; these very detailed matters were the subject of discussion outside the Inquiry and resulted in a considerable narrowing down in the areas of disagreement. The SoCG Design records that in the case of rear aspect distances, there is continuing dispute in connection with just four dwellings in

⁷ Highway/Transport Statement of Common Ground 2

the case of Scheme A and five for Scheme B, while for private amenity space the Council maintains its objection in four and six cases respectively.

136. Those continuing objections relate, to a large measure, to 'traditional minimum guide distances' and the recommended minimum size for private gardens, both as set out in the Council's Supplementary Planning Guidance (SPG) *Neighbourhoods for Living*. However, this is guidance and, as the SPG points out in connection with the guide distances, 'it is inappropriate to simply apply the following distances without further consideration, especially of local character'.
137. As it happens, the vast majority of the proposed dwellings would comply with the guidance. Where there is a shortfall, this is compensated for in many of the cases by the presence of directly accessible public open space and a view across it from front windows. For example the occupants of Scheme A's plots 162 and 163 would front onto the Green with St Mary's Church providing an impressive backdrop. Other 'deficient' properties, for example plots 144-147 (also Scheme A) would not have this direct access or sight of open space. Nevertheless, they would be close to that open space.
138. In terms of rear garden shape, the land associated with some of the corner properties, in particular, departs considerably from the normal 'rectangle'. However, I see no reason why these should not form the basis of a perfectly acceptable garden, as the appellant has shown in the suggested garden designs for Scheme A's plots 4 and 88. In respect of these miscellaneous amenity factors, I find that both developments meet the Council's requirements overall, and that where there are shortfalls, the extent is not such as to make any individual plots unacceptable.
139. Lengthy consideration was given at the Inquiry to the impact of the proposed developments upon a number of existing **trees** fronting the High Street, just outside the site boundary and about the consequences of retaining certain of those trees for the living conditions of future residents.
140. Unfortunately, one of them, a beech (T75) would need to be felled because of its proximity to the western access road. This is a well shaped tree that contributes to the street scene. Notwithstanding the fact that its slightly bigger neighbour, T76, also a beech, would remain, this loss would adversely affect the character and appearance of the area. Moreover, the long term amenity value of T76 as a feature along the High Street could be compromised by the probable need to prune its crown as it continues to grow. To an extent, that need arises already because of the requirement to maintain clearance on the High Street side for pedestrians and high sided vehicles. However, because of the proximity of the proposed new housing, pressure for more frequent and/or extensive pruning could grow in the future. As BS 3998: 1998 *Recommendations for Tree Work* states, regular pruning may be harmful to the health of trees and may make them unsafe.
141. Two houses would be affected in particular, these being Plots 79 & 80 of Scheme A, the corresponding dwellings for Scheme B being Plots 71 & 72. The appellant's Aspect Layouts P09:4168: 121/122 and P09:4254: 121/122 map the relationship between T76 and these properties. While there would be forward views from the downstairs rooms of these houses beneath the tree

canopy, there would inevitably be losses of daylight and sunlight to their front facing rooms as a whole. While that would be lessened to some extent because the tree would be between the houses, rather than directly in front of them, my assessment is that its canopy would affect their living conditions to a material extent through shading and loss of light. Without periodic pruning that effect would increase over time.

142. Further along the High Street, two other trees T77 and T79 could affect the adjacent housing but, given their smaller size (and apparently slower growth), their effect would be likely to be less. I find that both schemes would have adverse effects relating to existing trees. In particular, these would comprise the loss of the beech T75, the effects of beech T76 on two neighbouring properties, and the consequent harm to that tree that would arise from periodic pruning. Against this, there would be the substantial medium to long term benefits to be derived from the proposed tree planting.
143. As a final matter, I return to Policy HE.1 of PPS5 *Planning for the Historic Environment* which addresses **heritage assets and climate change** and to the topic of **low carbon development** as covered by the policies of the PPS *Planning and Climate Change*. I find that these proposed developments would go some way towards meeting the aims of those policies. Thus, the submitted proposals indicate that they would be built to Code for Sustainable Homes Level 3, and they would incorporate a Sustainable Urban Drainage (SUDS) scheme within the open space area. However, during the Inquiry, there were also discussions about the potential for this proposed development to supply some of its own energy needs using decentralised and renewable or low carbon energy sources. The appellant prepared a Supplemental Note on this matter⁸.
144. RSS Policy Env5, requires new developments of more than 10 dwellings to supply at least 10% of their energy from such sources, unless, 'having regard to the type of development involved and its design, this is not feasible or viable'. The appellant's Supplemental Note indicates that a preliminary feasibility study has been carried out, although more investigatory work would be called for to evaluate the suitability of the different technologies available given the characteristics of the site, the layout and orientation of the buildings and other factors such as the potential constraints imposed by the Conservation Area designation.
145. While I recognise that that designation might necessitate a change in the approach to lower carbon development, it is also the case that PPS5 (at Policy HE.1) strongly advocates a variety of approaches to mitigate and adapt to the effects of climate change when making decisions relating to heritage assets; those approaches include allowing greater use of renewable energy. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefits of mitigating the effects of climate change need to be weighed against any harm to the significance of heritage assets.
146. In this case, I am satisfied that this proposed development would lend itself to the application of appropriate renewable energy/ low carbon technologies and that the supply of at least 10% of its energy needs would be realistic.

⁸ TW2/9 Supplemental Note: Renewable Energy

While the orientation of the housing as a whole would not be optimal for photovoltaic or solar thermal technologies, a significant proportion of the housing would have south facing roof slopes and there are products available, notably photovoltaic tiles, that have a lesser visual impact than do surface mounted panels. Also, there would appear to be adequate land available for the installation of ground source heat pumps.

147. With these points in mind, I have heard nothing to suggest that the supply of at least 10% of its energy needs using such technologies would be neither feasible nor viable. Therefore, I find that it would be appropriate to apply the requirement of RSS Policy Env 5 to these proposed developments.

(IV) Overall Conclusion on Issue (iii)

148. My assessment under the sections I to III has sought to marry the considerations of design and conservation, recognising their strongly overlapping relationship and that, following PPS1 *Delivering Sustainable Development*, the high quality and inclusive design that is sought goes far beyond aesthetic considerations. Further to PPS1, PPS5 and related advice, the challenge faced has been to design a place that is in keeping with the special context of Boston Spa Conservation Area, yet creates a place with its own identity.

149. In weighing whether this challenge has been successfully met, and whether the development is acceptable in design and conservation terms, I have been impressed by the thoroughness of the design and access statements, and the supporting conservation studies, which have gone to the heart of how Boston Spa first emerged and assumed its early form. The outcome is a design layout that seeks to build upon this early structure in a way that is broadly in character with that historic form of development.

150. The Parish Council criticised the design approach to the site and suggested a contemporary design were the land to be developed. However, while I acknowledge that the appellant's approach, which borrows from, but does not directly copy, Georgian styles, might not be the only one that would work in this context – it was the approach that was before the Inquiry and I have found it to be a valid one.

151. In section (I) of my analysis, I tested the schemes against the seven objectives of *By Design* and found them to be compliant. Moreover, related, in particular, to the first objective, 'character', the schemes would satisfy the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the policy principles of PPS5 (section II).

152. Regarding the other matters considered in section III, I consider that car parking provision would be adequate in each of the two cases, in terms both of its amount and its disposition. The provision of the new car park next to the Church would benefit Boston Spa as a whole, while fulfilling a requirement of the UDP; also, off-site works along the High Street on the lines of the agreed scheme would be a necessary accompaniment to the proposals.

153. The developments would provide acceptable living conditions for residents. However, as stated earlier, one of the present trees along the High Street would have to be felled, while potential conflict would arise in conjunction with three others that would be retained. However, the proposed substantial new planting would provide overall compensation over time. On decentralised and renewable or low carbon energy sources, I have found that it would be appropriate to apply the policies of RSS Policy Env5.
154. In terms of the development plan, and the reasons for refusal that relate to issue (iii), I consider that the schemes would comply with the relevant UDP policies, including GP5, N12, N13, N19, T2, T24, BD2 and BD5 and LD1. Moreover, further to my findings in sections I and III above, they would be compliant with the first four criteria of PPS3, paragraph 69.
155. On the third issue, I **conclude** that the two schemes would represent good, inclusive design in the terms set out in PPS1 and *By Design*, that they would comply with the policy principles of PPS5 and that they would satisfy the statutory obligations of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other considerations

156. I have taken into account all the other points that have arisen, including the many raised by local residents. I have addressed many of these earlier. Considerations not mentioned so far include the capacity of local schools. However, that matter would be covered by the Section 106 obligation, the content of which I address below. A related social concern was that the newcomers might form an inward looking new community that would not be properly integrated into Boston Spa. However, this fear may be overstated, given the location of the development close to the central facilities of Boston Spa, and the intended shared use of the new open space, potentially providing newcomers with many opportunities to meet and socialise with existing inhabitants.

Section 106 Agreements and Planning Obligations

157. Parallel S106 Obligations cover a range of matters that closely relate to these proposed developments. Thus, they address the arrangements for affordable housing under which the intention is that 30% of the dwellings would be disposed of to a housing association or associations. They accord with the housing needs of the Wetherby Housing Market Area and they are in line with the Council's Supplementary Planning Guidance (SPG), including *Revised Supplementary Guidance No.3*.⁹
158. The Public Access Areas referred to represent the 3ha or so of the site that would not be built on. The Agreements provide for the future management and maintenance of this land, together with that of the associated Sustainable Drainage System. They accord with the policies of the UDP Review 2006, notably N1 to N4, together with UDP Site Policy H3-3A.25. The Education Contributions would represent payments towards the costs of facilities at primary schools in Boston Spa, the need for which arises directly from the

⁹ CD27

development. They are covered by the Council's adopted SPG11 *Section 106 Contributions for School Provision*.

159. The remainder of the items relate to linked measures intended to reduce dependence on the car. They include a Public Transport Infrastructure Contribution which has been calculated according to a formula contained in the Council's adopted Supplementary Planning Document (SPD) *Public Transport Improvements and Developer Contributions* (2008). There are no schemes listed in that SPD which are local to Wetherby/Boston Spa. However, it does identify the need for bus priority works on the A64 and A58 corridors which the Leeds - Wetherby buses use. These would benefit residents of Church Fields by offering swifter and more reliable bus journeys to Leeds and, to a degree, reducing car dependence.
160. That latter aim would also apply to the other three transport measures – the establishment of a travel plan, bus stop improvements and support for a residential metocard scheme. It would be in accord with the Council's draft SPD *Travel Plans* (2007)¹⁰, the strategic aims of the UDP Review (notably, Policy SA2) and the national guidance of PPG13 *Transport* on promoting acceptable alternatives to the private car.
161. I am satisfied that both Obligations are properly related to the developments and that they meet all the tests of Circular 05/2005 *Planning Obligations*.

Conditions

162. A package of conditions was agreed between the main parties and discussed towards the end of the first session of the Inquiry. In imposing them, I have made a number of amendments for the reasons given in each case.
163. No 1 is the standard time limit. For the avoidance of doubt, I am imposing a condition (2) requiring that the development is carried out in accordance with the approved plans. It refers to a small modification in terms of visibility splays within the parking courts; this takes land ownership considerations into account. Nos 3 and 4 cover phasing matters and seek to ensure that infrastructure and landscaping are properly co-ordinated with the development.
164. Conditions 5-7 cover off-site works within the adjacent section of the High Street. I have substantially amended them. In their previously submitted form, they provided for a study of the feasibility of and requirement for traffic management and pedestrian crossing facilities and for the detailed design and implementation of those works. However, as I have concluded earlier in my consideration of the third issue (section III, access), such works are required in the interests of safety and the free flow of traffic. Works on the lines of those shown in WSP Drawing: 1135-GA-09 indicate broadly the scale and location of the works that would be required, although the precise locations of the formal pedestrian crossing points would be determined once the development were partly occupied, in the light of observed pedestrian and vehicular movement patterns.
165. Nos 8-13 relate to foul and surface water and are necessary for the proper functioning of these developments. They include provision for a system of

¹⁰ CD52

sustainable drainage in accordance with the principles set out in PPS25 *Development and Flood Risk*.

166. Nos 14 and 15 relate to potential contamination and provide for site investigation and, if necessary, remediation. They are reasonable and necessary to identify and tackle any unacceptable environmental risk. I have edited the submitted conditions to reduce repetition. Archaeological recording (16) is needed given that there is evidence of ancient settlement. Conditions 17 and 18 address construction and they are needed to protect the living conditions of local residents.
167. The next group covers landscaping coupled with tree protection and replacement. They are needed in the interests of enhancing the character and appearance of the Conservation Area and of securing a good living environment. They comprise: a comprehensive scheme for both the hard and soft landscaping works (19); details of boundary treatment (20); a landscape management plan for the communal landscape areas (21); the protection of retained trees (22-24) and; tree replacement for retained trees (25).
168. Conditions Nos 26-28 cover biodiversity. Thus No.26 addresses the details of the surface water connection to the River Wharfe and aims to protect designated nature conservation sites. Nos 27 and 28 require, respectively, the submission of a biodiversity protection and enhancement plan, and a scheme for the creation of 0.75 ha of species rich limestone grassland. Both would maintain and enhance biodiversity, while the second would specifically contribute to local biodiversity targets. They would be in line with the aims of the development plan and with the Government guidance of PPS1 and PPS9 *Biodiversity and Geological Conservation*.
169. Condition 29 seeks to control the details of materials. It is needed to secure the preservation and enhancement of the Conservation Area. No.37 on the control of architectural detailing is justified for the same reason.
170. Conditions 30-32 remove permitted development rights and they are justified, exceptionally: to fulfil the aims of the Conservation Area (30); to prevent unacceptable levels of overlooking between properties (31) and; to retain off-street parking, in the interests of local living conditions (32). I have amended the wording of the first two to secure greater compliance with the model conditions forming Appendix A to Circular 11/95 *The Use of Conditions in Planning Permissions*.
171. Nos 33 and 34 address decentralised and renewable energy and follow Planning Policy Statement: *Planning and Climate Change*, RSS Policy ENV5, and Policy HE1 of PPS5. In place of the submitted conditions, I am imposing two which follow broadly the wording of the PINS suggested model condition on Decentralised Energy Supply. That change arises from my finding under the third issue (Section III – renewable energy).
172. I see the Community Liaison Management Plan (35) as a necessary accompaniment to the integration of the proposed development within the Conservation Area and within the associated local community. This would be in accordance with the objectives of PPS1 in terms of community involvement. Following the discussions at the Inquiry, I would envisage that the working party would provide a forum with three main purposes; addressing local

concerns during the construction phase; contributing to and responding to the proposals for the detailed design of the greenspace areas within the overall site; and maintaining a watching brief on the maintenance and management of those publicly accessible areas.

173. The remaining conditions cover: communal parking spaces (36) which are to remain unallocated, thereby avoiding undue on-street parking and protecting local living conditions; cycle parking (38) which supports the Council's local transport strategy and; bin storage provision (39) which would protect local living conditions.

Overall Conclusion

174. For the reasons given above and having regard to all the other matters raised my **overall conclusion** is that both of these appeals should be allowed, subject to the imposition of appropriate conditions as listed in the Schedule of Conditions.

Chris Gossop

Inspector

Schedule 1 – Conditions

Time limits

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Plans to be approved

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the plans schedule attached to these decisions (Schedule 2A or 2B as appropriate), subject to amended parking court visibility splays as shown in WSP Figure 15-2 (Scheme A) and WSP Figure 19-2 (Scheme B) as attached at Appendix A to the WSP Proof TW5/6 dated April 2010.

Phasing

3. Prior to the commencement of development, details of the phasing of the development and the implementation of highways works, drainage works and landscaping shall be submitted to and approved in writing by the local planning authority and the development then carried out in accordance with the approved details unless otherwise agreed in writing.

Highway works - on site

4. No occupation shall take place of any dwellings in each phase until the highway works required to support that phase and agreed under condition 3 have been implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Highway works – off site

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a preliminary scheme for the provision of pedestrian crossings and traffic management measures on the High Street along and in the vicinity of the site frontage. That plan shall be broadly in accordance with the details shown on WSP Drawing 1135-GA-09 Revision A.
6. The developer shall notify the local planning authority on occupation of the 120th dwelling and in consultation with the local planning authority and in accordance with a programme for its preparation to be submitted to and agreed in writing with that authority shall prepare a final scheme for the provision of pedestrian crossing facilities and traffic management measures on the High Street along and in the vicinity of the site frontage. That scheme shall be informed by observations of pedestrian and vehicular movements to and from the site.
7. The scheme referred to in condition 6 above, together with a programme for its implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and in accordance with that agreed programme.

Foul and surface water

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority.
10. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works necessary to enable the occupation of the dwellings in question.
11. Development shall not commence until full details of surface water drainage including provision of detention basins/tanks/oversized pipes have been submitted to and approved in writing by the local planning authority. The details shall include location, design, materials, levels, proposals for any off-site watercourse works, balancing of flows to greenfield rates of run-off, and details of maintenance of the sustainable drainage systems. The scheme shall be implemented in accordance with the approved details prior to occupation of any part of the development, or to a timetable to be agreed in writing with the local planning authority.
12. Development shall only be carried out in accordance with the approved flood risk assessment, produced by Eastwood and Partners, reference NJB/31709 Revision D dated 14 October 2009, as updated by the Statement of Common Ground dated 14 March 2010, and shall incorporate all the proposed mitigation measures into the development, including the following, unless otherwise agreed in writing with the local planning authority:
 - (i) Development shall not begin until a surface water drainage scheme to limit the surface water run-off generated by the site to five litres/second/ha, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is commenced.
 - (ii) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the local planning authority before development commences.
13. Surface water from vehicle parking and hardstanding areas to the church car park shall be passed through an oil interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

Land contamination

14. No development shall take place until a Site Investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the Site Investigation shall be made available to the local planning authority before any development begins.
15. If during the course of development any contamination is found which has not been identified in the Site Investigation, details of additional measures for the remediation of this source of contamination, including the programming of that remediation, shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Archaeological recording

16. No development shall commence until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted by the applicant and approved by the local planning authority.

Construction

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors within the site;
 - (ii) loading and unloading of plant and materials within the site;
 - (iii) storage of plant and materials within the site;
 - (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for the recycling/disposing of waste resulting from the construction works;
 - (viii) routes of construction traffic.
18. Construction works shall not take place outside 0800 hours to 1800 hrs Mondays to Fridays and 0830 to 1600 hrs on Saturdays nor any time on Sundays or Bank Holidays.

Landscaping

19. Notwithstanding the submitted details, no development shall take place until a scheme containing full details of both hard and soft landscape works (including the 3ha of public access area and car park) have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- (1) proposed finished levels or contours;
 - (2) car parking layouts;
 - (3) other vehicle and pedestrian access and circulation areas;
 - (4) hard surfacing areas;
 - (5) minor artefacts and structures, including furniture, play equipment, refuse or other storage units, signs, lighting;
 - (6) proposed and the existing functional services above and below ground (e.g. drainage, power, communications cables and pipelines, indicating lines, manholes, supports etc);
 - (7) planting plans;
 - (8) written specifications covering cultivation and other operations associated with plant and grass establishment;
 - (9) schedules of plants and trees, noting species, plant sizes and proposed numbers/densities where appropriate;
 - (10) implementation programmes.
20. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
21. A landscape management plan for the communal landscaped areas (excluding the formal greenspace area), which shall include long-term design objectives, management responsibilities and a schedule of maintenance which shall be for a minimum period of 10 years, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Tree protection and preservation

22. No site clearance, preparatory work or development shall take place until a scheme has been drawn up that identifies the trees to be retained on the site (the retained trees), the measures to be taken for their protection (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with BS5837 – *Trees in Relation to Construction – Recommendations* and submitted to and agreed in writing by the local planning authority. The retained trees shall be protected as described and approved. Both the tree protection plan and the arboricultural method statement shall be accompanied by appropriate drawings showing details of changes in level, foundations and paving, boundary treatment, utilities routes

and proposed landscaping operations, in so far as they may affect the retained trees.

23. All tree work shall be carried out in accordance with BS3998 – *Recommendations for Tree Work*, unless otherwise agreed in writing with the local planning authority.
24. No retained tree shall be cut down, uprooted, destroyed, or have roots or branches pruned, cut or damaged in any manner within five years from the date of occupation of the last dwelling, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Provision for tree planting

25. If within a period of five years from the date of planting, any tree is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its prior written consent to any variation.

Biodiversity

26. The surface water connection between the site and the River Wharfe shall be constructed in accordance with the Method Statement for the Construction of the Outfall Surface Water Sewer to the River Wharfe (reference BE-R-0613-003) dated 16 February 2010 unless otherwise agreed in writing by the local planning authority.
27. Prior to the commencement of development a biodiversity protection and enhancement plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of all measures in the Ecological Assessment (Reference BE-R-0310-01) dated May 2008, the Ecological Assessment Update (Reference BE-R-0310-02) dated March 2009, the Ecological Statement (Reference BE-R-0310-06) dated October 2009 and the Statement of Common Ground Ecology (Reference BE-R-0613-03.5) dated February 2010 and it shall include a timetable for implementation in accordance with which it shall thereafter be implemented.
28. Prior to the commencement of development a scheme for the creation of 0.75 hectares of species rich limestone grassland within the area of open space shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the target habitat and range of species appropriate for the site, ground preparation, methods of vegetation establishment, source of plant material, a timetable for implementation, details of the after care and management and provision for monitoring for the first five years following implementation. The scheme shall be implemented in accordance with the approved details.

Materials

29. No development shall commence until details of all proposed walling, roofing and surfacing materials, along with a schedule detailing which materials are to be used where, have been submitted to and approved in writing by the local planning authority. Sample panels of all proposed walling materials shall be erected on site to show the proposed size and coursing as well as type, mix and colour of proposed mortar, and samples of both walling and roofing materials shall be made available for inspection on site prior to discharge of this condition. The development shall be built in accordance with these approved details.

Removal of PD rights

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) no extensions, roof alterations or extensions, or free standing garages shall be erected other than those expressly authorised by this permission.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) no windows shall be inserted in the side elevations of the proposed dwellings unless expressly authorised by this permission or agreed in writing by the local planning authority.

32. The integral and detached garages to the house plots shall not be altered or otherwise converted in such a way as to prevent their use for motor vehicles used incidentally to the enjoyment of the dwelling houses.

Decentralised and renewable energy

33. At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources, as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) and as required by Policy ENV5 of the 2008 Yorkshire and Humber RSS. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and agreed in writing by the local planning authority.

34. Unless otherwise agreed in writing with the local planning authority, the approved details (as referred to in condition 33) shall be implemented in accordance with the approved timetable and retained as operational thereafter.

Other matters

35. Prior to the commencement of development, a Community Liaison Management Plan shall be submitted to and agreed in writing by the local planning authority. This shall include details of a working party involving Boston Spa Parish Council, St Mary's Church, ward members, developers/contractors and relevant council officers in relation to matters associated with site construction, vehicle deliveries and greenspace. The

development shall not be carried out other than in accordance with the terms of the Community Liaison Management Plan.

36. The parking spaces shown in red on Figures 20 and 23 of the WSP Proof TW5/1 (dated February 2010) and highlighted as communal parking places shall remain unallocated and shall not be sold off individually with each dwelling house or reserved for a particular occupier or visitor.
37. Prior to the commencement of development, full particulars of architectural detailing, including down pipes, guttering, eaves details and timber windows shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be retained thereafter.
38. No development shall commence until details of the off-plot cycle parking provision have been submitted to and agreed in writing by the local planning authority. Once agreed, the cycle parking shall be implemented in accordance with the approved details and retained thereafter.
39. No development shall commence until details of the off-plot bin storage provision have been submitted to and agreed in writing by the local planning authority. Once agreed the bin stores shall be implemented in accordance with the approved details and retained thereafter.

Schedule 2A
Church Fields, Boston Spa
Drawing List Scheme A

Drawing No.	Drawing Title	Revision
P 09:4168:01	Planning Layout – Scheme A	B
P 09:4168:100	Landscape Masterplan	A
P 09:4168:200	Plot 1	A
P 09:4168:201	Plot 2	A
P 09:4168:202	Plots 3 & 4	A
P 09:4168:203	Plots 5, 31, 33, 34, 37 & 156	A
P 09:4168:204	Plot 6	A
P 09:4168:205	Plot 7	A
P 09:4168:206	Plots 8 & 9	A
P 09:4168:207	Plots 10 & 11	A
P 09:4168:208	Plot 12	A
P 09:4168:209	Plots 13-16	A
P 09:4168:210	Plot 17	A
P 09:4168:211	Plot 18	A
P 09:4168:212	Plot 19	A
P 09:4168:213	Plots 20 & 21	A
P/09:4168:214	Plots 22-25	A
P/09/4168:215	Plots 26-28	A
P/09/4168:216	Plot 29	A
P/09/4168:217	Plot 30	A
P/09/4168:218	Plot 32	A
P/09/4168:219	Plot 35	A
P/09/4168:220	Plot 36	A
P/09/4168:221	Plot 38	A
P/09/4168:222	Plot 39	A
P/09/4168:223	Plots 40-44	A
P/09/4168:224	Plots 45-48	A
P/09/4168:225	Plots 49-53	A
P/09/4168:226	Plot 54	A
P/09/4168:227	Plots 55-57	A
P/09/4168:228	Plots 58,59 & 99,100	A
P/09/4168:229	Plot 60	A
P/09/4168:230	Plot 61	A

P/09/4168:231	Plots 62-66	A
P/09/4168:232	Plots 67 & 68	A
P/09/4168:233	Plots 69 & 70	A
P/09/4168:234	Plots 71-76	A
P/09/4168:235	Plots 77 & 78	B
P/09/4168:237	Plots 79-81	B
P/09/4168:239	Plots 82 & 83	B
P/09/4168:240	Plots 84-86	A
P/09/4168:241	Plot 87	A
P/09/4168:242	Plots 88-91	B
P/09/4168:243	Plots 92 & 93	B
P/09/4168:244	Plots 94 & 95	A
P/09/4168:245	Plot 96	A
P/09/4168:246	Plot 97	A
P/09/4168:247	Plot 98	A
P/09/4168:248	Plots 101-104 & 130-133	A
P/09/4168:249	Plots 105 & 134	A
P/09/4168:250	Plot 106	A
P/09/4168:251	Plot 107	A
P/09/4168:252	Plot 108	A
P/09/4168:253	Plots 109-113	A
P/09/4168:255	Plots 114-122	B
P/09/4168:257	Plots 123-126	A
P/09/4168:258	Plot 127	A
P/09/4168:259	Plot 128	A
P/09/4168:260	Plot 129	A
P/09/4168:261	Plots 135 & 136	A
P/09/4168:262	Plots 137 & 138	A
P/09/4168:263	Plot 139	A
P/09/4168:264	Plot 140	A
P/09/4168:265	Plot 141	A
P/09/4168:266	Plots 142 & 143	A
P/09/4168:267	Plots 144-148	A
P/09/4168:268	Plots 149-152	A
P/09/4168:269	Plots 153-155	A
P/09/4168:270	Plots 157 & 158	A
P/09/4168:271	Plot 159	A

P/09/4168:272	Plot 160	A
P/09/4168:273	Plots 161 & 162	A
P/09/4168:274	Plots 163 & 164	A
P/09/4168:275	Plots 165 & 166	A
P/09/4168:276	Plots 167-170	A
P/09/4168:277-283	Garage detail – sheets 1-7	
P/09/4168:285-290	2000mm standard railings, 1500mm standard railings, 900mm estate railings, 900mm ball top railings, 900mm bow top railings, 900mm wall ball top railings	
P/09/4168:291	900mm limestone wall	
P/09/4168:292,293	2000mm screen wall, 1800mm screen wall	
P/09/4168:294,295	1800mm timber fence, 1500mm timber fence	
P/09/4168:296	Sub Station	
P/09/4168:297	Bin store details	
P/09/4168:120	Tree constraints	
P/09/4168:121	Aspect layout – ground floor	
P/09/4168:122	Aspect layout – first floor	

Schedule 2B
Church Fields, Boston Spa
Drawing List Scheme B

Drawing No.	Drawing Title	Revision
P 09:4254:02	Planning Layout – Scheme B	D
P 09:4254:100	Landscape Masterplan – Scheme B	A
P 09:4254:200	Plot 1	A
P 09:4254:201	Plot 2	A
P 09:4254:202	Plots 3 & 4	A
P 09:4254:203	Plot 5	A
P 09:4254:204	Plot 6	A
P 09:4254:205	Plot 7	A
P 09:4254:206	Plots 8 & 9	A
P 09:4254:207	Plots 10 & 11	A
P 09:4254:208	Plots 12, 17-19 & 32	A
P 09:4254:209	Plots 13-16	A
P 09:4254:210	Plots 20,21 & 40,41	A
P 09:4254:211	Plots 22-25	A
P 09:4254:212	Plots 26-28	A
P 09:4254:213	Plot 29	A
P/09:4254:214	Plot 30	A
P/09/4254:215	Plots 31,33, 34 & 37	A
P/09/4254:216	Plot 35	A
P/09/4254:217	Plot 36	A
P/09/4254:218	Plot 38	A
P/09/4254:219	Plot 39	A
P/09/4254:220	Plots 42 & 43	A
P/09/4254:221	Plots 44 & 45	A
P/09/4254:222	Plots 46-50	A
P/09/4254:223	Plots 51-56	A
P/09/4254:224	Plot 57	A
P/09/4254:225	Plots 58 & 66	A
P/09/4254:226	Plots 59-63	A
P/09/4254:227	Plots 64 & 65	A
P/09/4254:228	Plots 67-69	A
P/09/4254:229	Plot 70	A
P/09/4254:230	Plots 71-73	A

P/09/4254:231	Plot 74	A
P/09/4254:232	Plots 75-77	A
P/09/4254:233	Plot 78	A
P/09/4254:234	Plots 79-82	A
P/09/4254:235	Plots 83-88	A
P/09/4254:236	Plots 89-93	A
P/09/4254:237	Plot 94	A
P/09/4254:238	Plot 95	A
P/09/4254:239	Plot 96	A
P/09/4254:240	Plots 97 & 130	A
P/09/4254:241	Plots 98-103	A
P/09/4254:242	Plot 104	A
P/09/4254:243	Plot 105	A
P/09/4254:244	Plots 106-109	A
P/09/4254:245	Plot 110	A
P/09/4254:246	Plots 111 & 112	A
P/09/4254:247	Plot 113	A
P/09/4254:248	Plot 114	A
P/09/4254:249	Plot 115	A
P/09/4254:250	Plots 116 & 117	A
P/09/4254:251	Plots 118 & 119	A
P/09/4254:252	Plots 120-123	A
P/09/4254:253	Plots 124-127	A
P/09/4254:254	Plots 128 & 129	A
P/09/4254:255	Plots 131-134	A
P/09/4254:256	Plot 135	A
P/09/4254:257	Plot 136	A
P/09/4254:258	Plot 137	A
P/09/4254:259	Plots 138-141	A
P/09/4254:260	Plots 142-145	A
P/09/4254:261	Plots 146 & 147	A
P/09/4254:262	Plot 148 & 149	A
P/09/4254:263	Plots 150 & 151	A
P/09/4254:264	Plot 152	A
P/09/4254:265	Plot 153	A
P/09/4254:270-277	Garage detail – sheets 1-8	
P/09/4254:280-285	2000mm standard railings, 1500mm standard railings, 900mm estate railings, 900mm ball top railings, 900mm bow top railings, 900mm wall ball	

	top railings	
P/09/4254:286	900mm limestone wall	
P/09/4254:287,288	2000mm screen wall, 1800mm screen wall	
P/09/4254:289,290	1800mm timber fence, 1500mm timber fence	
P/09/4254:296	Sub Station	
P/09/4254:298	Bin store details	
P/09/4254:120	Tree constraints	
P/09/4254:121	Aspect layout – ground floor	
P/09/4254:122	Aspect layout – first floor	

Schedule 3 – Appearances and Documents

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Barrett of Counsel

He called	
Lyla Peter MBA, BA	Team Leader – Data, Leeds City Council
Robin Coghlan BA Dip UPI MRTPI	Team Leader, Planning Policy Team, Leeds City Council
Maggie Gjessing BA FCIH	Project Manager, EASEL (East and South East Leeds) programme, Leeds City Council
Phil Ward MA BA Dip TP MRTPI IHBC	Senior Conservation Officer, Leeds City Council
Nadir Khan BA Dip Arch RIBA	Architect, Design Team, Leeds City Council
Andrew Pomeroy Dip LA CMLI	Principal Landscape Architect, Sustainable Development Unit, Leeds City Council
Adrian Hodgson I Eng ANICE	Principal Highway Development Control Officer, Leeds City Council
Victoria Hinchliff Walker BSc MA	Principal Planner, Leeds City Council

FOR THE APPELLANT:

Peter Village QC

He called	
Mark Johnson MRICS MRTPI	Dacres Commercial
Andrew Paley BSc MSc PgDURS MRTPI	Managing Director, John R Paley Associates Ltd
David W Lewis BArch MA MRTPI	David Lewis Associates, Delf View House, Eyam
Iain Tavendale F.Arbor.A	Arboricultural Consultant, Earby
Philip M Owen Beng Ceng MICE MIHT	WSP Development and Transportation, Leeds
David Boswell BSc Ceng MICE FconsE	WSP Development and Transportation, Hertford

FOR BOSTON SPA PARISH COUNCIL:

David Thomson	Chairman, Parish Council
Terry Gausson	Parish Council
Robert Wivell	Parish Council

INTERESTED PERSONS:

Cllr John Procter	Leeds City Councillor, Wetherby Ward
Valentine Gausden	
Chris Newsome	

David Williams
Robert Scrivens
David Coates
Mike Pelter
Dr Gina Marks
Paul Heaton
Roy Hollingworth
Joan Patchett
Vicky Thomas

Churchwarden

Parent Governor and Chair of Governors of St Mary's Church of England Primary School
Speaking on behalf of Mr Graham Robinson, Governor at West Oaks School

DOCUMENTS – GENERAL LIST

- 1 Letter of notification of Inquiry
- 2 Farsley decision – put in by LCC
- 3 Student cluster flats – e mails from Government Office
- 4 Leeds Strategic Plan 2008-11 - Amendments to Partnership Agreed Indicators
- 5 Plans showing locations of cycle and refuse stores

- 10 Statement by Councillor John Procter (and attachments)
- 11 Third Party Representations – Schedule
- 12 Statements by David Thomson: (a) Design; (b) Sustainability, highways and other issues
- 13 Statement by Terence Gausden on Ecology, Natural Environment and Landscape
- 14 Statement by Robert Wivell
- 15 Statements by Valentine Gausden
- 16 Statement by Chris Newsome and attached photographs
- 17 Statement by David Williams
- 18 Statement by Robert Scrivens and attachments
- 19 Statement by David Coates
- 20 Statement by Mike Pelter and Paul Heaton on Traffic - together with photos on accidents
- 21 Statement by Paul Heaton on Education Provision
- 22 Statement by Dr Gina Marks
- 23 Statement by Roy Hollingworth
- 24 Statement by Joan Patchett
- 25 Statement by Vicky Thomas

- 30 Closing Statement by Boston Spa Parish Council and Community
- 31 Boston Spa Parish Council – Comments on Section 106 Agreement and Planning Conditions
- 32 Letter of Notification – Re-opened Inquiry
- 33 Supplementary Statement on behalf of Boston Spa Parish Council (a) The economic challenges –updated, (b) The appeal schemes considered in relation to PPS5
- 34 Third party rebuttal of design and conservation issues as set out in TW3/4

35 Third party closing statement, presented by David Thomson

DOCUMENTS – LEEDS CITY COUNCIL (those submitted during the Inquiry)

REF NO.	DESCRIPTION	DATE SUBMITTED
LCC10	Rebuttal Proof by Lyla Peter	11/03/10
LCC11	Rebuttal Proof by Robin Coghlan	11/03/10
LCC12	Rebuttal Proof by Andrew Pomeroy	11/03/10
LCC13	Rebuttal proof by Adrian Hodgson	11/03/10
LCC14	Opening Statement by John Barrett	18/03/10
LCC15	Amendment submitted by Lyla Peter, pages 35 – 40 of her proof. Text highlighted where figures have been checked.	22/03/10
LCC16	Draft Conditions	22/03/10
LCC17	Tower Works Redevelopment Begins In Leeds – extract from www.yorkshire-forward.com/news/	24/03/10
LCC18	Breakdown of SHLAA sites taken from SHLAA database.	23/03/10
LCC18A	Scheme A Revision A, Substandard rear accesses submitted by Nadir Khan	25/03/10
LCC18B	Scheme B, Substandard rear accesses. Submitted by Nadir Khan	25/03/10
LCC19	Diagram submitted by Phil Ward, cross section through houses with line of view.	24/03/10
LCC20	Suggested site visits from LCC	25/03/10
LCC21	Landscape details submitted by Andrew Pomeroy, LCC AP RR 1A, 1B, 1C	25/03/10
LCC22	Sketch of possible access points. Submitted by Andrew Pomeroy.	26/03/10
LCC23	Policy Justification for S106 requirements.	26/03/10
LCC24	Travel to work from outside district	26/03/10
LCC25	Details of Taylor Wimpey House Types	31/03/10

LCC26	City of Leeds Regeneration Areas Map submitted on Site Visit	30/03/10
LCC27	Additional Rebuttal submitted by Adrian Hodgson.	31/03/10
LCC28	Church Fields Design Workshop notes of 23/10/09.	31/03/10
LCC29	Figure 12 scheme A. Figure 16 scheme B. Submitted by Adrian Hodgson	01/04/10
LCC30	Further Amendments to Landscape & Tree Conditions	01/04/10
LCC31	DfT Shared Space Project	29/04/10
LCC32	Consultation on Street Design Guide	29/04/10
LCC33	S106 Education Contributions Email	29/04/10
LCC34	Additional Conditions (cycle parking and bin stores)	29/04/10
LCC35	List of suggested conditions (+ additional ones on unallocated parking and architectural detailing).	29/04/10
LCC36	Closing Statement by John Barrett	30/04/10
	Re-opening Statement	23/11/10
	Closing Statement in respect of re-opened Inquiry	25/11/10
	Robin Coghlan – Replacement Proof of Evidence	Nov.2010
	Robin Coghlan – Second Replacement Proof of Evidence – replaces all evidence submitted before	Nov.2010
	Robin Coghlan - Rebuttal	Nov.2010
	Robin Coghlan – Schedule of Appendices	Nov.2010
	Lyla Peter – Supplementary Statement Two	Nov.2010
	Lyla Peter – Rebuttal to Replacement Proof of Evidence of Mark Johnson	Nov.2010
	Lyla Peter – Schedule of Appendices to Supplementary Proof of Evidence	Nov.2010
	CLG survey of housing development in gardens (April 2009) – put in by Lyla Peter	
	Victoria Hinchliff Walker - density	

	Philip Ward – Rebuttal Statement in respect of David Lewis’s Supplementary Representation on PPS5.	
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PROOFS AND RELATED DOCUMENTS – TAYLOR WIMPEY UK LTD (includes proofs/documents submitted after the start of the Inquiry)

- TW1/1 – Mark Johnson : Proof
- TW1/2 – Mark Johnson : Appendices
- TW1/3 - Mark Johnson : Rebuttal
- TW1/4 –Mark Johnson : Revised / Updated Student Accommodation Numbers
- TW1/5 – Mark Johnson : RSS Regional Update Note Agreed with Leeds City Council
- TW1/6 – Mark Johnson : Supplementary Proof (Post RSS Revocation)
- TW1/7 – Mark Johnson : Planning Rebuttal Statement

- TW2/1 – Andrew Paley : Proof
- TW2/2 - Andrew Paley : Appendices
- TW2/3 – Andrew Paley : Rebuttal & Appendices
- TW2/4 – Andrew Paley : Plan Rebuttal Drawing 1 Rev A
- TW2/5 – Andrew Paley : Building for life assessment
- TW2/6A;B – Andrew Paley : Plot analysis against NFL guide
- TW2/7 : Andrew Paley : Note to accompany Statement of Common Ground on Design
- TW2/8 : Andrew Paley : Cross Sections
- TW2/9 : Andrew Paley : Supplemental Note on Renewable Energy

- TW3/1 – David Lewis : Proof
- TW3/2 – David Lewis : Appendices
- TW3/3 – David Lewis : Rebuttal
- TW3/4 – David Lewis : Testing schemes against PPS5
- TW3/5 – David Lewis : Rebuttals on PPS5: (a) BSPC; (b) Philip Ward

- TW4/1 – Iain Tavendale : Proof
- TW4/2 – Iain Tavendale : Appendices
- TW4/3 – Iain Tavendale : Rebuttal

- TW5/1 – Phil Owen : Proof & Appendices
- TW5/2 – Phil Owen : Rebuttal
- TW5/3 – Phil Owen : Rebuttal 26 March 2010
- TW5/4 – Phil Owen : Response to Third Party Highways/Traffic Representations
- TW5/5 – Phil Owen : Appendices Response to Third Party Highways/Traffic Reps
- TW5/6 – Phil Owen : Highways Internal Visibility Splays Supplemental Note

- TW6/1 – David Boswell : Proof
- TW6/2 – David Boswell : Appendices

DOCUMENTS – TAYLOR WIMPEY UK LTD (those submitted during Inquiry)

TW7
TW8A TW8B

Opening submissions of Peter Village QC
Agreed section 106 agreements

TW9	Walker Morris costs submission to PINS
TW10	Proof of Evidence of Robin Coghlan at Farsley Inquiry
TW11	Rebuttal Proof of Robin Coghlan at Farsley Inquiry
TW12	Chevin Letter
TW13	Yorkshire Housing letter 3/3/10 to Taylor Wimpey
TW14	Tree 79 Relationship Plan
TW15	WSP Plan – Western Access Location
TW16	Chapter 11 Extract from DCLG Tree Roots in the Built Environment
TW17	Paley photographs of Pine Tree Avenue
TW18	Extract from Urban Design Compendium
TW19	Paley list of sites approved by Leeds City Council
TW20	Note on ownership/adopted highway
TW21 A & B	Agreed and executed Section 106 Agreements for Scheme A and B
TW22 A & B	Summary of Section 106 terms for Scheme A and B
TW23	Dacres Supplementary Statement
TW24	Adrian Hodgson email of 24 March 2010 @ 14:37
TW25	Adrian Hodgson email of 26 March 2010 @ 15:31
TW26	DCLG Assessment of On-Street Parking – Scheme A
TW27	DCLG Assessment of On-Street Parking – Scheme B
TW28	Tracking diagrams
TW29	Agreed note on the implications of Community Infrastructure Levy Regulations 2010
TW30	Powergen Case (R v Warwickshire County Council Court of Appeal (1998) 75 P. & C.R. 89)
TW31	Email 30 April 2010 from Benjamin Coles at Taylor Wimpey in relation to Bramham House/Ambulance Station
TW32	WSP Email dated 30 April 2010 in relation to Bus Patronage Surveys
TW33	Bromley Case (Bromley LBC v Secretary of State for Communities and Local Government [2007] EWHC 2480 (Admin))
TW34	Peter Village QC Closing Submissions on behalf of the Appellant
TW35	Poole Case (The Queen on the Application of Edward Poole v Secretary of State for Communities and Local Government, Cannock Chase District Council (2008) EWHC 676 (Admin))
TW36	Peter Village QC Skeleton Application for Costs on behalf of the Appellant
TW37	Costs Decision dated 8 March 2010 in relation to Farsley
TW38	Opening Submissions at the re-opening of the Inquiry.
TW39	Closing Submissions – re-opened Inquiry
TW40	Additional matters relating to applications for costs
TW41	Secretary of State decisions in respect of: (a) of land at Stoke Road, Leighton Linlade (10 June 2010); and (b) land at Bata Field, Princess Margaret Road, East Tilbury (21 June 2010).
TW42	HBF New Homes Bonus Calculator – estimated bonus due to local planning authority for the life of the site
TW43	Persimmon plc – Interim Management Statement, 15/11/10.

TW44	Bovis Homes Group Interim Management Statement, 8 November 2010.
TW45	Redrow plc Annual General Meeting and Interim Management Statement, 4 November 2010.
TW46	Conservative conference 2010; press Statement by Property Week.com

CORE DOCUMENTS

- CD1 Leeds City Council UDP Inspector's Report Extracts (Housing Policy and Topic 836)1999
- CD2 Leeds City Council UDP 2001
- CD3 Leeds City Council UDP Review Inspector's Report 2005
- CD4 Leeds City Council UDP Review 2006
- CD4A Extracts Schedule of Car Parking Guidelines & Written Statement Extract Policy T24
- CD5 Leeds City Council Core Strategy Preferred Approach, October 2009 and Map Book
- CD6 RSS Settlement Study 2004
- CD7 Draft RSS, December 2005
- CD8 RSS Panel Report, March 2007
- CD9 RSS Secretary of State Schedule of Changes and Reasons 2007
- CD10 Yorkshire and Humber RSS 2008
- CD11 RSS Review Spatial Options – testing the advice paper, Experian December 2008
- CD12 RSS Update Review, Regional Assembly 2009
- CD13 Nathaniel Lichfield Housing Options Panel Paper, June 2007
- CD14 PINS Demonstrating 5 Year Supply 2007
- CD15 NHPAU Meeting the Housing Requirement of an aspiring growing nation – Advice to ministers about housing supply range to be tested by Regional Planning Authorities, June 2008
- CD16 NHPAU Advice to Ministers July 2009
- CD17 ONS Household Projections, March 2009
- CD18 CLG LDF Monitoring Good Practice Guide, 2005
- CD19 CLG Update Guidance on RSS/LDF Core Indicators 2008
- CD20 Housing in Credit Crunch Commons Select Committee Report 2009
- CD21 CLG Chief Planning Officer (Steve Quartermain) letter May 2009
- CD22 CLG Land Supply Assessment Checks Report 2009
- CD23 Leeds City Council Local Area Agreement 2008
- CD24 Leeds City Council Interim Housing Policy, July 2008
- CD25 Leeds City Council Affordable Housing Draft SPD, September 2008
- CD26 Leeds City Council Five Year Housing Land Supply Statement, December 2008
- CD27 Leeds City Council Affordable Housing Policy Guidance Note Annex – Housing Need Assessment Update – April 2009

- CD28 Leeds City Council Housing Land Monitor, September 2009
- CD29 Leeds City Council AMR, December 2008
- CD30 Leeds City Council AMR December 2009
- CD31 Easel Area Action Plan
- CD32 Aire Valley Area Action Plan
- CD33 DTZ Yorkshire and Humber Regional Housing Market Report 2006
- CD34 Phase One Draft Yorkshire and Humber Sub-Regional Housing Market Assessment, Ecotec 2007
- CD35 Leeds City Council Strategic Housing Market Assessment Volume 1 2007
- CD36 Leeds City Council Strategic Housing Market Assessment Volume 2, 2007
- CD37 Leeds City Council Demand for Social Housing in Leeds, Final Report, 2007
- CD38 Leeds City Council Strategic Housing Land Availability Assessment – Final Report 2009.
- CD39 Guidelines for Planning for Public Transport in Developments, The Institution of Highways and Transportation, March 1999
- CD40 Guidelines for Providing for Journey on Foot, The Institution of Highways and Transportation, 2000
- CD41 Guidance on Transport Assessment, Department for Transport, March 2007
- CD42 Manual for Streets, Communities and Local Government, DET 2007
- CD43 PINS Local Development Frameworks, Examining Development Plan Documents: Learning from Experience, September 2009
- CD44 Leeds City Council Greenspace Relating to New Housing Development, July 1998, Supplementary Guidance No. 4
- CD45 Leeds City Council Neighbourhoods for Living – A Guide for Residential Design in Leeds, December 2003
- CD46 Leeds City Council SPG retained from Residential Design Aid 4 Space About Dwellings (1989) Guideline Distances of New Residential Development to Trees
- CD47 Leeds City Council Sustainable Drainage in Leeds, July 2004, Supplementary Guidance No. 22
- CD48 Leeds City Council Greening the Built Edge, The Landscape Treatment of the Edge of Development Adjacent to Open Land, Supplementary Guidance No. 25 [adopted UDP Policy N34 – 2004)
- CD49 Leeds City Council Sustainable Development Design Guide, April 2002, Supplementary Planning Guidance No. 10
- CD50 Leeds City Council S106 Contributions for School Provision, February 2001, Supplementary Planning Guidance No. 11
- CD51 Leeds City Council Draft Supplementary Planning Document Sustainability Assessments (July 2007)
- CD52 Leeds City Council Travel Plans, Supplementary Planning Document, Draft for Consultation, May 2007, Leeds Local Development Framework
- CD53 Leeds City Council Designing for Community Safety: A Residential Design Guide, May 2007, Leeds Local Development Framework

- CD54 Leeds City Council Public Transport Improvements and Development Contributions, Supplementary Planning Document, Draft for Consultation, May 2007, Leeds Local Development Framework
- CD55 Leeds City Council Public Transport Improvements and Developer Contributions, Supplementary Planning Document, Leeds Local Development Framework, August 2008
- CD56 Leeds City Council Boston Spa Conservation Area Assessment, Consultation Draft, July 2009
- CD57a Leeds City Council Street Design Guide, Supplementary Planning Document, Draft, August 2007, Leeds Local Development Framework
- CD57b Leeds City Council Street Design Guide, Supplementary Planning Document, Draft, August 2009, Leeds Local Development Framework
- CD58 Leeds City Council Boston Spa Conservation Area Appraisal and Management Plan, Approved as a Material Consideration in the Determination of Planning Decisions 28 September 2009
- CD59 Wetherby Rural District (Boston Spa) Tree Preservation Order (No.1) 1969, 7 August 1969
- CD60 By Design, DETR / CABE, May 2000
- CD61 Building in Context, English Heritage, CABE 2001
- CD62 Better Places to Live by Design: a Companion Guide to PPG3, CABE, August 2001
- CD63 Delivering Great Places to Live, Building for Life, CABE, 2008
- CD64 Car Parking, What Works Where, English Partnerships, March 2006
- CD65 Urban Design Compendium 1, English Partnership/Housing Corporation, September 2007
- CD66 Urban Design Compendium 2, English Partnership/Housing Corporation, September 2007
- CD67 Places, Streets and Movements 1998
- CD68 DfT Making Residential Travel Plans Work: A Good Practice Guide for New Development 2005

- CD69 CLG – Transforming Places; Changing Lives – Taking Forward the Regeneration Framework, May 2009
- CD70 CLG – Transforming Places; Changing Lives – A Framework for Regeneration: Summary of Consultation Responses, March 2009
- CD71 CLG – Transforming places; Changing Lives – A framework for regeneration, July 2008
- CD72 Annual Monitoring Report 2009 – Regional Spatial Strategy for Yorkshire and Humber – February 2010
- CD73 Understanding Yorkshire and Humber's Strategic Housing Land Availability – RPG. ARUP April 2008
- CD74 Closing Submissions of John Barrett on behalf of Leeds City Council at Farsley Inquiry
- CD75 Section 288 Claim by LCC to quash the Inspector's Decision of 8 March 2010 in relation to Farsley

Additional Post RSS Revocation Core Documents

- CD76 Conservative Party Green Paper No.14 (2010)
- CD77 Queen's Speech - Summary Contents of Decentralisation and Localism Bill, 25 May 2010
- CD78 The Coalition Programme for Government, May 2010
- CD79 Abolition of Regional Strategies – letter of 27 May 2010 to chief planning officers from the Rt. Hon Eric Pickles MP
- CD80 PPS3 2010
- CD81 Greg Clark MP – supporting statement to re-issue of PPS3, 9 June 2010
- CD82 PINS advice to inspectors in respect of PPS3 Housing – removal of garden land from definition of previously developed land and removal of indicative minimum density (June 2010)
- CD83 PINS advice to inspectors – Regional Strategies – forthcoming abolition (June 2010)
- CD84 Letter from CLG Chief Planner Steve Quartermain to Chief Planning Officers in respect of the revocation of Regional Strategies (6 July 2010)
- CD85 Leeds City Council Executive Board report – housing approvals – issues arising from the proposed abolition of the Regional Spatial Strategy and regional housing targets (21 July 2010)
- CD86 HBF response letter (20 July 2010 to the Executive Board third meeting on 21 July 2010)
- CD87 Leeds Executive Board 21 July 2010 draft minute
- CD88 Yeadon High Court decisions, 17 June and 25 June 2010
- CD89 Executive Board report - High Court Challenges, 21 July 2010
- CD90 PINS advice to inspectors – Regional Strategies - revocation (July 2010)
- CD91 Leeds City Council Executive Board report – Home Builders Federation (16 August 2010)
- CD92 Minute in respect of CD91
- CD93 Bellway plc letter of 13 August 2010 to the Leader of Leeds City Council
- CD94 HBF letter of 13 August 2010 to Leeds City Council
- CD95 Peter Village QC – Closing submissions to the Allerton Bywater Inquiry
- CD96 Martin Carter - Closing submissions to the Allerton Bywater Inquiry
- CD97 LCC Joint Plans Panel meeting – Housing appeals and the revocation of RSS – update (23 September 2010)
- CD98 LCC Joint Plans Panel meeting – ‘garden developments’ (23 September 2010)
- CD99 Planning Officers Society – Planning post RSS revocation - an advice note (October 2010)
- CD100 Leeds Strategic Housing Market Assessment (SHMA) – GVA meeting slides (October 2010)
- CD101 HM Government – Local growth: realising every place's potential
- CD102 Cala Homes (South) Limited – Approved Judgment by the Honourable Mr Justice Sales

CD103 Letter of 10 November 2010 from Steve Quartermain, CLG to chief planning officers –
Abolition of regional strategies/ CLG press release

CD104 GVA Grimley report to Leeds City Council reviewing NLP's supporting evidence on local
housing requirements (November 2010)

CD105 PPS5 Planning for the Historic Environment: Historic Environment Planning Practice
Guide (March 2010)

STATEMENTS OF COMMON GROUND

- SOCG ECOLOGY 1 - AGREED DATE OF 23 FEBRUARY 2010 AND SUBMITTED WITH THE MAIN PROOFS OF EVIDENCE ON 25 FEBRUARY 2010
- SOCG PLANNING - AGREED DATE OF 1 MARCH 2010
- SOCG HOUSING LAND SUPPLY - AGREED DATE OF 5 MARCH 2010
- REPLACEMENT SOCG HOUSING LAND SUPPLY – AGREED DATE OF 23 NOVEMBER 2010
- SOCG DRAINAGE 2 - AGREED DATE OF 14 MARCH 2010
- SOCG TRANSPORT 2 - AGREED DATE OF 17 MARCH 2010
- SOCG OPEN SPACE - AGREED DATE OF 17 MARCH 2010
- SOCG TREES 2 - AGREED DATE OF 17 MARCH 2010
- SOCG TREES 3 – AGREED DATE OF 25 MARCH 2010
- SOCG TRANSPORT 3 – AGREED DATE OF 1 APRIL 2010
- SOCG DESIGN – AGREED DATE OF 27 APRIL 2010
- SOCG DENSITY AND PPS5 – AGREED DATE OF 25 OCTOBER 2010