



LAND SOUTH OF CHISWELL GREEN LANE,
CHISWELL GREEN, ST ALBANS

**REBUTTAL PROOF OF EVIDENCE –
TRANSPORT
CD3.26**

Anthony Jones BSc MCIHT

SECTION 78 APPEAL REFERENCE: APP/B1930/W/22/3313110
PLANNING APPLICATION REFERENCE: 5/2022/0927

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Ref: 007_8230258_AJ_Rebuttal_Proof
Issue 1: 11 April 2023

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Contents

1.0	Scope of Evidence.....	2
2.0	Mr Walpole's Evidence	3
3.0	Mr Fray's Evidence	11
4.0	Mr Sault's Evidence	15
5.0	Ms Shirani St Ledger McCarthy's Evidence	16

Appendices

Appendix A - White Young Green's Research Paper 'How Far Do People Walk'

Appendix B - Stage One Road Safety Audit and Designers Response – Proposed Access Strategy and Off-Site Improvement Scheme on Chiswell Green Lane and Watford Road

Appendix C - Watford Road double mini-roundabout Modelling Comparison Results

Appendix D - Stage One Road Safety Audit and Designers Response – Proposed Signalised Improvement Scheme - Watford Road double mini-roundabout

Appendix E – DCLG Letter

Appendix F - Appeal Decision for the Land at Blackfield End Farm, Church Road Warton

Appendix G - Appeal Decision for the Land at Bradford Road, East Ardsley, Leeds

Appendix H - Appeal Decision at Holt Road, Wrexham

Appendix I - Keep Chiswell Green Questionnaire Webpage

1.0 Scope of Evidence

1.1. This Rebuttal Evidence is provided to address the transport matters raised in the Proofs of Evidence submitted on behalf of the Rule 6 party, Keep Chiswell Green (KGC).

1.2. Four Proofs of Evidence have been submitted by KGC by:

Mr Walpole	Transport and Accessibility	CD 6.12
Mr Fray	Existing traffic conditions on the local and strategic road networks	CD 6.15
Mr Sault	The Impact of Traffic Generated by the Radlett Strategic Rail Freight Interchange	CD 6.17
Ms Shirani St Ledger McCarthy	Local Transport Survey	CD 6.20

1.3 My rebuttal evidence has been prepared to chiefly address and respond in detail to Mr Walpole's evidence and matters raised concerning accessibility, highway safety and residual cumulative impact.

1.4 My evidence also sets out my view as to the reasons why little or no weight should be given to the evidence submitted by Mr Fray, Mr Sault and Ms Shirani St Ledger McCarthy.

2.0 Mr Walpole's Evidence

- 2.1 At paragraph 2.2 of his Evidence, Mr Walpole addresses the fundamental transport requirements of the Framework (CD 7.1), including:
- a. Do the appeal sites represent sustainable locations in transport terms and provide a genuine choice of transport modes? (Framework, para 105)
 - b. Will the appeal proposals have an unacceptable impact on highway safety? (Framework, para 111)
 - c. Will the residual cumulative impacts on the road network be severe? (Framework, para 111)
- 2.2 I consider that my main Proof of Evidence has addressed these issues in detail. However, I have sought to expand on the issues identified in paragraph 2.1 above by referencing the paragraph(s) within Mr Walpole's evidence as appropriate, identifying the issues raised and responding as appropriate.

Do the appeal sites represent sustainable locations in transport terms and provide a genuine choice of transport modes? (Framework, para 105)

- 2.3 At paragraphs 4.1 and 4.2 of his Evidence, Mr Walpole sets out his view that a fundamental consideration when assessing development schemes is determining if the appeal sites represent sustainable locations in transport terms. He considers that if sustainable travel (and in his view he defines this as walking, cycling and public transport) is not the first choice for journeys by new residents, then the appeal proposal will inevitably be car-based irrespective of any of the sustainable transport initiatives funded by the developments.
- 2.4 At paragraph 4.3 of Mr Walpole's evidence he sets out, in his view, what should be located within easy access by sustainable travel modes. Mr Walpole considers that these should be wide ranging and should include most if not all amenities and facilities set out below. However, he does not refer to any guidance or provides any justification / evidence to support his assumptions.
- childcare/nurseries
 - primary & secondary schools
 - further education colleges
 - GPs and hospitals
 - food store/convenience store
 - town centres and employment centres (small, medium & large)

- 2.5 Mr Walpole then proceeds to review the sustainable transport options available to future (and existing) residents of the appeal scheme at **Chapter 4** of his main evidence. In his main Evidence he considers walking, cycling and travel by bus but Mr Walpole does not consider in detail travel by train. This is very surprising and, in my view, undermines his credibility to consider the holistic sustainable transport options available to both existing and future residents to travel to both local amenities and facilities and also those located further afield.
- 2.6 Paragraph 5.6 of Mr Walpole Evidence is provided in relation to the Polo School scheme, but I consider it is also applicable to our appeal scheme as it suggests that Mr Walpole is unclear as to what constitutes a sustainable mode of transport. The paragraph states:
- “Of the 13% of trips forecast to be undertaken by public transport some will be undertaken by bus and others by train. It is quite possible that those travelling by train will drive, or be given a lift to, the railway station.”*
- 2.7 Mr Walpole concludes at paragraph 5.9 of his evidence that he considers that the appeal proposals will create a car dependent development where the opportunity to take advantage of sustainable modes of travel is very limited. I do not agree.
- 2.8 Firstly, it is important to set out what the NPPF considers is a sustainable transport mode. The NPPF glossary states: -
- “Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport.”*
- 2.9 It is clear that the NPPF considers that travel by sustainable transport modes does not only include walking and cycling and / or public transport. The NPPF considers that travel by ultra-low and zero emission cars is a sustainable transport mode. Travel by car by providing a lift or as a car passenger is also considered to be a sustainable mode of transport. This is of particular importance should parents decide to drop off or pick up their children from school at the start and end of the school day.
- 2.10 I also consider that the NPPF takes a more pragmatic view as to what constitutes sustainable development. Whilst Mr Walpole does refer to paragraph 105 of the NPPF at paragraph 3.2 of his evidence, it is notable that he does not fully quote paragraph 105. If Mr Walpole had quoted the whole paragraph, he would have realised that the NPPF affords plan-makers and decision-makers considerable amount of discretion with consideration to local context when considering the accessibility credentials of development schemes. The whole of paragraph 105 of the NPPF states:
- “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

2.11 Furthermore, it is noted that Mr Walpole has also not fully quoted paragraph 110 of the NPPF concerning the sustainability credentials of schemes. Again, if Mr Walpole had quoted the whole paragraph, he would have realised that the NPPF affords considerable discretion to decision makers to consider the accessibility of development proposals accounting for geographical context and also the type of development being proposed. This paragraph states: -

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

2.12 The Department for Transport (DfT) 'Guidance on Transport Assessment' published in 2007 was superseded on 22 October 2014 by 'Transport Evidence Bases in Plan Making', which forms part of National Planning Practice Guidance (NPPG). This states that:

"The key issues, which should be considered in developing a transport evidence base, include the need to:

- assess the existing situation and likely generation of trips over time by all modes and the impact on the locality in economic, social and environmental terms.*
- assess the opportunities to support a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport.*
- highlight and promote opportunities to reduce the need for travel where appropriate.*
- identify opportunities to prioritise the use of alternative modes in both existing and new development locations if appropriate."*

2.13 Whilst the appeal proposal is not an exercise in developing a Local Plan, it is my view that the guidance reflects the pragmatic approach taken by the NPPF, and the need to consider the planning balance without relying solely on transportation accessibility when coming to a decision.

2.14 It is my view that the key test in terms of accessibility is whether what can be provided locally or improved by appropriately justified mitigation measures provides a realistic choice of travel options, having regard to the particular land use. I consider that the NPPF in this respect takes a contemporary and pragmatic view with reference to the context of the local geographical area. It cannot be about dictating how people should travel.

- 2.15 I acknowledge that car journeys to local and wider amenities and facilities will often be the major means of travel for residents of the appeal scheme, as it is in many areas both urban and rural. However, it is considered that the appeal site is well located in terms of minimising trip lengths and frequencies noting the wide range of local amenities and facilities as set out in detail in my main Evidence.
- 2.16 Mr Walpole's Evidence reviews the opportunities to walk to local amenities and facilities including bus stops using cut offs in strict accordance with the suggested walking distances set out in the National Design Guide and the local highway authority's Highway Design Guidance. I consider this to be a false and unrealistic approach that applies no realism or pragmatism with consideration to its geographical context.
- 2.17 In my view, distance criteria set should be used as a guide and a tool to enable professional judgement to be made on sustainable development. "Acceptable" walking distances will vary between individuals and circumstances, and it will not always be possible to achieve ideal results in all situations. The quality of the available and / proposed walking routes is also an important consideration. For example, in my view, I consider that people are inclined to walk further if the routes are quieter and attractive. It is therefore the task of professionals to decide if a lower standard is acceptable in given circumstances or if another approach would be beneficial.
- 2.18 There are also a broader range of reference documents, guidance and research available, including the White Young Green research paper 'How Far Do People Walk', which I have considered when assessing walking and cycling distances between new development and local services and facilities. The WYG research paper is included at **Appendix A**.
- 2.19 In my professional opinion, the reference material is not to be applied prescriptively and does not replace professional judgement. It is not a pass or fail exercise and most residential schemes do not comply stringently with the reference material in that way and are not expected to. It is also my view that the guidance available is not intended to set maximum thresholds on walking or cycling distances.
- 2.20 I consider that a pragmatic approach is required with reference to the local circumstances, which are, in relation to the appeal scheme, that a meaningful number of trips are non-motorised, and that there is a range of local services and facilities within walking and cycling distance as described in my main evidence.
- 2.21 As set out in detail at **Chapter 3** of my main evidence, I conclude that there is a comprehensive suite of public transport options including mainline rail and commercial public transport services available for future residents of the application site within reasonable walking and cycling distance of the site. The public transport options will also be enhanced as part of the agreed mitigation package. In my view, these provide a real choice to future residents of the application scheme to use public transport to travel to education, employment, shops and services in nearby settlements and further afield as a genuine alternative to journeys by car.
- 2.22 It is also my view that a part or a later part of a train journey by car is still considered to be a sustainable travel mode. This is because it reduces the overall travel distance totals on the local and strategic road networks by car both on an individual basis and a wider cumulative basis.

- 2.23 Car sharing is considered to be a sustainable transport mode as described in the NPPF glossary as outlined in paragraph 2.8 above. This is particularly relevant when considering the school drop-off and pick-up periods.
- 2.24 With respect to the accessibility credentials of the appeal scheme, my conclusion as set out in my main Evidence remains unchanged in that that the application site is accessibly located and provides the opportunity for both future and existing residents to travel to amenities and facilities required on a daily basis by sustainable transport modes other than single occupancy car travel.

Will the appeal proposals have an unacceptable impact on highway safety? (Framework, para 111)

- 2.25 Mr Walpole at Chapter 7 of his main evidence raises a number of highway safety concerns with respect to
- i. Chiswell Green Lane;
 - ii. the proposed shared footway / cycleway improvement schemes on both Chiswell Green Lane and Watford Road;
 - iii. the junction between Watford Road and Forge End;
- 2.26 As set out in detail in my main Evidence, the scope of the transport work prepared to support the outline planning application was agreed with the highway authority at Hertfordshire County Council. The documents considered all issues concerning highway operation and safety leading to agreement of all transport issues subject to the agreed mitigation package. In my view, if the highway authority considered that there were outstanding highway safety issues concerning the operation of Chiswell Green Lane and / or the appropriateness of the proposed cycle improvement schemes on both Chiswell Green Lane and Watford Road and the wider operation of the local highway network, it would have asked us to address these. It hasn't and I therefore consider that the highway authority considers that there are no material adverse highway safety issues.
- 2.27 Furthermore, to demonstrate the absence of highway safety concerns, contrary to Mr Walpole's evidence, an independent Stage One Road Safety Audit was undertaken between 12.50 pm and 15.10 pm during the afternoon of the 31 March 2023. This audited:
- i. the two priority T-junctions in Chiswell Green Lane;
 - ii. the proposed vehicular access to the southern parcel via the gap between numbers 12 and 16 Forge End;
 - iii. the emergency access, doubling as a pedestrian/pedal cycle access at the northern end of Long Fallow;
 - iv. the 3m wide footway/cycleway proposed on the northern side of Chiswell Green Lane;
 - v. the proposed Tiger pedestrian and cycle crossing at the Watford Road/Chiswell Green double mini-roundabout junction; and

- vi. the cycle scheme improvements proposed on Watford Road between the Chiswell Green Lane junction and the A405 roundabout to the south, adjacent to the existing Shell petrol filling station.
- 2.28 It is my view that the Stage 1 RSA did not raise any material highway safety issues that cannot be addressed by way of detailed design in the normal way, should planning consent be granted for the appeal scheme.
- 2.29 A copy of the Stage 1 RSA and the designers response prepared by Glanville is included at **Appendix B**.

Will the residual cumulative impacts on the road network be severe? (Framework, para 111)

- 2.30 At paragraphs 2.3 to 2.4 of his evidence, Mr Walpole implies that both appellants have not considered, or not made any attempt to consider, the cumulative impacts of both schemes. In making these assumptions, Mr Walpole does not acknowledge the highway authority's consultation response dated 22 September 2022 included at Appendix AHJ/5 of my main Evidence or the officer's report to committee (CD 3.4). Both documents advise that the scope of the transport documents for both applications were agreed with the highway authority at Hertfordshire County Council and that whilst acknowledging that there would be a reduction in the operational performance of the B4630 Watford Road / Tippendell Lane / Chiswell Green double mini-roundabout it considered that the agreed mitigation package was proportionate to mitigate the impact of the appeal scheme.
- 2.31 At paragraphs 5.10 to 5.17 of his Evidence, Mr Walpole is seeking to undermine the robustness of the agreed Residential Travel Plan, but he does not go into any detail as to why they are not robust. Mr Walpole also fails to acknowledge that these are agreed documents with the highway authority as advised in my evidence and the consultation response at Appendix AHJ/5. This includes for a suggested condition that states: -
- "Travel Plan - Outline No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan and dated (March 2022) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied."*
- 2.32 The highway authority's consultation response dated 22 September also included for suggested conditions including one for monitoring the scheme as follows:
- "Monitoring - Outline Prior to commencement of any development the submission and agreement of a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development. Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018)."*

2.33 Paragraphs 4.32 and 4.33 of my Evidence confirms that the target to reduce single occupancy trips and achieve a modal shift target of ten percent (not accounting for those residents who choose to work from home) is ten percent. In real terms, these targets seek that 16 residents walk, 21 cycle and 21 use public transport in the morning peak hours. It also seeks to achieve an increase in ten residents walking, ten residents cycling, and ten residents using public transport in the PM peak hours.

2.34 I do not consider the numbers set out above, to transfer from single occupancy car travel to other sustainable transport modes, are unrealistic. To the contrary, in my view they are eminently achievable for this development in this location. I therefore consider that a robust Travel Plan is capable of being provided that will be monitored by the highway authority should planning consent be granted alongside the comprehensive active travel / sustainable transport package.

Individual Impact of the Appeal Scheme

2.35 With respect to the individual impact of the appeal scheme, the modelling results for the Watford Road double mini roundabout is included within Table 20 of CD 2.9. A table showing the increases in RFC, Queues and Delay between a '2027 Base without development' scenario in comparison to a '2027 with development' scenario has been provided within **Appendix C**.

2.36 In summary, the double mini roundabout, particularly the northern junction is currently operating close to or at its theoretical capacity. However, both mine and the highway authority's view is that the increases in delay on all arms during the morning peak hour are not material. During the AM peak, the largest increase in capacity, queues and delay is forecast to occur on Chiswell Green Lane but this is to be expected with the traffic forecast to be generated by the appeal scheme. Again, even with that increase, I do not consider the impact on performance to be material.

2.37 During the PM peak, the main impact is forecast to occur on Tippendell Lane. The increases in capacity and queues appear to be reasonable. However, the delay increases from 108 seconds to 285 seconds (nearly three minutes).

2.38 The highway authority at HCC acknowledges that the Transport Assessment showed that there would be a reduction in the operational performance of the B4630 Watford Road / Tippendell Lane / Chiswell Green Lane double mini roundabout under the future year (2027) weekday AM and PM peak hour periods without or with the travel plan discounts. However, based on its local knowledge of the operation of the local highway network including the Watford Road double mini-roundabout, the highway authority does not consider that impact of the appeal scheme on highway capacity is sufficiently material that could not be mitigated by way of a sustainable transport package in accordance with its wider aspirations to improve connectivity between Chiswell Green, Park Street and St Albans and reduce through traffic on the Watford Road corridor as part of the Chiswell Green Corridor Active Travel Improvements as identified in the South Central Hertfordshire Growth and Transport Plan document.

2.39 The highway authority also made this abundantly clear in email correspondence to the local planning authority further to receipt of objection reports submitted by Keep Chiswell Green. This is set out in detail in my main evidence and the relevant correspondence is included at Appendix AHJ/11.

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- 2.40 It is my view, and one shared with the highway authority, that the individual impact of the appeal scheme does not change how the junction operates. It does not gridlock, and minor arms are allowed to exit where priority dictates by drivers exercising common sense. It is also considered that the impact of providing a Tiger crossing over and above the existing Zebra is unlikely to materially affect the forecast operation of the double mini roundabout as advised in paragraphs 2.36 and 2.37 above.

Cumulative Impact of Appeal and Polo School Scheme

- 2.41 At paragraphs 6.17 to 6.24 of Mr Walpole's evidence, he notes that the cumulative impact of both appeal schemes on the operation of the local highway network has not been assessed and in particular at the Watford Road double mini roundabout.
- 2.42 As set out in my Main Evidence this is because the TA was based on an agreed scope of work with the highway authority at Hertfordshire County Council and with consideration to the National Planning Practice Guidance. Notwithstanding, Chapter 6 of my main evidence does provide a cumulative impact of both appeal schemes.
- 2.43 It concludes that a feasible mitigation scheme by way of a staggered signalised junction is required to mitigate the cumulative impact of both appeal schemes anticipated to operate similarly to the levels of queues and delay forecast for the existing double mini roundabout for a 2027 design year without development.
- 2.44 The cumulative impact assessment also shows that there is no material impact to the adjacent junctions or the Strategic Highway Network.
- 2.45 We have commissioned a Stage One Road Safety Audit of the proposed signalised junction design, which has not raised any material issues that cannot be addressed by a detailed design of the preliminary scheme. A copy of the RSA and Glanville's designers' response is included at **Appendix D**.
- 2.46 As set out in **paragraph 7.20** of my main Evidence, should the Inspector disagree with mine and the highway authority's views concerning the individual impact of the scheme and the adequacy of the proposed mitigation agreed with the highway authority to address the individual impact of the appeal scheme on highway capacity, the proposed signalised junction scheme is a proposal that would address these concerns.

3.0 Mr Fray's Evidence

3.1 With respect to Mr Fray's evidence, as set out in detail within my main proof of evidence, the supporting transport work and documentation submitted to support the outline planning application was based on an agreed scope with the highway authority at Hertfordshire County Council. Extensive liaisons were also carried out with National Highways that resulted in National Highways removing its holding direction.

3.2 Whilst I acknowledge the perceived traffic difficulties in the wider area, I do not consider that these are unique to St Albans and are typical of peak hour traffic conditions experienced throughout the UK. In my view the role of the planning system when considering the individual and cumulative traffic impacts of the appeal scheme is not about wider consideration of such matters but about the specific marginal impact which the appeal scheme proposals proposed may have in that regard. It is also my view that the bar for refusing a scheme on traffic impact grounds is a very high one; as follows.

PPG13

3.3 The last version of Planning Policy Guidance 13: Transport (PPG13) was published in January 2011. PPG13 had the following key objectives:

- promote more sustainable transport choices for both people and for moving freight
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and
- reduce the need to travel, especially by car" (ref: PPG13 paragraph 4).

3.4 However, PPG13 did not identify a particular test in terms of traffic impact. Indeed, it is virtually silent on this matter.

3.5 At that time, Transport Assessments were produced usually in accordance with the 'Guidance on Transport Assessment' (DfT March 2007). In terms of the level of impact, paragraph 4.92 of that document states (underlining added for emphasis):

"If the Transport Assessment confirms that a development will have material impact on the highway network, the level of impact at all critical locations on the network should be established. A particular example of material impact would be a worsening of congestion. In congested areas, the percentage traffic impact that is considered significant or detrimental to the network may be relatively low (possibly below the average daily variation in flow) and should have been determined in discussions with the relevant highway authorities."

3.6 Traffic impact could therefore be used as a reason for refusal to seek to prevent development from coming forward, even where impacts were modest.

NPPF – March 2012

3.7 PPG13 was superseded formally by the Framework in March 2012. This helpfully addressed the lack of clarity of what level of traffic impact should prevent development from coming forward.

3.8 Paragraph 32 of the March 2012 version of the Framework states (underlining added for emphasis):

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." (ref: NPPF March 2012 – para 32)*

3.9 The Framework deliberately set a high bar for preventing development from coming forward for transport reasons. Transport reasons for preventing development from coming forward should only be used when the impact, cumulative with other development, would be severe.

New NPPF – July 2021

3.10 The latest version of the Framework was published in July 2021 and retains the severe impact test as follows:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (ref: NPPF– paragraph 111)

3.11 'Unacceptable safety impact' was added in 2018 but the demanding test for preventing development for transport reasons remains.

3.12 There is no definition in the Framework of what level 'severe' is. The DCLG letter dated 23 August 2016 in **Appendix E** of my evidence identifies that there is no national definition of severe because the NPPF is designed to be interpreted and applied locally. The DCLG letter also sets out that: "local authorities are best placed to decide whether the particular impacts of a development on the road system will be severe, taking into account local circumstances."

3.13 The local authority in this case is Hertfordshire County Council. They are the highway authority and the statutory consultee appropriately qualified to advise on transport and highways matters. They have no transport objection to the appeal scheme.

Relevant appeal decision - Land at Blackfield End Farm, Church Road, Warton (24 September 2015)

3.14 The appeal decision at Land at Blackfield End Farm, Church Road, Warton (ref: APP/M2325/A/14/2217060 – Appendix B) provides an example of the application of the severe impact test. That scheme comprised 360 dwellings similar to the appeal scheme. The appeal decision is included at **Appendix F**.

- 3.15 Paragraph 125 of that Inspector's report identifies clearly that development can have an adverse impact, and in that case one that would be significant, without failing the NPPF test:

"I conclude that the proposed development would be likely to cause significant adverse effects for traffic movement at the Lytham Road/ Church Road/ Highgate Lane junction, and that there would be a limited adverse effect on highway safety. In consequence there would be conflict with criterion 9 in Policy HL2 of the Local Plan. However, taking account of the overall implications of the proposal on the local highway network, I do not consider that the residual cumulative effects of the proposal would be severe."

- 3.16 The Secretary of State agreed. Paragraph 10 of the decision letter states (underlining added for emphasis):

"Having carefully considered the Inspector's discussion on the Lytham Road/Church Road/Highgate Lane junction at IR107-121, the Lytham Road/Mill Lane/Ribble View Close junction at IR122, the Lytham Road/GEC junction at IR123, and the site accesses and Church Road at IR124, the Secretary of State agrees with his conclusions within those paragraphs and at IR125 that there would be significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction, a limited adverse effect on highway safety and, as a consequence, conflict with criterion 9 in Policy HL2 of the Local Plan. However, the Secretary of State also agrees with the Inspector at IR125 that, taking account of the overall implications of the appeal proposal on the local highway network, the residual cumulative effects would not be severe. The Secretary of State therefore gives them only moderate weight in the overall balance."

Relevant appeal decision – East Ardsley, Leeds (22 December 2016)

- 3.17 A further example of the application of the severe impact test can be found in the Secretary of State's decision for a scheme of 370 new homes at Land at Bradford Road, East Ardsley, Leeds (appeal ref: APP/N4720/W/15/3004034 – **Appendix G**). Again, this is a scheme similar in scale to the appeal scheme.

- 3.18 Section 8.5 of the Inspector's report deals with his conclusions of the effect on the highway network. In that case there was no agreement of highways matters between the highway authority and the appellant. The impacts were significant, particularly at a traffic signal junction where "extensive queuing already occurs". The impact of the development in that case would be noticeable – a greater than 50% increase in delay on one of the approach lanes and increases in delay of circa 50 seconds on two of the approaches. However, the Inspector recognised that "The intention in the Framework was to set the bar for refusal very high. Indeed, paragraph 32 requires any impact to be severe to justify a refusal on transport grounds." The Inspector at East Ardsley concluded that "I do not consider that the impact in this case could be considered severe".

- 3.19 The Secretary of State agreed and allowed the appeal:

"Having carefully considered the Inspector's findings at IR8.5.1-8.5.10, the Secretary of State agrees with his conclusion at IR8.5.9 and IR8.9.6 that, if there are no improvements in the interim, the queuing that currently takes place at the Thorpe Lane junction would be made slightly worse by the proposal but not to such an extent that it would justify refusal under the terms of paragraph 32 of the Framework." (ref: para 16 of the Secretary of State's decision letter dated 22 December 2016)

Relevant appeal decision – Holt Road, Wrexham (21 June 2021)

- 3.20 This appeal decision relates to a development of 74 new homes (appeal ref: APP/H6955/A/19/3238470). The appeal decision is included in **Appendix H**.
- 3.21 Highway safety and traffic flow on the highway network was a main issue discussed at the appeal hearing. The impact at the Greyhound Roundabout nearby was the principal concern, with Wrexham Borough Council asserting that the junction was over capacity and even the 1% increase resulting from the 74 new homes would be unacceptable.
- 3.22 The Inspector in that case disagreed, concluding (underlining added for emphasis):
- “28. On this issue I note the parallels with the Gatwen Road appeal. As the Inspector points out the Highway Authority has not considered alternatives modes of transport in the context of national policy on restricting car usage. I also agree that it is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion. On this basis, and noting the concerns raised by objectors over the impact of additional traffic on other junctions and access points, I am satisfied that none would be significant.*
- 29. I find that the proposed development would not jeopardise highway safety or harm the efficient operation of the road network. Thus, it would not conflict with criterion d) of UDP policy GDP1 which seeks safe and convenient pedestrian and vehicular access.”*
- 3.23 Modest impacts at even congested junctions should fall below the high bar and thus are acceptable. The presence of a congested junction nearby does not and should not inexorably preclude development from coming forward.
- 3.24 In this respect, as set out at my main Evidence, I concluded that the individual impact of the appeal scheme at the Watford Road double mini-roundabout junction does not justify the need for highway capacity improvements instead of or in addition to the agreed mitigation package.
- 3.25 However, I have considered a signalised junction scheme to mitigate the cumulative impact of both the appeal scheme and the Polo scheme. Should the Inspector disagree with my and the highway authority's views concerning the individual impact of the scheme and the adequacy of the proposed mitigation agreed with the highway authority to address its impact on highway capacity, the proposed signalised junction scheme is a proposal that would address these concerns. I also concluded that, subject to the proposed mitigation of the Watford Road double mini roundabout, there would not be any material impact on the existing operation of both the local and strategic road networks associated with the cumulative impact of the appeal and Polo School schemes.

4.0 Mr Sault's Evidence

4.1 With respect to Mr Sault's evidence, I consider that his evidence is highly subjective using historic material, out of date material or no evidence to support his views. I also consider that assessing the impact of the Radlett Rail Freight and its associated traffic patterns falls outside the remit of this Public Inquiry. To this end, a considerable amount of work has been carried out concerning the Radlett Rail Freight Interchange including a public inquiry held between the 24 November and 18 December 2009 leading to:

- i. the Secretary of States decision notice dated 14 July 2014 (ref: APP/B1930/A/09/2109433 & LPA ref:5/09/0708);
- ii. a High Court decision dated 13 March 2015; and
- iii. Court of Appeal Order Refusing Leave to Appeal dated 11 June 2015.

4.2 As advised in **paragraph 3.2** above, it is my view that the role of the planning system considering the individual and cumulative traffic impacts of the appeal scheme is about the specific marginal impact which the appeal scheme proposals proposed may have in that regard. As I have set out in my main Proof of Evidence, the supporting transport work submitted to support the outline planning application was based on an agreed scope with the highway authority at Hertfordshire County Council who did not ask us to consider any changes in trip patterns associated with the Strategic Rail Freight Interchange. Extensive liaisons were also carried out with National Highways who did ask us to consider Radlett Rail Freight Interchange traffic but did not ask us to consider any changes in traffic patterns in comparison to the traffic considered at appeal.

5.0 Ms Shirani St Ledger McCarthy's Evidence

- 5.1 With respect to Ms Shirani St Ledger McCarthy's evidence, I do not afford any weight to its findings. This is because it is my view that the PoE that summarises the evidence of a questionnaire survey carried out by KCG that is not independent and it is biased to encourage negative responses to the appeal scheme. Please see the relevant webpage included at **Appendix I**.
- 5.2 Furthermore, the response rate of residents that responded to the questionnaire is low at 241 people when compared to the total population of circa 4,000 people, and of these, 109 people are retired. I would therefore question the reliability of these results as a true interpretation of how residents in Chiswell Green travel.

Appendices

Appendix A

White Young Green's Research Paper 'How Far Do People Walk'



How far do people walk?

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Presented at the PTRC Transport Practitioners' Meeting
London, July 2015



Contents

Abstract	2
1.0 Review of Advice & Guidance	3
2.0 National Travel Survey	6
3.0 Results	7
4.0 Discussion	18
5.0 Conclusions	19
References	20



Abstract

Walking and, to a lesser extent, cycling are important factors in assessing land allocations in Local Plans and in determining planning applications. Accessibility to public transport, defined in part, as the walking distance to bus stops can have significant financial implications for new developments if bus services need to be provided or diverted to serve the site. The information on walking distances is limited. Planning Policy Guidance 13 Transport, which gave some useful guidance on walking and cycling distances, was withdrawn in 2012. The IHT's Providing for Journeys on Foot and Planning for Public Transport in New Development were both published 15 years ago. In all three documents there is limited evidence to support the advice given. However, there is a clear need that policy and decision taking should be based on the best evidence available.

The National Travel Survey is a large-scale travel diary survey which provides data on a wide range of transport matters, including walking and cycling distances. It has limitations because it relies on self-completion and the distances are those estimated by respondents. However, the data has been consistently collected across the UK since 1988.

We have used the NTS to obtain average and 85th percentile distances for journeys where walking is the main mode of travel, and also where walking is the first stage of a public transport trip, i.e., walking distance to a bus stop or railway station. When assessing the accessibility of a new development on foot we suggest that the 85th percentile distance should be used to estimate the distance upto which people are prepared to walk. For new bus stops and railway stations, we suggest that the average walking distance is used for planning purposes. The contribution which the walking distance to a bus stop, or railway station, plays in the perceived convenience of public transport is not well understood and is an area for further study. Until further information is available, the use of average walking distance from the NTS is at least based on the distance that people actually walk.

We have looked at the influence of region, whether the area is urban or rural, journey purpose and gender on walking as the main mode and on walking to a bus stop or railway station.

We conclude that the following distances should be used for planning purposes:

	Mean (m)	85 th Percentile (m)
Walk – As main mode of travel		
UK (Excluding London)	1,150	1,950
London	1,000	1,600
Walk to a Bus Stop		
UK (Excluding London)	580	800
London	490	800
Walk to a Railway Station		
UK (Excluding London)	1,010	1,610
London	740	1,290

1.0 Review of Advice & Guidance

Walking

- 1.1** The Government introduced advice on walking distances in the 2001 revision to Planning Policy Guidance 13: Transport (PPG13) (DETR, 2001, para 75) which advised that, *“Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under two kilometres”*. This advice was retained in the 2011 revision of PPG13 (DCLG, 2011). The 2km distance has been used for many years to define the areas within which facilities are considered accessible on foot. However, PPG13 did not provide any rationale or evidence to support the selection of 2km as an appropriate distance.
- 1.2** In 2012 PPG13 was withdrawn and replaced with the National Planning Policy Framework (NPPF) (DCLG, 2012). NPPF does not provide any specific guidance on walking distances, although walking is considered to be an important contributor to sustainability.
- 1.3** Planning Policy Guidance for Transport Assessments and Statements (DCLG, 2014, para 015) does not give any specific guidance advice on walking distances but advises that Transport Assessments and Transport Statements should include *“a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport”*.
- 1.4** The Guidelines for Providing for Journeys on Foot (IHT, 2000, para 3.30) includes some evidence on walking distances taken from the NTS’s summary *findings “Approximately 80% of walk journeys and walk stages in urban areas are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). This differs little by age or sex and has remained constant since 1975/76. However, this varies according to location. Average walking distances are longest in Inner London”*.
- 1.5** The same guidelines produced a table of suggested acceptable walking distances, which is reproduced below at Table 1.1. These distances are for people without mobility impairment and it is suggested in the guidelines that these may be used for planning and evaluation purposes.

	Town centres (m)	Commuting/school Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1,000	800
Preferred maximum	800	2,000	1,200

Table 1.1 – Suggested Acceptable Walking Distance (IHT, 2000, Table 3.2)

- 1.6** It is notable that these distances are only “suggested” and no evidence is provided to support them. From the NTS data quoted in IHT (2000), the average walking distance is 1km, which means that around half of walking trips are longer than the “suggested acceptable” walking distance for commuting and school purposes. The preferred maximum distance is the same as that in PPG13, but it is not clear why walking “elsewhere” should be associated with shorter distances, or why the distances in town centres are so much shorter. There are clearly problems inherent in this table.
- 1.7** The Manual for Streets (DfT, 2007) promoted the concept of walkable neighbourhoods and these are typically characterised by having a range of facilities within 10 minutes’ walking distance (about 800m) of residential areas. The Manual also advised that 800m is not “an upper limit” (DfT, 2007, para 4.4.1) and referred back to the 2km advice in PPG13.
- 1.8** Planning for Walking (CIHT, 2015) is an update to IHT (2000) and provides the following guidance on walking distances *“Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods”, with a typical catchment of around 800m, or a 10 minute walk”* (CIHT, 2015, p.29).
- 1.9** It also recognises the lack of supporting evidence and that more work is needed, “These guidelines are designed to address the limited amount of guidance available to professionals about planning for walking. Some of the research quoted is quite old but is still valid and does in itself indicate that more work is needed in this area”, and, “CIHT would welcome examples that build on the content of this guidance for inclusion in further guidance on the subject” (CIHT, 2015, p.5).
- 1.10** Transport Statistics GB (DfT, 2014a) reports that walking accounted for 22% of all trips, and that 78% of all trips of less than one mile were walking trips. The DfT also produces Personal Travel Factsheets which provide summary detail on various sections of the NTS results (DfT, 2013a). The most recent document (released in 2011) showed that in Great Britain in 2009 11% of all commuting trips were on foot, whilst walking accounted for 47% of trips under 2 miles (DfT, 2011a). Although these documents provide some useful information they do not give details of the range of distances walked and the parameters used are often inconsistent.
- 1.11** In summary, there is no current national guidance on acceptable walking distances and the published guidance makes some suggestions, but with little supporting evidence. The CIHT acknowledges the current guidance is old and more research is needed.

Walking to Public Transport

- 1.12** PPG13 did not advise on walking distances to bus stops or railway stations and neither does the NPPF. Planning Policy Guidance on Transport Assessment (DCLG, 2014) also gives no guidance on acceptable distances, leaving Local Authorities and practitioners to devise their own estimates.
- 1.13** Planning for Public Transport in New Development (IHT, 1999, para 5.21) advises that, *“New developments should be located so that public transport trips involving a walking distance of less than 400m from the nearest bus stop or 800m from the nearest railway station”*; advice which has been widely adopted by Local Authorities. It also advises that *“These standards should be treated as guidance, to be achieved where possible by services that operate at regular frequencies and along direct routes. It is more important to provide services that are easy for passengers to understand and attractive to use than to achieve slavish adherence to some arbitrary criteria for walking distance”* (IHT, 1999, para 5.17).
- 1.14** IHT (1999) bases its recommended walking distance to a bus stop on DoE Circular 82/73. This circular advised that *“Estates should be designed so that the walking distance along the footpath system to the bus stops should not be more than 400m from the furthest houses and work places that they serve”* (DoE, 1973, para 4.3). The Circular provided no evidence to support its advice or to give any guidance on the walking distance to railway stations.
- 1.15** Planning for Walking (CIHT 2015, p.30) advises that, *“The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400m has traditionally been regarded as a cut-off point, in town centres, 200m. People will walk up to 800m to get to a railway station, which reflects the greater perceived quality or importance of rail services”*. Again, no evidence is provided to support the advice it gives and, by describing 400m as a cut-off point, is more rigid in its recommendation than IHT (1999).
- 1.16** The Masterplanning Check List (TfQL, 2008) reports a 2003 study by Kuzmyak et al. (2003a) which found that walking was the dominant mode of station access for home to station distances up to 0.5 miles, 0.625 miles and 0.75 miles, for three different railways in San Francisco. The authors of the Check List interpreted this as supporting the assumption of an 800m (0.5 mile) catchment for railway stations, although Kuzmyak et al. 2003a study (cited in TfQL, 2008) reported the range of distance was between 800m and 1,200m.
- 1.17** Transport Statistics GB (DfT, 2013b) includes an assessment of the time taken to walk to the nearest bus stop broken down by area type (metropolitan, small urban, etc). This reports that in 2012 for all areas, 85% of people live within a 7 minute walk of a bus stop, 11% live between 7 minutes and 14 minutes, and 4% live over 14 minutes' walk. Assuming a walking speed of 1.4m/s (IHT, 2000), these equate to 85% of people living within 588m of a bus stop, 11% living between 588m and 1,176m, and 4% living over 1,176m. This data does not report how far people walk to bus stops.
- 1.18** In summary, a 400m walking distance to a bus stop and an 800m walking distance to a railway station has been widely adopted. However, the reason why these distances have been selected is not clear. The most recent publication from CIHT acknowledges that the research is old and more work is required.

2.0 National Travel Survey

- 2.1** The NTS is a household survey of some 15,000 households across the UK, of which normally around 55% fully co-operate; for the 2010 to 2012 survey years this was between 7,700 to 8,200 households and over 18,000 individuals (DfT, 2010, 2011b, 2012a and 2013b). A travel diary is used to record journeys by mode of travel, distance and the purpose of the journey as well as a range of other factors.
- 2.2** The NTS has some limitations because it relies on self completion of the diary and on individuals accurately estimating the distances travelled, as a result there may be inaccuracies in the data.
- 2.3** The NTS has been used to assess how far people walk to local facilities, bus stops and railway stations. Its use is recommended in Traffic Advisory Leaflet 6/00 Monitoring Walking (DfT, 2000). The NTS 2002 to 2012 dataset was available and the most recent three years' data (2010, 2011 and 2012) were selected for our analysis.
- 2.4** Walks of 1 mile or over are recorded on every day, whilst those less than 1 mile (termed "short walks"), which may form part of a multi-stage journey, are collected only on day 7 (DfT, 2012b). The day on which respondents begin completion of their travel diary is randomised, so that the day on which short walks are noted is randomly distributed over all weekdays. As a result, Day 7 includes both long and short walks and has been used for the walking assessment in this Paper. Appropriate weightings were applied to the data to adjust for non-response and drop-off in the number of trips recorded in accordance with DfT (2012b).
- 2.5** It is recommended by DfT (2013c) that for stage estimates, samples of less than 300 should not be used and that samples of less than 1,000 may not be statistically reliable. Where sample sizes are less than 300 the data has not been reported.
- 2.6** The longest 1% of walk distances from each dataset was removed from the sample to eliminate unusually long walks. As a result, our analysis was based on 99% of the surveyed distance distribution.
- 2.7** Actual walking distances are generally recorded in NTS to the tenth of a mile, but some are recorded to the hundredth of a mile, for example 0.5 miles and 0.75 miles. The reported distances have been converted to metres and then rounded to the nearest 50m, or to the nearest 10m for the walking distances to public transport.
- 2.8** The datasets were analysed for walking distances in relation to several variables and the mean and 85th percentile distances were determined. The mean is a useful measure of the distance that the average person walks, whereas the 85th percentile is a measure of the distance upto which people are prepared to walk, and so could be used to establish catchment areas for walking.

3.0 Results

Walking

3.1 These are for journeys where walking is the main mode of travel.

a. Regional Variations

3.2 The walking distances by region are shown below at Table 3.1.

Region	Weighted Sample Size	Mean (m)	85th Percentile (m)
North East	1539	1200	1950
North West	4251	1150	1950
Yorkshire & Humber	3067	1150	1600
East Midlands	2535	1150	2000
West Midlands	3029	1100	1600
East of England	3072	1150	1800
London	4608	1000	1600
South East	4765	1150	1950
South West	3159	1200	2250
Wales	1743	1100	1950
Scotland	3222	1100	1950
All Regions (Excl. London)	30382	1150	1950
All Regions (Incl. London)	34990	1150	1600

Table 3.1 – Walking Distances by Region

3.3 The results show that there is little variation in the average walking distance, which is between 1,000m and 1,200m. Excluding London the variation would be only 100m. There is greater variation (650m) in the 85th percentile distances, which are between 1600m and 2250m. London has the shortest average walking distance and has the one of the shortest 85th percentile walking distances at 1,600m.

3.4 The shorter walking distances in London given by the NTS does not fit with the information in IHT (1999) which found that walking distances are longest in Inner London. The NTS data is for both Inner and Outer London, but unless the walking distances in Outer London are abnormally low then it is difficult to reconcile the difference. Further study is needed and for this reason the remainder of our analysis excludes London.

3.5 The walking distances for All Regions excluding London should be used.

b. Urban and Rural Distribution

3.6 The walking distances by 2011 Census Rural/Urban Classification are shown below at Chart 3.1.

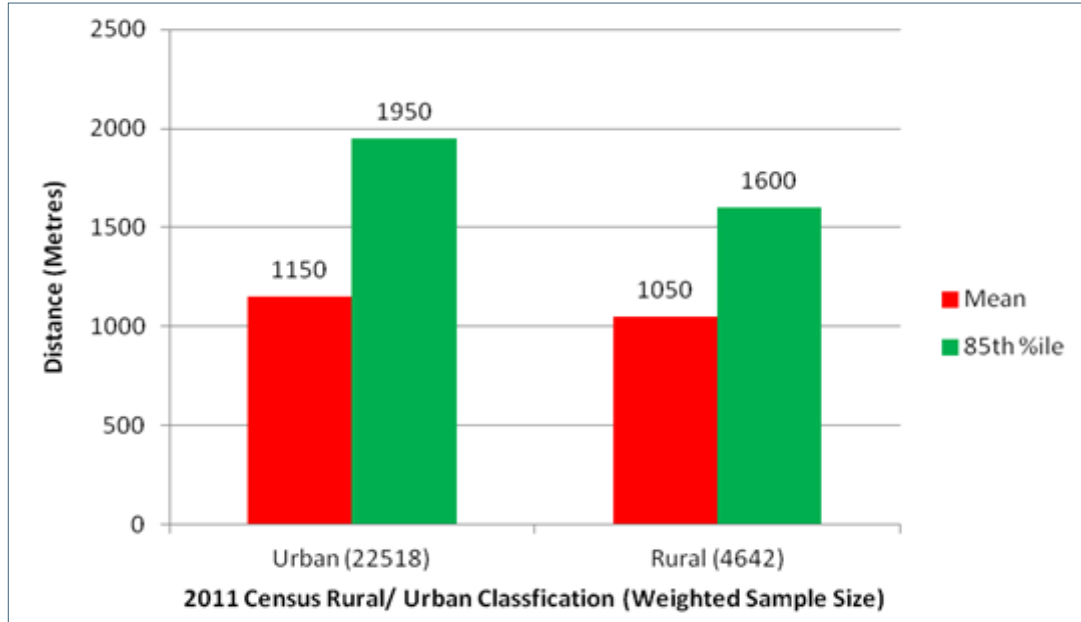


Chart 3.1 – Walking Distances by 2011 Census Rural/ Urban Classification (Excluding London)

3.7 People living in urban areas walk further than those in rural areas, with 85th percentile distances of 1,950m and 1,600m respectively. The result for rural areas corresponds with that for London, although the availability of facilities in London and in rural areas is likely to be quite different. Clearly further study is needed.

c. Effect of Gender

3.8 The walking distances by gender are shown below at Chart 3.2.



Chart 3.2 – Walking Distances by Gender (Excluding London)

3.9 There are slightly more women (54%) than men (46%) in the sample and they have a similar average walking distance, but men walk some 400m further than women at the 85th percentile level.

d. Effect of Journey Purpose

3.10 The walking distances by gender are shown below at Table 3.2.

Journey Purpose	Weighted Sample Size	Proportion	Mean (m)	85th Percentile (m)
Commuting	2166	7.1%	1250	2100
Business	290	1.0%		
Education/ Escort	5609	18.5%	1,000	1600
Shopping	5958	19.6%	1,000	1600
Other Escort	1392	4.6%	1100	1600
Personal Business	2730	9.0%	1,000	1600
Leisure	5539	18.2%	1150	1950
Other (including just walk)	6698	22.0%	1450	2400
All	30382	100%	1150	1950

Table 3.2 – Walking Distances by Journey Purpose (Excluding London)

3.11 The results show that walking is mainly used for leisure and other purposes, which together account for 40% of all walking journeys.

3.12 Education and shopping each account for around 20% of walking trips and they have the same average walking distance of 1,000m and the same 85th percentile walking distance of 1,600m. The walking distance for commuting is longer, with an average of 1,250m and an 85th percentile of 2,100m, but only 7% of walking journeys are for commuting.

3.13 It is difficult to compare the values in Table 3.2 with those from IHT (2000), reported at Table 1.1, even if it is assumed that their Preferred Maximum accords with our 85th percentile values, because “town centres” and “shopping” may not be looking at the same activity and the IHT table groups together a number of different purposes.

e. Summary

3.14 The analysis has shown that there is some variation in walking distance across the country, with London having the shortest walking distances. Walking is mainly used for leisure and other purposes, which together account for 40% of all walking trips, followed by shopping and education each accounting for 20%. There is a slight gender bias with women walking more, but men walking for longer distances. People in rural areas, on average, walk a similar distance to those in urban. People in rural areas walk shorter distances than people living in urban areas.

Walking to a Bus Stop

3.15 Walking distances have been analysed for those trips where walking was the 1st stage/ mode of travel and bus was the 2nd stage/ mode of travel. This is the walking distance from, for example, home to the bus stop or work to the bus stop. However, in considering only the most recent three years of data, the sample sizes are too low for reliable results. In order to increase the sample size, the whole 2002 to 2012 dataset has been used.

a. Regional Variations

3.16 The walking distances to bus stops by region are shown below at Table 3.3.

Region	Weighted Sample Size	Mean (m)	85th Percentile (m)
North East	293		
North West	775	600	800
Yorkshire & Humber	527	620	800
East Midlands	347	650	1210
West Midlands	580	550	800
East of England	472	630	800
London	2916	490	800
South East	717	580	800
South West	359	640	1290
Wales	133		
Scotland	871	510	800
All Regions (Excl. London)	5075	580	800
All Regions (Incl. London)	7990	550	800

Table 3.3 – Walking Distances to Bus Stops by Region

Note samples below 1,000 may not be statistically reliable

3.17 The sample size for two of the regions is below 300 so the data has not been shown.

3.18 Even with the larger dataset, many of the regions have sample sizes which are too low to report, or below 1,000, and so possibly unreliable. Reliable data is only available from London and for All Regions.

- 3.19** Within the limitations of the data, the results identify some regional variations. Notably, London has the lowest mean distance of 490m and the joint lowest 85th percentile of 800m, whereas the South West has the highest mean distance of 640m and the highest 85th percentile of 1,290m. The inclusion of London within the All Regions sample has a marginal effect on the average walking distance; 550m opposed to 580m, but has no effect at the 85th percentile level. The average walking distance to a bus stop is notably longer than the 400m recommended in IHT (1999) and CIHT (2015).
- 3.20** For consistency with previous practice, London has been excluded from the remainder of the analysis.

b. Urban and Rural Distribution

- 3.21** The walking distances to bus stops by 2011 Census Rural/ Urban Classification are shown below at Chart 3.3.

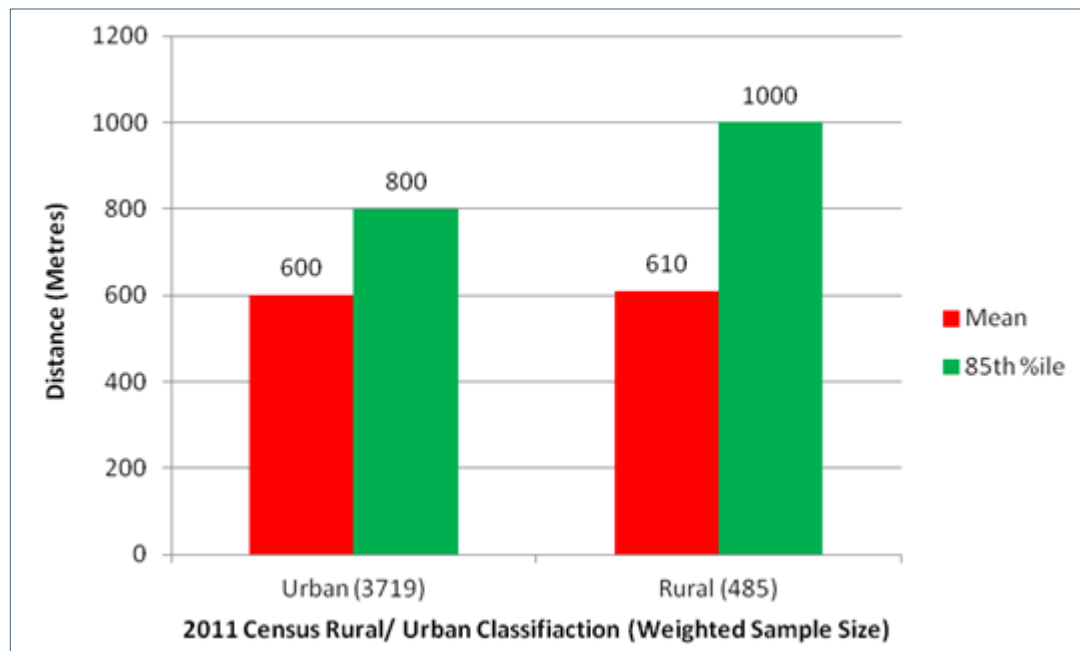


Chart 3.3 – Walking Distances to Bus Stops by 2011 Census Rural/ Urban Classification (Excluding London)

- 3.22** The sample size in rural areas is less than 1,000 so might be statistically unreliable.
- 3.23** The graph shows that the use of buses by people living in rural areas is quite small, accounting for only 12% of the distribution, and on average these people walk no further than those in urban areas although, at the 85th percentile level, rural people walk 200m further than those in urban areas.

c. Effect of Gender

3.24 The walking distances to bus stops by gender are shown below at Chart 3.4.

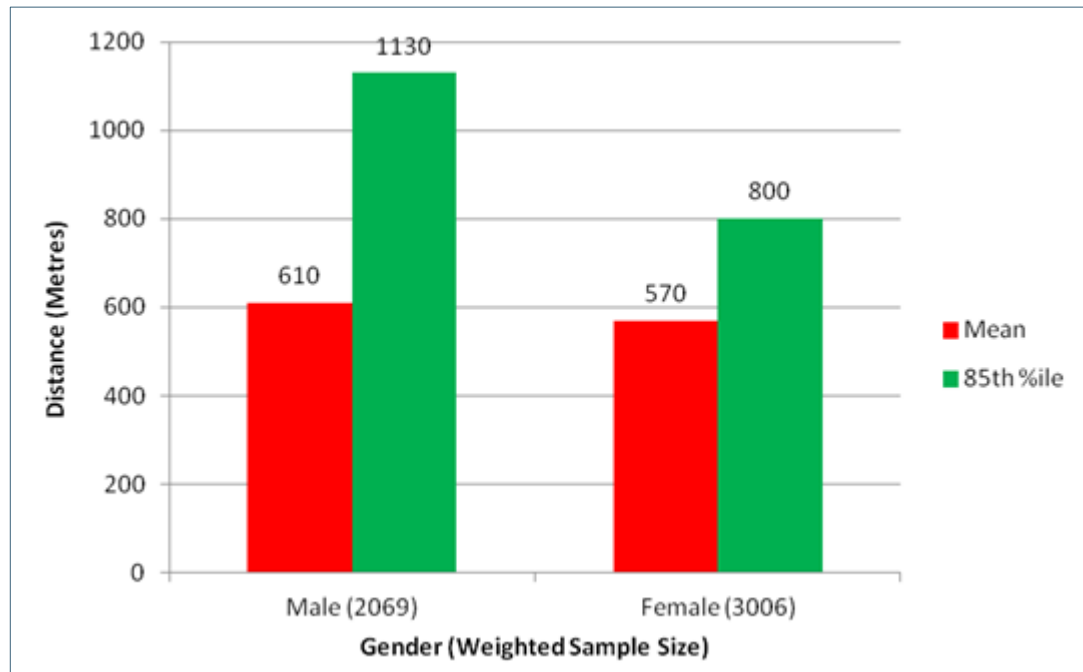


Chart 3.4 – Walking Distances to Bus Stops by Gender (Excluding London)

3.25 The results show that women account for 59% of the sample but walk on average slightly less to a bus stop than men; 570m opposed to 610m, whilst at the 85th percentile men walk considerably further; 1,130m opposed to 800m.

d. Effect of Journey Purpose

3.26 The walking distances to bus stops by journey purpose are shown below at Table 3.4.

Journey Purpose	Weighted Sample Size	Proportion	Mean (m)	85th Percentile (m)
Commuting	1352	26.6%	610	840
Business	97	1.9%		
Education/ Escort	845	16.7%	610	800
Shopping	1097	21.6%	500	800
Other Escort	109	2.1%		
Personal Business	479	9.4%	550	800
Leisure	1088	21.4%	640	1290
Other (including just walk)	7	0.1%		
All Purposes	5074	100.0%	580	800

Table 3.4 – Walking Distances to Bus Stops by Journey Purpose (Excluding London)

Note samples below 1,000 may not be statistically reliable

- 3.27** The sample size for three of the journey purposes is below 300 so the data has not been shown.
- 3.28** The results show that buses are mainly used for the purpose of commuting, followed by leisure and shopping purposes, these together accounting for over two-thirds of the distribution, followed by education/ escort.
- 3.29** The average walking distances to a bus stop for commuting, education and leisure are similar at just over 600m. However, people do not walk as far if on a shopping journey (500m). The 85th percentile for each journey purpose is similar, at 800m, apart from leisure at 1,290m.

e. Summary

- 3.30** This analysis has clearly demonstrated that average walking distances to a bus stop exceed the 400m which has been the distance recommended for use in IHT (1999) for some time. The analysis has also shown that the walking distances to bus stops in London are less than elsewhere in the UK. Walking to bus stops is mainly used for commuting, leisure and shopping purposes, and there is a small gender bias with women walking more, but men walking for longer distances. People in rural areas, on average, walk a similar distance to those in urban areas.

Walking to a Railway Station

3.31 Using the 2002 to 2012 dataset, walking distances have been analysed for those trips where walking was the 1st stage/ mode of travel and rail was the 2nd stage/ mode of travel. This is the walking distance from, for example, home to the railway station or work to the railway station.

a. Regional Variations

3.32 The walking distances to rail stations by region are shown below at Table 3.5.

Region	Weighted Sample Size	Mean (m)	85th Percentile (m)
North East	20		
North West	293		
Yorkshire & Humber	191		
East Midlands	67		
West Midlands	191		
East of England	505	1030	1610
London	3212	740	1290
South East	878	1020	1610
South West	89		
Wales	77		
Scotland	365	980	1610
All Regions (Excl. London)	2676	1010	1610
All Regions (Incl. London)	5888	870	1610

Table 3.5 – Walking Distances to Rail Stations by Region
Note samples below 1,000 may not be statistically reliable

3.33 The sample size in seven regions is below 300, so the data has not been shown, and in three regions the sample size is below 1,000 and so might be statistically unreliable. Reliable data is only available from London and for All Regions.

3.34 The results show that London has the lowest average walking distance of 740m and the lowest 85th percentile walking distance of 1,290m. The East of England and South East England have the highest average walking distance of 1,030m and 85th percentile walking distance of 1,610m.

- 3.35 By comparing data for both All Regions samples it can be seen that the inclusion of London results in a shorter average walking distance, 870m as opposed to 1010m, but has no effect at the 85th percentile level.
- 3.36 The average walking distance to a railway station outside London is notably longer than the 800m recommended in IHT (1999) and CIHT (2015), but is similar to that noted by Kuzmyak et al. 2003a (cited in TfQL, 2008).
- 3.37 IHT (1999) and CIHT (2015) both advise that people should not have to walk more than 800m to a rail station. The results show that people outside London walk on average 1,010m and 15% walk more than 1,610m.

b. Urban and Rural Distribution

- 3.38 The walking distances to rail stations by 2011 Census Rural/ Urban Classification are shown below at Chart 3.5.

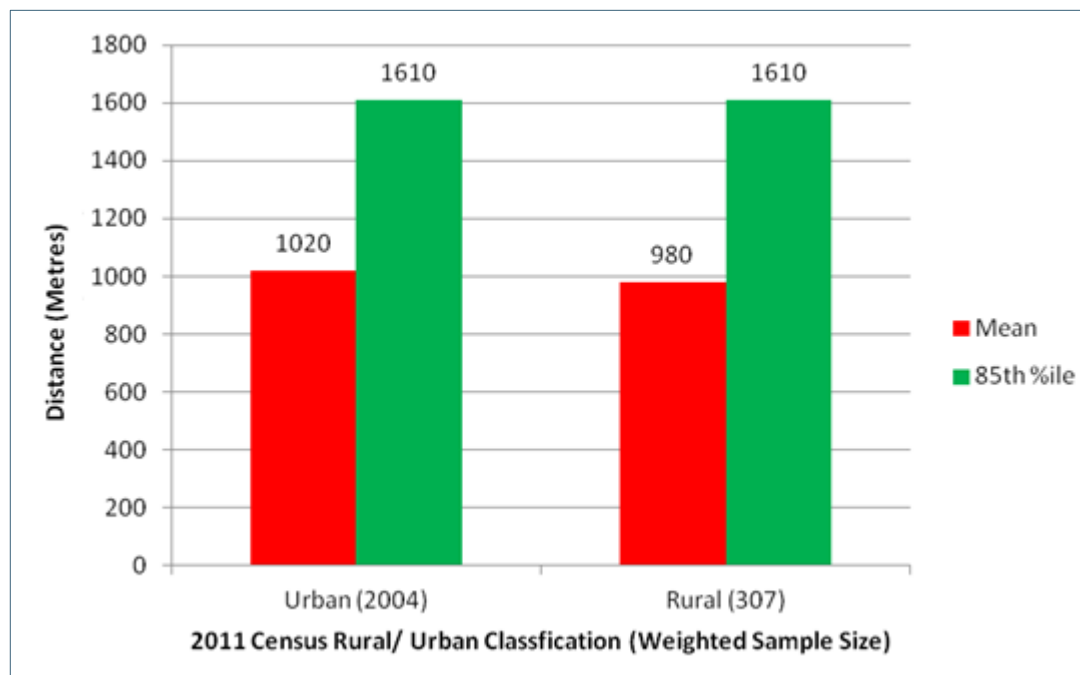


Chart 3.5 – Walking Distances to Rail Stations by 2011 Census Rural/ Urban Classification (Excluding London)

- 3.39 The sample size in rural areas is less than 1,000, and only just above 300, so is likely to be statistically unreliable; nevertheless the walking distances are similar.

c. Effect of Gender

3.40 The walking distances to rail stations by gender are shown below at Chart 3.6.

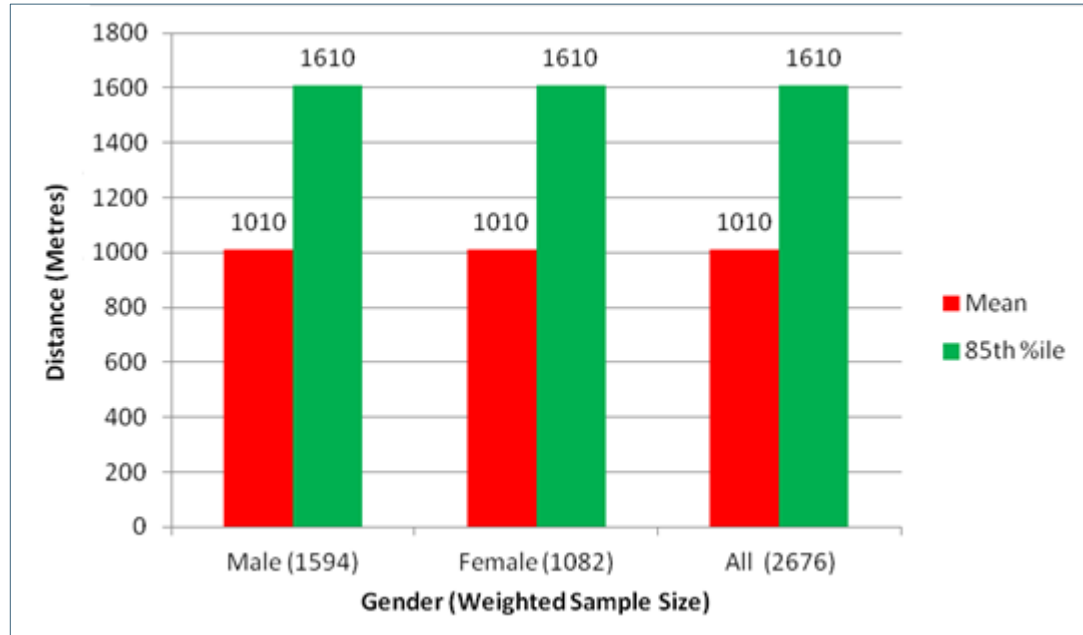


Chart 3.6 – Walking Distances to Rail Stations by Gender (Excluding London)

3.41 The results demonstrate that the average and 85th percentile walk distances to a rail station are unaffected by gender.

d. Effect of Journey Purpose

3.42 The walking distances to rail stations by journey purpose are shown below at Table 3.6.

Journey Purpose	Weighted Sample Size	Proportion	Mean (m)	85th Percentile (m)
Commuting	1307	48.8%	1030	1610
Business	165	6.2%		
Education/ Escort	217	8.1%		
Shopping	220	8.2%		
Other Escort	50	1.9%		
Personal Business	119	4.4%		
Leisure	598	22.3%	1010	1610
Other (including just walk)	2676	100.0%	1010	1610
All	1307	48.8%	1030	1610

Table 3.6 – Walking Distances to Rail Stations by Journey Purpose (Excluding London)

Note samples below 1,000 may not be statistically reliable

- 3.43** The sample size for five journey purposes is below 300 so the data has not been shown and one is below 1,000 so might be statistically unreliable.
- 3.44** The results show that walking to a railway station is undertaken predominantly for commuting (50%) and leisure (22.3%), these together accounting for over two-thirds of the sample.
- 3.45** The average walking distances to a rail station for commuting and for leisure are very similar at just over 1,000m, whilst the 85th percentile level is 1,610m.

e. Summary

- 3.46** The analysis has shown that average walking distances to a rail station exceed the 800m maximum distance recommended in IHT (1999). The analysis has also shown that walking distances to rail stations in London are less than elsewhere in the UK. Walking to rail stations is mainly used for commuting and leisure purposes, and there is no difference in the distances walked. There is very little difference in the distances walked to a rail station in rural and in urban areas.

4.0 Discussion

- 4.1** In relation to walking as the main mode of travel the main interest from a planning perspective is to assess whether there is a range of facilities within a reasonable walking distance of a site. This is normally done as a walkable catchment which shows the furthest extent that could reasonably be walked. In the past the 2km value from PPG13 was used, but since its withdrawal there is no basis for continuing to rely on this value.
- 4.2** From the simple analysis of the NTS data we have shown that the average walking distance for All Regions excluding London is 1,150m and the 85th percentile distance is 1,950m, which corresponds to the PPG13 2km value. We suggest that for planning purposes the 85th percentile distance should be used to establish the walking catchment for sites outside London.
- 4.3** In London we found that walking distances were less; the average is 1,000m and the 85th percentile is 1600m. It is not clear why the distances are less than elsewhere in the UK, but it is notable that the walking distances to a bus stop or a railway station are also lower in London. It may be that people don't have to walk far to reach the facilities they need, but the London walking distance are similar to those in rural areas where the opposite argument would apply. Further study is needed.
- 4.4** Outside London, walking is mainly a leisure activity accounting for 40% of journeys, with education and shopping each accounting for 20%. Commuting on foot was little used, accounting for only 7% of trips. People walked the furthest for commuting and other journey purposes, both at the average and 85th percentile levels (2,100m and 2,400m respectively). People did not walk as far for shopping or education purposes both at the average and 85th percentile levels (1,600m for both). With this data it is possible to consider the walking catchment of workplaces, schools and shops. The distances set out here should replace those in IHT (2000).
- 4.5** It has been found that males walk further than women especially at the 85th percentile level. Further study of gender differences in relation to journey purpose would be worthwhile.
- 4.6** At present the walking distance recommendations of 400m and 800m by IHT (1999) have been widely adopted. From our assessment the distances people actually walk to catch a bus or train are notably longer. The average walk to a bus stop is 490m in London and 580m elsewhere in the UK and the average walk to a railway station is 740m in London and 1,010m elsewhere. So, outside London, the average person walks further to a bus stop or railway station, with 15% walking further than 800m to a bus stop and further than 1,290m to a railway station in London, and further than 1,610m to a railway station elsewhere.

- 4.7** So what is a reasonable walking distance to a bus stop or railway station for planning purposes? There is no simple answer. To compete with car travel, bus services need to be convenient for passengers. Convenience is a poorly defined term (OECD/ ITF, 2014) comprising several aspects, only one of which is the access distance to the bus stop. From Transport Statistics GB (DfT, 2014), 86% of homes are shown to be within 588m of a bus stop and yet bus patronage is 7% nationally. From Kuzmyak et al. 2003a study (cited in TfQL, 2008) for home to station distances of 800m to 1,200m, walking was the predominant mode of access.
- 4.8** The contribution that the access distance to public transport has on the uptake of the mode is not clear and further research is needed. What is clear from our assessment is that the average walking distance to a bus stop is well above 400m and the average walking distance to a railway station, outside London, is well above 800m. Therefore, average walking distances to bus stops and railway stations based on revealed behaviour recorded in the NTS should be used for planning purposes in preference to the 400m and 800m distances recommended in IHT (1999). When considering the potential walking catchment of a new development, to bus stop or railway station, the 85th percentile distance should be used.

5.0 Conclusions

- 5.1** There has been little or no information about how far people walk to underpin the policy and guidance which has been used for many years.
- 5.2** Policy making and decision taking should be based on the best evidence available and the following distances are recommended for planning purposes.

	Mean (m)	85 th Percentile (m)
Walk – As main mode of travel		
UK (Excluding London)	1,150	1,950
London	1,000	1,600
Walk to a Bus Stop		
UK (Excluding London)	580	800
London	490	800
Walk to a Railway Station		
UK (Excluding London)	1,010	1,610
London	740	1,290

Table 5.1 Recommended Walking Distances



References

Chartered Institute of Highways & Transportation (2015) *Planning for Walking*, London: Chartered Institution of Highways & Transportation.

Department for Communities and Local Government (2011) *Planning Policy Guidance 13: Transport*, London: The Stationary Office.

Department for Communities and Local Government (2012) *National Planning Policy Framework*, London: Department for Communities and Local Government.

Department for Communities and Local Government (2014) *Transport Assessment and Statements*, Planning Practice Guidance, [online], Available at <http://planningguidance.planningportal.gov.uk/blog/guidance/travel-plans-transport-assessments-and-statements-in-decision-taking/transport-assessments-and-statements/> (accessed 31st May 2015).

Department of the Environment, Transport & The Regions (2001) *Planning Policy Guidance 13: Transport*, London: The Stationary Office.

Department for Transport (2000) Traffic Advisory Leaflet 6/00, *Monitoring Walking*, London: Department for Transport.

Department for Transport (2007) *Manual for Streets*, London: Thomas Telford.

Department for Transport (2010) *National Travel Survey: England 2010*, London: Department for Transport.

Department for Transport (2011a) *Personal Travel Factsheet: Commuting and Business Travel*, London: Department for Transport.

Department for Transport (2011b) *National Travel Survey: England 2011*, London: Department for Transport.

Department for Transport (2012a) *National Travel Survey: England 2012*, London: Department for Transport.

Department for Transport (2012b) *National Travel Survey: Data Extract User Guide, 2002-2012*, London: Department for Transport.

Department for Transport (2013a) *NTS factsheets* [online], Available at <https://www.gov.uk/government/publications/nts-factsheets> (accessed 2nd June 2015).

Department for Transport (2013b) *Table NTS0801 Time taken to walk to nearest bus stop by area type and bus availability indicator: Great Britain and England 2002 and 2012* [online], Available at <https://www.gov.uk/government/statistical-data-sets/nts08-availability-and-distance-from-key-local-services> (accessed 2nd June 2015).

Department for Transport (2013b) *National Travel Survey 2012 Technical report*, London: NatCen Social research.



Department for Transport (2013c) *National Travel Survey: England 2013, Notes and Definitions*, London: Department for Transport.

Department for Transport (2014a) *Transport Statistics Great Britain: 2014*, London: Department for Transport.

Department for Transport (2014b) *National Travel Survey: England 2013*, London: Department for Transport.

Department of the Environment (1973) *Circular 82/73 Bus Operation in Residential and Industrial Areas*, London: Her Majesty's Stationary Office.

Institute of Highways & Transportation (1999) *Guidelines for Planning for Public Transport in Developments*, London: Institution of Highways & Transportation.

Institute of Highways & Transportation (2000) *Guidelines for Providing for Journeys on Foot*, London: Institution of Highways & Transportation.

OECD/ ITF (2014) *Valuing Convenience in Public Transport*, ITF Round Tables, No 156, Paris: OECD Publishing.

Transport for Quality of Life (2008) *Masterplanning Checklist for Sustainable Transport in New Developments*, Furnace: Transport for Quality of Life.

Appendix B

Stage One Road Safety Audit and Designers Response – Proposed Access Strategy and Off-Site Improvement Scheme on Chiswell Green Lane and Watford Road

**ACORNS
PROJECTS
LIMITED**



**Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire
Proposed Highway Works
Stage 1 Road Safety Audit**

For Glanville Consultants Limited

Prepared by Acorns Projects Limited

Safety Traffic Project Management & Highway Engineering Consultants

APRIL 2023

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Version No: 2.0

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Revision History

This document has the following history:

Version No.	Version Date	Summary of Changes	Changes marked
1.0	01/04/2023	N/A	N/A
2.0	06/04/2023	Text Amendments	No

Approvals

This document requires the following approvals:

Name	Title
Adriano B. Cappella	Audit Team Leader
Lisa Allen	Audit Team Member

Distribution

This document has also been distributed to:

Name	Title & Organisation
David Kemp	Associate Director - Glanville Consultants Limited
Anthony Jones	Technical Director - Glanville Consultants Limited

1.0 INTRODUCTION

1.1 This report results from a Stage 1 Road Safety Audit carried out on the Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire, Proposed Highway Works, at the request of the Overseeing Organisation, i.e. the Local Highway Authority, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DE. The Design Organisation is Glanville Consultants Limited, 3 Grovelands Business Centre, Boundary Way, Hemel Hempstead, Hertfordshire, HP2 7TE. The Third Party Organisation's are Cala Homes (Chiltern), Gemini House, Mercury Park, Wooburn Green, Buckinghamshire, HP10 0HH and, Redington Capital, 10 Perrin's Court, London, NW3 1QS.

1.2 The scheme proposals comprise Highway Works associated with a proposed residential development and a school (likely to be a 2FE Primary School but could be a SEND school), on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire. The development will be split into two separate parcels, northern and southern, with pedestrian/cycle links between the two parcels. There will not be any vehicular link between the northern and southern parcels. The northern parcel comprises 215 new residential dwellings plus the school (55%) and, the southern parcel comprises 176 new residential dwellings (45%). The proposals are summarised as follows:

- The northern parcel will be accessed by two adjacent priority T-junctions in Chiswell Green Lane;
- The southern parcel will be accessed off the northern end of Forge End, an existing cul-de-sac, via a gap between numbers 12 and 16 Forge End;
- A pedestrian / cycle access will be provided at the southern end of Forge End, together with an emergency access, doubling as a pedestrian/pedal cycle access at the northern end of Long Fallow;
- In Chiswell Green Lane, a 3m wide footway/cycleway is proposed on the northern side of the road;
- At the Watford Road/Chiswell Green double mini-roundabout junction, it is proposed to upgrade the existing Zebra pedestrian crossing to a Parallel crossing facility;
- An improved cycle track comprising a mix of segregated cycle lane and shared footway cycleway is being proposed on Watford Road between the Chiswell Green Lane junction and the A405 roundabout to the south, adjacent to the existing Shell petrol filling station;

1.3 The Road Safety Audit Team Membership was as follows:

Adriano B. Cappella IEng, FIHE, MCIHT, MSoRSA, HA RSA Certificate of Competency
(Audit Team Leader) Director, Acorns Projects Limited

Lisa Allen MSc, BEng (Hons), MCIHT, MSoRSA, HA RSA Certificate of Competency
(Audit Team Member) Associate Consultant, Acorns Projects Limited

- 1.4** The Audit took place at the Eaton Bray office of Acorns Projects Limited during March and April 2023. The Audit was undertaken in accordance with the Road Safety Audit Brief contained within the Design Organisation E-Mail to Acorns Projects Limited dated the 28th March 2023. The Audit comprised an examination of the drawings, document and data sheets provided by the Design Organisation and are listed in Appendix A.
- 1.5** The drawings, document and data sheets consisted of a copy of the site location, northern access junctions, southern access junction, sustainable travel improvements for Chiswell Green Lane, sustainable travel improvements for Watford Road/Chiswell Green Lane, the Forge End and Long Fallow pedestrian/cycle access, Long Fallow pedestrian/cycle access swept paths, Hertfordshire County Council's Watford Road Cycle Improvements (6 No. sheets), swept path analysis exercises (3 No. sheets), the Architect's Illustrative Masterplan for the Land South of Chiswell Green Lane, St. Albans and, the March 2023 Glanville Consultants Limited Stage 1 Road Safety Audit Brief document. Copies of the drawings at both A3 and A4 size were provided for the Audit Team's use. Road traffic collision data, vehicular traffic flow data and pedestrian and pedal cyclist information is contained within the March 2023 Glanville Consultants Limited Stage 1 Road Safety Audit document. Public transport information has not been provided for the purposes of this Stage 1 Road Safety Audit.
- 1.6** A visit to the site was undertaken between 12.50 pm and 15.10 pm during the afternoon of the 31st March 2023 by both Audit Team Members together. During the afternoon site visit, the weather was chilly, cloudy and overcast and the existing carriageway surfaces were dry. Vehicular traffic conditions at the time of the afternoon site visit were observed to be light in Chiswell Green Lane and moderate to heavy on occasions in Watford Road. A reasonable number of pedestrians and one pedal cyclist were observed during the afternoon site visit.
- 1.7** The terms of reference of the Audit are as described in DMRB GG 119 Road Safety Audit. The Audit Team has examined and reported only on the road safety implications of the scheme as presented and, has not examined or verified the compliance of the designs to any other criteria. However, to clearly explain a safety problem or the recommendation made to resolve the identified problem, the Audit Team may, on occasion, have referred to a Design Standard without touching on technical audit.
- 1.8** No Departures from Design Standards have been reported by the Design Organisation.

- 1.9** All Problems and Recommendations are referenced to the design drawings and the locations have been indicated on the A4 plans supplied for use by the Audit Team in Appendix B.
- 1.10** Issues identified, and observations made during this Stage 1 Road Safety Audit and site inspection which the Terms of Reference exclude from this report, but which the Audit Team wishes to draw to the attention of the Overseeing Organisation, i.e. the Local Highway Authority, Hertfordshire County Council, will be set out in a separate letter. These issues could include maintenance items and operational issues. In this regard, the Audit Team have made reference to four issues identified and observations made as referred to in a Covering Letter to the Design Organisation dated the 6th April 2023. This Covering Letter should be provided to the Overseeing Organisation, i.e. the Local Highway Authority, Hertfordshire County Council, and be considered in conjunction with this Stage 1 Road Safety Audit Report.

2.0 ITEMS RAISED AT THIS STAGE 1 ROAD SAFETY AUDIT

2.1 LOCAL ALIGNMENT

2.1.1 No Problems identified in this category at this Stage 1 Road Safety Audit.

2.2 GENERAL

2.2.1 PROBLEM

Locations 1 & 2 - The north bound and south bound approaches to the proposed Parallel crossing facility in Watford Road (Drawing No. 8210856-1029 Rev I1).

Summary - Reducing the potential for skidding and enhancing braking capacity on the north bound, and south bound approaches to the give way lines of the proposed Parallel crossing facility in Watford Road, in order to minimise potential overshoots and nose to tail shunt type collisions occurring, whereby vehicular occupants and pedestrians and pedal cyclists could sustain personal injury.

Detail - The scheme proposals include a proposed Parallel crossing facility in Watford Road, to the immediate south of the Forge End junction.

In operational terms, the introduction of the proposed Parallel crossing facility with the respective give way lines will result in the creation of new and potentially heavy braking areas on the north bound and south bound approaches to the new give way lines, that do not currently exist.

As a result, concern arises that a high skid resistant surface course material (formerly referred to as the wearing course), will be required on the north bound and south bound approaches to the new give way lines for the proposed Parallel crossing facility.

Whilst motorists should always be anticipating the unexpected, sudden or late braking may occur by motorists, particularly those who may be unfamiliar with the area, which could result in potential stop line overshoots and consequent nose to tail shunt type collisions occurring between a leading and any following vehicles on the immediate approaches to the proposed Parallel crossing facility give way lines, whereby vehicular occupants could sustain personal injury.

In addition, there could be a potential increased risk of give way line overshoots and consequently, this situation could result in a potential increased risk of stop line overshoots and subsequent potential collisions occurring between vehicles and pedestrians and pedal cyclists crossing at the proposed Parallel crossing facility, whereby pedestrians could potentially sustain high levels of personal injury, particularly for those pedestrians who may be blind or visually impaired.

RECOMMENDATION

It is Recommended that at the detailed design stage of the project, a high skid resistant surface course material (formerly referred to as the wearing course), should be provided on the north bound and south bound approaches to the new give way lines for the proposed Parallel crossing facility.

It is suggested that as a minimum, the length of high skid resistant surface course material (formerly referred to as the wearing course), should draw a relationship between the potential vehicular approach speeds and, the minimum stopping distances identified in the Highway Code.

The shortest/overall stopping distances assume dry road conditions, a car with good brakes and an alert driver. It is acknowledged that generally, a longer linear distance is or can be provided in these circumstances.

2.3 JUNCTIONS

2.3.1 PROBLEM

Locations 3 & 4 - At the eastern and western access junctions in Chiswell Green Lane (Drawing No. 8210856-1001 Rev I6).

Summary - The proposed visibility splays to the right and to the left for drivers emerging from the eastern and western new priority T-junctions are likely to be impacted upon by the presence of an existing boundary hedge and mature boundary trees and vegetation, which could lead to a potential increased risk of side impact vehicular collisions occurring, whereby vehicle occupants could sustain personal injury.

Detail - The scheme proposals comprise new access junctions in Chiswell Green Lane, one to the east and one to the west.

At the eastern access junction, the proposed visibility splay to the right of 2.4 x 47.9 metres is likely to be impacted upon by the presence of the existing property boundary hedge of No. 35 Chiswell Green Lane. The existing property boundary hedge is also impacting upon the width of footway available for pedestrian use.

With regard to the western access junction, the proposed visibility splay to the left of 2.4 x 46.0 metres will be impacted upon by the presence of the mature boundary trees and vegetation at the development site frontage.

Concern arises that impact upon the proposed visibility splays to the right and to the left for drivers emerging from the eastern and western new priority T-junctions caused by the presence of the existing boundary hedge and mature boundary trees and vegetation could lead to a potential increased risk of side impact vehicular collisions occurring between vehicles emerging from the respective junctions and, east bound and west bound Chiswell Green Lane vehicular traffic, whereby vehicle occupants could sustain personal injury.

RECOMMENDATION

It is Recommended that the existing boundary hedge and mature boundary trees and vegetation should not impact upon the proposed visibility splays at the new priority T-junctions and which should be cut back and removed as necessary, in order to mitigate the potential collision scenarios. This would also bring the added benefit of improving the footway width available for pedestrian use to the east of the eastern access junction.

2.3.2 PROBLEM

Location 5 - At the western access junction in Chiswell Green Lane (Drawing No. 8210856-1001 Rev I6).

Summary - The presence of the proposed perpendicular parking bays could impact upon an emerging drivers visibility splay to the right. This situation could lead to a potential increased risk of side impact vehicular collisions occurring, whereby vehicle occupants could sustain personal injury.

Detail - The scheme proposals comprise new access junctions in Chiswell Green Lane, one to the east and one to the west. Between the two and in relative proximity to the western access junction, it is proposed to install 10 No. perpendicular parking bays. The proposed parking bays will be 4.80 metres long by 2.4 metres wide.

Whilst the perpendicular parking bays may not necessarily impact upon the 2.4 x 47.9 metre visibility splay for drivers looking to the right when emerging from the western junction, a poorly parked vehicle or a long saloon car or large estate car or perhaps a box van is likely to have a material and detrimental impact upon the proposed visibility splay.

Concern arises that this situation could lead to a potential increased risk of side impact collisions occurring between vehicles emerging from the western junction and west bound Chiswell Green Lane vehicular traffic, whereby vehicle occupants could sustain personal injury.

RECOMMENDATION

It is Recommended that the recess of the 10 No. perpendicular parking bays should be increased, in order to ensure that sufficient margin is provided for poorly parked vehicles, long saloon cars or large estate cars and box vans.

2.4 WALKING, CYCLING AND HORSE RIDING

2.4.1 PROBLEM

Locations - General, along the alignment of the proposed sustainable travel improvements in Chiswell Green Lane and Watford Road (Drawing Nos. 8210856-1012 Rev I5 and 8210856-1028 Rev I1 to 8210856-1033 Rev I1 inclusive).

Summary - The presence of existing mature trees, street furniture and lamp columns, communications cabinets, verge side posts and bollards, hedges within the verge areas and parked vehicles on verges could present potential hazards for pedestrians and pedal cyclists who could collide with the existing features and consequently sustain personal injury.

Detail - The scheme proposals comprise sustainable travel improvements for pedestrians and pedal cyclists in Chiswell Green Lane, at the Watford Road/Chiswell Green Lane junction and along Watford Road from the existing double mini-roundabout junction down to the existing A405 roundabout to the south, adjacent to the existing Shell petrol filling station.

Within these lengths of proposed improvements for pedestrians and pedal cyclists, the site visit has established the presence of existing mature trees, street furniture and lamp columns, communications cabinets, verge side posts and bollards, hedges within the verge areas and parked vehicles on verges, all of which could present potential hazards for pedestrians and pedal cyclists.

Concern arises that the presence of all of the identified features could result in a potential increased risk of collisions occurring with the existing features, whereby pedestrians and pedal cyclists could consequently sustain personal injury.

RECOMMENDATION

It is Recommended that in implementing the sustainable travel improvements for pedestrians and pedal cyclists in Chiswell Green Lane, at the Watford Road/Chiswell Green Lane junction and along Watford Road from the existing double mini-roundabout junction down to the existing A405 roundabout to the south, all of the identified features should be removed or relocated accordingly, in order to reduce or mitigate the potential collisions risks identified during the site visit.

2.4.2 PROBLEM

Location 6 - The areas fronting the parade of local shops in Watford Road/Tippendell Lane (Drawing Nos. 8210856-1013 Rev I4 and Figure AHJ/8 Rev I1).

Summary - The presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk of vehicular and pedestrian and pedal cyclist collisions occurring, whereby pedestrians and pedal cyclists could consequently sustain personal injury.

Detail - The site visit has established the presence of a parade of local shops on the eastern side of Watford Road and the southern side of Tippendell Lane. Site observations undertaken confirmed the lack of regard to the needs of pedestrians on the footway areas adjacent to the parade of local shops, as drivers were seen driving across the footway in Watford Road and onto the southern footway of Tippendell Lane, in order to park on a short term basis.

In general terms, the lack of clearly defined vehicular and footway areas appeared to increase the poor and injudicious approach taken by drivers with regard to the safety of vulnerable road user types. Whilst the scheme proposals offer some minor improvement works in the area, concern arises that the continuing presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk of vehicular and pedestrian and pedal cyclist collisions occurring, whereby pedestrians and pedal cyclists could consequently sustain personal injury.

RECOMMENDATION

It is Recommended that in order to alleviate, minimise and reduce the current inappropriate means of multiple access to the shop frontages and improve both vehicular and pedestrian safety, raised kerbing should be introduced into the area to clearly indicate both the limits of the access road and the car parking spaces available.

It is also Recommended that bollards should be introduced to the prevent parking on the grassed areas. The proposals should seek to preserve the needs of the local businesses.

2.5 TRAFFIC SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING

2.5.1 PROBLEM

Locations - General, throughout the lengths and areas of the proposed highway works (Drawing Nos. - All scheme drawings as listed in Appendix A).

Summary - Enhancing the conspicuity of the proposed highway works in order to minimise potential vehicular collisions occurring and potential vehicular/pedestrian and pedal cyclist collisions occurring during the hours of darkness, which could result in vehicle occupants and pedestrians and pedal cyclists sustaining personal injury.

Detail - The scheme proposals comprise Highway Works associated with a proposed residential development and a school on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire. As a result, concern arises that a new and enhanced system of street lighting will need to be provided to suit the proposed highway works.

A lack of new or enhanced street lighting could result in a potential increased risk of vehicular collisions occurring during the hours of darkness, whereby vehicle occupants could sustain personal injury.

In addition, there could be a potential increased risk of pedestrian/pedal cyclist and vehicular collisions occurring when pedestrians and pedal cyclists cross the carriageways within the limits of the scheme proposals during the hours of darkness, whereby pedestrians and pedal cyclists could potentially sustain high levels of personal injury.

RECOMMENDATION

It is Recommended that at the detailed design stage of the project, a new and enhanced system of street lighting should be installed for the complete lengths and areas of the proposed highway works associated with the proposed residential development project, thus enhancing the operational safety of the overall scheme proposals during the hours of darkness.

END OF PROBLEMS IDENTIFIED AND RECOMMENDATIONS OFFERED IN THIS STAGE 1 ROAD SAFETY AUDIT

3.0 ROAD SAFETY AUDIT TEAM STATEMENT

We certify that this Road Safety Audit has been carried out in accordance with DMRB GG 119.

ROAD SAFETY AUDIT TEAM LEADER

Adriano B. Cappella IEng, FIHE, MCIHT, MSoRSA, HA RSA Certificate of Competency

Signed : 

Associate Consultant

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Date : 6th April 2023

ROAD SAFETY AUDIT TEAM MEMBER

Lisa Allen MSc, BEng (Hons), MCIHT, MSoRSA, HA RSA Certificate of Competency

Signed : 

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Date : 6th April 2023

APPENDIX A

APPENDIX A

LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, HERTFORDSHIRE

PROPOSED HIGHWAY WORKS

STAGE 1 ROAD SAFETY AUDIT

LIST OF GLANVILLE CONSULTANTS LIMITED DRAWINGS SUBMITTED FOR AUDITING

DRAWING NO.	TITLE
8210856-1007 Rev I2	Site Location
8210856-1001 Rev I6	Proposed Northern Access Junctions
8210856-1002 Rev I4	Proposed Southern Access Junction
8210856-1012 Rev I5	Proposed Sustainable Travel Improvements - Chiswell Green Lane
8210856-1013 Rev I4	Proposed Sustainable Travel Improvements - Watford Road/Chiswell Green Lane
8210856-1021 Rev I3	Proposed Forge End & Long Fallow Pedestrian/Cycle Access
8210856-1022 Rev I2	Proposed Long Fallow Pedestrian/Cycle Access Swept Paths
8210856-1028 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 1 of 6)
8210856-1029 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 2 of 6)
8210856-1030 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 3 of 6)
8210856-1031 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 4 of 6)
8210856-1032 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 5 of 6)
8210856-1033 Rev I1	Hertfordshire County Council's Watford Road Cycle Improvements (Sheet 6 of 6)
8210856-2006 Rev I2	Swept Path Assessment - Northern Site Access (West)
8210856-2007 Rev I2	Swept Path Assessment - Northern Site Access (East)
8210856-2008 Rev I2	Swept Path Assessment - Southern Site Access

LIST OF McBAINS LIMITED DRAWING REVIEWED AT THIS STAGE 1 ROAD SAFETY AUDIT

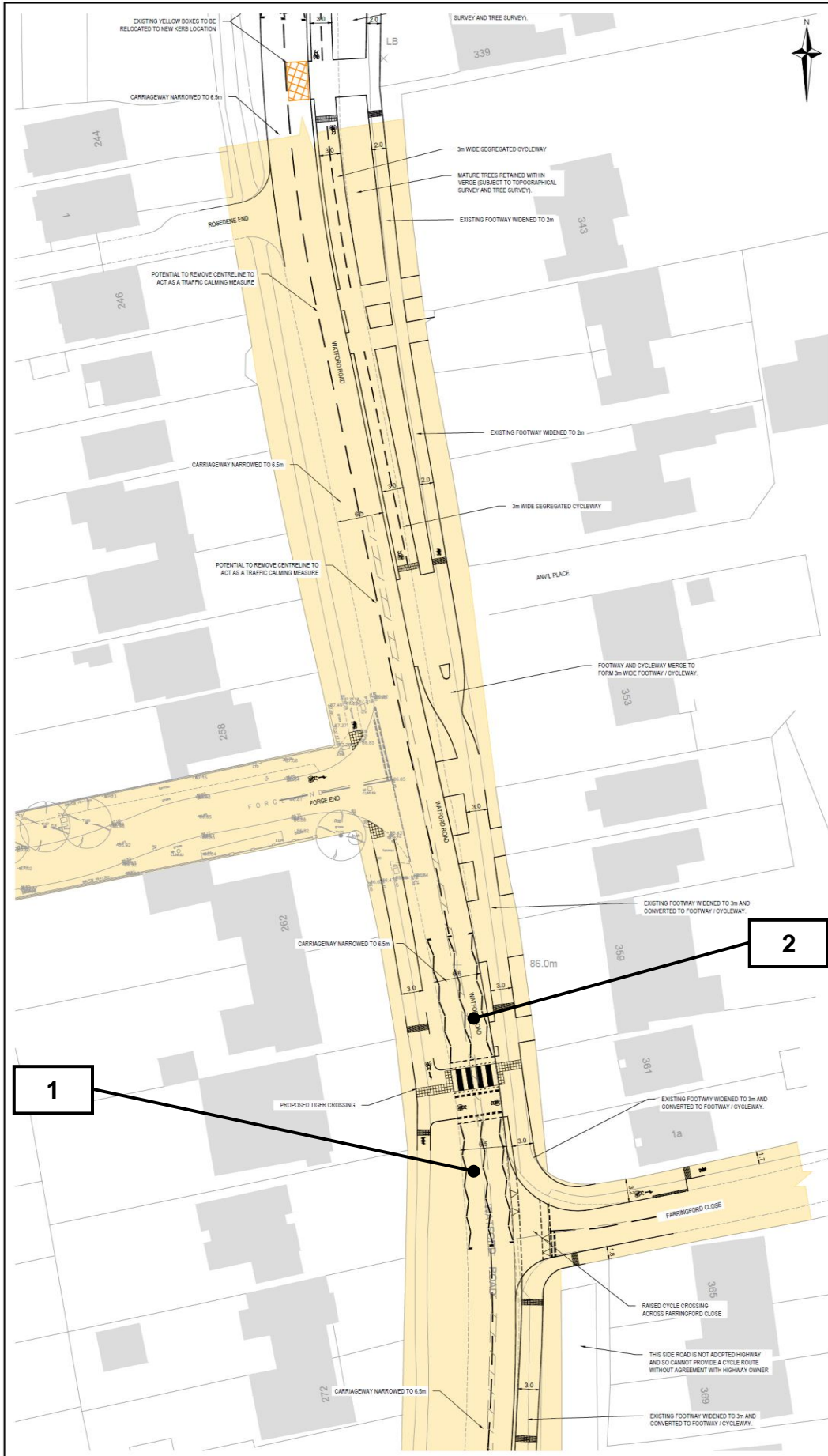
DRAWING NO.	TITLE
REDC01-MCB-ZZ-ZZ-DR-A-0210-D5 Rev P01	Illustrative Masterplan - Land South of Chiswell Green Lane, St. Albans

LIST OF DOCUMENTS AND DATA SHEETS REVIEWED AT THIS STAGE 1 ROAD SAFETY AUDIT

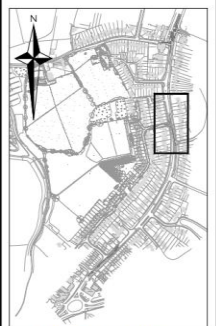
Glanville Consultants Limited - Land South of Chiswell Green Lane, Chiswell Green - Stage 1 Road Safety Audit Brief - March 2023
Road Traffic Collision Information - Full Confidential Accident Report and Collision Plot
Appendix N - Existing and Forecast Traffic Flow Diagrams

APPENDIX B

APPENDIX B - PROBLEM LOCATION PLAN - DRAWING NO. 8210856-1029 Rev I1



- NOTES**
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS, DOCUMENTS AND SPECIFICATIONS. ANY DISCREPANCIES BETWEEN INFORMATION SHOWN ON THIS AND ANY OTHER DRAWING SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
 2. DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY.
 3. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SPECIFICALLY STATED AS FOR CONSTRUCTION IN THE DRAWING SPECIFIC.
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 - PROPOSED PEDESTRIAN / CYCLE IMPROVEMENTS



WATFORD ROAD OVERVIEW
NOT TO SCALE

1

2

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11	FIRST ISSUE	24/08/2022	JB
Rev	Description	Date	Check

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Client: CALA HOMES (CHILTERN) & REDINGTON CAPITAL

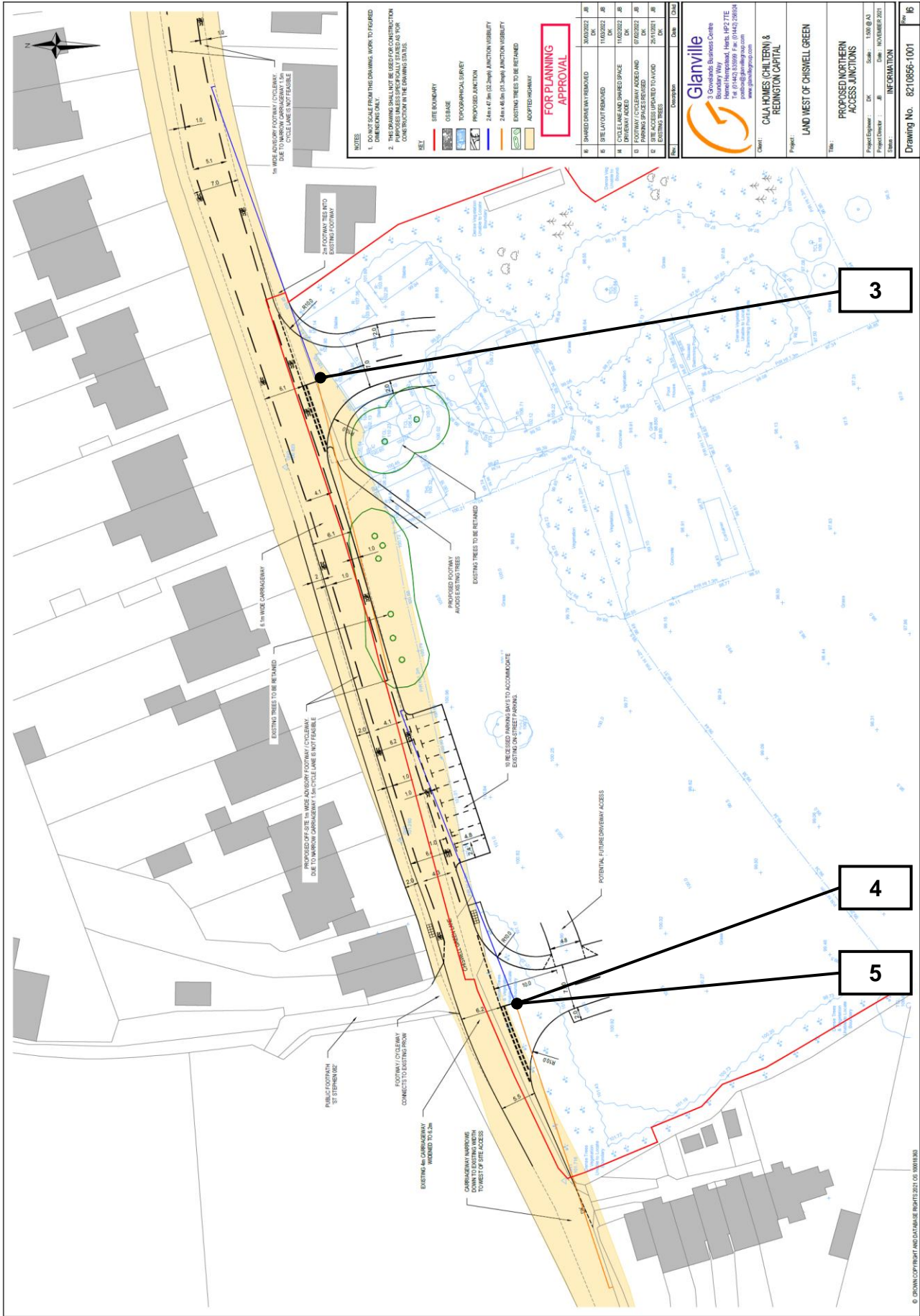
Project: LAND SOUTH OF CHISWELL GREEN LANE

Title: HERTFORDSHIRE COUNTY COUNCIL'S WATFORD ROAD CYCLE IMPROVEMENTS (SHEET 2 OF 6)

Project Engineer: DK Scale: 1:500 @ A3
Project Director: JB Date: AUGUST 2022

Status: INFORMATION

APPENDIX B - PROBLEM LOCATION PLAN - DRAWING NO. 8210856-1001 Rev I6



NOTES
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- KEY**
- SITE BOUNDARY
 - OS BASE
 - TOPOGRAPHICAL SURVEY
 - PROPOSED JUNCTION
 - 2m x 4.6m (0.5m) JUNCTION VISIBILITY
 - 2m x 4.6m (0.5m) JUNCTION VISIBILITY
 - EXISTING TREES TO BE RETAINED
 - ADOPTED HIGHWAY

FOR PLANNING APPROVAL

Rev	Description	Date	Issue
1	SHARED DRIVEWAY REMOVED	30/03/2022	JR
2	SITE LAYOUT REMOVED	11/02/22	JR
3	CYCLE LANE AND SHARED SPACE DRIVEWAY ADDED	11/02/2022	JR
4	ADJUTORY FOOTWAY (CYCLEWAY) AND PARKING SPACES ADDED	07/02/22	JR
5	SITE ACCESS UPDATED TO AVOID EXISTING TREES	25/11/2021	JR

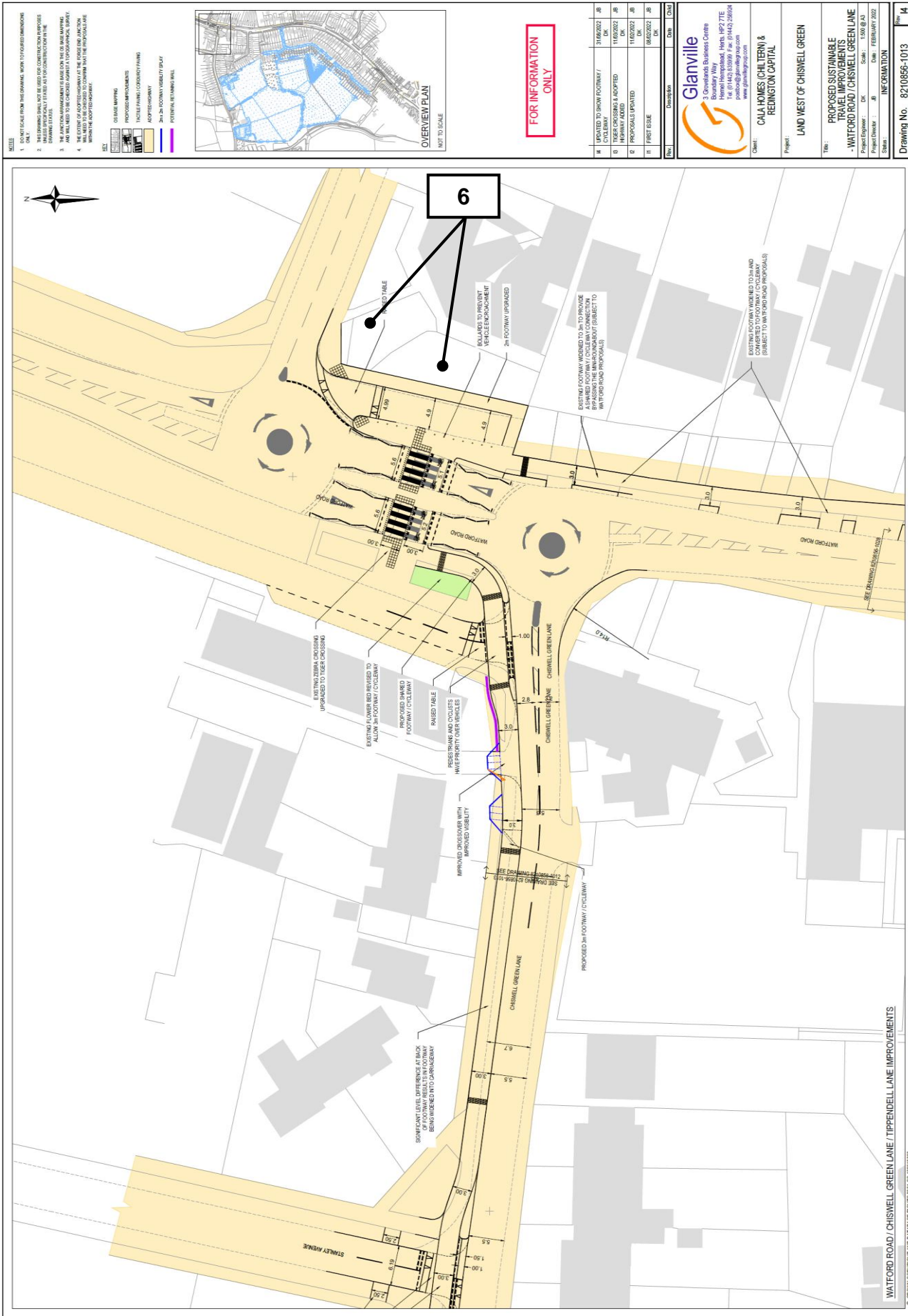
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Project: LAND WEST OF CHISWELL GREEN

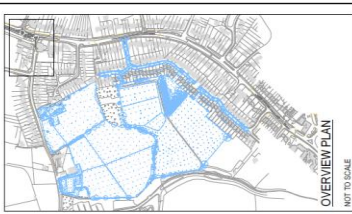
Title: PROPOSED NORTHERN ACCESS JUNCTIONS
Project Engineer: DK Scale: 1:500 @ A3
Project Director: JB Date: NOVEMBER 2021
Status: INFORMATION

Information
 Drawing No. 8210856-1001 Rev I6

APPENDIX B - PROBLEM LOCATION PLAN - DRAWING NO. 8210856-1013 Rev I4



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- LEGEND**
- OS BASE MAP
 - PROPOSED IMPROVEMENTS
 - TACTILE PAVING / CONTRAST PAINTING
 - ADOPTEDFOOTWAY
 - 2m x 2m FOOTWAY VISIBILITY BLAY
 - POTENTIAL RETAINING WALL



FOR INFORMATION ONLY

Rev	Description	Date	Drawn	Checked
14	WORK TO SHOW FOOTWAY / CYCLEWAY	31/03/22	JB	
13	TRIPER CROSSING & ADOPTEDFOOTWAY	11/03/22	JB	
12	PROPOSAL UPDATED	11/03/22	JB	
11	FIRST ISSUE	08/02/22	JB	

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Client: CALA HOMES (CHILTERN) & REDINGTON CAPITAL

Project: LAND WEST OF CHISWELL GREEN

Title: PROPOSED SUSTAINABLE TRAVEL IMPROVEMENTS - WATFORD ROAD / CHISWELL GREEN LANE

Project Engineer: DK Scale: 1:500 @ A3
Project Director: JB Date: FEBRUARY 2022

Status: INFORMATION

Drawing No.: 8210856-1013 **Rev:** I4



WATFORD ROAD / CHISWELL GREEN LANE / TIPPEDELL LANE IMPROVEMENTS
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Project Details

Report title:	Proposed Highway Works - Stage 1 Road Safety Audit Response
Date:	11 April 2023
Document reference and revision	005_8230258_DK_RSA1 Decision Log (Issue 1)
Prepared by:	Glanville Consultants
On behalf of:	Hertfordshire County Council

Authorisation Sheet

Project:	Land South of Chiswell Green Lane, Chiswell Green
Report title:	Stage 1 Road Safety Audit Response

Prepared by	
Name:	David Kemp
Position:	Associate Director
Signed:	
Organisation:	Glanville Consultants
Date:	11 April 2023
Approved by	
Name:	Anthony Jones
Position:	Technical Director
Signed:	
Organisation:	Glanville Consultants
Date:	11 April 2023

Introduction

This Road Safety Audit Response has been prepared to provide a designers response to the Stage 1 Road Safety Audit (dated 06 April 2023) undertaken by Acorns Projects Limited as part of the Planning Appeal (reference APP/B1930/W/22/3313110) for the proposed residential development to the south of Chiswell Green Lane in Chiswell Green near St Albans. The proposals audited were originally submitted as part of the original Outline planning application refused consent in November 2022) St Albans City and District Council reference 5/2022/0927)

The Stage 1 Road Safety Audit has assessed the following highway works proposed as part of the application:

- Two adjacent site access T-junctions on Chiswell Green Lane;
- A site access on Forge End;
- A pedestrian / cycle access at the southern end of Forge End;
- An emergency access / pedestrian / cycle access on Long Fallow;

- A 3m footway / cycleway on Chiswell Green Lane;
- A Tiger crossing at the double mini-roundabout Watford Road / Chiswell Green Lane junction; and
- A package of pedestrian and cycle improvements on Watford Road between Chiswell Green Lane and the A405 North Orbital Road.

In accordance with the Safety Audit requirements stipulated in GG 119 'Road Safety Audit', the design team can confirm that the safety audit team have had no involvement in the design process at any time.

Key Personnel

Overseeing Organisation:	Hertfordshire County Council
RSA Team:	Adriano Cappella (Acorns Projects Limited) – Audit Team Leader Lisa Allen (Acorns Projects Limited) – Audit Team Member
Design Organisation:	David Kemp (Glanville Consultants) Anthony Jones (Glanville Consultants)
Developer's Representative:	Paul McCann (CALA Homes) David Burne (Redington Capital)

Road Safety Audit Decision Log

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.2.1	<p>The proposed Tiger crossing adjacent to Forge End will potentially result in heavy braking areas on the Watford Road approaches leading to potential rear end shunt collisions and stop line overshoots.</p> <p>It is recommended that a high skid resistant surface course material should be provided on the approaches to the stop lines.</p>	<p>This recommendation is accepted and as part of the detailed design stage, if required, a high skid resistant surface course material can be specified at the detailed design stage in accordance with Hertfordshire County Council's construction specifications.</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.3.1	<p>The proposed visibility splays at the site access junctions on Chiswell Green Lane are likely to be impacted upon by the existing boundary hedge and mature trees and vegetation which could increase the risk of accidents.</p> <p>In particular the visibility splay to the right at the eastern junction, is impacted by the hedge along the frontage of No. 35 Chiswell Green Lane.</p> <p>Similarly the visibility splay to the left at the western junction, is impacted by the hedge along the frontage of the development.</p> <p>It is recommended that the existing vegetation should be cut back or removed as necessary. This would have the added benefit of improving the footway width outside of No. 35 Chiswell Green Lane.</p>	<p>These recommendations are accepted and will be included as part of the detailed design of the junctions.</p> <p>The hedge outside No. 35 Chiswell Green Lane encroaches across the footway. As this footway is within the adopted highway the hedge can be trimmed to the back of the footway, ensuring that the full footway width is available to pedestrians.</p> <p>The vegetation to the left of the western access is within the site and therefore can be trimmed accordingly.</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.3.2	<p>At the western access, it is proposed to provide 10 perpendicular parking spaces. Whilst the parked vehicles may not impact the visibility splay from the western junction, poorly parked vehicles or large vehicles are likely to have a material and detrimental impact upon the proposed visibility splay.</p> <p>It is therefore recommended that the recess of the 10 perpendicular spaces should be increased to ensure that sufficient margin is provided for poorly parked vehicles, long saloon cars or large estate cars and box vans.</p>	<p>This recommendation is accepted and the recess will be reviewed at the Reserved Matters stage when the site layout is finalised and as part of the detailed design stage.</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.4.1	<p>With respect to the Watford Road active travel proposals, the presence of existing mature trees, street furniture, lighting columns, communication cabinets, verge side posts, bollards and hedges within the verge areas present a potential hazard for pedestrians and cyclists.</p> <p>It is recommended that all of the identified features should be removed or relocated accordingly in order to reduce or mitigate the potential collision risks.</p>	<p>This recommendation is partly accepted. The design has tried to avoid impacting the mature trees, vegetation and the communication cabinets were possible. It is acknowledged that other street furniture may need to be removed / relocated. All of the street furniture and hedges etc are located within the adopted highway and so can be removed / relocated on the instruction of the highway authority.</p> <p>Consequently, the street furniture and other items that would need to be removed / relocated will be identified at the detailed design stage in consultation with the highway authority.</p> <p>Consideration will be given to removing the mature trees but this would be subject to an arboriculturist report to confirm tree classification and appropriateness for removal.</p> <p>The potential for verge parking will also be considered and mitigation identified at the detailed design stage if the highway authority request it.</p>		

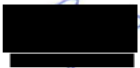
RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.4.2	<p>On the eastern side of the Watford Road carriageway at it's junction with Tippendell Lane, it was observed that there is a lack of regard for pedestrians by drivers parking in the parking area. Drivers were driving over the Watford Road footway and onto the southern footway of Tippendell Lane to park.</p> <p>In general terms, the lack of clearly defined vehicular and footway areas appeared to increase the poor and injudicious approach taken by drivers with regard to the safety of vulnerable road user types. Whilst the scheme proposals offer some minor improvement works in the area, concern arises that the continuing presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk.</p>	<p>This is an existing arrangement and so the risk is already present. According to the Hertfordshire County Council accident records, over the latest five year period there have been no reportable accidents as a result of the current layout.</p> <p>The parking area in front of the parade of shops is private highway and therefore any changes to the parking would need agreement with the land owner. However, consideration can be given to improving the public realm in front of the parking area.</p> <p>The active travel proposals did include providing a formal kerb to formalise the footway adjacent to the parking area and this would include a dropped kerb crossover arrangement. To raise awareness that it is a footway, a different surfacing material could be considered such as block paving or brickwork.</p> <p>Additional public realm improvements can therefore be considered as part of the detailed design stage.</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
	<p>It is recommended that in order to alleviate, minimise and reduce the current inappropriate means of multiple access to the shop frontages and improve both vehicular and pedestrian safety, raised kerbing should be introduced into the area to clearly indicate both the limits of the access road and the car parking spaces available.</p>			

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.5.1	<p>The scheme proposals comprise Highway Works associated with a proposed residential development and a school on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire. As a result, concern arises that a new and enhanced system of street lighting will need to be provided to suit the proposed highway works.</p> <p>A lack of new or enhanced street lighting could result in a potential increased risk of vehicular, pedestrian and cyclist collisions occurring during the hours of darkness.</p> <p>It is recommended that at the detailed design stage of the project, a new and enhanced system of street lighting should be installed where highway works are proposed.</p>	<p>The recommendation is accepted. The provision of / changes to street lighting is a detailed design matter and would be undertaken by a professional lighting consultant as part of the S278 agreement in consultation with Hertfordshire County Council's street lighting team..</p>		

Design Organisation and Overseeing Organisation Statements

Design Organisation Statement

On behalf of the design organisation, I certify that:	
1) the RSA actions identified in the response to the road safety audit problems in this road safety audit have been discussed and agreed with the Overseeing Organisation.	
Name:	David Kemp
Signed:	
Position:	Associate Director
Organisation:	Glanville Consultants
Date:	11 April 2023

Overseeing Organisation Statement

On behalf of Overseeing Organisation, I certify that:	
1) the RSA actions identified in the response to the road safety audit problems in this road safety audit have been discussed and agreed with the design organisation; and	
2) the agreed RSA action will be progressed.	
Name:	
Signed:	
Position:	
Organisation:	
Date:	

Appendix C

Watford Road double mini-roundabout Modelling Comparison Results

Table C1: Land South of Chiswell Lane – Watford Road / Chiswell Green Lane - Comparison of '2027 With Development' to '2027 Without Development'

Scenario	Junction	Approach	AM Peak			PM Peak		
			RFC	Queue (veh)	Delay (s)	RFC	Queue (veh)	Delay (s)
2027 without Dev't	Southern Junction	Watford Road North	0.76	3.0	11.67	0.62	1.7	8.28
		Watford Road South	0.75	2.9	14.24	0.86	5.1	22.73
		Chiswell Green Lane	0.34	0.5	12.87	0.33	0.5	12.79
		Junction Delay		12.84			15.48	
	Northern junction	Watford Road South	0.56	1.3	5.43	0.53	1.1	4.73
		Watford Road North	0.95	10.7	39.16	0.96	13.8	56.72
		Tippendell Lane	0.97	9.1	72.93	0.94	7.9	107.98
		Junction Delay		32.70			42.02	
2027 with Dev't	Southern Junction	Watford Road North	0.82	4.2	15.75	0.67	1.9	9.11
		Watford Road South	0.88	6.1	27.48	0.91	8.0	33.53
		Chiswell Green Lane	0.76	2.8	34.66	0.43	0.7	15.21
		Junction Delay		23.33			21.00	
	Northern junction	Watford Road South	0.63	1.7	6.47	0.55	1.2	4.89
		Watford Road North	1.00	16.2	55.61	1.00	20.0	77.03
		Tippendell Lane	1.07	16.9	115.85	1.09	20.7	285.66
		Junction Delay		47.54			77.91	
Difference	Southern Junction	Watford Road North	+0.06	+1.2	+4.08	+0.05	+0.2	+0.83
		Watford Road South	+0.13	+3.2	+13.24	+0.05	+2.9	+10.8
		Chiswell Green Lane	+0.42	+2.3	+21.79	+0.1	+0.2	+2.42
		Junction Delay		+10.49			+5.52	
	Northern junction	Watford Road South	+0.07	+0.4	+1.04	+0.02	+0.1	+0.16
		Watford Road North	+0.05	+5.5	+16.45	+0.04	+6.2	+20.31
		Tippendell Lane	+0.1	+7.8	+42.92	+0.15	+12.8	+177.68
		Junction Delay		+14.84			+35.89	

Appendix D

Stage One Road Safety Audit and Designers Response – Proposed Signalised Improvement Scheme - Watford Road double mini-roundabout

**ACORNS
PROJECTS
LIMITED**



**Watford Road, Chiswell Green, Hertfordshire
Proposed Traffic Signal Junction
Stage 1 Road Safety Audit**

**For Glanville Consultants Limited
Prepared by Acorns Projects Limited
Safety Traffic Project Management & Highway Engineering Consultants**

APRIL 2023

Acorns Projects Limited
Safety Traffic Project Management & Highway Engineering Consultants
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Revision History

This document has the following history:

Version No.	Version Date	Summary of Changes	Changes marked
1.0	06/04/2023	N/A	N/A

Approvals

This document requires the following approvals:

Name	Title
Adriano B. Cappella	Audit Team Leader
Lisa Allen	Audit Team Member

Distribution

This document has also been distributed to:

Name	Title & Organisation
David Kemp	Associate Director - Glanville Consultants Limited
Anthony Jones	Technical Director - Glanville Consultants Limited

1.0 INTRODUCTION

1.1 This report results from a Stage 1 Road Safety Audit carried out on the Watford Road, Chiswell Green, Hertfordshire, Proposed Traffic Signal Junction Project, at the request of the Overseeing Organisation, i.e. the Local Highway Authority, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DE. The Design Organisation is Glanville Consultants Limited, 3 Grovelands Business Centre, Boundary Way, Hemel Hempstead, Hertfordshire, HP2 7TE. The Third Party Organisation's are Cala Homes (Chiltern), Gemini House, Mercury Park, Wooburn Green, Buckinghamshire, HP10 0HH and, Redington Capital, 10 Perrin's Court, London, NW3 1QS.

1.2 The scheme proposals comprise a new traffic signal junction at the Watford Road, Chiswell Green Lane and Tippendell Lane in Chiswell Green, Hertfordshire. The proposed traffic signal junction will replace an existing staggered double mini-roundabout junction arrangement. The new traffic signal junction is associated with a proposed residential development and a school (likely to be a 2FE Primary School but could be a SEND school), on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire.

The proposed residential development will be split into two separate parcels, northern and southern, with pedestrian/cycle links between the two parcels. There will not be any vehicular link between the northern and southern parcels. The northern parcel comprises 215 new residential dwellings plus the school (55%) and, the southern parcel comprises 176 new residential dwellings (45%).

1.3 The Road Safety Audit Team Membership was as follows:

Adriano B. Cappella IEng, FIHE, MCIHT, MSoRSA, HA RSA Certificate of Competency
(Audit Team Leader) Director, Acorns Projects Limited

Lisa Allen MSc, BEng (Hons), MCIHT, MSoRSA, HA RSA Certificate of Competency
(Audit Team Member) Associate Consultant, Acorns Projects Limited

1.4 The Audit took place at the Eaton Bray office of Acorns Projects Limited during March and April 2023. The Audit was undertaken in accordance with the Road Safety Audit Brief contained within the Design Organisation E-Mail to Acorns Projects Limited dated the 28th March 2023. The Audit comprised an examination of the drawings, document and data sheets provided by the Design Organisation and are listed in Appendix A.

- 1.5** The drawings, document and data sheets consisted of a copy of the site location plan, the Watford Road/Chiswell Green Lane/Tippendell Lane potential traffic signal junction layout, the Architect's Illustrative Masterplan for the Land South of Chiswell Green Lane, St. Albans and, the March 2023 Glanville Consultants Limited Stage 1 Road Safety Audit Brief document. Copies of the drawings at both A3 and A4 size were provided for the Audit Team's use. Road traffic collision data, vehicular traffic flow data and pedestrian and pedal cyclist information is contained within the March 2023 Glanville Consultants Limited Stage 1 Road Safety Audit document. Public transport information has not been provided for the purposes of this Stage 1 Road Safety Audit.
- 1.6** A visit to the site was undertaken between 13.30 pm and 13.55 pm during the afternoon of the 31st March 2023 by both Audit Team Members together. During the afternoon site visit, the weather was chilly, cloudy and overcast and the existing carriageway surfaces were dry. Vehicular traffic conditions at the time of the afternoon site visit were observed to be moderate to heavy on occasions in Watford Road. A reasonable number of pedestrians and one pedal cyclist were observed during the afternoon site visit.
- 1.7** The terms of reference of the Audit are as described in DMRB GG 119 Road Safety Audit. The Audit Team has examined and reported only on the road safety implications of the scheme as presented and, has not examined or verified the compliance of the designs to any other criteria. However, to clearly explain a safety problem or the recommendation made to resolve the identified problem, the Audit Team may, on occasion, have referred to a Design Standard without touching on technical audit.
- 1.8** No Departures from Design Standards have been reported by the Design Organisation.
- 1.9** All Problems and Recommendations are referenced to the design drawings and the locations have been indicated on the A4 plan supplied for use by the Audit Team in Appendix B.
- 1.10** Issues identified, and observations made during this Stage 1 Road Safety Audit and site inspection which the Terms of Reference exclude from this report, but which the Audit Team wishes to draw to the attention of the Overseeing Organisation, i.e. the Local Highway Authority, Hertfordshire County Council, will be set out in a separate letter. These issues could include maintenance items and operational issues. The Audit Team has not identified any issues during this Stage 1 Road Safety Audit and site inspection that are considered to be outside the Terms of Reference.

2.0 ITEMS RAISED AT THIS STAGE 1 ROAD SAFETY AUDIT

2.1 LOCAL ALIGNMENT

2.1.1 No Problems identified in this category at this Stage 1 Road Safety Audit.

2.2 GENERAL

2.2.1 PROBLEM

Locations 1, 2, 3, 4, 5 & 6 - The north bound and south bound approaches to the stoplines at the Watford Road proposed traffic signal junction (Drawing No. Figure AHJ/8 Rev I1).

Summary - Reducing the potential for skidding and enhancing braking capacity on the north bound, and south bound approaches to the stoplines at the Watford Road traffic signal controlled junction, in order to minimise potential overshoots, nose to tail shunt type collisions occurring and side impact collisions occurring within the central junction areas, whereby vehicular occupants and pedestrians and pedal cyclists could sustain personal injury.

Detail - The scheme proposals include an option to provide traffic signal control at the Watford Road/Chiswell Green Lane junction, which would replace the existing double mini-roundabout junction arrangement, and would include a traffic signal controlled pedestrian crossing/pedal cyclist crossing facility. In operational terms, the introduction of the proposed traffic signal controlled junction and the traffic signal controlled pedestrian/pedal cycle crossing facility with their respective stop lines will result in the creation of new and potentially heavy braking areas on the north bound and south bound approaches to the new stop lines, that do not currently exist.

As a result, concern arises that a high skid resistant surface course material (formerly referred to as the wearing course), will be required on the north bound and south bound approaches to the new stop lines for the traffic signal controlled junction and the traffic signal controlled pedestrian/pedal cyclist crossing facility.

Whilst motorists should always be anticipating the unexpected, sudden or late braking may occur by motorists, particularly those who may be unfamiliar with the area, which could result in potential stop line overshoots and consequent nose to tail shunt type collisions occurring between a leading and any following vehicles on the immediate approaches to the proposed traffic signal controlled junction stop lines, whereby vehicular occupants could sustain personal injury.

In addition, there could be a potential increased risk of stop line overshoots and consequent side impact collisions occurring within the central junction areas, whereby vehicular occupants could sustain personal injury.

Furthermore, this situation could result in a potential increased risk of stop line overshoots and subsequent potential collisions occurring between vehicles and pedestrians and pedal cyclists crossing at the traffic signal controlled crossing facility, whereby pedestrians could potentially sustain high levels of personal injury, particularly for those pedestrians who may be blind or visually impaired.

RECOMMENDATION

It is Recommended that at the detailed design stage of the project, a high skid resistant surface course material (formerly referred to as the wearing course), should be provided on the north bound and south bound approaches to the new traffic signal stoplines for the traffic signal controlled junction and traffic signal controlled pedestrian/pedal cyclist crossing facility.

It is suggested that as a minimum, the length of high skid resistant surface course material (formerly referred to as the wearing course), should draw a relationship between the potential vehicular approach speeds and, the minimum stopping distances identified in the Highway Code.

The shortest/overall stopping distances assume dry road conditions, a car with good brakes and an alert driver. It is acknowledged that generally, a longer linear distance is or can be provided in these circumstances.

2.3 JUNCTIONS

2.3.1 PROBLEM

Location 7 - The Watford Road proposed traffic signal junction (Drawing No. Figure AHJ/8 Rev I1).

Summary - Potential restrictions to the junction intervisibility zones between vehicles emerging from the respective arms of the junction could result in a potential increased risk of vehicular collisions occurring.

Detail - The scheme proposals include an option to provide traffic signal control at the Watford Road/Chiswell Green Lane junction, which would replace the existing double mini-roundabout junction arrangement, and would include a traffic signal controlled a pedestrian crossing/pedal cyclist crossing facility.

At this Stage 1 Road Safety Audit, it is not known whether any physical features or road side features may fall within the junction intervisibility zones required in accordance with DMRB CD 123 Geometric Design of At-Grade Priority and Signal-Controlled Junctions, which are measured 1.5 metres back from the respective stop lines.

Concern arises that any physical restrictions to the junction intervisibility zones could result in drivers emerging from any of the respective arms of the junction failing to see any potential red light traffic signal violations taking place. This situation could result in a potential increased risk of side impact vehicular collisions occurring within the central areas of the junction, whereby vehicle occupants could sustain personal injury.

RECOMMENDATION

It is Recommended that prior to the detailed design stage of the project, the junction intervisibility zones should be measured and confirmed as suitable, adequate and, in accordance with DMRB CD 123 Geometric Design of At-Grade Priority and Signal-Controlled Junctions, in order to ensure that operational road safety is not compromised in the future scenario.

2.3.2 PROBLEM

Location 8 - The Watford Road proposed traffic signal junction (Drawing No. Figure AHJ/8 Rev I1).

Summary - No designated provision for a traffic signal maintenance engineer to stop in immediate proximity to the Watford Road proposed traffic signal junction.

Detail - The scheme proposals include an option to provide traffic signal control at the Watford Road/Chiswell Green Lane junction, which would replace the existing double mini-roundabout junction arrangement, and would include a traffic signal controlled pedestrian crossing/pedal cyclist crossing facility.

The scheme proposals do not appear to include the provision of a designated traffic signal maintenance engineer's layby or hardstanding area adjacent to the proposed traffic signal controlled junction.

Failure to provide an appropriately located maintenance layby is likely to increase the risk of operatives parking their vehicles in un-safe locations in the vicinity of the signal apparatus. Concern arises that erroneous parking adjacent to the traffic signal controlled junction will increase the risk of vehicular/site operative collisions occurring, whereby site operatives are likely to sustain personal injury.

In addition, there could be a potential increased risk of vehicle/vehicle collisions occurring due to motorists attempting to avoid inappropriately parked vehicles.

RECOMMENDATION

It is Recommended that a designated traffic signal maintenance engineer's layby or hardstanding area should be provided in proximity to the proposed traffic signal controlled junction. In determining a suitable location, the facility should be sited clear of the traffic lanes, traffic signal poles and signal heads and, any existing or proposed pedestrian and pedal cycle routes if possible.

2.4 WALKING, CYCLING AND HORSE RIDING

2.4.1 PROBLEM

Location 9 - The areas fronting the parade of local shops in Watford Road/Tippendell Lane (Drawing No. Figure AHJ/8 Rev I1).

Summary - The presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk of vehicular and pedestrian and pedal cyclist collisions occurring, whereby pedestrians and pedal cyclists could consequently sustain personal injury.

Detail - The site visit has established the presence of a parade of local shops on the eastern side of Watford Road and the southern side of Tippendell Lane. Site observations undertaken confirmed the lack of regard to the needs of pedestrians on the footway areas adjacent to the parade of local shops, as drivers were seen driving across the footway in Watford Road and onto the southern footway of Tippendell Lane, in order to park on a short term basis.

In general terms, the lack of clearly defined vehicular and footway areas appeared to increase the poor and injudicious approach taken by drivers with regard to the safety of vulnerable road user types.

Whilst the scheme proposals offer some minor improvement works in the area, concern arises that the continuing presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk of vehicular and pedestrian and pedal cyclist collisions occurring, whereby pedestrians and pedal cyclists could consequently sustain personal injury.

RECOMMENDATION

It is Recommended that in order to alleviate, minimise and reduce the current inappropriate means of multiple access to the shop frontages and improve both vehicular and pedestrian safety, raised kerbing should be introduced into the area to clearly indicate both the limits of the access road and the car parking spaces available.

It is also Recommended that bollards should be introduced to the prevent parking on the grassed areas. The proposals should seek to preserve the needs of the local businesses.

2.4.2 PROBLEM

Location 10 - The western side of Watford Road, where the traffic signal controlled crossing facility is proposed (Drawing No. Figure AHJ/8 Rev I1).

Summary - The presence of the existing brick planter area could present a potential hazard for blind or visually impaired pedestrians, who could collide with the existing feature and consequently sustain personal injury.

Detail - The scheme proposals includes sustainable travel improvements for pedestrians and pedal cyclists in Chiswell Green Lane and at the Watford Road/Chiswell Green Lane junction. There is also an option to provide traffic signal control at the Watford Road/Chiswell Green Lane junction, which would replace the existing double mini-roundabout junction arrangement.

At the location indicated, the tactile paving for the signal controlled crossing is shown as butting up directly against a raised brick built planter bed area. Able bodied pedestrians and certainly pedal cyclists should be able to avoid colliding with the existing feature in the future scenario.

However, concern arises that the presence of the existing brick planter area could present a potential hazard for blind or visually impaired pedestrians, who could collide with the existing feature and consequently sustain personal injury.

RECOMMENDATION

It is Recommended that the crossing alignment should be modified in order to avoid the existing brick planter area or the existing brick planter area should be modified such that blind or visually impaired pedestrians are less likely to collide with the feature.

2.5 TRAFFIC SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING

2.5.1 PROBLEM

Locations - General, throughout the lengths and areas of the proposed highway works (Drawing No. Figure AHJ/8 Rev I1).

Summary - Enhancing the conspicuity of the proposed highway works in order to minimise potential vehicular collisions occurring and potential vehicular/pedestrian and pedal cyclist collisions occurring during the hours of darkness, which could result in vehicle occupants and pedestrians and pedal cyclists sustaining personal injury.

Detail - The scheme proposals comprise Highway Works associated with a proposed residential development and a school on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire. As a result, concern arises that a new and enhanced system of street lighting will need to be provided to suit the proposed highway works.

A lack of new or enhanced street lighting could result in a potential increased risk of vehicular collisions occurring during the hours of darkness, whereby vehicle occupants could sustain personal injury.

In addition, there could be a potential increased risk of pedestrian/pedal cyclist and vehicular collisions occurring when pedestrians and pedal cyclists cross the carriageways within the limits of the scheme proposals during the hours of darkness, whereby pedestrians and pedal cyclists could potentially sustain high levels of personal injury.

RECOMMENDATION

It is Recommended that at the detailed design stage of the project, a new and enhanced system of street lighting should be installed for the complete lengths and areas of the proposed highway works associated with the proposed residential development project, thus enhancing the operational safety of the overall scheme proposals during the hours of darkness.


END OF PROBLEMS IDENTIFIED AND RECOMMENDATIONS OFFERED IN THIS STAGE 1 ROAD SAFETY AUDIT

3.0 ROAD SAFETY AUDIT TEAM STATEMENT

We certify that this Road Safety Audit has been carried out in accordance with DMRB GG 119.

ROAD SAFETY AUDIT TEAM LEADER

Adriano B. Cappella IEng, FIHE, MCIHT, MSoRSA, HA RSA Certificate of Competency

Signed : 

Associate Consultant

Acorns Projects Limited

Safety Traffic Project Management & Highway Engineering Consultants

Redwood House

3 Eaton Park

Eaton Bray


Bedfordshire

LU6 2SP

Date : 6th April 2023

ROAD SAFETY AUDIT TEAM MEMBER

Lisa Allen MSc, BEng (Hons), MCIHT, MSoRSA, HA RSA Certificate of Competency

Signed : 

Associate Consultant

Acorns Projects Limited

Safety Traffic Project Management & Highway Engineering Consultants

Redwood House

3 Eaton Park

Eaton Bray

Bedfordshire

LU6 2SP

Date : 6th April 2023

APPENDIX A

APPENDIX A

WATFORD ROAD, CHISWELL GREEN, HERTFORDSHIRE

PROPOSED TRAFFIC SIGNAL JUNCTION

STAGE 1 ROAD SAFETY AUDIT

LIST OF GLANVILLE CONSULTANTS LIMITED DRAWINGS SUBMITTED FOR AUDITING

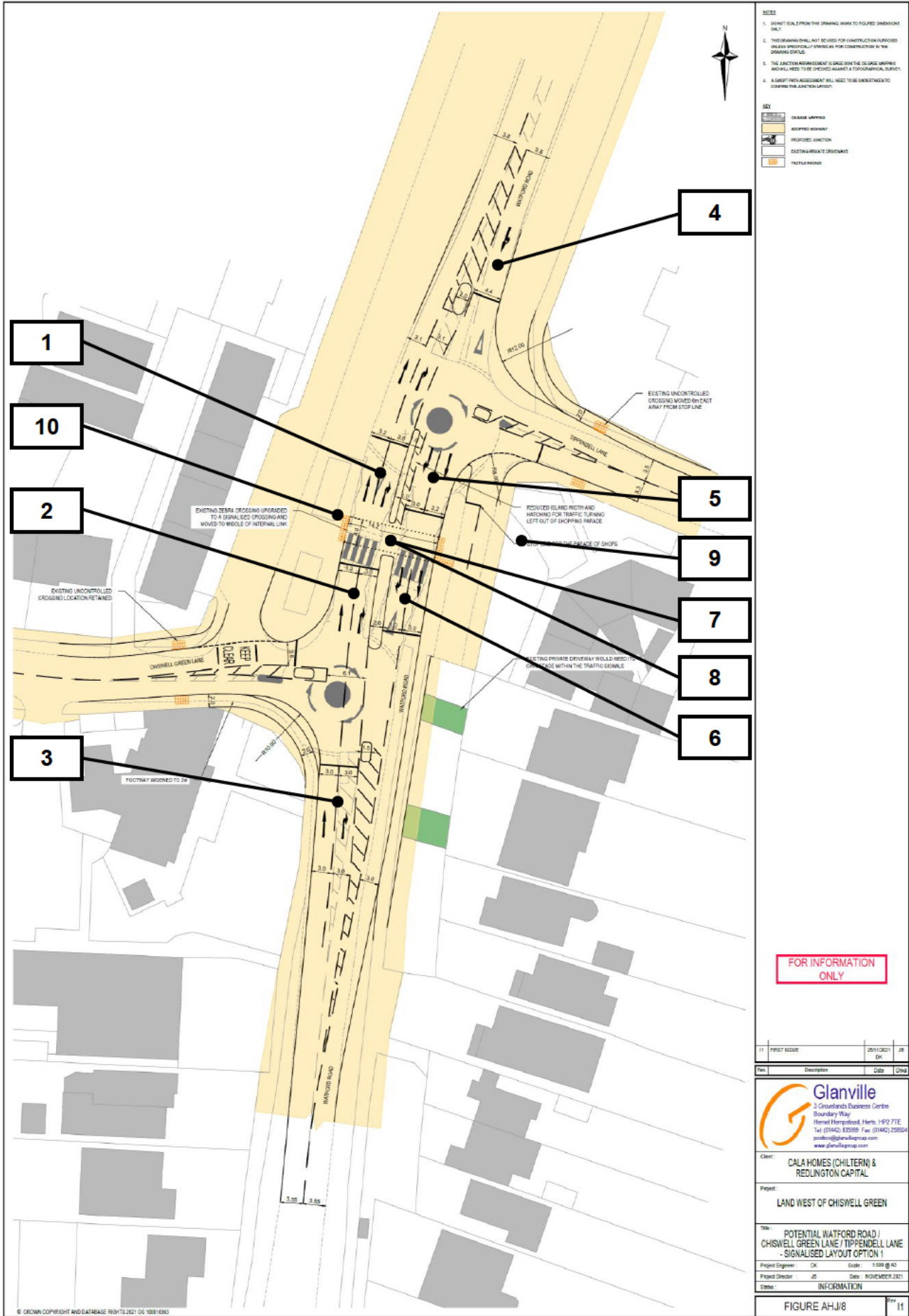
DRAWING NO.	TITLE
8210856-1007 Rev I2	Site Location
Figure AHJ/8 Rev I1	Potential Watford Road/Chiswell Green Lane/Tippendell Lane - Signalised Layout Option 1

LIST OF DOCUMENTS AND DATA SHEETS REVIEWED AT THIS STAGE 1 ROAD SAFETY AUDIT

Glanville Consultants Limited - Land South of Chiswell Green Lane, Chiswell Green - Stage 1 Road Safety Audit Brief - March 2023
Road Traffic Collision Information - Full Confidential Accident Report and Collision Plot
Appendix N - Existing and Forecast Traffic Flow Diagrams

APPENDIX B

APPENDIX B - PROBLEM LOCATION PLAN - DRAWING NO. Figure AHJ/8 Rev I1



- NOTES**
1. DO NOT SCALE FROM THIS DRAWING. MARK TO FIGURED DIMENSIONS ONLY.
 2. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SPECIFICALLY INTENDED FOR CONSTRUCTION BY THE DRAWING OFFICE.
 3. THE JUNCTION ARRANGEMENT IS BASED ON THE SURVEYING AND FIELDWORK TO BE COMPLETED BY THE SURVEYING SURVEY.
 4. A SEPARATE ASSESSMENT WILL NEED TO BE UNDERTAKEN TO CONFIRM THE JUNCTION LAYOUT.

SYMBOLS

- ZEBRAS MARKING
- ADOPTED ROADWAY
- PROPOSED JUNCTION
- EXISTING JUNCTION
- EXISTING RELATED DIMENSIONS
- TACTILE PAVING

FOR INFORMATION ONLY



11	PROJECT ISSUE	25/11/2021	18
12	Description	026	2764
 Glanville 3 Grosvenor Business Centre Boundary Way Hemel Hempstead, Herts. HP2 7TE Tel: (01462) 832259 Fax: (01462) 252544 glanville@glanvillegroup.com www.glanvillegroup.com			
Client: CALA HOMES (CHILTERN) & REDLINGTON CAPITAL			
Project: LAND WEST OF CHISWELL GREEN			
Title: POTENTIAL WATFORD ROAD / CHISWELL GREEN LANE / TIPPEDELL LANE - SIGNALISED LAYOUT OPTION 1			
Project Engineer: DK		Scale: 1:500 @ A3	
Project Director: JB		Date: NOVEMBER 2021	
Class: INFORMATION			
FIGURE AHJ/8			Rev 11

Project Details

Report title:	Proposed Signalised Junction - Stage 1 Road Safety Audit Response
Date:	11 April 2023
Document reference and revision	006_8230258_DK_RSA1 Decision Log (Issue 1)
Prepared by:	Glanville Consultants
On behalf of:	Hertfordshire County Council

Authorisation Sheet

Project:	Land South of Chiswell Green Lane, Chiswell Green
Report title:	Watford Road / Chiswell Green Lane / Tippendell Lane Potential Junction Signalisation - Stage 1 Road Safety Audit Response

Prepared by	
Name:	David Kemp
Position:	Associate Director
Signed:	
Organisation:	Glanville Consultants
Date:	11 April 2023
Approved by	
Name:	Anthony Jones
Position:	Technical Director
Signed:	
Organisation:	Glanville Consultants
Date:	11 April 2023

Introduction

This Road Safety Audit Response has been prepared to provide a designers response to the Stage 1 Road Safety Audit (dated 06 April 2023) undertaken by Acorns Projects Limited as part of the Planning Appeal (appeal reference APP/B1930/W/22/3313110) for the proposed residential development to the south of Chiswell Green Lane in Chiswell Green near St Albans.

The proposals audited reflect the potential signalised junction improvements at the Watford Road / Chiswell Green Lane / Tippendell Lane junction. These proposals were developed as part of the aforementioned Planning Appeal to assess the cumulative impact of the developments to the south and north of Chiswell Green Lane.

In accordance with the Safety Audit requirements stipulated in GG 119 'Road Safety Audit', the design team can confirm that the safety audit team have had no involvement in the design process at any time.

Key Personnel

Overseeing Organisation:	Hertfordshire County Council
RSA Team:	Adriano Cappella (Acorns Projects Limited) – Audit Team Leader Lisa Allen (Acorns Projects Limited) – Audit Team Member
Design Organisation:	David Kemp (Glanville Consultants) Anthony Jones (Glanville Consultants)
Developer's Representative:	Paul McCann (CALA Homes) David Burne (Redington Capital)

Road Safety Audit Decision Log

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.2.1	To reduce the potential for rear end shunts, overshoots and side impact collisions at the proposed Watford Road / Chiswell Green Lane / Tippendell Lane junction a high skid resistant surface course material should be provided on the approaches to the Watford Road stop lines.	This recommendation is accepted and as part of the detailed design stage, if required, a high skid resistant surface course material can be specified at the detailed design stage in accordance with Hertfordshire County Council's construction specifications.		
2.3.1	<p>The signalised junction plan does not show the junction intervisibility zones required in accordance with DMRB CD 123 which are measured 1.5m back from the stop line.</p> <p>It is recommended that the junction intervisibility zones should be measured and confirmed as suitable, adequate and in accordance with DMRB CD 123.</p>	This recommendation is accepted. The intervisibility has been added to a revised version of the drawing (drawing number 8210856-1003 I2).		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.3.2	<p>For the signalised junction, no provision has been made for a traffic signal maintenance engineer to park in, in close proximity to the junction. This is likely to increase the risk of operatives parking their vehicles in un-safe locations in the vicinity of the signal apparatus.</p> <p>It is recommended that a layby or hardstanding is provided in close proximity to the proposed junction. The location should be clear of the traffic lanes, traffic signal poles, signal heads and pedestrian / cycle routes.</p>	<p>The recommendation is partly accepted. There is sufficient parking for the retail units or on the parallel service road to accommodate the signal engineer's vehicle. However, if Hertfordshire County Council require dedicated parking provision then suitable provision can be provided as part of the detailed design stage.</p> <p>A potential location is the grass verge on the eastern side of Watford Road to the north of Tippendell Lane. However, parking restrictions may be required to prevent it being used for shop related parking.</p>		
2.4.1	<p>On the eastern side of the Watford Road carriageway at it's junction with Tippendell Lane, it was observed that there is a lack of regard for pedestrians by drivers parking in the parking area. Drivers were driving over the Watford Road footway and</p>	<p>This is an existing arrangement and so the risk is already present. According to the Hertfordshire County Council accident records, over the latest five year period there have been no reportable</p>		

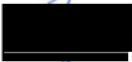
RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
	<p>onto the southern footway of Tippendell Lane to park.</p> <p>In general terms, the lack of clearly defined vehicular and footway areas appeared to increase the poor and injudicious approach taken by drivers with regard to the safety of vulnerable road user types. Whilst the scheme proposals offer some minor improvement works in the area, concern arises that the continuing presence of manoeuvring vehicles onto and off the footways in order to gain access to the areas fronting the parade of local shops could lead to a potential increased risk.</p> <p>It is recommended that in order to alleviate, minimise and reduce the current inappropriate means of multiple access to the shop frontages and improve both vehicular and pedestrian safety, raised kerbing should be introduced into the area to clearly indicate both the limits of the access road and the car parking spaces available.</p>	<p>accidents as a result of the current layout.</p> <p>The parking area in front of the parade of shops is private highway and therefore any changes to the parking would need agreement with the land owner. However, consideration can be given to improving the public realm in front of the parking area.</p> <p>The active travel proposals did include providing a formal kerb to formalise the footway adjacent to the parking area and this would include a dropped kerb crossover arrangement. To raise awareness that it is a footway, a different surfacing material could be considered such as block paving or brickwork.</p> <p>Additional public realm improvements can therefore be considered as part of the detailed design stage.</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
2.4.2	<p>On the western side of Watford Road, there are brick planters that could present a potential hazard for blind or visually impaired pedestrians.</p> <p>It is recommended that the crossing alignment should be modified in order to avoid the existing brick planter or the existing brick planter area should be modified such that blind or visually impaired pedestrians are less likely to collide with the feature.</p>	<p>The recommendation is accepted. The planters are located within the adopted highway and therefore it is considered that the planters can be amended in liaison with the highway authority and, if required, the Parish Council. It is considered that this would be undertaken during the detailed design stage within the S278 application.</p>		
2.5.1	<p>The scheme proposals comprise Highway Works associated with a proposed residential development and a school on Land South of Chiswell Green Lane, Chiswell Green, Hertfordshire. As a result, concern arises that a new and enhanced system of street lighting will need to be provided to suit the proposed highway works.</p> <p>A lack of new or enhanced street lighting could result in a potential</p>	<p>The recommendation is accepted. The provision of / changes to street lighting is a detailed design matter and would be undertaken by a professional lighting consultant as part of the S278 agreement in consultation with Hertfordshire County Council's street lighting team..</p>		

RSA Problem	RSA Recommendation	Design Organisation's Response	Overseeing Organisation's Response	Agreed RSA Action
	<p>increased risk of vehicular, pedestrian and cyclist collisions occurring during the hours of darkness.</p> <p>It is recommended that at the detailed design stage of the project, a new and enhanced system of street lighting should be installed where highway works are proposed.</p>			

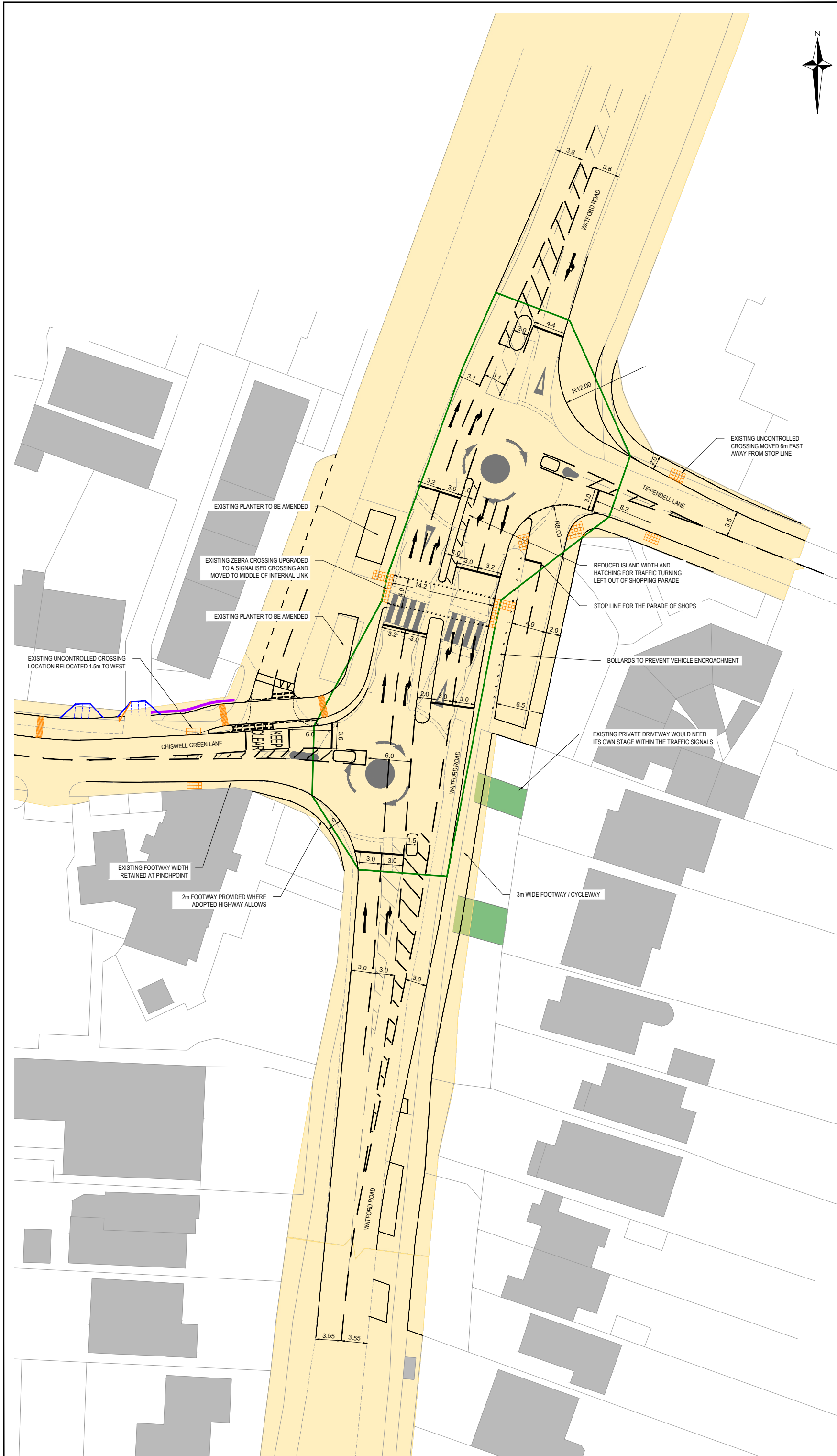
Design Organisation and Overseeing Organisation Statements

Design Organisation Statement

On behalf of the design organisation, I certify that:	
1) the RSA actions identified in the response to the road safety audit problems in this road safety audit have been discussed and agreed with the Overseeing Organisation.	
Name:	David Kemp
Signed:	
Position:	Associate Director
Organisation:	Glanville Consultants
Date:	11 April 2023

Overseeing Organisation Statement

On behalf of Overseeing Organisation, I certify that:	
1) the RSA actions identified in the response to the road safety audit problems in this road safety audit have been discussed and agreed with the design organisation; and	
2) the agreed RSA action will be progressed.	
Name:	
Signed:	
Position:	
Organisation:	
Date:	



- NOTES**
- DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY.
 - THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SPECIFICALLY STATED AS 'FOR CONSTRUCTION' IN THE DRAWING STATUS.
 - THE JUNCTION ARRANGEMENT IS BASED ON THE OS BASE MAPPING AND WILL NEED TO BE CHECKED AGAINST A TOPOGRAPHICAL SURVEY.
 - A SWEEP PATH ASSESSMENT WILL NEED TO BE UNDERTAKEN TO CONFIRM THE JUNCTION LAYOUT.

- KEY**
- OS BASE MAPPING
 - ADOPTED HIGHWAY
 - PROPOSED JUNCTION
 - EXISTING PRIVATE DRIVEWAYS
 - TACTILE PAVING
 - 2m x 2m FOOTWAY VISIBILITY SPLAY
 - POTENTIAL RETAINING WALL
 - JUNCTION INTERVISIBILITY ZONE

FOR INFORMATION ONLY

12	UPDATED TO INCLUDE ACTIVE TRAVEL IMPROVEMENTS & INTERVISIBILITY ZONE	06/04/2023	DK	AJ
11	FIRST ISSUE	25/11/2021	DK	JB

Rev.	Description	Date	Chkd
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Client: CALA HOMES (CHILTERN) & REDLINGTON CAPITAL

Project: LAND WEST OF CHISWELL GREEN

Title: POTENTIAL WATFORD ROAD / CHISWELL GREEN LANE / TIPPENDELL LANE - SIGNALISED LAYOUT

Project Engineer: DK Scale: 1:500 @ A3
 Project Director: JB Date: NOVEMBER 2021
 Status: INFORMATION

Drawing No. 8210856-1003 Rev 12

Appendix E

DCLG Letter



Department for
Communities and
Local Government

Department for Communities and Local
Government
3rd Floor,
Fry Building
2 Marsham Street
London SW1P 4DF

Mr G D P Owen
31 Gatland Lane
Maidstone
Kent
ME16 8PJ

Email:
Correspondence.pesp@communities.gsi.gov.uk

www.gov.uk/dclg

Our Ref:2643552
Your Ref:

Date: 23 August 2016

Dear Mr Owen

Thank you for your letter of 15 August 2016 to the Rt Hon Sajid Javid seeking clarification of the word "severe" in the National Planning Policy Framework, in the context of the impact of development on the road system. We have been asked to reply on his behalf, as our Team has responsibility for national planning policy on transport.

We are sorry to learn that your county highways department has been unable to assist you with this matter. The reason and that term "severe", and other terms used in the National Planning Policy Framework, are not defined nationally, is that the Framework is designed to be interpreted and applied locally. Therefore local authorities are best placed to decide whether the particular impacts of a development on the road system will be severe, taking into account local circumstances. For example, a large development in a rural area which is poorly served by transport links is likely to have a greater impact on the road network than a similar development in an area that has a more developed network of roads and other infrastructure.

However, paragraph 32 of the Framework sets out that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. This should help local authorities to decide on a case by case basis whether the impacts of particular developments on the road network are likely to be severe at a local level.

Thank you, once again, for writing.

Yours sincerely

PPRD - DCLG

PLANNING POLICY AND REFORM DIVISION

Appendix F

Appeal Decision for the Land at Blackfield End Farm, Church Road, Warton



Department for
Communities and
Local Government

Sebastian Tibenham
Pegasus Group
Barnett House
53 Fountain Street
Manchester
M2 2AN

Our ref: APP/M2325/A/14/2217060

Your ref: 13/0674

24 September 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY HALLAM LAND MANAGEMENT LTD
LAND AT BLACKFIELD END FARM, CHURCH ROAD, WARTON
APPLICATION REF: 13/0674**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry which opened on 21 October 2014 and sat for 7 days, with site visits on 14 and 26 November, into your client's application to Fylde Borough Council ("the Council") for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674.
2. The appeal was recovered for the Secretary of State's determination on 1 May 2014, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or on sites of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation

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

Procedural matters

4. The Secretary of State has noted the agreed change to the description of the appeal site as "land at Blackfield End Farm, Church Road, Warton" (IR2); the

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London SW1P 4DF

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various changes to access arrangements described at IR3-IR6; and the agreement of the parties that all options should be treated as illustrative (IR7). He is satisfied that no interests have been prejudiced by these minor changes.

Matters arising after the close of the inquiry

5. The Secretary of State has had regard to the correspondence which was submitted after the close of the inquiry, as listed in Annex 1 to this letter. This includes the responses to his letter of 16 June 2015, and the completed S106 Undertaking dated 31 July 2015 (and received from the appellants on 4 August) which is dealt with in paragraphs 18 and 21 below. The Secretary of State has carefully considered the representations received, and is satisfied that they do not raise matters which would require him to refer back to parties again prior to reaching his decision. Copies of these representations can be made available on written request to the address at the foot of the previous page.

Policy and Statutory Considerations

6. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the *Fylde Borough Local Plan as altered – October 2005* (LP) as described at IR18-19. The Secretary of State has also taken account of the emerging Local Plan (ELP) (IR20-21); and he agrees with the Inspector and the main parties to the appeal (IR21) that, as it is at a relatively early stage in its preparation, it carries only limited weight. Similarly, the Secretary of State also agrees with the Inspector (IR22) that the provisions of the emerging Neighbourhood Plan (ENP) can carry only limited weight at this stage.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ("the Framework") along with the associated planning guidance published in March 2014; the Community Infrastructure (CIL) Regulations 2010 as amended; and the documents referred to by the Inspector at IR23-24.

Main issues

8. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR98.

Character and appearance

9. For the reasons given at IR 99-105, the Secretary of State agrees with the Inspector that the proposed development would have a minor effect on the surrounding landscape, but that moderate harm would be caused in respect of the site itself and from nearby viewpoints. The Secretary of State agrees that, as a consequence, there would be conflict with Policies HL2, HL6 and EP11 of the Local Plan, to which he gives moderate weight in the overall balance.

Highway safety and traffic movement

10. Having carefully considered the Inspector's discussion on the Lytham Road/Church Road/Highgate Lane junction at IR107-121, the Lytham Road/Mill Lane/Ribble View Close junction at IR122, the Lytham Road/GEC junction at IR123, and the site accesses and Church Road at IR124, the Secretary of State agrees with his conclusions within those paragraphs and at IR125 that there would be significant adverse effects for traffic movements at the Lytham Road/Church

Road/Highgate Lane junction, a limited adverse effect on highway safety and, as a consequence, conflict with criterion 9 in Policy HL2 of the Local Plan. However, the Secretary of State also agrees with the Inspector at IR125 that, taking account of the overall implications of the appeal proposal on the local highway network, the residual cumulative effects would not be severe. The Secretary of State therefore gives them only moderate weight in the overall balance.

Prematurity in the context of a Masterplan and the emerging Neighbourhood Plan

11. For the reasons given at IR126-131, the Secretary of State agrees with the Inspector's conclusion at IR132 that the proposed development would not be premature having regard to the preparation of the ELP and the ENP (including the masterplanning exercise referred to at IR128).

Sustainability of the site's location

12. Taking account of the Inspector's findings on the sustainability of the site's location at IR133-137, the Secretary of State agrees with his conclusion at IR137 that the appeal site would be a sustainable location for residential development.

Housing land supply

13. Having carefully considered the Inspector's discussion on housing land supply at IR138-141, the Secretary of State agrees with his conclusion at IR142 that there is not a five years' supply of housing land. The Secretary of State therefore also agrees with the Inspector that the contribution of the appeal site towards making such a provision carries considerable weight in support of the appeal proposal.

Affordable housing

14. The Secretary of State agrees with the Inspector at IR143 that the proposed development would make a significant contribution to meeting the need for affordable housing but that a flexible approach to the tenure of that housing is appropriate in the context of granting outline consent.

The Green Belt

15. The Secretary of State notes that part of the western parcel of the appeal site lies within the Green Belt but that no built development is proposed there (IR144). He agrees with the Inspector (IR145) that the beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the Framework, and that very special circumstances justify use of the land as open space if it is not retained in agricultural use (as indicated in Options 3 and 4 – see IR144). However, the Secretary of State also agrees with the Inspector (IR146) that the appeal proposal does not provide a benefit in terms of a more defensible Green Belt boundary.

Nature conservation

16. The Secretary of State agrees with the Inspector's conclusion that, as explained at IR147-148, appropriate mitigation measures can be secured by condition (see Conditions 10-15 at Annex 2 to this letter) to ensure that the proposed development would not have an adverse material effect on nature conservation interests.

Open space

17. The Secretary of State is satisfied that, as the main parties agree (IR149), the requirements of LP Policy TREC17, concerning open space provision, can be met by the appeal proposal.

Education

18. As the Inspector explains at IR150, the unilateral undertaking by the landowners and the Appellant submitted at the inquiry (IR10) included provision for the payment of an education contribution to secure the additional places required by the appeal proposal. However, as he also explains, the transitional period under Regulation 123(3) of the CIL Regulations has since ended and pooled contributions in respect of an infrastructure project may now only be taken into account from five obligations in the period from 6 April 2010. Accordingly, as suggested by the Inspector, the Secretary of State wrote to you and the Council on 25 June 2015 and, following your respective replies of 7 and 9 July, wrote again on 20 July 2015. In that letter, he accepted the suggestion that, in consultation with the County Council, a more specific Undertaking should be prepared setting out the schools for which the funding towards primary school provision would be targeted, and this was executed on 31 July 2015 (see paragraph 5 above).

Other matters

19. The Secretary of State has carefully considered the various matters referred to by the Inspector at IR151-152, and sees no reason to disagree with any of his conclusions.

Conditions

20. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions, as set out at IR95-97, and the conditions which he proposes as set out in the Annex to the IR. The Secretary of State is satisfied that the conditions set out at Annex 2 to this letter are reasonable and necessary and would meet the tests of the Framework and the guidance.

Planning obligation

21. The Secretary of State has considered the terms of the planning obligation dated 31 July 2015, and he is satisfied that, in this revised form, it meets the Framework tests and complies with the CIL Regulations.

Overall balance and conclusions

22. As the policies in the LP concerning housing land, including the limits of development shown on the Proposals Map, are out-of-date, the presumption in the Framework in favour of sustainable development applies unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Within that presumption, the provision of additional housing to contribute to the land supply in Fylde is a matter of considerable weight in favour of the proposal, as is the provision of affordable housing; and there is no reason why the development should be resisted for Green Belt reasons given the open uses proposed for that part of the site within the Green Belt.

23. Against these factors, only limited weight can be given to the provisions of the ELP and the ENP given their current state of progress. Furthermore, the relatively limited adverse effects for traffic movement and on highway safety, as well as the moderate harm to the character and appearance of the area, are insufficient either individually or cumulatively to outweigh the benefits in terms of housing provision.

24. Overall, the Secretary of State considers that, although the proposed development would represent an extension of the built-up area, it represents a sustainable form of development which will provide much needed housing and which accords with the policies of the Framework taken as a whole

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows the appeal and grants planning permission for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674, subject to the imposition of the conditions set out at Annex 2 to this letter.

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

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

Right to challenge the decision

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

29. A copy of this letter has been sent to Fylde Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex 1

Church Road, Warton, Fylde Responses to Reference back letter (as revised on 25 June 2015)

Name of Party	Date of response
Fylde Council	7 July 2015
Pegasus Group on behalf of appellants	9 July 2015 4 August 2015
Tony Guest	9 July 2015
Bryning-with-Warton PC Neighbourhood Steering Group	1 July 2015 9 July 2015 13 July 2015
Sebastian Heeley, Development Manager, Redwaters	28 July 2015 25 August 2015

Other responses received too late to be considered by the Inspector

Name of Party	Date of response
Bryning-with-Warton PC Neighbourhood Steering Group	9 June 2015

Annex 2

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. The details of the reserved matters shall be consistent with illustrative masterplans refs 013-006-P008 Rev K or 013-006-P008 Rev L and proposed access arrangements refs 401-F01/D or 0401-F05.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the approved location plan ref 013-006-P001 Rev B.
5. Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to the local planning authority as part of the first application for reserved matters approval. The phasing plans shall include highways, pedestrian and cycle routes, and green infrastructure. No development shall take place until the phasing plans have been approved in writing by the local planning authority, and it shall thereafter be carried out in accordance with the approved phasing plans.
6. The details of the reserved matters for each phase shall include:
 - i) Dwellings in a range of scales and designs, none of which shall exceed 2.5 storeys in height, and
 - ii) The provision of public open space, together with a programme for the maintenance thereof.
7. No development shall take place until a scheme of measures for the protection of retained trees and hedgerows has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in respect of each phase prior to the commencement of development on that part of the site, and it shall be retained for the duration of the construction period.
8. That part of the site designated as Green Belt on the Proposals Map of the Fylde Borough Local Plan as Altered shall be retained as open land.
9. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future policy that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
10. No development shall take place until a biodiversity scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent disturbance to areas of natural habitat by people and domestic animals, the provision of bird boxes, a programme for implementation, and arrangements for maintenance. The scheme shall be implemented in accordance with the approved programme.
11. No development shall take place until an updated water vole survey has been carried out and the results submitted to the local planning authority. If any water voles are found on the site, no development shall take place until a mitigation strategy, including a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
12. No development shall take place until an updated great crested newt survey has been carried out and the results submitted to the local planning authority, together with a scheme of great crested newt mitigation measures, prepared in accordance with the report entitled *Great Crested Newt Survey – Blackfield End Farm, Warton, Lancashire – 2013* by Rachel Hacking Ecology (CD7.9), and including a programme for implementation. The mitigation measures shall be implemented in accordance with the approved programmes.
13. No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March – 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.
14. In each phase, no development shall take place until a scheme of external lighting, including a programme for implementation, has been submitted to and approved by the local planning authority. The scheme shall be designed to minimise light spillage and to avoid the illumination of bat roosting opportunities. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
15. In each phase, no development shall take place until a scheme for green infrastructure, including a 5m buffer zone alongside watercourses, ponds and ditches, and a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
16. No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G *Proposed A584 Lytham Road/ Church Road Improvement Scheme*¹, have been submitted to and approved by the local planning authority.
17. No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.

¹ The reference in the title of plan ref 0401-F02/G to the A548 is incorrect.

18. No development shall take place until a scheme to provide an hourly bus service between Lytham and Kirkham via the site at Backfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.
19. No development shall take place on the phase of the site adjacent to the site of the residential development proposed at Riversleigh Farm until a scheme to provide a pedestrian and cycle link to that development has been submitted to and approved by the local planning authority. None of the dwellings in that phase shall be occupied until the pedestrian and cycle link has been constructed in accordance with the approved scheme.
20. None of the dwellings shall be occupied until a travel plan, prepared in accordance with the travel plan framework and including a programme for its implementation, has been submitted to and approved in writing by the local planning authority, and until a travel plan coordinator has been appointed, and notification of that appointment shall be given to the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
21. In each phase, no development shall take place until a scheme for surface water drainage, based on sustainable drainage principles and including a programme for implementation and arrangements for management, designed in accordance with the outflow rates set out on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and no surface water shall discharge to the public sewerage system other than as shown on plan ref TPIN1017-100B. The surface water drainage system shall be constructed in accordance with the approved scheme and programme, and maintained thereafter in accordance with the approved management arrangements.
22. In each phase, no development shall take place until a programme for implementation of the foul drainage system shown on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and arrangements for its management, have been submitted to and approved by the local planning authority. The foul water drainage system shall be constructed in accordance with plan ref TPIN1017-100B and the approved programme, and maintained thereafter in accordance with the approved management arrangements.
23. No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, 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. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

24. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) hours of construction and demolition work, and of trips to and from the site by construction and delivery vehicles
 - ii) the identification of safe access for construction vehicles
 - iii) the parking of vehicles of site operatives and visitors
 - iv) loading and unloading of plant and materials
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction and demolition
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Report to the Secretary of State for Communities and Local Government

by **Richard Clegg BA(Hons) DMS MRTPI**

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

Date: **30 April 2015**

TOWN AND COUNTRY PLANNING ACT 1990

FYLDE BOROUGH COUNCIL

APPEAL BY

HALLAM LAND MANAGEMENT LTD

Inquiry opened on 21 October 2014

Land at Blackfield End Farm, Church Road, Warton

File Ref: APP/M2325/A/14/2217060

File Ref: APP/M2325/A/14/2217060**Land at Blackfield End Farm, Church Road, Warton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Hallam Land Management Ltd against Fylde Borough Council.
- The application, Ref 13/0674, is dated 29 October 2013.
- The development proposed is described as 'the demolition of existing buildings and the erection of up to 360 residential dwellings (C3 use class), including details of access, open space and any other necessary works'.
- The inquiry sat for seven days, on 21-24 and 28-30 October 2014.
- Site visits took place on 14 and 26 November 2014.

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

1. The appeal was recovered for decision by the Secretary of State for Communities and Local Government by letters dated 1 May 2014, as it involves proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.
2. On the application form, the location of the site is given as land east and west of Church Road, Warton. At the inquiry, the main parties agreed that it is more clearly referred to as land at Blackfield End Farm, Church Road, Warton. I have identified the site accordingly in the appeal details above.
3. The planning application was submitted in outline form, with approval sought for the means of access. The original submission showed access taken from staggered junctions on Church Road (Option 1, Plans B1-B3). In response to comments from the Highway Authority, amended drawings were prepared which show an additional access from Hillock Lane (Option 2, Plans C1-C3), and this is the form in which the scheme was considered by the Council.
4. Subsequently, in response to comments from the Council concerning vehicular access onto Hillock Lane and layout, and from the Highway Authority concerning the form of the junction on Church Road, a further set of amended drawings were prepared (Option 3, Plans D1-D3). In this version, vehicular access is shown from Church Road only, where it would be taken by means of a signalised crossroads junction. In advance of the inquiry, the Appellant requested that access be considered as a reserved matter, and that Options 1-3 be considered as alternatives as part of the appeal. The Council expressed the view that the points of access should be identified and that there should be further consultation should these differ from those previously considered.
5. In letters from The Planning Inspectorate dated 1 September 2014 (Core Document (CD) 6.14), I advised that the exclusion of access as a matter for detailed determination could be dealt with as an amendment, subject to consultation with interested parties. I also advised that the principle of the intended access arrangements should be made clear. Consultation on the treatment of access as a reserved matter and on the plans comprising Option 3

was undertaken by the Council prior to the opening of the inquiry, and the Appellant made it clear that it no longer sought to pursue the option of vehicular access from Hillock Lane as part of the appeal proposal.

6. Further amended drawings have been prepared to allow for the retention of the farmhouse (due to the presence of a bat roost), a green link to the 'pocket park' depicted in the eastern part of the development and a bus turning facility (Option 4, Plans E1 & E2). These do not represent significant alterations to the scheme, and, in particular, Option 4 does not introduce any further changes to the intended access arrangements.
7. In the statement of common ground (Document G3), the main parties agree that the appeal should be considered with regard to the plans submitted in respect of Options 1, 3 and 4, all of which should be treated as illustrative. I agree with this approach. The plans in Options 1, 3 and 4 make clear that the development would involve the principle of vehicular access being taken from Church Road, and consultation has taken place on the treatment of access as a reserved matter and on drawings showing a signalised crossroads junction on Church Road. I am satisfied that no prejudice would be caused to the interests of any parties by consideration of the proposal as an outline scheme with all matters reserved for future consideration, and in accordance with the plans submitted in respect of Options 1,3 or 4: I have dealt with the appeal on this basis. Accordingly the main parties agreed that the proposed development is more clearly described as the demolition of existing buildings, the erection of up to 360 dwellings, and the provision of open space.
8. The appeal was made against the failure of the Council to give notice of its decision on the planning application within the prescribed period. When the application was subsequently reported to the Development Management Committee, it resolved that if it had been able to determine the application, planning permission would have been refused for the following reasons:
 1. *The proposal would be contrary to Policy SP2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 57, 58 & 61) as the scale, density and illustrative layout of the proposed development would have a significant adverse impact on the character and appearance of the countryside due to the lack of landscaping on the site perimeter and the urbanising nature of the development, particularly the removal of established hedgerow along the Hillock Lane boundary.*
 2. *The proposal would be contrary to Policy HL2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 29, 30, 32 & 35) as the development proposal has failed to demonstrate:*
 - (i) *That the traffic generated by the development could be safely accommodated within the highway network.*
 - (ii) *That the proposal delivers sustainable transport as the site is sufficiently accessible to public transport, and sufficiently accessible for pedestrians and cyclists to education, retail and employment infrastructure.*
 - (iii) *That the proposal makes provision for adequate vehicular connectivity and integration with the local and wider network as part of a master planning approach.*

When taken in combination, the residual impacts of the failure to provide for the above as part of the proposal are severe.

3. *The site has low accessibility due to its location on the edge of Warton and is remote from public transport. The Applicant has failed to demonstrate how public transport needs arising from this development can be integrated into the network. The proposal represents piecemeal development of land identified within the Warton Strategic Location for Development and as such does not deliver adequate east-west vehicular penetration, or connectivity for pedestrians and cyclists between this site and neighbouring land. The proposal does not deliver sustainable transport and is contrary to Policies TR5 and HL2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 29, 30, 32, & 35).*
4. *The proposed vehicular access onto Hillock Lane would result in conflicting traffic movements which would be detrimental to highway safety. In addition, the multiple points of access onto this road would harm the appearance of this narrow, rural road and be detrimental to the character of the rural area, therefore the proposal is contrary to Policies HL2 and SP2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 32, 58 & 61).*
5. *The proposed development does not make adequate provision for the delivery of additional school places that would be generated as a result of the proposed development. Accordingly the proposal is contrary to Policy CF2 of the Adopted Fylde Borough Local Plan and the NPPF (para 72).*
6. *The proposed development fails to deliver any certainty over the provision of affordable housing as part of the development contrary to the NPPF. Accordingly, the requirements relating to the provision of affordable housing contained in the NPPF (para 50) and as included in Fylde Borough Council's Interim Housing Policy are not satisfied.*
7. *The proposed development fails to deliver any certainty over the provision of improvements to the public open space facilities available in the village that are appropriately related to the development in their scale and location. This is contrary to the NPPF (para 69), the requirements of Fylde Borough Council's Interim Housing Policy and Policy TREC17 of the Fylde Borough Local Plan.*
8. *The proposed development fails to deliver any certainty over the provision of improvements to the public realm of the village of Warton. This is contrary to the NPPF (para 70), the requirements of Fylde Borough Council's Interim Housing Policy and Policy EP1 of the Fylde Borough Local Plan.*
9. The statement of common ground explained that the Council would not be pursuing reasons Nos 1, 4-6 and 8, which concern the effect on the character and appearance of the area, the formation of vehicular access to Hillock Lane, the delivery of school places, affordable housing, and public realm improvements respectively. At the inquiry, the Council argued that, whilst it was not considered that the effect of the development on the character and appearance of the area was in itself a reason to withhold planning permission, there was nevertheless an adverse effect which weighed negatively in the balance.

10. A planning obligation in the form of a unilateral undertaking by the landowners and the Appellant was submitted at the inquiry (Document A21). Its provisions concern contributions to primary school places and a travel plan.
11. On 27 February 2015 the Government released the 2012-based household projections 2012-2037. The main parties and the Fylde District Group of the Campaign to Protect Rural England (CPRE), (which had assessed the need for housing land using the 2011-based interim household projections) were invited to comment on the implications of the projections. Comments were received from each of these parties (Documents L24, A22 & O17).
12. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances and inquiry documents are appended. The main parties prepared a set of core documents¹ (Document G1): those documents not submitted as hard copies are available in electronic format. The written closing submissions on behalf of the Council and the Appellant are included as inquiry documents: in delivery they were subject to a number of detailed alterations.

The Site and Surroundings

13. The appeal site includes land on each side of Church Road which abuts the northern edge of the built-up area of Warton. The adjacent part of the settlement is predominantly residential in nature. There are several local facilities and services along Lytham Road (the A584), which runs through Warton about 0.7km south of Blackfield End Farm. On the far side of Lytham Road is the extensive aircraft manufacturing works of BAE Systems. There is farmland to the north, west and south-west of the western part of the appeal site, part of which is within the Appellant's control². The site extends around the north-west edge of the built-up area: between this part of the site and Lytham Road is a parcel of land known as Riversleigh Farm, on which the Council has resolved to grant outline planning permission for housing subject to the conclusion of a planning obligation³. Hillock Lane forms the north-western boundary of the eastern part of the site. There is farmland on the opposite side of the road, beyond which is the football ground of AFC Fylde. Between the eastern boundary of this part of the site and Harbour Lane, a development of 66 houses known as Meadow View was nearing completion at the time of the inquiry. At this time also, an application for a further 13 houses at Meadow View adjacent to the appeal site had not been determined, and the Council had resolved that planning permission for 13 houses on land to the north of Meadow View be granted under delegated powers subject to a satisfactory response from Natural England on the question of a European Protected Species licence. At the northern end of Harbour Lane is a couple of dwellings with associated open land.
14. The appeal site comprises two irregular parcels of land, amounting to about 13.2ha. The western parcel, of about 7.05ha, contains the farm buildings, which

¹ The list of core documents includes sections covering the Appellant's and Council's proofs and plans. These documents are listed separately at the end of this report.

² The land outside the appeal site but within the Appellant's control is shown edged blue on Plan A.

³ Details of development proposals in Warton are given in Document L13, and Plan G shows the location of several proposed development sites.

are situated in a group close to Church Road and to housing in the built-up area, together with several fields. There are two dwellings in the group of buildings, a traditional farmhouse and a bungalow. Within the eastern parcel are several fields: this part of the site is about 6.15ha in size. The fields are generally contained by hedgerows: there are a few trees on a field boundary within the eastern parcel and a line of tall trees alongside the northern part of the eastern boundary. An ash tree close to the farmhouse is covered by a tree preservation order (TPO)⁴. The statement of common ground records that the agricultural land is predominantly of moderate and low quality, with 10% falling within subgrade 3a and constituting the best and most versatile land⁵.

Planning History

15. The submitted documentation records no relevant planning history prior to the appeal proposal.

The Proposal

16. It is proposed to construct up to 360 dwellings at Blackfield End Farm, and the statement of common ground refers to the provision of family houses. The illustrative masterplan for Option 1 shows about 350 dwellings, that for Option 3 shows about 340 dwellings, and there would be a similar number in Option 4. Areas of open space would be included within both the western and eastern parts of the development: land at the edge of the site to the north-west of the farm buildings is shown as open space with a play area and an orchard in Option 1, but as being retained in agricultural use in Options 3 and 4. Vehicular access would be taken from Church Road, and it is intended that this would be by means of either staggered junctions or a signalised crossroads junction (above, paras 3 & 4). The masterplans also show certain footway/ cycleway links to the proposed Riversleigh development and to the new housing on Harbour Lane: I consider below (para 125) the extent to which such links could be achieved.
17. The scheme involves alterations to the Lytham Road/ Church Road/ Highgate Lane junction (Plan F). These works would include the provision of islands on the Church Road and Lytham Road (west) approaches and controlled pedestrian crossing facilities. A third new island would be constructed in the widened bellmouth of the junction of Lytham Road with Harbour Lane, a short distance to the east. In addition it is intended that two bus stops on Lytham Road would be upgraded to quality bus standard, and that the Lytham – Kirkham bus service would be diverted to the site on an hourly basis.

Planning Policy

The Local Plan

18. The Development Plan comprises the saved policies of the Fylde Borough Local Plan as Altered (CD1.1), which is an amalgamation of the continuing policies of the Fylde Borough Local Plan and the Fylde Borough Local Plan Alterations Review. In this report the term Local Plan is used to refer to the combined document. On the Proposals Map⁶, the area occupied by the farm buildings is

⁴ The plan attached to TPO 1981 No 5 (Warton) shows four trees between the farmhouse and Church Road (Document G8). The Council explained that only the ash tree (T4) remains.

⁵ Paragraph 3.1 of Document G3.

⁶ An extract from the Proposals Map is at Plan H.

within the limits of development of Warton and part of a nearby field is in the Green Belt. The remainder of the appeal site is designated as part of a countryside area. Policy SP1 provides that, subject to other policies of the Local Plan, development will be permitted within the limits of development of specified settlements, including Warton, which is included in the second level of the hierarchy. Development in countryside areas is the subject of Policy SP2, which seeks to restrict development to that required for agriculture or other uses appropriate to a rural area; the re-use of buildings; the re-use, refurbishment or redevelopment of large developed sites; minor extensions; and development needed for an existing operation. Within the Green Belt, Policy SP3 explains that permission will not be given, except in very special circumstances, for new buildings other than for agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land therein.

19. Policy HL2 sets out a series of criteria against which housing proposals should be assessed. Amongst other matters, the development should be acceptable in principle and compatible with nearby uses, in keeping with the character of the locality, be in a sustainable location having regard to the availability of employment sources, public transport and community facilities, and avoid an adverse effect on the safe and efficient operation of the highway network. Specific support for well-designed housing schemes which respect the character of an area is given by Policy HL6, and in rural areas Policy EP11 requires that development proposals should be sited in keeping with the distinct landscape character types in the Landscape Strategy for Lancashire and the characteristic landscape features of Fylde. Large scale housing developments of over 100 dwellings or 3ha should only be permitted where there would be a satisfactory level of public transport, and adequate bus stopping, waiting and turning facilities (Policy TR5). Policy EP19 explains that development which would have an adverse effect on protected species should not be permitted. Where development which would affect protected species is permitted, conditions or planning obligations should be used to provide mitigation. Under Policy CF2, planning obligations will be sought to ensure the provision of additional school places needed as a result of new housing development. Amenity open space requirements within housing developments are set out in Policy TREC17.

The emerging Local Plan

20. The Council is preparing the Fylde Local Plan to 2030, which will comprise two parts. Part 1 will contain strategic and development management policies, including strategic housing allocations. The Preferred Options document for Part 1 of the emerging Local Plan (ELP) was published in 2013 (CD2.3): following consultation a Revised Preferred Options document is expected to be produced during 2015, with adoption anticipated in 2016⁷. At the date of the inquiry, work had not commenced on Part 2 of the ELP, which will deal with non-strategic allocations.

⁷ Miss Riley's proof of evidence gives the expected date of adoption of Part 1 of the ELP as late 2015, and the planning statement of common ground refers to publication of the Revised Preferred Options later in 2014. These dates were revised by Miss Riley in oral evidence to the inquiry.

21. Policy SD1 of the ELP is concerned with the spatial development framework. As a local service centre, Warton is included in the second tier of the settlement hierarchy. New development is expected to contribute towards sustainable communities by its location, accessibility, and its use of resources and construction materials. Warton is one of four strategic locations for development included in this policy. Four strategic sites for housing development at Warton are put forward under Policy SL3⁸, which it is expected would provide about 1,160 dwellings. With the exception of the farm buildings and the land within the Green Belt, the western part of the land subject of the appeal forms part of site H8. The eastern parcel is included within strategic site H9. In the Responses Report to the Preferred Options consultation⁹, the Council has recommended that the number of new dwellings at Warton be reduced to 650. Policy H3 seeks the provision of a minimum level of 30% affordable housing in urban market housing schemes of 15 or more dwellings: the majority of the affordable housing should be in the form of social rented or affordable rented homes. The ELP has yet to be submitted for examination, and, as it is at a relatively early stage in its preparation, I agree with the main parties that it carries only limited weight.

The emerging Neighbourhood Plan

22. The submission version of the Bryning with Warton Neighbourhood Plan was published in September 2014, and was subject to consultation at the time of the inquiry (CD2.35). Policy BWH1 is concerned with managing housing growth in Warton. Housing growth should be appropriate in size and scale to Warton's village character. Within the settlement boundary (figure 5 of CD2.35), 650 new homes are proposed up to 2030: the majority of these dwellings would be provided on sites H1 - Warton West and H2 - Warton East (figure 6). The appeal site, including the farm buildings, lies outside the settlement boundary. Policy BWNE2 requires, amongst other considerations, that the general character, scale, mass and layout of proposals fits in with the grain of the surrounding area, and that the distinctive character and countryside setting of the rural landscape is enhanced. The emerging Neighbourhood Plan (ENP) has yet to proceed to examination and a referendum: I agree with the main parties that its provisions carry limited weight.

Enterprise Zone Masterplan

23. Warton Aerodrome, where BAE Systems is based (above, para 12), is part of the Lancashire Advanced Engineering and Manufacturing Enterprise Zone¹⁰. A consultation masterplan has been prepared for part of the North Enterprise Zone area at Warton, known as the Phase 1 site (CD4.2), and this was adopted by the Council for development management purposes in October 2014 (Document L20). Certain of the access provisions are of relevance in this appeal. The main access to the Phase 1 site would be from the new road on the eastern side of Warton¹¹. This access would also serve BAE Systems and the firm's gatehouse would be relocated from Mill Lane to a position on the southern side of the Phase 1 site¹².

⁸ The location of the sites is shown on the Map of Warton Strategic Location for Development in Document CD2.3.

⁹ Appendix 23 in Document L8.

¹⁰ The Enterprise Zone also includes Salmesbury Aerodrome.

¹¹ Referred to in the Masterplan as the GEC eastern access road.

¹² The new eastern access road and the gatehouse positions are shown on the access strategy plan in CD4.2.

Other policy documents

24. A revised version of its Interim Housing Policy (IHP) was approved by the Council in 2013 (CD1.8). The main reason for producing the IHP was an increased dwelling requirement in the then emerging Regional Spatial Strategy (RSS). The RSS has been revoked and the IHP carries limited weight. It does, however, make reference to the provision of affordable housing. Warton is included in the urban option of the IHP, where, in respect of proposals for 15 or more dwellings, a proportion of 30% of affordable dwellings is sought. The IHP also refers to the provision of public open space for housing developments. The Landscape Strategy for Lancashire includes a landscape character assessment (CD1.14): in this assessment the appeal site lies within character area 15d - The Fylde Coastal Plain. The Planning Obligations in Lancashire Policy is of relevance (Document G11), and I have also had regard to national planning policy and guidance, in particular that contained in the National Planning Policy Framework (NPPF), and the Planning Practice Guidance (PPG).

Agreed Matters

25. A planning statement of common ground (Document G3) covers the following matters:

- A description of the site and its surroundings.
- The original proposal and subsequent revisions.
- Planning policy and guidance. Limited weight can be afforded to the ELP due to its early stage in the plan-making process. Limited weight can be afforded to the ENP due to its early stage in the plan-making process and the receipt of objections.
- Fylde does not currently have a five years supply of housing sites; therefore paragraph 49 and the relevant provisions of paragraph 14 of the NPPF are engaged.
- The Council has accepted, in the ELP Preferred Options Responses Report and in Miss Riley's evidence, that a 20% buffer should be applied to the housing land requirement. The buffer should be added to the entire requirement, including historic shortfall.
- A base date of 31 March 2014 is appropriate for assessing housing land, as this is the latest date for which there is accurate data on completions and supply. The Council has produced several scenarios with this base date. Although the Appellant does not accept the level of supply, none of the scenarios would give a five years supply of housing land.
- Warton is identified as a second tier settlement in the Local Plan and as a strategic development location in the ELP. Whilst the Preferred Options of the ELP is subject to review, some greenfield sites on the periphery of Warton will need to be released for housing development over the plan period.
- The masterplans for Options 3 and 4, which show retention of the hedgerow along Hillock Lane, address the Council's concerns in respect of landscaping on the site perimeter. These options do not include a vehicular access or

individual drives onto Hillock Lane, and the Council is not pursuing the fourth reason for objection to the scheme.

- The delivery of additional school places can be secured by a planning obligation. This requirement would be compliant with the Community Infrastructure Levy (CIL) Regulations.
- 30% of the dwellings would be affordable housing in accordance with the Interim Housing Policy. This provision could be secured through a condition or a planning obligation, which would be CIL compliant.
- The required level of open space could be provided for Options 1, 3 and 4. If the 'pocket park' cannot be used for open space and newt mitigation, an alternative area of open space would be needed.
- Public realm improvements are not required. The Council's Regeneration Framework includes a public realm scheme for Warton, which is fully funded by an existing planning obligation.

26. A highways statement of common ground (Document G4) covers the following matters:

- Vehicular access to the site from Church Road is acceptable in principle: appropriate forms of access include a staggered junction or a signalised crossroads.
- The committed development to be included within the transport assessment.
- The junctions to be considered in assessing the appeal proposal.
- Traffic count data included in the transport assessment are a reasonable basis for assessment traffic figures for the local traffic network.
- The traffic impact of the proposal would be greatest during the morning and afternoon peak hours.
- Modelling assessment years are 2019 and 2024.
- The estimates of peak hour generated traffic in the transport assessment are a suitable basis for the modelling and analysis of the traffic impact at the study junctions.
- The Lytham Road/ Church Road/ Highgate Lane junction is the focus of the Highway Authority's concern.
- The trip distribution adopted in the transport assessment for assigning the generated traffic to the local highway network reflects the pattern that could be expected for vehicular trips from the appeal site.
- The distance from the centre of the eastern part of the appeal site to the nearest bus stops on Lytham Road is slightly less than 800m. From the centre of the western part the distance is slightly less than 900m if a route via the Riversleigh site is available. Otherwise the distance increases by about 100m.
- The travel plan is acceptable.

27. A housing supply statement of common ground (Document G5) covers the following matters:

- For the purpose of the inquiry, the Council's figure of 366 dwellings per annum (2011 to 2030) is the starting point for calculation of the five year housing supply position.
- The number of completions for 2011-12 to 2013-14 is 537.
- There has been a shortfall of 562 dwellings since 2011-12.
- The five years requirement with the backlog and a 20% buffer added is 2,875 dwellings, and the annual requirement is, therefore, 575 dwellings.
- For the purpose of the inquiry, the supply of housing land is sufficient for between 3.5 and 4.1 years.

The Case for the Appellant (Documents A1-A14, A16, A22)

The material points are:

The approach to determination

28. The planning statement of common ground confirms that there is not a five years supply of housing land in Fylde (above, para 25). The main parties agree that paragraph 49 and the relevant provisions of paragraph 14 of the NPPF are engaged. The Parish Council's planning consultant also accepts that paragraph 14 is engaged. Thus, the agreed approach to the determination of this appeal means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This position is not altered by the 2012-based household projections. The projections should be treated with caution since they are informed by recent trends covering a period of recession, which resulted in limited economic growth, low levels of house building, and suppressed rates of household formation. Furthermore, when allowance is made for second homes, empty dwellings and shared homes, the figure of 222 households forming annually does not represent a lower level of dwellings than the figure of 237 derived from the 2012-based sub-national population projections. The Analysis of Housing Need in Light of the 2012 Sub-National Population Projections¹³ indicates that an objectively assessed need in the range of 300-420 dwellings per annum (dpa) remains appropriate.

29. Insofar as that part of the proposal within the Green Belt is concerned, no development is proposed save for any open space provision required by the Local Planning Authority, and/ or any potential ecological mitigation measures. The appropriateness of those uses within the Green Belt is not disputed.

Impact on the highway network

30. Traffic flow has been assessed for 2019, which may coincide with the completion of the proposed housing development on the appeal site, and 2024. The focus of the Highway Authority's concern is the effect of the development on the Lytham Road/ Church Road/ Highgate Lane junction. Whilst a level of 90% degree of

¹³ This document is referred to as the Strategic Housing Market Assessment (SHMA) Addendum.

saturation leads to queuing, it was acknowledged that it becomes significant at levels over 100%. The impacts on the Lytham Road/ GEC access and the Lytham Road/ Mill Lane junctions would not be unreasonable.

31. The transport assessment includes robust assumptions about committed development including the other proposals for Warton and the 1200 jobs expected to be created in the enterprise zone in the short to medium term. A spatial masterplan prepared on behalf of the Appellant¹⁴ indicates that an east-west link road could be delivered by the grant of permissions for the allocations proposed in the ELP.
32. There is not clear evidence to support the Highway Authority's concern about the effect on the Lytham Road/ Church Road/ Highgate Lane junction. Whilst some further improvements might be expected at some stage of the development in the enterprise zone, nothing suggests that the timing of such improvements would have a bearing on this case. Moreover significant changes will result from the expected construction of the Preston Western Distributor Road by 2021, for which funding has been announced¹⁵.
33. There are differences in the modelling of storage at the junction. The eastbound difference of 10 or 12 passenger car units (pcus) is relatively minor. The difference of 7 or 12 pcus in the westbound carriageway is more significant, but vehicles turning into Harbour Lane should not encroach into the storage capacity since there is a 3m width for the right turn lane. There is no reason to depart from the recommended delay based assignment methodology: the LINSIG manual explains that this method is preferred for assigning flows to routes in most cases.
34. The Lytham Road/ Church Road/ Highgate Lane junction has two lane gap acceptance as do many in the Preston area which operate with typical accident rates for signalised junctions. Two lane gap acceptance does not appear to be identified as a concern in the Highway Authority's Network Management Plan. Traffic Advisory Leaflet (TAL) 2/03 (Document L17) recommends that gap acceptance should not be pursued where the 85th percentile approach speed exceeds 45mph: survey results give the 85th percentile eastbound and westbound approach speeds at the Church Road junction as 25.5mph and 26.5mph respectively. There is no accident problem associated with the existing two lane gap acceptance at this junction.
35. A closely associated signal can be provided for drivers emerging from Highgate Lane. Whilst this could be positioned satisfactorily without the need for an island, the overall width of the highway would enable an island to be provided.
36. Opposite to Harbour Lane, the overall crossing width would only be increased by 0.7m, and there would be a fully controlled crossing on the nearby eastern arm of the Church Road junction. There would be no material increase in the risk of accidents at Harbour Lane. The westbound cycle lane could be retained. Although the width is not ideal, the proposed junction scheme would not worsen the situation.

¹⁴ In Appendix B in Document A3.

¹⁵ Mr Stevens informed the inquiry that funding was in place for the Preston Western Distributor Road and that it was expected to be constructed by about 2021. A plan of the proposed route is at Appendix 10 in Document A12.

37. The Appellant's highway consultant commissioned an independent road safety audit of the junction works. None of the concerns raised by the Highway Authority were identified. Furthermore, a review of accident data in cross-examination of the Council's highway witness revealed that the accidents which had occurred within the vicinity of the junction (as denoted by the red line on Plan F) would either be made less likely or would be unaffected by the scheme.

Sustainability

38. An overall judgment on sustainability would involve an analysis on a much broader range of topics than accessibility. It is considered that the proposed allocations in the ELP which include the appeal site scored well in the strategic environmental assessment and sustainability appraisal (SA, CD2.42). The site is accessible to the A584, and there is the potential for relief from congestion through the proposed Preston Western Distributor Road. The SA also highlights the close proximity to a large number of employment opportunities: the benefit of locating jobs and homes together is an important reason behind ELP Policy SL3.
39. The starting point for consideration of accessibility is Warton's position in the settlement hierarchy. From the early 1990's the Structure Plan identified Warton as a second tier settlement, which would accept growth appropriate to its size and form. Although the Joint Lancashire Structure Plan gave Warton a lower status, the Local Plan maintained its position as a second tier settlement¹⁶. The ELP indicates that the likely intention is for Warton to be a local service centre status. Even at this tier in the hierarchy, growth is intended. The Responses Report indicates that Policy SL3 is to be maintained.
40. From the appeal site to the bus services and amenities in the centre of Warton would involve a level walk of about ten minutes, which is considered to be acceptable. The operator of the No 78 bus service between Lytham St Annes and Wesham would be prepared to divert one service per hour in each direction to serve the appeal site, and a bus turning area is included in the Option 4 illustrative masterplan. A new length of footway would be provided on Church Road, and a pedestrian/ cycle link can be provided through the Riversleigh scheme. There is also a reasonable prospect of securing a link through new housing development to the east. The cycleway on the north side of Lytham Road would be a benefit, and other measures would be included in the travel plan.

A masterplanned approach

41. The delivery and implementation section of the ENP indicates that the Parish Council will work with developers to deliver appropriate growth. This can be achieved through planning applications such as that which was submitted for the appeal proposal. An aspiration for a west-east link could be accommodated by the development, and there is no evidence that it would prejudice the reasonable options for a masterplan for Warton.

¹⁶ Warton's position in the settlement hierarchy is explained in Document L19.

The emerging neighbourhood plan

42. Paragraph 21b-014 of the PPG sets out the circumstances in which it would be justifiable to refuse planning permission on the grounds of prematurity. It provides two tests. Firstly, a proposal must be so substantial that to grant permission would undermine the plan making process. Secondly, the emerging plan is at an advanced stage but not yet formally part of the development plan. A refusal of planning permission will seldom be justified in the case of a neighbourhood plan before the end of the local planning authority publicity period.
43. The ELP sets a significant context for the ENP. The Preferred Options document includes Warton as a strategic location for development, with reference made to its role as a local service centre, the potential for development on previously developed land at BAE Systems, the establishment of the enterprise zone, the prospect of improved access to a new motorway junction, and the proximity of wastewater treatment facilities. The aim of transferring plan-making to community level has to be balanced against wider planning considerations. One of those considerations relates to the need to meet strategic and objectively assessed housing requirements.
44. The ENP does not provide a clear basis for the requirement for 650 dwellings, and it assumes that there would be no net increase in jobs over the next ten years. Site selection also appears to lack a sound evidence base: there does not appear to be any SA type analysis of the various alternatives. The ENP was still at draft submission stage, and representations by the Council have to be addressed.

Other matters

45. The proposal would have a minor negative impact on the landscape, but this is necessarily the case when residential development occurs on greenfield land. However the level of harm is not such as to be unacceptable. All parties agree that some greenfield land around Warton will need to be released to meet housing requirements, and the Council accepts that, in general terms, the appeal site is no worse than others.
46. All ecological matters could be addressed and satisfy the relevant tests in the NPPF. Further survey work may be required in relation to water voles. Sustainable drainage features would support mitigation measures for great crested newts, and an ecological management plan could be secured by condition.

The overall balance

47. Chief among the benefits is the provision of new market and affordable homes. Substantial weight should be attached to the lack of a five years supply of housing land. Other benefits of the proposal would include the introduction of safety and accessibility improvements to the Lytham Road/ Church Road/ Highgate Lane junction, enhancement to biodiversity on the site in general and for protected species, additional spending generated by the new population (about £7.9million) part of which will help sustain and serve local services/ shops and wider services in the sub-region, creation of on-site construction jobs and jobs through the supply chain, a new homes bonus of about £2.4million, and a stronger and more defensible Green Belt boundary.

48. To weigh against the benefits, the Council claims that there would be severe congestion and a significant increase in risk of accidents, partly as a result of the site's poor accessibility. However, the Appellant maintains that the risk of accidents would decrease overall and that congestion would not be so significant as to constitute a severe residual. Impacts on air quality and residential amenity would be respectively, slightly negative and neutral. Overall, the benefits clearly outweigh the harms, even on the basis of the conventional planning balance. Moreover, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The Case for the Council (Documents L1-L11, L24)**Housing land supply**

49. Notwithstanding appeal decisions that have endorsed the use of the RSS evidence base for the generation of a housing requirement, the approach of the Council is to recognise that the Hunston judgement in the Court of Appeal (CD5.24) and the presence of more up-to-date information in terms of the assessment of objectively assessed need would promote the use of the latter in preference to the revoked RSS evidence base figures. The Council has taken a robust approach in not simply relying on RSS evidence base figures, and, in making use of the objectively assessed need not by reference to the lowest part of the range, but by using a figure of 366dpa, which provides an uplift over demographic-led scenarios and provides for economic growth in using the Sedgefield approach to meeting the backlog, and in accepting the use of a 20% buffer. Initial analysis of the 2012-based household projections suggests that 222 households are forming annually in Fylde over the period 2012-2037. The figure of 237 dwellings derived from the 2012-based sub-national population projections is slightly higher. The implications of these population projections on the range of housing needs were considered in the SHMA Addendum, which indicates that an objectively assessed need in the range of 300-420dpa remains appropriate. Consequently the 2012-based household projections do not materially alter the evidence submitted to the inquiry.
50. The statement of common ground on housing land supply sets out a range of 3.5-4.1 years supply. The Council prefers the top end of that range. The large sites, all with planning permission, have a total capacity of 2553 dwellings, of which only 1130 are included in the supply. The method of assessment is robust: it has involved the development industry locally, has been consulted upon and has been consistently used to inform a policy compliant SHLAA. There is substantive evidence to support the Council's windfall figure. In the context of a recessionary period, the figure has been 173 dwellings in 5 years at 34.6pa, and recent sources of supply such as office conversions show how robust the figure is. Evidence has been submitted to justify the empty homes allowance and the number of units at the GEC Marconi site. The Council's position on supply is robust and it accords with footnote 11 of the NPPF.
51. It is accepted that for decision taking purposes the relevant policies of the Local Plan for the supply of housing (including existing settlement boundaries) are out of date such that paragraph 14 of the NPPF is engaged. However, there are several other points to consider within the balance. Comparison of the Proposals Map (Plan A) with the location plan (Plan H) shows that the limits of development

have already been breached, and the proposal would involve further development in the open countryside. The position in respect of commitments for housing is improving: in 2012-13 there were 2,434 gross total commitments, and this number had increased to 3,516 in 2013-14¹⁷. Reflecting this, the completions figure is rising and the shortfall is reducing. The position concerning housing land supply is improving.

Highways

52. There is no disagreement that there will be an impact on the Lytham Road/ Church Road/ Highgate Lane junction, and the scheme also gives rise to safety concerns.
53. The correct comparison is that shown between the base conditions and post-alterations in tables 4.9 and 4.10 of the Council's highways witness (in Document L2). The proposal would result in severe congestion, and the length of queues and delay in table 4.10 show an unacceptable impact. It has not been demonstrated that a closely associated secondary signal head can be provided for the Highgate Lane arm. The plan from the traffic signal consultants¹⁸ would not enable drivers who have progressed forward beyond the stop line to see the information on the closely associated signal head beyond the 30 degrees line of sight. This would result in the presence of vehicles beyond the stop line whilst the next phase of east-west movement has commenced, resulting in the junction not serving its purpose. The correct approach would require the provision of an island that includes primary and closely associated secondary signals on Highgate Lane extending from the stop line to a point that does not influence the east - west movement, thus overcoming the line of forward visibility concern. A layout that overcomes these concerns and the constraint of providing both an island and swept path for wider vehicles has not been provided.
54. It is not appropriate to model on the basis of two infinite lanes on the junction approach, when the position on the ground now and as proposed is one short and one infinite lane. This approach distorts the results. The resultant flare length is unrealistic. To the west this means an over estimate of two vehicles. To the east the capacity is over stated to a greater extent. There may be some storage beyond the yellow box (2 pcus) but the other vehicle movements at the Harbour Lane junction mean that it would not be robust to go beyond that point. Moreover, by seeking to introduce storage capacity at peak periods at the same point as the modified island would result in conflict with pedestrian movement. Driver preference for the inside lane supports a 60/40 split. There are good reasons not to employ a delay based assignment in the context of the use of the A584, where there is not the series of choices available which make such an approach appropriate to a wider strategic model. In this context the use of a manual model is both more detailed and more flexible.
55. The proposal relies on a gap acceptance approach, whereby drivers of vehicles turning right from the A584 would be required to judge their manoeuvres across two lanes of approaching traffic in both directions. This is not justified by reference to any existing level of gap acceptance at this or any other junctions,

¹⁷ These figures are from the table of housing completions and commitments between 1991/92 and 2013/14, Appendix 13.1 in Document L8.

¹⁸ Appendix R6 in Document A9.

and it gives rise to an important safety concern in terms of vehicle masking. There is no guidance to support the view that it should be regarded as good practice or as a safe modern design solution on an A road. Moreover, the guidance in TAL2/03 applies to high speed roads, and the A584 is not a high speed road. To seek to by-pass the locally accepted approach to junction design and introduce an unwelcome technical solution not supported by guidance for roads with lesser speeds is not sound locally based planning.

56. The scheme introduces a complicated arrangement which would not safely support the needs of all users. There would be pedestrians crossing the road at the uncontrolled location to the west of the junction on Lytham Road with potential intervisibility issues arising from a high wall on Highgate Lane. There is no cycle provision west-bound with these users competing for highway space with motorised vehicles, including stopping buses, within a merge area. The retention of the existing sub-standard on-road cycle lane should not be used within the design of a two to one lane merge, in which any redesign should be aimed to meet standards for all users.
57. Pedestrians would be able to cross the A584 at Harbour Lane, making use of a moved and narrowed pedestrian refuge, and walking over two lanes of traffic or between stationary traffic from the signals in one or both lanes, introducing a further safety concern. Four personal injury accidents were identified in the vicinity of the junction and Harbour Lane in just over four years prior to the inquiry (in Document L5).
58. Having regard to the likely redistribution of traffic, there would be a contributory negative impact at the Lytham Road/ GEC junction which weighs against the proposal. It has been accepted that the congestion impacts in respect of the Lytham Road/ Mill Lane junction are relatively minor and only contribute to that extent to the residual impact. However all of the cumulative impacts need to be considered in order to arrive at a view on severity.

Connectivity

59. A master-planned approach is likely to give rise to improved spatial planning for Warton. Whilst the site is included in the ELP, the SA is very high-level, and, in representations on the Preferred Options, the Highway Authority has pointed to the possible need for new road infrastructure to the north of Warton. The appeal proposal does not form part of a master-planned exercise, incorporating the phasing of sites with relevant infrastructure.
60. The letter from Prospect is the only evidence of connectivity through the Riversleigh Farm development, but this has not been presented in the form of a master-plan. Connectivity depends on Riversleigh being provided in advance. It is accepted that the grant of planning permission on this scheme is likely, but the timing of implementation is outside the control of the Appellant and the Council. There is not an equivalent letter with respect to the Meadow View scheme and no connectivity would be provided there. There would be no connectivity through Fir Grove or to the north-east.

Sustainability

61. The ELP identifies Warton as a local service centre which is consistent with the services present. The appeal proposal is for a large scale residential

development. It is important that such development has strong sustainability credentials, but the appeal scheme does not. The distances to the nearest bus stops are about 800-900m (1000m excluding Riversleigh connection) from the centre of the proposed residential development and would rise to over 1.1km from the furthest dwellings on the site. These distances are well beyond the Institution of Highways & Transportation (IHT) guideline maximum figure of 400m¹⁹. Whilst it is proposed to provide a bus stop to serve the site, to have purpose it should provide a link to suitable transport services, to destinations where travel is required such as Preston, in order to be a realistic alternative to the private car and be viable post any financial pump-priming. However there is no evidence to show that the operator regards the proposed diversion of the No 78 service on an hourly basis as a commercial proposition over the longer term.

62. The IHT guidelines give a desirable walking distance of 400m and an acceptable walking distance of 800m to local services²⁰. There are no facilities within the desirable distance, except the Birley Arms public house, in excess of 300m away. The table at 4.14 in the proof of the Council's highways witness (Document L2) shows that most facilities exceed acceptable walking distances. This includes all health facilities, numerous faith organisations, all major retail outlets, and most schools. The distance to local shops is on the edge of acceptability from the centre of the site.
63. Appeal decisions put forward by the Appellant do not justify the present scheme from the perspective of sustainability and accessibility²¹. This development would perform poorly in terms of access to facilities and would not serve to achieve modal shift. It is a development that would lead to disproportionate reliance on the private car, which is not in accordance with NPPF. This is relevant in the overall balance of sustainability considerations.

Character and appearance

64. If planning permission is granted for significant development at Warton, there would inevitably be an urbanising effect. It is not the Council's case that, in landscape terms, the ENP sites would have significantly less of an urbanising impact. Nevertheless, the landscape and urbanising impacts stand to be weighed in the balance. The landscape and visual impact assessment shows clear effects ranging from slight to substantial in terms of landscape impact as one moves from more general to more localised assessment. It also shows slight to moderate effects in a range of views: what is a pleasant pastoral context will clearly change. It is contended that the document acknowledges that there would be a negative landscape and visual impact which weighs in the balance against the proposal.

School places

65. A contribution is sought in respect of primary schools. Account has been taken of other developments in seeking the contribution for primary places. The

¹⁹ Suggested walking distances to bus stops are given in the IHT publication *Guidelines for Planning for Public Transport in Developments* and are reproduced in table 4.13 of Document L2.

²⁰ Suggested walking distances are given in table 3.2 of the IHT publication *Guidelines for Providing for Journeys on Foot*: Appendix 23 in Document L3. Journeys to local services are not covered by the categories of the first two columns and the Council has, therefore, referred to the distances elsewhere, given in the third column of the table.

²¹ Specific reference is made to the appeal decisions included at Appendices 13 & 14 of Document A7.

calculation of the precise amount is sensitive to bedroom mix and timing. It is proposed to deal with this by way of the wording of the planning obligation which it is agreed would provide a satisfactory mechanism for the delivery of the justified contribution in respect of primary school places.

Affordable housing

66. The Fylde Coast SHMA (CD2.7) indicates an annual need for 207 affordable dwellings, equivalent to 57% of an annual housing requirement of 366 units. It is agreed that 30% of the proposed residential development should be affordable housing. However, the objective of policy is to meet the affordable housing needs of the community. The SHMA indicates that at least 84% of affordable housing should be social rented accommodation²². Accordingly any conditional grant of planning permission should ensure that the greatest provision is for this type of tenure.

The emerging Neighbourhood Plan and Local Plan

67. Recognition should be given to the aspiration of the local community in responding to the agenda set by the Localism Act by bringing forward a neighbourhood plan. This has hurdles to overcome, but recent decisions of the Secretary of State recognise the importance of neighbourhood planning, and in an appeal decision for development in Malmesbury, the Secretary of State attached greater weight to the emerging neighbourhood plan than the Inspector (CD5.29).
68. The emerging Local Plan is likely to reach adoption in 2016. The direction of travel in respect of Warton is towards a lower growth option, reflecting the aspirations of the local community. The growth may be lower than that consulted upon within the Preferred Options document, but it would nevertheless be significant and not out of step with the place which Warton occupies in the settlement hierarchy. The relationship that housing provision has with the support for the enterprise zone remains an issue which is properly considered within the plan making process.

Ecology

69. It is accepted that the proposal could address requirements in respect of the habitat of the great crested newt subject to suitably worded conditions.

The planning balance

70. In disaggregating the elements of generic economic and social benefits associated with any proposal for housing, such as the new homes bonus, construction jobs, and retail expenditure, the balancing exercise should not overstate what the Council acknowledges is a matter of considerable weight. The delivery of housing, including policy compliant provision of affordable housing, is such a benefit. It is agreed that the presumption in favour of sustainable development is engaged. The wording of the presumption means that for decision taking (unless material considerations indicate otherwise), permission should be granted unless any adverse impacts of doing so would significantly and

²² Figure 9.15 in Appendix 3.1 of Document L8.

demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

71. Taking into account that the shortfall in housing land is likely to be closer to 0.9 than 1.5 years, and that the proposed development would be delivered in phases over a number of years, the benefit of the provision of housing to address the lack of a five years supply is considerable. The provision of much-needed affordable housing is also a matter of considerable benefit. However there is no current policy basis for considering that the site meets a deficit in public open space in Warton, and this should be seen as a site which simply meets its requirements.
72. The proposal would have negative landscape and visual impacts. Whilst the ENP process can only have limited weight at present, some limited harm should be ascribed to the associated frustration of the aspirations of community planning embodied in the neighbourhood plan process.
73. The off-site highway works proposed as part of the scheme do not limit the significant impacts of the development. They would not acceptably address congestion at the Lytham Road/ Church Road/ Highgate Lane junction in terms of the free flow of traffic or highway safety. Taken together with the other residual cumulative impacts of the development there would be a severe effect, which in itself justifies the refusal of permission.
74. The proposal would generate significant movement and it has not been located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The development would accordingly promote a car-reliant community, and that is also a significant matter weighing negatively in the balance. For these reasons the appeal should be dismissed.

The Cases for Interested Parties

The material points are:

i) Bryning-with-Warton Parish Council (Documents O2-O4)

75. Neighbourhood plans are a key strand of Government policy, and the Ministerial statement of July 2014 explains that the neighbourhood planning approach should be taken into account in planning appeals. The Bryning-with-Warton Neighbourhood Plan has reached submission stage and it should be given significant weight in this appeal.
76. The ENP sets out a vision for Warton and it also plans for significant growth, whilst ensuring that the essential character and function of the village is maintained. It is widely supported by local residents, and reflects Government policy, supporting economic growth, promoting more house building, and involving local choice and decision-making. The appeal site lies outside the settlement boundary and it is not allocated in the ENP. The appeal should be dismissed, since the granting of permission would seriously undermine the ENP and a key area of Government policy. Should the appeal be successful, much of the ENP would have to be revisited.
77. Development of the appeal site is not sustainable because of concerns relating to highway matters, flooding and drainage, infrastructure, and housing. Traffic problems are experienced on a daily basis, and include parking and traffic flow on

Church Road. The development would result in a large increase of traffic, not only on the main roads and junctions, but also on the country roads of Bryning Lane and Hillock Lane. Improving the junction of Church Road with Lytham Road would not be sufficient, since Church Road itself would be a congested single carriageway.

78. There are historic problems of surface water flooding and drainage: the existing system is antiquated and in need of major revision. Services and facilities are limited. There is no post office, chemist, health services or bank. Consequently additional car journeys would be generated. It is acknowledged that additional housing should be provided, and the Parish Council has not objected to certain other housing proposals. This development, though, would not be in the right location. Interest in housing proposals has been linked to future employment opportunities in the Enterprise Zone, but it is not considered that the evidence supports such job growth.

ii) Neighbourhood Plan Steering Group (NPSG - Documents O5 & O6)

79. The major works proposed at the junction of Church Road with the A584 would have a detrimental impact, whereas the ENP anticipates significant improvements to the village centre. Given the scale of the proposal there should be a contribution to the improvement of the public realm. There has been extensive consultation with the community, and the ENP has now reached submission stage and it should hold greater weight. This document has become the masterplan for Warton. If the outcome of this appeal ignores the ENP, then the energy and views expended would be lost, contrary to the localism agenda.
80. The ENP supports development of 650 dwellings up to 2030, representing an increase in size of the village of 42%. A comprehensive report on possible sites was produced, and the appeal site was deemed unsuitable due to sustainability and accessibility considerations. There are 5-6,000 people working on the BAE Systems site, with a rationalisation programme recently announced which would remove about 250 management positions over the next 9-12 months. The possibility of job losses at BAE Systems should be considered as well as the job creation potential of the Enterprise Zone. Moreover there have been concerns about job losses at the Land Registry, it was understood that only a few companies had expressed interest in coming to the Enterprise Zone, and a report by the Public Accounts Committee suggested that the number of jobs created in enterprise zones nationally fell short of expectations. It would be better to wait for the M55 link road to open and then assess how the Enterprise Zone fares, rather than prematurely destroying greenfield sites. The judgement of the NPSG is that employment growth will not be on the scale put forward by the Appellant. Building an excessive number of dwellings in Warton with no commensurate growth in employment would be unsustainable.

iii) Campaign to Protect Rural England (CPRE - Documents O7, O8 & O17)

81. The appeal site is predominantly agricultural land in a countryside area outside the limits of development. The proposal would, therefore, conflict with Policy SP2 of the Local Plan. Local facilities and services are inadequate for the cumulative increase of proposed housing. About 10% of the site is categorised as the best and most versatile agricultural land: the effective use of land involves using brownfield land before greenfield land, and certainly before good quality agricultural land. The proposals of the ELP Preferred Options are considered to

be unsound, so little weight should be given to the inclusion of the appeal site for development. Significant weight should be given to the ENP which has made substantial progress. Its aim that the rural character of the village should be preserved by only proposing development to the west and east is commended.

82. The CPRE has assessed the need for housing land using the 2011-based interim household projections. On this basis there would be a sufficient supply of land for 6.3 years. There are alternative more sustainable sites in the Borough, for example at Whyndye Farm and possibly Blackpool Airport. At Warton, there is 75ha of previously-developed land not required by BAE Systems. It is considered that there is no immediate need to approve this large strategic site before the ELP is examined and adopted. The 2012-based household projections indicate that the annual requirement of 366dpa proposed by the Council is too high: using the 2012-based sub-national population projections the SHMA Addendum had modelled the formation of 237 households per year, whereas the figure from the 2012-based household projections is 225 households per year²³. If 366dpa are not achieved, the shortfall of provision will increase. A realistic annual housing requirement for Fylde should be between 225 and 250 dwellings. An over-ambitious employment growth vision is being promoted, exemplified by the lack of progress at the Enterprise Zone.

iv) Concerned Residents of Warton's Development Group (Documents O9 & O10)

83. The Local Plan was prepared in accordance with the Lancashire Structure Plan. However, at the time of adoption the emerging Joint Lancashire Structure Plan was a material consideration. The housing section of the Local Plan was revised to conform to the emerging Structure Plan, involving a reduction in numbers. In addition, Warton should have been identified as a rural settlement rather than in tier 2, but changes to Policy SP1 and the settlement hierarchy appendix were not made. Whilst the Joint Lancashire Structure Plan took precedence, this has since been abolished, and it is considered that Policy SP1 has been inadvertently saved.

84. Three neighbouring settlements – Freckleton, Kirkham and Lytham - are service centres. If Warton became a service centre it would compromise trade in the existing centres. A role for Warton as a service centre is not an argument to justify development in the countryside. It is not accepted that Fylde has a long history of failing to meet housing targets. For several years a moratorium was in place due to the level of permissions. The insistence of recovering the position in respect of backdated targets leads to swings around the optimum build-rate.

85. In 2006 an employment land study found that the future need for employment land would match the amount of land available. However, it is considered that more employment land was available than was needed, and that there has been an over-allocation of greenfield sites for development.

86. The Preferred Options of the ELP is a consultation document and it should carry little weight. The identification of Warton as a strategic location for development is not considered to represent a progression from the earlier consultation

²³ The Council and the Appellant have referred to a figure of 222 households per year, and that figure is included in addendum 1 of the CPRE's comments.

process. Moreover the housing requirement in the Preferred Options was based on the former RSS rather than Fylde's estimate of its own housing requirement. Responses to the Preferred Options were strongly opposed to the identification of Warton as a strategic location for development and the level of growth proposed. The Council has now come to the view that a reduced number of dwellings should be put forward, but 650 is still very large, having regard to the number of dwellings built and permitted.

87. Warton's drainage and highway infrastructure needs comprehensive upgrading, which can only be achieved through a masterplan. This should be in place prior to the approval of new developments. Piecemeal developments would lead to a failure to fund and phase the necessary changes. The ENP is increasingly viewed as the basis of a masterplan. A trend for less employment land is continuing. BAE Systems identified surplus land at its Warton and Samlesbury sites which have been declared an Enterprise Zone. However, most interest has been in the Samlesbury part of the Enterprise Zone. Warton offers little in the way of benefits as a location for business, and it sits next to a large brownfield site.

v) Warton Residents against Poor Planning (Document O11)

88. A large number of residents objected to the scale of housing development proposed in the Preferred Options of the ELP. In a parish poll, 98% of participants (712 residents) supported this position. Residents are not opposed to development, but are concerned that it should be commensurate with the scale and size of the village, deliver tangible community benefits, protect the countryside, and be sustainable. Recent permissions would provide 416 dwellings²⁴, representing a 25% increase in the size of the village. The road network is already congested, and local services and amenities are under pressure. The 1,160 dwellings referred to in the ELP would only be deliverable if the necessary investment in infrastructure were forthcoming through a proper masterplanned approach. In reducing the number of dwellings to about 650, the Council has taken consultation responses on board, and the ENP takes account of this lower number. Taking account of 416 permitted dwellings, a further 360 dwellings in the appeal proposal would exceed the number now put forward for Warton. There are reservations about certain information submitted by the Appellant in support of the proposal, including details of facilities and services in Warton.

vi) Residents (Documents O12-O14)

89. Three local residents and another from Wrea Green spoke against the proposal at the inquiry. The preparation of the ENP has been an inclusive exercise: the ENP is regarded as the masterplan for Warton, and it should take precedence when proposals such as that which is the subject of the appeal are considered. The proposal is outside the limits of development. It would have a detrimental visual impact, and it would be damaging to the rural scale and form of this side of the village. Highway improvements are needed for further development in Warton, but the proposed alterations to the Lytham Road/ Church Road/ Highgate Lane junction are not considered satisfactory by the Highway Authority. Church Road

²⁴ The figure of 416 dwellings appears in a plan showing applications in Warton in the Regulation 14 draft of the ENP (also submitted as Plan G). A higher figure of 432 dwellings is derived from the Council's note on development proposals in Warton (Document L13), which includes 16 dwellings at Georges Garage.

carries traffic to BAE Systems and the Enterprise Zone. The proposal and other housing schemes would adversely affect traffic movement and highway safety. Most local services are not within an acceptable walking distance of the site, and they would be placed under pressure by the development.

90. There are concerns about flooding, drainage and air quality. Construction work would adversely affect wildlife. The appeal site is the wrong place for the proposed development, which would not be sustainable. One resident considered that the need for affordable housing was in the urban areas, and that there was a prospect of oversupply of housing. There is concern about the adequacy of open space provision for the development.

Written Representations

The material points are:

i) Mr M Menzies MP (in Document O1)

91. The ENP has recently been submitted and the Council is currently preparing the ELP. It would be inappropriate for a decision to be made on the development of the appeal site before the plan-making process is complete.

ii) Warton East Developments Ltd (in respect of land on the east side of Warton: in Document O1)

92. There is a current planning application for up to 375 houses on land on the east side of Warton. It is anticipated that matters relating to highways and ecology should be capable of resolution, and that consequently there should be a recommendation to grant planning permission. Should planning permission be granted, this may have a bearing on the appeal, particularly with regard to highway matters and housing numbers.

iii) Warton LLP (in respect of land to the east of the appeal site: in Document O1)

93. Two pedestrian links are shown on the illustrative masterplan for Option 3 which would go over land in which the company has an interest. The northern link would conflict with an application on which the Council has resolved to grant permission, and it is undeliverable. The southern link crosses the site of another application, and there is no certainty that access could be achieved²⁵. Separation of the open space from that on land to the east would be unsatisfactory.

iv) Other representations (in Document O1)

94. Objections were submitted at appeal stage by five local residents who did not appear at the inquiry. The main concerns raised are: the development would be premature in respect of the ELP and the ENP, pressure on facilities and services, conflict with Local Plan policy in respect of countryside areas, highway safety, drainage, and the arrangement of open space. Reservations were also expressed about the need for the proposed housing. At application stage, over 160 letters of objection were received, in which similar concerns were expressed.

²⁵ Layouts for the sites referred to by Warton LLP are included at Appendices 5 and 4 of Document A12.

Conditions

95. A list of suggested conditions was put forward by the main parties (Document G10). Conditions concerning landscaping and highway works within the site are unnecessary as these matters would be addressed at reserved matters stage. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the specified location plan. Equally, reserved matters should be prepared in accordance with the appropriate illustrative masterplans and proposed access arrangements. Given the size of the site, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory manner. The site includes land within the Green Belt, and a condition would be necessary to ensure that this area remains open in accordance with the intentions of Green Belt policy. There is a need for affordable housing, and this should be secured by means of a condition.
96. To ensure that the development would be in keeping with its surroundings, measures for tree protection are required and the height of the proposed dwellings should be limited to 2.5 storeys. Schemes for external lighting and green infrastructure would also be important for this reason and to enhance biodiversity and safeguard bat roosting opportunities. Additionally in the interests of enhancing and of nature conservation, a biodiversity scheme should be submitted for approval, further surveys should be carried out in respect of water voles and great crested newts, and vegetation clearance should be restricted during the bird nesting season. Contamination investigation has been suggested. Most of the site comprises open fields, and, to ensure a satisfactory residential environment, it is sufficient for this work to be carried out in respect of the area of the farmstead. For the same reason, details of open space should be provided at reserved matters stage. A construction management scheme would protect the living conditions of neighbours.
97. In the interest of traffic movement and highway safety, the scheme of works at the junctions of Lytham Road/ Church Road/ Highgate Lane and Lytham Road/ Harbour Lane should be implemented. The Council suggested that the alterations should have been carried out before construction works commence, but a construction management scheme would provide a means to specify the times of construction traffic, avoiding peak hours. Accordingly, I agree with the suggestion that the off-site highway works should be in place prior to occupation of the 120th dwelling. To encourage the use of alternative means of transport to the private car, conditions would be necessary concerning a pedestrian and cycle link to the Riversleigh Farm site, provision of a bus service to the site and the submission of a travel plan. In order to maximise its effectiveness, the travel plan should be in place before any dwellings are occupied. Finally, surface water and foul drainage schemes should be constructed to ensure that the site is satisfactorily drained.

Conclusions

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

Main Considerations

98. I have identified the following main considerations in this case:

- (i) The effect of the proposed development on the character and appearance of the area.
- (ii) The effect of the proposed development on highway safety and traffic movement.
- (iii) Whether any development for the site should be considered in the context of a masterplan for the wider area.
- (iv) Whether the proposed development would be premature having regard to the preparation of the Local Plan and Neighbourhood Plan.
- (v) Whether the site would be a sustainable location for residential development.
- (vi) The effect of other considerations on the overall planning balance.

Character and appearance

99. In the Landscape Character Assessment for Lancashire the appeal site lies within character area 15d – The Fylde Coastal Plain [24]. This landscape type is characterised by gently undulating or flat lowland farmland. The description for the character area itself refers to large fields with boundaries of low clipped hawthorn, the presence of ponds providing important wildlife habitats, and 19th century brick-built farmsteads. These features are characteristic of the countryside to the north of Warton, although the fields on the appeal site are generally smaller in size. The built-up area of Warton and nearby development including the Birley Arms public house and restaurant and the nearby football ground exert an influence on the landscape, and Church Road is a well-used route to Warton from the north. For these reasons I consider that this part of the character area, including the appeal site, is of medium sensitivity.

100. The form of the residential development on the appeal site would be closely related to the existing built-up area. On the western parcel, the new development would wrap around the north-west corner of the built-up area, and that part of the site in the Green Belt, which is furthest from the limits of development, would remain as open land [16]. Housing on the eastern parcel would be partly contained between existing development to the south and new housing under construction at Meadow View to the east [13]. Landscaping and open space would break up the built form, and there is the opportunity to retain lengths of existing hedgerows and ponds. The Option 1 masterplan shows a series of individual drives onto Hillock Lane, and I consider that the punctuation of the hedgerow to this extent would result in a frontage of suburban appearance which would be inappropriate in this location. However the masterplans for Options 3 and 4 simply have gaps in the hedgerow for three footpath connections, and demonstrate that the western parcel could be developed with a layout which would not have an unacceptable effect on the appearance of the

Hillock Lane frontage. Having regard to the overall form of the development, and the extent of the mitigation proposed in Options 3 and 4, I consider that the adverse effect of the proposal on the landscape of the site would be of no more than moderate significance.

101. The proposal would represent an expansion of Warton into the surrounding open countryside. On the west side of Church Road, the development would only extend for a short distance beyond the farmstead, extending back from the road and around the built-up area to adjoin the committed residential site at Riversleigh Farm [13]. Although development on the other side of the road would project further to the north, it would be defined by the existing firm boundaries of Church Road and Hillock Lane. Perimeter planting is intended, and this is shown more fully on the masterplans for Options 3 and 4. Tree planting along the boundaries within that part of the site in the Green Belt, on adjacent land in the Appellant's control, and at the junction of Church Road and Hillock Lane would lessen the effect of the development and assist in assimilating the development into its surroundings. Overall, I consider that the proposal would have a minor adverse effect on the surrounding landscape and this part of The Fylde Landscape Character Area.
102. I turn now to consider the visual effects of the development. The proposed housing would be apparent from both Church Road and Hillock Lane which run alongside the site. There would be clear views from the vehicular accesses on Church Road, although these would be limited in extent, and the views through openings for footway links on Hillock Lane would be restricted. From elsewhere, the upper parts of buildings would also be seen above the frontage hedgerows, although as perimeter landscaping became established the physical form of built development would be less distinct. For the most part, I consider that the combination of existing hedgerows and proposed planting would satisfactorily soften the edge of the development. The series of closely-spaced hedgerow gaps for drives on Hillock Lane shown in Option 1 would significantly increase the impact of built development on persons driving, cycling or walking along this rural road. However the illustrative masterplans for Options 3 and 4 indicate the opportunity for construction of housing on this location without causing unacceptable intrusion on Hillock Lane.
103. The development would result in the loss of open aspects across the appeal site from the adjacent road, although their extent is limited at present by internal field boundaries and the proximity of the built-up area. To the north of Hillock Lane and to the west of its junction with Church Road, views of the open Fylde landscape would remain. There would be a moderate adverse impact from the vantage points available on adjacent roads.
104. From positions further away, on the public footpath to the north of Hillock Lane, and from Carr Lane to the north-west, the development would not appear prominent in the landscape. Even before the establishment of landscaping at Blackfield End Farm, intervening hedgerows and tree cover would restrict views over these greater distances, and I do not consider that there would be any harm to visual amenity from these positions.
105. Existing housing in Warton abuts the appeal site, and there would be views of the development from properties on both sides of Church Road. As dwellings in an edge of settlement location, other housing already forms part of their setting,

and the proposed development would cause moderate harm to the outlook for occupiers.

106. I conclude that the proposed development would have a minor adverse effect on the surrounding landscape, but that moderate harm would be caused in respect of the site itself and from nearby viewpoints. In consequence there would be conflict with Policies HL2, HL6 and EP11 of the Local Plan.

Highway safety and traffic movement

The Lytham Road/ Church Road/ Highgate Lane junction

107. The junction of Church Road with Lytham Road and Highgate Lane is about 0.7km from the position of the intended accesses to the site, and it is the focus of the Highway Authority's concern on traffic and safety matters [26]. The junction is a signalised crossroads. Lytham Road is the A584 which runs between Lytham and Preston, and the junction would provide the closest point for traffic travelling to and from the site to leave and join the main road network. To the north of Hillock Lane, Church Road continues as Bryning Lane, and provides a route to Wrea Green. Highgate Lane is a short road which provides an access to the premises of BAE Systems.
108. Both the Appellant's highway consultant and the Highway Authority (on behalf of the Council) have undertaken modelling exercises of traffic movement at this junction. Revised and supplementary modelling details were submitted during the course of the inquiry. Although there is common ground between the main parties concerning the inclusion of committed development in the transport assessment, the use of peak hour generated traffic in the transport assessment as a basis for modelling the impact at junctions, and that the trip distribution in the transport assessment reflects the expected pattern of vehicular movement [26], there is disagreement about the modelling exercises themselves.
109. Modelling assessment years in the transport assessment are 2019 and 2024 [26]. Although the Appellant's highway consultant considers that the development may be completed by 2019, this would involve an overall build-out rate of about 90dpa. If two developers were involved, the individual build-out rates of about 45dpa would still be markedly higher than the 20 or 30dpa used in the Council's five year housing supply assessment²⁶. Given the size of the site and possible build-out rates, I consider that the most relevant comparisons are between the base and with development scenarios for 2024.
110. At the inquiry, the Appellant's highway consultant contended that the most appropriate comparison is between the base and with development data given in table 2.6 of his rebuttal proof and tables 1 and 2 of his supplementary note²⁷. Table 2.6 records several situations at peak times where, with development, the degree of saturation would exceed 90%, identified by the Council as the point at which queuing builds up [30]. However, with the exception of Lytham Road (East) and Highgate Lane in the afternoon peak, these figures represent improvements on the base situation. On the Lytham Road (East) arm the degree of saturation would increase from 98.7% to 103.4% and on Highgate Lane from

²⁶ Appendix 10 in Document L8.

²⁷ Documents A8 and A10. Table 2.6 is consistent with table 1, table 3 of Document A10 includes a further comparison.

100.8% to 101.2%, with mean maximum queue lengths increasing from 32 to 68 passenger car units (pcus) and from 27 to 28pcus respectively. Table 1 gives average delays of 37.1 seconds and 137.5 seconds on these arms in the afternoon peak increasing to 128.5 and 142 seconds. This modelling has been undertaken on the basis of two full entry lanes on the western arm, whereas it is the Council's position that the correct approach would include one short and one full entry lane [54]. This position is introduced in table 2, with the consequence of increases in the degree of saturation on the western arm in both peak periods. In the morning the increase would be from 108% to 110.1% with development, and in the afternoon from 100.1% to 105%. During the latter peak period, table 2 shows increases in mean maximum queues from 52 to 66pcus and in average delay times from 83.3 to 153.8 seconds. In addition, delays and queuing would increase to a greater extent on the Lytham Road (East) and Highgate Lane arms in the afternoon peak than in the table 1 scenario. Table 3 gives the results of a further adjustment, in which the pedestrian phase would only be called on alternate cycles of the signals. In most situations there would be a reduction in queuing, with lower levels of increase on the Lytham Road (East) arm.

111. The Highway Authority produced its own versions of the Appellant's modelling to address the difference between treatment of the lanes in the west arm of the junction (Document L5). However, as this exercise does not include a set of base figures, a meaningful assessment of the effect of traffic arising from the appeal proposal cannot be made.
112. Data for comparison purposes is included in tables 4.9 and 4.10 of the proof of evidence of the Council's highways witness. Whereas table 4.9 is consistent with table 2.6 of the Appellant's highways witness, modelling of the "with development" scenario included certain differences in respect of the improvement scheme. This exercise gives marked increases in the degree of saturation, delays and length of queues on Lytham Road. For example, it predicts an increase in average delays on the west arm from 133.4 and 54.6 seconds in the morning and afternoon peaks to 389.4 and 526.7 seconds. There would be a reduced impact on the Church Road arm in the afternoon peak, but the degree of saturation would increase from 104% to 109.5% in the morning peak. The Appellant's highway consultant acknowledged that these figures indicated a significant effect.
113. I have considered the detailed differences between the main parties in the modelling of the junction. The Council expressed concern about the safety implications of the early cut-off of the green signal for Highgate Lane traffic, and used an early start for Church Road. This matter could be addressed by the inclusion of a closely associated secondary signal for drivers emerging for Highgate Lane. It was agreed that in the arrangement shown on the Appellant's supplementary plan²⁸, drivers would lose their view of the signal as they moved forward [53]. Whilst the Appellant was confident that this situation could be addressed by detailed design, with the provision of an island if necessary [33], this is not clear from the information before me.
114. Insofar as short lane storage is concerned, the Appellant considers that the west arm on Lytham Road could accommodate 12pcus, two more than the Council [31]. The Council acknowledged that a width of 4.1m would

²⁸ Appendix R6 in Document A9.

accommodate two cars, and there is sufficient length back from the stop line to the point where there is a width of 4.1m for 12pcus in the flare length. On the east arm, narrowing of the island would allow the extension of two lanes beyond the yellow box. There is a separate lane for vehicles turning right into Harbour Lane, which should not encroach on the forward lanes [31]. Consequently there is sufficient capacity for 12pcus in the short lane, rather than the lower figure of 7pcus suggested by the Council. That said, it is clear that Lytham Road (west) does not have, and would not have, two full entry arms. Notwithstanding previous work, modelling on the basis of one full and one short entry lane reflects the situation on the ground, and this approach would, therefore, contribute to robustness.

115. The Appellant prefers a 50/50 split in terms of lane usage on Lytham Road, whereas the Council considers that a 60/40 split between the nearside and offside lanes would be more appropriate. I appreciate the point advanced by the Council that most drivers tend to use the nearside lane, but the presence of bus stops and turning movements of other traffic into and out of premises on each side of the junction are likely to encourage greater use of the outside lane.
116. It seems to me that the true position in terms of future operation of the junction lies between those advanced by the main parties. Bearing in mind the extent of queuing and delay indicated by the Appellant's figures in table 2 (above, para 110), this would indicate significant adverse effects to traffic movement. I am also mindful of the planned Preston Western Distributor Road, for which funding is in place [32]. The inquiry heard that this road, which would provide a route from a new junction on the M55 to the A583 to the east of Warton, would reduce traffic levels on Church Road (disregarding the appeal proposal), and it should, therefore, lessen the impact at the junction.
117. Several specific safety concerns have been raised about the future operation of the junction. Right turns from Lytham Road would involve gap acceptance across two opposing lanes. I note that TAL2/03 strongly recommends that where the 85th percentile approach speed is greater than 45mph opposing right turns should be separately signalled [34]. Here a speed survey gives 85th percentile wet weather speeds of 25.5mph eastbound and 26.5mph westbound [32]. TAL2/03 provides guidance on signal control at junctions on high-speed roads. It is common ground that Lytham Road is not such a road, but its content may be of assistance in assessing the approach to be used at signalised junctions on other roads. In this case the approach speeds are well below the level at which separate signalling should be considered, and the Appellant referred to examples of such junctions in Preston where the accident record was not untypical. Two lane gap acceptance already exists at the junction, and I do not consider that the retention of this movement would appreciably reduce highway safety.
118. I have already referred to the signal control at Highgate Lane (above, para 113). If drivers lose their view of the signal as they move forward, there is the potential for an element of uncertainty and conflict between traffic entering the junction from different directions. The submitted details do not demonstrate that a scheme with adequate signal visibility can be achieved, and further details of the junction alterations are required to address this matter.
119. To the east of the junction, the island close to Harbour Lane would be reduced in width. However at 2m wide it would exceed the minimum width for

pedestrians of 1.2m specified in Manual for Streets 2, and meet the minimum width for cyclists and passing wheelchair users²⁹. I am satisfied that the island would be of sufficient size to provide a refuge. The reduced width would enable the formation of two lanes on the approach to the traffic signals. Crossing two lanes would increase the prospect of conflict between pedestrians and vehicles. Controlled pedestrian crossing facilities would be introduced at the crossroads on the Church Road and Lytham Road (east) arms [17], but the Lytham Road crossing would be about 60m away, and it would not represent a convenient alternative for people whose journeys do not extend far to the west of the island. The Council identified four personal injury accidents in the vicinity of the junction and Harbour Lane in a period of just over four years prior to the inquiry [57]. The details available indicate that the one serious accident was due to failure of a cyclist to look properly when crossing Lytham Road, and that none of the others would be more likely to occur as a result of the proposed alterations. Although the Council expressed a preference for controlled crossing facilities on each arm of the Church Road junction, their introduction on two arms would improve conditions for pedestrians, as would the formation of two additional islands there and another at Harbour Lane [17].

120. There is a narrow cycle lane on the western approach to the junction. This is not included on the plan which shows the proposed alterations (Plan F). However the Council did not dispute that the lane could remain. On the eastern approach, the formation of a distinct cycleway/ footway from the exit of the nearby filling station would be a benefit for cyclists.
121. I consider that the proposed development would be likely to cause significant adverse effects for traffic movement at the junction on the basis considered by the parties. Construction of the Preston Western Distributor Road would be likely to depress traffic movements through the junction, and the information before me is that this project is likely to be delivered by about 2021 [32]. Insofar as highway safety is concerned, the proposal offers certain improvements for pedestrians and cyclists. However there is the likelihood of increased conflict between pedestrians and vehicles due to the introduction of a second lane on the westbound approach to the junction, and the potential for an element of conflict associated with the signal arrangements for Highgate Lane, although this may be capable of being addressed by revised junction details. Overall I consider that there would be a limited adverse effect on highway safety.

The Lytham Road/ Mill Lane/ Ribble View Close junction

122. This junction is a signal-controlled crossroads located further east along the A584 than the Church Road junction. Mill Lane currently provides an access to BAE Systems, but it is intended that the gatehouse would be relocated from here to a position served by the eastern access road [23]. The main parties agree that it is likely that this relocation and the associated redistribution of traffic will occur, with the Highway Authority anticipating movement of the gatehouse in 2015-16. In this scenario, the Highway Authority's modelling shows a modest increase in queuing and delays as a result of the proposed development, and in the "with development" scenario the highest degree of saturation of 80.8% at Lytham Road (west) in the afternoon peak is only marginally greater than the

²⁹ Manual for Streets 2, paragraph 8.7.2.

79.7% figure for base traffic levels. The Council's highway witness identified a 90% degree of saturation as the level at which queues begin to build up, and in his evidence he acknowledged that this junction could accommodate traffic from the appeal site, on the basis of the redistribution associated with movement of the BAE Systems gatehouse. I do not consider that the proposed development at this junction would have a material adverse effect on traffic movement at this junction.

The Lytham Road/ GEC junction

123. The Lytham Road/ GEC junction is towards the eastern end of Warton. It will provide access to new residential development, the Enterprise Zone and BAE Systems. The outcome of the Highway Authority's modelling exercise for this junction does not indicate a significant worsening of the traffic situation in the redistribution scenario. There would be a predicted increase in the degree of saturation on the Lytham Road (east) arm in the afternoon peak from 86.5% to 91.7%, but the Council's highway witness did not consider the associated average delay of 48.1 seconds or that of 54.6 seconds on the west arm, increased from 45.5 seconds, as considerable, and I share this view. There would not be a material adverse effect on traffic movement at this junction as a consequence of the proposed development.

The site accesses and Church Road

124. The proposal would include a vehicular access to the land on each side of Church Road, a short distance to the north of the built-up area. In Option 1 a staggered junction arrangement is shown, whilst Options 3 and 4 involve a signalised crossroads [16]. Whilst access details are a reserved matter, it is common ground between the main parties that vehicular access from Church Road is acceptable in principle, and that the staggered and crossroads arrangements are alternative appropriate means of achieving access to the site [26]. I have no reason to take a different view. The Parish Council is concerned about the level of increased traffic on Church Road [77]: however there is no substantive evidence before me in this regard, construction of the Preston Western Distributor Road is expected to depress traffic levels on Church Road, and the Highway Authority's objection about Church Road relates to the effect at the junction with the A584.

125. I conclude that the proposed development would be likely to cause significant adverse effects for traffic movement at the Lytham Road/ Church Road/ Highgate Lane junction, and that there would be a limited adverse effect on highway safety. In consequence there would be conflict with criterion 9 in Policy HL2 of the Local Plan. However, taking account of the overall implications of the proposal on the local highway network, I do not consider that the residual cumulative effects of the proposal would be severe. The anticipated construction of the Preston Western Distributor Road reinforces my view in this regard.

Masterplan

126. The use of a masterplanning approach and integration with the surrounding area is mentioned specifically in the reasons for refusal in respect of a possible east-west road link and connectivity for pedestrians and cyclists. Whilst the possibility of an east west link for local traffic around Warton had been raised by the Highway Authority, the location of possible development sites around the

built-up area shows that the provision of such a link would be facilitated by development of the appeal site. There is no firm proposal for a link road before me, but the illustrative masterplans for Options 3 and 4 show that the spine roads into the west and east parcels of the site could be extended respectively into adjacent land to the south-west and onto Hillock Lane.

127. I have also considered proposed footway/ cycleway linkages from the site through adjacent developments. Indicative linkages are shown to the Meadow View development to the east, but the plans of this development show no opportunity to provide such any linkage [93]. A link is shown on the Riversleigh Farm plan although implementation is not within the control of the Appellant. There would be limited connectivity to nearby development, but there would be links onto Hillock Lane, and Church Road is not so busy as to be an unsuitable route for pedestrians and cyclists.

128. It is clear from the Responses Report on the ELP Preferred Options that the ENP is seen by the Council as encompassing a masterplanning exercise for Warton, and I consider the relationship of the appeal proposal to the ENP below. Insofar as connectivity is concerned, I conclude that some limited harm arises from the minimal opportunity to provide pedestrian and cyclist links as part of an individual planning proposal.

Prematurity

129. The Preferred Options for the ELP were the subject of consultation during 2013 [20]. In 2014 the Council published its response to that process. It is recommended that the number of dwellings put forward at Warton under Policy SL3 should be reduced from 1,160 to 650 [21]: however there is no reference to a change in the role of Warton as a strategic location for development. Indeed the report explains that unlike other strategic development locations, Warton is not tightly constrained by Green Belt, flooding, infrastructure constraints or environmental designations, and that housing allocations are intended to complement the jobs to be created in the Enterprise Zone³⁰. Reservations have been expressed by the local community about job prospects in the enterprise zone, and reference has also been made to job losses at BAE Systems [80, 87]. However intentions for the enterprise zone are being put forward in a phased approach, and the information before me only concerns phase 1 within the North Area. It is intended that the reduced housing figure for Warton will be taken into account in the Revised Preferred Options, and the Council also intends to re-examine strategic development sites at Warton and Kirkham.

130. As a strategic location for development, Warton is a settlement where growth is expected, and the appeal proposal would be consistent with that broad objective, particularly given the presence of the Enterprise Zone. Although the Council has stated its intention to put forward a lower housing figure for Warton and to review strategic sites, the Revised Preferred Options had not been published at the date of the inquiry, and this stage will be subject to further consultation. At this stage the housing figures in the ELP, both for the Borough as a whole and for Warton, carry only limited weight. There are commitments for

³⁰ The Council's response to Policy SL3 on representations on the inclusion of land at Warton: CD2.6, page 85.

over 400 dwellings in Warton³¹, and the appeal proposal involves up to a further 360 units. The appeal proposal is larger than any of the existing commitments, and represents 55% of the reduced figure of 650 dwellings and 31% of the figure of 1,160 in the Preferred Options. These proportions increase to 122% and 68% when existing commitments are taken into account. Whilst the proposal would clearly be a sizeable development, there is at present no certainty about the number of dwellings. By way of illustration the Preferred Options uses an annual requirement of 306 dwellings taken from the revoked RSS (to which there were objections), the main parties agreed to use a higher annual figure of 366 dwellings in assessing housing land supply [27] based on the 2010 sub-national population projections, and the Council suggested that the forthcoming 2012 sub-national population projections would show a lower figure. Insofar as Warton is concerned, there is no clear explanation in the Responses Report to justify the reduction in housing numbers indicated therein. In these circumstances, I do not consider that the proposed development would undermine the plan-making process. Moreover, paragraph 21b-014 of PPG advises that the refusal of planning permission on the ground of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination. With a further version of the Preferred Options yet to be published and consultation to follow, it is clear that the ELP is some way from submission for examination.

131. I turn now to consider the ENP. The appeal proposal would account for more than half of the 650 dwellings put forward in Policy BWH1, and the site is outside the settlement boundary. The proposed development has the potential to have a significant effect on the plan-making process, which is further advanced than that of the ELP. At the date of the inquiry, consultation had commenced on the submission version of the ENP [22], but it had yet to be formally assessed by the Council, and it had not been submitted for examination. The ENP should be in general conformity with the strategic provisions of the Local Planning Authority. At the present time the Fylde Borough Local Plan as Altered remains the Development Plan. It is out of date in terms of policies for the supply of housing [51], but includes Warton as a second tier settlement [18]. Whilst the number of 650 dwellings proposed in Policy BWH1 is consistent with the stated intention of the Council in respect of the ELP (above, para 129), the provisions of the ELP carry limited weight. I consider that the same is true of the ENP at this stage in the process. The housing proposals of the Submission Version of the ENP reflect those in the Regulation 14 consultation version³². The consultation statement reveals that there was much support for this approach from the local community, but objections were also submitted³³. There is, therefore, the prospect of objections to the Submission Version. These circumstances do not support an argument of prematurity.

132. I conclude that the proposed development would not be premature having regard to the preparation of the ELP and the ENP.

³¹ Details of planning permissions and sites where the Council has resolved to grant permission are in Document L13. Their location is shown on Plan G.

³² Appendix 17 in Document L8.

³³ Appendix 20 in Document L8.

Sustainability of the site's location

133. Sustainability is a broad concept, and the NPPF explains that it comprises economic, social and environmental dimensions. Whilst each of these dimensions is relevant to the appeal proposal, this section of my report is concerned with a consideration of sustainability in respect of the location of the appeal site.

134. Warton is included in the second tier of the settlement hierarchy in the Development Plan [18]. The text accompanying Policy SP1 of the Local Plan refers to consolidation and expansion appropriate to the size and form of the second tier settlements. Subsequently the Joint Lancashire Structure Plan did not identify Warton as a key settlement, effectively giving it a lower status than in the former Lancashire Structure Plan. However Policy SP1 was not altered in the Local Plan Alterations Review [83]. The tension between Policy SP1 and the Joint Structure Plan was resolved when the latter ceased to form part of the Development Plan³⁴.

135. The Council's current intentions are set out in the ELP. Although referred to as a local service centre in the Preferred Options, Warton remains a second tier settlement, and there is no recommendation to change this status or its role as a strategic location for development [21] in the Responses Report. The Preferred Options refers to a lack of community facilities and poor access to the centre, but anticipates that these matters will be addressed as a result of development. The Responses Report refers to improvements in access to Warton through the proposed Preston Western Distributor Road and a park and ride station at Cottam. These infrastructure improvements are seen as making Warton a more sustainable settlement, with increased potential to accommodate new development. Additionally, the report refers to the strategic importance that the Council places on the enterprise zone for employment growth, and makes the point that people coming to work in Warton should be given the opportunity to live there, consistent with an objective of the NPPF.

136. In the planning statement of common ground, the main parties state that Warton includes two primary schools, local shops, takeaways, public houses, community halls and sport pitches. A Co-Op convenience store on Harbour Lane, shops on Lytham Road close to the Church Road junction, a public house, a primary school, and Warton Recreation Ground are all within distances from the centre of the site which the IHT document *Providing for Journeys on Foot* considers as acceptable³⁵. Employment opportunities at the BAE Systems site are within an acceptable walking distance of 1km. Bus services on Lytham Road provide access to Preston, Blackpool, Lytham and Kirkham where additional facilities and services are available. The nearest bus stops are about 780m from the centre of the site, which exceeds the recommended maximum distance in the IHT document *Guidelines for Planning for Public Transport in Developments*. It is proposed that the No 78 bus service which runs between Lytham and Kirkham would be diverted to the appeal site on an hourly basis [17]³⁶. This extended route would provide access to an enhanced range of facilities and services. A negatively worded condition would ensure that the development could not

³⁴ The circumstances of Warton's position in the settlement hierarchy are set out in the Council's note on the subject, Document L19.

³⁵ Details of distances to facilities and services are given in Table 4.14 of Document L2.

³⁶ A letter from the operator of the No 78 service on this matter is at Appendix 22 in Document A7.

proceed unless the bus service was in place. I am mindful that the proposed diversion to the bus service refers to a period of five years. In my experience it is not uncommon for such arrangements to be put in place: if the service is used and meets a need, there is the opportunity for it to become established as part of the local public transport network. Access to the larger settlements of Preston and Blackpool could be achieved by a change of service on Lytham Road, and in any event, having regard to the nature of the level route along Church Road, I do not consider that the distance to existing bus stops is so great as to preclude public transport as a realistic option for future site residents. Moreover the planning obligation includes a framework for a travel plan, which would promote the use of alternative modes of transport to the private car (below para 151).

137. As a settlement, Warton has been identified in both the Local Plan and the ELP as an appropriate location for further development. The appeal site offers an acceptable level of accessibility on foot to a number of local facilities, and whilst existing bus stops are not located close to Blackfield End Farm, there is the opportunity to provide a bus service along Church Road to the new housing development. I am satisfied that accessibility between the appeal site and local facilities and services and the major source of employment at BAE Systems can be achieved by a variety of modes, and is not dependent upon use of the car. Accordingly I conclude that the site would be a sustainable location for residential development, and in this regard I do not consider that there would be conflict with criterion 7 in Policy HL2 or with Policy TR5 of the Local Plan.

Other considerations

Housing land supply

138. For the purposes of the inquiry the main parties reached agreement on matters concerning the requirement for housing land in Fylde: in particular an annual requirement of 366 dwellings (derived from the 2010-based sub-national population projections), a shortfall of 562 dwellings since 2011-12, and that a 20% buffer should be applied [27]. On this basis it is agreed that there is a five years requirement of housing land for 2,875 dwellings.
139. The 2012-based household projections indicate that 222 households are being formed annually in Fylde, which, allowing for factors such as vacancies, would translate into a somewhat higher dwelling figure [28]. I note that the implications of the 2012-based sub-national population projections, on which the household projections are based, were specifically considered in the SHMA Addendum, and that no change was suggested to an objectively assessed need within a range of 300-420 dwellings [49]. The level of household formation in the 2012 projections does not establish a trend to a lower level of need, and I agree with the main parties that the projections do not materially alter the evidence submitted to the inquiry [28, 49]. Moreover, paragraph 2a-016 of the PPG points out that housing assessments are not automatically rendered outdated every time new projections are issued.
140. The main parties differ in respect of the supply of housing land. The Council argues that there is a total supply sufficient for 4.1 years, whilst the Appellant puts forward a lower figure of 3.5 years. There is no dispute, however, that at present Fylde does not have a five years supply of housing land [25]. In respect of large phased sites, the Council's methodology applies standard build-out rates: it also assumes that sites of over 200 dwellings would be brought forward by two

developers, resulting in an increase in build-out. For its part the Appellant has put forward lower figures based on information from owners and developers. Assessments of the delivery of housing from individual sites may vary over time, and for the purposes of calculating supply, I agree with the Council that there is merit in applying a generic rate of delivery. I note that the methodology used has been developed in conjunction with a steering group, the membership of which included two locally active housing developers and a locally active planning consultant [50]. Moreover the build-out rates used by the Council are consistent with those achieved on large sites in Fylde, and lower than the rate required to complete the appeal proposal by 2019 as envisaged by the Appellant's highways consultant [30]. The Appellant has identified reduced capacities on two large sites although this would only bring one below the 200 dwelling threshold. The Council has also produced evidence to substantiate an annual allowance of 40 dwellings from small windfall sites, although the same level of detail for an allowance from long-term empty homes is not before me. On the information submitted, I consider that the level of housing land supply is closer to the 4.1 years figure of the Council than the lower figure of 3.5 years promoted by the Appellant.

141. I have also considered the assessment of housing land undertaken by the CPRE which reaches the view that there is sufficient land for a period of over six years [82]. However this exercise uses the 2011-base interim projections. The Council has pointed out that the 2010-based data incorporates long-term assumptions on fertility, mortality and international migration, and that the 2011 projections were influenced by the economic downturn³⁷. I agree that for these reasons the 2010-based projections provide a more robust approach for considering housing need, and I attach little weight to the alternative assessment of the CPRE.
142. I agree with the main parties that there is not a five years supply of housing land. Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. The contribution of the appeal site towards the provision of a five years supply of housing land carries considerable weight in support of the appeal proposal.

Affordable housing

143. The 2014 SHMA (CD2.7) indicates an annual need for 207 affordable dwellings, equivalent to 57% of an annual housing requirement of 366 units [66]. The Council referred to work undertaken for the Preferred Options stage of the ELP, which indicated that this high level of affordable housing would make the development of strategic sites unviable. Consequently a lower level of 30%, equivalent to that specified in Policy H3 of the ELP and the Interim Housing Policy [21, 24], is sought by the Council, and this level of provision has been agreed with the Appellant [25]. The SHMA indicates that the greatest need is for social rented accommodation [66], and the Council suggested a condition which would specify that this tenure should apply to at least 80% of affordable housing. Circumstances may change, however, over the construction period of a large development, and I consider that a more flexible approach to tenure is appropriate. The Appellant suggested an alternative form of condition which

³⁷ This matter is addressed in paragraph 3.12 of Document L7.

would omit reference to a minimum level of any tenure, but would require approval of a scheme, including tenure details, for each phase. Such a condition would not preclude the delivery of 80% of the affordable housing as social rented units if this proportion remained relevant. The proposed development would make a significant contribution to meeting the need for affordable housing.

The Green Belt

144. Part of the western parcel of the appeal site lies within the Green Belt [18]. No built development is proposed here. On the masterplan for Option 1, the land is shown partly as a play area and partly as an orchard, and on the masterplans for Options 3 and 4 it is shown retained in agricultural use. Retention of an agricultural use would not have any implications in respect of Green Belt policy. Use as open space, however, would involve a change in the use of the land. Policy SP3 of the Local Plan restricts development involving buildings or their change of use. Other forms of development are not permitted unless they maintain openness, do not conflict with the purposes of including land in the Green Belt and do not injure its visual amenities. Use of this land as open space would satisfy these criteria, and I am satisfied that there would be no conflict with Policy SP3.
145. In the NPPF, paragraph 89 provides for limited categories of built development in the Green Belt. Paragraph 90 explains that certain other forms of development are not inappropriate, but the list does not include material changes in the use of land. When assessed against the more recent national policy, the provision of open space on this part of the appeal site would amount to inappropriate development. However no additional harm would be caused by this use, whereas it would represent a beneficial use of the land, as envisaged in paragraph 81 of the NPPF. I consider that the beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the NPPF, and that very special circumstances justify use of the land as open space.
146. The Appellant suggests that the proposal would provide a more defensible Green Belt boundary [45]. On the west side of Church Road, the boundary of the Green Belt across the appeal site (and beyond) does not follow a physical feature, whereas the proposal would bring built development up to this point. However the position of the Green Belt is clear from the Local Plan Proposals Map, and the appeal proposal respects the boundary, as it would retain that part of the Green Belt within the site as open land. There is no reason to think that the boundary is vulnerable, and I do not consider that the appeal proposal would provide a benefit in this regard.

Nature conservation

147. A phase I habitat survey and surveys for bats, barn owls, great crested newts, and water voles were undertaken on behalf of the Appellant (CDs 7.6-7.10). There is a pond within the eastern parcel and another adjacent to a corner of the western parcel. No evidence of great crested newts was found in either of these ponds, but there is a small population of this protected species in a pond about 100m to the east of the site, and the proposed development would result in the loss of some existing terrestrial habitat. It is envisaged that an area adjacent to the eastern boundary, including an existing and a new pond could be managed to provide feeding and refuge areas, including newt hibernacula. This area is also

shown as open space on the masterplans. The County Ecologist had expressed reservations about this dual purpose (CD6.14), although the Appellant's nature conservation witness explained that use for informal recreation is a benefit, as it would be likely to reduce the prospect of anti-social behaviour such as the dumping of rubbish (Document A16). If, however, a mitigation scheme required no use as open space, that amenity could be provided elsewhere within the site or on other land within the Appellant's control. The main parties agree that appropriate mitigation measures could be secured by a condition [46, 69].

148. Due to the discovery of a bat roost in the farmhouse, Option 4 was prepared which shows a layout including the retention of that building [6]. Although survey work found no evidence of water voles on the site, they are known to be present in the wider area: accordingly the survey should be updated if planning permission is granted, and a mitigation strategy prepared should the presence of water voles be detected. Compensatory habitat for breeding birds could also be secured by means of a condition. Subject to the imposition of conditions concerning mitigation measures, I do not consider that the proposed development would have an adverse material effect on nature conservation interests. Biodiversity measures introduced as part of proposal would essentially provide mitigation for the effect of the development, and I do not, therefore, consider that they represent a benefit.

Open space

149. A local resident expressed concern about the quality and quantity of open space provision, referring in particular to the lack of a single area [90]. Given the size of the proposed development, I consider that areas of open space of suitable size could be provided within both the west and east parcels of land. The form of the open space would be addressed by detailed schemes to be submitted at a subsequent stage if outline planning permission is granted. I note that the main parties agree that the requirements of Policy TREC17 of the Local Plan concerning open space provision can be met by the appeal proposal [25], and I have no reason to take a different view.

Education

150. The Education Authority has calculated that, in 2019, there would be nine places available in primary schools within 2 miles of the site, whereas the proposed development would generate a requirement for 69 places (CD6.12). The provision of an additional 60 places would give rise to a financial contribution of £721,777. The planning obligation provides for the payment of an education contribution, but to address any change in circumstances it requires a calculation taking account of the number of pupils expected to be resident in the development and the number of places available at the time of a reserved matters approval. I agree with the main parties that the planning obligation would secure the additional school places required by the appeal proposal, and this arrangement would be consistent with Policy CF2 of the Local Plan. Since the inquiry closed, the transitional period under Regulation 123(3) of the CIL Regulations has ended, and pooled contributions in respect of an infrastructure project may only be taken into account from five obligations in the period from 6 April 2010. Since circumstances concerning planning obligations for education contributions could change after the date of this report, the Secretary of State may wish to check the position in Fylde prior to determining this appeal.

Other matters

151. The protected ash tree [14] is shown within an area of landscaping on the masterplans, and it can be safeguarded within the proposed development. Only a small proportion of the site (10%) is graded as best and most versatile agricultural land [14], and I accord limited weight to the loss of this land. The Appellant identifies slight harm in respect of air quality [48]. The Parish Council refers to limited facilities and services in Warton [78], but the addition of up to 360 dwellings would be likely to help to sustain and support the development of local facilities and services. It had been suggested that, if permitted, a proposal for 375 dwellings on the east side of Warton could have a bearing on the appeal [92]: the Council explained that at the date of the inquiry there were issues which had yet to be resolved with the outline planning application for that proposal (Document L13).
152. The proposed development would bring several economic benefits, including support for employment in construction and in the supply chain, expenditure on goods and services in the local economy by the additional population and a new homes bonus [47]. These are important benefits of the scheme. The Appellant also suggests that there may be opportunities for apprenticeships and training within the construction sector for local residents, although I note that there is no certainty that this would occur.

The planning obligation

153. To encourage the use of alternative modes of transport to the private car, the planning obligation incorporates a framework for the preparation of a full travel plan, the provision of which would be consistent with paragraph 36 of the NPPF. The travel plan would include targets aimed at reducing car travel, together with a package of measures to promote the use of public transport, car sharing, walking and cycling. The planning obligation also makes provision for an education contribution, which I have considered above (para 150).
154. I am satisfied that all of the provisions of the planning obligation would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development. The statutory tests in Regulation 122 of the CIL Regulations are, therefore, met, and the planning obligation is a material consideration in the appeal decision.

Overall conclusions

155. Policies in the Local Plan concerning housing land, including the limits of development shown on the Proposals Map, are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies therein, or policies in the NPPF indicate that development should be resisted. A minor part of the site is designated as Green Belt, but given that this area would remain open, and would potentially provide a benefit as a recreation facility, I do not consider that the Green Belt policies in the NPPF indicate that the development should be resisted.

156. There would be significant adverse effects for traffic movement and a limited adverse effect on highway safety at the junction of Lytham Road/ Church Road/ Highgate Lane. I do not consider that there would be material adverse effects on traffic movement at Mill Lane or GEC junctions, nor that the site accesses on Church Road could not be provided in a satisfactory arrangement. Paragraph 32 of the NPPF makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts are severe, and I do not consider that this high threshold would be reached in this case. In addition, the development would cause certain adverse effects on the character and appearance of the area, including moderate harm to the site and to visual amenity from nearby properties. Some limited harm arises from the minimal connectivity in respect of pedestrian and cyclist links, but otherwise there would be no specific detriment from the progressing of the scheme as an individual planning proposal, rather than in the context of a wider masterplan. A relatively small area of best and most versatile agricultural land would be lost, which carries limited weight, and the Appellant has identified a slight worsening of air quality.
157. The provision of additional housing to contribute to the land supply in Fylde, consistent with paragraph 47 of the NPPF, is a matter of considerable weight. Given the need for affordable homes, inclusion of accommodation at a proportion of 30% is significant, and the development would provide important economic benefits. Although not a benefit as such, I have found that the site is a sustainable location for residential development. Whilst there would be a degree of tension with the core planning principle in paragraph 17 of the NPPF to recognise the intrinsic character and beauty of the countryside, it is clear that some level of housing growth is expected at Warton, and any of the edge of settlement sites which have been identified are likely to have similar effects. Moreover the development would not be premature in respect of the ELP and the ENP.
158. Having regard to the policies in the NPPF, I conclude that, overall, the proposal would represent a sustainable form of development, and that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

Recommendation

159. I recommend that the appeal be allowed and that planning permission be granted subject to the conditions in the Annex to this report.

Richard Clegg

INSPECTOR

ANNEX - SCHEDULE OF SUGGESTED CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. The details of the reserved matters shall be consistent with illustrative masterplans refs 013-006-P008 Rev K or 013-006-P008 Rev L and proposed access arrangements refs 401-F01/D or 0401-F05.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved location plan ref 013-006-P001 Rev B.
- 5) Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to the local planning authority as part of the first application for reserved matters approval. The phasing plans shall include highways, pedestrian and cycle routes, and green infrastructure. No development shall take place until the phasing plans have been approved in writing by the local planning authority, and it shall thereafter be carried out in accordance with the approved phasing plans.
- 6) The details of the reserved matters for each phase shall include:
 - i) Dwellings in a range of scales and designs, none of which shall exceed 2.5 storeys in height, and
 - ii) The provision of public open space, together with a programme for the maintenance thereof.
- 7) No development shall take place until a scheme of measures for the protection of retained trees and hedgerows has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in respect of each phase prior to the commencement of development on that part of the site, and it shall be retained for the duration of the construction period.
- 8) That part of the site designated as Green Belt on the Proposals Map of the Fylde Borough Local Plan as Altered shall be retained as open land.
- 9) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future policy that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 10) No development shall take place until a biodiversity scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent disturbance to areas of natural habitat by people and domestic animals, the provision of bird boxes, a programme for implementation, and arrangements for maintenance. The scheme shall be implemented in accordance with the approved programme.
 - 11) No development shall take place until an updated water vole survey has been carried out and the results submitted to the local planning authority. If any water voles are found on the site, no development shall take place until a mitigation strategy, including a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
 - 12) No development shall take place until an updated great crested newt survey has been carried out and the results submitted to the local planning authority, together with a scheme of great crested newt mitigation measures, prepared in accordance with the report entitled *Great Crested Newt Survey – Blackfield End Farm, Warton, Lancashire – 2013* by Rachel Hacking Ecology (CD7.9), and including a programme for implementation. The mitigation measures shall be implemented in accordance with the approved programmes.
 - 13) No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March – 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.
 - 14) In each phase, no development shall take place until a scheme of external lighting, including a programme for implementation, has been submitted to and approved by the local planning authority. The scheme shall be designed to minimise light spillage and to avoid the illumination of bat roosting opportunities. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
 - 15) In each phase, no development shall take place until a scheme for green infrastructure, including a 5m buffer zone alongside watercourses, ponds and ditches, and a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

- 16) No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G *Proposed A584 Lytham Road/ Church Road Improvement Scheme*³⁸, have been submitted to and approved by the local planning authority.
- 17) No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.
- 18) No development shall take place until a scheme to provide an hourly bus service between Lytham and Kirkham via the site at Backfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.
- 19) No development shall take place on the phase of the site adjacent to the site of the residential development proposed at Riversleigh Farm until a scheme to provide a pedestrian and cycle link to that development has been submitted to and approved by the local planning authority. None of the dwellings in that phase shall be occupied until the pedestrian and cycle link has been constructed in accordance with the approved scheme.
- 20) None of the dwellings shall be occupied until a travel plan, prepared in accordance with the travel plan framework and including a programme for its implementation, has been submitted to and approved in writing by the local planning authority, and until a travel plan coordinator has been appointed, and notification of that appointment shall be given to the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
- 21) In each phase, no development shall take place until a scheme for surface water drainage, based on sustainable drainage principles and including a programme for implementation and arrangements for management, designed in accordance with the outflow rates set out on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and no surface water shall discharge to the public sewerage system other than as shown on plan ref TPIN1017-100B. The surface water drainage system shall be constructed in accordance with the approved scheme and programme, and maintained thereafter in accordance with the approved management arrangements.
- 22) In each phase, no development shall take place until a programme for implementation of the foul drainage system shown on plan ref TPIN1017-

³⁸ The reference in the title of plan ref 0401-F02/G to the A548 is incorrect.

- 100B *Drainage Strategy – General Arrangement* (in CD7.18), and arrangements for its management, have been submitted to and approved by the local planning authority. The foul water drainage system shall be constructed in accordance with plan ref TPIN1017-100B and the approved programme, and maintained thereafter in accordance with the approved management arrangements.
- 23) No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, 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. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 24) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) hours of construction and demolition work, and of trips to and from the site by construction and delivery vehicles
 - ii) the identification of safe access for construction vehicles
 - iii) the parking of vehicles of site operatives and visitors
 - iv) loading and unloading of plant and materials
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding
 - vii) including decorative displays and facilities for public viewing, where appropriate
 - viii) wheel washing facilities
 - ix) measures to control the emission of dust and dirt during construction and demolition
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G A Grant of Counsel	Instructed by Ms N Martin, Solicitor with Fylde BC.
He called	
Mr N J Stevens	Strategic Highways Planning Manager, Lancashire CC.
BE(Hons) MSC	
Miss F Riley Msc	Planning Policy Officer, Fylde BC.
Mr M Atherton MTRPI	Senior Planning Officer, Fylde BC.
Mr M Evans ³⁹	Head of Planning & Regeneration, Fylde BC.

FOR THE APPELLANT:

Mr A Williamson BA DipTP MRTPI	Instructed by Mr R Moore, Walker Morris Solicitors.
He called	
Mr R Lomas BA(Hons) BLA CMLI	Managing Director, e*SCAPE Urbanists.
Mr P Gray BA(Hons) BLA CMLI	Director, PGLA Ltd.
Mr P Wooliscroft MSC HNC	Director, Croft Transport Solutions.
Dr D Hackett BSc(Hons) MLD PhD MCIEEM CEnv	Director, Solum Environmental Ltd.
Mr S A Tibenham MTCP MRTPI	Director, Pegasus Group.
Miss K Dean ⁴⁰	Regional Manager, Hallam Land Management Ltd.

INTERESTED PERSONS:

Mr A Wood	Clerk to Bryning-with-Warton Parish Council.
Mr M Wellock BSc DipTP DMS MRTPI	Managing Director, Kirkwells, and for the Parish Council.
Miss J H Ashworth	Vice-Chair, Neighbourhood Plan Steering Group (NPSG).
Mr J Westmoreland	Secretary, Fylde District, Campaign to Protect Rural England (CPRE).
Mr A Guest	Concerned Residents of Warton's Development Group (CROWD).
Mrs S Wright	Warton Residents Against Poor Planning (WRAPP).
Mr Clark	Local resident.
Mr M Gilbert	Local resident.
Mr J Rowson	Resident of Wrea Green.

³⁹ Mr Evans did not give evidence in support of the Council's case, but contributed to the session on conditions.

⁴⁰ Miss Dean did not give evidence in support of the Appellant's case, but contributed to the session on conditions.

Mr M Wright

Local resident and business owner.

THE LPA'S DOCUMENTS

- L1 Mr Grant's closing submissions.
- L2 Mr Stevens's proof of evidence.
- L3 Appendices to Document L2.
- L4 Mr Stevens's rebuttal proof of evidence.
- L5 Bundle of highways documents.
- L6 Mr Stevens's rebuttal note to Document A.
- L7 Miss Riley's proof of evidence.
- L8 Appendices to Document L7.
- L9 Miss Riley's rebuttal proof of evidence.
- L10 Mr Atherton's proof of evidence.
- L11 Appendices to Document L10.
- L12 Letter dated 21 August 2013 from Lancashire CC to Fylde BC concerning the emerging Local Plan.
- L13 Mr Atherton's note on development proposals in Warton.
- L14 Note on affordable housing.
- L15 Bundle of records of the Council's decisions concerning the Preferred Options version of the emerging Local Plan.
- L16 Appeal decision ref APP/M2325/A/12/2186415 concerning residential development at Fleetwood Road, Wesham.
- L17 Traffic Advisory Leaflet 2/03 – Signal-control at Junctions on High-speed routes.
- L18 Miss Riley's note on objectively assessed need for housing.
- L19 Miss Riley's note on the settlement hierarchy position of Warton.
- L20 Ms Martin's note on the Enterprise Zone Masterplan.
- L21 Aerial photograph of Lytham Road/ Church Road/ Highgate Lane junction.
- L22 Exchange of emails between the Council and Pegasus dated October 2014 concerning an affordable housing condition.
- L23 Appeal decision and report ref APP/Y3940/A/13/2206963 concerning residential development and a local centre in Wiltshire.
- L24 The Council's comments concerning the 2012-based household projections.

THE APPELLANT'S DOCUMENTS

- A1 Mr Williamson's closing submissions.
- A2 Mr Lomas's proof of evidence.
- A3 Appendices to Document A2.
- A4 Mr Gray's proof of evidence.
- A5 Appendices to Document A4.
- A6 Mr Wooliscroft's proof of evidence.
- A7 Appendices to Document A6.
- A8 Mr Wooliscroft's rebuttal proof of evidence.
- A9 Appendices to Document A8.
- A10 Mr Wooliscroft's note on the Lytham Road, Church Road/ High Gate Lane junction.
- A11 Mr Tibenham's proof of evidence.
- A12 Appendices to Document A11.
- A13 Mr Tibenham's rebuttal proof of evidence.
- A14 Appendices to Document A13.

- A15 Pegasus Planning Group Report on objectively assessed housing need.
- A16 Letter dated 20 October 2014 from Dr Hackett to the County Ecologist concerning wildlife at the appeal sites.
- A17 Letter dated 20 August 2014 from Natural England to Mr Wood concerning the Neighbourhood Plan.
- A18 Bundle of minutes of the Neighbourhood Plan Steering Group and agenda of the meeting of 7 July 2014.
- A19 Appeal decisions and report refs APP/M2325/A/13/2192188 & 2196027 concerning residential development at Blackpool Road, Kirkham.
- A20 News release dated 9 October 2014 concerning potential job losses at BAE Systems.
- A21 Planning obligation relating to the appeal proposal.
- A22 The Appellant's comments concerning the 2012-based household projections.

OTHER PARTIES' DOCUMENTS

- O1 Correspondence received in response to Document G1.
- O2 Mr Woods's statement on behalf of the Parish Council.
- O3 Appendices to Document O2.
- O4 Mr Wellock's proof of evidence on behalf of the Parish Council.
- O5 Miss Ashworth's statement on behalf of the NPSG.
- O6 Appendices to Document O5.
- O7 Mr Westmoreland's statement on behalf of the CPRE.
- O8 Appendices to Document O7.
- O9 Mr Guest's statement on behalf of CROWD.
- O10 Appendices to Document O9.
- O11 Mrs Wright's statement and Appendix on behalf of WRAPP.
- O12 Mr Wright's statement.
- O13 Appendices to Document O12.
- O14 Mr Rowson's statement.
- O15 Correspondence received at the inquiry.
- O16 Representations by Mr Gardner concerning residential development at Riversleigh Farm, Warton. Submitted by Mr Wright.
- O17 The CPRE's comments concerning the 2012-based household projections.

GENERAL DOCUMENTS

- G1 List of core documents.
- G2 Notification of the appeal, inquiry and proposed amendment.
- G3 Planning statement of common ground.
- G4 Highways statement of common ground.
- G5 Housing supply statement of common ground.
- G6 Neighbourhood Plan Sustainability Appraisal.
- G7 Emails concerning a planning application for residential development on land east of Warton.
- G8 Extract from Tree Preservation Order 1981 No 5 (Warton) and Tree Preservation Order 2013 No 2 (Warton).
- G9 Draft itinerary for site visits.
- G10 Schedule of suggested conditions.
- G11 Planning Obligations in Lancashire Policy.

PLANS

- A Location plan ref 013-006-P001 Rev B.
- B1 Illustrative masterplan (Option 1) ref 013-006-P008 Rev C.
- B2 Parameters masterplan (Options 1 & 2) ref 013-006-P007 Rev C.
- B3 Proposed access arrangement – staggered junctions Church Road (Option 1) ref 401-F01/D.
- C1 Illustrative masterplan (Option 2) ref 013-006-P008 Rev E.
- C2 Parameters masterplan (Option 2) ref 013-006-P007 Rev D.
- C3 Proposed access arrangement – Hillock Lane (Option 2) ref 401-F014.
- D1 Illustrative masterplan (Option 3) ref 013-006-P008 Rev K.
- D2 Parameters masterplan (Option 3) ref 013-006-P007 Rev F.
- D3 Proposed access arrangement – crossroads Church Road (Options 3 & 4) ref 0401-F05.
- E1 Illustrative masterplan (Option 4) ref 013-006-P008 Rev L.
- E2 Parameters masterplan (Option 4) ref 013-006-P007 Rev G.
- F Lytham Road/ Church Road/ Highgate Lane junction alterations ref 0401-F02/G.
- G Development proposals in Warton – June 2014. Submitted by Mr Wright.
- H Extract from Local Plan Proposals Map.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

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

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

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

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

SECTION 3: INSPECTION OF DOCUMENTS

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

Appendix G

Appeal Decision for the Land at Bradford Road, East Ardsley, Leeds



Department for
Communities and
Local Government

Ms Amanda Beresford
Shulmans LLP
10 Wellington Place
Leeds
LS1 4AP

Our Ref: APP/N4720/W/15/3004034

22 December 2016

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEAL BY
BARRETT, DAVID WILSON HOMES AND THE RAMSDEN PARTNERSHIP
LAND AT BRADFORD ROAD, EAST ARDSLEY, LEEDS
APPLICATION REF: 13/05423/OT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of K D Barton BA(Hons) DipArch DipArb RIBA FCIArb, who held a public local inquiry between 23 February and 1 March 2016, into your clients' appeal against the decision of Leeds City Council ("the Council") to refuse your clients' application for outline planning permission for residential development of up to 370 dwellings including associated works, and access off Bradford Road, East Ardsley, Leeds, in accordance with application ref: 13/05423/OT, dated 22 November 2013. In addition, to avoid repetition and make efficient use of inquiry time, the matter of Housing Land Supply (HLS) in Leeds was heard in conjunction with two other appeals between 19 and 21 April 2016, with closing submissions on 29 April 2016.
2. On 29 May 2015, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal is for a residential development of over 150 dwellings, on a site over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and outline planning permission granted, subject to the conditions set out in IR Appendix C, pages 71-74.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. He has decided to allow the appeal and grant outline

Department for Communities and Local Government
Jean Nowak
Planning Casework
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1626
Email: PCC@communities.gsi.gov.uk

planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. As described by the Inspector at IR1.1-1.2, amendments were made to the application at the application stage and during the inquiry so that it now reads "outline application comprising land for a maximum of 299 residential dwellings with 2 hectares of land reserved for the development of up to a two form entry primary school and all associated works, public open space, and access from Bradford Road". The Secretary of State notes that this is the basis on which the evidence has been given, the report has been written and the recommendation has been made. He is therefore satisfied that no interests will be prejudiced by making his decision on that basis.
6. Furthermore, as mentioned in paragraph 1 above, the Secretary of State is satisfied that, in order to avoid repetition and make efficient use of Inquiry time, it was appropriate to hear the matter of HLS in Leeds in conjunction with two other appeals (APP/N4720/W/14/3001559 Leeds Road, Collingham and APP/N4720/W/15/3004106 Breary Lane East, Bramhope) on 19 – 21 April 2016.

Policy considerations

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan comprises the Leeds Core Strategy (CS), adopted on 12 November 2014; and the saved policies of the Leeds Unitary Development Plan Review (UDPR) adopted in July 2006. The Secretary of State agrees with the Inspector that the most relevant policies are those referred to at IR8.3.1-8.3.18.
9. The Inspector refers at IR4.2 to the emerging Leeds Site Allocations Plan (SAP) and the fact that the appeal site is not currently allocated for housing in that plan although it is identified as having potential for future housing development. However, the Secretary of State agrees with the Inspector that, as the SAP is still an early stage, he can give it only limited weight in considering this appeal. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated Planning Guidance; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Main issues

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

Assessment of Housing Land Supply

11. Having carefully considered the Inspector's arguments at IR8.2.1-8.2.10, the Secretary of State agrees with him at IR8.2.11 that, on past performance, the buffer must be 20% - so that the 5-year HLS requirement across the City would be 31,898, or 6,379 units per annum (IR8.2.12). The Secretary of State notes the Inspector's comparison with recent levels of performance (IR8.2.13) before turning to the supply side as set out by the Inspector at IR8.2.14-8.2.25. He agrees with the Inspector at IR8.2.25 that the position on

supply is difficult as the SAP will not be adopted until at least December 2017, but that the available evidence based on the December 2015 draft of the SHLAA indicates that there is a serious shortfall of supply in the next two years, a heavy dependence on sites that do not have planning permission and reliance on sites that are currently in other use.

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

Development Plan Policy

13. Having regard to the Development Plan position as set out in paragraphs 8 and 9 above and by the Inspector at IR8.3.1, the Secretary of State agrees with the Inspector at IR8.3.2 that, as there is no 5 year HLS, paragraphs 14 and 49 of the Framework must be applied. Therefore, while he agrees with the Inspector that UDPR policy N34 which designates the site as a Protected Area of Search (PAS) is a policy for the supply of housing, he also agrees with the Inspector's conclusion at IR8.3.2 that policy N34 cannot be considered up-to-date. He further agrees with the Inspector that, rather than being a restrictive policy, the purpose of Policy N34 was to safeguard land to meet longer term development needs so that, as it envisages development, the appropriate test to apply is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
14. For the reasons given at IR8.3.3, the Secretary of State agrees with the Inspector that no-one has been disadvantaged by his considering the revised reasons for refusal at the Inquiry. Furthermore, having regard to the discussion at IR8.3.4-8.3.7, the Secretary of State agrees with the Inspector's conclusion at IR8.3.8 that Policy N34 emerged in a different policy context - when the number of units required was far less than now; and that it is also now time expired and its use as a policy to prevent development would be contrary to the terms of the Framework taken as a whole. Having regard to the consideration of the matters at IR 8.3.9-8.3.13, the Secretary of State agrees with the Inspector's conclusion at IR8.3.13-8.3.14 that the appeal scheme would not undermine the implementation of the CS. He also agrees that, as the SAP is far from being at an advanced stage (IR8.3.15-8.3.18), it can be given only limited weight and the appeal proposal would not therefore be premature in that context.

Accessibility of proposed site to shops and services

15. For the reasons given at IR8.4.1-8.4.11, the Secretary of State agrees with the Inspector at IR8.4.12 that the site would be relatively well served with reasonable accessibility to shops and services so that accessibility would not justify dismissing the appeal and, with the mitigation proposed, the scheme would generally conform with the requirements of CS Policy T2.

Effect on the Highway Network

16. Having carefully considered the Inspector's findings at IR8.5.1-8.5.10, the Secretary of State agrees with his conclusion at IR8.5.9 and IR8.9.6 that, if there are no improvements in the interim, the queuing that currently takes place at the Thorpe Lane junction would be made slightly worse by the proposal but not to such an extent that it would justify refusal under the terms of paragraph 32 of the Framework.

Effect on the character and identity of East Ardsley

17. For the reasons given at IR8.6.1-8.6.7, the Secretary of State agrees with the Inspector's conclusion at IR8.6.8 and IR8.9.7 that the proposed scheme would be capable of maintaining the identity of East Ardsley as a distinct settlement and, if the development were to be set back as in the illustrative Master Plan, a substantial gap would provide a sense of openness and protect views of the Church.

Other matters

18. The Secretary of State agrees with the Inspector that the proposed provision of 15% affordable housing, in line with CS Policy H5, is a welcome, albeit small, contribution to the overall assessed need (IR8.7.1-8.7.4).

Conditions

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

Obligations

20. The Secretary of State notes (IR8.8.1-8.8.2) that a number of facilities are covered by the Leeds CIL Charging Schedule adopted in April 2015. In addition, having regard to the Inspector's analysis at IR8.8.2-8.8.11, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State is satisfied that the signed Unilateral Undertaking dated 7 March 2016 complies with Regulation 122 of the CIL Regulations. He therefore agrees with the Inspector's conclusion at IR8.8.11 that its terms comply with the tests at paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development.

Overall conclusions

21. The Secretary of State concludes that granting permission for the appeal scheme would be contrary to the development plan overall, particularly with regard to conflict with saved policy N34 of the UDPR. He has therefore gone on to consider whether there are any material considerations that indicate the proposal should be determined other than in accordance with the development plan.
22. As he has not found evidence of a five year supply of deliverable housing sites across the local authority area, the Secretary of State concludes that the relevant development plan

policies for the supply of housing are out-of-date. Therefore, in line with the presumption in favour of sustainable development at paragraph 14 of the Framework, he considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.

23. Having carefully assessed the evidence before him, the Secretary of State is satisfied that there are no adverse impacts which, either individually or together, are of sufficient weight to indicate that the development of the appeal site should be restricted. Overall, therefore, the Secretary of State finds that, when taking the policies of the Development Plan and the Framework as a whole, the adverse impacts of granting the proposed development are limited and that there are no material harms that significantly and demonstrably outweigh the very real benefits of providing new homes to boost the supply of housing as required by the Framework.

Formal decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for a maximum of 299 residential dwellings with 2 hectares of land reserved for the development of up to a two form entry primary school and all associated works, public open space, and access at Bradford Road, East Ardsley, Leeds, in accordance with application ref: 13/05423/OT, subject to the imposition of the conditions set out in the Annex A to this letter.

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

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

Right to challenge the decision

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

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

Yours faithfully,

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Annex A

List of conditions

Approval of details

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development hereby permitted shall comprise no more than 299 dwellings.
- 3) The development hereby permitted shall be carried out in accordance with the following plans:

Location Plan Drawing No P12456702 14 November 2013

Access Plan ITM8086-GA-012 Rev A August 2014

Timing of Implementation

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

Archaeology

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

Flood Risk and Drainage

- 6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by ARP Associates dated November 2013, and the mitigation measures detailed in Section 6.17 of the FRA.

The mitigation measures shall be fully implemented prior to occupation of any dwelling or in accordance with the timing/phasing arrangements embodied within a scheme whose details have been submitted to, and approved in writing by, the local planning authority.

- 7) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 8) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to, and approved in writing by, the local planning authority before development commences.

- 9) Development shall not commence until a scheme (ie drainage drawings and summary calculations) detailing the surface water drainage works and SuDS features has been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

Ground Conditions

- 10) No part of the development hereby permitted shall be commenced on site unless and until:
 - a) A site investigation has been designed for the site using the information gained from the desktop investigation previously submitted in respect of coal mining. This shall be submitted to, and approved in writing by, the local planning authority prior to the investigation being carried out on site; and
 - b) The site investigation and associated risk assessment have been undertaken in accordance with details submitted to, and approved in writing by, the local planning authority; and
 - c) A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved remediation strategy.
- 11) A Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the local planning authority.

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

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

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

- 12) No development shall take place until a scheme to address the recommendations contained in the Ecological Appraisal by Brooks Ecological dated July 2013 (Report Ref R-1636-01) has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

- 13) No works shall commence until all existing trees, hedges and bushes shown to be retained on the plans are fully safeguarded by protective fencing and ground protection in accordance with an agreed scheme, specification, and the provisions of BS5837 (2012): Trees in relation to design, demolition and construction previously submitted to, and approved in writing by, the local planning authority. Such measures shall be retained for the duration of any demolition and/or approved works.

No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to, and approved in writing by, the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

No equipment or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken, including the provision of any underground services, without the prior written approval of the local planning authority.

Seven days written notice shall be given to the local planning authority that the protection measures are in place prior to demolition and/or approved works to allow inspection and approval of the protective measures.

- 14) There shall be no activity associated with site clearance, nor any removal of trees, shrubs and vegetation between 1 March to 31 August inclusive unless a survey of nesting birds and a scheme for their protection has been submitted to, and approved in writing by, the local planning authority. The scheme should include for the provision of a qualified ecologist on site during any works that may impact on nesting birds. Site clearance shall be undertaken in accordance with the approved scheme which shall remain in force until all works are completed.

Public Open Space

- 15) The development hereby permitted shall not begin until a scheme has been submitted to, and approved in writing by, the local planning authority for the provision of a 2 hectare on-site public open space. The scheme shall include details of the siting, layout, landscaping, maintenance, and long term management of the open space. The on-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.
- 16) The development hereby permitted shall not begin until a scheme for the provision of a landscaped buffer zone on the northern boundary has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the location, layout, planting plans, schedule of species, timetable for implementation and long term management scheme. The scheme should include for the provision of native tree planting in order to provide a transition from open countryside to development and should provide for the retention and improvement of any public rights of way that falls within it. The buffer zone shall be laid out in accordance with the approved details and maintained as a buffer zone for the lifetime of the development.
- 17) Prior to the commencement of development, details shall be submitted to, and approved in writing by, the local planning authority of arrangements to secure the following highway improvement works which shall be implemented and completed prior to occupation of the first dwelling:

- a) The provision of a priority controlled T-junction access on Bradford Road, which shall incorporate a right turn ghost island lane on Bradford Road. The access shall be constructed in accordance with drawing ITM8086-GA-012A.
- b) The provision of two new pedestrian refuges on Bradford Road, to the north and south of the proposed site access, including the relocation of the existing pedestrian refuge island located to the south of the proposed access. Associated dropped kerbs and tactile paving to be provided within the existing footways at both refuge locations.
- c) The provision of a separate emergency access on to Bradford Road, located at the position of the current public footpath access onto Bradford Road and which shall be widened to 3.7 metres width to accommodate emergency vehicles and which shall also connect into the internal loop road.



Report to the Secretary of State for Communities and Local Government

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

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

Date: 20 September 2016

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BARRATT DAVID WILSON HOMES AND THE RAMSDEN PARTNERSHIP

AGAINST A DECISION BY

LEEDS CITY COUNCIL

RELATING TO A SITE OFF BRADFORD ROAD, EAST ARDSLEY

Inquiry opened on 23 February 2016

Land off Bradford Road, East Ardsley

File Ref: APP/N4720/W/15/3004034

Contents

Section	Title	Page
1.	Procedural Matters	1
2.	The Site and Its Surroundings	2
3.	The Proposal	3
4.	Planning Policy Context	3
5.	The Case for Leeds City Council	3
	5.1 Introduction	3
	5.2 Assessment of Housing Land Supply	4
	5.3 Assessment Against Development Plan Policy	12
	5.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services	13
	5.5 Effect on the Highway Network	15
	5.6 Effect on the Character and Identity of East Ardsley	17
	5.7 Other Matters	18
	5.8 Section 106 Obligation and Conditions	19
	5.9 Planning Balance	20
6.	The Case for Barratt David Wilson Homes and the Ramsden Partnership	22
	6.1 Introduction	22
	6.2 Assessment of Housing Land Supply	22
	6.3 Assessment Against Development Plan Policy	26
	6.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services	28
	6.5 Effect on the Highway Network	29
	6.6 Effect on the Character and Identity of East Ardsley	30
	6.7 Other Matters	30
	6.8 Section 106 Obligation and Conditions	31
	6.9 Planning Balance	31
7.	Consultees and Interested Persons	32
8.	Inspector's Conclusions	33
	8.1 Introduction	33
	8.2 Assessment of Housing Land Supply	33
	8.3 Assessment Against Development Plan Policy	40
	8.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services	44

8.5	Effect on the Highway Network	46
8.6	Effect on the Character and Identity of East Ardsley	47
8.7	Other Matters	48
8.8	Section 106 Obligation and Conditions	49
8.9	Planning Balance	50
9.	Overall Conclusion and Recommendation	51
9.1	Overall Conclusion	51
9.2	Recommendation	52
App A	Appearances	53
App B	Documents	55
App C	Conditions	71
App D	Glossary	75

File Ref: APP/N4720/W/15/3004034
Land off Bradford Road, East Ardsley

- The appeal is made under section 78 of the *Town and Country Planning Act 1990* against a refusal to grant outline planning permission.
- The appeal is made by Barrett David Wilson Homes and the Ramsden Partnership against the decision of Leeds City Council.
- The application Ref 13/05423/OT, dated 22 November 2013, was refused by notice dated 8 August 2014.
- The development originally proposed was residential development of up to 370 dwellings including associated works, and access off Bradford Road.

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

1. Procedural Matters

- 1.1. In March 2014, during the application stage, the Appellant and the Council amended the description of the development to read: 'Outline application comprising land for the development of circa 299 residential dwellings with 2 hectares of land reserved for the development of up to a two form entry primary school and all associated development works, public open space, and access from Bradford Road'.¹
- 1.2. At the Inquiry it was agreed to further amend the application, in the interests of clarity and precision, to read: 'Outline application comprising land for the development of a maximum of 299 residential dwellings with 2 hectares of land reserved for the development of up to a two form entry primary school and all associated development works, public open space, and access from Bradford Road'. This is the basis on which the evidence has been given, the report has been written, and the recommendation has been made.
- 1.3. The appeal was recovered by the Secretary of State (SoS) by a letter dated 29 May 2015 (SSD). The reason for the direction is that the appeal involves a proposal for residential development of over 150 units, on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 1.4. Another SSD, dated 9 June 2009, extended the saved policies listed within it. The SSD indicates that local planning authorities should "make good progress with local development frameworks" and states that "Policies have been extended in the expectation that they will be replaced promptly". The *Framework* makes clear that "It is highly desirable that local planning authorities should have an up-to-date plan in place" and where development plans are "absent, silent or relevant policies are out-of-date it expects planning permission to be granted unless "adverse impacts significantly and demonstrably outweigh the benefits" or "specific policies" apply.²

¹ LCC/4/B Sect 4

² MHH/8/C APP ID4, MHH/12 Paras 7-8

- 1.5. A Pre-Inquiry Note was issued to set out the administrative arrangements for the Inquiry, which sat for 5 days between 23 February and 1 March. An unaccompanied site visit was made to the site and the surrounding area on 23 February 2016. In addition, to avoid repetition and make efficient use of Inquiry time, the matter of Housing Land Supply (HLS) in Leeds was heard in conjunction with two other appeals, APP/N4720/W/14/3001559 Land at Leeds Road Collingham and APP/N4720/W/15/3004106 Land at Breary Lane East, Bramhope, on 19-21 April 2016. Closing submissions in relation to this appeal, on all matters other than HLS, were made on 1 March. Closing submissions relating to HLS were made on 29 April 2016³.
- 1.6. Subsequent to the close of the Inquiry a decision was issued relating to development at Grove Road, Boston Spa (APP/N4720/A/13/2208551). The parties were given an opportunity to comment on this decision and their comments have been taken into consideration. The Council confirms that it is challenging the Grove Road decision, the conclusions of which it maintains are divergent from those relating to an earlier decision at Bagley Lane (APP/N4720/A/13/2208551).⁴ The Council states that its evidence on HLS has changed significantly since it was given at the Grove Road Inquiry in May 2014. It therefore asks that the conclusions on the three appeals mentioned at paragraph 1.4 above should be reached based on the latest evidence from all parties as presented and tested at this Inquiry and the Inquiries opened in February 2016. The general consensus of the Appellants is also that the most up to date evidence given to this Inquiry should be used although response has been made to some of the detailed points raised by the Council.⁵
- 1.7. This report includes a description of the site and its surroundings, a summary of the planning policy background, the gist of the representations made at the Inquiry, and in writing, and my conclusion and recommendation. Lists of appearances and documents, a schedule of conditions should the Secretary of State be minded to allow the appeal, and a glossary of abbreviations, are also attached as appendices.

2. The Site and Its Surroundings⁶

- 2.1. East Ardsley lies approximately 3.5 km south east of Morley, 6.5km north of Wakefield, and 10km south of Leeds. The appeal site, which has an area of around 13.5 hectares, lies to the east of the A650 Bradford Road and west of New Lane. It is roughly rectangular and slopes towards the A650. The site consists of three open fields bordered by hedgerow and field margins. Each field is separated from the others by public footpaths.
- 2.2. The site is close to the East Ardsley Local Centre which includes, amongst other facilities, a Co-operative, a Tesco Express, and a Premier convenience store. There is residential development to the east of the site off Forsythia Avenue and New Lane. To the south is residential development and a Grade II listed Church. A ribbon of residential

³ CD/F9, LCC/7, LCC/18 Paras 48-115, BDW/7, BDW/8

⁴ Since the Inquiry the Council has challenged the Boston Spa decision

⁵ LCC/10/H Letter incorrectly dated 12 July 2015, BDW/5/C, and MH/8/D

⁶ CD/F5 Section 2

development to the west of the site, fronting Bradford Road, is broken by the site itself in the form of an agricultural gate in a length of hedgerow. North of the site is an unmade section of New Lane beyond which there is a listed former mill building to the north west. Agricultural land lies to the north beyond the remainder of the unmade part of New Lane.

3. The Proposal

- 3.1. The application for a maximum of 299 dwellings, with 2 hectares of land reserved for the development of up to a two form entry primary school, all associated development works, and public open space, was made in outline. An indicative layout was provided but all matters were reserved for future consideration, except for the proposed access to the site from Bradford Road.⁷
- 3.2. The indicative drawings propose a mix of dwellings and house types and of market and affordable houses. 15% of the dwellings would be affordable equating to 45 units, assuming that 299 properties were completed. The public open space is shown on the indicative plan as including a Local Equipped Area of Play (LEAP), footpaths, and amenity areas and grassland to provide areas for recreational activities and to encourage biodiversity.⁸

4. Planning Policy Context

- 4.1. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* indicates that determinations under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case includes the *Leeds Core Strategy* (CS) adopted in November 2014, and saved provisions in the *Leeds Unitary Development Plan Review* (UDPR) 2006.⁹
- 4.2. The Council is progressing a *Site Allocations Plan* (SAP) but it is agreed that since this is at an early stage only limited weight can be attached to it. Within the Publication SAP the appeal site is indicated as safeguarded land. At the time the Council reached its decision on this proposal, an Interim Housing Delivery Policy was in place. However, since adoption of the CS, the Interim Policy has been withdrawn and the reasons for refusal have been revised to reflect adopted and emerging policy. This was endorsed at the City Plans Panel on 5 November 2015.¹⁰

5. The Case for Leeds City Council

5.1. Introduction

- 5.1.1 East Ardsley is a Smaller Settlement within the CS settlement hierarchy, whilst under the UDPR the site was designated a Protected Area of Search (PAS). When the Council reached its decision on the appeal proposal it was against the background of an Interim Housing Policy. However, this was withdrawn in February 2015 in light of the stage reached by the SAP process. The SAP will resolve the Council's view as to which PAS sites

⁷ CD/B6 Masterplan Rev B

⁸ CD/F5 Section 3

⁹ CD/F5 Section 6, CD/A/3, CD/A/5, LCC/7 Para 4

¹⁰ CD/A8, CD/A10, CD/E/4, CD/E/8, CD/F/5 Paras 4.11 & 6.10, LCC/4/B Paras 4.4-5

should be included on the basis of their planning merits. This accords with CS policies and meeting the Council’s housing delivery and locational strategies.¹¹

5.1.2 Consequently, assessment against the Interim Policy is not appropriate and the proposal was taken back to the Plans Panel Committee for assessment in the light of the current policy context. The amended reasons for refusal are the outcome of that assessment and the Council relies on them.¹²

5.2 Assessment of Housing Land Supply

5.2.1 The housing requirement for the purposes of *Framework* paragraph 47 is largely common ground. The 5 year period is 1 April 2016 to 31 March 2021. The annual requirement derives from CS Policy which contains a step-up in the requirement with the first five years of the plan being at a lower rate. The consequent annual figures are 1x3,660 + 4x4,700 although the requirement is not a maximum.¹³

5.2.2 The CS requirements for the first three years of the plan period have not been met but the completions for the period 2011/13 to 2014/15 are agreed as the table below.¹⁴

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

5.2.3 There are two issues in dispute between the parties:

- a) The precise level of completions in 2015/16; and
- b) The appropriate buffer.¹⁵

¹¹ LCC/7 Para 2
¹² CD/F/5 Para 4.11, LCC/7 Para 2
¹³ CD/A/1, CD/A/3, CD/F/6, CD/L/5, LCC/18 Paras 48-50
¹⁴ CD/L/5, LCC/18 Paras 49-50
¹⁵ CD/L/5, LCC/18 Para 50

5.2.4 The precise level of completions in 2015/16 is not an issue of principle but of quantum. The figure submitted by the Council has been compiled in exactly the same way as other years, where the Appellant accepts the figures, and is the figure submitted to Government for the purpose of the New Homes Bonus. The base information comes from individual’s Council Tax information and cannot simply be disclosed. However, the figure sits in the range of annual figures accepted for 2012/15.¹⁶

5.2.5 Turning to the matter of the buffer, this is a matter of judgement that the *Guidance* makes clear will vary from place to place. Notwithstanding this the *Guidance* notes that a more robust assessment will be made by considering a longer term view such as a complete housing market cycle. The Appellants’ joint 5 year assessment does not do this.¹⁷

5.2.6 The purpose and function of the buffer derives from *Framework* paragraph 47. The purpose is to ensure choice and competition and, in relation to the 20% buffer, to provide a realistic prospect of the planned supply being achieved. The function is to move sites forward from later in the plan period. This is consistent with the core policy principles and promoting, not undermining, the plan-led system. The objective is not to penalize an authority.¹⁸

5.2.7 In this case, the Appellants seek the release of safeguarded land that would be contrary to the CS and would undermine the emerging SAP. A 20% buffer would have the opposite purpose and function to that set out in *Framework* paragraph 47. There is a large volume of permitted residential development and large areas of the inner area and city centre available for development. The issue is not an absence of competition and supply but that the volume house builders seek to build other than in accordance with the Council’s adopted CS.¹⁹

5.2.8 In terms of figures, there is agreement except for Empties in 2015/16 as set out above and they can be considered in three parts.²⁰

Plan	Context	Year	Net Completions	Target Min	Target Max	Under delivery Min	Under delivery Max
UDP	Rising	2003/4	2,991	1,930	1,930	1,061	1,061
UDP/RSS	Rising	2004/5	2,633	2,260	2,260	373	373
UDP/RSS	Boom	2005/6	3,436	2,260	2,260	1,176	1,176
UDP/RSS	Boom	2006/7	3,327	2,260	2,260	1,067	1,067
UDP/RSS	Boom	2007/8	3,576	2,260	2,260	1,316	1,316
UDP/RSS	Recession	2008/9	3,828	2,260	4,300	1,568	-472
UDP/RSS	Recession	2009/10	2,238	2,260	4,300	-22	-2062

¹⁶ LCC/18 Para 51
¹⁷ LCC/18 Para 52, CD/A/2 Para 3-035, MHH/3/C APP ID9 Table 2.2
¹⁸ LCC/18 para 53
¹⁹ LCC/18 Paras 53
²⁰ LCC/18 Para 54, LCC/11/B Table 7

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

- 5.2.9 Firstly, pre-recession the requirement was 1,930 rising to 2,260 and in these 5 years the requirement was exceeded by around 5,000 homes. During the recession the requirement was debatable. Adopted targets were 2,260 and 4,300. The lower target was exceeded by 643 but against the step up RSS requirement there was an under supply of 7,517. However, it is acknowledged that the RSS requirement was inaccurate. Post-recession the CS requirement for 2013 to 2016 was 3,660 and there has been a cumulative undersupply of 4,122. However, the most recent year is the best since the adoption of the CS delivering 3,296 units.²¹
- 5.2.10 If a cumulative approach is taken to the whole cycle and assessment made against the lower requirement for 2008/12, targets were exceeded by 1,514. The RSS is accepted as being unrealistic and the figure is based on job growth of 24,000 when in practice there was a loss of 8,000 jobs, a swing of over 32,000. An assessment against this is meaningless and the Bagley Lane Inspector concluded it was unrealistic.²²
- 5.2.11 The CS Inspector also considered the matter. "The Regional Strategy has been revoked and its housing targets were underpinned by assumptions that the 2011 census and later projections have shown to be inaccurate. This significantly reduces the weight to be attributed to under delivery against the Regional Strategy target and the need to address any shortfall against the RS through the CS".²³
- 5.2.12 No weight should be given to non-compliance with the RSS target. The lower target is more meaningful and against that there is no cumulative shortfall. In any event, the CS requirement was based on demographic projections and encapsulates any shortfall properly found to have occurred therefore counting non-compliance against the higher RSS target would lead to double counting of any actual undersupply. This was recognised by the Bagley Lane Inspector.²⁴
- 5.2.13 Secondly, turning to performance against the CS, the requirement has not been met. However, completions are increasing as the market recovers and are just short of the CS requirement. A robust approach over a market cycle, in line with the *Guidance*, has met the cumulative need and is moving into line with the CS requirement. This is similar to the

²¹ LCC/18 Para 54
²² LCC/18 Paras 55-58
²³ CD/G/4 Para 16, LCC/18 Para 59
²⁴ LCC/18 Para 60, CD/G/17 2nd report Para 185

conclusion of the Bagley Lane Inspector. Although time has passed he was informed that the target for 2014/15 would not be met. His conclusions should continue to apply as the practical difference is one additional year in which supply only fell by 364 units.²⁵

- 5.2.14 The Appellants' make much of how substantial the CS requirement is but the Council has always acknowledged that and is committed to meeting the target. To add a 20% buffer would be unproductive, contrary to the intentions of the *Framework*, and would undermine the strategy for meeting the target. A 20% buffer would effectively increase the CS target to allow remote greenfield sites to get permission at the expense of urban regeneration. With a 5% buffer the Council maintains that the 5 year housing requirement is 27,911 units.²⁶
- 5.2.15 Many of the sources of supply are agreed. Over 5 years these would be; 2500 smaller windfalls, those sites too small to be identified by the SHLAA; 1000 empty homes; and -225 demolitions. In terms of large windfalls the Council includes an average of 167 such units a year whereas large windfalls have actually produced an average of 388 units over the last three years. This allowance was accepted by the Bagley Lane Inspector with only 2 years of evidence and should be allowed in this case.²⁷
- 5.2.16 *Framework* paragraph 47 requires five year supply sites to be "deliverable" and sets out advice in Footnote 11. Firstly, "sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not be implemented within 5 years". Secondly, "sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable."²⁸
- 5.2.17 The Appellants acknowledge and identify 16,571 units in the 5 year supply, deriving from the 2015/2020, that have planning permission or are under construction. The equivalent figure for 2016/2021 is 14,770. All these units must count in the absence of clear evidence otherwise. The real challenge is to the achievability although predictions of delivery are inherently uncertain. Consequently the *Framework* looks only for a realistic prospect of delivery. The *Guidance* addresses the Footnote 11 factors of Availability, Achievability and Deliverability.²⁹
- 5.2.18 Reference has also been made to Wain Homes (SW) Holdings Ltd v SCLG. This agrees that sites should not be 'assumed' to be deliverable. The Council has considered each site against the Footnote 11 tests and the same methodology has been used by the Appellant. Another occupier is not a bar to inclusion of the site in the five year supply but rather consideration should be given as to whether any problem could be

²⁵ LCC/18 Paras 61-62, CD/G17 2nd Report Para 187
²⁶ CD/A/38A, CD/L/14, LCC/18 Paras63-64
²⁷ LCC/18 Paras 65-66, CD/A/1 Para 48, LCC/11/B Para 3.13 & App 2, CD/L/5 Para 3.16, CD/G/17 Para 200, CD/A/3 Paras 4.6.4, 4.6.8 & 4.6.10
²⁸ LCC/18 Paras 67
²⁹ LCC/18 Para 68-71

overcome to allow delivery within 5 years. The inclusion of a site in the SHLAA provides a starting point and some evidence a site is deliverable.³⁰

- 5.2.19 The SHLAA takes on board an enormous amount of information and is the result of an iterative process. The 2015 SHLAA, from which the 5 year supply derives, used the same methodology as the 12014 SHLAA which was the subject of extensive consultation with the development industry. It didn't agree with a number of issues which has influenced the approach to consultation. Criticisms in the Appellants' case reflect the intractable differences between the parties. Both the SHLAA and the SAP inform each other and each allows promoters to be heard and for availability and achievability to be confirmed creating a rebuttable presumption as to their delivery.³¹
- 5.2.20 The Appellants' criticisms of the SHLAA differences were raised at the Bagley Lane Inquiry and the Inspector's conclusions below hold good in this case.
- Supply cannot be approached in a policy vacuum. Allocations and the 5 year supply need to reflect the CS strategy;
 - Although volume house builders reject much of the supply from the city centre and the inner area, there are factors that would assist supply in those areas such as PRS and low cost builders;
 - The viability of some city centre and inner area sites indicates that many sites are likely to be viable, albeit not with volume builder's profit margins;
 - The Council's build out rates based on past performance and publically stated anticipated rates are to be preferred;
 - The input of the development industry is important; and
 - The SHLAA is a snapshot in time.
- Taking account of policy context and the other factors referred to above the Council's analysis is to be preferred.³²
- 5.2.21 All this needs to be seen in the context of whether the Council's approach to achievability is realistic and reasonable, a fact already confirmed by the Bagley Lane Inspector:
- Challenges to a number of HLS matters were dismissed confirming there was no error in the legal approach to housing land supply;
 - This endorsed the Council's approach to the SHLAA and its methodology to ensure consistency;
 - A number of arguments in this case were also raised at Bagley Lane and dismissed. Arguments have narrowed and viability is no longer

³⁰ LCC/18 Paras 72-73, MMH/3/C App ID8

³¹ CD/A/3 Para 4.6.17, LCC/18 Paras 74-78

³² LCC/18 Para78

questioned. House price growth has strengthened to 6.5-7.5% in the city centre and inner area and sales have increased.³³

- 5.2.22 The supply of housing should not be seen in isolation from the Strategy. Both the CS and Community Infrastructure Levy (CIL) Inspectors noted the housing requirement was large but concluded the Strategy was effective and deliverable. It has begun to deliver and the considerable activity will act as a catalyst for further growth. In addition the Council is being proactive with measures, including, amongst others, delivering housing itself and selling brownfield land in its ownership. The Strategy is delivering, albeit perhaps less rapidly than originally hoped.³⁴
- 5.2.23 Some particular concerns were raised by the Appellants but must be put in context. Leeds is a large area with very many sites coming forward. It is, therefore, impossible for the Inspector to replicate the SHLAA or 5 year supply exercise. A broad range of sources of supply have been used in a realistic way. Whilst there is a need for robust evidence to support decisions that does not mean a letter from the landowner setting out his intentions. What it does mean is that the Council's assessment should be capable of being explained and evidenced. Where there is new information the details are updated hence following the round table session the Council reduced the number of units assessed as deliverable to 30,385. Although the Appellants disagree on key issues, the Council's position is realistic and none of the points raised are a bar to the inclusion of particular sites. The SHLAA and SAP are objective and can be tested.³⁵
- 5.2.24 Wain Homes is illustrative in terms of 'other active uses'. In that case, a "factory that has not been derequisitioned" was considered unavailable but that is different to a surface car park, such as Site 445 Jack Lane/Sweet Street. It previously had outline permission for residential development and has now been sold to the developer Caddick. It is close to Holbeck Urban Village, a key regeneration area, and is being actively promoted for development. The Appellants assert that there is no realistic prospect of housing in the 5 years from 2016. This defies the evidence.³⁶
- 5.2.25 Regard has to be had to the Footnote 11 advice about planning permission. Site 200-401 Quarry Hill has outline planning permission for a mixed use including 715 flats. It has been in use as a temporary car park but was acquired in 2015 by a developer in association with Moda Living. A newspaper article indicates a start on site in 2017 with the first homes ready to rent by 2019. The Appellants do not allow for any development in the 5 years from 2016. This is impossible to justify and whilst there may be some room for an alternative view, that falls far short of showing that the Council's view is unrealistic.³⁷
- 5.2.26 Sites without planning permission, including those with expired consents, should be assessed against the Footnote 11 tests and a judgement formed in the light of all the information. The Council agrees that where there is

³³ CD/A/32 App 1 Sect 4, CD/G/18 Para 30 onwards, LCC/18 Para 79-81

³⁴ LCC/18 Paras 81-82

³⁵ CD/A/2 Para 3-012, LCC/18 Para 83-87

³⁶ LCC/18 Paras 91-94

³⁷ CD/A/32 Para 4.18 App 5, LCC/18 Para 95

evidence of an intention by a specific developer to develop in an identified timescale it is valuable but not a pre-requisite. Many of the sites are not greenfield sites outside settlements such that gaining permission is an uphill task. Most are brownfield sites in the Major Urban Area (MUA) where the Council's strategy supports development. In addition, viability appraisals have been carried out to identify areas where there is a real prospect of the market delivering housing. Indeed, at the CS EIP the development industry supported the Council's strategy and argued for even higher delivery figures.³⁸

- 5.2.27 The Appellants' approach is unduly pessimistic. It is unrealistic to expect explicit commitment on each urban site when many are Council owned and made ready for sale through the Brownfield Land Programme. If a site is going to be offered to the market ready for development and offering a profitable development opportunity following a robust SHLAA process, there is a realistic prospect of housing delivery. For example site 649 Charity Farm, Swinnow is questioned by the Appellants as there is no developer interest. However, the Council is brokering the sale for housing and the District Valuer has found the site to offer a profitable housing opportunity. There are no constraints and it would be realistic to include the site in the 5 year supply.³⁹
- 5.2.28 In respect of delivery rates and lead-in times, the parties agree that specific information may be used or standardised information based on the average performance of other sites. Consequently, the differences are matters of judgement that relate to the build out rates of traditional family housing in the outer areas rather than the inner areas and city centre.⁴⁰
- 5.2.29 The Council's delivery rate is an average from completed sites in the district of 78 dpa and should be preferred to the unsubstantiated standardised figure of 50 dpa. The up-to-date averaged figures cannot be called unrealistic and suggest the house builders' figures are pessimistic, as the Bagley Lane Inspector concluded. The figures for flats are based on specific information from developers. Different views may be reasonable but the house builders seem to have been influenced by a pessimistic view of delivery by the PRS model.⁴¹
- 5.2.30 In addition, the SHLAA is based on 2015-2020 whereas the 5 year supply covers the period 2016-2021 and the lead-in times have been reconsidered as a result. As an example at East Leeds (707) the Appellants have only included 365 units but it is the single largest allocation in the district, it is high value greenfield land that will be central to the SAP and deliver a wide range of unit types. The capacity to 2028 is 4446 units. No allowance has been made until 2018-19. The Council has reasonably assumed 50 dpa and it would be realistic to assume a number of outlets. In addition, the East Leeds site and Skelton Gate (5217) are examples of where

³⁸ LCC/10/A Para 4.37, LCC/18 Para 96-97

³⁹ LCC/18 Paras 97-98

⁴⁰ LCC/18 Paras 99-101

⁴¹ LCC/10/A Para 4.112, LCC/18 Para 102-103

infrastructure requirements have been considered for provision alongside housing development.⁴²

- 5.2.31 No sites have had their viability questioned and it is acknowledged that the primary and secondary markets are attractive to developers and investors. Indeed, in the tertiary market there is an active land market with specialist developers successfully developing and keen to acquire more land. Measures by the Council to make land available are highly relevant.⁴³
- 5.2.32 The Appellants raise capability concerns relating to the specialist development sector. There is no evidence that sites identified through the SHLAA and SAP process would not be developed and the concern appears to be based on only three letters, each of which sets out plans for expansion. There is no justification for a blanket restriction on supply just because the development industry is not up to the job. This matter was also raised at Bagley Lane but the Inspector concluded, in a worse economic climate, that a supply of 26,500 units was deliverable.⁴⁴
- 5.2.33 The ability of the PRS to perform, particularly in the city centre, is also questioned by the Appellants but their view is pessimistic and does not reflect the evidence. The clearest example is site 407 the Dandara scheme in the Holbeck Urban Village area. The Appellant's stance is that the site is only potentially viable, and is in a fringe location with doubts over funding and commitment. However, planning permission has been granted and the developer has committed to completion within two years of commencement. Public statements demonstrate that the PRS has looked at Leeds which is currently the single primary target for investment. Quarry Hill already mentioned above is another example. This is a PRS scheme promoted by Moda Living which is party to a joint venture fund of £1bn. Moda intends to commence in early 2017 and deliver the first homes by 2019 with all units completed within 5 years. Not to include this site, as the Appellants don't, is absurd on the evidence.⁴⁵
- 5.2.34 The note on tipping point indicates the safety margin that exists in the 5 year housing land supply figures. If the Council's position in relation to the 2015-16 completions is accepted, then after the round table session and with a 5% buffer the safety margin would be 6,249 houses. Even with a 20% buffer it would be 2,262.⁴⁶
- 5.2.35 A view must be formed on the realism of the Council's position. Sites will come and go over time, and delivery rates alter, but with a safety margin of this magnitude, even accepting the Appellants' full case on requirement there would be a margin of 1,546 units. The Council's position is entirely realistic and reasonable and the Inspector and the SoS can have every confidence that there is a 5 year supply of land.⁴⁷

⁴² See SHLAA, LCC/18 Paras 104-105

⁴³ LCC/18 Paras 106-108, Mr Roebuck XX Mr Williams

⁴⁴ LCC/10/A Para 4.82, LCC/18 Para 109

⁴⁵ CD/A/32 Paras 4.10, 4.14iii) App 2, LCC/10/A Para 4.64, LCC/18 Paras 111-114

⁴⁶ CD/A/38A, LCC/18 Para 115

⁴⁷ LCC/18 Para 115

5.3 Assessment Against Development Plan Policy

- 5.3.1 UDPR Policy N34 designates the appeal site as a PAS, which is reserve land to be considered for development only following a review of the appropriateness of the site for development after the end of the current development plan period. UDPR Policy N34 is not, therefore, out-of-date as it was envisaged that it would operate beyond the plan period. The written justification for the UDPR states "It is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan".⁴⁸
- 5.3.2 The proposals deliberately step outside the development plan and are premature, contrary to *National Planning Policy Framework (Framework)* paragraph 85 bullet point 4. They seek to get the site released for housing whilst the SAP process is still conducting a comprehensive review of the relative merits of sites to determine which would be the most sustainable means of delivering housing across the district.⁴⁹
- 5.3.3 The Council took the same position as now in an appeal at Bagley Lane, Farsley (APP/N4720/A/132200640) where the Inspector concluded that UDPR Policy N34 was saved, allowing for review of PAS land through the plan led system. The Inspector considered that the grant of permission would undermine the plan led system promoted by the *Framework*. The Secretary of State (SoS) concluded that the Council had a 5 Year HLS and that the CS was up-to-date. Whilst the SoS's decision has been quashed, it was not on grounds relating to those conclusions. The judgement addressed the argument that the Inspector and SoS had erred in concluding that UDPR Policy N34 was not out of date and concluded they had not. Similarly it concluded that no legal error had been made in the approach to 5 Year HLS.⁵⁰
- 5.3.4 The Council considers that saved UDPR Policy N34 remains up-to-date. It is a safeguarding policy entirely consistent with *Framework* Paragraph 85. The safeguarded land is not allocated, and planning permission for permanent development of the site as sought should only be granted following a local plan review. The contention that the PAS sites are identified as suitable for development through the Plan is wrong, as is the contention that the PAS sites are akin to reserve housing allocations.⁵¹
- 5.3.5 The reality is that the PAS land was taken out of the Green Belt to protect the Green Belt boundaries. It does this by identifying a generous area for long term development, well beyond 2016. The suitability of any site is to be considered in a comprehensive local plan assessment of sites in light of the housing requirement subsequently identified, as opposed to the rough and ready quantification of land as PAS sites.⁵²

⁴⁸ LCC/3/B Para 2.5-2.7

⁴⁹ LCC/7 Para 4

⁵⁰ CD/G/17, LCC/7 Para 5

⁵¹ LCC/7 Para 6, BDW/5/A para 1.18 iii)

⁵² CD/A/6 Chapter 5 Paras 106.15-17

- 5.3.6 That review of sites is well underway. The Council accepts that to grant planning permission for the appeal proposal would not of itself give rise to a prematurity reason for refusal, applying the *National Planning Policy Guidance (Guidance)*, but it would clearly pre-judge the outcome of the SAP and undermine the process. In addition, there is the chance that other PAS site applications/appeals could be affected as there are six appeals relating to PAS land that are currently undetermined. To grant permission for the appeal proposal now would be premature and directly contrary to UDPR Policy N34 and *Framework* paragraph 85.⁵³
- 5.3.7 The CS which is up-to-date, was produced after, and was found consistent with, and sound in the light of, the *Framework*. It contains a focus on regeneration directing development to brownfield sites within major settlements. The distribution strategy reflects the accessibility and sustainability components appropriate to Leeds which were considered in the CS Examination in Public (EiP) and are contained in CS Policies SP1, SP6 and SP7, together with the important role of the SAP. When read together the CS Policies provide a strong strategy promoting development in accordance with a settlement hierarchy, reflecting greenfield/brownfield locations, and the ability of sites to respect and enhance local character and the identity of places. The SAP is the primary mechanism to secure this.⁵⁴
- 5.3.8 The Council is progressing its SAP and following the proper process has identified which sites should be allocated for development and tested in the SAP EiP. The appeal site has not been allocated. Site allocation involves many inter-related issues and it may be that, when considered holistically, a Green Belt site could offer a more sustainable solution than a non-Green Belt site.⁵⁵
- 5.3.9 The SAP notes the delivery target for the district is 66,000 homes, of which some 33,000 are already allocated or permitted, including 2,265 in the Outer South West area that includes the appeal site. The SAP allocates sufficient housing to make up the target. These sites are allocated through CS Policy HG2 and the explanatory text explains how the distribution performs against the CS, including targets for greenfield/brownfield land and settlement hierarchy. The appeal site is not allocated but safeguarded for local plan review and is considered by the Council to deliver housing that in relative terms is less sustainable than other sites in the district.⁵⁶
- 5.4 Whether Occupants of the Proposed Development Would have Acceptable Access to Shops and Services**
- 5.4.1 The issues of sustainability and accessibility are not black or white but have to be considered in the context of Leeds and its CS. Sustainability and accessibility are relative, which is why the Council seeks to use the SAP process so that infrastructure improvements can also be considered and different sites compared.⁵⁷

⁵³ LCC/6/A, LCC/7 Para 7

⁵⁴ CD/G/4 Paras 9-35

⁵⁵ CD/A/10

⁵⁶ CD/A/10 Paras 2.29-39

⁵⁷ LCC/7 Para 31

- 5.4.2 A *Technical Note* updates a *Highways Statement of Common Ground*. This identifies 3 outstanding matters relating to the accessibility of the appeal site and 3 relating to the effect on the highway network. Those relating to accessibility are:
- i) Whether the 5 minutes walk distance to a bus stop should be measured from the centre of the site or include all dwellings;
 - ii) Whether the existing bus services meet the Council's Accessibility Standards; and
 - iii) Whether the site has good access to local services and facilities, particularly employment, secondary education and town/city centres.⁵⁸
- 5.4.3 In terms of a walk distance of 5 minutes to a bus stop, parts of the site are within a 5 minutes walk time but substantial parts are not. This is not an academic point. If the eastern part of the site was used for a stand alone development it would fail to meet the CS accessibility standard. Because this is a large site some parts would be within 5 minutes walk of a bus stop but those beyond the 5 minute walk distance would not be accessibly located. All dwellings should be considered not just the centre of the site.⁵⁹
- 5.4.4 The point of accessibility standards is not to assess the services that people can use but those they would be likely to use. Bus services allow for a twice hourly journey to Wakefield, but Leeds and Bradford are well outside the 40 minutes journey time indicated by the accessibility standards. Both journey time and frequency need to be considered. Existing modal splits show the area is relatively poorly served by public transport and residents are more likely than the Leeds average to rely on the car.⁶⁰
- 5.4.5 The journey by bus to school is not long but from the nearest bus stop the service is infrequent. A bus to Woolkirk School arrives an hour before school begins but the next one arrives too late. For work you can get a bus to Wakefield but the frequency does not meet the standard of one every 15 minutes and so that service is less likely to be used. The bus goes to Morley but is a relatively poor service in the context of Leeds. This is all consistent with the position of the village well down in the settlement hierarchy which is not the place for an additional 229 homes.⁶¹
- 5.4.6 CS Policies SP1 and SP6 also have a development control function but do not support the proposals. East Ardsley is designated as a lower order local centre as it only provides limited local services, contrary to the aims of CS Policies SP1 and SP6.⁶²
- 5.4.7 The SAP for the Outer South West (OSW) HMCA identifies the boundary of the 'Smaller Settlement' of East Ardsley. The appeal site lies outside the settlement boundary but the proposal would add about a fifth to the

⁵⁸ CD/F/7, CD/F/7A

⁵⁹ LCC/5/D App JH2 Fig JH2, LCC/7 Para 34

⁶⁰ LCC/5/D Para 1.7

⁶¹ LCC/7 Para 35

⁶² CD/A/3 Table 1 p24, Para 5.3.9 p88

- current built up area. A smaller settlement is defined in a 2011 Settlement Analysis as having a population of at least 1500, and a primary school and a shop or a pub as a minimum. East Ardsley has a pub, a Post Office, butchers, bookmaker, carpet store and two convenience stores attached to petrol stations. It also has an opticians and a hair dresser a secondary school and a Parish Church and other places of worship, but no GP or health clinic. The centre of the village is located around Main Street and Bradford Road and the Post Office at the centre of the core is approximately 560 metres walk from the site.⁶³
- 5.4.8 There is a primary school at Fall Lane over 1300 metres from the site access or 750 metres from the eastern boundary via the adopted part of New Lane. This school is operating close to, or above, capacity with this due to continue for at least the next 4 years. Blackgates Primary School is also more than 1300 metres from the site access and is over subscribed. It is projected to be full for the foreseeable future with place for only 83% of its current 0-5 year old children. The next nearest school is Westerton Primary School which is also full and projected to remain so.⁶⁴
- 5.4.9 The nearest GP is close to Tingley roundabout or in Outwood and the nearest dentist that is accepting patients is in Middleton. Shopping, other than for top-up shopping, would require a visit to the White Rose Centre (Sainsbury), Asda or Aldi at Middleton, Asda at Morley, Morrisons at Rothwell or locations in Wakefield. All these would realistically require use of a car. The proposal would not sit very high in the sustainability/accessibility hierarchy and should not be developed prior to other more sustainable sites.⁶⁵
- 5.5 Effect on the Highway Network**
- 5.5.1 Paragraph 3.1 of the *Technical Note* updating the *Highways Statement of Common Ground* identifies three matters still in dispute. Despite concerns of local residents there is little technical evidence that would lead to additional concerns. The matters in dispute are:
- i) The modal split of pupils attending the school that might be provided on the appeal site;
 - ii) The background level of traffic growth 2013-2025 and 2015-2025; and,
 - iii) Impacts of the development on the junction of the A650 Bradford Road/Thorpe Lane/Smithy Lane.
- 5.5.2 Considering modal split, the Appellant's approach contains errors. When corrected, the approach suggests a modal split of around 35% by car for Leeds as a whole, although 19% is used based on national statistics that fail to take account of the particular location. However, local data for the modal split at the nearest schools gives an average of 43.6% by car. 19% has been assumed although the existing local primary school in East

⁶³ LCC/4/B Para 6.1, LCC/4/C APP VHW6

⁶⁴ LCC/4/B Paras 6.2, 6.5-8

⁶⁵ LCC/4/B Para 6.7

Ardsley has a modal split of 36.5%. The exact catchment cannot be known but existing local schools provide a good proxy for modal split.⁶⁶

- 5.5.3 In addition, there is no reason to deduct the 75 pupils that would be generated by the development prior to applying the modal split. The presence of residential development nearby is common to many schools and would already be reflected in the modal split. Subtracting 75 takes out of the equation those who should be counted as walking. The Council's approach is robust and shows a Ratio of Flow to Capacity (RFC) of 1.61 that the Appellants' accept is unacceptable. The Council considers that a new access should be considered against an RFC of 0.85. The proposal would reserve land for a school that could not be accessed satisfactorily by the proposed site access.⁶⁷
- 5.5.4 Turning to background growth, the *Scoping Report* and the *Transport Assessment* use the national traffic predictions provided by Temprow. A change was made when it was realised that the proper assessment date is 2025. The Appellant now relies on a report to support the draft SAP to suggest that the application of around 8% traffic growth on the 2013 flows used in the TA represents an over estimate and worst case assessment of the forecast peak hour traffic flows at 2018.⁶⁸
- 5.5.5 However, the Council's Transport Strategy Division that wrote the report notes that it is particularly influenced by conditions in the Major Urban Area (MUA) of Leeds and state "However, in communities outside the main urban area the intention where possible is to seek to accommodate growth, prevent any worsening of traffic congestion and prevent further use of the minor road network. In these circumstances the use of Temprow is considered appropriate. The same Division's advice for the appeal site is ignored although they could not be considered unrealistic as they confirm the original view of the Appellant's expert. In any event, the SAP background paper refers to a potential growth range of 15-23% varying across the District. In these circumstances, the use of Temprow growth is appropriate. How could it be otherwise when the Appellants' originally proposed it as the basis for assessment of the proposals?⁶⁹
- 5.5.6 Considering the impact of the proposed development on the A650 Bradford Road/Thorpe Lane/ Smithy Lane junction, criticism is made of queue surveys carried out on 18 January 2016 and 4 February 2016. The purpose of the surveys was not to validate the Appellants' Linsig model but to demonstrate the current level of the junction's performance. The latter shows average queues of 51pcu on Bradford Road East and 27 pcu on Thorpe Lane during the am peak hour, and 48pcu on Bradford Road West and 21pcu on Thorpe Lane during the pm peak hour. Extensive queuing is already experienced.⁷⁰
- 5.5.7 There are three modelling disputes between the highways experts. The first relating to run-out times is not significant. The second, 'negative

⁶⁶ LCC/5/B App JH5, LCC/5/D Para 1.16, LCC/7 Para 36

⁶⁷ LCC/5/D Paras 1.9-19, LCC/7 Para 36

⁶⁸ CD/B/14, LCC/5/C APP JH8, LCC/7 Para 37

⁶⁹ LCC/5/D Para 1.21, LCC/7 Paras 37-38

⁷⁰ LCC/5/D Paras 1.22-23

green bonus' is a matter of judgement given the complexity of the junction but the Council's calculations have not been criticised and should be relied upon. In the third dispute the Appellant has adjusted the lane allocation from that which has been observed in practice. The Council's more robust approach should be preferred.⁷¹

- 5.5.8 The Appellants' updated modelling based on the 2013 survey does not take account of traffic growth from 2018 to completion in 2025 whilst the modelling based on the 2015 results does not take account of any growth. This would lead to a better reported performance of the junction than if traffic growth up to completion in 2025 were to be accounted for.⁷²
- 5.5.9 Notwithstanding the differences in methodology, the results of the Appellants' Scenario 6: '2018 Base PM + Committed' and Scenario 10: '2018 Base PM + Committed + Dev' show that the average delay for vehicles using the nearside lane of Thorpe Lane would increase from 97 to 151 seconds, an increase of 56% or nearly one minute per vehicle.⁷³
- 5.5.10 The results for Scenario 14; '2015 Base PM + Committed' and Scenario 16: '2015 Base PM + Committed + Dev' show that the average delay for vehicles using the nearside lane of Thorpe Lane would increase from 112 to 178 seconds. This represents an increase in delay of 59%, more than a minute a vehicle but this is without account being taken of run-out times, bonus green values, land usage and traffic growth to year of completion.⁷⁴
- 5.5.11 No improvement options have been examined to mitigate the impact. The result would be an unacceptable level of impact at the junction. The Appellants' position seems to be that the junction would be improved in any event. There is no such proposal before the Inquiry, and none have been devised. On the best modelling information available the highway impacts would be unacceptable.⁷⁵

5.6 Effect on the Character and Identity of East Ardsley

- 5.6.1 CS Policy SP1(iii), which is consistent with paragraph 64 of the *Framework*, requires development to respect and enhance the local character and identity of places. It is agreed that the appeal site contributes to the character and identity of East Ardsley. Indeed, it has an important function in separating the core of the village from development around the Mill that spreads west to include Black Gates and Tingley.⁷⁶
- 5.6.2 Before the Industrial Revolution the historic core of the settlement was based on agriculture. However, the village grew as iron, coal, and textile industries took off in the area to the north east of the village and at Amblers Mill to the north west.⁷⁷

⁷¹ LCC/5/D Paras 1.24-28, LCC/7 Paras 39-40

⁷² LCC/5/D Para 1.28

⁷³ LCC/5/D Para 1.30 BDW/6/B Apps IT20 and IT21

⁷⁴ LCC/5/D Para 1.30 BDW/6/B Apps IT20 and IT21

⁷⁵ LCC/5/D Paras 1.31-32, LCC/7 Para 43

⁷⁶ LCC/7 Paras 20 and 21

⁷⁷ LCC/4/B Para 6.1

- 5.6.3 The site lies outside the settlement boundary but would increase the size of the village by approximately 20%. It would cause the loss of the visual break in development between West and East Ardsley. Whilst the indicative layout suggests development set back from the road behind landscaping, the character would change from an open green vista to that of suburban development and the village would lose its identity as a distinct settlement.⁷⁸
- 5.6.4 Retention of the gap is not so important as to merit designation as part of the Green Belt but it is important enough to protect until the need for housing outweighs the harm to the character of East Ardsley. Development would close the visual gap between East and West Ardsley.
- 5.6.5 Four factors contribute to the separation: the site's openness, its scale, its character and the visibility across it. The proposal would change the openness of the site by introducing 299 houses and associated development that would form continuous residential development from 'The Fall' in the east to junction 28 of the M62. The gap was identified by the UDPR Inspector who chose to remove the site from the Green Belt but did not allocate it for housing. From the site there are views of countryside separating the village from other development. There are views from the network of footpaths to the Church which is an indicator of the village core and to the former Mill and countryside beyond. It is the physical components that indicate the village, not terminology or postcode.⁷⁹
- 5.6.6 In East Ardsley, to the south of the appeal site, there is a housing allocation being built out with 23 houses at Ardsley Common. An adjacent site at Bramley House will provide 7 units whilst a smaller site at Main Street would provide 6 units. There is a further brownfield allocation site at the former East Ardsley Primary School that is expected to provide 25 units. There is no single large housing allocation in the village but there are two protected areas of search that are next to each other and include the appeal site. In contrast, West Ardsley has a number of large allocated sites.
- 5.6.7 The UDPR Inspector commented on the potential for a 'major open space funnelling from the Bradford Road frontage of the site'. However, the Appellant's witness was unable to support two of the three illustrative layouts indicating the sensitivity of the site. Although there would be provision for open space in the third layout, it would include the proposed access and the school site and would narrow rather than funnel out. The proposal would not provide a satisfactory separation function and would be unacceptable.⁸⁰

5.7 Other Matters

- 5.7.1 The evidence base for affordable housing targets is the Economic Viability Study (EVS) (January 2013) and Position Update (May 2014). It is unclear whether the Appellant has used figures obtained under a Freedom Of

⁷⁸ LCC/4/B Paras 6.8-6.9

⁷⁹ LCC/7 Para 22 - 24

⁸⁰ LCC/7 Para 25

- Information Request or whether information from other sources has been used. However, it is agreed that the provision of 45 affordable houses would be in accordance with policy objectives. Consequently, such provision would be beneficial and a material consideration. However, it would not justify giving the provision of affordable housing very significant weight as the Appellants maintain.⁸¹
- 5.7.2 The CS Inspector considered the CS strategy effective and deliverable. There has been reasonable delivery since the Strategic Housing Market Assessment (SHMA) assessed the affordable housing need as 1,158, albeit that the full need, including catching up the historic backlog over 5 years, has not been met. The SHMA target includes an allowance of 294 dpa being lost out of the housing stock. On this basis the Council has delivered 3,206 units against the SHMA requirement of 5,790. Affordable housing in the early CS years has been affected by general housing performance but the picture is improving. In 2014/15 affordable housing provision met 76% of need. The Council is proactive and there are now a range of mechanisms to deliver affordable housing, not just Section 106 obligations. These include, Intervention to Boost Delivery, Council Housing Growth Programme, Acceleration Programme, Registered Provider Affordable Housing Programme, Right to Buy Replacement Programme, Help to Buy and the HCA 2016-21 Programme. The waiting list is not in itself evidence of need. There is a priority and moderate need, assessed as 4,984, across the whole district, which is large.⁸²
- ## 5.8 Section 106 Obligation and Conditions
- 5.8.1 When the application was determined by the Council, there were no Planning Obligations in place that would have overcome some of the Council's concerns. This led to Reason for Refusal 4. Since then Leeds has adopted a Community Infrastructure Levy, which in this case would require a charge of £45/m². However, there are still some matters that require addressing by means of a Section 106 Obligation.⁸³
- 5.8.2 A signed Unilateral Undertaking dated 7 March 2016 has been submitted. The matters it covers are affordable housing, a contribution to off-site highway works, land reserved for a possible school, a travel plan and a Metrocard contribution. A note justifying why the Council considers that the S106 matters are justified in terms of the tests set out in *Framework* paragraphs 203, 204 and 205 has been produced.⁸⁴
- 5.8.3 In addition, a *Planning Statement of Common Ground* included a schedule of draft conditions which at that time were not agreed. Following discussions a set of 17 conditions has been generally agreed covering: approval of details; timing of implementation; Archaeology; Flood Risk and Drainage; Ground Conditions; Ecology; Public Open Space; and Highways.⁸⁵

⁸¹ LCC/7 para 44

⁸² CD/G/4 Paras 40-42, LCC/6/A, LCC/7 Para 45

⁸³ LCC/4/B Sect 7

⁸⁴ CD/F/12A, CD/F/15

⁸⁵ CD/F/5C

5.9 The Planning Balance

- 5.9.1 The question of Housing Land Supply affects the overall planning balance. The approach in *Suffolk Coastal DC v Hopkins Homes Ltd* [2016] EWCA Civ 168 should be followed. If there is no 5 year supply then policies relevant to the supply of housing will be deemed out of date by *Framework* paragraph 49. The appeal site is a PAS site under UDPR Policy N34. This provides for delivering housing only in the absence of a 5 year HLS. The Council has a 5 year HLS and there is no justification for releasing PAS sites. Even if the Council cannot demonstrate a 5 year supply, the weight to be given to UDPR Policy N34, and its breach, is a matter of judgement reflecting the consistency of the policy with the *Framework* and potentially the degree of any housing shortfall.⁸⁶
- 5.9.2 The presumption against development, in this case through Section 38(6), is very strong regardless of whether there is a 5 year supply or not. The benefits that would be realised are to a very large extent the benefits of housing delivery in general, which are what the SAP would also secure, but in a way that is balanced between delivery and necessary infrastructure. No case has been made for any local need or benefit and no additional affordable housing is offered. Indeed, the proposal would put additional pressure on local services, such as education and healthcare, causing new residents to have to travel further afield. Due to the limited public transport this would lead to increased pollution and congestion.⁸⁷
- 5.9.3 The delivery of housing and affordable housing will always be beneficial. However, there is no reason to advance this specific proposal outside and ahead of the SAP. To do so would undermine the recently adopted CS, which identifies a clear hierarchy of sites, and *Framework* paragraph 85. It would deny the public of the expectation that the PAS sites will be considered through a local plan review after the plan period, a fact to which the SoS has previously given considerable weight.⁸⁸
- 5.9.4 In relation to *Framework* paragraph 14, the point is made that paragraph 85 indicates that development should be restricted. It expressly stipulates that planning permission should only be granted following a local plan review. Footnote 9 sets out some examples. The only counter argument is that restrictions in Footnote 9 are permanent but any restrictions can be brought into being, amended, or brought to an end.⁸⁹
- 5.9.5 Sustainable development in the *Framework* includes harm through breach of the development plan and undermining the plan system and the public participation in it. The proposal is contrary to the development plan and the issues raised in this appeal are most properly addressed through the plan-led system and the conclusion of the SAP process.⁹⁰
- 5.9.6 Land would be set aside for additional school facilities, but would not provide for ownership. In any event, the Council would seek to provide

⁸⁶ LCC/4/B Para 8.1 and 8.12, LCC/18 Paras 151-152

⁸⁷ LCC/4/B Para 8.3 and 8.13, LCC/18 Paras 153

⁸⁸ LCC/4/B Para 8.2, LCC/18 Para 154

⁸⁹ LCC/18 Para 157

⁹⁰ LCC/18 Para 155, 156 and 158

- additional school facilities through CIL payments when allocated sites come forward. Setting aside land would, therefore, carry little weight.⁹¹
- 5.9.7 The proposal is in outline but there is nothing to suggest that a scheme could not be achieved that would relate satisfactorily to the surrounding development or the historic architectural character of the area. Landscaping would be a key element, but an appropriate landscaping scheme could contribute to improving biodiversity, enhancing network links and green infrastructure. Similarly, mitigation could be provided to address surface water run-off and the risk of flooding in and around the site. The development could be built to high sustainable standards creating new construction jobs, lower carbon emissions and energy costs. These would all provide positive benefits and provide some weight in favour of the proposal.⁹²
- 5.9.8 The settlement would also experience huge change as the proposal would increase its size by approximately 20%, causing it to merge with West Ardsley and changing the village's character and identity.⁹³
- 5.9.9 The *Framework* sets out the three roles of sustainable development: economic, social and environmental. In terms of economics, there would be a short term boost to construction jobs but the early release of the site would result in development without appropriate infrastructure. Socially the development would provide additional housing, but not additional local services. Residents would need private forms of transport and new residents would be unlikely to integrate into village life. Finally, the proposal would enhance biodiversity but would damage the historic character due to the coalescence of settlements.⁹⁴
- 5.9.10 There will be specific social and environmental harms caused by breaches of the spatial strategy, the settlement hierarchy, the lack of relative sustainability and accessibility, harm to the environment, harm to the character of the villages, the strain on services due to the scale of development and harm to the flow of traffic on the highway network. The benefits of developing the site would be limited in weight and significantly outweighed by the harm that would be caused to the spatial policies of the adopted development plan, the process of allocating sites in the SAP and the ethos of sustainable development that underpins both national and local planning policy. However struck, either through Section 38(6), a view on whether the proposals are sustainable, or a strict application of the pro-development balance in *Framework* paragraph 14, the proposal should be refused.⁹⁵

⁹¹ LCC/4/B Para 8.6

⁹² LCC/4/B Paras 8.7-8.77

⁹³ LCC/4/B Para 8.14

⁹⁴ LVV/4/B Paras 8.15-8.17

⁹⁵ LCC/4/B Para 1.18, LCC/18 Para 155

6. The Case for Barrett David Wilson Homes and the Ramsden Partnership

6.1. Introduction

- 6.1.1 The Council has alleged harm to the emerging development plan process if planning permission is granted but harm due to a refusal would have a far greater impact on the lives of real people, those currently most in need of housing in the district. Their needs, for both market and affordable housing, are recognised by the Council and its Housing Officer.⁹⁶
- 6.1.2 The country is facing a housing crisis, as recognised by the Government and other political parties, but even with the *Framework* in place only 140,000 houses were built last year. The country needs 250,000 houses a year and the Government is seeking to build 1 million by 2020. Leeds has the largest housing need in Britain, in excess of 6,523 houses a year if the shortfall and 20% buffer are included. That is in excess of 100 units every week. This requires a positive and productive mindset by the Council.⁹⁷
- 6.1.3 However, the Council's approach in this case is diametrically opposite to its overarching General Policy objective in the CS, which is to deliver growth and say yes to sustainable planning applications. The use of the site for housing has been accepted in principle on a number of occasions. Both the 1999 and 2005 local plan Inspectors' reports endorsed its merits and their recommendations were accepted by the Council. Moreover, the SHLAA concluded the site was Green, the most suitable category for housing, in 2011 whilst the emerging SAP identifies the site for housing, albeit post 2028.⁹⁸
- 6.1.4 The Council's approach is not to grant planning permission for housing until every site can be subject to a comparative assessment through the SAP process. This is a recipe for inaction and non-delivery. On a balance of harm it is far preferable to start granting permissions now, so that the requirement can be met, rather than always failing.⁹⁹

6.2 Assessment of Housing Land Supply

- 6.2.1 The basis for taking this decision is set out in the *Framework* and *Guidance*. *Framework* paragraph 47 requires an objective assessment of housing need in the relevant administrative district, in this case Leeds City Council, and then to identify and update annually a supply of specific deliverable sites. That is sites which not only can, but will, come forward for housing. Paragraph 47 is refined by the *Guidance* which requires robust, up-to-date evidence to support the deliverability of sites ensuring its judgements are clearly and transparently set out.¹⁰⁰
- 6.2.2 The adopted development plan sets out the housing requirement in CS Policy SP6. For the first 5 years, 2012 to 2017, the annual requirement is

⁹⁶ BDW/7 Paras 6-10

⁹⁷ BDW/8 Paras 4.1-4.9

⁹⁸ CD/A/3 p22, BDW/7 Paras 3, 11

⁹⁹ BDW/7 Paras 12.17-12.19

¹⁰⁰ BDW/8 Paras 4.10-4.10.3

3,660 units. For the next 11 years to 1 April 2028 the requirement is 4,700 units. An average over 16 years of 4,375 dwellings per annum.¹⁰¹

- 6.2.3 *Framework* paragraph 49 states that relevant policies for the supply of housing will be considered out of date if the local planning authority cannot demonstrate a 5 year supply of housing. Paragraph 14 states that if relevant policies are out of date then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* taken as a whole.¹⁰²
- 6.2.4 There needs to be a balancing exercise, but within the parameter that there is a presumption in favour of granting permission. In doing that the Council needs to demonstrate that the harm from any grant would cause adverse impacts that would significantly and demonstrably outweigh the benefits. That is a high hurdle that is not met in these appeals.¹⁰³
- 6.2.5 Significantly boosting the supply of housing is of critical importance but the supply of housing land is fraught with difficulties as judgements have to be made about what will happen in the future. The Appellants' experts have consistently stated that Leeds over predicts supply. The experts' evidence in relation to 2015-16 was only 16 units out which is 99% accurate. In contrast the Council has a dismal record. Over the past 4 years of the CS requirement it has always got it completely and utterly wrong.¹⁰⁴
- 6.2.6 It is agreed that the base line requirement in Leeds is 22,460. To that the shortfall must be added which is between 4,122-4,718 depending on which figure for empty homes is used. This shortfall has emerged during the lower requirement in the CS of 3,660 dwellings per annum that is set to rise to 4,700 in the coming years. The shortfall is to be met using the Sedgefield method with the full shortfall being met during 2016-2021.¹⁰⁵
- 6.2.7 The buffer, of either 5% or 20%, required by *Framework* paragraph 47 needs to be added to the requirement. The Council has missed its target in each of the last 7 years and its evidence is that it will fail for another two years. In the first three years of the CS there has been a failure to meet targets every year and 2015-16 looks as if it will be no different on current figures. The shortfall for the three CS years at the lower target of 3,700 amounts to the equivalent of almost a whole year without any delivery.¹⁰⁶
- 6.2.8 On past performance the buffer must be 20%. When the shortfall and the buffer are added to the requirement it comes to over 6,000 units in Leeds for the next 5 years. A daunting target. Statistics such as these prompted the SoS at Hardingstone to find a 20% buffer was required. All are agreed that the 20% buffer is not a punishment and would not require more houses in the plan period overall. 20% is justified because it is the only

¹⁰¹ BDW/7 Paras 13.1-13.6

¹⁰² BDW/8 Paras 4.10.4-4.10.5

¹⁰³ BDW/8 Paras 4.11-4.14

¹⁰⁴ BDW/8 Paras 5.1.1-5.3.3

¹⁰⁵ CD/A/38A, BDW/8 Para 6.2.1-6.2.7

¹⁰⁶ BDW/7 Paras 13.7-13.11, BDW/8 Paras 5.4.1-5.4.4

means, as paragraph 47 requires "...to provide a realistic prospect of achieving the planned supply".¹⁰⁷

- 6.2.9 It is agreed that the base requirement in CS Policy SP6 is 22,460. It is also agreed that the shortfall and buffer have to be applied to the base requirement. The Council's figure with 5% buffer and more empties would be 27,911 whilst the Appellants' figure with less empties and 20% buffer would be 32,614. That equates to either 5,582 or 6,523 but the Appellants' should be preferred as the Council relies heavily on empties but with no evidential basis.¹⁰⁸
- 6.2.10 The requirement is a minimum as CS Policy SP6 seeks "at least" the requirement set. The magnitude of the task is shown by the fact that before this Inquiry Leeds best year of completions was 3,800 in 2008. It is also material to look at completion levels for comparative cities. None gets even close to a figure of at least 5,582 units per annum.¹⁰⁹
- 6.2.11 The position on supply is difficult as the timetable for adopting the SAP has not been met. Adoption is not now expected until at least December 2017. The best proxy is the December draft SHMAA 2015 but this is only a draft and is not finalised. Consequently there are a number of criticisms of the Council's assessment of housing land supply. Some of the sites will not deliver housing in the next 5 years and the document would not comply with Footnote 11 of the *Framework*, the *Guidance*, or the views of the Court in *Wain Homes*.¹¹⁰
- 6.2.12 Secondly, the document has emerged with little involvement of the house building industry, despite the *Framework* requiring them to be involved. Effectively Leeds has given up on the house builders as it considers them to be too pessimistic.¹¹¹
- 6.2.13 Much turns on the Council's assertion that City Centre sites will come forward, but in the past it has seriously over calculated its area of supply. The volume house builders cannot bring forward viable development on centre sites. Some low cost builders with a different financial model can and whilst new low cost builders might pick up some slack that is no evidence that all sites will come forward. The Private Rented Sector (PRS) will not in itself solve the problem. As a concept it has not delivered in the past but what is needed is certainty now.¹¹²
- 6.2.14 The document also fails as there is a serious shortfall of supply in the next two years and it would not meet the requirement for 2016-17 and 2017-18. In addition it relies on sites, some 6,000 dwellings, which are not available now as there are other uses on them. Moreover there is speculative expectation of delivery of sites that do not have planning permission. *Wain Homes* determined that a factory that has not been derequisitioned was not available.¹¹³

¹⁰⁷ BDW/7 Paras 13.7-13.11, BDW/8 Paras 5.4.1-5.4.4

¹⁰⁸ CD/A/38A, BDW/8 Paras 7.1-7.7

¹⁰⁹ LCC/11/B App 1, BDW/8 Paras 7.7-7.12

¹¹⁰ BDW/8 Paras 8.1-8.4.1.3

¹¹¹ BDW/8 Paras 8.4.2.1-8.4.2.3

¹¹² BDW/8 Paras 8.4.2.4.1-8.4.2.4.5

¹¹³ BDW/8 Para 8.4.2.4.6-8.4.4.3

- 6.2.15 The supply would be dependent on a huge number, 18,000, city centre units. An over optimistic reduction factor of 16.8% alone means that a tipping point is reached on the Appellants' figures with a 20% buffer. The document is also dependent on 15,347 dwellings, almost half the Council's supply case, that do not have planning permission. If 15,347 dwelling are removed then a tipping point is reached irrespective of which figures or buffer is used.¹¹⁴
- 6.2.16 Blanket lead in times based on site area have been used by the Council whereas the Appellants' have used a more sophisticated approach, including speaking with house builders, that is to be preferred. In any event, the estimate of supply does not conform with CD policies. The Farsley Inspector noted that the reliance on Centre sites would restrict delivery of affordable housing because policy only requires 5% in such locations. The distribution strategy SP7 would not be complied with because the vast majority of supply would be in just two areas.¹¹⁵
- 6.2.17 There is an element of double counting of windfalls. The Council has included a 2,500 windfall allowance but has also included 764 houses approved post 1 April 2015. There is also an allowance for large windfalls but there is no such provision in the CS and no evidence to justify an amount of 500. Finally the introduction of national space standards and optional Building Regulations will affect the actual numbers that can be physically achieved on sites.¹¹⁶
- 6.2.18 The position of the Council following the latest round table session is a supply of 34,160 dwellings. Unfortunately, its approach does not meet the requirement for such sites to be robust and supported by evidence. Rather it is better characterised as if a site has a possibility of development then it must be considered in the supply. That leads only to a failure to hit the requirement which is what has happened far too often. The Appellants only accept around 55% of the Council's predicted supply. This would lead to it only having 2.87 years of supply if a 20% buffer was applied together with a proper assessment of supply.¹¹⁷
- 6.2.19 The Council repeatedly falls back on the Farsley decision. However, there can be no doubt that if the Farsley Inspector had known that there would be two subsequent years of under supply he would not have found a 5 year supply. The Inspector was misled by the Council's evidence to conclude that the Appellants' evidence was 'pessimistic'. However, on the contrary it has been proven to be accurate.¹¹⁸
- 6.2.20 The Council's delivery record for affordable housing is also poor and the target amounts to over 1,000 units a year. Delivery over the last 5 years is only around 49% of the SHMA requirement, a serious record of failure. There is, therefore, a massive need for additional delivery for both market and affordable housing.¹¹⁹

¹¹⁴ BDW/8 Paras 8.4.5.1-8.4.6.2

¹¹⁵ BDW/8 Paras 8.4.7.1-8.4.8.3

¹¹⁶ BDW/8 Paras 8.4.9-8.4.11.1

¹¹⁷ BDW/8 Para 8.5

¹¹⁸ BDW/8 Para 5.3.4

¹¹⁹ BDW/7 Paras 13.11-13.13

6.2.21 The need for additional delivery is even more marked since March 2016 as there is no development plan for delivery. The failure to produce an adopted SAP until December 2017 means there is no policy to set out how delivery of any houses, never mind the magnitude required, will actually take place. Housing in Leeds is at breaking point.¹²⁰

6.2.22 The only hope offered by the Council is an expectation that the SAP will be adopted in December 2017. However, Leeds has failed to meet targets on any timetable and its optimism has always been misplaced. The only solution is to deliver housing now, not in December 2017 when even after the adoption of the SAP there will be a significant lead-in time. If the adoption of the SAP is awaited there would be no delivery until late 2018 early 2019.¹²¹

6.3 Assessment Against Development Plan Policy

6.3.1 The proposal should be assessed against the development plan as a whole. The development plan includes the 2006 UDPR and the 2014 CS. The *Framework* is also a material factor. It is accepted that the grant of planning permission in this case would not comply with the provisions of UDPR Policy N34, but the critical factor is the weight to be given to this policy.¹²²

6.3.2 It emerged in a very different policy context, when only 2,000 units were required, whereas the current requirement is far greater. The Policy will be time expired by the time this decision is issued, moreover, whilst the Policy was originally intended to provide safeguarding for the provision of development it now appears to be used as a Policy to prevent development. Finally N34 is also out of date because of the failure to provide a 5 year supply of housing land, a topic that will be considered below. Very little weight should be given to Policy N34.¹²³

6.3.3 *Framework* Paragraph 14 is operative in this case. The proposed development is sustainable and there is a presumption in favour of granting planning permission. The development plan is out of date with regard to UDPR Policy N34, which on any basis is time expired by March 2016. Moreover, N34 is a policy that relates to the supply of housing and in the absence of a 5 year HLS then the provisions of *Framework* paragraph 49 would apply.¹²⁴

6.3.4 N34 is also inconsistent with the *Framework* as the Council is now using it to prevent development on safeguarded land. The development plan is silent in relation to the delivery of housing as only Part 1 of the CS has emerged. It is incumbent on the Council to demonstrate that the harm it alleges outweighs the benefits of granting planning permission.¹²⁵

6.3.5 In terms of the CS, it is considered that the proposal fully complies with relevant Policies. CS Policy SP1 expressly allows development of greenfield

¹²⁰ BDW/7 Paras 13.14-13.16.4

¹²¹ BDW/7 Paras 13.16.5-13.17

¹²² BDW/7 Paras 17.1-17.3

¹²³ BDW/7 Paras 17.4.1-17.4.4

¹²⁴ BDW/7 Paras 14.1.1-14.1.3

¹²⁵ BDW/7 Paras 14.1.4-14.2

sites and envisages development in smaller settlements, hence this Policy is met. Policy SP6 sets out the requirement for 70,000 new dwellings net and has at its heart a site selection process that seeks to have the least impact on the Green Belt. The proposal would comply with that as the UDPR sites were taken out of the Green Belt for that purpose. By definition, the more development on PAS sites, the less on land currently in the Green Belt. The purpose of the CS is to have safeguarded land to ensure the long term permanence of the Green Belt. That is what the 2006 local plan Inspector endorsed wholeheartedly.¹²⁶

6.3.6 CS Policy SP7 sets out the overall requirement of 7,200 for the Outer South West, which includes the appeal site, amounting to some 11% of the overall total. The appeal site complies with this. Policy SP11 is mentioned in the revised reasons for refusal but it relates to Transport Investment Priorities and its relevance is difficult to see. Policy H5 is complied with as the proposal would provide 15% affordable housing.¹²⁷

6.3.7 There is only one Policy, N34, that would be breached but which should be given little weight whilst the relevant up-to-date policies H5, SP1, SP6, and SP7 are complied with. Overall the proposal complies with the development plan and it is incumbent on the Council to show what material considerations justify refusal in setting aside the presumption in favour of the development plan.¹²⁸

6.3.8 Turning to the emerging development plan, it is accepted by the Council that only limited weight can be given to the SAP, in accordance with the *Guidance*, as it is at a relatively early stage in the process. Even on the Council's optimistic timetable it would not be adopted until winter 2017. Moreover, there are numerous hurdles to be overcome before adoption.¹²⁹

6.3.9 The Council will have to convince an Inspector that its current strategy of releasing 515 hectares from the Green Belt to meet housing land requirements is right. It is debateable whether that would pass the exceptional circumstances test in *Framework* paragraph 83. It is unprecedented when seeking that amount of land to say it is reasonable to leave PAS land undeveloped during the plan period. Significant areas of non-Green Belt land exist and have been judged appropriate for long term development but the Council want Green Belt land to be developed first. There is no policy support for such an approach. The Council could not identify any comparative approach by a Council, let alone endorsed by an Inspector at EiP.¹³⁰

6.3.10 There is a shortfall of around 6,000 units that have been withdrawn since publication of the SAP. These have to be replaced. There are around 10,000 representations, many of which are material objections to the non-selection of PAS sites, and the process of reviewing and collating them has not yet finished. Consultation on a submission version with the new sites will be necessary, there will need to be an EiP that is likely to be hotly

¹²⁶ CD/A/7A bottom of p28, BDW/7 Paras 17.5-17.5.3

¹²⁷ BDW/7 Paras 17.5.4-17.5.6

¹²⁸ BDW/7 Para 17.6

¹²⁹ BDW/7 Paras 18.1-18.4

¹³⁰ BDW/7 Paras 18.4.1-18.4.2

contested, and the Inspector may have material modifications. In light of this the proposal could not be premature.¹³¹

- 6.3.11 It is not accepted that the proposal does not comply with the SAP, but in any event it is not a material consideration that would outweigh either the development plan or *Framework* paragraph 14 presumptions. The Council accepts that only limited weight should be attributed to non-compliance with the emerging SAP.¹³²

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

- 6.4.1 Concern was raised about services within the settlement if planning permission were to be granted. However, every issue would be addressed by either a Section 106 Agreement or CIL. The settlement has 5,200 residents and could be considered as part of the larger West Ardsley and Tingley, which was the approach the Council took in assessing available services for the purposes of the CS.¹³³
- 6.4.2 The Appellants do not accept that the site is not accessible by public transport. Indeed, that view was endorsed by the 2005 Inspector who said it had good accessibility by public transport. Moreover, the site passed assessment in the SHLAA based on sustainability when it received a score of 4 out of 5 on accessibility. Fifteen years after its PAS allocation the 2014 Committee report was the first time it was asserted that accessibility was not that good.¹³⁴
- 6.4.3 The issue turns on the application of CS Policy T2 and the CS Appendix 3 accessibility standards. It is accepted that the site meets the requirements in 3 of the 6 categories. Only secondary education, town centres and employment are in dispute. The Committee report accepted that frequency was acceptable, despite what is now claimed, and the sole issue was journey times.¹³⁵
- 6.4.4 In terms of secondary education it is possible to get to Woodkirk Academy from two separate services within the time required and so the secondary education standard would be met. Whilst it is maintained that the time of arrival is not conducive to use, it is possible and the standard is met. If pupils don't want to get there so early they could walk a further 200 metres to a different bus stop and get a later bus. In respect of employment and town centres you can get to Wakefield, which is a major transport interchange, in 14 minutes. There is no requirement that all 3 transport interchanges be as accessible. The employment and town centre accessibility standards are, therefore, also met. In addition, Morley town centre, a substantial centre in its own right is accessible within a 20 minutes journey time and served by 3 buses an hour from stops adjacent to the site.¹³⁶

¹³¹ BDW/7 Paras 18.4.3-18.4.10

¹³² BDW/7 Para 18.4.11

¹³³ BDW/7 Paras 19.15-19.16

¹³⁴ BDW/7 Paras 20.1-20.5

¹³⁵ BDW/7 Paras 20.6-20.9

¹³⁶ BDW/7 Paras 20.10-20-12

- 6.4.5 On leaving the site there will be six bus stops within 600 metres from which it would be possible to get to Wakefield, Bradford and Leeds, three of the biggest towns in Yorkshire, by bus. It is material that CS Policy T2, which considers accessibility, is not a pass or fail test. Indeed, paragraph 5.4.2 envisages failure and requires further investment but does not support the Council's approach which is that failing one criterion might justify refusal. That approach is not backed up by policy or text.¹³⁷

6.5 Effect on the Highway Network

- 6.5.1 The design of the access is appropriate and acceptable and the traffic that would be generated by the residential development can be adequately accommodated. The only issue is that it is alleged that the access would cause significant congestion and delay if school traffic is added to the residential traffic. The Council's position is that the access would still work but would involve significant delays for those waiting to get out onto Bradford Road. It is not accepted that the delays would be severe as envisaged in *Framework* paragraph 32.¹³⁸
- 6.5.2 In any event, the Council's predicted traffic is completely unrealistic. It uses a modal split of 43% but this is unrealistic as it is agreed that the catchment area of the school would be within a mile. 19% would be more realistic. In addition the 75 pupils who will come from the site have not been deducted. They need to be taken off as they would not travel by car and certainly not out and back through this junction.¹³⁹
- 6.5.3 The key point in the traffic model is the background traffic growth. The Council considers 22% between 2013 and 2025. At this level of growth Leeds would seize up. The CS paper on transport infrastructure uses much lower levels of growth in the peak period. The appellants' evidence is more realistic and with proper traffic growth and correct modal split the access would operate perfectly.¹⁴⁰
- 6.5.4 In terms of junctions on the wider network, the Transport Assessment (TA) considered 6 key junctions and concluded 5 would operate satisfactorily based on the Appellants' 2018 date and 8% traffic growth. These assumptions were accepted by the Council for the 5 locations and if the Council were consistent all 6 would work perfectly. Notwithstanding that, the intention in the *Framework* was to set the bar for refusal very high. Indeed, paragraph 32 requires any impact to be severe.¹⁴¹
- 6.5.5 Even with the Council's assumptions the situation would be that 2 limbs of the Thorpe Lane junction out of 18 would not be working in 9 years time. The severity would be that a delay on the Bradford Road (East) at the am peak would increase from 337 to 432 seconds whilst on the Bradford Road (West) in the pm peak the delay would rise from 503 to 553. A very

¹³⁷ BDW/7 Paras 20.13-20.14

¹³⁸ BDW/7 Paras 21.1-21.5

¹³⁹ BDW/7 Paras 21.6.1-21.6.3

¹⁴⁰ BDW/7 Paras 21.6.4-21.6.10

¹⁴¹ BDW/7 Paras 22.1-22.6

significant delay would be made slightly worse. However, this could not be considered severe.¹⁴²

- 6.5.6 In any event, it is inconceivable that the junction would not be improved. It is the 40th worst junction in the Leeds district.¹⁴³

6.6 Effect on the Character and Identity of East Ardsley

- 6.6.1 There is no policy that seeks to protect an existing gap or undeveloped land between settlements. The Inspector in 1999 did not consider that development should be precluded from the site. Indeed, it was noted that a proper gap within the site would protect the sense of green space and gap. That judgement was not contradicted by the 2005 Inspector and coalescence was not mentioned as an issue in two preliminary committee reports in February and April 2014.¹⁴⁴
- 6.6.2 Coalescence was raised in the August 2014 Committee report and considered by Members. However, they endorsed the Officers' view that it was not justified as a reason for refusal. Members then reconsidered the reasons for refusal solely on the basis of changes in planning policy since the original decision. Policy relating to coalescence has not changed between August 2014 and November 2015. The Officers' report did not raise the issue but the reason for refusal alleged harm to the character and integrity of the settlement.¹⁴⁵
- 6.6.3 The proposition that the site lies within a gap is untenable. The Council relies solely on the CS plan and definition that seeks to identify the settlement, but it is not corroborated by any other map or document. The map does not reflect what is on the ground. The boundary excludes the mill whose website states it is in East Ardsley. It also excludes the houses on the east side of Bradford Road. The 1850 Parish Boundary covers a significant area, a Councillor of 12 years standing asked a long term resident to draw the settlement boundary but the result differs from other boundaries.¹⁴⁶
- 6.6.4 The land is within East Ardsley and the local plan Inspector noted that the retention of a good gap would provide a benefit in the future and be acceptable. The revised illustrative plan does that. It shows a substantial gap that would give a sense of openness and protect views of the Church. Concern about character and integrity therefore has no basis.¹⁴⁷
- 6.6.5 Finally, the Council itself promotes a school serving 425 children with associated built paraphernalia on the land.¹⁴⁸
- ## **6.7 Other Matters**
- 6.7.1 CS Policy H5 requires the provision of 15% affordable housing in Zone 2, which is where the appeal site is located. It is agreed that the proposal

¹⁴² BDW/7 Paras 22.7-2.10

¹⁴³ BDW/7 Para 22.11

¹⁴⁴ BDW/7 Paras 19.1-19.5

¹⁴⁵ BDW/7 Paras 19.6-19.13

¹⁴⁶ BDW/7 Paras 19.14.1-19.14.7

¹⁴⁷ BDW/7 Paras 19.14.2-19.14.4

¹⁴⁸ BDW/7 Para 19.14.5

would do that and so be policy compliant. Indeed, there were 23,784 households on the Council's housing register at January 2016 and nearly 5,000 on the priority list reflecting how critical the need is. This acute need that should not be downplayed. The 45 affordable units that the proposal would provide amounts to a material benefit.¹⁴⁹

- 6.7.2 The benefit is also material as the provision of affordable housing has become more difficult, due to support for starter homes, and the large number of homes provided in the city centre where CS Policy H5 seeks only 5% affordable dwellings and in some circumstances no affordable housing at all. The proposed tenure is 40% intermediate affordable units and 60% socially rented affordable units. The location mix and type of housing would be agreed with the Council prior to commencement.¹⁵⁰
- 6.7.3 It is regrettable that a Council should seek to argue that the provision of 45 affordable houses should only be given moderate weight. Affordable housing allows the most vulnerable in society to be housed which is a really important component in the balancing exercise. Its importance cannot be exaggerated when the Council's position is that 1,158 affordable units are required every single year. Inspectors and the SoS have given this factor significant, or very significant, weight in the balancing exercise and the same approach is commended here.¹⁵¹

6.8 Section 106 Obligation and Conditions

- 6.8.1 Notwithstanding a CIL charge of £45/m², a signed Section 106 Unilateral Undertaking has been provided which would make provision for affordable housing, a contribution to off-site highways works, land reserved for a possible school, a travel plan and a Metro card contribution, none of which are covered by CIL contributions.
- 6.8.2 A number of suggested conditions have been agreed between the Council and the Appellant.¹⁵²

6.9 Planning Balance

- 6.9.1 The balancing exercise is firmly in favour of the grant of planning permission for the following reasons:
- i) The proposal would bring forward 299 units which will materially benefit the supply of houses needed in Leeds. At a stroke 0.4% of the requirement of the Core Strategy will be provided in a range and variety of sizes and units.¹⁵³
 - ii) The site is available and could be delivered as soon as planning permission was granted.
 - iii) The proposal would make a material contribution to the affordable housing requirement.

¹⁴⁹ CD/A/3 p73, BDW/7 Paras 16.1-16.8

¹⁵⁰ BDW/7 Paras 16.9-16.11

¹⁵¹ BDW/7 Paras 16.12-16.16

¹⁵² CD/F/5C

¹⁵³ BDW/7 Paras 15.1-15.2

- iv) The scheme would comply with the development plan and not prejudice the emerging development plan,
- v) It would be a sustainable development in a settlement identified as appropriate for more housing in the development plan.
- vi) It would locate housing in an area of the city that is expected to provide a substantial amount of new housing.
- vii) It would contribute to the economic element of sustainability.
- viii) It would contribute to the social element of sustainability
- ix) It would not harm the built environment and there is no concern regarding listed building or urban design.
- x) It would not harm the ecology of the area.
- xi) It would not harm the landscape or the visual amenity of receptors in the area.
- xii) It would not cause coalescence, as accepted by the Inspector in the 2005 review.
- xiii) It would be accessible by a comprehensive number of buses which will stop at stops very close to the site.
- xiv) It would enable access by alternative means of transport to local centres, town centres, employment, Wakefield, Leeds, Bradford and local schools.
- xv) It would enable a primary school to be provided within the site which would not otherwise come forward.
- xvi) It would not harm the functioning and operation of the local network.

7. Consultees and Interested Persons

- 7.1. At application stage, the 10 April 2014 report to the City Plans Panel states that there had been 336 representations relating to the proposal and summarises the issues raised. At appeal stage there were three written representations, and in addition oral submissions were made by Councillor Jack Dunn, Councillor Lisa Mulherin, Mr Jim Aveyard and Mr Chris Bywater.¹⁵⁴
- 7.2. The submissions generally reflect the issues identified and aired at the Inquiry and it is notable that there has been no objection from many consultees including Natural England, Environment Agency, Coal Authority, Yorkshire Water, West Yorkshire Archaeology Advisory Service, Metro and the Highways Agency, albeit subject to conditions in some cases. No new matters have been raised that would justify a recommendation other than that reached in this report.¹⁵⁵

¹⁵⁴ CD/E/2 Para 5.3, CD/F/13A, 13B, 13C, and 11

¹⁵⁵ CD/D/1, 4, 5, 6, 7, 11, and 14

8. The Inspector's Conclusions

[The references in square brackets are to earlier paragraph numbers in this report]

8.1. Introduction

- 8.1.1. Matters in dispute were highlighted when the Inquiry opened. I consider that the main considerations are: whether the Council has a 5 year HLS; whether the proposals conform to the development plan policies; whether occupants of the proposed development would have acceptable access to shops and services; the effect on the highway network; the effect on the character and identity of the village; and, other matters including affordable housing.
- 8.1.2. The country needs 250,000 houses a year and the Government is seeking to build 1 million by 2020. However, even with the *Framework* in place only 140,000 houses were built last year. The Appellants maintain that, in the context of the need for housing, the proposals should be granted planning permission now.^[6.1.2, 6.1.4]
- 8.1.2. Leeds has the largest housing need in Britain. The overarching General Policy objective in the CS is to deliver growth and say yes to sustainable planning applications. The need for both market and affordable housing is recognised by the Council whose approach is to carry out a comparative assessment in the PAS process to ensure houses are built in the most appropriate locations on the basis of their planning merits. It argues that to grant planning permission now, ahead of completing the PAS assessments, would undermine the development plan process.^[5.1.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4]
- 8.1.3. Under the UDPR the appeal site was designated a PAS. Within the CS settlement hierarchy East Ardsley is classed as a Smaller Settlement. Notwithstanding that, both the UDP and UDPR local plan Inspectors' reports endorsed the merits of the site and their recommendations were accepted by the Council. Moreover, the SHLAA concluded the site was 'Green', the most suitable category for housing, in 2011 whilst the emerging SAP identifies the site as safeguarded for housing, albeit any housing would be post 2028 and a local plan review.^[5.1.1, 6.1.3]

8.2. Assessment of Housing Land Supply

- 8.2.1. *Framework* paragraph 47 sets out the objective of significantly boosting the supply of housing. Local plans are required to ensure that the full objectively assessed needs (FOAN) are met for both market, and affordable, housing. There is also a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years of housing against the housing requirement with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.^[5.3.1, 6.3.1]

- 8.2.2 It is common ground that the most appropriate period for consideration of the 5 year requirement is 1 April 2016 to 31 March 2021. The annual requirement derives from CS SP6 and is a minimum figure. For the first 5 years of the Plan, 2012 to 2017, the annual requirement is 3,660 units whilst for the next 11 years to 1 April 2028 the requirement will be 4,700 units. It is agreed that the base requirement is 22,460 in this case (1 year at 3,660 + 4 years at 4,700).^[5.3.1, 6.3.2, 6.3.6, 6.3.10]
- 8.2.3 Any shortfall, and a buffer, needs to be added to the requirement. The *Guidance* sets out that local planning authorities should aim to deal with any undersupply in the first 5 years of the plan period where possible. It is agreed in this case that the shortfall is to be met using the 'Sedgefield method' with the full shortfall being addressed during 2016-2021.^[5.3.3, 6.3.6]
- 8.2.4 There is common ground on completions against targets, except in relation to empties where there is disagreement for empties in 2015-2016. The agreed undersupply for 2012-2015 is 3,758.^[6.3.6, 6.3.9]
- 8.2.5 The disputed figure for empties has been compiled in the same way as other years, which are accepted by the Appellant, and is the same number as that submitted to Government in relation to payment of New Homes Bonus. The base data involves individuals' Council Tax information and so cannot be disclosed. However, I see no reason to doubt the Council's figure which sits within the range of annual empties figures.^[5.3.4]
- 8.2.6 *Framework* paragraph 47 requires a buffer, of either 5% or 20%, to be added to the requirement but the parties disagree as to which. The higher buffer is required where there has been persistent undersupply. However, the *Guidance* states that identifying a record of persistent undersupply is a matter of judgement. There is no universally applicable test but it goes on to state that assessment of local delivery is likely to be more robust if a longer term view is taken.^[5.3.5, 5.3.6, 6.3.7]
- 8.2.7 In five pre-recession years, from 2003/4, the requirement rose from 1930 to 2260 and there was an oversupply of around 5,000. In the three following recessionary years, the adopted targets were 2,260 and 4,300. The latter a step-up under the Regional Spatial Strategy. Against the lower figure supply exceeded the target by 643. Against the RSS, which had a requirement which is now acknowledged as unrealistic, there was an undersupply of 7,517. In the recovery/CS period 2012 to 2016 the requirement was 3,660 and there has been a cumulative undersupply of 4,122. Only when the RSS target is included is a cumulative undersupply shown for the housing market cycle. Whilst the Council considers that no weight should be given to the RSS target as it would be a meaningless exercise, to ignore it in favour of a lower requirement would produce a flawed assessment. The RSS figure was that adopted at the time and it was found to be incorrect only in hindsight. I do not consider that it should be ignored but the weight afforded to it should be significantly reduced.^[5.3.8, 5.3.9]
- 8.2.8 Notwithstanding that, an alternative approach, albeit that it does not cover a full financial cycle, is to consider performance against the CS. Whilst this does not follow the approach of the Bagley Lane Inspector which the Council endorses, it would reflect the *Guidance* which states that there is

- no universally applicable test. It would reflect the best available local evidence. The Housing Requirement is large and was adopted to be ambitious. It has not been met, albeit that completions are increasing.^[5.3.13]
- 8.2.9 The Council has missed its target in each of the last 7 years and its evidence is that it will fail for another two years. In the first three years of the CS there has been a failure to meet targets every year and 2015-16 looks as if it will be no different on current figures. The shortfall for the three CS years at the lower target of 3,700 amounts to the equivalent of almost a whole year without any delivery. I consider this demonstrates persistent undersupply indicating that a 20% buffer should be applied.^[6.3.7]
- 8.2.10 The Council maintains that the purpose of the buffer, which is to ensure choice and competition and, in the case of the 20% buffer, a realistic prospect of the planned supply being achieved, should be considered. I disagree that the application of a 20% buffer would have the opposite purpose to that suggested by the *Framework*. It would advance supply, such as PAS land, from later in the Plan period. There is a large volume of permitted residential development in Leeds and large areas of Inner Areas and City Centre are available for development. The issue would, therefore, appear not to be due to an absence of competition and supply. However, there is little evidence that undersupply can be laid at the door of the volume house builders seeking to build other than in accordance with the Council's adopted strategy.^[5.3.14]
- 8.2.11 On past performance the buffer must be 20%. Indeed, even the Council accepts that if there was an under supply next year it could properly be considered a 20% authority. When the shortfall and the buffer are added to the requirement it comes to over 6,000 units in Leeds for the next 5 years. Similar statistics prompted the SoS at Hardingstone to find a 20% buffer was required. All are agreed that the 20% buffer is not a punishment but it is justified because it is the only means, as *Framework* paragraph 47 requires "...to provide a realistic prospect of achieving the planned supply".^[6.3.8]
- 8.2.12 The Council's requirement figure assuming 5% buffer would be 27,911 whilst the Appellants' figure based on a 20% buffer would be 31,898. That equates to either 5,582 or 6,379 units required annually for the 5 year period. I adopt the Appellant's position.^[6.3.9]
- 8.2.13 The shortfall has emerged during the lower requirement in the CS of 3,660 dwellings per annum which is set to rise to 4,700 in the coming years. The size of the task is shown by the fact that prior to the Inquiry Leeds's best year for completions was 3,800 in 2008. No other authority gets close to a figure of at least 5,582 units a year.^[6.3.6, 6.3.10]
- 8.2.14 Turning to supply, sites are promoted through both the SHLAA and SAP processes. The Council then forms a view on sustainability, availability and achievability. The SHLAA relies on sites promoted through the SAP which raises a rebuttable presumption as to deliverability.^[5.3.19]
- 8.2.15 The SHLAA is based on an enormous amount of information resulting from an iterative process but is a snapshot in time. In Leeds there is a large

number of sites, many relatively small. The 2015 SHLAA, from which the 5 year supply is derived, follows the same methodology as the 2014 SHLAA which was the subject of considerable consultation with the development industry. Differences between the parties have led to there being little consultation between the volume house builders and the Council on the 2015 SHLAA despite the *Framework* stating that the input of the development industry is important.^[6.3.11, 6.3.12]

- 8.2.16 The Council's adjusted 5 year supply position following the round table sessions is 34,160 units, marginally over the 5 years requirement of 31,898. A reduction of 2,262 units would lead to a tipping point where the housing supply would become less than 5 years based on my finding above. However, rather than being robust and supported by evidence, the Council appears to add sites to the list when there is only a possibility of development. The Appellants only accept around 55% of the Council's predicted supply. This would lead to it only having 2.87 years of supply if a 20% buffer is applied together with the Appellant's assessment of supply. I consider the true position would be between the two but closer to the Appellants.^[6.3.18]
- 8.2.17 Neither main party suggests that the decision maker should analyse every site and reassess them against the Footnote 11 test. The 'tipping point' note is acknowledged as helpful as it shows the 'safety margin' within the assessed supply. If the Council's figures in relation to completions is accepted then with a buffer of 5% there would be a safety margin of 6,249 following the round table session. With a 20% buffer, which I consider justified, the safety margin would be only 2,262.^[5.3.23]
- 8.2.18 *Framework* Footnote 11 states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is no longer clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans.^[5.3.16]
- 8.2.19 The issues have narrowed as the Appellant does not claim that any sites are unviable. Viability assessment of sites in the city centre and inner areas for the Council indicates that a significant proportion would be viable, albeit not achieving the profit margins sought by the volume house builders. House price growth is now 6.5-7.5% in the city centre and inner areas.^[5.3.21]
- 8.2.20 *Guidance* is clear that the need for robust evidence in support of the SHLAA and 5 year supply means that the Council's assessment of a site as deliverable must be capable of being explained and evidenced. The Council assesses 30,385 units as deliverable but the realism of this view needs to be considered against the failure over a number of years to meet targets that have turned out to be optimistic, not realistic.^[5.3.23]
- 8.2.21 *Guidance* addresses Footnote 11 issues. Sites would be considered available when there is confidence that there are no legal or ownership

problems. Where there are problems an assessment of when they could realistically be overcome must be made. Achievability is a judgement about viability and the timescale within which a site is capable of development. Sites should not be 'assumed' to be deliverable. The Council contends that it has considered each site against the Footnote 11 tests. Paragraph 47, refined by *Guidance* requires robust, up-to-date evidence to support the deliverability of sites ensuring its judgements are clearly and transparently set out. The judgements need to be realistic not optimistic. The Appellants' expert's evidence in relation to 2015-16 was only 16 units out, which is 99% accurate, whereas over the past few years of the CS requirement the Council has consistently got judgements wrong and under supplied. I therefore prefer the evidence of the Appellants.^[6.3.5]

- 8.2.22 Differences raised by the Appellant in relation to the SHLAA were considered at the Bagley Lane Inquiry. I agree that allocations, permissions, and the 5 year supply should reflect the CS policy focus on the City Centre and Inner Area. The Council maintains that around 18,000 City Centre sites will come forward. The volume house builders cannot bring forward viable development on City Centre sites although some low cost builders with a different financial model can and would do so.^[5.3.20, 6.3.15]
- 8.2.23 Whilst new low cost builders might pick up some slack, and the provision of City Centre sites would be assisted by regeneration projects, the emerging market for the private rental sector (PRS), the activity of low cost builders and improvements at Holbeck Urban Village, there is little evidence that all sites will be built out. Certainty is needed but the Private Rented Sector (PRS) has not delivered in the past. An 'over optimistic reduction' factor of 16.8% alone means that a tipping point would be reached on the Appellants' figures with a 20% buffer.^[5.3.33, 6.3.15]
- 8.2.24 The Council repeatedly falls back on the Bagley Lane, Farsley decision. However, despite that judgement indicating that there was no error in law in the approach to housing land supply, the planning context has changed in the intervening period. Farsley was a different snapshot in time, the Interim Housing Supply Policy has been withdrawn, the CS has been adopted, and undersupply has taken place for longer. Rather than being 'pessimistic' the Appellant's view has been proven to be reasonably accurate and it is the Council's view that has proved to be overly optimistic.^[6.3.19]
- 8.2.25 The position on supply is difficult as the SAP will not be adopted until at least December 2017 and the best proxy, the December draft SHMAA 2015, is not finalized. There is a serious shortfall of supply in the next two years. Moreover, the document is dependent on 15,347 dwellings, roughly half the Council's supply case, that do not have planning permission. If 15,347 dwellings are removed then a tipping point is reached irrespective of which figures or buffer is used. There is also a reliance on some sites, with around 6,000 dwellings, that are currently in other use.
- 8.2.26 Sources contributing to the Council's 5 year supply following the round table sessions consist of:

- i) 30,385 units on identified sites (15,347 of which do not have planning permission);
 - ii) 2,500 smaller windfalls over 5 years;
 - iii) 1,000 empty homes over 5 years;
 - iv) Minus 225 demolitions over 5 years; and,
 - v) 500 large windfalls over 5 years.^[5.3.15]
- 8.2.27 Items ii) to v) are mainly agreed but in any event the figures are relatively insignificant compared to the numbers of units on identified sites. However, their acceptance adds to the robustness of the numbers. In addition, the introduction of national space standards and optional building regulations will affect the actual numbers that can physically be accommodated on sites.^[5.3.15]
- 8.2.28 It is acknowledged that 16,571 units with planning permission derive from the 2015 to 2020 SHLAA whilst the equivalent figure in the 2016-21 trajectory is 14,770. In the absence of clear evidence that the permissions would not be implemented in the 5 year period all these must count, although in reality some of these sites would 'fall by the wayside' and others would be brought forward. The main challenges relate to the achievability of sites or whether there is a realistic prospect of houses being delivered in the 5 year period.^[5.3.17]
- 8.2.29 Differences between the parties on delivery rates and lead-in times are matters of judgement and different views have been reached. The up-to-date 5 year supply covers the period 2016-21, not 2015 to 2020, consequently lead in times have been reconsidered. It is agreed that either site specific information, as favoured by the Appellant, or standardised information based on averages from other sites, as used by the Council, may be used. The Council's standardised delivery rate for houses is 78 dpa whilst the volume house builders' rate is 50. Likewise there is a difference in views about the realistic figure for flats although the Council accepts that a difference of view may not be unreasonable. Some differences were highlighted.^[5.3.28, 5.3.29]
- 8.2.30 A number of sites such as 649 Charity Farm are Council owned and the Council is brokering the sale of the land, which has been specifically assessed as representing a profitable housing opportunity. However, no evidence of developer interest has been provided for this Phase 3 UDPR site with no planning history. There is a difference between the parties of 60 units which I consider reflects the Council's strong optimism.^[5.3.24, 5.3.27]
- 8.2.31 Reference has been made to the Wain Homes judgement and sites in other uses. The inclusion of a site in the SHLAA or SAP provides some evidence of deliverability as the Brickyard Lane decision (APP/E2001/A/13/2200981) illustrates but is not in itself necessarily evidence of achievability and availability.^[5.3.18, 5.3.24, 6.3.11]
- 8.2.32 A number of examples were highlighted. Site 445 Jack Lane/Sweet Street is a flat brownfield site in the city centre that is close to Holbeck Urban Village and has been sold to a developer. It is actively being promoted for

- development and no abnormal costs or impediments have been identified. However, although it had an outline consent for residential it is in active use as a car park. Lead in times, including extinguishing the car park use if necessary and addressing reserved matters, means that there would not be an immediate realistic prospect of housing delivery. There is a difference between the parties of 296 units again reflecting the Council's optimism.^[5.3.24]
- 8.2.33 Another example is Quarry Hill, site 200-411, which has also been in temporary use as a car park. The viability of the site is not in issue and it has recently been promoted for mixed use including 715 flats. Moreover it has an outline planning permission, was acquired by a developer in conjunction with Moda Living in 2015 and a newspaper article notes the intention to develop from early 2017 with the first homes ready to rent by 2019.^[5.3.25]
- 8.2.34 Notwithstanding this, the agent has indicated a 10 year delivery programme with no certainty over which elements would come forward first. Moreover a multi storey car park is required for WYP before any residential development can take place. Even though Leeds city centre is now the regional target for growth in the PRS sector there must be significant doubt over how many units would be completed in the 5 year period and there is a difference of about 600 units between the parties.^[5.3.24, 5.3.25]
- 8.2.35 Finally, East Leeds Extension is the largest single location in the City and is stated to be central to the SAP. It is a greenfield site in a very high value area and will offer a wide range of unit types. The total capacity across the plan period to 2028 is 4,446. It is an example of where infrastructure has been considered alongside development. Given the scale of the site the Council considers that it would be reasonable to assume 50 dpa, below the average build out rates, but to assume a number of outlets.^[5.3.30]
- 8.2.36 However, the Appellants' witnesses are agents for the majority of land owners involved. Delivery rates have been sought direct from the developers, there are no live applications in the middle or southern sections of the site, and the current application has been with the Council for 4 years. 20% of the site covered by live applications is in the control of Persimmon who will be the only party that could submit reserved matters applications once outline application and Section 106 matters are resolved. Parcels of land in separate ownership are yet to be marketed and there is a requirement for infrastructure that has not been delivered and will take time. In East Leeds as a whole the difference between the parties is 1,115 units. The Appellants' approach has been branded as pessimistic as they only include 365 units for the East Leeds Extension but in my view the approach is realistic compared to the highly optimistic approach of the Council.^[5.3.30]
- 8.2.37 Another difference between the parties appears to be the prospect of delivery by the PRS model. An example of the model is the Dandara scheme in Holbeck Urban Village (Site 407). Although the Appellants consider this a fringe site with doubts about funding and commitment, the

site has planning permission, the developer is on site and has committed to deliver the units within two years of commencement.^[5.3.33]

- 8.2.38 In the MUA and inner areas there is a wide range of developers active in the market. Both the primary and secondary markets are attractive to developers and investors alike and even in tertiary areas there is an active land market with specialist developers keen to acquire more. The Appellants' concern, albeit based on three letters that also outline expansion plans, is the capability of developers in this tertiary market to increase capacity. The lack of capacity in the specialist low cost market could affect the 5 year supply as specialist developers are a finite resource. A different view was reached at Bagley Lane but I am not aware of the evidence that conclusion was based on.^[5.3.31]
- 8.2.39 The need for additional delivery is even more marked since March 2016 as there is no longer a development plan for delivery. The failure to produce an adopted SAP until December 2017 means there is no policy to set out how delivery of any houses, never mind the magnitude required, will actually take place. The only hope offered by the Council is an expectation that the SAP will be adopted in December 2017. However, Leeds has failed to meet targets in the past. Although accused of being pessimistic I consider that the house builders have been realistic. The resultant figures are not definitive, but they clearly indicate that the safety margin of 2,262 is soon whittled away when realism is applied. I consider that it is the Council which has been overly optimistic and has failed to demonstrate a robust 5 year housing land supply. The solution is to deliver housing now, not in December 2017 when even after the adoption of the SAP there will be significant lead-in times with no delivery likely until late 2018 - early 2019.^[6.3.21, 6.3.22]
- 8.2.40 The Council's delivery record for affordable housing is also poor and the target amounts to over 1,000 units a year. Delivery over the last 5 years is only around 49% of the SHMA requirement, a serious failure. There is, therefore, a significant need for additional delivery for both market and affordable housing.^[6.3.20]
- 8.2.41 The proposals would make a contribution to affordable housing as part of the strategy to meet the area's needs over the plan period. However, the housing strategy relies on City Centre and inner area sites which compared to the appeal proposal would effectively restrict the delivery of affordable housing because policy only requires 5% in such locations whilst some sites will provide no affordable housing at all. Against this background the proposals should not be downplayed.^[5.7.1, 5.7.2, 6.7.1, 6.7.2, 6.7.3]

8.3 Assessment Against Development Plan Policy

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

- 8.3.2 As I have concluded that there is no 5 year HLS, *Framework* paragraphs 49 and 14 must be applied. I consider that UDPR policy N34 is a policy for the supply of Housing, as did the Inspector in the Farsley case, and as there is no HLS the policy cannot be considered up to date and paragraph 14 must be considered. The Council considers that paragraph 85 is a specific policy under *Framework* Footnote 9 that indicates that development should be restricted. However, rather than being a restrictive policy paragraph 85, at bullet points three and 4, specifically indicates that safeguarded land, whilst not allocated at the present time, is to meet longer term development needs. It is not, therefore, restrictive, on the contrary it envisages development. The test that then applies is whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* as a whole. The conclusion of this test will be a material consideration to be weighed in the balance when considering whether material considerations exist to outweigh the presumption in favour of the development plan in accordance with Section 38(6).
- 8.3.3 At the time the Council reached its decision on this proposal, an Interim Housing Delivery Policy was in place. However, that Policy was withdrawn in February 2015 due, in part at least, to the stage reached by the SAP process, and the adoption of the CS. Assessment against the Interim Policy was not appropriate and the proposal was taken back to the Plans Panel for assessment in the light of the current policy context. The amended reasons for refusal are the outcome of that reassessment and, although the Appellants expressed some 'unease' at the revised reasons for refusal, the evidence at the Inquiry addressed the amended position. I do not, therefore, consider that anyone has been disadvantaged by considering the revised reasons for refusal.^[4.2]
- 8.3.4 UDPR Policy N34, which was saved, is the most relevant UDPR policy in this case. It addresses PAS sites and indicates that they will be reviewed as part of the local plan process. The comprehensive comparative SAP process is underway to address the delivery of housing in the District. The explanatory text sets out the purpose of the Policy as "to achieve now a definition of the Green Belt and its boundaries which will survive 'well into the next century'". Importantly the text goes on to say "ie beyond the Plan period for land use allocations (which is approximately to 2006)". It also states "It is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan".^[5.2.1, 5.2.2]
- 8.3.5 The Farsley Inspector concluded that N34 was a policy for the supply of housing and that it could be considered up-to-date in the context that pertained at that time, including the existence of a 5 year land supply. The UDPR Plan period was 1998 to 2016 and Policy N34 was not at that point time expired. That context has since changed as the Plan period for land use allocations ended in March 2016.^[5.2.3, 6.2.3]
- 8.3.6 Although the Council maintains that UDPR Policy N34 is not out of date, as it was envisaged that it would operate beyond the Plan period, that conflicts with the conclusion of the Boston Spa appeal Inspector who notes

that the Council “acknowledges that it needed to release sites beyond those in the UDPR and in advance of the CS, and sought to do so in a controlled way using the Interim Policy. However, that approach indicates that Policy N34 and, thus, the provision of housing land within the UDPR were out of date”. I concur with this view.^[5.2.1]

- 8.3.7 Notwithstanding this, the Appellant accepts that the grant of planning permission in this case would not comply with the provisions of UDPR Policy N34 but considers that the weight to be attributed to the Policy, which is still part of the development plan, is the key factor.^[6.2.1]
- 8.3.8 Policy N34 emerged in a different policy context when the number of units required was far less than now. It is also now time expired. Its use as a Policy to prevent development would be contrary to the *Framework*.]
- 8.3.9 The UDPR Policy N34 safeguarded land is not allocated for development now. The purpose of the PAS land is to protect the Green Belt by providing a generous amount of land for long term development. The provision of the land for long term development has already taken place, which is not to say that every PAS site is suitable for housing development. Any resulting allocation under N34 does not rule development out albeit that the policy indicates that it should come forward through a development plan review. The application of the Policy does not, therefore, indicate permission should be refused. However, to grant permission now would pre-judge the outcome of the SAP process in relation to some sites, and so would to a slight extent undermine it.^[5.2.4, 5.2.5, 5.2.6]
- 8.3.10 Any adverse impacts due to the development should be balanced against the benefits of granting planning permission now to see if they significantly and demonstrably outweigh them leading to a presumption in favour of sustainable development.^[6.2.4]
- 8.3.11 The CS is up-to-date. It was produced after the *Framework* and was found to be sound and is consistent with it. It contains a distribution strategy that was considered at the EIP and is contained in CS Policies SP1, SP6 and SP7 in particular. These policies focus on regeneration and, amongst other matters, promote a settlement hierarchy reflecting greenfield/brownfield locations and the ability of sites to respect and enhance the local character and integrity of places.^[5.2.7]
- 8.3.12 CS Policy H5 would be met as the proposal would provide 15% affordable housing as required. The proposal would conform with CS Policy SP1, which considers the location of development and allows development of greenfield sites and envisages some development in smaller settlements. The housing requirement and allocation of housing land is addressed by CS Policy SP6. This seeks, amongst other matters, the least impact on the Green Belt. Safeguarded land, including the appeal site, was taken out of the Green Belt to protect the Green Belt’s long term future and so would satisfy CS Policy SP6. CS Policy SP7 sets the overall requirement for 7,200 dwellings in the OSW HMCA which includes the appeal site. This amounts to some 11% of the overall total of 66,000 which would be supported by the appeal proposals.^[6.2.5, 6.2.6]

- 8.3.13 Policy SP11 is mentioned in a revised reason for refusal but its relevance is not readily apparent. In terms of the development plan, only UDPR Policy N34 would be breached but this should attract little weight as it is time expired. The most relevant policies of the up-to-date CS, Policies H5, SP1, SP6 and SP7 would be complied with and overall there would be general compliance with the Plan. There needs to be a balancing exercise, but within the parameter that there is a presumption in favour of granting permission. The proposal should be considered in accordance with the development plan unless other material considerations indicate otherwise. To justify refusal would require it to be demonstrated that the harm from any grant would be outweighed by any benefits.^[6.2.6, 6.2.7, 6.3.4]
- 8.3.14 The CS has been adopted since 2014 and I do not consider that the proposal would undermine its implementation.
- 8.3.15 The Council is progressing its SAP identifying sites to be allocated. CS Policy HG2, and the explanatory text, explain the distribution with reference to the CS. The appeal site has not been allocated as the Council maintains that it has identified sufficient sites to make up the requirement in the OSW HMCA. Indeed, it maintains that some Green Belt sites could be more sustainable than non-Green Belt sites. However, there are a number of hurdles to be overcome in the SAP process, not least convincing an Inspector that the Council’s strategy of releasing 515 hectares from the Green Belt to meet housing land requirements is right. It would have to pass the very special circumstances test which would be difficult given the large areas of non-Green Belt PAS land undeveloped during the plan period. There is no policy basis for allocating Green Belt sites and the Council could not identify another authority with a comparative approach. Even the Council considers that the SAP will not be adopted until winter 2017 at the earliest and accepts that only limited weight can be given to it at this time. ^[4.2, 5.2.8, 5.2.9, 6.2.8, 6.2.9]
- 8.3.16 The *Guidance* states that “arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the *Framework* and any other material considerations into account”. It goes on to indicate that “Such circumstances are likely, but not exclusively, to be limited to situations where both:
- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or Neighbourhood Planning; and,
 - The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.^[5.2.6]
- 8.3.17 The Council accepts that, on its own, granting planning permission for the proposal would not justify a prematurity reason for refusal. However, it refers to six appeals relating to PAS land that remain undetermined and which together may have a cumulative effect.^[5.2.6]

8.3.18 Notwithstanding the Council's view on the cumulative effect of the six appeals, the emerging plan in the form of the SAP is far from being at an advanced stage. There is a shortfall of around 6,000 units due to withdrawals of sites since the publication of the SAP. These will have to be replaced. There are some 10,000 representations, many related to the use of PAS sites, and further consultation will be necessary. There will have to be an EiP and the Inspector might make modifications. Indeed, the Council accepts that only limited weight can be given to the SAP at this stage. In the light of this, the proposal would not be premature.^[6.2.10, 6.2.11]

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

- 8.4.1 Accessibility is a relative concept that has to be considered in context, which is why the Council seeks to use the SAP process so that infrastructure improvements can be considered and different sites compared. However, in terms of this appeal, accessibility can only be assessed in terms of by how much the scheme would meet, or fail to meet, the Council's accessibility standards.^[5.4.1, 6.4.1]
- 8.4.2 CS Policy T2 and the CS Appendix 3: Accessibility Standards are not a pass or fail test. Indeed, CS paragraph 5.4.2 envisages failure and requires further investment in such circumstances but does not support the approach that failing one criterion might justify refusal. It is accepted that the site meets the requirements in 3 of the 6 categories. Only secondary education, town centres and employment are in dispute. Indeed, the Committee report accepted that frequency was also acceptable and the sole issue is therefore journey times.^[6.4.3]
- 8.4.3 In terms of secondary education, it is possible to get to Woodkirk Academy using two different services. The service from the nearest bus stop is infrequent, a bus arrives an hour before school begins but the next one arrives too late for school. Notwithstanding this a later bus, from a stop only an additional 200 metres further away, would provide an alternative service that would arrive in time for school.^[5.4.5, 6.4.4]
- 8.4.4 Existing modal splits show the area is relatively poorly served by public transport and residents are more likely than the Leeds average to rely on the car. In respect of employment and town centres you can get to Wakefield, which is a major transport interchange, in 14 minutes twice hourly compared to the standard of one every 15 minutes. Although Leeds and Bradford are well outside the 40 minutes journey time indicated by the accessibility standards, there is no requirement that all 3 transport interchanges be as accessible. In addition, Morley town centre, a substantial centre in its own right, is accessible within a 20 minutes journey time and served by 3 buses an hour from stops adjacent to the site.^[5.4.4, 5.4.5, 6.4.4]
- 8.4.5 In terms of a walk distance of 5 minutes to a bus stop, some parts of the site are within that distance but substantial parts are not. However, on leaving the site there would be six bus stops within 600 metres from which it would be possible to get to Wakefield, Bradford and Leeds, three of the biggest towns in Yorkshire, by bus.^[5.4.3, 6.4.5]

- 8.4.6 Although the Council considered East Ardsley as part of the larger West Ardsley and Tingley in assessing available services for the purposes of the CS, East Ardsley on its own, is designated as a lower order local centre as it only provides 'limited local services'.^[5.4.6, 6.4.1]
- 8.4.7 A smaller settlement is defined in a 2011 Settlement Analysis as having a population of at least 1500, and a primary school and a shop or a pub as a minimum. The village is centred on Main Street/Bradford Road where the post office is sited some 560 metres walk from the site. East Ardsley has a pub, a Post Office, butchers, bookmakers, carpet store and two convenience stores attached to petrol stations. Notwithstanding the fact that there is no GP surgery or health clinic, the settlement has an opticians, a hairdresser, a secondary school and a Parish Church and other places of worship. It therefore has facilities far in excess of the minimum in the 2011 definition.^[5.4.7]
- 8.4.8 The SAP for the Outer South West (OSW) HMCA identifies the boundary of the 'Smaller Settlement' of East Ardsley, which has around 5,200 residents. The appeal site lies outside the settlement boundary and the proposal would add about a fifth to the current built up area.^[5.4.7]
- 8.4.9 There is a primary school at Fall Lane over 1300 metres from the site access or 750 metres from the eastern boundary via the adopted part of New Lane. This school is operating close to, or above, capacity with this due to continue for at least the next 4 years. Blackgates Primary School is also more than 1300 metres from the site access and is over subscribed. It is projected to be full for the foreseeable future with places for only 83% of its current 0-5 year old children. The next nearest school is Westerton Primary School which is also full and projected to remain so.^[5.4.8]
- 8.4.10 The nearest GP is close to Tingley roundabout or in Outwood and the nearest dentist that is accepting patients is in Middleton. Shopping, other than for top-up shopping, would require a visit to the White Rose Centre (Sainsbury), Asda or Aldi at Middleton, Asda at Morley, Morrisons at Rothwell or locations in Wakefield. All these would realistically require use of a car.^[5.4.9]
- 8.4.11 Notwithstanding that some journeys would be by car, the view that the site is accessible was endorsed by the UDPR Inspector who said it had good accessibility by public transport, albeit that the bus timetable now shows a less frequent service. Moreover, the site passed assessment in the SHLAA when it received a score of 4 out of 5 on accessibility. Fifteen years after its PAS designation the 2014 Committee report was the first time it was asserted that the settlement's accessibility was not that good.^[6.4.2]
- 8.4.12 I consider that the site would be relatively well served with reasonable accessibility to shops and services. Notwithstanding that there would be a lack of health and dental care locally, and a shortage of primary school provision, and whilst a development of this size would undoubtedly have some impact on the village, mitigation, in the form of a Section 106 Agreement or CIL, could be provided. The accessibility would not justify refusing this appeal and, with the mitigation proposed, the proposal would generally conform with the requirements of CS Policy T2.^[6.4.1]

8.5 Effect on the Highway Network

- 8.5.1 A *Technical Note* updating the *Highways Statement of Common Ground* identifies three matters still in dispute. Considering modal split, the only issue with the design of the access is that it is alleged that whilst it would still work, there would be significant congestion if school traffic was added to the residential traffic. The Council maintains that existing local schools provide a good proxy for modal split having an average of 43.6%. The Council therefore uses 43%. However, whilst the exact catchment cannot be known, it is agreed that it would be within a mile. This would reduce the modal split and the Appellant uses 19% based on national statistics. which would be realistic. Any delay would not be 'severe', as *Framework* paragraph 32 requires to refuse development on transport grounds.^[5.5.1, 5.5.2, 6.5.1]
- 8.5.2 In addition, the Council has not deducted, prior to applying the modal split, the 75 pupils that would be generated by the development. Notwithstanding that the presence of residential development nearby is common to many schools, I consider that they should be deducted as they would originate from the appeal site and would not leave it to get to the school. They would not pass through the junction at the site access. The proposal would therefore reserve land for a school that could be accessed satisfactorily by the proposed site access.^[5.5.3, 6.5.2]
- 8.5.3 The key point in the traffic model is the background traffic growth. The *Scoping Report* and the *Transport Assessment* use the national traffic predictions provided by Temprow. The Council considers 22% growth between 2013 and 2025 but at this level the Appellant's witness considers that Leeds would seize up.^[5.5.4, 6.5.3]
- 8.5.4 The Appellant now relies on a report compiled to inform the draft SAP, albeit that the report is stated to be particularly influenced by conditions in the MUA, to suggest that the application of around 8% traffic growth on the 2013 flows used in the TA represents an over estimate and worst case assessment of the forecast peak hour traffic flows at 2018.^[5.5.4, 5.5.5]
- 8.5.5 The CS paper on transport infrastructure uses much lower levels of growth, 15-23% varying across the District, in the peak period which the Appellant now considers more realistic. Whilst the Council considers the use of Temprow appropriate I do not consider that the Appellant's assumptions would make so great a difference as to produce a 'severe' impact that the *Framework* requires to justify dismissing the appeal.^[5.5.5, 6.5.3]
- 8.5.6 The *Transport Assessment* (TA) considered 6 key junctions and concluded that 5 would operate satisfactorily based on the Appellants' 2018 date and 8% traffic growth. These assumptions were accepted by the Council for 5 of the locations but not the sixth.^[6.5.4]
- 8.5.7 The remaining junction in dispute is the A650 Bradford Road/Thorpe Lane/Smithy Lane junction. Queue surveys were carried out on 18 January 2016 and 4 February 2016 to demonstrate the current level of the junction's performance and these show that extensive queuing already occurs.^[5.5.6]

- 8.5.8 Notwithstanding differences in methodology, the results of the Appellants' Scenarios show that the average delay for vehicles using the nearside lane of Thorpe Lane would increase by approximately 56-59%, around a minute per vehicle.^[5.5.9, 5.5.10]
- 8.5.9 Even with the Council's assumptions, only 2 limbs of the Thorpe Lane junction out of 18 would not be working in 9 years time. The severity would be that a delay on the Bradford Road (East) at the am peak would increase from 337 to 432 seconds whilst on the Bradford Road (West) in the pm peak the delay would rise from 503 to 553. A significant existing delay would be made slightly worse. The intention in the *Framework* was to set the bar for refusal very high. Indeed, paragraph 32 requires any impact to be severe to justify a refusal on transport grounds. I do not consider that the impact in this case could be considered severe.^[6.5.5]
- 8.5.10 Whilst it is suggested that the junction, the 40th worst in Leeds City, might be improved in any event, there is no such proposal before the Inquiry, and none have been devised.^[5.5.11, 6.5.6]
- ## 8.6 Effect on the Character and Identity of East Ardsley
- 8.6.1 CS Policy SP1(iii), which is consistent with paragraph 64 of the *Framework*, requires development to respect and enhance the local character and identity of places. It is agreed that the appeal site, which lies outside the East Ardsley settlement boundary, contributes to the character and identity of the settlement. Indeed, it contributes to separating the core of the village from development around the Mill that spreads west to include Black Gates and Tingley.^[5.6.1]
- 8.6.2 The Council relies on the CS plan and definition to identify the settlement, but there are numerous views on what constitutes East Ardsley. I consider that it is the physical components that indicate the village, not terminology or postcode.^[5.6.5, 6.6.3]
- 8.6.3 The local plan Inspector did not consider that development should be precluded from the site. He identified the gap that contributes to the character of East Ardsley but did not consider it so important as to merit designation as part of the Green Belt. There is no policy that seeks to protect existing gaps or undeveloped land between settlements. Indeed, it was noted that a proper gap within the site would protect the sense of green space and gap.^[5.6.4, 5.6.5, 6.6.1]
- 8.6.4 That view was not contradicted by the UDPR Inspector and coalescence was not raised until the August 2014 Committee report endorsed the Officers' view that it was not justified as a reason for refusal. Policy relating to coalescence did not change between August 2014 and November 2015. The Officers' report did not raise the issue but the revised reason for refusal alleged harm to the character and integrity of the settlement. Notwithstanding that, the Council itself promotes a school serving 425 children with associated built paraphernalia on the site.^[6.6.2, 6.6.5]
- 8.6.5 Development could affect the impression of a visual gap between East and West Ardsley. This impression of separation derives from the site's

openness, its scale, its character and the visibility across it. The introduction of 299 houses would affect the openness of the site but it would not lead to continuous residential development from 'The Fall' in the east to junction 28 of the M62. In terms of scale, the site would increase the size of the village by approximately 20%. There are a number of small housing allocation sites in East Ardsley but no single large housing allocation in the village. In contrast, West Ardsley has a number of large allocated sites. However, there are two protected areas of search that are next to each other and include the appeal site which could provide the impression of visual separation.^[5.6.3, 5.6.5, 5.6.6]

- 8.6.6 From the site there are views of countryside separating the village from other development. There are views from the network of footpaths to the Church which is an indicator of the village core and to the former Mill and countryside beyond.^[5.6.5]
- 8.6.7 The UDPR Inspector commented on the potential for a 'major open space funnelling from the Bradford Road frontage of the site' and noted that the retention of a good gap would provide a benefit in the future and be acceptable. An illustrative Masterplan makes provision for open space. Whilst it would include the proposed access and school site the illustrative plan shows a substantial gap that would give a sense of openness and protect views of the Church.^[5.6.3, 5.6.7, 6.6.4]
- 8.6.8 Although earlier Masterplans could not be supported by the Appellants' expert, the current illustrative layout demonstrates that development could be set back from the road behind landscaping such that the impression of a green visual break separating West and East Ardsley would preserve the character of the latter, in accordance with CS Policy SP1 (iii), and the village would maintain its identity as a distinct settlement.^[5.6.3]

8.7 Other Matters

- 8.7.1 CS Policy H5 requires the provision of 15% affordable housing in Zone 2, which is where the appeal site is located. It is agreed that the proposal would do that and so be policy compliant. The waiting list is not in itself evidence of need but there were 23,784 households on the Council's housing register at January 2016 and nearly 5,000 on the priority list reflecting how critical the need is.^[5.7.1, 6.7.1]
- 8.7.2 The provision of affordable housing has become more difficult, due to support for starter homes, and the large number of homes provided in the city centre where CS Policy H5 seeks only 5% affordable dwellings and in some circumstances no affordable housing at all.^[6.7.2]
- 8.7.3 I note that since the SHMA assessed the affordable housing need as 1,158, the full need, including catching up the historic backlog over 5 years, has not been met. The Council has delivered 3,206 units against the SHMA requirement of 5,790 although the picture is improving. The Council is proactive and employs a range of mechanisms to deliver affordable housing, not just Section 106 obligations. However, in 2014/15 affordable housing provision only met 76% of need. There is a remaining need, assessed as 4,984, across the whole district, which is large.^[5.7.2]

- 8.7.4 Affordable housing allows the most vulnerable in society to be housed. Despite the 45 affordable units that the proposal would provide merely being the requirement of policy whose benefit should not be double counted, their importance cannot be exaggerated when 1,158 affordable units are required every single year.^[6.7.3]

8.8 Section 106 Obligation and Conditions¹

- 8.8.1 When the application was determined, there were no Planning Obligations in place that would have addressed some of the Council's concerns. This led to reason for refusal 4. Since then Leeds has adopted a Community Infrastructure Levy, which in this case would require a charge of £45/m². However, there are still some matters that require addressing by means of a Section 106 Obligation.^[5.8.1, 6.8.1]
- 8.8.2 A signed Unilateral Undertaking dated 7 March 2016 has been submitted. The matters it covers are affordable housing, a contribution to off-site highway works, land reserved for a possible school, a travel plan and a Metrocard contribution, none of which are covered by CIL contributions. A note justifying why the Council considers that the S106 matters are justified in terms of the tests set out in *Framework* paragraph 204 has been produced.^[6.8.1, 5.8.2]
- 8.8.3 Affordable housing is necessary to comply with CS Policy H5 that requires the provision of 15% affordable housing. It would be provided on site and so be directly related to the development. It is fair and reasonable as the Policy is based on evidence regarding housing need. The Council would have to administer the affordable housing contribution which would be based on the actual staff time and resources expended in the verification process.^[6.7.1, 6.7.2, 6.7.3]
- 8.8.4 CS Policy T2 and the Council's Travel Plans SPD seek to improve the accessibility of the site. A Travel Plan would need to be monitored to ensure realistic targets were set. Reviewing the Travel Plan would be directly related to the development as there is a need to encourage the provision of alternative, more sustainable, transport facilities. The monitoring fee is based on the scale of development and covers staff time. The SPD sets out a number of packages to make developments more sustainable, including the requirement for a metro card for each dwelling, which would be directly related to the development. The measure is necessary to encourage alternative forms of transport, by directly covering the cost of a card per dwelling for one year and subsidising the provision for a further two years.
- 8.8.5 Some off-site works would also be needed. The site would generate demand for transportation and the provision of shelters, raised kerbs, information displays and real time information at two bus stops, one in each direction as interchanges in Leeds are outside the maximum travel time. This would meet the tests. The site access would require amendment of a Traffic Regulation Order. This is needed for highway safety reasons due to increased use of the access at a cost to cover the required legal procedure.

- 8.8.6 Finally, part of the site is allocated for a school in the draft SAP and the site would generate considerable demand for school places. Land for new school provision would be necessary and directly related to the proposal. The Undertaking would require the transfer of the necessary land to the council at market value. This would be time limited so that if the Council does not provide a school the money would be returned.
- 8.8.7 Following discussions a set of 17 conditions has been generally agreed covering: approval of details; timing of implementation; Archaeology; Flood Risk and Drainage; Ground Conditions; Ecology; Public Open Space; and Highways.^[5.8.3, 6.8.2]
- 8.8.8 Conditions 1 and 4 are standard outline permission time conditions, whilst condition 2 clarifies the development and sets a parameter in terms of the number of dwellings. In the interests of clarity and the avoidance of doubt the approved drawings are identified in condition 3.
- 8.8.9 The site lies within an area of archaeological significance and condition 5 would provide for investigation prior to any development on the appeal site. Conditions 6 to 9 relate to flood risk and drainage and are necessary to preclude causing any increased flooding and provide for suitable drainage. Ground conditions and contamination are the subject of conditions 10 and 11 which seek to ensure remediation of the site should it be found to be necessary.
- 8.8.10 Mitigation for ecological impacts and the protection of trees are sought by conditions 12-14 whilst conditions 15 and 16 require the provision of public open space and of a landscape buffer zone respectively. Finally, condition 17 requires highway improvement works.
- 8.8.11 I consider that the suggested conditions are all necessary and comply with the tests set out in *Framework* paragraph 206. Similarly, the Undertaking provisions meet the tests in *Framework* paragraph 204 and are necessary to make the proposals acceptable.

8.9 Planning Balance

- 8.9.1 The Council has not demonstrated a 5 year supply of housing land and *Framework* paragraph 49 means that policies relevant to the supply of housing will therefore be deemed out of date. The appeal site is a PAS site under UDPR Policy N34 which aims to protect land for the City's potential long term needs. Housing would be delivered in the absence of a 5 year HLS.^[8.3.39]
- 8.9.2 Even if the Council cannot demonstrate a 5 year supply, the weight to be given to UDPR Policy N34, and its breach is a matter of judgement reflecting the degree of consistency with the policy and potentially the degree of housing shortfall. As the policy is time expired, and the SAP is long overdue, I consider that Policy N34 should only be given little weight.^[6.2]
- 8.9.3 The proposal would accord with the most relevant up-to-date policies in the CS. The scheme would provide 299 dwellings of which 15% would be affordable. Whilst the SAP process might in time produce the same number of dwellings it would not be for some time whilst houses are

- desperately required now. There might not be any more affordable houses than required by policy but they would be much needed as much of Leeds's residential development is in central and inner areas where only 5% or in some cases 0% are required to be affordable.^[8.2.11, 8.7.1, 8.7.2, 8.7.3, 8.7.4]
- 8.9.4 The SAP would not be undermined and the proposals would not be premature. Members of the public had a chance to speak in the Inquiry and have not been deprived of the opportunity to express their views in evidence. Although not part of a local plan review no-one has been prejudiced.^[7, 8.2.17, 8.2.18]
- 8.9.5 Accessibility is a comparative matter not a pass or fail exercise. Some of the accessibility criteria are clearly met whilst others would be met to a degree. It would be possible to get to the secondary school by walking slightly further to a bus stop and one of three town centres can be reached relatively easily.^[8.4.12]
- 8.9.6 In terms of the wider highway network, one junction remains of concern. Queuing currently takes place there and, providing there are no improvements in the interim, would be made slightly worse by the proposal but not to such an extent that it would be severe, the level the *Framework* requires to justify refusing the appeal.^[8.5.9]
- 8.9.7 The identity of East Ardsley as a distinct settlement would be maintained. Moreover, if development were to be set back as in the illustrative Masterplan a substantial gap would provide a sense of openness and protect views of the Church.^[8.6.8]
- 8.9.8 Some of the harm that would be caused would be mitigated by measures set out in a Unilateral Undertaking and conditions.^[8.8]
- 8.9.9 Overall the benefits would carry significant weight. Any adverse impacts due to 'stepping outside the development plan system' would not be so great as to significantly and demonstrably outweigh the benefits when assessed against the development plan and the *Framework* policies taken as a whole. Nor would any adverse impacts be such that the proposal would not represent sustainable development. The presumption in favour of sustainable development applies.

9 Overall Conclusions and Recommendation

9.1 Overall Conclusion

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

9.2 Recommendation

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

Ken Barton

INSPECTOR

APPENDIX A - APPEARANCES

FOR LEEDS CITY COUNCIL:

Guy Williams of Counsel	Instructed by Nikki Deol Leeds City Council
He called	
Adam Harvatt BA(Hons) MSc	Team Leader, Local Plans East, Leeds City Council Forward Planning and Implementation Service
James Howe BEng CMILT MCIHT	Divisional Manager Mouchel Consulting
Victoria Hinchliff Walker MA	Deputy Area Planning Manager, Leeds City Council Development Directorate, Planning Services
Maggie Gjessing BA(Hons) FCIHousing	Executive Manager Regeneration Service Environment and Neighbourhoods Directorate, , Leeds City Council
For the joint Inquiry session on April 19-21relating to Housing Land Supply only	
Martin Elliot MA(Hons) Geography MA Town Planning MRTPI	Team Leader, Data and Geographical Information Systems, Forward Planning and Implementation Service, Leeds City Council
Matthew Brook BA(Hons) Geography MA Town and Regional Planning MRTPI	Principal Planner, Data and Geographical Information Systems, Forward Planning and Implementation Service, Leeds City Council
David Newham MRICS	Principal Surveyor, District Valuer Services, Leeds

FOR BARRATT DAVID WILSON HOMES:

Sasha White QC	Instructed by Amanda Beresford, Shulmans LLP
He called	
Jeremy Smith BA(Hons) DipLA Chartered Landscape Architect	Director SLR Consulting Limited
Vanessa Eggleston BEng(Hons) CEng MICE	Partner i-Transport LLP
Mark Johnson MRICS MRTPI (including joint session on housing land supply)	Managing Director Johnson Brook Limited Planning Consultants
James Stacey BA(Hons) DipTP MRTPI	Director Tetlow King Planning Limited

INTERESTED PERSONS:

Councillor Jack Dunn
Mr Jim Aveyard
Mr Chris Bywater
Councillor Lisa Mulherin

APPENDIX B - DOCUMENTS

Core Documents

National and Local Planning Policy

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

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

Appeal A Application Documents

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

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

Appeal A Correspondence with Local Planning Authority

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

CD/C3	Email – Pre-Application Meeting Request 9 August 2013
CD/C4	Email – Arrangement of Pre-Application 16 August 2013
CD/C5	Letter – Screening Opinion 1 November 2013
CD/C6	Email – Planning Performance Agreement 28 November 2013
CD/C7	Email – Correspondence regarding Sustainability Appraisal 3 December 2013
CD/C8	Email – Correspondence regarding Planning Performance Agreement 4 December 2013
CD/C9	Acknowledgement Letter 5 December 2013
CD/C10	Email – Archaeological Works 27 January 2014
CD/C11	Email – Position Statement to CPP 27 January 2014
CD/C12	Email – Transport – S106 4 February 2014
CD/C13	Email – withdrawal from CPP 12 February 2014
CD/C14	Email – JB Request for Consultee Responses 20 February 2014
CD/C15	Email – LCC Request for Progress Meeting 27 February 2014
CD/C16	Email – Trail Trenching Report 18 March 2014
CD/C17	Email – Application to Plans Panel 20 March 2014
CD/C18	Email – Confirmation of Revised Scheme and LCC Acknowledgement 27 March 2014
CD/C19	Email – Confirmation of Plans Panel 28 March 2014
CD/C20	Email – I Transport Response to LCC Highways Comments 8 May 2014
CD/C21	Email – Revised Masterplan for discussion, including plan (reference: D14 4567 OP3) 12 May 2014
CD/C22	Email – I-Transport and LCC Transport Models, including attachments 9 July 2014
CD/C23	Email – JB and LCC Outstanding Highway Issues 17 July 2014
CD/C24	Email – I-Transport – Submit updated Travel Plan (attachment is CD/BDW/B(3)/16) 18 July 2014
CD/C25	Email – I-Transport – location for Bus Stop, including updated drawings (references: ITM8086-GA-008 and ITM8086-GA-009) <i>[both superseded by ITM8086-GA-Rev A]</i> . 18 July 2014
CD/C26	Email – I-Transport – Submit Transport Model, including updated LINSIG Model (A650/Common Lane Junction) 23 July 2014 with further emails dated 23.07.2014 and 29.07.2014 containing additional commentary.
CD/C27	Email – Comments – Transport – S106 28 July 2014
CD/C28	Email – Extension of PPA 29 July 2014
CD/C29	Letter – City Plans Panel 30 July 2014
CD/C30	Email – Submission of Revised Access Plan, including site access drawing (reference: ITM8086/GA/12/Rev A) 7 August 2014

CD/C31	Email – Highways Update 7 August 2014
CD/C32	Planning Performance Agreement 31 March 2013
CD/C33	Planning Performance Agreement 28 March 2014

Appeal A Consultee Responses

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

Appeal A Committee Reports, Correspondence and Decision Notice

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

CD/E9	Minutes – City Development Plans 7 August 2014
CD/E10	Development Plans Panel Report & Minutes 19 January 2016
CD/E11	City Plans Panel Committee Report 19 January 20216
CD/E12	Plans Panel Committee Report 13 February 2015
CD/E/13	Report to Environment & Housing Scrutiny Board 22 March 2016

Appeal A Appeal Documentation

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

Appeals A B and C Housing Documents

CD/G1	Planning for Growth Ministerial Statement 31 March 2011
CD/G2	Laying the Foundations: A Housing Strategy for England
CD/G3	Statement on Housing and Growth 6 December 2012
CD/G4	Inspectors Report to Leeds City Council 5 December 2014
CD/G5	Report of the Director of City Development 13 March 2013
CD/G6	Leeds Strategic Housing Market Assessment Update May 2011
CD/G7	Leeds Strategic Housing Land Availability 2014
CD/G8	Leeds Local Development Framework Authority Monitoring Report 2011/2012
CD/G9	Leeds Unitary Development Plan – Chapter 17 Morley
CD/G10	Leeds City Council Housing Land Supply Spring Statement 31 March 2014
CD/G11	Building the homes we need: A Programme for the 2015 Government 2014
CD/G12	Fixing the foundations: Creating a more prosperous nation July 2015
CD/G13	Leeds City Council Draft Strategic Housing Land Availability Assessment update December 2015
CD/G14	Neighbourhoods for Living: Guide for Residential Design for Leeds SPG 2003
CD/G15	Designing for Community Safety May 2007
CD/G16	Sustainable Urban Drainage June 2004
CD/G17	S78 Town and County Planning Act 1990 – Appeal Decision –Bagley Lane Inspector 1 Report APP/N4720/A/13/2200640 – (Inquiry opened 19 November 2013) Bagley Lane Inspector Report 2 APP/N4720/A/13/2200640 (Reopened Inquiry 11, 12, 13, 14 November 2014) Secretary of State for Department of Community and Local Government Decision Letter Bagley Lane
CD/G18	Thornhill Estates v Secretary of State for CLG (1) Leeds City Council (2) and Farsley Residents Group (3) [CO/1791/2015]
CD/G19	Miller Homes Limited v Leeds City Council Case No: CO/6890/2013

Appeals A B and C Highway Documents

CD/H1	My Journey West Yorkshire Local Transport Plan 2011-2026, West Yorkshire Local Transport Plan Partnership October 2012
CD/H2	Design Manual for Roads & Bridges – TD42/95 - Geometric Design of Major/Minor Priority Junctions, Volume 6, Section 2, Part 6
CD/H3	Manual for Streets – Department of Transport 2007
CD/H4	Manual for Streets 2 – Chartered Institution of Highways and Transportation September 2010
CD/H5	Street Design Guide, Leeds Local Development Framework, Supplementary Planning Document, Main Report August 2009

CD/H6	Core Strategy, Leeds Local Development Framework, Development Plan Document, Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD0A) April 2013
CD/H7	Public Transport Improvements and Developer Contributions, Leeds Local Development Framework, Supplementary Planning Document August 2008
CD/H8	Travel Plans, Leeds Local Development Framework, Supplementary Planning Document February 2015
CD/H9	Leeds Unitary Development Plan (Review 2006), Volume 1: Written Statement July 2006
CD/H10	Land at Bradford Road, East Ardsley, Transpot Assessment, Volume 1 Report and Figures (ITM8086-003A R) 19 November 2013
CD/H11	Land at Bradford Road, East Ardsley, TransporAssessment, Volume 2 Appendices (ITM8086-003A R) 19 November 2013
CD/H12	Land at Bradford Road, East Ardsley, Travel Plan, (ITM8086-004B R) 15 July 2014
CD/H13	Planning for Public Transport in Developments – IHT 1999
CD/H14	Guidelines for Providing for Journeys on Foot – IHT 2000
CD/H15	Inclusive Mobility DoT December 2005
CD/H16	Planning Practice Guidance – Travel Plans, Transport Assessments and Statements in Decision Taking.
CD/H17	TRICS Good Practice Guide 2013
CD/H18	See CD/H14
CD/H19	Transport Evidence Bases in Plan Making and Decision Taking (was originally CD/H15)

Appeals A B and C Landscape Documents

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

Appeal B (Collingham) Application Documents

CD/J1	Decision Notice 30 October 2014
CD/J2	City Plans Panel Report 30 October 2014
CD/J3	Application Letter 17 January 2014
CD/J4	Notice 1 and Covering Letters 17 January 2014
CD/J5	Planning Application Form 17 January 2014
CD/J6	Archaeological Desk Based Assessment February 2014
CD/J7	Sustainability Statement January 2014
CD/J8	Statement of Community Involvement January 2014

CD/J9	Noise Assessment 17 January 2014
CD/J10	Gas Risk Assessment 20 November 2013
CD/J11	Flood Risk Sequential Test January 2014
CD/J12	Geo-Environmental Appraisal September 2013
CD/J13	Air Quality Assessment 13 September 2013
CD/J14	Artificial Lighting Assessment 16 January 2013
CD/J15	Transport Assessment January 20104
CD/J16	Travel Plan October 20103
CD/J17	Flood Risk Assessment January 2014
CD/J18	Collingham Beck Modelling Study and Mitigation Proposals May and June 2013
CD/J19	Ecological Appraisal January 2014
CD/J20	Kingfisher Survey October 2013
CD/J21	Bat Activity Survey October 20103
CD/J22	Great Crested Newt Survey 2 July 2014
CD/J23	Riparian Mammal Survey July 2014
CD/J24	Design and Access Survey January 2014
CD/J25	Tree Survey 15 April 2013
CD/J26	Draft Heads of Terms for S106 Agreement 2014
CD/J27	Masterplan 18 December 2013
CD/J28	Location Plan Ref P134827-02 December 2013
CD/J29	Plan and Elevation of Bridge over Collingham Beck Drawing 35800/001 Rev A 9 April 2013
CD/J30	Tree Report Proposed Access 2 September 2013
CD/J31	Ecological Management Plan October 2015
CD/J32	Bat Impact Assessment October 2015
CD/J33	Planning Statement
CD/J34	Plans Panel Report November 2015
CD/J35	White Clawed Crayfish Survey

Appeal B (Collinham) Consultee Responses

CD/K1	LCC Ecology Consultation Response 14 January 2016
CD/K2	Scoping Letter to LCC dated 3 July 2013
CD/K3	LCC Consultation Note dated 12 August 2013
CD/K4	Scoping Letter to Highways England (Formerly Highways Agency) dated 26 June 2013

CD/K5	Highways England e-mail dated 4 July 2013
CD/K6	Consultation Comments dated 19 March 2014
CD/K7	Consultation Comment from NGT Team (Undated)
CD/K8	Consultation Comment re Travel Plan 11 February 2014
CD/K9	E-mail from Neil Chamberlin (Highways) dated 29 April 2014
CD/K10	E-mail from Neil Chamberlin (Highways) dated 15 August 2014
CD/K11	E-mail from Neil Chamberlin (Highways) dated 16 October 2014
CD/K12	E-mail from Nathan Huntley (NGT Group) dated 6 May 2014
CD/K13	E-mail from David Stocks (Bridges Section) dated 19 September 2014
CD/K14	E-mail from David Stocks (Bridges Section) dated 8 October 2014
CD/K15	E-mail to Neil Chamberlin, including attachments, dated 27 March 2014
CD/K16	E-mail to Neil Chamberlin, including attachments, dated 7 April 2014
CD/K17	E-mail to Neil Chamberlin attaching Location of Flood Wall Plan dated 7 April 2014
CD/K18	E-mail to Nathan Huntley, including attachments, dated 11 April 2014
CD/K19	E-mail, including attachments, dated 10 September 2014
CD/K20	E-mail to Christine Hamshere, attaching revised Travel Plan, dated 17 October 2014
CD/K21	E-mail to Neil Chamberlin, including attachments, dated 28 November 2014

Appeal B (Collingham) Appeal Documents

CD/L1	Appeal Form
CD/L2	Appellant's Statement of Case December 2014
CD/L3	Council's Statement of Case December 2014
CD/L4	Planning Statement of Common Ground – General
CD/L5	Planning Statement of Common Ground – 5 Year Housing Land Supply
CD/L6A	Planning Statement of Common Ground – Highways February 2016
CD/L6B	Appendices to Highways SCG
CD/L6C	Addendum to Highways Statement of Common Ground
CD/L7	Draft S106 Agreement
CD/L8	Suffolk Coastal District Council v Hopkins Homes Ltd and SoS
CD/L9	Wychavon District Council v SoS & Crown House Developments
CD/L10	Walton & Co representation on behalf of Bramhope Parish Council
CD/L11	Bloor Homes v SoS & Hinkley and Bosworth B C

CD/L12	Colman v SoS & North Devon DC & RWE Renewables Ltd
CD/L13	APP/R0660/A/13/2203282 Alsager decision
CD/L14	Note re 5 Year Requirement
CD/L15	Representation read by Collingham Residents' Action Group
CD/L16	Representation read by Collingham with Linton Parish Council
CD/L17A	Superseded Draft List of Conditions
CD/L17B	Draft List of Conditions (Track Changes)
CD/L17C	Agreed List of Draft Conditions
CD/L18	Justification for S 106 Agreement
CD/L19	Unsigned S106 Agreement

Appeal C (Bramhope) Application Documents

CD/O1	Decision Notice 28 August 2014
CD/O2	City Plans Panel Report 28 August 2014
CD/O3	Application Letter 31 October 2013
CD/O4	Planning Application Form and Certificates 31 October 2013
CD/O5	Red Line Boundary Plan 488A/20B 1 May 2013
CD/O6	Illustrative Masterplan 488A/30A 20 August 2013
CD/O7	Proposed Access and Junction Improvements Plan 7120-005\Rev\B September 2013
CD/O8	Design and Access Statement 17 October 2013
CD/O9	Environmental Statement Volume 1 – Main Text and Figures October 2013
CD/O10	Environmental Statement Volume 2 - Technical Appendices October 2013
CD/O11	Environmental Statement Non Technical Summary October 2013
CD/O12	Planning Statement October 2013
CD/O13	Retail Statement October 2013
CD/O14A	Draft Heads of Terms for Section 106 Obligation October 2013
CD/O14B	Draft Section 106 Agreement
CD/O15	Statement of Community Involvement October 2013
CD/O16	Transport Assessment October 2013
CD/O17	Travel Plan October 2013
CD/O18	Transport Assessment Addendum July 20104
CD/O19	Sandersons Submission to Highways relating to Access Drawing 7120-005 28 April 2015
CD/O20	EIA – Reg 22 Submission 14 January 2016

Appeal C (Bramhope) Appeal Documents

CD/P1	Appeal Form
CD/P2	Leeds City Council's Statement of Case
CD/P3	Appellant's Statement of Case February 2015
CD/P4	Planning Statement of Common Ground February 2015
CD/P/5A	Planning Statement of Common Ground – Highways February 2015
CD/P/5B	Appendices to Highways SCG
CD/P/5C	Addendum Highways SCG
CD/P/6A	Superseded Draft List of Conditions
CD/P/6B	Draft List of Conditions (Track Changes)
CD/P/6C	Agreed List of Draft Conditions
CD/P/7	Justification for S106
CD/P/8	Unsigned S106 Agreement
CD/P/8A	Signed S106 Agreement
CD/P/9A	Superseded S106 relating to Alternative Roundabout Access
CD/P/9B	Unsigned S106 relating to Alternative Roundabout Access
CD/P/10	Submission read by Cllr Anderson

Leeds City Council's Documents Appeal A

LCC/1	Council's Statement of Case – see CD/F3
LCC/2	Council's Opening Statement
LCC/3/A	Adam Harvatt's Summary Proof of Evidence
LCC/3/B	Adam Harvatt's Proof of Evidence and Appendices (Planning Policy)
LCC/3/C	Adam Harvatt's Note on Land Proposed for Release for Housing
LCC/4/A	Victoria Hinchliff Walker's Summary Proof of Evidence
LCC/4/B	Victoria Hinchliff Walker's Proof of Evidence (Planning Balance and Planning Obligations)
LCC/4/C	Appendices to Victoria Hinchliff Walker's Proof of Evidence
LCC/4/D	A3 copy of HMCA Area Outer South West plan
LCC/5/A	James Howe's Summary Proof of Evidence
LCC/5/B	James Howe's Proof of Evidence (Highways)
LCC/5/C	Appendices to James Howe's Proof of Evidence

LCC/5/D	James Howe's Rebuttal Proof of Evidence
LCC/5/E	Appendices to James Howe's Rebuttal Proof of Evidence
LCC/5/F	Note to Inquiry Regarding Site Access Assessment
LCC/5/G	E-mail dated 4 February re Junction Modelling
LCC/6A	Maggie Gjessing's Rebuttal Proof of Evidence (Affordable Housing)
LCC/6B	Appendices to Maggie Gjessing's Rebuttal Proof of Evidence
LCC/7	Closing Submissions (other than Housing Land Supply)

Leeds City Council's Documents Appeal B

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

Leeds City Council's Documents Appeal C

LCC/15	Council's Statement of Case (Bramhope)
LCC/16/A	Carol Cunningham's Summary Proof of Evidence
LCC/16/B	Carol Cunningham's Proof of Evidence
LCC/16/C	Appendices to Carol Cunningham's Proof of Evidence
LCC/17/A	Adrian Hodgson's Summary Proof of Evidence
LCC/17/B	Adrian Hodgson's Proof of Evidence
LCC/17/C	Appendices to Adrian Hodgson's Proof of Evidence
LCC/17/D	Adrian Hodgson's Rebuttal Proof of Evidence Appeal C
LCC/18	Closing Submissions
LCC/19	SoS Decision on Brickyard Lane Melton Park APP/E2001/A/2200981
LCC/19A	Judgement on Brickyard Lane Melton Park

Barratt David Wilson Homes and The Ramsden Partnership's Documents

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

BDW/6/D	Vanessa Eggleston's Rebuttal Proof of Evidence
BDW/6/E	Appendices to Vanessa Eggleston's Rebuttal Proof of Evidence
BDW/7	Closing Submissions (except for 5 Year HLS)
BDW/8	Closing Submission on 5 Year HLS on behalf of both Appellants

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

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

Miller Homes Documents Appeal C (Bramhope)

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

APPENDIX C – SCHEDULE OF CONDITIONS APP/N4720/W/15/3004034

Land off Bradford Road, East Ardsley

Approval of details

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development hereby permitted shall comprise no more than 299 dwellings.
- 3) The development hereby permitted shall be carried out in accordance with the following plans:

Location Plan Drawing No P12456702 14 November 2013

Access Plan ITM8086-GA-012 Rev A August 2014

Timing of Implementation

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

Archaeology

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

Flood Risk and Drainage

- 6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by ARP Associates dated November 2013, and the mitigation measures detailed in Section 6.17 of the FRA.

The mitigation measures shall be fully implemented prior to occupation of any dwelling or in accordance with the timing/phasing arrangements embodied within a scheme whose details have been submitted to, and approved in writing by, the local planning authority.

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

- 8) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to, and approved in writing by, the local planning authority before development commences.
- 9) Development shall not commence until a scheme (ie drainage drawings and summary calculations) detailing the surface water drainage works and SuDS features has been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

Ground Conditions

- 10) No part of the development hereby permitted shall be commenced on site unless and until:
- A site investigation has been designed for the site using the information gained from the desktop investigation previously submitted in respect of coal mining. This shall be submitted to, and approved in writing by, the local planning authority prior to the investigation being carried out on site; and
 - The site investigation and associated risk assessment have been undertaken in accordance with details submitted to, and approved in writing by, the local planning authority; and
 - A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved remediation strategy.
- 11) A Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the local planning authority.

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

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

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

- 12) No development shall take place until a scheme to address the recommendations contained in the Ecological Appraisal by Brooks Ecological dated July 2013 (Report Ref R-1636-01) has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No works shall commence until all existing trees, hedges and bushes shown to be retained on the plans are fully safeguarded by protective fencing and ground protection in accordance with an agreed scheme, specification, and the provisions of BS5837 (2012): Trees in relation to design, demolition and construction previously submitted to, and approved in writing by, the local planning authority. Such measures shall be retained for the duration of any demolition and/or approved works.

No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to, and approved in writing by, the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

No equipment or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken, including the provision of any underground services, without the prior written approval of the local planning authority.

Seven days written notice shall be given to the local planning authority that the protection measures are in place prior to demolition and/or approved works to allow inspection and approval of the protective measures.

- 14) There shall be no activity associated with site clearance, nor any removal of trees, shrubs and vegetation between 1 March to 31 August inclusive unless a survey of nesting birds and a scheme for their protection has been submitted to, and approved in writing by, the local planning authority. The scheme should include for the provision of a qualified ecologist on site during any works that may impact on nesting birds. Site clearance shall be undertaken in accordance with the approved scheme which shall remain in force until all works are completed.

Public Open Space

- 15) The development hereby permitted shall not begin until a scheme has been submitted to, and approved in writing by, the local planning authority for the provision of a 2 hectare on-site public open space. The scheme shall include details of the siting, layout, landscaping, maintenance, and long term management of the open space. The on-site public open space shall be provided prior to completion of the development in accordance with the approved scheme.

- 16) The development hereby permitted shall not begin until a scheme for the provision of a landscaped buffer zone on the northern boundary has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the location, layout, planting plans, schedule of species, timetable for implementation and long term management scheme. The scheme should include for the provision of native tree planting in order to provide a transition from open countryside to development and should provide for the retention and improvement of any public rights of way that falls within it. The buffer zone shall be laid out in accordance with the approved details and maintained as a buffer zone for the lifetime of the development.
- 17) Prior to the commencement of development, details shall be submitted to, and approved in writing by, the local planning authority of arrangements to secure the following highway improvement works which shall be implemented and completed prior to occupation of the first dwelling:
- a) The provision of a priority controlled T-junction access on Bradford Road, which shall incorporate a right turn ghost island lane on Bradford Road. The access shall be constructed in accordance with drawing ITM8086-GA-012A.
 - b) The provision of two new pedestrian refuges on Bradford Road, to the north and south of the proposed site access, including the relocation of the existing pedestrian refuge island located to the south of the proposed access. Associated dropped kerbs and tactile paving to be provided within the existing footways at both refuge locations.
 - c) The provision of a separate emergency access on to Bradford Road, located at the position of the current public footpath access onto Bradford Road and which shall be widened to 3.7 metres width to accommodate emergency vehicles and which shall also connect into the internal loop road.

APPENDIX D – GLOSSARY

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



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

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

Challenges under Section 288 of the TCP Act

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

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

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

SECTION 3: AWARDS OF COSTS

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

SECTION 4: INSPECTION OF DOCUMENTS

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

Appendix H

**Appeal Decision at
Holt Road, Wrexham**

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 27/04/21
Ymweliad safle a wnaed ar 20/04/21

**gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 21/6/21

Appeal Decision

Hearing Held on 27/04/21
Site visit made on 20/04/21

**by Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 21/6/21

Appeal Ref: APP/H6955/A/19/3238470

Site address: Land North of Holt Road, Wrexham, LL13 9EH

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Glyndwr University against the decision of Wrexham County Borough Council.
- The application Ref: WRA P /2018/0673 dated 4 August 2018, was refused by notice dated 1 July 2019.
- The development proposed is the erection of up to 74 dwellings together with vehicular/pedestrian access from Holt Road, open space which can be used with adjoining land to the west to create a formal sports pitch, site landscaping, sustainable drainage and other related infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 74 dwellings together with vehicular/pedestrian access from Holt Road, open space which can be used with adjoining land to the west to create a formal sports pitch, site landscaping, sustainable drainage and other related infrastructure at Land North of Holt Road, Wrexham in accordance with the terms of the application, Ref: WRA P/2018/0673 dated 4 August 2018, subject to the conditions set out in the attached Schedule.

Procedural and Preliminary Matters

2. The application seeks outline permission with all matters reserved for future approval. I have treated the submitted layout plans to be for illustrative purposes only.
3. The application was submitted on a form dated 4 August 2018. At the Council's request another form, dated 14 June 2019, was subsequently submitted to confirm that the statutory notifications in relation to site ownership had been undertaken.
4. In accordance with my note circulated in advance of the hearing, at the event I sought clarification on several matters from the main parties and discussed the first main issue identified below as well the submitted Unilateral Undertaking and suggested

conditions. All other matters have been considered on the basis of the submitted written representations.

5. As agreed at the hearing, the appellant subsequently submitted a duly executed Unilateral Undertaking in the form discussed. At the hearing the appellant confirmed that, despite the indication on the appeal form, it did not wish to pursue an application for costs.

Main Issues

6. The main issues are effect of the proposed development on:
 - (i) the provision of open space for the benefit of the local community, having regard to protective planning policies; and
 - (ii) highway safety and traffic flow on the highway network.

Reasons

7. The appeal site is a broadly rectangular parcel of fairly flat, greenfield land which is some 3.27 hectares in area. To the north and east it is bounded by the rear gardens of dwellings and to the west lies an area of public open space and a former day centre building used as a food bank. Part of the southern boundary fronts Holt Road, an arterial road to the town centre, the remainder bounds a small residential estate. The surrounding area is primarily suburban residential in character.
8. The site lies within the town's settlement boundary as defined in the adopted Wrexham Unitary Development (UDP) and the emerging Local Development Plan (LDP). The site is not the subject of any designation or allocation and, thus, the principle of housing on the site is acceptable as a windfall contribution to supply under both the adopted and emerging development plans. This position is not altered by the fact that the site was as a candidate housing allocation that was rejected as part of the LDP process.

Open space

9. The majority of the site is somewhat overgrown and enclosed by high fencing; the remaining, western, portion is open and has well-maintained grass cover. The western portion is used in association with adjoining Council-owned land to the west as a playing field including for junior football matches and for more informal recreation, including dog walking. It is served by a car park and has a gated access onto Dean Road. There are access gates in the rear boundary enclosures of many of the properties that back onto the land where there is also evidence of the remnants of old chain-link fencing.
10. The whole site was used as a playing field and for informal exercise and dog walking until a few years ago. In 2019, the appellant erected additional fencing and locked a gate on the Holt Road boundary to prevent public access to the eastern portion, this followed the display of signage in 2011 declaring the private status of the land.
11. Local residents consider that there are rights of public access over the land on the basis of past use. During the hearing it was confirmed that applications to register the appeal site as a village green and to designate a route across the site as a bridleway would be unlikely to be determined by the Council for several months.
12. Whilst the appellant disputes that any such rights can be established through these extant applications, it has provided an illustrative site layout which demonstrates the

incorporation of a bridleway route into the scheme should such rights be established. Pending the outcome of these applications I have dealt with the appeal on the basis of the present circumstances which is that there are no established public rights of access over any part of the site.

13. Local residents explain that the land was gifted to a previous landowner for the specific purpose that it be used for community benefit. Be that as it may, there is no evidence of any legally binding restrictions on the present owner's use of the land. In any event such a matter is a private one which does not affect the planning merits on which my decision must be based. At the hearing the University explained that it was bound to secure the best value for its assets in the disposal of the land and that its actions are driven by its charitable objectives which is the furtherance of education for the benefit of its students and the wider community. Mr Elcock for the University confirmed that, if it were unable to gain a financially beneficial use to assist in its Campus 2025 project, to which I return below, it would not dispose of the land. Rather, it would retain it in its vacant state until such time as a permission could be secured for a financially beneficial alternative use.
14. Whilst there is some dispute over the level of local open space provision, there is no doubt that the site served as a valued community asset over decades. At various times it has been used for organised football, rugby and hockey matches as well as for informal sporting and other recreational purposes, including community fetes. The Council's 2016 updated Open Space Survey categorises the site as 'amenity greenspace' rather than as a 'facility for outdoor sports'.
15. In objection to the planning application Sports Wales and others point out that Planning Policy Wales (PPW), Edition 11, is protective of all playing fields whether owned by public, private or voluntary organisations unless: facilities can best be retained and enhanced through the redevelopment of a small part of the site; alternative provision of equivalent community benefit is made available; or there is an excess of such provision in the area.
16. Technical Advice Note (TAN) 16: Sport, Recreation and Open Space at 3.12 recognises that open space, particularly that with a significant amenity, nature conservation or recreational value should be protected and should be identified in the development plan. It goes on to emphasise the importance of not unnecessarily protecting urban vacant and underused land from development where the land is not of significant amenity, nature conservation or recreational value, as it may potentially relieve development pressures in more sustainable locations.
17. There is compelling evidence that the eastern part of the site does not presently function as public open space and there is no realistic prospect of that historical use resuming. Thus, based on a literal interpretation of the protective provisions of national and local planning policies, the land is not an existing provision and thus falls outside their scope. Taking a purposive approach to interpreting the policies, as there is no reasonable prospect of the land performing the beneficial use which the policies seek to protect, their clear aim would not be met by dismissal of the appeal.
18. The scheme provides an opportunity to secure the continuation of the playing field on the western portion including, in association with the adjoining Council owned land, junior football pitches. In this respect it would align with the identified deficiency of public open space identified in the 2016 survey which identified the greatest need as being for children and young adults. The land could also be used recreationally, which might include dog exercise which I observed was being undertaken at the time of my visit.

19. The long-term use of the playing field would be secured through the Unilateral Undertaking which makes provision to offer the land to the County Council and thereafter the Community Council. Neither council has provided an assurance that they would take up the offer of the land but given the value of this open space to the community and the County Council's ownership of the other part of the playing field, it seems there is a reasonable prospect of a positive response. Cllr Davies explained that the junior section of the Borrass Park Albion Football Club currently take responsibility for the maintenance of this land as part of its use of the football pitches.
20. In the light of the importance attached to such provision in the UDP and in TAN 16 and the emphasis on placemaking in PPW, the opportunity to secure the future use of the western portion as playing fields represents a significant benefit to the local community, albeit a marked reduction compared to historical levels.
21. The Council accepted at the hearing that, although the site in its vacant state provides a gap in an otherwise fairly dense residential area, it does not provide a valuable visual amenity. Whilst I accept that adjoining neighbours may value its open character it provides little positive contribution to the character of the public realm given the screening effect of nearby houses. Specialist consultation responses to the application has established that the land has no significant conservation value.
22. On this main issue I find that the scheme would not harm the local community's provision of open space. As the part of the site proposed for housing does not offer a recreational or visual contribution to the community its redevelopment does not conflict with UDP policy CLF4 or national policy. The potential to secure the remainder of the site as part of the existing playing field provision aligns well with the aim of these policies.

Highway safety and flow

23. Vehicular and pedestrian access to the development would be onto Holt Road in the south eastern corner of the site, close to an existing pedestrian crossing and bus stops. The Council's highways officer does not take issue with the safety of the access arrangements, including the adequacy of the visibility splays that can be achieved to allow vehicles to emerge safely onto this section of the highway. I am satisfied that an acceptable access could be secured at reserved matters stage.
24. The highways officer objects to the effects of additional traffic on the nearby Greyhound roundabout which it opines is already operating above its design capacity. It is concerned that traffic generated by the development would unacceptably exacerbate the existing congestion/queuing experienced in this location, resulting in significant delay and inconvenience to local road users. It does not quantify the additional queuing times that would be experienced or explain its significance in terms of the effective operation of the highway network.
25. The application was supported by a Transport Assessment and a Highways Addendum, and the appellant has subsequently provided a Transport Rebuttal in response to the Council's concerns. It points out that the Council's assertion that the Greyhound roundabout is already operating above capacity is inconsistent with its stated position to the LDP examination that the roundabout has sufficient capacity to accommodate the additional traffic that would be associated with a Key Strategic Site allocation for some 1,680 dwellings over the Plan period. It points out that the sustainable location of the site means that walking, cycling and the bus would prove practical alternatives to the car for many future residents which justifies a lower predicted volume of traffic than in more rural areas. A pedestrian and cycle route across the site can be provided

to avoid the Greyhound roundabout and to encourage a modal shift away from the car for existing as well as prospective residents. The pattern of peak time queuing in Wrexham is of relatively short duration. The proposal is estimated to result in a 1% increase in traffic flows on the roundabout. In the absence of substantive evidence to the contrary, I find its conclusions persuasive.

26. Any additional delays caused by queuing on this junction may encourage some motorists to consider alternative, more sustainable modes of movement or otherwise to adjust travel times or routes. There is also reason to believe that the necessary increase in home working that was caused by the pandemic lockdowns will leave a lasting legacy in terms of reducing peak time commuting traffic.
27. I have noted that there is growth planned in the emerging LDP that would rely on the local road network but this does not alter my finding that the additional loading of the scheme represents a very modest increase of traffic on a major distributor route within the town. Any associated effects on traffic flows is a reasonable cost of facilitating sustainable growth within a regionally important town and would not prejudice the development of the LDP strategic site.
28. On this issue I note the parallels with the Gatwen Road appeal¹. As the Inspector points out the Highway Authority has not considered alternative modes of transport in the context of national policy on restricting car usage. I also agree that it is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion. On this basis, and noting the concerns raised by objectors over the impact of additional traffic on other junctions and access points, I am satisfied that none would be significant.
29. I find that the proposed development would not jeopardise highway safety or harm the efficient operation of the road network. Thus, it would not conflict with criterion d) of UDP policy GDP1 which seeks safe and convenient pedestrian and vehicular access.

Other Matters

30. The application form confirms that it is proposed to drain foul water to the public sewer. Dŵr Cymru raises no objection in relation to the capacity of the public sewer or Wastewater Treatment Works to accommodate the additional loadings. The Council has subsequently confirmed that there is sufficient capacity to ensure that the scheme would not lead to the exceedance of the permitted levels of phosphate discharge into the catchment of the Dee Special Area of Conservation. On that basis, I am satisfied that the scheme would not cause any likely significant effect on the site's qualifying features and that no further assessment under the provisions of The Conservation of Habitats and Species Regulations 2017, as amended, is required.
31. Local residents have expressed concerns over the potential to exacerbate local flooding and I have noted their evidence of such problems during periods of heavy rainfall. The Council's drainage officer questions the land's suitability for soakaway drainage. The appellant has provided a Flood Consequence Assessment & Drainage Strategy report which has been informed by ground investigations which indicates that it is suitable for a Sustainable Drainage Scheme (SuDS). The developer would require a SuDS Advisory Board consent before undertaking the work which provides an adequate safeguard to ensure that any localised flooding is not exacerbated. The site layout submitted for reserved matters approval should be designed to accommodate an acceptable SuDS scheme.

¹ APP/H6955/A/19/3238474

32. Concerns are raised at the capacity of local services to cope with additional demand. In line with the advice of the Education Authority on the capacity of local schools the Unilateral Undertaking makes provision to meet the identified need. There is reference to capacity issues facing local GP surgeries but there is no substantive evidence to indicate the extent of any impact.
33. There has been significant objection to the scheme from local residents and their elected representatives. In addition to matters already addressed and those to be covered by planning conditions, many other concerns have been raised, including: the impact on climate change and the natural environment; effect on the living conditions of neighbouring residents through overshadowing, loss of privacy, noise, dust, loss of daylight, vibration and late night disturbance; loss of view and decrease in property values; longer walking routes for school pupils; and air pollution. I have taken into account all of the matters raised that are material planning considerations but, given the scope to address many matters through the approval of reserved matters, conditions and legal obligations, when taken individually or cumulatively they do not justify withholding permission.
34. The scheme would make provision for up to 74 dwellings, of which a quarter would be affordable housing, in a sustainable location well related to existing services and facilities. Whilst the previous requirement on local planning authorities to ensure a 5-year supply of housing land no longer applies, the role of the planning system in meeting society's need for new housing is clearly recognised in the latest iteration of PPW. At the hearing the Council accepted that it cannot demonstrate that it has a supply of housing to meet the identified need pending the adoption of the LDP, which is at an advanced stage of the examination process. Given the suitability of the site, and the emphasis placed by Welsh Government on housing delivery, particularly affordable homes, I afford considerable weight to the scheme's potential timely contribution to this supply. The scheme would also boost the local economy during the period of its construction.
35. The appellant has provided an updated Position Statement to explain the background to the scheme. The university is a charity which seeks to provide and advance higher education in the region. Following a review of its surplus land assets the scheme forms part of a package of developments aimed at providing sufficient, and urgently required, income for investment in improvements for the university to enable the re-modelling of the main campus and the provision of additional student accommodation. This would secure the university's future and, in turn, would provide major economic benefits to Wrexham and the wider region.
- #### *Conditions and Unilateral Undertaking*
36. I have considered the suggested conditions in light of the advice in Welsh Government Circular 16/2014: The Use of Planning Conditions for Development Management and have adjusted the wording of some conditions in the interest of clarity and precision.
37. Given my findings on foul and surface water drainage, it is not necessary to impose a condition to control either matter. To avoid repetition, I have imposed only one of the arboricultural conditions suggested. As the Unilateral Undertaking deals with affordable housing the suggested condition is superfluous. All these matters were agreed at the hearing.
38. Whilst not set out as a condition, the developer must comply with the duties outlined in section 71ZB of the Town and Country Planning Act 1990.

39. Under Section 106 of the 1990 Act the appellant's Unilateral Undertaking contains obligations to provide 25% affordable housing, to provide and manage public open space within the site, and to offer the existing playing fields to the Council, and if not accepted, to offer it to Acton Community Council. In the event that neither accepts the offer the landowner is committed to make the land available for sport and/or recreation. There is also an obligation to make a financial contribution towards primary school provision either at Borrass Park County School or towards a new primary school.
40. The Council has confirmed that the obligations are necessary and align with its adopted policies and guidance. I am satisfied that, as they are necessary and related in scale and kind to the proposed development, they meet the legal tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the policy tests in Circular 13/97. The Council has also confirmed that none of the proposed contributions would exceed the pooled limit set out in Regulation 123. As such I afford the obligations considerable weight in the determination of the appeal.

Conclusions

41. For the reasons set out above I find that the scheme acceptable in relation to both main issues and the other matters raised in objection. Any harms that could arise in relation to those matters, and which are not addressed by the planning conditions and legal obligations would be minor impacts. They would be clearly outweighed by the factors that I have identified in favour of the scheme. I shall therefore allow the appeal.
42. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making towns better places to live and work.

Hywel Wyn Jones

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 2) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 3) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 4) The development hereby approved shall be limited to 74 dwellings.
REASON: To define the terms of the planning permission and to ensure that the development has been assessed adequately in terms of the impact upon the local highway infrastructure. This will accord with the requirements of policies GDP1 and T8.
- 5) The landscaping and layout reserved matter to be submitted for the approved development pursuant to the requirements of condition 1 above shall include a scheme for all areas of open space and green space to be provided within the development site, including public amenity space and equipped children's play areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
REASON: In the interests of providing for a high standard of development for the future amenity of the occupiers of the site in accordance with policies GDP1 and CLF4 of the Wrexham Unitary Development Plan.
- 6) Vehicular access to the site shall only be made from Holt Road (A534).
REASON: To ensure that the development makes provision for a safe and convenient access to the site in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
- 7) All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7:30 and 18:00 Monday to Friday, and 08:00 to 14:00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.
REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
- 8) No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except

in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

REASON: To ensure the work is carried out to accepted arboricultural practices for the long-term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

- 9) No part of the development shall commence until a Bio-Security Risk Assessment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any recommendations that may be forthcoming within the approved assessment.

REASON: In order to ensure that the development will not cause harm to species which are protected through the planning system in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith	Barrister
Andrew Smith	Agent
Joy Morton	University Solicitor
David Elcock	University Executive Director of Finance

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Phillips	Head of Planning Policy and Planning Control Lead
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INTERESTED PERSONS:

Cllr Mike Davies	Local Ward County Councillor
Trevor Coxon	Local resident
Gerry Kellett	Real Planning consultancy

DOCUMENTS

- 1 Unilateral Undertaking, dated 4 May 2021

Appendix I

Keep Chiswell Green Questionnaire Webpage

TRANSPORT SURVEY – NOVEMBER 2022

[COMPLETE THE ONLINE SURVEY](#)

The Cala Homes and Polo Field applications use out-of-date and geographically inaccurate data to forecast the impact of their proposed developments on Chiswell Green.

Please help us to fight the applications by filling in our survey so we have accurate data to challenge theirs. Depending on the number in your household, this may take 7-15 minutes to complete.

Your data will only be used to contribute to profiling the transport and travel habits of local residents. Aggregated results will be used to demonstrate inaccurate assumptions in the development planning applications.

No individual data will be shared with any party outside KCG.

[COMPLETE THE ONLINE SURVEY](#)

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