
Report to Leeds City Council

by Mr A Thickett BA(HONS) BTP MRTPI Dip RSA

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

Date 5 September 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO LEEDS CITY COUNCIL CORE STRATEGY

Document submitted for examination on 25 April 2013

Examination hearings held between 8 July 2013 and 14 May 2014

File Ref: PINS/N4720/429/10

Non-Technical Summary

This report concludes that Leeds City Council Core Strategy is sound and provides an appropriate basis for the planning of the City and district up to 2028 providing a number of modifications are made to the Core Strategy. The Council has specifically requested that I recommend any modifications necessary to enable the Core Strategy to be adopted.

All the modifications necessary to make the Plan sound arose from the discussions at the Hearings and most were suggested by the Council. I have recommended their inclusion after considering the representations from all parties on these issues.

The most significant modifications can be summarised as follows:

- The introduction of targets and thresholds into Policy H5 (Affordable Housing)
- Setting pitch targets for gypsies, travellers and travelling show people
- The target rate of 3,660 dwellings per year up to 2016/7 does not preclude delivering more if possible
- The Council acknowledge that the growth planned in the Core Strategy cannot be accommodated without a review of Green Belt boundaries. In order to ensure that any review is fair, comprehensive and consistent with the Core Strategy's aim of directing development to the most sustainable locations, all references to a selective review are deleted.
- Changes to Policy H1 to ensure that sites are brought forward as necessary to maintain a continuous supply of housing land
- The introduction of a monitoring schedule

Abbreviations Used in this Report

AA	Appropriate Assessment
CIL	Community Infrastructure Levy
EVS	Economic Viability Study
HMCA	Housing Market Characteristic Area
HMO	Houses in Multiple Occupation
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	National Planning Practice Guidance
SA	Sustainability Appraisal
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

Reference to documents in footnotes and elsewhere such as CD1/1 or ID/1 relate to the document number in the examination library. References beginning S relate to participants' submissions to the hearings; for example S2/1 is the statement submitted by the Council to session 2.

Introduction

1. This report contains my assessment of Leeds City Council's Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Core Strategy's preparation has complied with the duty to co-operate and then considers whether the Core Strategy is sound and whether it is compliant with the legal requirements. To be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy¹.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the Publication Draft Core Strategy February 2012 as amended by the Pre Submission Changes December 2012, hereafter referred to as the Core Strategy or Plan.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in Appendix 2.
4. Having considered them further, the changes proposed by MM9, MM10, MM20 and MM21 are not considered to constitute main modifications and are not, therefore, referred to in this report. Nor do I refer to the list of minor changes the Council proposes to make to the Core Strategy.
5. The main modifications that are necessary to make the plan sound have been subject to public consultation² and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.
6. The National Policy Practice Guidance (PPG) was introduced on 6 March 2014. The PPG consolidates previous guidance and the 'beta' mode of the PPG (which is largely the same as the adopted guidance) was referred to during the hearings in October 2013. In light of advice contained in the PPG, the Council proposed main modifications and suggested a change to a proposed main modification³. These matters were discussed at a hearing in May 2014 and the subsequent main modifications subject to consultation. Neither I nor the Council considered it necessary to seek views on the implications of other parts of the PPG on the soundness of the Core Strategy as it was considered that not doing so would not prejudice any interested party.

Assessment of Duty to Co-operate

7. A hearing was convened on 8 July 2013 specifically to explore whether the Council had complied with the duty in the preparation of the Core Strategy. I wrote to the Council on 10 July 2013 setting out the reasons why I consider

¹ National Planning Policy Framework (NPPF) Paragraph 182

² Two separate consultations were held in March and June 2014

³ MM6 of the March 2014 consultation relating to the 'step up' in Spatial Policy 6

that the duty has been met. I have neither seen nor heard anything since to change that view. The letter is attached as Appendix 1 to this report.

Assessment of Soundness

Main Issues

8. I have considered all the representations, written evidence and the discussions that took place at the hearings and identified five main issues.

Issue 1 – Whether the Core Strategy makes adequate provision to meet the full, objectively assessed needs for market and affordable housing in the city and district.

The overall need for new housing

9. The Core Strategy states that the Council will identify sites for 66,000 dwellings between 2012 and 2028 which, together with an estimate of 8,000 units to be provided through windfalls, gives a gross target of 74,000. Assuming that 250 dwellings will be demolished per year, Spatial Policy 6 sets a target of 70,000 (net) new dwellings to be delivered between 2012 and 2028.
10. I have listened to the concerns of residents' groups and their representatives but assessing the need for additional dwellings is not as simple as calculating the percentage increase in the population of Leeds between the censuses of 2001 and 2011 and using that to predict future requirements. Further, given Leeds' position in the region, geography, history, specific needs and the ambitions of the City Council, comparisons with other major cities is of little relevance. Nor should an assessment of need be influenced by things such as past build rates, infrastructure or environmental constraints⁴. An objective assessment of need should be based on facts and unbiased evidence.
11. On 29 May 2014 the Office for National Statistics published its 2012-based Subnational Population Projections for England and I have been urged to revisit the issue of housing numbers. According to national guidance, the starting point for assessing housing need should be the household projections published by the Department for Communities and Local Government⁵ and account may also be taken of, amongst other things, local demographic evidence and the Strategic Housing Market Assessment (SHMA). The population projections are, therefore, only part of the picture and I do not consider that reopening the debate to discuss the population projections would lead to any clear and reliable conclusions regarding objectively assessed need. However, the Council is aware of the importance of keeping matters under review and **MM6a** commits it to monitor evidence regarding need and delivery.
12. The Council produced a SHMA in 2007⁶ which was updated in 2011⁷. The 2011 SHMA assessed the existing market and housing stock, affordability and modelled different scenarios for growth. It concluded an employment led

⁴ National Planning Policy Guidance (PPG) ID 2a-004-20140306

⁵ PPG ID 2a-015-20140306

⁶ CD6/17

⁷ CD6/14

scenario to be the most appropriate and which projected a need to accommodate 72,600 new households between 2010 and 2026. The employment led approach is generally supported by representatives of the house building industry in Leeds although there are differences of opinion regarding certain assumptions which I will come to later.

13. The SHMA update recalibrated the Office for National Statistics (ONS) 2008 based forecasts using locally sourced data and predicted a population in Leeds in 2010 of 755,136 which was much closer to the 2011 census figure of 751,136 than the ONS 2008 prediction of 791,105. The Council argue and I agree, that the close alignment of the 2011 SHMA figure and the 2011 census supports its approach to basing its housing need figure on an independent assessment and not forecasts released before 2011.
14. In September 2013 the Council produced 'Demographic Evidence – an update'⁸. That study incorporates the latest evidence from the 2011 census, revised mid year population estimates for 2002 – 2010 and the 2011 based household projections and concludes that the Core Strategy's target of 70,000 (net) new dwellings is at the upper end of the likely growth scenarios for Leeds.
15. The robustness and reliability of the Council's approach and evidence is challenged by those who consider the Core Strategy's target to be either too high or too low. The 2011 based household projections show lower rates of household formation than in previous projections. That, in part, is due to the recession and, given the recent encouraging signs, I agree that it would be unwise not to anticipate a rise in household formation rates as the economy and confidence improves⁹. However, the Council has not sought to reduce the target in the Core Strategy in light of the 2011 household projections.
16. Between 2008/9 and 2011/12 housing delivery in Leeds fell below the rates set in the Regional Strategy¹⁰. The Regional Strategy has been revoked and its housing targets were underpinned by assumptions which 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 Regional Strategy through the Core Strategy. The principal reason for the difference is attributed to the over estimation of levels of international in migration. There is some merit, in my view, to the argument that in migration will be affected by the supply of housing but the difference in population estimates and the 2011 census are such that it is unlikely to be all as a result of housing delivery being lower than prescribed by the Regional Strategy.
17. That is not to say that all past housing need has been met. The SHMA identifies a significant need for affordable housing. The 2011 SHMA indicates that approximately 1,150 affordable dwellings per year would have to be built over the next 5 years in part to clear the existing waiting list backlog. However, increasing the requirement over the first few years of the Plan to take account of the affordable targets set out in Policy H5 (as modified below) is likely to lead to a level of development which cannot be supported by

⁸ CD6/48

⁹ new estimates of housing demand and need in England, 2011 to 2031, Alan Holmans CD6/59

¹⁰ Requirement 2007-2012, 19,460 – Supply, 13, 259 = -7,517; Table 3.8 S4/8c

necessary infrastructure (see paragraphs 20 to 25 below).

18. The Council produced a summary of the demographic evidence just before the hearings¹¹. The employment led scenario uses the migration based scenario in the 2011 SHMA as its base and, in the circumstances of Leeds, I have neither seen nor heard anything to suggest that it is not a reasonable approach.
19. On this basis, I am satisfied that other migration led scenarios which predict significantly higher or lower levels of growth can be discounted. The latest employment forecasts¹² paint a brighter picture than those used in the Council's estimates. Most of the employment led scenarios contained in the Council's summary lead to figures in the region of 70,000¹³. Assessing housing need is not an exact science and small changes in headship rates¹⁴ and other assumptions can have a significant impact on the calculations. However, on the basis of the evidence before me I am satisfied that the Core Strategy figure of 70,000 (net) is based on a reasonable objective analysis of the need for new housing in Leeds up to 2028.

Phasing

20. Spatial Policy 6 splits the delivery of the 70,000 into two phases; 3,660 dpa 2012 to 2016/7 (18,300) and 4,700 thereafter (51,700). In October 2013 the Council's case for a lower build rate up to 2017 was based, amongst other things, on depressed build rates during the recession, difficulties in securing mortgages and uncertainty regarding the economic recovery. Based on the evidence submitted at that time, I was not persuaded that a lower build rate in the early years of the Plan was justified. Consequently, I proposed a main modification removing the 'step up' in Spatial Policy 6 which was subject to consultation in March 2014.
21. The Council wrote to me on 31 March 2014 and again on the 8th of April seeking to submit further evidence to support the phased approach in Spatial Policy 6¹⁵. That evidence was submitted and discussed at a hearing on 14 May 2014.
22. As indicated above and acknowledged by the Council¹⁶, the calculation of need should not be influenced by matters such as past build rates and infrastructure (and reference to such in the Plan is removed by **MM5**). However, as recognised by the PPG¹⁷, considerations such as environmental constraints and infrastructure will need to be addressed to inform specific policies in development plans. Spatial Policy 1 seeks to achieve sustainable growth by, amongst other things, matching the provision of new homes and jobs with the infrastructure necessary to support them.
23. The evidence submitted by the Council to the May hearing¹⁸, together with the

¹¹ CD6/48a

¹² REM September 2013 NLP doc

¹³ Between 62, 573 and 76,304. NLP discounts its own employment led scenario leading to 53, 392 on the grounds that it would lead to a misalignment with the Council's vision for job growth.

¹⁴ Headship rate; the propensity of a particular group (usually by age group or gender) to form their own households

¹⁵ LCC/11 & 12

¹⁶ Paragraph 3.2.2, Housing Background Paper CD1/25

¹⁷ PPG ID 2a-004-20140306

¹⁸ S18/1

Infrastructure Delivery Plan¹⁹ illustrate the challenges faced by the Council in providing the infrastructure necessary to support the growth planned in the Core Strategy. I have some sympathy with those that argue that the Council should have planned better for the provision of infrastructure. However, the phased approach will help the Council manage growth and allow for the Council and its partners to gear up for the higher build rate post 2017.

24. **MM6b** as proposed by the Council states that the 3,660 relates to delivery and does not alter the need to maintain a 5 year supply of housing against the requirement set out in the Plan (based on a rate of 4,375 per year over the Plan period). However, for the reasons given above, the housing requirement, until 2016/7 is 3,660. That rate is set to enable the Council to match housing growth with, as far as is possible, the provision of the infrastructure necessary to support it. The NPPF at paragraph 14 requires local planning authorities to meet objectively assessed needs unless any adverse effects of doing so would outweigh the benefits. To base the requirement on a figure higher than 3,660 per year before 2017 would, given the provisions of paragraph 49 of the NPPF, severely undermine the Council's ability to plan for sustainable growth with potentially serious consequences for the people of the city and district.
25. Consequently, I have amended **MM6b** and its associated target in the monitoring schedule to state that the housing requirement to 2016/7 is 3,660 per year. Notwithstanding this, there is a need for housing and affordable housing in Leeds now and the 3,660 dpa build rate should not be used to prevent the delivery of a higher figure provided it can be satisfactorily accommodated. **MM6c** allows for a higher rate to be achieved.
26. I heard that the build rate since 2012 is below 3,660 dpa. The Council will have to monitor the situation carefully and take positive steps to address shortfalls by bringing sites forward and, if necessary, considering alternative strategies and reviewing policies and strategies which are constraining development²⁰.

Distribution

27. As amended by **MM1**²¹, Spatial Policy 1 includes, amongst other things, a sequential approach giving priority first to the development of brownfield land in settlements, then to other sites within settlements before sustainable extensions. Policy H1 sets targets for the development of previously developed land and includes criteria to guide the release of sites which, read together with Spatial Policy 1, first directs new housing to the main urban area. This is the most sustainable location and should assist much needed regeneration in the inner urban area in particular. The release of sites will be phased through Site Allocation Plans.
28. Evidence submitted to the hearing in October 2103 indicated that *'development within the city centre and inner areas is unviable in the current market'*²². Later evidence supporting the Council's proposed affordable housing targets and draft CIL charging schedule point to an improvement in

¹⁹ CD1/19a

²⁰ PPG ID 12-018-20140306 & ID 3-022-20140306

²¹ The modification is necessary to address poor drafting and to ensure that the policy is effective

²² Paragraph 7.13, CD6/42

viability²³. Nevertheless, Policy H1 as submitted placed unduly onerous restrictions on the release of sequentially less preferable sites. This is rectified by **MM16** which is necessary to ensure that accommodating the city's housing needs can be met and a continuous supply maintained. Some will argue that relaxing Policy H1 will allow developers to develop greenfield sites ahead of brownfield. I cannot say that this would not happen but, as modified, Policy H1 should enable the Council to ensure that land in less sequentially preferable locations is only released when necessary to maintain a supply of housing land.

29. The Council acknowledge that the growth planned in the Core Strategy cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Core Strategy only commits the Council to a selective review. This may lead to pressure to release land in the review area when, having regard to the advice in paragraph 85 of the NPPF, there is more suitable land elsewhere. A comprehensive review is also more likely to ensure consistency with the spatial strategy and increase the likelihood that boundaries will not need to be reviewed again at the end of the plan period. Consequently, **MM1**, **MM13** and **MM14** remove references to a selective review. The Council intend that Green Belt boundaries will be reviewed through the Site Allocations Plan which is due to be submitted for examination in 2015.
30. Spatial Policy 7 sets out how housing is to be distributed by settlement level and across 11 Housing Market Characteristic Areas (HMCA). It is argued that the city centre and inner area should take more and some outlying areas less but 20,200 dwellings are allocated to the city centre and inner area. This figure rises to 31,600 if one includes East Leeds HMCA, part of which is close to the city centre. Together this equates to about 48% of the total housing requirement.
31. The Council acknowledge that the proposed distribution is based on a supply side approach, relying heavily on the 2011 Strategic Housing Land Availability Assessment (SHLAA)²⁴. That feeds into the Site Allocations Plan which is yet to be tested. However, the Council is confident that there is sufficient capacity to achieve the figures for each HMCA. It could be argued that this puts the cart before the horse but to be effective the Plan must be able to deliver. Provided it can do so in a way that accords with the overall strategy, the principles of sustainable development and can be satisfactorily accommodated, I see no reason to find the approach unsound.
32. I have considered the concerns of residents including those in Aireborough, Morley and Scholes. Morley is a small town with its own town centre, a railway station, easy access to the motorway network and is rightly defined as a major settlement. I agree with the Council that as such it should play its part in meeting the identified need and that its contribution should be proportionate to its place in the settlement hierarchy. I understand residents' concerns but Leeds cannot meet its objectively assessed need without developing greenfield land and it is inevitable that some land which communities' value will be lost to development.
33. Subject to planned improvements to the motorway network, including works

²³ S16/1a

²⁴ CD

to junctions, the Highways Agency has no objection to the Core Strategy. The Council's Infrastructure Schedule includes a list of highway and public transport improvements (including rail, bus and the proposed Leeds NGT trolleybus network). The Council has taken a holistic view, combining measures to make public transport more attractive with physical improvements to manage the growth planned in the Core Strategy. It is argued that certain routes cannot accommodate more traffic and the efficacy of the projects and proposals is questioned. However, a representative for Aireborough accepted at the Hearings that claims that the A65 is gridlocked at peak times and weekends are exaggerated. I have neither seen nor heard anything to persuade me that the HMCAs would not be able to accommodate the levels of development envisaged in the Core Strategy. Site specific matters will be addressed at the Site Allocations Plan stage.

34. Retaining a gap between Scholes and Swarcliffe is essential if Scholes is to retain its separate identity. The North Leeds HMCA includes a large part of the urban area and I have seen nothing to indicate delivering the 6,000 new dwellings proposed for the HMCA would inevitably result in Scholes being subsumed.
35. Wetherby lies within the Outer North East HMCA wherein 5,000 new dwellings are proposed. Wetherby is by far the largest settlement in the Outer North East HMCA which is mainly rural with small villages. It is for the Site Allocations Plan to make allocations but by directing 5,000 new homes to Outer Leeds the Core Strategy clearly allows for development to meet the needs of the town.

Affordable Housing

36. Paragraph 174 of the NPPF states that; '*Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing*'. With regard to affordable housing, these standards include the thresholds which trigger the requirement for affordable housing and the percentage target that will be sought. As submitted Policy H5 did not include thresholds or targets to guide the provision of affordable housing. Consequently, it did not accord with national guidance and was unsound²⁵.
37. Policy H5 and its reasoned justification were subsequently revised setting different thresholds and targets for 4 separate zones across the city. The Council's has operated differential affordable housing requirements for some time based on work which identified market housing areas across the administrative area of the city. The scale of the plans showing the 4 zones to be included in the Plan is such that, where a site is close to a boundary between zones, it may be difficult to ascertain which target/threshold applies. To overcome this and to ensure that the policy is applied effectively, **MM62** directs users the Council's web site where more detailed maps can be viewed.
38. The thresholds and targets are supported by an economic viability study²⁶ (EVS) produced to inform the Council's draft Community Infrastructure Levy Charging Schedule (CIL). Table 15 (Market Value Benchmarks) of the EVS was updated in May 2014 to inform the thresholds and targets to be included

²⁵ The Council was informed of my conclusions regarding Policy H5 in my letter of 8/11/13; Exam Ref: ID/13

²⁶ CD6/42

in the revised policy. The EVS uses a residual valuation approach and, combined with the May 2014 updates, tests the ability of a range of developments throughout the city and its environs to contribute to affordable housing and the provision of infrastructure through CIL.

39. The EVS takes into account other policy requirements and, as I say in the accompanying CIL report, I am satisfied that the findings in the EVS are based on reasonable standard assumptions for factors such as building costs, profit levels, fees. The EVS acknowledges that development in the city centre and in inner areas is challenging. However, the evidence submitted by the Council indicates that, due to an improving market, the 5% target in the city centre (zone 4) is viable.
40. The EVS is a high level viability study and the Council acknowledge²⁷ that it is likely that some sites in the same affordable housing zone may be more viable than others. Further, the viability of some brownfield sites and large sites is questionable. However, I am satisfied that the evidence supports the thresholds and targets and the policy allows for flexibility should it be demonstrated that the targets cannot be met.
41. As revised Policy H5 requires an off site contribution to affordable housing from schemes below the thresholds set in zones 1 and 2 (10 and 15). In the DCLG consultation paper, 'Planning performance and planning contributions', the government proposed a 10 unit threshold for affordable housing contributions. At the time of writing the government had not issued its response to the consultation. The Council will need to review this requirement if the 10 dwelling threshold becomes a national standard. However, the EVS concludes that small sites in these outer zones are able to support a contribution and there is no bar, at this time, to the application of this requirement.
42. I conclude that the Council has produced evidence to justify the revised targets and thresholds and, subject to the following modifications, I consider Policy H5 to be sound; **MM57, MM58, MM59, MM60 and MM61.**

Gypsies, Travellers and Travelling Showpeople

43. Planning Policy for Traveller Sites (PPTS) requires local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople based on a robust assessment of need. Following concerns I expressed with regard to Policy H7, the Council worked with Leeds Gypsy and Traveller Exchange (GATE) and carried out site surveys to assess the needs of the travelling community in Leeds. Policy H7 and its reasoned justification were subsequently revised setting targets for gypsies and travellers and travelling showpeople. GATE was critical of Policy H7 as submitted but, at the hearing in May 2014, praised the Council's officers and the collaborative approach taken in compiling the survey. This is to be commended and I have no reason to consider that the new evidence which supports the modified targets is not robust.
44. Having set the targets in Policy H7 it will be for the Site Allocations plan to identify sites sufficient to provide 5 years worth of supply. Sites identified

²⁷ S16/1

through the Site Allocations Plan process will be subject to consultation. PPTS requires local planning authorities to ensure that their policies promote peaceful and integrated co-existence. This will doubtless be a factor in choosing sites through the site allocations process and I see no need to repeat that requirement in the Core Strategy. **MM63, MM64, MM65, MM66, MM67, MM68** and **MM69** bring all the proposed changes together and are necessary to ensure that the Core Strategy meets the identified needs of gypsies and travellers and complies with national guidance.

Houses in multiple occupation (Policy H6A)

45. In 2012 the Council introduced an Article 4 Direction across a large part of the city which removes permitted development rights with regard to changing from Class C3 (dwelling house) to Class C4 (HMOs)²⁸.
46. Houses in multiple occupation (HMO) make an important contribution to meeting the housing needs of Leeds, particularly students and other young people. Some landlords' representatives argue that there is no evidence of high concentrations of HMOs causing harm but statements made and evidence submitted by residents at the examination indicate otherwise. There is a high concentration of HMOs, flats and bedsits around Hyde Park and I saw the impact of the conversion of a large number of properties on a no doubt once attractive and desirable area of Victorian/Edwardian houses. I share representors scepticism regarding turning back the clock in areas like Hyde Park but the maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance²⁹.
47. It is reasonable, therefore, that Policy H6A seeks, amongst other things, to avoid the loss of housing suitable for families in areas with high concentrations of HMOs. However, the Council conceded at the examination that this could penalise owners of houses in streets where the battle has already been lost and where there is little point in blocking the conversion of the last 'family' house in a street. **MM18** introduces flexibility and indicates that the conversion to a HMO will not be resisted where the concentration of such uses means that it is not likely to be attractive as a family home.
48. I heard that landlords are unwilling to let empty HMOs to families for fear that they would be prevented from using them again for that purpose. The Council accept that it makes no sense for accommodation that could meet the needs of a family to stand empty. **MM19** commits the Council to consider granting planning permissions which would enable 'flipping' from C4 to C3 and back again and is necessary to ensure flexibility. In my view, subject to the modifications referred to above, Policy H6A strikes the right balance between maintaining a sufficient supply of HMOs whilst ensuring they do not have a detrimental impact.

Student accommodation (Policy H6B)

49. Student accommodation includes purpose built halls, flats and HMOs. Policy H6B is aimed at purpose built student accommodation and, as submitted,

²⁸ Town and Country Planning (Use Classes) order 1987: Class C4, Use of a dwellinghouse by not more than six residents as a HMO

²⁹ NPPF; paragraph 50

seeks to; extend the supply of purpose built student accommodation to avoid the loss of family housing, to avoid excessive concentrations of student accommodation and to avoid locations not easily accessible to the city's universities. Following the submission of the Plan for examination the Council requested that I consider modifications to Policy H6B. The revisions would; require developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university to supply accommodation, provide accommodation to environmental health standards and to ensure that it can be adapted to allow 'occupation by average sized households'.

50. The proposed test of need is based on the findings of a study completed in August 2013 which assesses the demand for and supply of student accommodation³⁰. However, that study is rightly criticised. On one hand the study states that demand for bed spaces will reduce by 1,200 in 2013/14 but on the other says that it is likely that there will be 1,200 more students in 2013/14 compared with the previous year. The consultant's predictions of falling student numbers conflicts with their own assessment made only a few months earlier and are not supported by evidence from UCAS³¹ (quoted in the August report) of an increase in student applications. The study also records that the 2011 census data points to a gradual increase in people seeking university places.
51. Evidence provided by the consultants that shows that a number of permitted schemes for purpose built student accommodation are not proceeding undermines the Council's argument that the market will not control the provision of such accommodation. I find it difficult to believe that a commercial developer whether from Leeds or elsewhere would invest in a scheme for which there is no demand. Landlords with older and poorer quality accommodation may find students going elsewhere but it is not the place of planning to interfere with the market in favour of certain providers (including universities). I am not persuaded, therefore, that the evidence supports requiring developers to demonstrate need.
52. According to the August 2013 report, 45% of all students live in purpose built accommodation which includes returning students as well as first years. Many factors will influence a student's choice of accommodation but the provision of purpose built accommodation inevitably places less pressure on traditional housing. Housing which could be used by others in need of HMOs or used again by families, contributing to the Council's aim of maintaining mixed and diverse communities.
53. What is meant by 'average sized household' is not defined nor has the Council produced any evidence to indicate the impact of requiring schemes to be capable of adaptation for occupation for the 'average sized household' on viability (and hence delivery). Student accommodation is not likely to need the same amount of outdoor amenity space or parking as that designed for families and so although a building may be capable of adaptation, it still may not be suitable or attractive to the 'average sized household'. The Council's suggested modification is not justified and is not necessary to make the Plan sound.

³⁰ CD6/38; Student Housing Demand and Supply: A Review of Evidence

³¹ Universities and Colleges Admissions Service

54. As submitted Policy H6B does not require the provision of satisfactory living conditions for the occupiers of student accommodation. Consequently, I agree that such a requirement be introduced (**MM22**) but see no need to duplicate environmental health standards.

Housing for independent living

55. Policy H8 requires developments of over 50 dwellings to include measures to enable the elderly and disabled to live independently. This could be no more than planning a development so that housing aimed at such groups is located within easy walking distance to shops etc and I have seen nothing to suggest that the requirement would be unduly onerous. **MM23** deletes a table which included access standards which are out of date.

Issue 2 – Whether the Core Strategy makes adequate provision to meet the full, objectively assessed needs for employment in the city and district.

The overall need for employment land

56. The Leeds Employment Land Review 2010 Update (ELR)³² identifies a need for 490,000m² of new office floorspace and between 320 and 367 ha of industrial land (depending on plot density) between 2010 and 2026. The ELR goes on to recommend higher targets to provide a contingency and a 'margin of choice'. The figures recommended by the ELR are set as targets in Spatial Policy 9 and are 706,250m² of office floorspace and 493 ha of industrial land.
57. In 2010, Leeds had a pool of unimplemented planning permissions for office floorspace totalling 840,000 m², significantly exceeding the recommended requirement for the whole plan period. However, because a significant proportion of the permitted floorspace is in an out of town location (and therefore out of step with the Core Strategy) an additional 160,000m² is to be identified in or on the edge of the city and town centres. Adding the existing permissions and land to be identified together (840,000 + 160,000) effectively means that the Core Strategy makes provision for 1,000,000 m² of office floorspace up to 2028. This is not clearly expressed in the Plan and **MM12**, **MM26** and **MM27** are necessary in the interests of clarity and effectiveness.
58. The permitted 840,000 m² floorspace significantly exceeds the target set in Spatial Policy 9 which itself includes a healthy contingency. However, the additional floorspace proposed guards against the likely possibility that not all the 840,000 m² will be built. Further, given the current state of the economy and the need to stimulate growth, I see no harm in an ambitious target particularly given that Leeds city centre (where most floorspace will be directed) is a highly sustainable location and sequentially the preferred location for major office uses.
59. The ELR identified an existing supply of 350 ha of general employment land with planning permission in 2010, leaving 143 ha to be identified. The Council has assessed the UDP allocations that have yet to be developed and are not carrying forward a number which it considers are unfit or not likely to be delivered³³. Even discounting these sites, I have neither heard nor seen

³² CD8/5

³³ CD8/5

anything to indicate that 143 ha of general employment land could not be identified and delivered. The ELR is based on a thorough understanding of the existing market and its predictions based on sound methodology. Its findings in this regard are not challenged and I have no reason to question its conclusions.

Distribution of employment land

60. Other than directing office development to city and town centres, the Plan does not distribute employment land across the city and district. Some argue that it should, balancing new housing and employment in the Housing Market Characteristic Areas to reduce travel or to make up for buildings and land lost to other uses; principally housing. However, the regeneration areas in East and South Leeds and Aire Valley are in great need of economic development. Further, benefitting as they do from being close to the motorways and the city centre with its excellent public transport links, these areas are the most sustainable locations for growth given Leeds' regional role in providing employment.
61. Policy EC1 sets out the principles for allocating general employment land. It will be for the Site Allocations Plan to identify sites but I have seen nothing that would rule out the provision of employment land in other suitable places. Policy EC2 directs new office development first to town centres. **MM31** sets out the circumstances in which out of centre office development may be acceptable and is necessary to provide clarity and ensure the policy is effective. The threshold used to determine whether small scale office development should be subject to a sequential test is also changed by **MM28**, **MM29**, **MM31** and **MM39** to reflect amendments to the Town and Country Planning (General Permitted Development) Order 1995. In the absence of any evidence to support a locally determined figure, **MM30** makes clear that the NPPF's default threshold of 2,500m² will be used to determine whether proposals for office development outside town centres will be required to be supported by impact assessments.
62. **MM24** deletes confusing guidance regarding how an oversupply of employment land would be determined and the implications for the application of Policy EC1 should there be an over supply.

Protection of employment land and premises

63. The existing stock of employment land and premises makes an important contribution to the Leeds economy. Policy EC3 seeks to ensure that suitable sites (existing and allocated) are not lost to non employment uses without good reason. The policy sets out a series of tests (more stringent in areas with a shortfall of employment land) but as submitted the policy and its reasoned justification lack clarity. **MM32**, **MM33**, **MM34**, **MM35**, **MM36**, **MM37**, **MM38** and **MM40** tighten the policy and the reasoned justification and are necessary to ensure that the policy is effective. **MM25** deletes Policy EC1(C) which unnecessarily duplicates part of Policy EC3. I am satisfied that, subject to the proposed modifications, Policy EC3 is justified and accords with national guidance³⁴.

³⁴ NPPF; paragraph 22

Rural economy

64. Leeds has a sizable rural hinterland. Policy SP8 supports the development of the rural economy provided, amongst other things, it is consistent with the settlement hierarchy. Given the proximity of the conurbation and in order to ensure that the size of a new employment use is appropriate to its location, it is right, in my view, to require consistency with the settlement hierarchy. As submitted the Plan includes reasoned justification relating to the rural economy which is really a statement of policy. This is rectified by **MM8** and **MM11** which are necessary to ensure that the Plan is effective. **MM7** makes a subtle but nevertheless important change to ensure that the purposes of including land in the Green Belt are taken into account when considering the provision of new employment land.
65. Policy EC2 would require offices in villages not listed in the settlement hierarchy and in the rural area to be within a 5 minute walk of a bus stop/10 minutes from a railway station with services timed to coincide with the beginning and end of the working day. This is unrealistic and unduly onerous and conflicts with the aims of encouraging a prosperous rural economy as set out in the NPPF. Consequently, this requirement is deleted by **MM31**.

Regeneration Priority Areas

66. The Council is working with its partners to improve 4 key priority regeneration areas at East Leeds, Aire Valley, Leeds Bradford corridor and South Leeds. The boundary of the Aire Valley Area Action Plan (AAP) is shown on Map 6 at a scale which enables its boundaries to be clearly discerned. The other areas are shown together on a map of the city and district and at a much smaller scale and their boundaries cannot be clearly discerned. Spatial Policy 4 targets these areas to be given priority for regeneration and funding and the Plan encourages development that will, amongst other things, improve employment prospects. It is important therefore, in my view, that these areas are clearly defined for the benefit of existing residents, businesses and potential developers. **MM2** introduces maps at an appropriate scale.
67. A strategic allocation of between 6,500 to 9,000 dwellings, 250 ha of employment land and supporting infrastructure and services at Aire Valley is set out under Spatial Policy. The latest SHLAA indicates that it may not be possible to deliver 9,000 dwellings and **MM4** amends Spatial Policy 5 accordingly.
68. The promoters of Aire Valley point to a study which recommends the creation of a new town centre in the area³⁵. However, that was predicated on a level of housing development which the Council argues the latest SHLAA shows is no longer deliverable. There is also an existing centre in the area at Hunslet. I do not consider there to be sufficient evidence before me to justify the provision of a new town centre at Aire Valley, whether it be at Richmond Hill (Policy P5) or at Skelton Gate. However, nor does the evidence rule it out. Retail development will be required to support the regeneration of the area. **MM3** and **MM4** amend the Plan to that effect and are necessary to guide the emerging AAP.

³⁵ CD7/10

Issue 3 – Whether the Core Strategy makes adequate provision to meet the full, objectively assessed needs for retail in the city and district.

69. Leeds city centre is a regional destination for shoppers and the Core Strategy rightly directs the majority of additional floorspace to the city centre. Outside the city centre Policy P1 ranks other centres in 3 categories; town centres and Higher Order and Lower Order Local Centres. The study identifies quantitative and qualitative deficiencies in convenience floorspace in parts of the city. No targets are set but provision is made for additional development in accordance with a sequential approach (Policy P5).
70. Policy CC1 deals specifically with the city centre and makes provision for 31,000m² of new comparison goods floorspace. It is argued that the city centre has a greater capacity for comparison goods floorspace but 31,000m² is based on the findings of the Leeds City Centre, Town and Local Centres Study³⁶. The study also warns that significant increases in the city centre offer could have a detrimental impact on lower tier centres in Leeds and elsewhere.
71. The new floorspace will only be released once the impact of the two recent schemes at Victoria Gate and Trinity has been assessed. This too is criticised but the Council's consultants foresee that the new developments will lead to some re modelling of the city centre retail offer and advise re assessing the situation when things settle down. I acknowledge that the Core Strategy should make provision for the whole plan period and be flexible but given the significant size of the Trinity and Victoria Gate schemes, I consider this to be a sensible approach.
72. Policy CC1 also sets out a sequential approach to comparison goods retailing in the city centre, directing development first to the Primary Shopping Quarter. **MM15** will ensure that the policy sets out the requirements clearly and is necessary to make the policy effective. It also introduces a recognition that the Primary Shopping Quarter may not be the best place for bulky goods and sets out a separate sequential approach for such development. Certain department stores display and sell furniture and electrical goods in store. However, the characteristics of retailers which predominantly only sell bulky goods is different and a tailor made approach is justified and necessary to make the policy effective. Finally, **MM15** includes a provision requiring the amenity of neighbouring residents to be taken into account when considering proposals in the city centre.
73. The White Rose Centre offers a range of goods and services akin to those found in a town centre. However, it is a stand alone out of town retail park and other than a range of shops it shares no other characteristics with a traditional town centre (sense of place, heart) and is rightly not listed as a town centre in Policy P1.
74. The NPPF allows local planning authorities to set local thresholds to indicate when a proposed retail, leisure or office development should be subject to an impact assessment. Policy P8 sets out thresholds and indicates when a sequential test and/or impact assessment will be required. This approach complies with national and local policy which aims to protect and nurture town centres. It is supported by the Council's consultants and would provide

³⁶ CD5/2 Colliers 2011

certainty for developers. However, other than retail it does not define what is meant by 'main town centre uses' and the policy does not allow for impact studies to be proportionate to the size and type of development proposed.

MM41 embeds this into Policy P8 and, in accordance with the NPPF³⁷, applies the policy to retail, leisure and office uses. It also amends some thresholds to bring the policy into line with changes to permitted development rights.

Issue 4 - Whether the Core Strategy's policies relating to energy, natural resources and sustainable construction comply with national policy, are effective and justified.

75. Policies EN1 and EN2 set out the Council's targets for carbon dioxide reduction and sustainable construction. Policy EN4 requires developers to connect to district heating schemes. Although laudable aims, the Council's own viability study³⁸ indicates that the requirement for housing schemes to achieve Code for Sustainable Homes Level 4 is challenging. **MM70** introduces necessary flexibility by allowing technical and financial feasibility to be taken into account. The Council is keen to promote district heating and **MM74** expands on the assistance that the Council will provide and what is expected from developers. **MM75** deletes the unduly onerous requirement that all major schemes contribute whether feasible or otherwise. There have been a number of developments in this field since the Plan was submitted for examination. **MM71, MM72, MM73** and **MM76** bring the Plan up to date and are necessary to make it effective.

Issue 5 - Whether the Plan's approach to design, conservation, transport, open space and monitoring and implementation is justified and complies with national policy

Design and conservation

76. Policy P10 encourages good design but poor drafting could undermine the Plan's effectiveness. This is rectified by **MM42, MM43** and **MM44**. Leeds is blessed with a fine range of historic buildings and spaces and Policy P11 and its reasoned justification attract complaints from those who feel that the plan fails to recognise its full range of historic assets. In my view, were it to do so, Policy P11 would become unwieldy and less effective. The general description is acceptable and will not lessen the protection due to any historic asset. However, **MM45, MM46, MM47** and **MM48** are necessary to ensure that the historic environment is properly conserved and enhanced.

Open space

77. The standards for the provision of open space in Policy G3 are based on the Council's 2011 Open Space, Sport and Recreation Assessment³⁹. The study included an audit and survey work and although some at the examination claimed to have been unaware of the on street, postal and other surveys, I see no reason to doubt that they took place. The study was undertaken in accordance with the Companion Guide to Planning Policy Guidance Note 17. That guidance has been cancelled but it was based on sound principles and I

³⁷ Paragraph 26

³⁸ CD6/42

³⁹ CD11/12

am satisfied that the survey is robust. The requirements in Policy G4 may prove challenging but they are justified by evidence. **MM53** provides necessary clarification with regard to the possible need for qualitative improvements when existing space is already under pressure.

Transport

78. The Highways Agency and the Council are working together to manage the impact of growth on the strategic road network. A number of major, medium and small scale interventions have been identified, including measures to tackle congestion on the M621 and major works required to junction 43 on the M1 and junctions 27 to 28 on the M62. The Highways Agency produced the Leeds Infrastructure Study in 2013 which it considers marks the start of a process that should lead to an agreed strategy for the management and operation of the strategic road network. The Council and Highways Agency acknowledge that existing problems will be exacerbated by the growth planned in Leeds and that solutions may require major investment. However, the Highways Agency consider that this can be managed and I have neither seen nor read anything to suggest otherwise.
79. Combined with any road improvements the Council, including through the Core Strategy, is taking measures to reduce car use, improvements in rail (including new stations), to facilitate the NGT (trolley bus) and managing parking. I heard that temporary planning permission for 3,500 parking spaces will not be renewed once the NGT and other improvements are in place. In addition, Council commuter parking (long stay) will be made more expensive, encouraging use of public transport/park & ride.
80. The approach attracts criticism but largely on matters of detail. New railway stations may have localised impacts but these are most appropriately addressed through the planning application process. The principle and route of the NGT has been determined and is not a matter for this examination. I conclude that the transport strategy and policies in the Plan are sound subject to **MM49**, **MM50**, **MM51** and **MM52** which are necessary to make the policies effective and flexible (mainly by removing reference to a specific Local Transport Plan).

Flood risk

81. Policy EN5 directs development away from areas at risk of flooding and includes measures for managing and mitigating flood risk. **MM54** makes a minor but necessary change to recognise that it is not always possible to avoid developing in flood risk areas but does not weaken the thrust of the policy which complies with national guidance.

Monitoring and Implementation

82. Monitoring is important to ensure that policies and proposals in the Plan deliver the proposed housing etc and to indicate when intervention may be necessary. **MM55** and **MM56** introduce a monitoring framework which should provide an effective basis for this by providing specific and measurable targets by which the success of the Core Strategy can be gauged and enabling informed decisions to be made to address any failings. **MM17** clarifies how the Council will calculate housing density and is necessary to aid effective

monitoring of Policy H3 (Density of Residential Development).

Assessment of Legal Compliance

83. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS of April 2013, which sets out an expected adoption in 2014. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2007 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (December 2012) sets out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.
Public Sector Equality Duty	The Core Strategy complies with the Duty.

Overall Conclusion and Recommendation

84. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
85. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 2, the Leeds City Council Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

A Thickett

Inspector

Appendix 1: Letter to the Council regarding the Duty to Co-operate

Appendix 2: Main Modifications

Appendix 3: Main Modifications, Maps

Appendix 1

Examination of Leeds City Council Core Strategy

Mr D Feeney
Head of Forward Planning &
Implementation
Leeds City Council
City Development
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD
By email only

Inspector: Anthony Thickett BA(Hons)
BTP MRTPI Dip RSA

Programme Officer: Helen Wilson
Tel: 01527 65741
E mail: progofficer@aol.com

Date 10 July 2013

Dear Mr Feeney,

Further to Hearing held on 8 July, I set out below my reasons for concluding that the Council has satisfied the duty to co-operate.

The Council's Duty to Co-operate Background Paper⁴⁰ and the supplementary submission⁴¹ set out how the City Council engaged with its neighbours and other bodies in the preparation of the Core Strategy. A number of representors point to alleged shortcomings in the Core Strategy and strategic planning in the Leeds City Region generally and argue that this demonstrates a failure to engage constructively with neighbouring authorities. To my mind, most of these representations relate to the merits of the Core Strategy and raise issues of soundness or go beyond the role of the Core Strategy. As I indicated at the Hearing, at this stage I am limiting my considerations to whether the City Council has satisfied the legal duty to co-operate as set out in Section 33A of the Localism Act 2011.

A number of representors accept that the City Council has met the duty but argue that the Core Strategy should include a detailed explanation of the collaboration between neighbouring local planning authorities. Whilst this may have avoided representations on this issue and so may have been helpful in that regard, I see no need for the Core Strategy to detail the various meetings, consultations and other correspondence which informed its production.

One of those representors was Wakefield Metropolitan Borough Council and, as you know from my letter of 16 May, I was concerned with the comments attributed to that Authority in the Duty to Co-operate' Background Paper. However, having considered the supplementary statement and the statement made by Wakefield at the hearing, I am satisfied that the City Council did engage constructively with that Authority.

⁴⁰ Core Document CD23

⁴¹ Core Document LCC/4

I am still not persuaded of the merits of the 'beyond the plan area' approach advocated set out in the methodology agreed by you and others. However, having considered the information set out in the supplementary statement and the submissions at the Hearing (including those made by Wakefield, Bradford and the Highways Agency) I am satisfied that constructive engagement has taken place. I note that some differences remain but the duty does not require everyone to agree and any outstanding areas of dispute will be addressed during the examination.

I remain concerned with the apparent lack of engagement with the Environment Agency (EA) between the Core Strategy Preferred Approach Options stage in 2009 and the Publication Draft consultation. However, the supplementary statement catalogues meetings at which the EA were present and although most were not directly focussed on the Core Strategy, they appear to have covered strategic issues⁴². Also it is clear that the City Council and the EA have been in discussion since the publication stage and the inception of the duty. Consequently, I am satisfied that the City Council has done more than consult the EA at the formal stages of plan preparation.

Having considered the evidence base and the representations, I consider that the City Council has satisfied the legal duty to co-operate as set out in Section 33A of the Localism Act 2011 with regard to the production of the Core Strategy.

Turning to procedural matters, I indicated at the hearing that it is critical that I know the Council's position with regard to representations made to the Core Strategy. It is of equal importance that everyone who is entitled to be heard and has expressed a wish to do so is identified. In light of the problems already experienced with the representor data base, I require an assurance that it is accurate.

It is also necessary to ascertain which representors who are entitled to appear but did not express a preference, wish to be heard. This information will have a direct bearing on the number and structure of the hearings and is required as a matter of urgency. It will be necessary to contact all those who would be entitled to be heard but have not indicated whether they wish to do so. It should be made clear that representations carry the same weight whether made orally or in writing. I suggest you liaise with Mrs Wilson with regard to the wording of the letter.

I am concerned with the seeming inability to secure appropriate accommodation for the hearings. One cannot predict with any accuracy how many people will wish to observe proceedings but given the number of representations relating to, for example, housing numbers and distribution, it would be prudent to secure accommodation large enough to accommodate a significant number of people. It is better to have surplus space rather than not be able to accommodate all those who wish to attend (which could disrupt the programme).

To that end, I am pleased that you have secured Leeds Museum for 7 to 10 October but I understand that there is no accommodation in the museum for the Programme Officer's office or a retiring room. Although not ideal, given that they are closeby, the Town Hall, Civic Hall or Carriageworks would be suitable. However, it would now appear that there are problems with the Sullivan Room in the Town Hall for the dates discussed.

⁴² Annex 2, Core Document LCC/4

It is important that the examination proceeds as expeditiously as possible and that a programme is set soon so that all parties can plan and prepare. Hearings will commence in the week of 7 October 2013 and I envisage will run over a period of two possibly 3 weeks⁴³. Advice regarding accommodation can be found under Programme Officer Guidance on the Planning Portal. I look forward to confirmation that suitable accommodation has been secured by 19 July 2013.

Yours faithfully

A Thickett

Inspector

⁴³ Depending on finalising the data base and on the number of representors to be heard.