

City Development Directorate

Policy and Plans Group

Major Projects Team

Appendix 4



## **Five Year Housing Land Supply Statement**

**2020 Update**

## 1. Background

- 1.1. The National Planning Policy Framework (NPPF) states that local planning authorities must identify a deliverable five year supply of housing sites as revised in July 2018 (and updated on 19 February 2019). Guidance is contained in both the NPPF and the National Planning Practice Guidance (NPPG) for housing and economic land availability assessments last updated in July 2019.
- 1.2. The preparation of a Strategic Housing Land Availability Assessment (SHLAA) is a requirement of the NPPF with guidance provided in the NPPG. The SHLAA is a technical study that assists in the monitoring of whether there is an adequate supply of deliverable housing land at any point in time.
- 1.3. The Council was adjudged by the Secretary of State in his decisions at Breary Lane, Bramhope, Leeds Road, Collingham and Bradford Road, East Ardsley on 23rd December 2016 not to have a five year housing land supply. That was based on the 2015 update to the SHLAA.
- 1.4. In moving forward, the Council significantly improved the approach to the SHLAA process in the 2017 update. At the same time the Council continued to increase the stock of extant planning permissions whilst progressing the Site Allocations Plan to adoption alongside a range of housing growth initiatives and the adoption of the Aire Valley Leeds Area Action Plan. These actions strengthened the five year housing land supply position.
- 1.5. The 2017 Update to the SHLAA was tested as part of two public inquiries at *land south of Pool Road, Pool in Wharfedale* and *The Ridge, Linton* decided by the Planning Inspectorate and two Secretary of State decisions at *Tingley Station* and *Thorp Arch Trading Estate*, both recovered appeals were dismissed on 12 July 2018.
- 1.6. The Secretary of States conclusions set out in *Thorp Arch* notes the confidence in the Council's "*...thorough and proactive approach to land availability*". The SHLAA site information was presented to support the allocation of sites in the Site Allocations Plan at Examination between 24 October 2017 and 3 August 2018. The Inspectors Report released on the 7 June 2019 noting that "*It is considered that the assumed build-out rates contained in the SHLAA are realistic and robust*". The Site Allocations Plan was adopted on 10 July 2019.
- 1.7. Post adoption, the Site Allocations Plan was the subject of a Legal Challenge submitted to the High Court on 20 August 2019. The case was heard at the High Court in February 2020, with Judgment being handed down on 8 June 2020. The High Court ordered relief that allocated sites that immediately before the adoption of the SAP were in the Green Belt be remitted back to the Secretary of State and the Planning Inspectorate for further examination, which until adopted are no longer included as part of the five year housing land supply.
- 1.8. The Council has reflected and updated this position to a base date of 1 April 2020. This statement reflects to up-to-date assessment of sites as part of the 2020 update

of the SHLAA. The 2020 update takes account of new planning permissions and construction activity to a base date of 1 April 2020. The Council has been keen to fully reflect the challenges or opportunities to delivery that might arise as a result of the Covid-19 pandemic.

## **2. National Policy**

### **National Planning Policy Framework**

- 2.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For housing, this means providing the supply of housing required to meet the needs of present and future generations.
- 2.2. Local planning authorities are required to prepare a SHLAA in order to establish realistic assumptions about the availability, suitability and achievability of land to meet the identified need for housing over the plan period.
- 2.3. The NPPF states that local planning authorities must identify a deliverable five year supply of housing sites. The NPPF 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 five years and in particular that development of the site is viable.
- 2.4. The NPPF identifies the need to consider:
  - **A supply buffer** – dependent upon performance against the Housing Delivery Test, local planning authorities are required to include an additional allowance or 'buffer' of five percent (moved forward from later in the plan period) in terms of supply to ensure choice and competition in the market for land. Local planning authorities with a record of persistent under delivery of housing should apply a 20 percent buffer (Paragraph 73).
  - **Windfall sites** - local planning authorities may make an allowance for windfall sites in their five year supply if they have compelling evidence such sites have consistently become available in the local area and will continue to provide a reliable source of supply (Paragraph 70).
- 2.5. Footnote 7 to Paragraph 11 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

### **National Planning Practice Framework and Guidance**

- 2.6. The National Planning Policy Framework was published on 27 March 2012 and sets out the government's planning policies for England and how these are expected to be applied. A new version of the National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019. In September 2018, the government published planning practice guidance to accompany the NPPF.

Guidance on preparing SHLAA documents is contained in both the NPPF and the NPPG for housing and economic land availability assessments. This has been used to determine the approach taken in this document.

2.7. The NPPG provides clarity on what constitutes a deliverable site. Annex 2 (updated on 19 February 2019) of the NPPF defines a deliverable site in terms of an assessment of the timescale for delivery and the planning status of the site and adds further detail as to the evidential requirement needed on sites without a detailed planning permission...*"To be considered deliverable, sites for housing 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. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

2.8. Recent case law<sup>1</sup> has determined how to interpret that definition and confirms that:

*"The proper interpretation of the definition is that any site which can be shown to 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' will meet the definition; and that the examples given in [the NPPF] are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available."*

2.9. The Council has produced clear evidence across all sites as part of the SHLAA process, thereby satisfying the NPPF approach. It has always been important to confirm an accurate position of housing land supply by identifying any factors leading to either delay or acceleration of house building on sites. This includes confirmation of any availability or ownership issues that would impact on the delivery of a site. The Council has contacted landowners, developers and agents involved in the delivery of sites in order to collate new evidence and establish a dialogue on delivery in order to make informed decisions as to how sites contribute to the future supply of housing in Leeds.

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<sup>1</sup> East Northamptonshire Council and Secretary of State for Housing, Communities and Local Government and Lourett Developments

- 2.10. Paragraph 30 of the NPPG directs authorities to use evidence set out in the SHLAA to identify sites which may be suitable, available and achievable for housing development and also provide some evidence as to their deliverability. This SHLAA update accords with both the revised NPPF and the NPPG.

### **3. The requirement**

- 3.1. The starting point for establishing a five year supply requirement is the housing target identified in strategic policies for the first five years of the plan. .
- 3.2. The Core Strategy was amended in September 2019 by the adoption of the Core Strategy Selective Review which included a new housing requirement of 51,952 (net) between 2017 and 2033. This is the amount of housing Leeds needs to build. .
- 3.3. The adopted Core Strategy (as amended) sets the base requirement for housing provision in the District. Policy SP6 informs of a plan requirement of 51,952 dwellings between 2017 and 2033. For the purposes of monitoring and reporting, the base dates for each year is 1st April.
- 3.4. The adopted annual housing target from 2017 is 3,247 dwellings per annum. The Core Strategy plan period ends in 2033.
- 3.5. The five-year period that should be used for calculating both the requirement and supply is the 1st April 2020 to the 31st March 2025. The baseline requirement for this period =  $5 \times 3,247 = 16,235$  dwellings.
- 3.6. The five-year housing land requirement is calculated by considering the average annual Local Plan requirement and rolling over any previous shortfall since the base date of the Local Plan. Any accrued shortfall is to be made up within five years, which is often referred to as the 'Sedgefield' approach. An appropriate buffer is added and then the annual residual requirement is multiplied by five to generate the five-year housing land requirement.
- 3.7. The delivery and associated undersupply for the first three years of the plan (1st April 2017 to 31st March 2020) are agreed as follows:

**Net Delivery:** 1st April 2017 to 31 March 2020 = 9,240

**Requirement:** 1st April 2017 to 31 March 2020 = 9,741

**Undersupply:** 1st April 2017 to 31st March 2020 = 501

- 3.8. As above, Paragraph 60 of the NPPF instructs that the adopted Core Strategy housing requirement figure must be "informed by" an assessment of local housing need using the standard method in the NPPG. The government's standard methodology on calculating local housing need is now adopted NPPG policy and inevitably attracts full weight.

3.9. The mechanics of the Housing Delivery Test determine the buffer to be applied to the requirement figure and the transitional arrangements are set out in the Rule Book. The government has confirmed to authorities that the previous three years delivery is set against the lower of the latest adopted housing requirement or the minimum annual local housing need figure. These are to be updated by authorities using the most up-to-date published information on household projections and affordability ratios.

3.10. The Council's delivery far exceeds this requirement and in line with paragraph 37 of the NPPG a 5% buffer has been applied to ensure choice and competition in the market (where there delivery of housing over the previous 3 years, has not fallen below 85% of the requirement). This buffer is applied to the Core Strategy housing requirement and the shortfall since the start of the Plan.

3.11. For the 5 year period 1st April 2018 to 31st March 2023, the calculation is as follows:

**Baseline Requirement:** 2020 to 2025 = 5 x 3,247 = 16,235

**Undersupply:** 2017 to 2020 = 501

**Base Requirement + Undersupply** = 16,736

**5% Buffer** = 837

**Base Requirement + Undersupply + 5% Buffer** = 17,573

3.12. The total adjusted five year requirement for the period 1st April 2020 to 31st March 2025 stands at 17,573 dwellings, a requirement of 3,515 dwellings per annum.

#### **4. The SHLAA 2020 Update**

4.1. The NPPG provides information to help local authorities fulfil their responsibilities under paragraph 67 of the NPPF. As well as establishing a five-year supply position to support the preparation and examination of Local Plans, the NPPG confirms that the supply position should be updated annually.

4.2. The preparation of the 2020 SHLAA reflects the most up to date guidance available, including the NPPG. In particular, the NPPG provides more detailed advice for carrying out a SHLAA, noting that it should:

- identify sites and broad locations with potential for development;
- assess their development potential; and
- assess their suitability for development and the likelihood of development coming forward (the availability and achievability).

- 4.3. The Council have finalised the 2020 update to the SHLAA and have contacted agents, landowners, developers and promoters of sites to comment upon the availability and achievability of each site as part of a positive approach to update the SHLAA according to the most up-to-date information available on a site-by-site basis. The Council has obtained detailed site-specific information that informs assessments of deliverability as advocated by Inspectors and the Secretary of State in recent appeal decisions.
- 4.4. The sites included in the five-year supply satisfy the requirements of paragraph 67 of the NPPF and NPPG. The Council uses the information it has on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development.
- 4.5. The Council has contacted landowners as part of considering the availability of sites adopted under the Aire Valley Area Action Plan, and allocated under the Site Allocation Plan and as part of informing overall 'deliverability', including the *"realistic prospect that housing will be delivered within five years"*.
- 4.6. The Council confirms that no site included within its supply discloses any legal or ownership constraint, militating against the realistic prospect of delivery or overall deliverability.
- 4.7. The Council has properly taken into current housing market conditions. The Council consulted with the Home Builders Federation, landowners, agents and developers recognising that the changes posed to the housing market by Covid-19 may create challenges or opportunities for different types of sites and to make clear that it was important that landowners confirmed whether the assessment reflected an accurate picture of delivery. Updated construction programmes were received and accurately recorded in the update and observations were welcomed on the capacity of the industry to deliver in the short, medium and long term.
- 4.8. The housing market in Leeds has seen continued and marked improvement in the last few years. National and international developer interest is continuing to grow and that the planning pipeline is strong with numerous high-rise developments both under construction and in planning. The outstanding stock of planning permissions is at the greatest ever level and Leeds remains firmly in 'growth mode' and is committed to additionality, and to accelerating delivery of the housing requirement in line with the Core Strategy and growth strategies.

## **5. The Five Year Housing Land Supply**

- 5.1. The 2020 SHLAA update shows 23,689 units in the short term across 438 sites. Of these, 1,557 are units on 36 Green Belt sites without planning permission that are now remitted for further examination and are excluded from the five year housing land supply. This means the short term deliverable supply is 22,132 units on 402 sites. The overwhelming majority are on sites currently under construction or with detailed planning permission. The short term supply also includes sites with outline planning

permission and those allocated as deliverable in the recent Aire Valley Leeds Area Action Plan and Site Allocations Plan.

- 5.2. This sets a minimum policy compliant deliverable supply of 22,132 comprised of:

Status	Sites	Total
Site under construction	90	6,146
Site with detailed planning permission	159	10,863
Site with outline planning permission	26	1,862
Allocated site without planning permission	127	3,261
<b>Total</b>	<b>402</b>	<b>22,132</b>

- 5.3. With the inclusion of windfall at 500 per annum (adopted Core Strategy), with the discount of demolitions the overall supply is a minimum 6.8 years:

<b>Total Five Year Requirement 1st April 2020 to 31st March 2025</b>	<b>17,573</b>
<b>Annual Requirement</b>	<b>3,515</b>
Identified Supply	22,132
Windfall	2,500
<b>Demolitions</b>	<b>-750</b>
Total Supply	23,882
<b>Five Year Supply</b>	<b>6.8</b>

- 5.4. The overwhelming majority of the 22,132 dwellings in the SHLAA supply are either under construction or have detailed planning permission. A further 1,862 with outline permission means some 85% (18,871 units) are either under construction or have planning permission. Sites with planning permission alone equate to 5.4 years of supply. The 3,261 dwellings yet to obtain planning permission at 1 April 2020 on allocated sites determined to be deliverable by the Inspectors of the Aire Valley Leeds Area Action Plan and Site Allocations Plan.
- 5.5. Outside of the short-term supply there are a further 52 sites with an expired planning permission that have been removed from the five year housing land supply picture but could accommodate 2,026 units as they remain available and able to come forward as part of a new planning application at any point.

## 6. Conclusion

- 6.1. The Council has undertaken an NPPF compliant update to the SHLAA reflective of realistic build out rates, the capacity of the industry to run a maximum number of outlets, reflections on previously disputed sites and the discount of sites subject to expired planning permissions with no current planning activity. The update accurately reflects the submissions made through the HBF consultation and on-going dialogue with landowners, agents and developers.
- 6.2. The level of supply is at least 6.8 years.











Ref	Plan Ref	Site	Type	20/21	21/22	22/23	23/24	24/25	5YHLS	25/26	26/27	27/28	To 2028	28/29	29/30	30/31	31/32	32/33	To 2033
5436		Spencer House, Hollywell Lane, Shadwell	Site with detailed planning permission	0	9	0	0	0	9	0	0	0	9	0	0	0	0	0	9
5437		Westwood Way, Boston Spa	Site under construction	22	22	0	0	0	44	0	0	0	44	0	0	0	0	0	44
5438		Land Off Beech Walk And Beech Mount, Gipton	Site under construction	22	0	0	0	0	22	0	0	0	22	0	0	0	0	0	22
5439		Welburn Cottage, Deighton Road, Wetherby	Site with detailed planning permission	0	9	0	0	0	9	0	0	0	9	0	0	0	0	0	9
5440		Land Off Wakefield Road, Drighlington	Site with detailed planning permission	0	13	0	0	0	13	0	0	0	13	0	0	0	0	0	13
5441		374 Alwoodley Lane, Alwoodley	Site with detailed planning permission	0	5	0	0	0	5	0	0	0	5	0	0	0	0	0	5
5442		Leeds College Of Building, The Millwright Building, Millwright Street	Site with detailed planning permission	0	0	136	0	0	136	0	0	0	136	0	0	0	0	0	136
5443		Bodmin Road, Middleton	Site under construction	16	16	0	0	0	32	0	0	0	32	0	0	0	0	0	32
5444		Pudsey Sports And Social Club, 8 Parkfield Terrace, Stanningley, F	Site with detailed planning permission	7	0	0	0	0	7	0	0	0	7	0	0	0	0	0	7
5445		Troydale Garage, Troydale Lane, Pudsey	Site with detailed planning permission	5	0	0	0	0	5	0	0	0	5	0	0	0	0	0	5
5446		34 Wakefield Road, Rothwell	Site with outline planning permission	0	0	9	0	0	9	0	0	0	9	0	0	0	0	0	9
5447		Lamberts Arcade And 162 - 165 Briggate, Leeds, LS1 6LY	Site with detailed planning permission	0	23	0	0	0	23	0	0	0	23	0	0	0	0	0	23
5448		323 Hunslet Road Hunslet, Leeds, LS10 1NJ	Site with detailed planning permission	0	8	0	0	0	8	0	0	0	8	0	0	0	0	0	8
5449		Moor Knoll Lane, East Ardsley, WF3 2DX	Site with detailed planning permission	0	27	0	0	0	27	0	0	0	27	0	0	0	0	0	27
5450		Fairburn House, 44 Park Lane, Allerton Bywater, WF10 2AT	Site with outline planning permission	0	0	14	0	0	14	0	0	0	14	0	0	0	0	0	14
5451		Lemonroyd Marina, Fleet Lane, Oulton, Leeds, LS26 9EU	Site with detailed planning permission	0	20	0	0	0	20	0	0	0	20	0	0	0	0	0	20
5452		10 - 18 Bankhouse Lane, Pudsey, LS28 8LR	Site with detailed planning permission	0	0	0	5	0	5	0	0	0	5	0	0	0	0	0	5
5453		5 Spring Road, Headingley, Leeds, LS6 1AD	Site with detailed planning permission	5	0	0	0	0	5	0	0	0	5	0	0	0	0	0	5
5454		Pavillion Business Centre, Stanningley Road, Leeds, LS28 6NB	Site with detailed planning permission	17	0	0	0	0	17	0	0	0	17	0	0	0	0	0	17
5455		18 Woodsley Road, Woodhouse, Leeds, LS3 1DT	Site with detailed planning permission	0	6	0	0	0	6	0	0	0	6	0	0	0	0	0	6
5456		Former Killingbeck Police Station, Foundry Lane, Seacroft	Site with detailed planning permission	0	86	0	0	0	86	0	0	0	86	0	0	0	0	0	86
5457		Bridge House, Balm Road, Hunslet	Site with detailed planning permission	0	29	0	0	0	29	0	0	0	29	0	0	0	0	0	29
5458		Century House, 29 Clarendon Road, Woodhouse	Site with detailed planning permission	0	9	0	0	0	9	0	0	0	9	0	0	0	0	0	9
5459		Land Off Ings Avenue, Guiseley	Site with detailed planning permission	0	8	0	0	0	8	0	0	0	8	0	0	0	0	0	8
5460		86A High Street, Yeadon	Site with detailed planning permission	6	0	0	0	0	6	0	0	0	6	0	0	0	0	0	6
5461		Rawdon Court, 20 Leeds Road, Rawdon	Site with detailed planning permission	0	12	0	0	0	12	0	0	0	12	0	0	0	0	0	12
5462		Devonshire House, 38 York Place	Site with detailed planning permission	0	21	0	0	0	21	0	0	0	21	0	0	0	0	0	21
5463		481 Meanwood Road, Meanwood	Site with detailed planning permission	0	7	0	0	0	7	0	0	0	7	0	0	0	0	0	7
5464		Springwood House Low Lane, Horsforth	Site with detailed planning permission	0	27	0	0	0	27	0	0	0	27	0	0	0	0	0	27
5465		Leaffield House, 107 - 109 King Lane, Moortown	Site with detailed planning permission	0	7	0	0	0	7	0	0	0	7	0	0	0	0	0	7
5466		15 Park Place	Site with detailed planning permission	0	5	0	0	0	5	0	0	0	5	0	0	0	0	0	5
5467		The Croft, Harrogate Road, Moortown	Site with outline planning permission	0	0	0	5	0	5	0	0	0	5	0	0	0	0	0	5
5468		Coburg House, 2 St Andrews Court, St Andrews Street, Burley	Site with detailed planning permission	0	9	0	0	0	9	0	0	0	9	0	0	0	0	0	9
5469		The Spinney, Harrogate Road, Moortown	Site with outline planning permission	0	0	0	5	0	5	0	0	0	5	0	0	0	0	0	5
5482		Lion House, 41 York Place	Site with detailed planning permission	0	6	0	0	0	6	0	0	0	6	0	0	0	0	0	6
5483		6 - 7 South Parade	Site with detailed planning permission	0	28	0	0	0	28	0	0	0	28	0	0	0	0	0	28