

Development Plan Panel

Tuesday, 7th March, 2017

PRESENT: Councillor F Venner in the Chair

Councillors B Anderson, C Campbell,
T Leadley, R Lewis, J McKenna,
S McKenna, K Ritchie and N Walshaw

58 Appeals against refusal of inspection of documents.

There were no appeals against the refusal of inspection of documents.

59 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

60 Late Items

No formal late items of business were added to the agenda.

61 Declaration of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

62 Apologies for Absence

Apologies for absence were received from Councillor M Coulson, C Gruen, J Procter and K Wakefield. Councillors S McKenna and K Ritchie attended the meeting as substitutes.

63 Minutes

RESOLVED- That the minutes of the Development Plan Panel meeting held on 10th January 2017 be approved, subject to the following amendments:

Minute 55 Site Allocations Plan – delete reference to Councillor Anderson withdrawing from the meeting

64 Affordable Housing Benchmarks Update

The Panel considered the report of the Director of City Development which sought Members' views on proposals to update Leeds' Affordable Housing benchmark prices. This matter had previously been withdrawn from the meeting held on 27th September 2016 (minute 34 refers).

The report explained that an updated methodology for setting new benchmarks would accord with Policy H5 of the Leeds Core Strategy which had been adopted in 2014 and superseded previous UDP policies. Policy H5 sets the principle that new Affordable Housing in Leeds should be made affordable enough for households on lower decile (social rent) and lower quartile (sub-market/intermediate) earnings. The benchmark figures set the price that housing developers sell affordable dwellings to Registered Providers (RPs). Using the same income data, benchmarks also set the rent for affordable dwellings within Build-for-Rent developments.

The Planning Strategy Team Leader highlighted the key changes as being:

- A proposed increase to the lower decile benchmark

- A proposed decrease to the lower quartile benchmark
- The inclusion of the earnings of part-time workers within the lower decile methodology

Overall however, the changes would not alter the amount paid by Registered Providers for the Affordable Housing element of schemes.

The Planning Strategy Team Leader noted that previously, the benchmark figures had been updated annually by the Chief Planning Officer using a methodology devised in the early 2000's. Given the change in approach following the adoption Core Strategy, it was considered appropriate to obtain the views from Development Plan Panel.

The Panel discussed the following matters:

- Concerns that developers did not want to provide Affordable Housing on site and would rather offer a commuted sum.
- Anticipation that commuted sum costs would rise as they took into account rental costs which had increased. Construction costs had also increased. Open market values had increased, so the difference between the open market value and the affordable housing value would be included within commuted sum calculations.
- Whether the 1100 annual target had been met.
- Whether it was feasible in the circumstances where the authority was asked to set aside its policy requiring affordable housing on site, to charge a premium affordable housing rate, to cover administration costs, to those developers who only offered commuted sums for affordable housing. The Panel received advice from the Chief Legal Officer setting out the circumstances where a commuted sum could be considered and clarifying that there was no provision to uplift that sum. After further discussion, it was agreed that this issue would be further discussed as part of the Selective Review of the Core Strategy
- Concern that there was little affordable housing in some of Leeds' outlying towns and villages, which prevented younger people entering the housing market in their own home towns
- The technical definition of "Affordable Housing" - Government White Paper proposals set the income for "Starter Homes" as £80,000 or £90,000 in London – was not affordable to normal wage earners when mortgage lending terms offered by a bank or building society are set at 2½ or 3 times salary

The Chief Planning Officer gave assurance that the revised methodology was sound. Additionally he reassured Members that there was sufficient flexibility in the system, if, during the transition phase, the new methodology was found to cause an issue for developments already being constructed.

The Executive Member for Regeneration, Transport and Planning indicated that a report on the development of mixed residential communities was due to be considered by the Council's Executive Board on 22nd March 2017 with a view to developing a policy approach.

The Chief Planning Officer indicated that the Core Strategy Review process, informed by a new SHMA, would look at future target setting; and work would be

undertaken at a local level to assist in the development of a broad view on need for the whole city. Panel noted the debate revealed the current tensions in the housing market and the comment that a full review of the housing market strategy was needed. A comment that the 5% city centre Affordable Housing target required review in due course was also noted.

RESOLVED – To note the contents of the report and the comments made during discussions

65 Hot Food Takeaway Supplementary Planning Document

Further to minute 33 of the meeting held 27th September 2016, the Panel considered a report seeking endorsement for a public consultation to be undertaken on a Draft Hot Food Takeaway (HFT) Supplementary Planning Document (SPD). Following a White Paper Motion to full Council in June 2016 the Panel had considered the issue and resolved that the preparation of a draft SPD could address links between health issues and planning policy. The draft SPD sought to control HFT proposals, particularly from the perspective of improving the health and wellbeing of Leeds' population. A copy of the draft SPD was attached as Appendix 1 to the report and included site plans showing every secondary school in Leeds, with a 400m boundary from the centre of the school premises.

The Planning Assistant (Project Support) explained that the draft SPD had been prepared in consultation with Licensing, Public Health, Environmental and Development Management officers. After the proposed 6 week public consultation; the draft SPD would be revised accordingly and be brought back to DPP before being approved for adoption. The draft SPD would form part of Leeds' Local Plan and carry weight when future planning applications and H5 applications are determined.

Councillor Leadley briefly presented the three key issues for discussion as being:

HFT1 - the proposed guidance to control HFT proximity to schools – where he expressed a preference to extend the 400m boundary extend from the school perimeter rather than the centre of the building

HFT2 - clustering in designated centres – where he promoted discussion in respect of those areas which already saw a proliferation of HFT; whether there was scope to introduce neighbourhood policies with neighbourhood definitions for HFT. In Leeds there are the equivalent of 126 HFT per 100,000 population, which is above the national average, the Panel were asked to consider whether a discretionary measure of a given number of HFT per 100,000 population should be established. He also referred to public health concerns, noting that some communities were more affected by the harm linked to HFT than others.

HFT3 - to address amenity concerns

Additionally the Panel was asked to consider whether it would be beneficial to include a caveat for HFT2 in order to allow an A5 use after a certain amount of unit vacancy. Councillor Leadley also referred to previous discussions on the status of drive-thru take aways and suggested this needed further discussion to understand what planning use class these fall within.

Members and Officers discussed the following:

HFT1 Drawing a zone of restriction:

- Members considered whether it would be preferable to implement a 500m “exclusion zone” and noted the response that 400m was the accepted accessibility standard as the anticipated distance covered during a ten minute walk- the aim being to control HFT within a ten minute walk from a secondary school.
- Whether the zone should be calculated from the centre of the school building, from the perimeter of the school grounds or from every access point (school gates), noting the approach adopted at Gateshead and Newcastle planning authorities.
- The issue of whether the SPD would apply to land earmarked for school development would be given further consideration, although it was felt the school would have to be constructed for the SPD to have effect.

HFT2 Clustering:

- Most HFT are located in local centres, town centres or neighbourhood parades.
- HFT can blight shopping parades and discourage new business start-ups
- Concern the SPD did not address or reflect those A3 restaurants which also operated as HFT. It was noted that this should be an enforcement matter and there was support for the SPD to contain information on how operating without consent would be tackled.

HFT2 Vacancy Caveat – Members did not support the inclusion of the proposed caveat.

HFT3 Amenity concerns

- Comments about control of littering, bins and waste were also noted. It was agreed that the links between this SPD and the relevant town centre policies would be given greater attention.

Noting the comments and queries raised by Members, officers agreed to undertake further work with LCC Children’s Services and Public Health Team in order to report back to Panel Members via email in the first instance with options for their consideration. In order to progress the SPD, the consultation responses from Panel Members will be considered by the Chief Planning Officer in consultation with the Chair in order to determine the proposals to be included within the consultation draft.

RESOLVED

- a) To note the comments made during discussion and to note that officers will make the minor amendments to the draft SPD prior to the start of the consultation period.
- b) To note that officers will further consider the proposed 400m perimeter and will present options for Panel Members to consider via email. The matter of the boundary distance and secondary school will be determined by the Chief Planning Officer in consultation with the Chair, taking into account Members’ views.
- c) To note that Panel did not support the proposal for policy HFT2 to include a caveat allowing an A5 use after a certain term of unit vacancy.
- d) To endorse the undertaking of public consultation on the Draft Hot Food Takeaway Supplementary Planning Document (SPD), once amended.

66 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as 11th April 2017