

Development Plan Panel

Tuesday, 19th December, 2017

PRESENT: Councillor P Gruen in the Chair

Councillors B Anderson, C Campbell,
M Coulson, C Gruen, T Leadley, R Lewis,
J McKenna, F Venner and N Walshaw

39 Appeals Against Refusal of Inspection of Documents

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

40 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

41 Late Items

There were no formal late items of business. However, a supplementary pack had been despatched to Members prior to the meeting in respect of agenda item 7 Core Strategy Selective Review (Publication Draft) - Appendix 2. The document was also available on the Council's website. (Minute 46 refers).

42 Declaration of Disclosable Pecuniary Interests

No declarations were made.

43 Apologies for Absence

Apologies for absence were received from Councillor G Latty

44 Minutes

RESOLVED – That, subject to an amendment to minute 36 to record the abstention of Councillor Leadley from voting, the minutes of the Development Plan Panel meeting held on 21st November 2017 be approved.

45 Matters Arising

Viability Assessments – Comments regarding recent media coverage of the bonus structure and profit margins of a national housebuilding company and whether the Council's approach to viability assessments could be included within the Panel's future work programme were noted.

Student Accommodation & the City Centre – Comments regarding the development of a strategic approach (to cover saturation; impact; space and related issues) were noted.

It was noted that both of the matters above were included within the CSSR (Minute 46 refers)

Informal workshop – Recognising the pressures between planning policy and planning development, the Panel agreed to hold an informal workshop in the

New Year (to cover closer working between the two sections, maintaining the Council's policies and developing an approach to viability issues).

Housing Build Out Rates – A housing implementation update to be presented to a future meeting

DCLG consultation – Although it had been anticipated that the March 2018 publication of new Guidance documents would reflect responses to the DCLG consultation, this had altered to spring 2018. Central Government advice was for Councils to continue with their plan making processes.

46 Core Strategy Selective Review (Publication Draft)

The Director of City Development submitted a report setting out the proposed Publication draft policies for the Core Strategy Selective Review (CSSR) for consideration. Following initial public consultation and further technical work, the draft policies covered the housing requirement for a new plan period of 2017 – 2033, updated affordable housing and green space policies, introduced new policies on housing standards (size and accessibility) and updated the sustainable construction Policies EN1 and EN2 to reflect national advice.

Appendix 1 to the report set out the proposed Policy and Paragraph changes to the Adopted Leeds Core Strategy 2014 for Members consideration. Appendix 2 contained the CSSR Review Sustainability Appraisal (SA) - Draft Non-Technical Summary which included the essential scoping components of the SA and summarised the results and significant effects of reasonable alternatives and policy options on the SA objectives in relation to those elements of the CS for review.

The Planning Strategy Team Leader presented the report, highlighting the background to the review, the process undertaken so far, the findings and proposals for public consultation. General discussions covered the following topics:

Viability – The Council's approach to viability should reflect the view that costs associated with an application (such as land costs, reparation works) are not unforeseen and can be calculated prior to application submission – in order to support planning officers in their discussions with applicants over policy commitments and Members' desire to maintain those policies. Members were reminded that a Local Planning Authority (LPA) was under a duty to assess viability during Plan making, however at the time planning applications were considered, each application would need to be considered on a case by case basis.

Dale Robinson of GVA Consultants further explained that the NPPF did not contain formal guidance or define 'a reasonable land value'. Discussion considered whether this issue was a policy matter, or whether it related to considerations "at the point of the determination".

Planning Development and Planning Policy – Members expressed support for round table discussions between Members, Development Management

officers and Planning Policy officers on issues and pressures relating to policy implementation at the point of dealing with planning applications. It was noted that the Head of Policy & Plans was due to meet with Mr Jonathon Carr - the recently appointed Head of Planning Services where this could be discussed.

The Panel then dealt with specific Policy proposals:

Policies SP6 & SP7 Housing Requirement for 2017-33 and distribution

The impact of larger and unidentified sites; should a landowner come forward with a site for 200+ homes, was difficult to predict and evidence. It was anticipated that larger windfall sites were more likely to come forward for development towards the end of the plan period.

The suggestion to establish a 'ready reckoner' to calculate windfall sites throughout the year was supported – to enable monitoring and review of the policy in the future. It was agreed that further research on the number of windfall sites and the amount of housing provided over the last three years would be undertaken.

There was some discussion on the need for the Policy to emphasise the LPA's expectation that Brownfield Land will be released/developed for housing before Green Belt and include reference to large windfall sites – which could be accounted for within the SAP and/or CSSR as part of their continuous review.

Policy SP6 Members suggested that further research be undertaken by officers to review the previous 3 years windfall provision – to include a review of the evidence of how the 500 dwelling windfall allowance had been arrived at, whether it remained justified and to include specific consideration of how unforeseen sites larger than 5 dwellings are counted.

Policy SP7 - No amendments to the proposals were identified.

Policy H5 Affordable Housing Policy

Members noted the SHMA 2017 proposed the delivery of 1,230 Affordable Housing units per annum, the Policy revision suggested a clear and simplified definition of two categories; Social Rented or Intermediate tenures.

There was support for a review to be undertaken of the affordable housing targets as there was concern that these were out of date. The targets had been set during a period of economic downturn. The Panel was advised that setting targets that are not evidence based would weaken the Policy.

Additionally, National Policy suggested that in a Build-to-Rent development, 20% of the units should be at 80% local market rent value. It was recognised that the national Affordable Housing rate of 20% for Build-to-Rent schemes is for affordable dwellings that are not genuinely affordable; however the 20% at 80% housing market value was included within the Government's White Paper as an option which may become National Policy in the future. In readiness, Members suggested that Policy H5 should reflect this.

Calculation of commuted sums was discussed, with the Panel firmly of the view that a commuted sum should be capable of delivering the same number and type of affordable dwellings in the locality as was required on the development site.

A suggestion to make the policy more restrictive toward acceptance of commuted sums was discussed, with concerns expressed that commuted sums were seen as a less expensive option by developers. Members were informed that Clause iii) related specifically to Build-to-Rent development reflecting the agreement of the report to Executive Board of March 2017.

A review of the zones was suggested and received support

Comparison of Leeds Affordable Housing targets with other core cities/delivery was discussed. Members were informed that this varied nationwide – some authorities had higher targets but delivered less. Leeds had chosen to lower the target in recognition of the economic conditions, but in the knowledge that provision delivered would more closely match the target.

(Councillor Campbell withdrew from the meeting at this point)

In response to comments seeking revisions to the proposed Policy, the Chair suggested that he and the three Area Plans Panel Chairs meet to discuss this specific policy with the Executive Member for Planning, Regeneration and Transport. Members were reminded of the tight timescale for submission of the CSSR documents with the Panel's recommendations, to Executive Board in February 2018 for consideration. As it stood, the proposed Policy amendments were deemed to be viable, further revisions would have a wider impact on other issues within the CSSR.

The Chair clarified that Members sought a review where evidence would support a change – such as the Affordable Housing zone boundaries (particularly the city centre) which could be redefined in order to react to the changes that had already taken place. Members were mindful of the impact of the lack of housing on Leeds' communities and sought to change the landscape in order to provide for them, and there was some support for establishing aspirational rather than a realistic targets.

Members were directed to the three alternative actions within the Sustainability Appraisal to consider; maintain the target, halve the target or increase the targets. A fourth option was now proposed – requesting officers further consider the issues raised:

- 1) To request that officers consider the following matters and report to a future Panel meeting:
 - a) To look at how the acceptance of commuted sums can be made more restrictive and the basis for calculating commuted sums to ensure equivalent affordable dwellings are deliverable
 - b) To explore the viability of increasing the 5% target of Zones 3 and 4
 - c) To review the zone boundaries

- 2) That the Chair and the three Area Panel Chairs would meet with the Executive Member for Regeneration, Transport & Planning to discuss revisions to Policy H5 with the outcome of the discussions reported back to the January 2018 meeting with a view to approving the revised policy

(Councillor Campbell re-joined the meeting)

Policies H9 and H 10 Minimum Space Standards

Policy H9 proposed prescribed standards for all new residential dwellings, but did not include Houses in Multiple Occupation (HMO's) and student accommodation.

Policy H10 set out proposals to adopt requirements in terms of accessibility:

M (4)2 – a “lifetime home”

M (4)3 – wheelchair accessible

Members noted a suggestion that the Policy should reflect the view that *every* dwelling should have level access.

Discussion focussed on the usefulness of establishing a specific Supplementary Planning Document to cover issues such as the lack of space provided for students in existing and proposed purpose built accommodation; the amount of personal space and communal space for each student resident; and the length of time it would take to draft and adopt an SPD. Members noted a comment that the actual size of sleep units/personal space had decreased during previous years. Personal space was intended to be nominally offset by provision of communal space (such as a reception area/games room) but this was seen as insufficient.

The role of both planning officers and ward councillors in the pre-application process was considered. Developments were aided by pre-application presentations to Area Plans Panel meetings where applicants had the benefit of informal discussions prior to a formal application being made and Members had the opportunity to identify the positives and negatives of any scheme. Although it was noted that the cost of the pre-application process could be prohibitive for developers of smaller schemes; Members were keen that applicants were asked to do so as this gave officers who had identified areas of significant non-compliance the opportunity to put a pre-application proposal before Panel for discussion.

The Panel was advised that current Government Space Standards were not designed for HMOs/student spaces as these were not residential dwellings. The most robust defence of space requirements would be through the establishment of a specific SPD, with monitoring to be discussed with Development Management officers. Members sought assurance that an SPD would be progressed promptly. It was noted that the Chief Planning Officer had delegated powers to approve and introduce a new SPD; with input from Panel Members to shape the content.

Policy H9 Minimum Space Standards – Members requested that the narrative supporting the policy to be amended as follows:
“Development of student accommodation and Houses in Multiple Occupation (HMOs) should reflect the national standards and further information will be provided within the Supplementary Planning Document”

Policy H10 Accessibility – No amendments were suggested to the proposals

(Councillor Coulson withdrew from the meeting for a sort while)

Policies G4/G5/G6 Greenspace

Members recognised the importance of the usefulness and design, as well as size of green space to a development. Greenspace should positively contribute to the design and character of new development. In respect of new developments, Members requested the Policy narrative be firmed up to emphasise that a Commuted Sum was not the first option for a developer to consider.

Members were keen to ensure the policy applied to all developments and were advised that there were restrictions in line with national guidance that financial contributions “should not be sought from small scale or self-build applications”; noting that small scale was defined as 10 or less.

Policy G4 Green Space improvement & New Green Space Provision

Members suggested the following amendments:

- 1) Delete “new build” from the opening sentence to read “Residential developments of 10 dwellings or more will be expected to provide the ...”
- 2) Third paragraph to be amended to remove “if”
- 3) Add a fourth criterion d) “Green space should be planned to positively contribute to the design and character of new development”

Policy G5 Open space in the city centre – No amendments were suggested

Policy G6 Protection/redevelopment of existing green space – No amendments were suggested

Policy EN1 Climate Change Carbon Dioxide Reduction

In response to a comment seeking carbon dioxide reduction across all developments, officers were tasked with reviewing the original Policy and the approach taken by the West Yorkshire Combined Authority.

Policy EN2 Sustainable Design & Construction - No amendments were suggested.

Policy EN8 Electric Vehicle Charging Infrastructure

The Panel discussed the growing market for electric vehicles and the need to respond through the creation of a network of public charging points. Members were mindful of the challenges of providing infrastructure in densely populated areas but were of the view that infrastructure provision should be requested

as a means to future proof the city. Additionally Members noted comments regarding the capacity of the National Grid to support the new infrastructure and the need to monitor the Policy as the use of the technology grows.

Members suggested that the Policy to be amended to include the following:

- 1) The Policy to be monitored to take technological changes into account
- 2) The impact of vehicle charging infrastructure provision on the National Grid to be monitored
- 3) The final sentence to be amended to read “Petrol Filling Stations: provision of fast charge facilities”

The Panel noted the recommendations in the report to b) recommend to Executive Board that the Board approves for public consultation the Publication Draft of new and revised Policies and supporting paragraphs of the CSSR as set out in Appendix 1, subject to any further changes agreed at the Panel meeting and c) to recommend to Executive Board that the Board approves the supporting documents, including the Sustainability Appraisal and other background evidence. However, based on the discussions outlined above, the Panel supported the Chair’s suggestion to defer determination of the new and revised Policies and to request a further report be presented to the January 2018 Panel meeting reflecting the revisions discussed at this meeting for consideration.

RESOLVED

- a) To note the contents of the Policies and supporting paragraphs of the CSSR as set out in **Appendix 1** of the submitted report
- b) To note the contents of the Core Strategy Selective Review Sustainability Appraisal Draft Non-Technical Summary – as set out in **Appendix 2**
- c) To defer determination of the new and revised Policies and to request a further report be presented to the January 2018 Panel meeting reflecting the revisions discussed at this meeting for consideration.

47 Items for the Work Programme

RESOLVED – To note the following matters were included within a programme of work for future Development Plan Panel meetings:

Negotiated Stopping Sites for Gypsies & Travellers (July 2017 minute 7) - The number of occurrences of stopping on unauthorised sites 2016/17 and the start date for the 24 hour service to respond to negotiated stopping

Housing Land Supply (July 2017 minute 8) -

Feedback from small and medium sized building firms on their view of the market and delivery of the overall housing target

Information on the number of permissions granted/permissions implemented and started on site.

CSSR (September 2017 Minute 18) -

Production of a Frequently Asked Questions companion to the CSSR

A review of the city-wide Community Infrastructure Levy requirements to identify whether the requirements remain appropriate for each area and assess the impact of CIL on redevelopment.

Consider the policy for Commuted Sum use; whether there was any flexibility and support for cross-ward financing; undertake reviews of the calculation mechanism and best practice operated elsewhere.

SAP (November 2017 Minute 32) - A request for information on the trajectory for the delivery of 1&2 bed Affordable Housing

SHLAA (November 2017 Minute 37) -

Outcome of discussions with volume house building industry on volume house building rates and reasons for the fall in the ratio of build out-rate: delivery
5 Year Land Supply – A report on the outcome of a recent Court decision which provided clarity on how Local Planning Authorities take a view on the 5 Year Housing Land Supply and the balance between what is deliverable and what is actually delivered.

Housing Build-out Rates (December 2017 Minute 45) – An implementation update to be presented to a future meeting

CSSR Policies SP6 & SP7 (December 2017 Minute 46) - Establish a 'ready reckoner' to calculate windfall sites throughout the year and undertake further research on the number of windfall sites/amount of housing provided over the last three years.

48 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 16th January 2018 at 9.30 am. It was noted that an informal workshop for Panel Members will be held at the conclusion of the formal meeting.