

## Development Plan Panel

Tuesday, 19th January, 2016

**PRESENT:** Councillor D Congreve in the Chair

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

- 16 Appeals Against Refusal of Inspection of Documents**  
There were no appeals against the refusal of inspection of documents
- 17 Exempt Information - Possible Exclusion of the Press and Public**  
No exempt information was contained within the agenda
- 18 Late Items**  
No formal late items of business were added to the agenda
- 19 Declaration of Disclosable Pecuniary Interests**  
No declarations of pecuniary interests were made.
- 20 Apologies for Absence**  
Apologies for absence were received from Councillor C Macniven. The Chair welcomed Councillor P Gruen to the meeting as substitute.
- 21 Minutes**  
**RESOLVED-** That the minutes of the Development Plan Panel meetings held on 16<sup>th</sup> and 26<sup>th</sup> June 2015 be approved.
- 22 Site Allocations Plan and Aire Valley Leeds Area Action Plan - Initial Report of Consultation**  
The Chief Planning Officer submitted an Initial Report on the Consultation of the Publication draft Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP) consultation, which closed on 16th November 2015. This matter was linked to another report on the agenda which summarised the issues emerging from the consultation and the next steps in taking the Plans forward to subsequent stages. (Minute 23 refers)
- The Head of Forward Planning & Implementation and the Deputy Chief Planning Officer presented the report and highlighted the consultation arrangements, distribution of consultation material and events held in each of the 11 Housing Market Characteristic Areas (HMCA's) designated within the Site Allocation Plan (SAP). In presenting the report, the following key issues were highlighted:
- The use of interactive materials - interactive mapping and an on-line comments form were available along with guidance notes on the approach the Planning Inspector was likely to take. This model would be used as a best practice example for future consultations

- The submissions often commented on several issues which required collating across several themes
- Approximately 10,000 responses had been received
- The comments received during the process from respondents on terminology and the format of the on-line comments form had been noted

The Panel considered the following matters during discussions:

- The breadth of the consultation pre-notification
- The location of HMCA events and whether these had reflected smaller areas within large HMCA's. Officers responded that in planning some of the events it was appreciated that some HMCA's were significant in area and included a variety of smaller communities. All plans were available at the events (both Publication Plan documents and for HMCA areas) and a number of general events had been held in the central location of the Civic Hall
- Engagement with Neighbourhood Planning Groups. Support had been offered by officers to both Neighbourhood Planning Groups and to ward Members in their own meetings with local residents.
- The ICT issues encountered by some respondents. The Panel noted the response that the ICT capabilities had been tested prior to on-line publication and independent software had been utilised to ensure stability.
- The Central Government guidance which advised the public to petition local authorities if they felt that their local authority had incorrectly calculated the housing allocation in the UDP/Core Strategy. The SAP consultation would have been seen by some as an opportunity to raise the issue of housing allocations.
- The status of the consultation held in the Outer North East HMCA, in the light of the withdrawal of the Headley Hall site by the developers.
- The impact of the recent flooding on the sites identified for future housing
- Recognition for the engagement with the Traveller community

**RESOLVED** – That having considered the initial Report of Consultation on the Publication draft Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP), the Panel noted the outcomes as set out in the submitted report

## **23 Site Allocations Plan and Aire Valley Leeds Area Action Plan - Emerging Issues and Next Steps**

The Chief Planning Officer submitted an initial overview of the emerging issues and next steps arising from the consultation on the Publication draft Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP).

This report accompanied the earlier Report of Consultation on the Plans on the agenda (Minute 22 refers)

The Head of Forward Planning & Implementation and the Deputy Chief Planning Officer presented the report, highlighting the following issues in respect of the Site Allocation Plan (SAP):

- The task of assembling the 9,787 consultation responses in a consistent format so that the comments can be interrogated was about 25% complete
- The nature and relevance of the comments received was an issue
- The 'soundness of the Plan' was a key issue which would be presented to the Panel in due course
- A number of parties wished to view all the responses. A redacted version would be available once the responses had been assembled. It was advised that this task would take some time to complete and that the first priority was to ensure that all of the submissions were entered into the database
- Since consultation had commenced, some site capacities had changed (such as the withdrawal of the Headley Hall site in the Outer North East and proposed Burberry development in the Inner City HMCAs). A review of the figures would therefore be undertaken to review the overall position.
- New sites identified through the consultation would need to be assessed, together with potential increases in site capacities.

In respect of the Aire Valley Area Action Plan (AVAAP):

- The current position in respect of the developers view of the deliverability of the housing allocation at the Skelton Gate site
- The requests received to increase housing capacity on two sites at Bridgewater Road and the former Tetley Brewery site and the suggestion that increasing the allocation on these two sites could potentially compensate for any reduction to the allocation at Skelton Gate
- The current position in respect of the Haigh Park Road site

Additionally, Members views were sought on the future presentation of the detailed information to the Panel - a template was included at Appendix 1 of the report for comment and consideration

Finally, the projected timetable for progression of the SAP and AVAAP was highlighted, which included the requirement for Scrutiny and Executive Board involvement. Members' views were sought on whether those aspects of the Plans which attracted no comment could be progressed quickly, which would allow the Panel more time to concentrate on the elements which had attracted representation.

The Panel also noted the suggestion that, in order to expedite matters, the AVAAP process could be dealt with separately to the SAP, with the assurance that any matters which had been flagged for further consideration would be dealt with appropriately.

Members recognised the volume of work to be undertaken and made the following comments:

- The need for Panel Members and ward Councillors to receive early notification of new and emerging sites in order to support their work with local residents
- Noted the comments received by house builders
- The current status of the Outer North East HMCA, which one Member identified as a possibly requiring re-consultation on the available options given

the withdrawal of the Headley Hall site by the owner. An indicative timetable for that work was requested

- Timetable for the availability of information and whether an indicative Inspection timetable could be provided by the Planning inspectorate.
- Whether all Councillors would have access to all the documentation or purely related to their ward and whether the information would be open to the public
- A request that emerging new sites should be presented to DPP as soon as possible for early consideration in order that sites could be added or disregarded to the Plan process
- The weight to be afforded the emerging SAP and AVAAP during the planning application process. In response, the Legal Adviser clarified (by reference to the NPPF) that the further advanced through the adoption process, the more weight could be attributed to the documents when considering planning applications
- Noted the concern expressed by one Member over the suggestion that, where reductions to the housing allocation were suggested for one HMCA, another HMCA area allocation could be increased to make up that loss, particularly in respect of the city centre and Inner North East HMCAs. Additionally, the comment that this approach was very different to the 2014 SHLAA approach was noted.

Officers provided the following responses:

- It was anticipated that the task of inputting the responses would be completed during February 2016. Suggested new sites were continually emerging as information was assessed and inputted from the responses. Once that was complete a list could be provided and considered in the context of the HMCAs
- The Outer North East HMCA would be treated as a special case due to the change to the Plan. Initial discussions would be held with local Ward Councillors, after which a report would be presented to DPP. Any emerging proposals would be "pre-submission changes", at which point they would be open to public consultation
- Assurance was given that matters would be expedited where appropriate
- Officers continued to liaise with the Planning Inspectorate on progress and the timetable for submission; however the date of adoption was dependant on the approach adopted by the Planning Inspector. Officers did however emphasise the importance of keeping the process on track

**RESOLVED -**

- a) To note the initial summary of the preliminary issues and key steps arising out of the SAP and AVLAAP Publication consultation,
- b) To support the suggested approach to progress the AVLAAP in advance of the SAP
- c) To note the timescales for the SAP and the suggested pro-forma for presentation of conclusions of the analysis of the representations at further DPP meetings as outlined.

## **24 Planning Application Decisions in the context of emerging Plans**

The Chief Planning Officer submitted a report in response to issues raised by Members concerning decisions taken on planning applications when development plan allocations are under preparation. The report explored this theme with particular reference to a recent planning permission for residential

development of a site at Scott Lane, Morley (AKA Hub 62, Bruntcliffe Road, reference 14/06825/OT) which was previously identified for employment use in the Site Allocations Plan (SAP) Publication Draft.

The report reiterated the Local Planning Authority's obligation to determine planning applications as submitted and planning permission had been given in November to develop the site for housing within this context. The report outlined the evidence submitted with the planning application which had tested the viability of employment development use more thoroughly.

The Planning Policy Team Leader presented the report and highlighted the key issue of the differences of approach between national and local policy frameworks. It was noted that the current SAP process was identifying new sites for housing and would review the overall employment supply.

Discussion followed using the Morley site as a reference:

- The weight given to the Unitary Development Plan (UDP) and/or Local Development Framework by plans panels. The Morley site was allocated and utilised as employment land, however justification for a housing development had been presented which appeared to run counter to both documents.
- The concern that if plans panels took decisions which appeared to be contrary to the Plans/Frameworks established through the Plan making process, then plans panel could be seen to be preventing the Plans and/or Frameworks working effectively.
- Concern was also expressed that the UDP had suggested a 'green buffer' between employment and residential use and the development of the site for residential had removed that buffer

In response officers explained that, having considered detailed evidence from the District Valuer, the plans panel had accepted that the Morley site was not viable and hence not deliverable; and as such was not safeguarded by Policy EC3 as set out in the report. In addition, officers reiterated that the Morley site was regarded as an unusual one, as the site was owned by a housing developer and evidence suggested that the site had not been utilised formally for employment since the UDP had been adopted in 2001. The decision of the plans panel was not regarded as having set a precedent.

Reference was made to that part of the National Planning Policy Framework which suggested that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"

(Councillor Walshaw withdrew from the meeting for a short time at this point)

There was general acknowledgement that determination of planning applications could not be delayed whilst overarching Frameworks/Plans were developed

(Councillor J McKenna withdrew from the meeting for a short while at this point)

The Panel received assurance that any changes and/or permissions which affected the 5 year land supply figures would be taken into account during the Site Allocation Plan process.

**RESOLVED** – That the contents of the report and the comments made by the Panel be noted

(Councillor Coulson left the meeting at this point)

## **25 Strategic Housing Land Availability Assessment Update 2015**

The Chief Planning Officer submitted a report providing an update on the progress of the Strategic Housing Land Availability Assessment (SHLAA) 2015 Update. The 2015 Update utilised the Council's previous methodology to suggest that a considerable stock of deliverable land supply exists in Leeds.

The Data and GIS Team Leader presented the report, setting out a brief history of the development of the SHLAA and giving context to the current methodology and development of the 2015 SHLAA in the light of recent Inspectors decisions and the upturn in confidence and growth in the housing development industry.

It was noted that SHLAA Update 2015 had been sent to house builders for comment (who had previously represented the industry as part of the SHLAA Partnership). Members of the Panel were invited to attend future meetings of the SHLAA Partnership - a group comprising of officers, Members and developers - and to return any individual responses to the SHLAA by the deadline of end of January 2016.

(Councillor C Gruen left the meeting at this point)

The Panel broadly welcomed the report and went on to make the following comments:

- Noted the work undertaken by the SHLAA 2014 partnership and requested that a similar partnership for the 2015 SHLAA be established quickly to progress the process

Members also sought clarity on the information presented in Appendix 2 of the report - schedule of SHLAA sites contained within the SAP. In response, officers stated that "short term" anticipated development on site and build-out within 5 years, medium term could refer to the build-out stage. The document assumed a build-out rate as set out in the 2014 SHLAA of 50 dwellings per annum per outlet, although the build out within the city centre was more difficult to assess

**RESOLVED** –

- a) That the contents of the report, and the comments made by Panel on the SHLAA material be noted
- b) To note that individual responses from Members on the material would be welcomed prior to the end of January 2016 in order to tie into the timetable provided to the house builders.

**26 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as 16<sup>th</sup> February 2016 at 1.30 pm.