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Development Plan Panel

Tuesday, 17th April, 2018

PRESENT: Councillor P Gruen in the Chair

Councillors B Anderson, C Campbell,
C Gruen, G Latty, T Leadley, R Lewis,
J McKenna, S McKenna and F Venner

66 Appeals Against Refusal of Inspection of Documents

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

67 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

68 Late Items

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

69 Declaration of Disclosable Pecuniary Interests

No declarations were made.

70 Apologies for Absence

Apologies for absence were received from Councillor Walshaw. Panel welcomed Councillor S McKenna as substitute, and noting that he would be leaving the Council at the May local elections, the Chair thanked him for his contributions to the work of the Panel as regular attendee at Development Plan Panel meetings.

71 Minutes

RESOLVED- That the minutes of the Development Plan Panel meeting held on 13th March 2018 be approved.

72 Site Allocations Plan Revised Submission Draft Update

The Chief Planning Officer submitted a report providing a summary review of the consultation outcomes for the Revised Draft Site Allocations Plan (SAP) which had been subject to public consultation between 15th January and 26th February 2018.

The report highlighted the changes now proposed which go to the soundness of the Plan following the consultation. It was noted that all of the representations and the revised Draft Plan had been submitted to the Planning Inspectors on 23rd March 2018.

The Team Leader, Strategic Planning, presented the key headlines from the report noting that 2097 individual responses had been received which raised 7620 individual representations - 627 in response to the Parlington MX2-39 proposals. Issues which garnered the most responses related to Parlington, land to the east of Garforth and Aireborough.

Two changes to the Plan were detailed:

Broad Locations – In response to comments received from Historical England, Policy BL1 had been amended to read:

1. The Site Allocations Plan identifies sites as Broad Locations for housing and/or mixed use to contribute to the Core Strategy housing requirement in Policy SP6.
2. Broad Locations will remain within the Green Belt until they are required for housing and/or mixed use following a future review of the Plan
3. Upon review Broad Locations will be either *(in whole or in part)*:
 - a) allocated for housing (or mixed use), under policy HG 2, or
 - b) allocated for school provision, under policy HG 5, or
 - c) designated as safeguarded land, under policy HG 3, or
 - d) deleted as a Broad Location.

This would provide flexibility for any future plans for the larger Broad Locations which may in the future only need to be released for housing, safeguarded land or a school in part

Green Belt – Where a non-Green Belt element of a larger site can be brought forward as a housing allocation this should be encouraged – where this approach does not restrict the future comprehensive development of a Broad Location at the point at which the Plan is reviewed. Following consideration of this on applicable sites, the Plan had been amended to allocate land for housing in Phase 1 at HG2-171, Westerton Road (Outer South West) for 35 units, with consequential amendments made to site plans and the indicative capacity for BL1-29 – to reflect that the small parcel of land is brownfield and could come forward for housing against Core Strategy policies.

The Panel noted that further hearing sessions were anticipated for July 2018. Discussions covered the following matters:

- Development of a small non-green belt element of a larger site would not compromise the comprehensive development of the whole site at a future date. Such sites had been reviewed, and only site HG2 – 171 could sustain a split between allocation/Broad Location. It was noted that to provide additional assurance, the site requirements for any future development of HG2-171 could stipulate that the development should not compromise the development of the wider site at a later stage.
- The fact that the SAP and Core Strategy Selective Review processes were ongoing simultaneously and the impact that the CSSR Housing Requirement (51,952 units) balanced against the SAP requirement of c70,000 units may have on any major appeals determined before July – when the Inspectors will conduct further SAP hearing sessions.

Additionally, it was noted that Thornhill Estates sought a Judicial Review of the Inspector's decision regarding the Bagley Lane PAS site. It was agreed that Members would be provided with an update, following the deadline for submissions

In conclusion, the Chair highlighted that Members and officers noted and valued the number and content of the responses received to the consultation;

and that these would be given due consideration as the Submission Draft progressed.

RESOLVED

- i). To note the overall consultation outcomes as outlined within the submitted report
- ii). To note that the Revised Draft Submission Site Allocations Plan was submitted to the Secretary of State on 23rd March 2018
- iii). To note the next steps in the Revised Plan Examination process.

73 Core Strategy Selective Review (Publication Draft Response Overview)

The Planning Strategy Team Leader, Policy & Plans, presented a report which provided an indication of the nature and number of comments and objections raised to the Core Strategy Selective Review (CSSR) Submission Draft Plan. Responses were still being catalogued and would be considered to ascertain whether there was a need to make any changes to the Plan prior to its submission to the Secretary of State for independent examination. In general, responses indicated a difference of opinion between residents/community groups and housebuilder/developer on several key matters:

- Housing Requirement - Many resident/community responses felt that the proposed Policy SP6 housing requirement of 51,952 dwellings was too high however housebuilder responses felt it was too low and did not reflect the job growth scenarios set out in the Leeds Growth Strategy.
- Plan period for housing supply of 2017 – 2033 - Some residents felt that the period of 2012 – 2028 should be retained, or at least dwelling requirements calculated for 2012-28 and 2028-33.
- Housing distribution in Policy SP7 - Some residents/community responses felt that areas with Green Belt sites should have reduced targets, whereas the development industry felt there needed to be a wide distribution of housing land supply in different housing markets, including areas with Green Belt.
- Affordable Housing - Developers queried the evidence to support the increase from 5% to 7% in Zones 3 & 4
- Housing Standards - Housebuilders queried whether need could be demonstrated for Policies H9 space and H10 Accessibility
- Electric Vehicle Charging Points - Housebuilders commented that Policy EN8 should read “seek provision” rather than require.

The Panel noted the comments and responses submitted and further discussion focussed on the following:

- As the Build-to-Rent market was relatively new, it had not matured enough for current residents to consider accessibility measures and standards or think about future proofing their home
- The revisions to Policies H9 and H10 provided an opportunity to ensure the delivery of high standard homes; including those for the Build to Rent market. Comments regarding money saving measures utilised by some developers were discussed and Members agreed that installation of shatter proof locks should be worked into the sustainable design and construction requirements.
- Members noted assurance that the previous resolution to establish standards for HMO's and student housing through creation of an SPD would be implemented.

- The weight to be afforded to the measures set out in the CSSR during consideration of planning applications as the Review progressed.
- Concern that developers would seek to target sites that may not be needed for development once the SAP and CSSR processes conclude.

(Councillor R J Lewis joined the meeting at this point)

- Building Regulations and the impact of the Grenfell Tower disaster in terms of assurance over the application of Regulations and standards in Leeds was discussed.
- The close link between Building Control and planning. Issues such as accessibility, renewable energy; water and construction can be addressed through optional building standards where the Plan Process has established need.

(Councillor F Venner withdrew from the meeting for a short while at this point)

- The role of Infrastructure Delivery Plans as an integral part of the Core Strategy and SAP and as influencers over developments
- The need to discuss all elements of infrastructure provision more widely and the role of Section 106 monies in its provision.

RESOLVED – To note the headline outcomes of the consultation on the National Planning Policy Framework Consultation Proposals, along with the contents of the Panel's discussions.

74 National Planning Policy Framework (NPPF) Consultation Proposals

The Panel considered a report setting out the Council's draft response to the Government consultation on proposed revisions to the National Planning Policy Framework (NPPF). The Ministry of Housing, Communities and Local Government (MHCLG) had indicated its intention to revise the National Planning Policy Framework (NPPF) as part of the planning reform package set out in the February 2017 Housing White Paper (HWP), the September 2017 'Planning for the Right Homes in the Right Places' consultation and further announcements in the November 2017 Budget.

The proposals, launched on 5th March 2018, included the following interrelated documents:

- National Planning Policy Framework consultation proposals
- National Planning Policy Framework – Draft Text for Consultation
- Draft Planning Practice Guidance for Viability, merged as part of wider revisions to the Planning Practice Guidance
- Housing Delivery Test – Draft Measurement Rule Book
- Supporting Housing Delivery through developer contributions (Reforming developer contributions to affordable housing & infrastructure).

The schedule at Appendix 1 of the report included the draft response to the proposed changes with comments on the supporting documents included in Appendix 2.

The Head of Strategic Planning, Planning & Sustainable Development introduced the report and the key headlines for Leeds:

Sustainable Development – Previous concerns that guidance on sustainable development had focussed primarily on an economic rather than a holistic approach had been acknowledged through the rebalancing of economic with environmental and social objectives.

Role of Combined Authorities – Although the Guidance recognised role of combined authorities, it was noted that the West Yorkshire Combined Authority had no planning powers. However the role of Neighbourhood Plans was now elevated, but further clarity was required on the narrative regarding their relationship to Local Plans.

Viability – Guidance suggests that viability will be dealt with as part of the Local Plan making process. Standardised methodology is emphasised but the calculations previously published for each local authority were not repeated.

Housing – A series of technical requirements around the housing delivery test – including delivery rates, relationship to SHLAA etc - suggest the introduction of increased Local Authority monitoring responsibility.

It was reported that the Guidance re-stated the Government's commitment to protection of the **Green Belt**; allowing for some flexibility:

- Neighbourhood Plans can have a role in altering boundaries
- A change of use can be allowed in certain circumstances - but it has been noted that the change of use will not be subject to the very special circumstances test.

A query was raised over Paragraph 145 of the Guidance which appeared to suggest the opportunity for development to come forward under a Community Right To Build Order or Neighbourhood Development Order thus setting aside the high threshold for Green Belt Development. Members were advised that Chapter 13 Green Belt had been amended to clarify:

Green Belt - development only in exceptional circumstances,

Inappropriate development - development only in very special circumstances.

The Guidance also now included 'not accepted sites' such as allotments.

Members were assured that the threshold remained high for release of Green Belt for development and it was agreed that recent officer training documents on this issue would be made available to Members.

In respect of **Affordable Housing**, the Guidance expects 10% of dwellings to be provided as affordable home ownership. For some authorities with targets of 20% or 25% or more, this would allow provision of other types of Affordable Housing, however it would present an issue for Leeds - with low Affordable Housing targets and having regard to the outcome of the SHMAA 2017 which identified a need for two thirds Affordable Housing to be social rented – as all 10% would have to be provided for home ownership. Members noted and supported the intention for the Authority to raise this issue in the proposed response to the consultation. Additionally, information comparing Leeds' approach to Affordable Housing and targets with other local authorities would be provided to Members in due course.

Implementation of the proposed changes to the NPPF was anticipated for summer 2018, with a 6 month transitional period to allow for existing Plans at examination to conclude their processes.

In conclusion the Chair reiterated four matters which Panel had consistently raised as issues, and sought to ensure that Members comments were included within the consultation response relating to:

- Viability
- Build-out rates
- Leeds 5 Year Land Supply and
- Extant planning permissions

Finally, acknowledging that this would be the last Panel meeting before the local elections in May 2018, the Chair took the opportunity to thank Panel Members and officers for their contributions and work this year.

RESOLVED –

- a) To note the contents of the report and the draft response to the NPPF consultation proposals as set out in the report and the comments made during discussions.
- b) To note that the comments made at the meeting will be used to inform responses where appropriate, in conjunction with the Chair and the Executive Member for Regeneration Transport and Planning, prior to the submission to the Secretary of State by the given deadline of 10th May 2018.

75 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 15th May 2018 at 1.30 pm.