
Report of Chief Planning Officer

Report to Development Plan Panel

Date: 13th October 2020

Subject: Government Consultation on Changes to the Planning System

Are specific electoral wards affected? If yes, name(s) of ward(s): ALL	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. This technical consultation on amendments to the current system was launched in August and a response was sent on 1st October. The consultation was distinct from the Planning White Paper consultation, which advocates more fundamental planning changes and is discussed elsewhere on the agenda. This report sets out the response to the technical changes for information.
2. The consultation entitled “Changes to the Planning System” set out measures to improve the effectiveness of the current planning system. The 4 main proposals were:
 - (a) changes to the standard method for assessing local housing need
 - (b) securing of “affordable” First Homes through developer contributions in the short term until the transition to a new system
 - (c) temporarily lifting the small sites threshold below which developers do not need to provide affordable housing, in order to support SME builders
 - (d) extending the current Permission in Principle to major development.
3. The Council’s response welcomes the simplicity of the standard method but raises concerns that the revised approach to housing needs would not take into

account important local factors such as land constraints and local economic opportunity and aspiration, and could work against the “levelling up” agenda for the North of England.

4. Concerns were also raised that the introduction of First Homes should not prejudice delivery of the Council’s current policy requirement for 60% social rented affordable housing, which meets the profile of need in Leeds. The proposal to raise the size threshold of developments for affordable housing eligibility was objected to, as it would result in significantly fewer affordable dwellings being delivered and other ways of supporting SME builders were recommended.
5. The proposal to extend Permission in Principle (PiP) to major developments was also objected to as it would reduce the ability of local authorities to deliver quality standards, affordable housing and other benefits. It was also noted that PiP has not been attractive to developers in Leeds.

Recommendation

6. That Members note the response for information.

1. Purpose of this report

- 1.1 The purpose of this report is to inform Members of Development Plan Panel of the government consultation on changes to the planning system and the City Council response set out in **Appendix 1** which was sent on 1st October 2020.

2. Background information

- 2.1 The government consultation on changes to the planning system was launched at the same time as the consultation on the Planning White Paper in August, but the closing date was 1st of October, about 1 month in advance of the closing date for the Planning White Paper. The City Council responded to government on 1st October

3. Main issues

- 3.1 The consultation on changes to the planning system concerns the standard method of calculating housing requirements, affordable housing (introduction of First Homes and raising the size thresholds of eligible sites) and extending the Permission in Principle option to major development. **Appendix 1** sets out the full response that the Council sent.

3.2 Changes to the standard method

- 3.2.1 In essence the existing standard method for setting local housing requirements starts with the household projection, makes an adjustment for local affordability and applies a cap. It is currently discredited because recent household projections are too low to achieve the Government's 300,000pa new housing target, so has to use the 2014 based projections.

- 3.2.2 The proposals involve two changes to the existing standard method. The most significant change is to use the existing stock of housing in an area as an alternative to household projections. There are two alternative calculations, and the highest one should be used:

Calculation 1

Latest HH Projection
↓
Affordability adjustment
↓
Local housing figure

Calculation 2

0.5% of housing stock
↓
Affordability adjustment
↓
Local housing figure

- 3.2.3 The second proposed change involves the affordability adjustment. Currently the adjustment is an uplift based on the ratio of median house prices to median earnings for the latest year. The proposal would instead be based on the difference in affordability between the current latest year and the year 10 years before. Its theoretical advantage is that it is to account for *change* in the house price / income ratio as opposed to the *current level* of the ratio.

- 3.2.4 Leeds' response to the proposals made the following points:

- simplifying the method for calculating housing needs is supported in principle, however there is concern over the lack of detail in the proposals and there would need to be a series of checks and balances to avoid inconsistencies in the implementation of a standard approach
- as an illustration, under the proposals the latest household projections and affordability uplift would generate a much lower housing figure for Leeds, of 2,387 p.a. (compared to 3,247 p.a.) the 2008 based household projections had a 10 year growth average of 5,600 households p.a. for Leeds. It is problematic for Local Planning Authorities to plan for certainty and stability in the context of such massive variations in the household projections over just a 10 year period and greater certainty over the figures from the ONS would be necessary under a SM
- reliance on simplistic methods alone to set the housing requirements of all England's local authorities will fail to respond to local circumstances and can produce undesirable anomalies e.g. Leeds' neighbour Wakefield has seen its figure double as a result of exceeding its plan targets. So flexibility will be necessary to respond to "real life" local situations
- to that end, either a measure should be used that better reflects land capacity and realistic economic growth prospects or local authorities should be able to adjust above the SM to address local visions and the roles of places
- there is concern that the standard method may work against the levelling up agenda for the North of England by continuing to grow "over-heated" markets. The headlines of the latest SM figures show that the Northern cities are shown to consistently underplay housing needs against current plan targets, whilst those in the south east of England and in rural areas increase significantly
- affordability is a crucial adjustment, and the Council agree with median house prices and earnings being an appropriate standardised method
- it is considered that other adjustments would be valuable to account for the extent of land constraints and land opportunities in a local authority area, including regeneration opportunities, economic growth and balance between jobs and homes so as to avoid commuting

3.3 Affordable Housing: First Homes

- 3.3.1 In summary, the proposals explore options for how the Government's favoured type of affordable housing, "First Homes" can be delivered through local policy requirements. The Government had consulted in Spring 2020 on the concept of First Homes, which are essentially discount sale dwellings, with a % discount that is locked in to a covenant on the property deeds so future re-sales have to be at the same discount. It is now proposing that 25% of affordable housing provision should be First Homes and that they would have a 30% discount on market value, with potential for local authorities to justify higher discounts based on local evidence of housing need.

3.3.2 This consultation focusses on how a requirement in the National Planning Policy Framework for first homes could fit in with existing local authority policy requirements for affordable housing, including percentage site requirements, build-to-rent exemption, exception sites and schemes made up of 100% affordable housing.

3.3.3 Leeds' response to the proposals made the following points:

- the proposals that 25% of affordable housing be "First Homes" incorporated into current LA policy requirements are not supported.
- the Council notes that First Homes are unlikely to be affordable to most buyers in Leeds without a very significant, and therefore expensive, discount and are more akin to an intermediate product than a social housing product which forms 60% of what the Council currently seeks through S106. The Council therefore supports the maintenance of flexibility to allow local planning authorities to set their own targets and thresholds as currently.
- the Council's recent evidence on the need for affordable housing shows that the majority of households are low earners or on benefits and cannot afford intermediate affordable housing. In Leeds as a whole, only 36% can afford £100k and only 15% can afford £160k. In the inner city areas only 17% can afford £100k and only 1% can afford £160k. Leeds SHMA concludes that 67% of affordable housing should be social rented to meet housing needs. This illustrates why social rented tenure is so important in Leeds. To that end the Council strongly recommends that the introduction of First Homes only displaces provision for other types of intermediate affordable housing rather than social rented affordable housing

3.4 Affordable Housing: Site Size Threshold

3.4.1 In order to support small builders through recessionary conditions the Government is proposing that the size threshold for developments eligible to provide affordable housing be raised from 10 units (definition of major development) to 40 or 50 units. It is proposed for a temporary period.

3.4.2 Leeds' response to the proposals made the following points:

- The Council agrees that SME developers should be supported in what is a housing market dominated by a small number of volume builders
- However, the Council does not support raising the site size threshold at which affordable housing will be sought from 10 to 40 or 50 units. This would have an immediate and significant effect of reducing the number of affordable dwellings for Leeds. Over 400 affordable dwellings would have been forgone over the last 5 years had the threshold been 50 units. In terms of remaining allocated sites, we would expect to lose nearly 600 affordable dwellings over the next 5 years, if the threshold were lifted to 50. Were such a change known it would have had a significant influence on the approach of the Local Plan to meet affordable needs.
- The Council recommends that other means of supporting the sector are pursued including: funding through local authorities, support for the

acquisition and preparation of sites to help de-risk them, front loading certainty for the sector in partnership with local authorities.

3.5 Permission in Principle (PiP)

3.5.1 Proposals are to extend the scope of PiP to larger developments. This was not supported as it would not enable the delivery of standards, affordable housing and other planning benefits, although it was acknowledged that it depends on the details. It was stated that it was unlikely to be attractive to developers.

3.5.2 It is noted that a new announcement was made by Housing Secretary Robert Jenrick on 30th September. This confirmed that new homes delivered through Permitted Development Rights will now have to meet space standards. These will be the national described space standards that the Council adopted in its Core Strategy. This is to be welcomed as the Council, along with many other industry commentators have had concerns about PiP for precisely this reason. However, there remain other place-making and quality planning benefits that are uncontrolled through PiP.

3.6 Consultation and engagement

3.6.1 The consultation on the government's proposed changes to the planning system ran until 1st October. The proposals had implications for certain other services of the Council as well as planning. In particular, officers of housing and regeneration were involved in shaping the Council's response.

3.7 Equality and diversity / cohesion and integration

3.7.1 An EDCI is not required for this report as no policy change is proposed. However, the consultation includes a question about impacts on people with protected characteristics as defined in section 149 of the Equality Act 2010 to which the Council responded (see Appendix 1, Q35).

3.8 Council policies and the Best Council Plan

3.8.1 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan, particularly the Council's key strategies, as follows:

Health and Well-being Strategy – through policies including the design of places, quality of housing, affordability of housing and accessibility and the integration of public health infrastructure

Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings

Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity

3.8.2 The Council considered carefully how proposals in the consultation paper

impacted on the ability to plan Leeds to meet Best Council priorities, especially in relation to meeting housing needs, inclusive growth and affordable housing.

3.9 Resources, procurement and value for money

3.9.1 There are no specific implications to this report.

3.10 Legal implications, access to information, and call-in

3.10.1 There are no legal implications arising from the recommendations in this report.

3.11 Risk management

3.11.1 No issues of risk are identified with responding to the Planning White Paper.

4. Conclusions

4.1 This consultation was launched at the same time as the Planning White Paper, but was separate from it with an earlier closing date. The proposals can be implemented relatively rapidly through national policy and guidance changes.

4.2 The proposals raised a number of concerns, particularly on the rigidity of the revised standard method in failing to account for local circumstances, on the need for First Homes not to prejudice provision of social rented affordable housing, on the loss of potential affordable housing provision if the size threshold were raised, and on the loss of influence over quality of housing if Permission in Principle were extended to major developments.

5. Recommendations

5.1 That Members note the response for information.

Question	Yes/No Unsure	Supporting Statement
Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?	No	<ol style="list-style-type: none"> 1. Simplifying the method for calculating housing needs is supported in principle, however there is concern over the lack of detail in the proposals and there would need to be a series of checks and balances to avoid inconsistencies in the implementation of a standard approach. 2. As an illustration, under the proposals the latest household projections and affordability uplift would generate a much lower housing figure for Leeds, of 2,387 p.a. (compared to 3,247 p.a.) the 2008 based household projections had a 10 year growth average of 5,600 households p.a. for Leeds. It is problematic for Local Planning Authorities to plan for certainty and stability in the context of such massive variations in the household projections over just a 10 year period and greater certainty over the figures from the ONS would be necessary under a SM. 3. Reliance on simplistic methods alone to set the housing requirements of all England's local authorities will fail to respond to local circumstances and can produce undesirable anomalies e.g. Leeds' neighbour Wakefield has seen its figure double as a result of exceeding its plan targets. The Council therefore recommends that flexibility will be necessary to respond to "real life" local situations. To that end, either a measure should be used that better reflects land capacity and realistic economic growth prospects or local authorities should be able to adjust above the SM to address local visions and the roles of places 4. There is concern that the standard method may work against the levelling up agenda for the North of England by continuing to grow "over-heated" markets. The headlines of the latest SM figures show that the Northern cities are shown to consistently underplay housing needs against current plan targets, whilst those in the south east of England and in rural areas increase significantly
Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.	No	<ol style="list-style-type: none"> 5. Using existing stock is a useful rule of thumb but may frustrate potential growth ambitions of some local authorities. Therefore, either a different measure should be used that better reflects land capacity and realistic economic growth prospects or local authorities should be able to set higher than 0.5% up to 1% under specific circumstances. This gives rise to further concern that as set out, the standard method will work against the levelling up agenda for the North of England.
Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust	No	<ol style="list-style-type: none"> 6. If affordability is to be the only adjustment, then the Council agrees in principle with median house prices and earnings being the best standardised method. 7. However, if urban authorities have significant in-commuting from surrounding rural authorities, this could distort patterns of earnings and ought to be accounted for. It is considered that other adjustments would be valuable to account for the extent of land constraints and land opportunities in a

Question	Yes/No Unsure	Supporting Statement
the standard method's baseline is appropriate? If not, please explain why.		local authority area, including regeneration opportunities, economic growth and balance between jobs and homes so as to avoid commuting
Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.	Unsure	8. Yes, however, as in our answer to Q3 above, adjustments are also necessary for factors other than affordability.
Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.	No.	9. Affordability is over-emphasised in the standard method. It is clear from the initial outcomes of the SM that it reinforces the preference for desirable locations in "over heated" markets rather than identifying places with opportunity for growth and regeneration that have significant affordable needs.
Q6-Q7 on transition arrangements for plans in preparation.	n/a	10. Leeds has a recently adopted housing requirement (September 2019)
Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please	No.	<p>11. There are significant concerns that this proposal underplays the significant needs for affordable housing in Leeds and would not achieve an outcome of meeting such needs. Local Authorities should be able to set their own thresholds and levels of affordable housing sought which meet local needs.</p> <p>12. Evidence in Leeds (Strategic Housing Market Assessment 2018) shows that the majority of households are low earners or on benefits and cannot afford intermediate affordable housing. In Leeds as a whole, only 36% can afford £100k and only 15% can afford £160k. In the inner city areas only 17% can afford £100k and only 1% can afford £160k. Leeds SHMA concludes that 67% of affordable housing should be social rented to meet housing needs¹. This illustrates why social rented tenure is so important in Leeds. To that end the Council strongly recommends that the introduction of First Homes only displaces provision for other types of intermediate affordable housing rather than social rented affordable housing.</p> <p>13. Ensure that the securing and delivery of the highest subsidy/most affordable homes within exiting Local Plan policy requirements is protected so that the First Homes requirement is taken from</p>

Question	Yes/No Unsure	Supporting Statement
<p>provide reasons and / or evidence for your views (if possible):</p> <p>i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.</p> <p>ii) Negotiation between a local authority and developer.</p> <p>iii) Other (please specify)</p>		<p>intermediate provision and does not impact on the number of social rented homes secured under s106. For example, in a scheme that requires the delivery of 100 affordable dwellings under a s106 agreement, where the LP requirement for these is 60% social rented, 40% intermediate, once the First Homes requirement of 25% of all affordable homes secured under the s106 is accounted for (25 dwellings), the remainder should be 60% social rented (60 dwellings) and 15% should be intermediate (15 dwellings).</p> <p>14. Where an LPA is in agreement with a developer that a scheme is not capable of meeting the full Local Plan affordable housing requirement for reasons of viability, the social rented part of the affordable housing requirement in the Local Plan policy should be given priority, rather than a pro rata delivery of First Homes.</p> <p>15. Also note: inclusion of 25% First Homes will have a secondary effect that Registered Providers taking on affordable housing schemes will have less scope to borrow and cross subsidise, because they will be taking ownership of a smaller number of homes in each case, and a much smaller proportion of intermediate tenure homes For RPs that specialise in the delivery of Shared ownership the impact on their ability to take s106 homes will be significant.</p>
<p>With regards to current exemptions from delivery of affordable home ownership products:</p> <p>Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?</p>	Yes	<p>16. For some Build to Rent schemes, LCC already recognises that it may not be practical to insist on inclusion of separate third party ownerships within multi-dwelling buildings that are being developed and managed through institutional funding models. Leeds City Council has already set out a flexible policy provision that allows for off-site provision or commuted sums in lieu of on-site affordable housing. In similar circumstances the requirement to provide First Homes on-site may prove a barrier to development and similar flexibility may be required. If commuted sums are to be obtained in lieu of on-site provision, there should be a clear and recognised, standard approach to valuation of the First Homes foregone on-site and the calculation of the commuted sum arising. The Local Authority should retain the flexibility to deploy the commuted sums arising in accordance with is Local Plan affordable housing policies.</p>
<p>Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.</p>	No	<p>17. No other existing exemptions are thought to have an impact.</p>

Question	Yes/No Unsure	Supporting Statement
Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.	Yes	<p>18. 100% affordable housing schemes, (e.g. where a Registered Provider is the developer, where a Registered Provider is funded by Homes England or where the LA is developing council housing) ought to be exempt from a strict 25% First Homes planning requirement. Mixed tenure schemes that rely on cross-subsidy from market sale/rent to support enhanced levels of affordable housing delivery on the same site should also be exempt from First Homes obligations to avoid creating viability challenges or disproportionate negative impact on the overall number of affordable homes that could be achieved.</p> <p>19. Specialist elderly or care housing such as should also be exempt. It is unlikely that housing for the elderly will be targeted at or available to first time buyers.</p>
Q12: Do you agree with the proposed approach to transitional arrangements set out above?	Yes	<p>20. The transition arrangements appear pragmatic from a plan-making point of view. However from an operational perspective there is currently no provision or allowance for the time and resource commitments that will be placed on LA's in setting up management and monitoring arrangements for the effective and proper administration of First Homes. LA's should be mandated to secure contributions towards administration of the scheme from developers as a planning obligation, and lead-in times to effective start date of the policy should reflect the need for LA's to establish information and communications systems that will support promotion and effective operation of the scheme such that certainty and efficiency can be offered to developers and transparency and ease of access to potential First Home purchasers.</p>
Q13: Do you agree with the proposed approach to different levels of discount?	Unsure	<p>21. Yes, <i>but</i> requires local discretion to vary discount according to locally evidenced needs (which could vary in different parts of a local authority) including 50% discount and higher if that is appropriate locally.</p>
Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?	Unsure	<p>22. With extensive areas of Green Belt land, Leeds does not have the circumstances suited to exception sites. Landowners of non-Green Belt land push for standard housing developments in preference to affordable exceptions. Allowing a small proportion of market housing could make a marginal difference, but in Leeds most Landowners would still hold out for a standard housing scheme.</p>
Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?	No	<p>23. The threshold for Entry Level Exception Sites of 1ha / 5% of Settlement is already large enough not to be an impediment.</p>
Q16: Do you agree that the First Homes exception sites policy	Unsure	<p>24. Leeds is not a designated rural area</p>

Question	Yes/No Unsure	Supporting Statement
should not apply in designated rural areas?		
Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?	No	25. The need for affordable housing in Leeds is acute (see Q8), and likely to increase as a result of Covid-19 and related economic effects. Support for development prospects of small-medium size sites or SME builders should not be at the expense of affordable housing provision.
Q18: What is the appropriate level of small sites threshold? i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify)	No	<p>26. This would have an immediate and significant effect of reducing the number of affordable dwellings for Leeds. A 50 home threshold would create a significant reduction in affordable dwellings for Leeds. Over 400 affordable dwellings would have been forgone over last 5 years had the threshold been 50 units. In terms of remaining allocated sites, we would expect to lose nearly 600 affordable dwellings over the next 5 years if the threshold were lifted to 50.</p> <p>27. A 40 home threshold would also create a significant reduction. If applied over the last 4 years nearly 250 affordable dwellings would have been foregone. In terms of future supply, it would result in a loss of nearly 500 affordable dwellings.</p> <p>28. It would be best for the threshold to remain at 10 dwellings (major development), but an increase to 20 dwellings would have resulted in a loss of 79 affordable dwellings over the last 5 years so would not be so bad.</p>
Q19: Do you agree with the proposed approach to the site size threshold?	No	29. The existing size threshold should be retained. S106 agreements make up around 1/3 of the affordable homes delivered each year in Leeds, many of which are on smaller sites. Increase in the threshold would have a significant detrimental impact on the overall delivery of affordable housing and further challenge the ability of the city to meet housing needs.
Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?	No	30. Such a change will impact beyond a limited time period. Development proposals awaiting permission or permitted but not yet commenced are likely to revise or re-submit applications with zero affordable housing. This would affect permissions granted a year or more before the enactment date as well as permissions granted afterwards. It could also incentivise landowners to submit applications before they were ready to build, in order to take advantage of the free period. It would therefore be better to limit the period to 6 months.
Q21: Do you agree with the proposed approach to minimising threshold effects?	Yes	31. This would be useful even if the threshold is not altered. It would help Local Authorities deal with development proposals that are artificially designed in terms of size to fall below set thresholds.

Question	Yes/No Unsure	Supporting Statement
Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?	Unsure	32. Not applicable to Leeds.
Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?	Yes	<p>33. The Council recommends that other means of supporting the sector are pursued as opposed to revising the threshold including: direct funding for SMEs through local authorities, support for the acquisition and preparation of sites to help de-risk them, preferential borrowing rates, front loading certainty for the sector in partnership with local authorities. The Council has already run events to adjust our offer to SME developers under the current planning system inc. greater upfront certainty through pre-application discussions.</p> <p>34. Outside of the planning process there could also be a range of fiscal measures inc: tax savings, guaranteed loans. It is also considered that Homes England has a role to help support small builders.</p> <p>35. In line with the recognition that SMEs play a key role in diversifying the number of outlets in local housing markets and increasing the absorption rates of housing Government should consider mandating that a proportion of large sites should be made available to SME developers.</p>
Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?	No	<p>36. Such moves will reduce the standard and quality of new development and further limit the potential to deliver effective placemaking, including delivery of affordable housing and new infrastructure, such as greenspace. This in turn will limit the role that new development can play in tackling the climate emergency, ensuring that developments support healthy communities and are truly liveable.</p> <p>37. If Government decided to do this in any case, the PIP Regulations should be amended so that the applicant has to provide additional information to support an application that seeks approval for the scale of development. The consideration of a PIP application is restricted to land use, location and scale. In most instances local planning authorities will be able to come to a decision on the principle of a particular land use in a particular location by reference to local and national planning policy. For non-major developments it will normally be possible to envisage whether that scale of development can be accommodated on a site, although it should be noted there might be a divergence between the applicant and the local planning authority over what the form the development should take (e.g. houses versus flats). However, for larger forms of development (majors) it will often be difficult to be able to come to sensible, informed and consequently sound decision on whether the quantum of development applied for can be accommodated on a site. Even if a minimum and maximum range is provided. The judgement as to whether a particular scale of development is acceptable becomes far</p>

Question	Yes/No Unsure	Supporting Statement
		<p>more nuanced as the scale, and in most cases the size of the site, increases. This is because that judgement will be based on a number of factors that may include:</p> <ul style="list-style-type: none"> • impact on trees • flood risk implications including whether parts of the site are capable of being developed and the need for any mitigating measures • the provision and quantum of public open space required • whether appropriate levels of private amenity space and parking for future residents are provided • whether appropriate density levels can be achieved • whether the proposal has due regard to the spatial characteristics of the locality <p>38. All of these matters relate to scale and it will be very difficult for a local planning authority to come to a view on whether, say, a proposed development of 120 to 149 dwellings can be accommodated on a site without reference to a plan that shows how that may or may not work. Accordingly, one way to address that would be for the Regulations to require the applicant to submit an illustrative layout that demonstrates the scale of development applied for can be accommodated on the application site.</p>
<p>Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.</p>	<p>No</p>	<p>39. So long as the nature (use/s) and quantum (floorspace of the unit/s) is known. That will give a local planning authority sufficient information to be able to judge whether the principle of a particular commercial use at that site is acceptable.</p>
<p>Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you</p>	<p>No.</p>	<p>40. Please see the answers to question 24 above and 27 below.</p>

Question	Yes/No Unsure	Supporting Statement
disagree, what changes would you suggest and why?		
Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.	Yes.	41. This would be particularly important with high density schemes on sites within the urban context. It would inform the judgement whether the quantum of development applied for can be accommodated within a building the scale of which has regard to its context. When dealing with larger sites if the Regulations are drafted to require an illustrative site layout plan this can be annotated to show the maximum heights of buildings across a site. Such a clause would provide clarity and certainty to both the decision maker and the applicant.
Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be: i) required to publish a notice in a local newspaper? ii) subject to a general requirement to publicise the application or iii) both? iv) disagree If you disagree, please state your reasons.		<p>42. No publicity arrangements should not be extended for larger applications.</p> <p>(i) In Leeds newspaper notices publicising the receipt of planning applications are placed on a 3 weekly cycle. That notice needs to be formulated and submitted to the newspaper well in advance of the publication date. In these circumstances it will often not be practically possible to publish a notice, with the associated period for publicity, within the timescales for the determination of the application. One of the reasons that Notices are placed on a 3 weekly cycle is due to cost. Newspaper notices will be disproportionately expensive when considered against the limited application fee generated by such applications. As the White Paper, 'Planning for the Future' recognises the use of newspaper notices is also outdated. For these reasons it is considered that the use of newspaper notices would be impracticable.</p> <p>(ii) Experience has shown that the posting of site notices has proven to an effective tool in advertising the receipt of a planning application. Local communities are familiar with this form of publicity and it is targeted at those who are most likely to be affected by a proposal. In addition, in Leeds, people can also register to be alerted to the receipt of planning applications within a defined geographical area via Public Access.</p> <p>In Leeds we have not used social media to publicise the receipt of planning applications. Concerns exist over how effective it would be. Social media platforms are conversational in nature, and are primarily used by people to trade and express opinions. For it to work in the planning context people would have to use it in a different way and be directed towards another platform where they can engage in the planning application process. Leeds City Council has a corporate Facebook and Twitter account. These</p>

Question	Yes/No Unsure	Supporting Statement
		<p>provide information on a range of council services. An additional concern is that information publicising the receipt of a specific planning application will easily be lost amongst the vast array of posts made relating to other matters on those accounts. Dedicated planning accounts could be created but they would need to be resourced which is a significant issue. If central government is to require the use of social media to publicise planning applications then clear guidance will need to be issued as how that is appropriately and effectively done.</p> <p>(iii) and (iv) See above.</p>
<p>Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectarage, with a maximum fee cap?</p>	<p>Yes</p>	
<p>Q30: What level of flat fee do you consider appropriate, and why?</p>		<p>43. The sliding scale of flat fees suggested below is based on the premise that central government wants to lower the application fee.</p> <ul style="list-style-type: none"> • less than 1 hectare (= £302 fee per 0.1 hectare) • between 1 to 2.5 hectares (= £352 fee per 0.1 hectare) • more than 2.5 hectares, capped at a maximum (= £402 fee per 0.1 hectare, capped) <p>44. The suggestion set out above recognises that as the size of the site increases then it is likely that the number and complexity of planning issues raised will increase also. Consequently more time will be need to be dedicated to the processing and considering the application. No matter what the scale of the development applied for the normal development management processes will still need to be undertaken from validation and publicity to the undertaking of a site visit, a search of the planning history, the undertaking of technical consultations, a consideration of how the development sits against planning policy and an assessment of the planning merits and balancing exercise.</p>
<p>Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the</p>	<p>Agree</p>	

Question	Yes/No Unsure	Supporting Statement
Brownfield Land Register? If you disagree, please state why.		
Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.		<p>45. Current guidance clearly explains the PIP and TDC process. There is no need for additional guidance.</p> <p>46. The real issue is that there many different forms of application (full, outline, reserved matters, many and various forms of prior approval applications* covering many different development types, discharge of conditions, removal/variation of planning conditions, applications for Non-Material Amendments, applications for Minor Material Amendments, listed building consent, certificates of lawful development for existing development, certificate of lawful development for proposed development, advertisement consent, consent for works to protected trees, all in addition to PIP and TDC) that are all subject to varying processes, requirements and considerations. Added to that some forms of development are permitted development and some works may be considered and determined not to constitute development at all. Consequently it is often complicated, confusing and difficult to understand and navigate a way through the planning 'application' system.</p> <p>*Approximately 20 at last count.</p>
Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?		47. Please see previous answers and the answer to Q34 below.
Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.		<p>48. The real issue is what additional benefit does the PIP and TDC process bring? The outcome from a PIP is very similar to that of an outline planning application and an allocation for residential development in a local plan. In many instances it will also be similar to professional planning advice that the principle of residential development is likely to be acceptable on a certain site. More often than not the principle of development is not the significant issue. The significant issue is how to design and formulate a scheme that meets local planning policy requirements and that is marketable and viable. In other words the 'devil is in the detail'.</p> <p>49. Since the 1st June 2018 to 9th September 2020 Leeds City Council has received in the region of 18,400 'planning' applications in their various forms (see the answer to Q32 above). Of these only 9 have been for PIP's. Two of those 9 applications were returned to the applicant as they were deemed to be</p>

Question	Yes/No Unsure	Supporting Statement
		invalid. The take up of the use of PIP's on that evidence is clearly extremely limited. That would point to the fact that the development industry, in Leeds at least, considers such applications to be of limited value.
Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?		50. Some groups protected under the PSE duty have a greater need for affordable housing and therefore they would be adversely affected by the proposed increase in the size threshold for affordable housing, and may be less able to afford First Homes than other types of affordable housing such as social rented affordable housing. There is also a spatial concern as areas with concentrations of BME population correlate with inner urban areas which typically have smaller rather than larger development sites are likely to suffer disproportionate loss of affordable housing potential as a result of the proposed increase to the small sites threshold.