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Development Plan Panel

Friday, 11th December, 2020

PRESENT: Councillor N Walshaw in the Chair

Councillors B Anderson, C Gruen,
J McKenna, D Collins, R Finnigan,
L Mulherin, K Ritchie and P Wadsworth

34 Appeals Against Refusal of Inspection of Documents

There were no appeals.

35 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

36 Late Items

There were no formal late items.

37 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

38 Apologies for Absence

Apologies for absence were received from Councillors Andrew Carter, Salma Arif and Colin Campbell.

Councillor Paul Wadsworth attended as substitute on behalf of Councillor Andrew Carter.

39 Leeds Site Allocations Plan - Consultation on Remittal of 37 Policies to the Secretary of State

The report of the Chief Planning Officer informed Members of the work undertaken since the High Court Judgement relating to the Site Allocations Plan (SAP) statutory challenge, and the requirements for the remittal of a specific number of SAP policies to the Secretary of State for re-examination. The report also set out indicative timescales. Members were asked to recommend to Executive Board that approval be given to commence consultation on the proposed Main Modifications set out at Appendix 7 of the submitted report.

The following had been appended to the submitted report:

- Appendix 1 – List of Sites within SAP affected by High Court Judgement and returned to the Green Belt until re-examined
- Appendix 2 – Map showing location of allocations subject to SAP remittal
- Appendix 3 – Strategic Housing Land Availability Assessment (SHLAA) Main Report
- Appendix 4 – Five Year Housing Land Supply Statement
- Appendix 5 – Sustainability Appraisal Addendum
- Appendix 6 – Draft Habitats Regulation Assessment (HRA) Addendum
- Appendix 7 – Proposed Main Modifications
- Appendix 8 – Equality Diversion Cohesion Integration Screening

The Principal Planner (Local Plans) and the Principal Planner (Major Projects) were in attendance, and presented the report. The report explained that the Court has ordered that the Council remit 37 Green Belt sites to the Secretary of State and the Planning Inspectorate for further examination against up to date evidence and policy. The following had been highlighted:

- The remainder of the SAP remains adopted and unaffected from the remittal process;
- The SHLAA has been updated to 1st April 2020 and shows there is a 6.8 years' worth of housing land supply;
- The unprecedented uplift in the city centre market has boosted the overall picture of supply;
- The outstanding stock of planning permissions is at the greatest level ever;
- The Council has been in contact with landowners and their agents to collate evidence in order to make informed decisions about how sites will contribute to the future supply of housing in Leeds. Details of construction programmes provided to the Council will be reflected in the final 2020 SHLAA;
- Table 1 of the submitted report details the Core Strategy and SAP requirement – outlining a strong position without the need for the remitted sites;
- Issues related to the overall supply and distribution against HMCA indicative targets.

The Council had considered a number of options for a revised SAP within the existing plan period to 2028, and three reasonable options had been identified for remittal:

- Option 1: Propose all 37 Green Belt sites as allocations in the SAP
- Option 2: Propose none of the 37 Green Belt sites as allocations in the SAP
- Option 3: Propose some of the Green Belt sites as allocations in the SAP on the basis they would help address housing shortfalls within individual Housing Market Characteristic Areas (HMCAs)

The Council's Preferred Option was Option 2, because it had more positive effects and fewer negative effects than the other alternatives. Option 2 was also in line with Policy SP1 and SP6 of the Core Strategy. It was noted that Option 2 did not fully address SP7 in relation to the distribution of housing land. Whilst it was acknowledged that the proposed option did not require any changes to be made to the SAP Habitats Regulations Assessment, the proposed deletion of the 37 sites lessened the likelihood of significant effects on European Nature Conservation designations.

Policy HGR1 of the adopted SAP requires a review to assess and address the need for additional housing allocations and safeguarded land designations post 2023 following the adoption of the Core Strategy Selective Review.. The SAP Remittal evidence shows there is sufficient land allocated for housing and identified safeguarded land to comply with the Core Strategy Housing target to 2028. It was confirmed that following the remittal process, it was anticipated that the Council would be in a position to demonstrate that Policy HGR1 has been met without additional need for allocations.

The Panel were requested to consider the Main Modifications as set out in the submitted report, and will be subject to a 6 week consultation.

The Panel discussed the following matters:

- Clarity on the position of sites HG2-43 (Horsforth Campus), HG2-26 (Scarcroft Lodge) and HG2-150 (Land East of Churwell LS27) – whilst those listed are Green Belt sites, this did not stop the determination of planning applications, where exceptions applied or very special circumstances were evidenced;
- Progress on the Statement of Community Involvement (SCI) – the interim SCI has been formed via discussions with an engagement group. It was the intention to bring forward the full SCI before Panel Members subject to other approvals;
- HMCA targets and including the supply of houses between 2012 – 2017 and windfall sites – it was confirmed this information would be included in a background document to provide further clarity;
- Review of Policy SP7 – SP7 will be reviewed under the Local Plan update and considerations relating to the climate emergency will be able to inform planning for housing, and where that goes post 2028;
- A Member requested a breakdown in figures on the distribution of completed dwellings (by HMCAs) in terms of Greenfield and Brownfield sites specifically for Morley North and Morley South. It was confirmed this information would be provided to the Member outside of the meeting;
- Oversupply in the city centre and lack of greenspace across Inner City areas;
- Clarity on the legal position regarding developers challenging the Council, in terms of costs related to work undertaken on the proposed remittal of the 37 sites – it was noted that developers had been provided with an opportunity during the 6 week statutory challenge period of the Legal Challenge, to engage in the process. As such, no challenges had been received;
- Deliverability and availability of brownfield sites, and work around maximising viable schemes in relation to affordable housing with developers.

RESOLVED –

- a) That the contents of the report, including appendices 1 – 8, together with the reason for Main Modifications, and related discussions during the meeting be noted;
- b) That Executive Board be recommended to approve the Main Modifications for public consultation, along with the supporting Sustainability Appraisal Addendum and all necessary technical background documents.

40 HMO, PBSA and Co-Living Amenity Standards SPD

The report of the Chief Planning Officer, informed Members that a Supplementary Planning Document (SPD) has been prepared to establish space, light and ventilation (amenity) standards for Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation (PBSA). Proposals for a new co-living model are beginning to emerge in Leeds and there is an opportunity for standards to be introduced for this form of living through the new SPD.

Appended to the submitted report included the draft SPD (at Appendix 1) and the Consultation Plan (at Appendix 2).

The Senior Planner (City Development) introduced the report, explaining there had been a growing concern in Leeds regarding the standard of living for residents and the impact on health and wellbeing; becoming more prevalent over the duration of the pandemic. Preparations included cross Council working and informal engagement / raising awareness with key stakeholders, the universities, PBSA providers and their representatives and landlords' groups. The following had been highlighted:

PBSA

- Sets space standards for 2 types of student accommodation – 'cluster flats' and self-contained studio units;
- Sets space requirements for different facilities in the development;
- Considerations around the overall quality and layout of bedrooms;
- Ensure all habitable rooms have access to daylight;
- Sets standards for ventilation;
- Privacy and amenity space considerations.

HMOs

- HMOs are not subject to NDSS requirements in the Core Strategy Policy H9 as the fall within the C4 or sui generis use class – there is increased awareness that landlords are letting very small rooms;
- Whilst the SPD relates to new conversions only, the private sector housing team are preparing space guidance that will help coordinate a joined up approach;
- The space required varies depending on which element of the HMO is shared and the number of bed spaces;
- Sets standards for access to light and ventilation;
- Ensure bedrooms have a good level of outlook.

Co-Living Proposals

- Key considerations around minimum room sizes, the levels of communal facilities / space and the distribution of the shared facilities;
- The standards for light and ventilation follow those set out for PBSA developments;
- Co-living developments will provide garden space and outside space;
- Schemes to provide a good level of outlook and not affecting privacy of neighbouring properties.

The Panel discussed the following matters:

- Clarity on Permitted Development (PD) Rights – it was confirmed that although a prior approval for PD could not be affected, the Government had introduced, with effect from 1 July 2021 that all PD schemes to nationally accord with the Nationally Described Space Standards which are equivalent to Policy H9;
- Parking concerns – it was confirmed that a separate adopted Leeds Parking SPD addressed HMO requirements, and can be referenced in the SPD. Additionally, the Transport SPD was still in the consultation process;

- Addressing energy efficiency requirements – this would be captured as part of the Local Plan Update, and can be referenced in the SPD;
- Good examples of PBSA accommodation had been acknowledged, whilst bedroom sizes remained a concern for Members.

RESOLVED –

- a) To note the contents of the report, the plans for formal public consultation, as well as related discussions during the meeting;
- b) To endorse the draft SPD for public consultation.

41 Leeds City Council Response to Government Consultation on Raising Accessibility Standards for New Homes

The report of the Chief Planning Officer outlined the approach to accessible housing in Leeds, the Government's consultation proposals and the Council's response to the consultation.

The consultation paper seeks views on how to raise the accessibility of new homes, in order to meet Government's objective to ensure that there is enough suitable housing where it is needed. 5 broad policy options have been developed, and range from waiting to see the full impact of recent planning policy changes, to mandating higher standards at a national level.

Appended to the submitted report included the Draft Council Response.

The 5 policy options are outlined as follows:

- *Option 1* – Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing.
- *Option 2* – To mandate the current M4(2) requirement on Building Regulations as a minimum standard for all new homes, with M4(1) applying by exception only where M4(2) is impractical and unachievable. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced.
- *Option 3* – Remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home, M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This would mean no new homes could be built as M4(1).
- *Option 4* – To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage for M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.
- *Option 5* – Change the content of the mandatory technical standard. This could be done by upgrading the statutory guidance to create a revised M4(1) minimum standard. This revised standard could be pitched between existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.

The Senior Planner (City Development) introduced the report, informing Members that the Government's consultation deadline was 1st December and therefore a response has already been submitted. It was confirmed that following comments from the Panel, a final response will be sent to MHCLG.

Discussion focused on the 5 Policy Options (as outlined above), and the key considerations. It was noted that the Council's proposed response to the consultation document concludes that Policy Option 4 is the most preferable as it will significantly boost the delivery of accessible housing at a national scale.

The Panel discussed the following matters:

- Concerns in relation to achieving viability and potential loss of greenspace and affordable housing contributions. It was noted that general viability concerns had been addressed through the Planning White Paper;
- Clarity on how the set percentage will be achieved – it was confirmed that this would be nationally set from Government and whilst the current requirement for Leeds was 2%, there was potential for this to increase subject to viability and the outcome of the Government;
- Concerns in relation to M4(1) and developers using this as a minimum standard – it was confirmed that M4(1) would be used as a fall back subject to M4(2) not being viable, and provided a basic level of accessibility. In addition to this, the Head of Strategic Planning explained the response to Government will be amended to include concerns expressed by Members, and whether the Government can suggest any remedies, that may involve Local Authorities being clear on exceptional circumstances when M4(1) is accepted.

RESOLVED –

- a) To note the contents of the report and related discussions during the meeting;
- b) To note Leeds City Council's consultation response, with the inclusion of Members concerns in relation to M4(1) and the preferred Policy Option being Option 4.

42 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 19th January 2021, at 1.30 pm.

(The meeting ended at 12:00 pm)