

## Development Plan Panel

Tuesday, 19th January, 2021

**PRESENT:** Councillor N Walshaw in the Chair

Councillors B Anderson, C Campbell,  
C Gruen, J McKenna, S Arif, D Collins,  
L Mulherin and K Ritchie

### **43 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal.

### **44 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

### **45 Late Items**

There were no formal late items.

### **46 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

Councillor Campbell, Gruen, McKenna and Walshaw informed the Panel that with regard to Agenda Item 7, Members were part of the respective Plans Panel considering the Leeds Bradford Airport, and they would be considering the item with an open mind.

### **47 Apologies for Absence**

Apologies for absence were received from Councillors A Carter and R Finnigan.

### **48 Minutes**

**RESOLVED-** That the minutes of the Development Plan Panel meetings held on:

- a) Tuesday 3 November 2020, be approved as an accurate record.
- b) Friday 11 December 2020, be approved as an accurate record subject to the following amendments to minute no. 40 to read “whilst the SPD relates to *new applications for HMOs only...*” and “...with effect *from 6 April 2021* that all PD schemes to nationally accord with the Nationally Described Space Standards which are equivalent to Policy H9”.

### Matters Arising

Minute no 39 – Site Allocations Plan – Consultation on Remittal of 37 Policies to the Secretary of State. The Head of Strategic Planning informed the Panel that the proposed Main Modifications are currently undergoing consultation for 6 weeks.

### **49 Local Plan Update**

Further to the minutes of the meeting held 3<sup>rd</sup> November 2020, the report of the Chief Planning Officer updated Members on the emerging position on the scope of a Local Plan Update, which will set out which policy areas should be the focus of a policy update, around an overall broad objective of responding to the Climate Emergency. The meeting discussed policy approaches within the LPU on topics that have so far

not been considered including flood risk, sustainable infrastructure (including HS2, digital connectivity, mass transit and Leeds Bradford Airport) and strategic place-making. It was noted that these are not draft policies at this stage and public views are being sought on whether these are the right policy topics to focus on.

The report contains information that will be included in public consultation on the scope of the Local Plan Update. This includes relevant policy background, possible future policy approaches and questions to be raised at consultation. The report seeks to bring together the draft consultation material in time for the Development Plan Panel to be held in March 2021, before seeking approval for consultation at Executive Board on the 17<sup>th</sup> March 2021. Consultation is anticipated to commence after the Local Government Elections in May.

Appended to the submitted report lists potential consultation questions.

The Group Manager (Policy and Plans) introduced the report and provided a PowerPoint presentation, with an overview of:

- Policy topics covered at the Development Plan Panel meeting in November 2020;
- An example of a 'Plan on a Page' as a result of streamlining information for members of the public to more easily engage with;
- Benefits of the Policy Options and proposed consultation questions in relation to the topic areas were highlighted as follows:

#### Flood Risk

Avoiding development in flood risk areas – Strategic Flood Risk Assessments (SFRA) are being updated to be completed by summer 2021  
Functional Floodplain – the updated SFRA has a critical role in defining the Functional Floodplain and may impact development in those areas  
Surface Water Flooding and Sustainable Drainage – the benefits of Sustainable Urban Drainage Systems (SUDS) in new development and considerations around strengthening existing policy in relation to infiltration rates, identifying source locations for flooding, reducing speed of run-off through tree planting and reviewing minimum standards  
Permitted Development Rights (especially for Front Gardens) – considerations around how to keep soft landscaping in front gardens and avoid impermeable paving over of front gardens through options including removing Permitted Development rights in new development

#### Strategic Place-Making

20 minute neighbourhoods – a new vision that aligns with existing Council priorities, that maximises opportunities for active travel by focusing on hubs and service centres. The consultation will seek to understand stakeholders' views, on how it can be applied to planning policy in Leeds

#### Sustainable Infrastructure

High Speed 2 and Leeds Station – the proposed policy could help guide growth in Leeds station, identify development opportunities associated with HS2, maximise opportunities for green, key pedestrian and cycle infrastructure

Mass Transit – whilst it is a WYCA led initiative that is in its early stages, a policy on Mass Transit shows strategic support in the LPU and can potentially protect route(s)

Leeds Bradford Airport – views on a review of policy SP12 will be sought as requested by Full Council.

Digital Infrastructure – whilst policy SP8 provides general support in recognising reliable digital connectivity is essential for Leeds' economy, additional detail for new developments is required, particularly in relation to embedding technological infrastructure at the outset

- How the LPU fits together in terms of the climate emergency, updates to the Core Strategy and Natural Resources and Waste Local Plan and the inter-relationship between the 5 topic areas;
- Proposed Next Steps – to bring draft consultation papers to the Development Plan Panel meeting on the 2<sup>nd</sup> March, prior to seeking approval for consultation at Executive Board on the 17<sup>th</sup> March 2021.

The Chair highlighted the possibility of the local elections being postponed due to the Covid-19 pandemic, and the Panel shared a general consensus that the Local Plan Update should not be delayed as a result of this. The Chief Planning Officer confirmed that officers are seeking to move the process forward, in terms of the technical work; regardless of whether the consultation period will be deferred.

Members discussed a number of matters including:

- Policy wording in terms of flood mitigation, including the exploration of extending flood risk zones and discouraging development in high risk zones. It was acknowledged that policies required to be easily understood and robust and specific detail in terms of those policies would be considered after the scope of the Plan had been determined. In terms of stopping developments in high risk areas, it was noted that large parts of the city centre were in zones 3a and met aspects of the 20 minute neighbourhoods, a balance needed to be taken when considering these options;
- The removal of permitted development rights for new developments and considerations around the retrofit of existing housing stock. Members were informed that Article 4 directions had not yet been considered, and that views would need to be captured from stakeholders during the consultation period;
- Clarity on 20 minute neighbourhoods, with focus on distances to schools. Whilst acknowledging the difficulties in terms of service delivery across outer areas, 20 minute connectivity included walking, cycling and public transport and promoted active travel;
- The tension between local and national policies with emphasis on the need to provide clarity on powers and resources of Local Government, and other tiers of Government, WYCA and Mayoral Authorities;
- Encouraging developers to meet climate emergency ambitions prior to the policies being implemented;
- Clarity on the legal status on applying weight on the proposed policies. It was noted that full weight could only be applied to policies adopted in the existing Local Plan. However, it was noted that as part of the Local Plan Update fully drafted policies can gain more weight at advanced stages of plan making subject to the level of objection received and their fit with national policy;
- Review of mitigation for water runoff;
- Review of current road networks particularly in terms of main arterial routes. The Executive Member provided an overview of the public transport

- improvement programme, the options in terms of schemes seeking funding and consultation in relation to the Transport Strategy;
- Increasing demand for digital infrastructure and recognising the importance in planning policy promoting the need for digital inclusion.

The Panel broadly supported the proposed approaches and noted their comments would be built into additional work, prior to receiving draft consultation material at the Panel meeting to be held March 2021.

**RESOLVED-**

- a) To note the contents of the report
- b) To note that comments provided during discussions would help form part of the draft policy scope of the Local Plan
- c) To note the intention to receive the draft consultation material at the upcoming Development Plan Panel meeting in March 2021

**50 Open consultation - Supporting housing delivery and public service infrastructure and changes to permitted development rights**

The report of the Chief Planning Officer informed Members of a current Government consultation on proposed measures to support housing delivery, economic recovery and public service infrastructure. For each of the areas, a number of questions have been set out for consultation response. The consultation focused on three main areas and all relate to permitted development rights:

- Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential.
- Supporting public service infrastructure through the planning system.
- Consolidation and simplification of existing permitted development rights.

Appended to the report included a draft response from the Local Planning Authority.

The Principal Planner (Policy and Plans) introduced the report and informed the Panel that the consultation is open until 28 January 2021. Members heard the changes relate to the high street and widening of permitted development rights to allow greater flexibility to change uses within town centres, consolidates changes to existing wide ranging permitted development rights and also around Covid-19 and the provision of public infrastructure.

An overview in terms of each of the areas was provided, and the following information had been highlighted:

New 'E' use Class

- This was introduced as of 1 September 2020 and includes retail, restaurant office, financial/professional services, indoor sports, medical and nursery uses;
- Questions set out in the consultation relate to conditions applying to widening of permitted development rights to residential use, including appropriate size restrictions, where the right should apply and local consideration through prior approval;
- Section 106 agreements and affordable housing, concerns remain where a permitted development application would not consider these;

- The impact on current permitted development rights in terms of the uptake in retail – there had only been 22 schemes since 2013, and for the loss of office to residential – 97 applications, 3,877 units since 2013.

#### Supporting public service infrastructure

- Focuses on proposed planning reforms to speed up the delivery of schools, colleges, hospitals and other NHS buildings, both for existing and new sites;
- Seeks to ensure the expansion of existing sites are streamlined and creates a faster process for applications for planning permission;
- Proposes to amend existing permitted development right to allow schools, colleges, universities and hospitals to expand their facilities by 25% or 250 sqm of their footprint of the current buildings on site;
- 21 day statutory public consultation period proposed to be reduced to 14 days – the Council are not supportive of this proposal.

#### Consolidation and simplification of existing permitted development rights

- Proposed simplification and rationalisation of all permitted development rights to provide clarity and consistency with the new 'E' class, ;
- The consultation response states that widening of other existing permitted development rights should be subject to further consultation.

Members discussed a number of matters including:

- Emphasis of the concerns reflected in the consultation response in relation to the quality, design and living standards of housing schemes and the eligibility of affordable housing;
- Emphasising the need that nearby greenspace resulting from developer contributions should be usable. Whilst it was acknowledged that Section 106 agreements were not considered through permitted development schemes, the consultation response should be strengthened around the requirements of usable greenspace;
- Concerns raised regarding the protection of retail units and change of use to residential. . It was confirmed that the consultation response set out the Local Authority's stance on protecting high streets and centres;
- Viability of local town centres in relation to the pressures on the removal of retail units;
- Concern about inappropriate buildings changing use to residential;
- Inadequate statutory public consultation period and the delay on planning permissions. The Chief Planning Officer outlined some of the key reasons for delays such as alignment with other public bodies, particularly in relation to school and transport infrastructure issues and other public bodies such as Health bodies and Homes England.

#### **RESOLVED-**

- a) To note the contents of the report and the appended draft consultation response

#### **51 Date and Time of Next Meeting**

**RESOLVED-** To note the date and time of the next meeting as Tuesday 2<sup>nd</sup> March 2021, at 1.30 pm.

(The meeting concluded at 3:15 pm)