

Development Plan Panel

Tuesday, 2nd March, 2021

PRESENT: Councillor N Walshaw in the Chair

Councillors B Anderson, C Campbell,
A Carter, C Gruen, J McKenna, D Collins,
K Ritchie, K Brooks and H Hayden

CHAIR'S OPENING REMARKS

The Chair welcomed all to the meeting.

On behalf of the Panel, the Chair paid tribute to Councillor Mulherin and Arif for all their efforts throughout their time on the Development Plan Panel, and welcomed Councillor Hayden and Councillors Brooks to the Panel. The Chair then congratulated Councillor Arif and Councillor Hayden on their new positions as Executive Members of Leeds City Council.

52 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal.

53 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

54 Late Items

Agenda Item 7 – Leeds Site Allocations Plan – Submission of 39 Proposed Main Modifications to the Leeds Site Allocations Plan for reconsideration by the Secretary of State

With the agreement of the Chair, a late item of business was admitted to the agenda entitled, 'Leeds Site Allocations Plan – Submission of 39 Proposed Main Modifications to the Leeds Site Allocations Plan for reconsideration by the Secretary of State'.

It was deemed appropriate that a report to come to Panel as a late paper due to the need to fully consider all representations received following the end of the consultation period on 16 February 2021, and in order to ensure that Panel Members received the most up to date information as possible, the report was not included within the agenda as originally published on Monday 22nd February 2021. The matter was being considered at this meeting, to enable the Panel's comments and recommendations to be made available for consideration at Executive Board on 17th March 2021 (Minute No. 58 refers)

55 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

56 Apologies for Absence

Apologies for absence were received from Councillor R Finnigan.

57 Minutes - 19 January 2021

RESOLVED- That the minutes of the Development Plan Panel meeting held on 19 January 2021, be approved as an accurate record.

58 Leeds Site Allocations Plan (SAP) - Submission of 39 Proposed Main Modifications to the Leeds SAP for reconsideration by the Secretary of State

Further to the minutes of the meeting held 11th December 2020, the Chief Planning Officer submitted a report which informed Panel Members of the representations received as part of the Main Modifications to the Site Allocations Plan Remittal consultation 5th January to 16th February 2021, and outlined the Council's proposals in response.

With the agreement of the Chair, the submitted report had been circulated to Panel Members as a late item of business prior to the meeting for the reasons as set out in section 4.5 of the submitted report, and as detailed in Minute No. 54.

The following information had been appended to the submitted report:

- 39 Main Modifications to the remitted part of the SAP (Appendix 1)
- A Sustainability Appraisal Addendum (Appendix 2)
- An Addendum to the SAP Report of Consultation (Appendix 3)
- An Addendum to the SAP Habitat Regulations Assessment (Appendix 4)
- A background paper containing evidence in support of the Council's approach having taken into account the views of representors (Appendix 5)
- Evidence in support of the submission

The Principle Planner (Local Plans) presented the report, noting that 441 duly made representations had been received from 249 respondents, 382 in support of the Council's proposals, 49 objecting and 10 neutral. It had also been confirmed that:

- 3 representations had been received after the consultation period ended;
- 284 of the representations received related to sites in the Aireborough HMCA, with 281 representors supporting proposals to retain those sites as greenbelt;
- 76 representations received related to all of the proposed sites, with 94 in support of the proposals, 22 objecting and 10 neutral;
- The supportive representors comprises members of the public, community representatives, as well as a number of locally elected Members;
- The objectors to the Council's approach were principally developers, house builders or their agents;
- The majority of the representations received, supported the Council's approach to retain 37 sites as greenbelt land;
- The headlined issues of those objecting included:
 - An imbalanced spatial distribution with Core Strategy Policy SP7 not being delivered;
 - An overreliance of brownfield sites in the city centre and inner areas;
 - Delivery and viability of city centre sites and impact on land supply
 - Effects of COVID-19;

- Housing mix;
 - Loss of affordable housing in outer areas;
 - The loss of school provision in the outer areas, and provision in the city centre and inner areas;
 - The status of safeguarded land;
 - Exceptional circumstances for the allocation of 37 sites could be demonstrated when housing distribution, affordable housing, housing mix and school capacity were taken as a whole;
 - Issues had been raised in relation to specific sites HG1-250 and MX238.
- Comments were received from a number of statutory consultees and raised no objection to the proposed Main Modifications;
 - 148 representations were made to the SA Addendum; subsequent amendments have been made to include the assessment of Option 4 including Barrowby Lane.

In relation to mixed housing and employment site MX2-38, (Barrowby Lane) it was noted that the Council had considered the representation submitted by the owners of the site, requesting its inclusion within the SAP solely for general employment. In light of the overall 53 hectare deficit in employment land arising after updated evidence was presented, officers considered that exceptional circumstances had been demonstrated for the whole 21 hectare site for employment uses. The change to Main Modification MX2-38 was considered by the Council to be justified, and therefore the Council proposed to retain Main Modification 8, with the effect of deleting site 'MX2-38 Barrowby Lane Manston LS15' as a housing allocation from Policy HG2, and proposed an additional Main Modification for site EG2-37 Barrowby Lane, Manston, LS15 proposing to allocate the whole 21 hectare site solely as a general employment allocation under policy EG2, within the East Housing Market Characteristic Area.

Members' discussion focused on the Council's proposal to allocate the whole 21 hectare Site MX2-38 for general employment. Whilst the pressures on employment land had been acknowledged, concerns were raised in relation to the 'need' to demonstrate specific evidence in the future on that site. In responding to a comment regarding a phased approach in releasing Site MX2-38, Members were informed that the Core Strategy (which sets strategic policy) does not have a phasing approach to the allocation of employment land. Officers noted that justification and evidence for the release of the land for employment was contained in the Background Paper to the report and that further technical monitoring information in support of that would be submitted to the Secretary of State, in relation to the soundness and detailed evidence for the release of Site MX2-38.

Additional comments related to representations received on behalf of housebuilders, and the outcome of the High Court Judgement, that remitted 37 sites to the Green Belt as a result of exceptional circumstances not being made.

Members considered in detail the recommendations as contained within the submitted report and the format upon which they should be voted upon.

In considering and discussing such matters, and further to

- a motion put by Councillor McKenna that the recommendations be voted upon as per the submitted report, which was not formally seconded at that time;
- a motion moved by Cllr Carter and seconded by Cllr Campbell, which was subsequently formally withdrawn, that the recommendations in the submitted report be amended so that the proposals regarding Main Modifications 1 – 38 be voted upon separately to that of Main Modification 39, it was:

Moved by Cllr C Gruen and seconded by Cllr A Carter that the recommendation within the report regarding Main Modifications 1 – 38, that the Panel recommends that such sites be deleted from Policy HG2 Housing Allocations, be voted upon separately to the recommendation within the report regarding Main Modification 39; and subsequent to this, it was

Moved by Cllr Ritchie and seconded by Cllr Campbell that the recommendation within the report regarding Main Modification 39, that the site formerly MX2-38 be allocated for General Employment (EG2-37) be voted upon separately to the recommendation within the report regarding Main Modifications 1 – 38.

The Panel then agreed to proceed on the basis of the 2 motions which had been moved and seconded, and it was

RESOLVED -

- (a) That the contents of the submitted report and appendices, be noted;
- (b) That the assessment of the representations received in response to the consultation on the proposed Main Modifications and supporting documents, be noted;
- (c) That in line with the motions set out above, and following the separate vote undertaken by the Panel regarding Main Modifications 1 – 38, unanimous approval be given that the Panel recommends that such sites be deleted from Policy HG2 Housing Allocations; and following the separate vote undertaken by the Panel regarding Main Modification 39, approval be given that the Panel recommends the allocation of site formerly MX2-38 for General Employment (EG2-37);
On the separate vote specifically regarding Main Modification 39, the following Members abstained from voting:
 - Councillor A Carter
 - Councillor B Anderson
 - Councillor D Collins
 - Councillor C Campbell
- (d) That following resolution (c) above and the separate votes undertaken by the Panel on such matters, Executive Board be recommended to:-
 - (i) Note the comments of the Council's Development Plan Panel meeting on 2nd March 2021 and consider the assessment of representations received in response to the consultation on the proposed Main Modifications and supporting documents; and

- (ii) Recommend to full Council that it:-
 - (a) approves the proposed 39 Main Modifications to the Remitted part of the Site Allocations Plan (in Appendix 1), the Sustainability Appraisal Addendum (in Appendix 2) and supporting material be submitted to the Secretary of State, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended, for the purpose of Examination by an independent inspector;
 - (b) invites the independent inspector appointed to hold the Public Examination, to make modifications to the Remitted part of the Site Allocations Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended in order that it is sound and legally compliant;
 - (c) delegates authority to the Chief Planning Officer, in consultation with the Executive Member for Climate Change, Transport and Sustainable Development, to (a) approve the detail of any updates or corrections to the submission material and any further technical documents and supporting evidence required to be submitted for consideration at future hearing sessions, (b) continue discussions with key parties, including via statements of common ground and suggest to the Inspector any further Main Modifications, edits and consequential changes necessary to be made to the Remitted part of the Site Allocations Plan following Council approval, during the Examination and (c) prepare and give evidence in support of the Remitted part of the Site Allocations Plan.

59 Leeds Local Plan Update - Public Consultation on the Scope of the Plan

The Head of Strategic Planning advised the Panel that since publication of the agenda, additional information including, changes to Government Guidance and Building Regulations has come to light. Given the importance for plans to be in conformity with national guidance, officers will need to consider the implications of “nearly zero carbon” on the material in the papers and standards for new developments within Leeds and the role of the planning system. It was therefore deemed appropriate that Panel Members be asked to consider any updated Local Plan Update material as a whole at a future meeting.

The Chair proposed that the item be deferred, this proposal was seconded and on being put to the vote the motion was passed.

60 Government Consultation on Changes to the National Planning Policy Framework (NPPF) and National Model Design Code (NMDC)

The report of the Chief Planning Officer informed Panel Members of the Government’s technical consultation on changes to the National Planning Policy Framework (NPPF), which opened on 30th January with the closing deadline of 27th March 2021. The report outlines the initial draft response from the Council, on the proposed changes.

The NPPF text has been revised in response to the Building Better Building Beautiful Commission (BBBBC) '*Living with Beauty*' with additional changes to the text of the NPPF following on from the Government's White Paper '*Planning for the Future*' consultation 2020.

The Principal Planner (Policy and Plans) introduced the report, setting out some key headlines. Members were informed that two areas of the Government's consultation included seeking views on changes to the NPPF, and seeking views on the draft National Model Design Code (NMDC). It was noted that it is not a full review of the NPPF, and does not reflect wider planning reform set out in the '*Planning for the Future*' White Paper; the Council are of the opinion that there is a missed opportunity in reviewing the whole of the NPPF.

Leeds City Council considers that there are 5 key areas that the response to the consultation should focus on. Relating to 1) achieving well designed places, 2) the presumption in favour of sustainable development, 3) climate change, 4) flood risk and 5) the use of Article 4 directions. Most of the proposed changes relate to:

- The quality and design of new development;
- Strengthening environmental policies;
- Clarify policy in response to legal case law and make minor factual changes to remove out of date text; and
- Updating guidance on the use of Article 4 directions.

The Principle Planner (Local Plans) provided an update on the Draft NMDC, explaining that detailed guidance on the production design codes are provided as well as guides and policies to promote successful design. Officers consider the NMDC as a positive document, and will help support Leeds to achieve good design across all developments; the document reflects similar content in the 'Neighbourhood for Living' SPD and area specific planning guidance.

The Council consider areas that the NMDC could be strengthened, particularly in relation to:

- Locally specific guidance based on 'area types'. It was noted that for Leeds, the 'area types' would include a wide variety of diverse neighbourhoods;
- Addressing climate change and making reference to methods such as sustainable construction and energy use;
- Examples in the document not being considered as being appropriate in the Leeds context;
- Doesn't factor in all of the challenges Leeds face when trying to achieve good design across all sites, such as viability.

The Panel were informed that the Government have invited expressions of interest from local planning authorities to take part in the testing of the NMDC, and Leeds are preparing material for a bid to this process. The Leeds bid focuses on the area type approach, and how communities are involved in that process. The Panel will be updated on whether Leeds are successful in securing the bid.

Member's discussions included:

- Long-term implications with retrofitting to ensure developments are zero carbon;

- The definition of ‘beauty/beautiful’;
- Area based implications in relation to Article 4 directions, concerns around the high concentration of Houses of Multiple Occupation (HMO) in Leeds and permitted development allowances;
- Clarity on the role of community engagement and how links will be made to neighbourhood planning groups;
- The likelihood of developers arguing their case against the viability of design codes;
- Strengthening on the response provided in terms of flood risk management, particularly in relation to what is meant by a resilient paint;
- Clarity on whether design codes will be applied citywide or a smaller economic unit;
- The impact of changes to permitted development on local and city centres, and concerns in relation to the protection of retail units and green infrastructure.

Officers responded to Members questions with the following information:

- Officers were of the view that neighbourhood planning coincided with design coding, and the document set out the importance of having early stage consultation on the outset, to ensure that local people and planning groups engage on what they want to see in their local area;
- Whilst it was confirmed that the objectives of the bidding process for NMDC testing was unclear, it would allow Leeds to come forward with a working practical methodology for a complex urban geography, and to understand the different typologies;
- It wasn't clear what the next steps in the Government's implementation of the White Paper are and officers expressed concern that the document doesn't show the bigger picture in terms of the purpose of planning, particularly in relation to tackling climate change, health and wellbeing and sustainable development. It was confirmed that a detailed response will be drafted, subject to being in consultation with the Executive Member, prior to being sent to MCHLG – a suggestion was made that the Executive Member be minded to circulate the response with Panel Members for their input;
- Clarity was yet to be provided on the balance of overall planning considerations, and where good design sits in relation to that. It was confirmed that the NPPF doesn't make an update that good design should be more important than other factors, and should be ensured along viability considerations. Although, it does enable the Council to prepare policies locally that have a stronger design focus and more support nationally;
- Members were informed that it will be at the discretion of the local authority to determine whether guidance for design codes are applied on a local or wider scale. It was identified that there may be a role for neighbourhood planning to provide additional overarching guidance;
- In response to a suggestion that a workshop be scheduled to discuss concerns prior to the consultation response being finalised, officers suggested that subject to Leeds being successful with the pilot bid, a workshop be scheduled to help frame what the design code for Leeds will look like. Additionally, wider comments Members may have around developing local methodology, can potentially be put forward to CLG;

- Officers suggested that an update report be provided to the Panel on viability of town and local centres, with a particular focus on management initiatives post the COVID-19 pandemic.

RESOLVED –

- a) To note the contents of the report,
- b) To note the intention to receive an update on Council initiatives in relation to town and local centres at a future meeting and;
- c) To note that comments provided during discussion of this item, would be used to form the Council's response to the consultation.

61 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 11th May 2021, at 1.30 pm.

(The meeting concluded at 15:30)