

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 16 July 2015

Subject: Housing growth workshops

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. The council's ambitious housing target of 66,000 homes has meant the need for a more proactive approach to delivery of housing in Leeds. Planning services started working with the volume house builders some time ago, after concerns were expressed about the design quality on new residential schemes. This work eventually contributed to the creation of the *Leeds Standard*.
2. From this initial meeting, further work has taken place, including a housing growth meeting in January 2015 with house builders when the Memorandum to Neighbourhoods for Living was launched. From this meeting it was agreed to hold three workshops which would look at specific areas of the planning process in depth to explore the issues and barriers in a bid to make the process more efficient, leading to more expeditious decision making and joined up working.
3. Three workshops were held in Spring 2015 with representatives of the main volume house builders and the feedback from these sessions has been very positive.
4. From the workshop discussions a draft action plan has now been produced. The suggested actions have implications for all stakeholders not just the LPA, and the industry has signalled its commitment to work positively in making the necessary changes.
5. The participants from the sessions have been consulted on the draft action plan and the next steps are to be discussed with the Executive Member and Plans Panel Chairs.

Recommendations

6. Members are asked to note the report and comment as they feel appropriate.

1 Purpose of this report

- 1.1 This report describes a series of housing workshops following on from the housing growth meeting in January 2015. The report outlines the approach taken by the Council to address the main issues encountered by the development industry and by the council in order to facilitate expeditious decision making and deliver housing on the ground for the people of Leeds.
- 1.2 This report is presented to the Joint Plans Panel for information and comment.

2 Background information

- 2.1 In January 2015 a meeting was held between council officers, volume house builders, agents, architects, elected members and planning solicitors to discuss the delivery of houses in Leeds.
- 2.2 In this session, stakeholders looked at ways of delivering both quality and quantity of housing, which reflected the positive character and identity of individual places and communities in Leeds. From this meeting it was agreed to hold a series of further workshops to look at specific areas of concern, focussing on process, enabling a more collaborative approach in understand the issues in the delivery of housing. These three workshops were held in April and May 2015. A further workshop was held with representatives of Registered Providers and their architects in April which again dealt with issues of quantity and quality and emphasised the need for constructive pre application discussion prior to submitting applications.
- 2.3 The sessions were well attended and the discussion was productive with stakeholders gaining greater understanding of the challenges and issues from different perspectives. Detailed below are the main issues from each session.

3 Main issues

- 3.1 The three workshop sessions with house builders dealt with:
 - Pre-application
 - The planning application process and Section 106
 - Conditions discharge and starting on site
- 3.2 Each session was chaired by an independent Chair with a formal agenda to help shape the discussions.
- 3.3 There was a representative from each of the main volume house builders at each session; additional representatives from planning solicitors were also

present at the second session, which focussed on the issues around the Section 106 process and colleagues from the Section 38 team and compliance team were also present at the third session, which looked at starting on site and discharge of conditions.

- 3.4 The sessions were informal and whilst at times discussed challenging issues, openness and candour was encouraged from both the development industry and from the Council. It became clear very early on in the discussions that there were improvements to be made by all stakeholders in the process.

3.5 Session 1 pre-application

- 3.5.1 The new pre-application enquiry service was only launched on 1st February 2015, so the comments related, in the main, to the previous pre-application service. One of the first actions is the commitment of the Council to formally review the pre-application service after six months operation to ensure it represents value for money and delivers timely responses. Other issues were:

- The main issues from the industry were about speed, certainty of response and that timing is key.
- The industry needs to have confidence that the service will deliver within the timescales; need a guaranteed timescale within which the initial meeting would be organised and speed of receiving follow up written response
- Thorough written responses are needed and developers don't need the full policy context- more a focus on the main issues and the interpretation and opinion on that policy where there may be an issue. It's paramount to know where these issues are very early on
- A development team approach is essential with key officers at meetings - planning, highways officer, design officer as standard
- An initial scoping meeting would be useful to meet briefly/ have a conversation with an officer to identify the main issues and ensure the correct consultees are present
- Design review- two way communication with applicant as part of the design review process, rather than just an officer forum. Developers felt they needed to articulate the concept of the scheme early on, so there is mutual understanding of what they are trying to achieve
- Viability slows the whole process down and needs to be flagged up earlier and developers need to know if the scheme is CIL liable. Regular checks on viability as the scheme develops, with the onus on developers to continue with dialogue and to raise issues as appropriate
- Viability training for officers and members, with developer input in this

3.6 Session 2 Application process and Section 106 agreements

- 3.6.1 The second session looked at the whole of the planning process from the submission stage through to determination. Several issues came out:

- Value of position statements in their current format was questioned, where there is no opportunity for developers to address the panel/ correct issues/ provide a response to questions and queries. It was felt that sometimes position statements are taken to Panel prematurely and less technical questions are needed
- On contentious sites, it would be better to brief all plans panel members prior to panel
- Need to work more collaboratively and earlier on S106 agreements
- Viability- speed and independence of District Valuer was raised. Viability is only a snapshot, with many variables at play, it is important that these issues are understood. Greater transparency on viability is needed and developers should be present when the viability conversation is going on at Panel. Developers say they are happy for that discussion to take place in public
- Section 38 needs to be much earlier in the process, with much earlier dialogue and engagement, with the adoption process more seamless
- Officer reports should stand alone, they need to be clearer on how the decision was reached and clearly show the “balance of considerations” and should concentrate more on the sensitivities of the scheme rather than concentration on policy compliance

3.7 Session 3 Discharge of conditions, starting on site

3.7.1 Issues arising from the session were:

- Delay in discharge of conditions generally
- There was a feeling that developers are submitting documents with enormous detail as part of the validation process at application stage but then those issues are being conditioned and the same information has then to be submitted a second time, leading to delays and time implications. It was suggested that materials, contamination, landscaping, boundary treatments, construction management plan, tree works can come earlier in the process and can be approved and covered by the permission, rather than by condition
- There is enormous pressure to get on site as soon as possible following approval and there is not enough time between the need to get on site and conditions to be discharged, so the use of so many pre-commencement conditions was questioned
- Duplication of conditions at outline and reserved matters, but requires two separate discharges, consideration of alternate wording such as “*construction above ground level shall not commence...*”
- Disconnect between DM process and S38 process. S38 needs to be part of the pre-application process

3.8 Next steps

- 3.8.1 A draft action plan has been produced; this is attached as appendix 1. This has been shared with the participants of the session and feedback has been requested.
- 3.8.2 The action plan currently comprises 24 actions, some are relatively simple to introduce, but others requiring further work. Some of the actions overlap with the planning review implementation plan, but many do not, and therefore the service is mindful of multiple action plans and the resources needed to implement any changes. However, the service is committed to moving the programme forward with the volume house builders and the development industry has already given its commitment to work with the council positively. A further meeting will be scheduled over the coming months with stakeholders to firm up the action plan and assign timescales for delivery.
- 3.8.3 Work has already commenced on some of the actions; a Section 38 meeting between officers, developers and their highways consultants is planned for late July, a draft officer report has been produced to provide clearer information on balance of considerations, where the decision is finely balanced to help members come to a view and the pre-application service will be formally reviewed in August.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is presented for information and there has not been the need for wide consultation. The Executive Board members and Plans Panel Chairs will be consulted on the draft action plan and be kept informed of the progress of the work stream.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific equality considerations arising from this report.

4.3 Council policies and City Priorities

- 4.3.1 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda. The service makes a key contribution to the delivery of housing growth, an objective in the Best Council Plan.

4.4 Resources and value for money

- 4.4.1 There are no specific implications arising from this report. However, measures are being taken to ensure that the service is delivered within the financial constraints.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no specific legal implications and this report does not relate to a key or major decision.

4.6 **Risk Management**

- 4.6.1 There are a number of risks associated with the decision making process which are both financial and reputational. Measures, processes and future service improvements outlined in the report seek to minimise the risk of challenge.

5 **Conclusions**

- 5.1 Delivering the quantum of housing in Leeds over the next few years will require a collaborative approach with the LPA and developers working more openly and proactively than ever before. The housing growth workshops were a helpful step in investigating where the common issues are for both the LPA and the house building industry in trying to streamline the process so that procedural blockages do not delay delivery. Council officer time and resources should be deployed in the areas where value can be added- ensuring high quality layout and design of schemes, reflecting the distinctive communities in Leeds.
- 5.2 Many of the arising actions are not unique to Leeds planning authority and developers indicated that they have similar issues in other LPAs; however the industry commended the council for its proactive approach in trying to move forward with housing delivery.
- 5.3 There are a number of actions which can go forward in the short term, and these will require input and commitment from both the development industry and the LPA. The pre-application enquiry service will be reviewed across the summer 2015, to ensure the timescales are being adhered to and a high quality response is being provided. It will also look at the developer input into this process and assess whether the quality of information at the pre-application stage is sufficient to help the scheme develop, once a formal submission is made.

6 **Recommendations**

- 6.1 Members are asked to note the report and comment as they feel appropriate

Draft housing growth action plan

Appendix 1

1.	Review the pre-app offering in terms of scoping and early communication between the officer and applicant prior to the substantive meeting, key officers of the pre-application “team”, identified early on, clarity on the highways offer at pre-app stage
2.	More detailed pre-application guidance notes for major residential schemes. Clear articulation of what the Council’s offer is in terms of what developers will get, who would be there and what the outputs are
3.	Formal evaluation of the pre-application service after six months operation, including evaluation of meeting timescales
4.	Better information from developers/ applicants, articulation of what they wish to get out of the scheme, the concept for the scheme
5.	Draft heads of terms should be agreed at the pre-application stage wherever possible- discussion of triggers and amounts
6.	Development industry to come earlier with information on landownership
7.	Review the use of design review, potentially involving developers and architects as well as officers
8.	Training for officers and plans panel members- greater understanding of the development industry process/ timescales and on viability including house builder perspective
9.	Provide clarity on Leeds’ stance to Vacant Building Credit
10.	Review the purpose and format of Position Statements, may include provision for third party speaking
11.	Consideration of a workshop to Panel members in appropriate cases where all stakeholders have the opportunity to input. This would allow a more frank discussion to take place, where technical questions can be answered
12.	More formalised approach through the determination process of scheduled meetings at key points of the process between officers and developers to help progress the scheme. To include: • early meeting to discuss S106 • mid- determination process meeting to address any issues • post consultation review meeting, around week 5 to focus on the main issues • Draft decision notice • Pre-start meeting to discuss any issues between developer/ house builder and LPA
13.	Review of the use of extension of time agreements to ensure they are adding value, rather than unnecessary delay

14.	Review process for discussions at panel on viability (do not necessarily need to be exempt information)
15.	Review our process of when S106 are progressed- needs earlier information on triggers and amounts and run parallel to the application going through the planning process
16.	Standard affordable housing S106 templates
17.	Review officer reports
18.	Review use of conditions, especially pre- commencement conditions
19.	Industry to provide information to the compliance team when about to start on site- site manager details, clarity on whom to contact if there are any issues
20.	The service to work with middle range house builders to share best practice and set out the expectations of the Council
21.	Use of split decisions for discharge of conditions to reduce delay
22.	Run a dedicated S38 and highways follow up workshop with officers, developers and highways consultants
23.	Investigate the feasibility of scoping the requirements of documents, to meet validation requirements and be of an appropriate quality so those issues can be dealt with as part of the permission, to negate the need for a condition
24.	The service to work on the backlog of conditions discharge