

**MEETING OF THE CABINET**  
**TUESDAY, 29 SEPTEMBER 2020**

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Draft MINUTES of a meeting of the LOCAL PLAN COMMITTEE held by Remote meeting using Microsoft Teams on THURSDAY, 24 SEPTEMBER 2020

Present: Councillor J Bridges (Chairman)

Councillors D Harrison, R Boam, J Hoult, R Johnson, J Legrys, V Richichi, A C Saffell, N Smith, M B Wyatt and J Geary (Substitute for Councillor D Bigby)

Officers: Mr I Nelson, Mr C Elston, Mrs C Hammond, Miss S Odedra and Mr T Delaney

## **9 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor D Bigby.

## **10 DECLARATION OF INTERESTS**

There were no interests declared.

## **11 PUBLIC QUESTION AND ANSWER SESSION**

There were no questions.

## **12 MINUTES**

Consideration was given to the minutes of the meeting held on 29 July 2020.

It was moved by Councillor D Harrison, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 29 July 2020 be approved and signed by the Chairman as a correct record.

The Chairman advised Members that Councillor J Legrys had submitted the following question:-

### **‘Changes to the Use Classes Order**

HMG published the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. These came in to force on 1 September 2020.

Use classes A, B and D no longer exist. A new class E (commercial, business and service) has been created. This subsumes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business). Other parts of Class B –(B2) Industrial processes other than those falling with use Class B1, and (B8) Storage and Distribution – remain unchanged.

- I ask if the current Local Plan remains in force until the Partial Review Inspector makes any changes?
- If the Amendment Order of 1<sup>st</sup> September 2020 demands class changes from that date; What transitional arrangements to the current Local Plan are being made?
- How will the Planning Class changes affect planning decisions made by Committee/Officers but not yet been given formal Planning Approval/Notice?

The Chairman thanked Councillor J Legrys for submitting the question and invited officers to respond.

The Planning Policy Team Manager advised that the Local Plan was unchanged, but the changes to the Use Classes Order would override anything in the Local Plan, as they were national regulations. The Local Plan review would need to address any changes arising from the revised Use classes Order and indeed the Inspector at the Partial Review Examination had asked a question about this, but at this time, there was only a limited need for any changes.

The Head of Planning and Infrastructure advised that there were no applications reported to Planning Committee waiting for a decision where a condition on restricting changes of use under the Use Classes Order was recommended. If there were any delegated decisions or S106 agreements affected, officers would assess any decision before issue to make sure there were no previously unforeseen impacts in terms of permitted development changes of use, new under Class E.

He also advised that the updated [When is planning permission required?](#) guidance included several new paragraphs, including the new paragraph 021b which was titled: Do the changes made to the Use Classes Order in September 2020 cut across the requirements of pre-existing planning conditions or pre-existing planning obligations?

He noted that the guidance said that the "recent regulations do not override any existing planning conditions or planning obligation which specifically prohibits a new use. However, in considering an application for the discharge, modification or removal of conditions limiting changes of use within any of the expanded classes of use, the local planning authority should have regard to the new regulations and the advice in this guidance.

Councillor J Legrys thanked officers for the responses and asked if the class changes effected the five-year land supply issue, which would be in continuance if and when, the Planning White paper was passed by Westminster.

The Planning Policy Team Manager confirmed the changes to the Class Uses Order would have no implications on the five-year land supply, as they did not deal with housing.

### **13 MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT CHANGES TO THE CURRENT PLANNING SYSTEM: CONSULTATION ON CHANGES TO PLANNING POLICY AND REGULATIONS**

Before presenting the report the Planning Policy Team Manager provided members with an update on the Local Plan Partial Review Examination that been held the previous week.

The Planning Policy Team Manager presented the report to the committee. He presented each of the four main proposals set out in the consultation document one by one taking questions after each one.

#### Proposal 1: Changes to the Standard Method for Assessing Local Housing Need

Councillor M B Wyatt noted that any increase in housing would be bad for North West Leicestershire and that the public did not want any more development. He stated that the authority needed to take those comments on board and tell National Government that the district had had enough and to stop destroying the countryside and green wedges.

Councillor J Legrys thanked officers for an excellent, honest and straightforward report. He was concerned at the increase in house numbers and asked what methodology MHCLG had used to come up with the figures for NWL. He noted that it had been proven that the country needed an additional 4.8m homes over the next 30 years and an increase in the number of homes being suggested for the district. He sought clarification if it was a

political decision to increase the figures or if there had been a genuine well-researched academic explanation as to why the additional homes were needed.

The Planning Policy Team Manager referred to paragraph 2.8 of the report that set out the methodology that was used and when working through the calculations the requirement was 1,153 homes within the district.

Councillor N Smith stated that residents he had spoken to were fed up of expanding villages and settlements through development that would lead to the joining up of separate areas within the district. He felt it would be better to set out a completely new settlement in the northern parishes, where employment was, and condition that sufficient low cost housing was included to support those on low incomes.

The Planning Policy Team Manager advised that the creation of a new settlement was a serious option that was on the table and would be explored. He clarified that the table on page 13 of the report set out what the figures might mean for the district but not what it would mean, this would be addressed through the Local Plan review.

Councillor R Boam felt that more houses should be built, as there was a requirement for them, adding that it had to be the right houses in the right places.

Councillor T Saffell noted that he had suggested and identified a location and developers to build a new settlement over a year ago and felt that it needed to be investigated as soon as possible.

Councillor J Geary noted that residents did not want any further development, however in the real world, it was not the case and the authority needed to start controlling what was required. He felt that many developments appeared to be ad hoc, adding on to the infrastructure that was already in place and noted that the current infrastructure was not capable of taking any more homes. He felt that the correct infrastructure needed to be put in place before one thousand homes a year were built.

The Planning Policy Team Manager advised on infrastructure and what was needed would be something that would be addressed as part of the Local Plan Review.

Councillor R Johnson agreed with Councillor Geary and noted that the ward that he covered had taken 52% of the required housing set out in the Local Plan with no proper infrastructure. He stated that the appendices answered all his questions and sought clarification as to whether the parish neighbourhood plan was safe.

The Planning Policy Team Manager advised as it stood it was.

The Legal Advisor sought clarification on the comments that were raised by Councillor M B Wyatt and asked him to confirm if these were his own views he was expressing or if he was voicing the concerns of the public, so to avoid any future concerns being raised over pre-determination as a member of the Planning Committee.

Councillor M B Wyatt confirmed that they were the views of the public that he was voicing.

### Proposal 2: Delivering First Homes

Councillor J Legrys stated personally he was not keen on the first home project but was aware that the authority was and it would need to be delivered. He noted that the Government intended to set out a policy with a minimum of 25% affordable housing units to be secured and mostly delivered onsite, but expressed concerns that developers always seemed to find a way out of providing the required first homes following granting permission. He felt 25% was the right figure but questioned whether it would be delivered

in reality. He noted that a future white paper would seek to abolish S106 contributions and CILs, putting it on the planning authority to put the appropriate infrastructure in at their expense. He felt that, having researched the details, it maybe that the proposals may not be delivered. He felt that the authority needed to have more information on the methodology on how MHCLG came up with the figures, to ensure that the numbers were acceptable and understood.

Councillor R Johnson highlighted that in paragraph 3.12 it stated 'First Homes of local first time buyers' and asked how the authority would guarantee that it was locals who brought the houses.

The Planning Policy Team Manager advised that restrictions were included in the original consultation. He informed Members that a number of sites in the district, where affordable housing had been secured, where there was a requirement to sell the homes at a reduced market value and the buyers had to demonstrate that they were local. He explained how it was demonstrated that they were local and the various approaches that were taken by the developers.

### Proposal 3: Supporting Small and Medium-Sized Developers (SMEs)

Councillor J Legrys supported the proposal in principle and felt that the Council should be responding to the number of plots that were handed over to SMEs. He expressed concerns that a number of larger developers would create a number of shell SMEs to overcome their issue of being able to develop. He felt that local SMEs should get a fair opportunity for house building, which they were unable to do due to cost, and was concerned that SMEs would not be allowed to get a foot in the door. He urged Cabinet to ask the Government to clarify what they wanted the authority to do with the proposal and, who would determine what size would be classed as a SME.

The Planning Policy Team Manager noted that concerns had been raised over larger developers setting up smaller companies but was not sure what would be done. He noted that Appendix A set out the responses that Cabinet were being asked to agree.

Councillor V Richichi questioned whether the Council actively supported small builders and if it did, he felt more needed to be done.

Councillor J Bridges advised that the report was trying to achieve further support.

The Planning Policy Team Manager advised that the report noted that clarification was needed as to what was classed as a SME and asked members if they wished to include some wording in the response to question 17.

Councillor J Legrys supported the inclusion of the wording seeking clarification as to what constituted an SME and felt that SMEs had missed out on a great deal of building in NWL.

### Proposal 4: Extension of the Permission in Principle Consent Regime

Councillor J Legrys stated that he did not really understand Permission in Principle to Consent and was confused about how the request to increase size for permission to consent would reflect on the white papers on zoning and felt that there was mixed messaging coming from MHCLG over the planning process.

The committee then had opportunity to make any further comments on the report.

In relation to public sector equality, Councillor J Legrys asked how it would affect the Council under the current Local Plan process to deal with Gypsies and Travellers.

The Planning Policy Team Manager advised that the question on public sector equality related to the proposals under the current consultation, which did not include anything specific on gypsies and travellers.

Councillor J Legrys stated that a great deal of comments had been made about the proposals and felt that the minutes from the meeting should be considered at Cabinet meeting. He was uneasy about the consultation and felt there was a lack of understanding as to what the proposals meant to the Council.

It was confirmed by officers that the minutes from the meeting would be submitted to the Cabinet, as additional papers, prior to the meeting the following week.

Councillor V Richichi noted that compared to many other authorities who would only double the number of houses to be built and some reduced the number, NWL would be trebling the number. He asked that the Council challenge the number that was required.

The Planning Policy Team Manager advised that it had been covered in proposal 1, and drew member's attention to the suggested response to question 5.

Members agreed to include additional wording 'Clarification is required as to what is a small to medium sized developer' to question 17.

It was moved by Councillor V Richichi, seconded by Councillor D Harrison and

RESOLVED THAT:

Subject to the inclusion of 'Clarification is required as to what is a small to medium sized developer' to question 17, it be recommended that Cabinet responds to the consultation in respect of Changes To The Current Planning System as set out in appendices 1-4 of the report.

Councillor M B Wyatt left the meeting at 6.48pm.  
Councillor T Saffell left the meeting at 6.53pm.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.14 pm

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Likely to contain exempt information under paragraph(s) 3 of  
Part 1 of Schedule 12A of the Local Government Act 1972.

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