

Development Management

Annual Report 2017-18



Leeds
CITY COUNCIL

1. Introduction

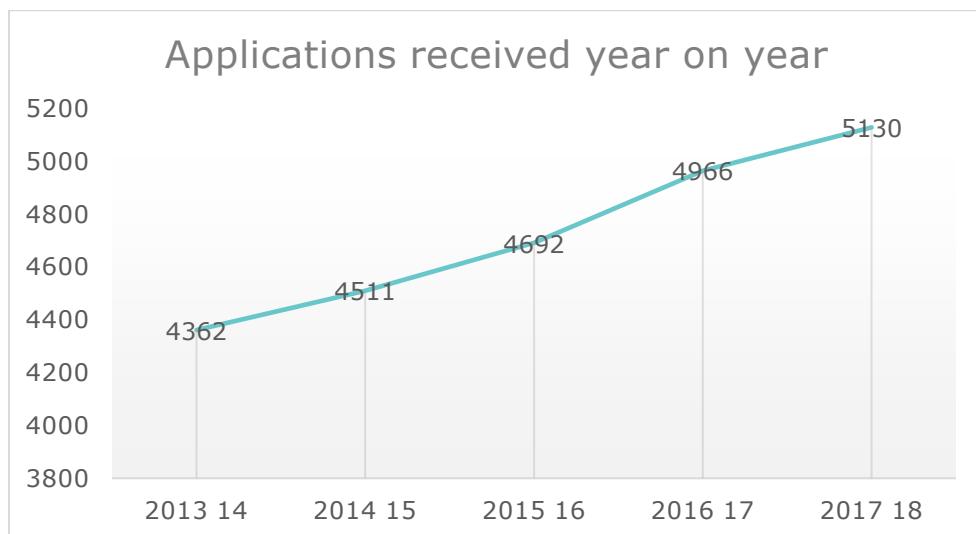
- 1.1.** In 2017-18, application workload increased again for the sixth successive year, breaching the 5,000 mark for the first time since the economic downturn in 2008. This has coincided with the ongoing position of a number of planning officer vacancies and two further planning officers leaving the service in 2017-18. Consequently 2017-18 has been another challenging year, balancing workloads with the available resources to maintain a high quality development management service.
- 1.2.** However, going forward, with the additional resources arising from the 20% uplift in planning fees, we have given promotion opportunities to existing staff and will be increasing the establishment with the appointment of a number of new planning officers. This will allow us to further enhance the service by being able to adequately resource Planning Performance Agreements and a specific pre-application enquiry service for small and medium scale housebuilders.
- 1.3.** Even within the context of rising numbers of applications and a challenging staffing resource base, planning performance in 2017/18 remained high with 91% of major applications determined in time.
- 1.4.** Fee income has remained buoyant with an over achievement against the projected budget of almost £500,000.
- 1.5.** The number of complaints has decreased significantly to those received in 2016-17, and fewer cases are reaching the Local Government Ombudsman, which is a positive sign. The appointment of a new Complaints Officer will assist greatly in the management and administration of complaints going forward.
- 1.6.** The number of appeals received by the service however has increased significantly from those received in 2016-17, up by 13%. Whilst not the same time period, the latest annual information on decisions from the Planning Inspectorate April 2016 to March 2017¹ show that Leeds has the highest number of S78 appeals of the metropolitan authorities with an above average number of decision being allowed on appeal, compared with the metropolitan average. This is something to keep a close watch on in 2018-19.

¹ Planning Inspectorate Statistics April 2016 to March 2017

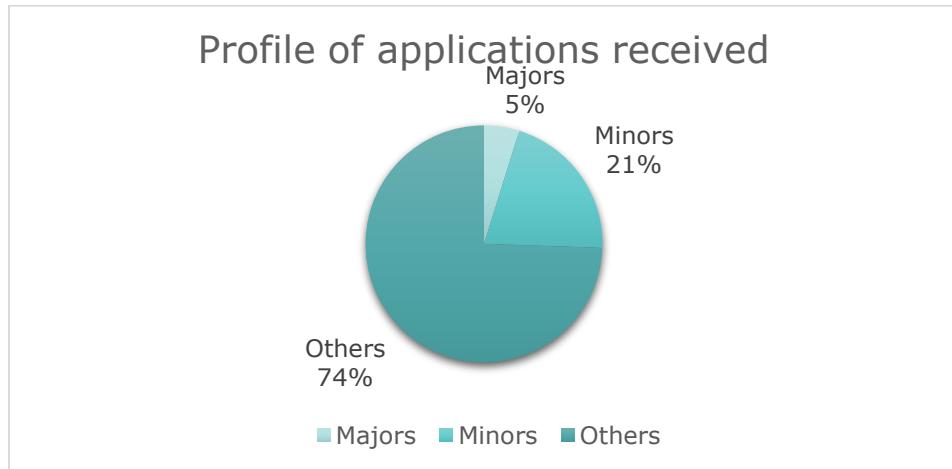
<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

2. Workload

2.1. In 2017-18 the service received 5,130 planning applications; this was a 3.2% increase from the previous year. This was the sixth successive year that the service has seen an increase in number of applications being submitted and for the first time since 2008, numbers have gone over 5,000 applications. This is compared with latest available national figures² which show that there has been no increase or decrease change in the number of applications made in comparison with the same period the previous year.



2.2. The workload is broken down thus:



Nationally, the average proportion of majors as a percentage of total workload is around 3%; the service continues to receive a higher proportion of majors than the national average.

2.3. In addition to planning applications, the service received over 1000 applications to discharge conditions, almost 700 pre-application enquiries and 550 applications for a certificate of proposed lawful use/development.

² Department for Communities and Local Government Statistical release, Planning Applications in England: October to December 2017.

2.4. Income and fees

- 2.5.** Planning fee income in 2017-18 was £4,247,490. This is £496,410 above the income projections for the year. Of this £149,302 was collected in respect of pre-application fee income.
- 2.6.** In terms of monies via S106 agreements, £11,897.947 was collected, an increase on the position reported for 2016-17, which was £11,009,050. The amount of CIL income collected was £4,153,222.03, an increase from 2016-17 which was £3,800,570.86. £9.2million of CIL has been invoiced in the year.

2.7. Decision making

- 2.8.** There were 4,985 decisions on planning applications made in the reporting period, 3.1% increase from the previous year. The office delegation rate was 97.7%. The table below shows the services' performance in relation to applications being determined in time or within agreed timescale.

	% Majors in time	% Minors in time	% Other in time
2017-18	91%	84.3%	88.2%
2016-17	93.1%	89.4%	93%
2015-16	96.6%	90.6%	93.5%
2014-15	88.7	85.1	91.8
2013-14	73.3	70.3	83.3

- 2.9.** The latest national figures³ for applications determined in time show that Local Planning Authorities decided 88% of major applications within 13 weeks or the agreed time. Therefore, Leeds performance is above the national average. There has however, been a fall in performance in comparison with the previous year, this is due largely to the resource constraints the service has been working within, carrying a number of vacancies combined with an increase in the number of applications being submitted. However, this is still a significant achievement.

³ Department for Communities and Local Government Statistical release Planning Applications in England: October to December 2017

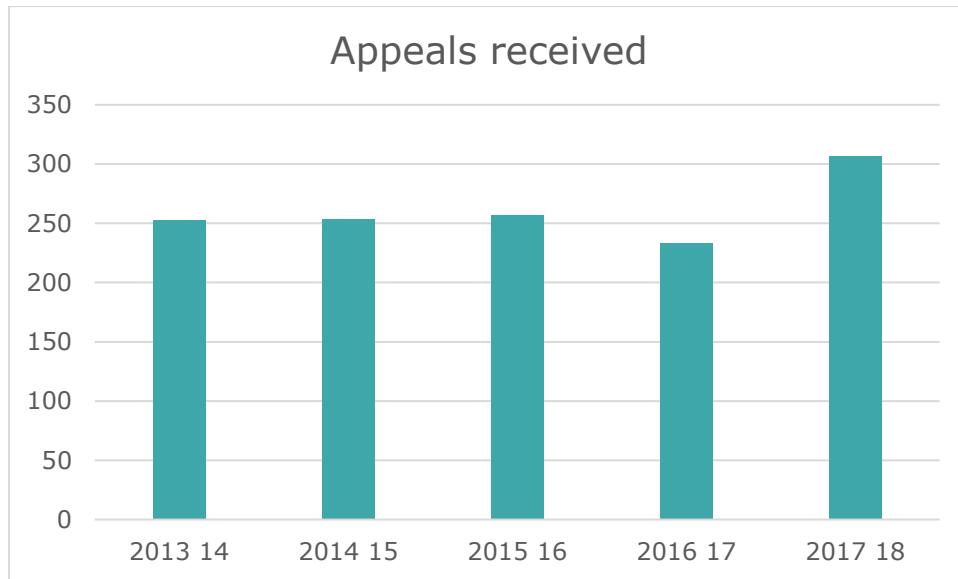
2.10. *Plans Panel decision making*

Year	Decisions	Decisions contrary to officer rec (as a % of the total no of Panel decisions)	Appeals Against Refusal	Dismissed	Allowed	Costs awarded
2017-18	119	4 (3.3%)	3	2 1 in progress		
2016-17	105	11 (10.4%)	3	1	1	0
2015-16	127	4 (3%)	2	0	1	0
2014-15	191	14 (7%)	9	4	5	0

- 2.11.** Of the 119 decisions made by the three panels, four were contrary to the officer recommendation. One was at North and East Panel which related to an application for dormer windows at 71 Hill Top Mount; it was recommended for refusal but Members resolved to grant permission. Three were at South and West Panels two were for change of use to House of Multiple Occupation (HMO): The Omnibus, Throstle Road North and 20 Conference Road. Both were recommended for approval but Members refused them. The final one was for 183 Haigh Moor Road, Tingley, which was refused by members due to concerns over overlooking, and massing of a new dwelling. All three refused applications have been appealed; the Planning Inspectorate has dismissed two and the third is currently going through the appeals process.
- 2.12.** The number of decisions contrary to the officer recommendation represents a very small percentage of the total number of decisions made by the local planning authority, around 0.08% of total decisions.

2.13. Appeals

- 2.14.** In 2017-18 there were 307 new appeals; this is a 13% increase in comparison with the previous year. Just over a quarter of appeals were householder appeals.



139, or 87% of appeals received this year were in relation to refusal of planning consent. 78 decisions related to householder appeals where 59% were dismissed. This is an improvement on the position reported last year.

- 2.15.** The Planning Inspectorate made 231 decisions on appeals in 2017-18. (The figures are different because of the six month window allowed for appeals to be made.) The table below shows the outcome of appeals for 2017-18 compared with the last five years' performance. Performance on appeals dismissed has improved from the position last year, when 63.5% of appeals were dismissed compared with 67.5% in this reporting period.

Year	Appealed Decisions	Dismissed	Costs awarded Council	Costs awarded to Council
2017-18	231	67.5%	1	0
2016-17	260	63.5%	0	0
2015-16	231	74.1%	3 partial, 1 full	1 partial, 1 full
2014-15	237	66%	5	0
2013-14	251	71%	4	0

- 2.16.** There has been one appeal against the non-determination of an application that was in the process of being considered at Panel (proposal for a Wetherspoon's in Cross Gates). The appeal was lodged following the deferral of the application at Panel for further information. The application was originally recommended for permission but Members resolved to contest the appeal. The appeal was allowed

and costs were awarded against the council, the final settlement hasn't been reached yet. There are a further two cost claims additionally, there are two other cases where costs have been awarded; the cost claim for Longroyd Grove has been settled at 55% of the original claim, whilst the council's negotiated offer relating to the appeal at 84 Kirkstall Road has not yet been responded to.

2.17. *Compliance activity*

- 2.18.** The number of enforcement cases received in the year of 2017/18 has remained at a consistent high level with 1212 cases received. As such the workload through the service remains substantial with a significant number of complex of cases being investigated. However, the number of cases on hand has maintained overall to under 1000 which has been a long standing service objective. This is a key step in improving the overall handling of cases as it will ultimately assist in reducing officer caseloads.

	Q1	Q2	Q3	Q4	Total
No of cases received	300	325	290	297	1212
No of cases resolved	365	303	339	348	1355
Initial site visits					
Category 1: Site visit same day/within 1 day. Target 100%	100% (3)	100%(6)	100% (4)	100% (6)	100%
Category 2: Site visit within 2 working days. Target 95%	100%(5)	100%(10)	64% (9/14)	60% (9/15)	81%
Category 3: Site visit within 10 working days Target 90%	92% 268/292	93% 286/309	94% 257/272	95% (250/276)	93.5%

2.19. *Cases received and resolved and performance in undertaking initial site visits*

- 2.20.** Performance in undertaking initial site visits has generally been maintained with an improvement in Category 3 visits taking place within 10 days. Category 1 visits have all been undertaken within 1 day. There has been a drop in Category 2 visits being made on time. Whilst this is a relatively small number it is a concern and is symptomatic of recent pressures in the service through absence. Where the targets have been missed the sites have all been visited within 5 working days which is in line with the proposed revised target in the Enforcement plan. The revised target of 20 days for category 3 visits continues to be reviewed and considered as a means of managing less urgent cases through the service.(This is also embodied in the enforcement plan.)
- 2.21.** The overall number of open cases on hand has been reduced and currently stands at 945. Of particular interest is the age profile of cases with an increasing proportion of current case load being under 13 weeks old which is a long standing objective.

2.22. *Outcomes of case resolved*

- 2.23.** The number of complaints investigated that are found to either involve no breach of planning control or are minor infringements over the period sits at approximately 40 %. This has gradually reduced from a figure of 60% in 2010/11. This can possibly be accounted for by the increased rigour in examining cases as they come into the service. Where there is clearly no breach of planning control, cases have not been opened and complainants advised that the matter will not be pursued after initial investigation and the reason why. A further 15 percent of cases are closed following investigation as not expedient to pursue as the breaches identified are either minor or action to regularise has failed, and it is not considered justified to pursue formal action. The remaining 45% of cases which have been closed involve significant breaches which have been resolved to the satisfaction of the Council through negotiations, granting planning permission or formal enforcement action.
- 2.24.** Ward Member meetings have continued during the year. Invitations are sent out with the bi monthly key cases list which continues to be sent to both ward members and parish councils with updates on priority cases within each ward.

	Q1	Q2	Q3	Q4	AvTotal
No Breach*	36%	46%	40%	37%	40%
Resolved by negotiation	28%	31%	27%	30%	29%
Breach but de minimis/ not expedient	16%	11%	19%	18%	16%
Planning permission/ CLU granted/ appeal allowed	9%	8%	11%	12%	10%
Enforcement /other notices complied with	11%	4%	3%	3%	5%

**Includes matters that are “permitted development”; where no development or material change of use is involved; matters that were time exempt from enforcement action on investigation; or where approved plans and conditions have been found to have been complied with.*

2.25. Enforcement and other notices A total of 143 enforcement and other notices have been served during the year. This is a continuation of activity levels of previous years. There has been two temporary stop notices served during the period firstly in relation to the development of a car wash which was located within the green belt and raised significant highway safety concerns and secondly in relation to an unauthorised stable building also within the green belt. An enforcement notice was served on an operating apartment on the edge of the city centre which was causing much disturbance to full time residents of nearby flats. Whilst the notice has gone to appeal the use of the apartments has ceased and the disturbance ceased. The site continues to be monitored. Leeds continues to take more formal action than all the other core cities by some distance reflecting the importance Members place in Leeds on the service. The following numbers of notices have been served:

	Q1	Q2	Q3	Q4	Total
Planning Contravention Notices / Section 330 notices	21	11	23	19	74
Breach of Condition Notice	3	1	1	0	5
Enforcement Notice	15	12	13	16	56
S215 Untidy Land Notice	0	0	2	4	6
Temporary Stop Notice	0	1	0	1	2

Stop Notice	0	0	0	0	0
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2.28. The compliance service continues to draft and issue its own notices with input from legal officers only on the more complex cases. This is continually monitored and whilst it does carry some risk, the resource savings in doing this are significant. It does however place increased pressure on case officers in progressing cases within the service and requires additional on-going training.

2.29. *Customer complaints and Ombudsman cases*

2.30. From April 2017 to March 2018 there have been 117 stage 1 and stage 2 complaints received by the Local Planning Authority. This compared with 148 complaints received in the same period last year. This is a 21% decrease in the number of complaints received when compared to the previous year.

2.31. One commonly occurring focus of upheld complaints is the way planning applications have been advertised to neighbours, and also that comments received from neighbours have not been taken in to account by officers. Training from Legal Services on report writing and focusing on writing clear, effective and robust officer reports will be delivered in 2018, which will go some way to address this issue.

2.32. The Local Government Ombudsman (LGO) reported 21 cases to the Planning Service during this period of which nine were received closed with no further action being taken by the LGO. This compares with 25 new cases with 17 requiring no further action in 2016-17. One was closed after initial investigation, the rest required investigation. Seven cases were upheld and identified fault and four cases are awaiting a decision.

2.33. *Staffing and resources*

2.34. Due to staff turnover, sickness absence and maternity leave, as mentioned the staffing resource within the service in the year has been stretched given the increasing workload. However the national 20% increase in planning application fees since January is in part being used for the recruitment of 3 additional Principal Planners, a Career Grade Planner, a Senior Compliance Officer, a CIL Officer and a Complaints Officer. To date the Principal Officers and are in post following internal recruitment, and the CIL Officer and Career Grade Planner posts have been filled. A permanent Head of Service has also been appointed.

3. *Reflecting on the year and looking ahead*

3.1. Notwithstanding the resourcing issues identified together with the workload increase, the performance as set out above has remained high. Some reduction in

performance on planning applications was inevitable, but the overall the standards achieved remained well above the target figures which is a testament to the hard work of the staff seeking to maintain the standards of the service expected during shortages.

- 3.2.** The previous implementation of new ways of working has enabled staff to quickly adapt to the modern office environment at Merrion House following the relocation in February. The new accommodation allows for closer working relationships with colleagues within the Planning Services, the rest of the Directorate and other council staff at Merion House.
- 3.3.** For the year ahead, the focus will remain on ensuring the staffing resource is optimised and that any gaps are quickly filled to ensure performance and customer service can be maintained. In acknowledging the results of the staff engagement survey, increased emphasis will be placed on the personal development and training of staff to ensure their hard work is recognised and that opportunities to enhance knowledge and skills are identified. To that end, it is anticipated that some non-planning qualified staff will be afforded the opportunity to enroll onto a planning apprenticeship course to be launched in September by Leeds Beckett University. Others will be provided with increased opportunities for continual professional development training and other skill enhancement courses. For example a number of staff will be undertaking training on customer complaints handling , delivered by the Local Government Ombudsman.
- 3.4.** Following on from the all-out elections in May, Development Management will also be involved in training for members of the planning panels. This will coincide with the consideration of a report from the Planning Officers Society on the operation of the planning panels (see below).

3.5. New Planning Policy

- 3.6.** The service will be required to interpret and implement new national and local planning policy, as the National Planning Policy Framework is revised (likely effective date Summer/ Autumn) and the Council's own development Plan in the form of the Site Allocations Plan (SAP) and the Core Strategy Review move forward. The SAP hearings in July may lead to an increase in the numbers of sites coming forward as developers submit formal applications and pre-application enquiries.
- 3.7.** In meeting the challenge of a prospective increase in workload, and in contributing to the Council's ambitions for good growth, the service will be developing an enhanced pre-application service, including simplified planning performance agreements, and developing a planning charter (see sections below)

3.8. Online payments

3.9. It had long been the aspiration of the service to implement a system via the Leeds.gov.uk website where customers have the ability to pay for their applications online. After lengthy work, a new system was implemented on 3 August 2017.

3.10. Customers are now able to pay planning application and building regulations fees online and also for street naming and numbering services. This is a huge step forward in making the back office system more efficient; considerable staff time was previously spent dealing with customer calls taking payments. Currently, approximately half the planning fees are paid online and is now the preferred method of payment for the service, although other channels of payment remain available.

3.11. Further work is progressing to provide the facility of online payments for the pre application enquiry service, Community Infrastructure Levy payments and S106 monies.

3.12. Plans panel review

3.13. As part of planning services commitment to continuous improvement to support the good growth needed in Leeds, consultants were commissioned to carry out a short piece of work look at the function of the plans panels in Leeds City Council and their contribution to that growth agenda. POS Enterprises were appointed, working with planning officers, members of the Plans Panels, the Chief Executive, senior politicians and representative from the development industry to highlight existing good practices and to learn from practices from elsewhere. A report is due from the consultants in summer 2018.

3.14. Relationship with partners and customers

3.15. 2017-18 has seen a developing relationship with the Leeds Chamber of Commerce to support good growth in Leeds. A session was held in June 2017 with the Chamber and members of the Plans Panels to discuss ways to make planning work more efficiently in the city. The session was quite informal and generated much robust discussion, with challenges for all parties to consider. Whilst the Chamber fielded developers from all sectors, discussion inevitably focused on housing and the challenges that brings, but also the opportunities for moving forward. Feedback from members and the Chamber of Commerce was that the session was a positive first step in an evolving partnership.

3.16. An action from the session was to produce a “planning charter”; the charter is to be a series of promises adhered to by both the development industry and the local authority, which all parties sign up to. This is currently in development and a draft will come before the Joint Member Officer Working Group in the first instance for consultation.

3.17. Working with Small and Medium Enterprise house builders (SME)

3.18. It is increasingly been recognised that the SME housebuilding sector is important in delivering the homes needed in Leeds. However, this sector has its own particular issues and pressures in securing planning permission and starting on site. A meeting was held with representatives from the SME sector to explore the issues in December 2017. The meeting was honest, with challenges from both sides but was also productive with an action plan agreed to look at ways of better supporting the sector, within current resource parameters. Projects on the action plan included looking at a specific pre-application service for the SME housebuilding sector, work on conditions and providing a dedicated information source to support the sector. A follow up meeting is scheduled for later in 2018.