

Joint Plans Panel

Tuesday, 31st January, 2017

PRESENT: Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley,
D Blackburn, C Campbell, B Cleasby,
D Congreve, M Coulson, C Dobson,
A Garthwaite, R Grahame, C Gruen,
P Gruen, S Hamilton, J Heselwood,
A Khan, T Leadley, C Macniven,
S McKenna, E Nash, K Ritchie, B Selby,
C Towler, F Venner, N Walshaw,
G Wilkinson and R Wood

Councillor

14 Election of the Chair

RESOLVED – That Cllr. J McKenna be elected as Chair for the duration of the meeting.

15 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

16 Late Items

There were no formal late items. However, there was supplementary information in relation to agenda item 12 - Consideration of Two Storey Side Extensions to Domestic Properties. This information had been circulated to Members prior to the meeting.

17 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

18 Apologies for Absence

Apologies for absence had been received from Cllrs. Arif, Smart and B. Anderson.

19 Planning Services performance report quarters 1 to 3, April to December 2016

The Head of Development Management presented the report of the Chief Planning Officer which provided Members with performance for quarters 1 to 3, April to end of December 2016-17, to provide as much up to date information as possible.

Members were informed of the following main issues:

- 3,565 major, minor and other applications had been submitted an increase of 2.1%
- 3,510 decisions had been made with 97.6% of the decisions made by officers. A slight decrease compared with previous year of 98%.
- 152 Major applications had been submitted in quarters 1-3 representing 4% of total workload for the service. The Panel noted that this was above the national average of 3%.
- Members' attention was drawn to the table at paragraph 3.1.2 which demonstrated the workload profile for quarters 1-3.

- Performance on determination times had dropped slightly this was demonstrated in a table at paragraph 3.1.4 of the submitted report. It was noted that Leeds performance was significantly above the national average determination rate.
- After 9 months a total of £3,212,247 had been received in planning fees, almost £530,000 up on the projected budget for 2016-17.
- The service had received 460 pre-applications of which 102 were for major schemes. The pre application enquiry service had generated £139, 830 of income during the reporting period.
- It was noted that the anticipated volume of additional work in relation to permitted development prior approval had not materialised.
- 95 applications had been before the Plans Panels with 65 decisions having been made. A table at paragraph 3.4.1 of the submitted report showed the full workload breakdown for each Panel.
- 184 new appeals had been received and a breakdown of appeals by type was presented at paragraph 3.6.1 of the submitted report with, a breakdown of Planning Inspectorate decisions provided at paragraph 3.6.3.
- In response to a request from Members information on the Community Infrastructure Levy (CIL) was provided at paragraph 3.7 of the submitted report. A breakdown of the CIL balance was provided at 3.7.3.
- A greater number of Planning Contravention Notices (PCN's) and Section 330 notices had been serviced.
- Changes of staffing resources, vacancies, and long term absences and how the service had coped with additional workloads.
- 119 complaints had been received compared to 94 in the same reporting period last year. The main theme on upheld complaints revolved around the way the planning applications had been advertised to neighbours and that comments received from neighbours had not been taken into account by officers. It was noted that action had been taken to alleviate these issues.
- The Local Government Ombudsman (LGO) reported 14 cases to the Planning Service of which 10 were received closed with no further action. Four cases required investigation and these were detailed at paragraphs 3.9.5 and 3.9.6 of the submitted report.
- The Permitted Development enquiry service will be withdrawn from April 2017 and the more formal route of Certificate of Lawfulness will be offered.
- The service is still awaiting the Housing White Paper which will have implications for the planning system and the way new housing is delivered

Members discussed the following:

- CIL money and how the Neighbourhood Fund is spent in the communities in both town and parish areas and non-parish areas. Members wanted more consultation with communities to spend CIL money on what was wanted and needed. Members wanted to be kept informed on the amount of CIL received and how it was spent. The Chief Planning Officer highlighted that the spending of the Strategic Fund was a matter for the Executive Board as part of the Council's budget setting process, as agreed in October 2015 and a report will be going to the Strategic Investment Board in February 2017 describing the sums available. It was noted that Town and Parish Councils are able to spend the money how they wish.

- Complaints – clarification was provided on how complaints were counted. Members also noted that action in relation to notification of applications had been addressed with photographs taken to include streetscene, specific date and to be put at a height suitable for all.
- Members requested information on PAS and Greenfield sites to include how large the proposed development would be and how many houses were proposed. Members were advised that PAS sites were dealt with differently and that land to be used was assessed on an individual basis.
- Clarification on S106 spending were provided as;
 - Parks – Green Spaces
 - Housing – Community Housing
 - Transport – Transport improvements
 - It was also noted that S106 monies can only be spent on previously agreed areas/issues as outlined in the legal agreement, in order to make the development acceptable in planning terms

RESOLVED – Members note the report and receive a further performance report in six months' time.

Councillors Towler and Venner left the meeting at the end of this item.

20 Government response to the use of planning conditions consultation

The report of the Chief Planning Officer brought the Government's response to the recent consultation on the use of planning conditions to Members' attention.

The consultation response provided detail on the approach the Government will take through legislation on the new process for the written agreement, with the applicant for pre-commencement conditions and prohibition of the use of certain types of conditions.

Paragraph 3.8 of the submitted report provided the Government's response to prohibit six types of planning conditions to be set out in draft regulations.

Members informed that this was not specifically for land banks.

Members discussed the conditions as set out at 3.8 of the report and made comments in relation to the use of certain words and how they could be interpreted.

Members were informed that conditions in relation to employment and skills should be enabled to continue.

RESOLVED – That Members note the report.

21 Member training 2017-18

The report of the Chief Planning Officer described the programme of training for Members of the Plans Panel in 2017-18.

Members were advised that due to the changes to the Council Procedure Rules allowing more flexible substitution, there would be more Members to undertake the compulsory training this year.

Members noted that compulsory training for Members nominated to Plans Panels would take place on 25th February 2017.

Members were informed that a tour of past sites which have already received planning permission and have been built would be organised. It was anticipated that the tour would be in Spring 2017 and that the list of sites would be drawn up in agreement with the Joint Member Officer Working Group.

A Plans Panel member has requested a site visit to North Stainley, Harrogate. This visit will be organised separately Members to be informed when a suitable date had been found. The visit would be open to all Plans Panel Members.

The Joint Member Officer Working Group had requested that a series of workshops be held throughout the year focussing on particular planning issues such as hot food takeaways, side extensions and housing design.

The first workshop had taken place on 13th January 2017 on tall buildings. Members who had attended said that the workshop had been well presented and had been a worthwhile session.

Paragraph 3.5 of the Submitted report listed some of the proposed workshops for 2017-18.

Members discussed the following:

- The changes to the Council Procedure Rules and the flexibility in substitution arrangements.
- Their experiences of training, workshops and shadowing

It was noted that some Members had been provided with a list of examples of what can and cannot be considered for planning. It was suggested that this may be useful to newer members of Plans Panels.

RESOLVED – That Members note the report.

22 Leeds Planning Enforcement Plan

The report of the Chief Planning Officer on Leeds Planning Enforcement Plan was presented by the Group Manager (Compliance and Specialist).

The presenting officer highlighted point 2 of the submitted cover report which set out paragraph 207 of the National Planning Policy Framework that recommends that Planning authorities should secure an enforcement plan to manage enforcement proactively and set out how cases will be investigated and actioned.

The Officer informed Members that the purpose of the planning enforcement plan was to assist the residents of Leeds and to ensure that appropriate development was

undertaken which helps preserve the environment and maintains confidence in the planning system.

The enforcement service investigates breaches of planning control. The officer said that it was important that the service provided clear guidance on what it can do and these were listed at paragraphs 1.2, 2.2, 3.3, 4.4 of the submitted report.

It was noted that this service was a high demand service with between 30 – 40 cases a week. The service needed to be able to balance resources against priority. It was explained that within the service there are 3 categories of complaint depending on the alleged breach of planning control which are set out at paragraph 9 of the submitted report.

Members' attention was drawn to page 52 and 53 of the agenda which provided Members with a table setting out the Leeds Planning Enforcement Complaints Order of Priority. Members were being given the opportunity to see how the service triage and prioritise the workload. All Ward Members are to be consulted on this model.

The Chair suggested that the model be sent to Community Committees as they would find the information useful.

Members discussed the following points:

- The need to be kept informed of ongoing issues in their ward
- To informed of any issues early as possible.
- 'Visual amenity' was clarified as relating to streetscene
- The need to have a robust policy for breaches of planning control
- The need for a rigorous enforcement service
- Review of resources
- Brief planning Chairs so that they better understand the legal issues
- Resources over the weekend period
- Clarification on trees in conservation areas was sought

Members also suggested that a sentence be added to 2G to clarify the position at 1A, 1B, and 1C.

RESOLVED – That members note the report.

Councillors Selby and Wilkinson left the meeting at the end of this item.

23 Planning reform update

The report of the Chief Planning Officer sought to update Members on the main Government planning reform proposals in respect of England: the proposed Housing White Paper, the Housing and Planning Act and the Neighbourhood Planning Bill.

Members noted that the Housing White Paper was imminent and that it may contain some or all of the provisions listed at 3.1.1 of the submitted report.

Members discussed the following issues:

- Increase in planning fees
- Suggested a 100% fee for retrospective builds
- The need to include planning for both housing and employment on brownfield sites
- System built houses with components sourced locally to build sustainable sheltered housing

RESOLVED – That Members note the report.

Councillors Macniven and Dobson left the meeting at the end of this item

24 Consideration of Two storey Side Extensions to Domestic Properties

The Head of Development Management presented the report of the Chief Planning Officer in relation to the consideration of a two storey side extension to a domestic dwelling. This report had been brought before the Joint Plans Panel at the request of South and West Plans Panel.

The Members were provided with a brief outline of the application presented to the South and West Plans Panel for a part two storey, part single storey side extension and single storey rear extension at 43 Moor flats Avenue. The application had been presented with an officer recommendation for approval.

At the meeting, Members resolved initially to defer the determination of the application and requested that officers carry out further negotiations with the applicant to in respect of setting the extension in from the boundary by 1m at both ground and first floor. The concern expressed related partly to access to the rear of the properties for bins, but mainly with regard to the dominance and overbearing effect upon side facing the main entrance to the adjacent bungalow. Members of South and West Plans Panel were concerned that Officers had brought forward an application for the approval of a proposal for a two storey extension which was almost directly on the boundary of the driveway with the adjacent bungalow whereas previously a 1m gap had been required.

Members of South and West Plans Panel had expressed concerns that there had been a change in approach with regard to the consideration of two storey side extensions. During discussions Officers had stated that the approach had not changed but that in this case other material considerations needed to be considered. The Panel overturned the recommendation and the application was refused for the following reason in summary:

‘the proposal is considered to be an overly intrusive form of development which will be significantly detrimental to the living conditions of the occupants of the said dwelling as a result of dominance, overshadowing and loss of light’.

Members of Joint Plans Panel were informed that the Policy/Guidance for considering such applications adopted by the Council had not changed. A summary of the policy context was provided at appendix A of the submitted report.

Members noted the key difference with regard how officers considered the application at Moor Flatts Avenue, the concerns the consideration and the weight attached to other material considerations specific to this site. In particular the interpretation of the Guidance provided in the householder design guide in view of the fall-back position enjoyed by the applicant by virtue of the amendments made to the General Permitted Development Order in 2013 and the outcome of a recent appeal or a proposal at 71 Church Lane, Methley that had similarities to the application at 43 Moor Flatts Avenue.

Members were shown photographs of side extensions carried out at a number of properties specifically 71 Church Lane, Methley.

Members were provided with clarifications of this issue at point 3.1 Householder Design Guide Considerations of the submitted report.

Members were advised that subsequent to the refusal of the application the applicant had appealed against the decision. The Inspectors decision had been received on 17th January 2017. The appeal was granted subject to conditions.

The findings of the Inspector were provided to Members at Point 3.4 of the submitted report.

RESOLVED – That Members note the report.

Cllr. Leadley left the meeting during this item.

25 Date and Time of Next Meeting

The date and time of the next meeting to be confirmed.