

Joint Plans Panel

Thursday, 26th July, 2018

PRESENT: Councillor J McKenna in the Chair

Councillors K Brooks, C Campbell, P Carlill,
D Cohen, D Collins, M Gibson, R Grahame,
C Gruen, P Gruen, S Hamilton,
J Heselwood, D Jenkins, A Khan,
T Leadley, R Lewis, E Nash, D Ragan,
S Seary, M Shazad, J Shemilt,
P Wadsworth, N Walshaw, A Wenham,
G Wilkinson and P Wray

Councillor

1 Election of the Chair

RESOLVED – To elect Councillor J McKenna as the Chair for the duration of the meeting.

2 Exempt Information - Possible Exclusion of the Press and Public

There were no appeals against refusal of inspection of documents.

3 Late Items

There were no late items.

4 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

5 Apologies for Absence

Apologies for absence had been received from Councillors: Barry Anderson, Salma Arif, David Blackburn, Andrew Carter, Al Garthwaite, Jacob Goddard, Graham Latty, and Kevin Ritchie.

Apologies had also been received from David Newbury, Group Manager Area Planning.

6 Minutes - 30th November 2017

RESOLVED – That the minutes of the meeting held on 30th November 2017 be approved as a correct record.

7 Matters arising

In relation to Minute 20 of the minutes of 30th November 2017 the following updates were provided:

Temple Works

Councillor Lewis reported that Temple Works had now been purchased by CEG.

Grenfell Tower Tragedy

The Hackett Report on the Grenfell Towers Tragedy had been issued and a summary report had been presented to CLT. However, there was no information in relation to toxicology as requested by Councillor R Grahame. The Chief Planning Officer explained that there was a number of issues set out in the report which required work. The report had suggested a Joint Competency Authority be set up

which would comprise Building Control Services, Health and Safety Executive and West Yorkshire Fire and Rescue Service. This body would then act as consultee on future planning applications. The offer was made to circulate the summary if Members so wished.

It was suggested that the Head of Service, Building Control contact Councillor R Grahame to discuss any toxicology information. Councillor R Grahame had been concerned at the length of time taken to respond to his question since asking at the previous meeting.

Minute No. 24 – Vacant Building Credit

In relation to Vacant Building Credit the Chief Planning Officer said that checks were required as to what had come out of the National Planning Framework to see if the Government had made this a specific item of policy. Discussions had taken place with DCLG officials, part of the representation set out that in Leeds there would be unintended consequences where there are large buildings that could be used for development. Leeds would need to take account of what was set out in the policy framework. However, Leeds had an Affordable Housing Strategy which should be used as a starting point for a development plan policy.

Minute No.25 Update on Housing Mix

Leeds Living - It was noted that work was still on-going and once complete it would be published.

8 End of year performance report

The report of the Chief Planning Officer on 2017-18 annual planning performance was presented by Head of Development Management.

Members were informed of the following points:

- Planning applications had again risen for the sixth successive year going over the 5,000 mark
- Increase of 20% in planning fees
- Number of complaints had decreased and fewer cases were reaching the Local Government Ombudsman – there had also been an appointment of a new complaints officer.
- Number of appeals had increased by 13% and it was noted that Leeds had the highest number of S78 appeals of the Metropolitan Authorities and that the number of appeals allowed was above average
- 143 enforcement notices had been served which was higher than other core cities
- Amount of CIL income collected was £4,153,222 which was an increase from 2016-17. £9.2 million had been invoiced in the year
- 119 decisions had been made by the 3 Plans Panels, 4 were contrary to officer recommendation.
- Staffing resources had once again been stretched. However, the national 20% increase in planning application fees had assisted in the recruitment of 3 additional Principal Planners, a Career Grade Planner, a Senior Compliance Officer, a CIL Officer and a Complaints Officer.

Members discussed the following:

- Community lead self builds such as LILAC and the Roundhay Road development
- Fees for developers in an attempt to reduce the number of repeat site visits attended by Members
- Costs in relation to appeals
- Section 106 the need for consistency and clearer guidelines

Members requested the following:

- Updates and information on CIL on a regular basis; and
- Information on how local communities had benefitted from developments in areas such as apprenticeships and jobs. It was suggested that this be brought as a presentation to the next JPP.

RESOLVED – To note the submitted report and receive a further performance report in six months.

(Councillors Leadley and Lewis vacated the meeting during consideration of this item).

9 Publishing comments on Public Access

The Chief Planning Officer presented a report setting out the new process that the planning service intends to implement in relation to online publishing of public comments made on planning applications as part of the notification process.

Members were advised that the implementation of General Data Protection Regulation which came into force on 25th May 2018, had significant implications for planning services as the service collects and uses personal data as part of its day to day operations in a variety of processes.

The Chief Planning Officer highlighted a recent case in Basildon Borough Council who were ordered by the Information Commissioner Office to pay a monetary penalty of £150,000 as it determined that the council had breached the Data Protection Act by publishing sensitive personal data contained within a planning comment in the public domain.

The Information Commissioner Office found that Basildon Borough Council had received a written statement in support of a householders planning application in the green belt which had contained sensitive personal data in relation to a static traveller family who had lived on the site for many years.

In light of the Basildon case and the General Data Protection Regulations, planning services having reviewed current processes and policies and considers that as planning comments could be placed on the Council's online planning register, Public Access, without being vetted by the authority, the Council was at risk of a similar data breach.

Members were advised that the publication of planning documents online was a choice and not a legal requirement.

It was noted that the planning service were unable to vet the documents as would be required due to lack of resources. Therefore, the Chief Planning Officers suggested that future written statements should be sent to Planning Services and would only be viewed if requested. Should a request be made it would allow time to vet the statements that had been received.

Members discussed the issues raised. It was noted that Planning Services would provide assistance to Parish Councils in regards to comments received on applications.

RESOLVED – To note the report and provide comments as appropriate.

10 Planning protocol- joint work with the Chamber of Commerce

The report of the Chief Planning Officer on the Planning Charter was presented to the Panel by the Business and System Support Team Leader.

The report informed the Panel that in June 2017, Planning Services facilitated a meeting between Members of the Plans Panels and the Leeds Chamber of Commerce to discuss the planning process and explore ways to make planning work more efficiently in Leeds.

It was agreed at the meeting that a planning charter would be developed.

The report advised Members that a draft protocol had been produced in collaboration with the Chamber of Commerce and had been shared with the Joint Member Officers Working Group, the Chamber of Commerce and some of its sub groups.

The draft protocol had been appended to the submitted report for consultation and comment from the Joint Plans Panel.

Members discussed the draft protocol and provided the following comments:

- Good growth but not inclusive growth within the document
- Good framework
- It was a good opportunity to work alongside Developers and it was suggested that this became a more regular occurrence.
- The weight that was to be given to the document had no legal status
- A route map to better planning decisions
- More workshops to provide closer working relationships
- The protocol should go to all Panels as a pilot

RESOLVED – To note the report and provide comments on the protocol as appropriate.

11 Local Enforcement Plan

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

The report outlined the key considerations for the enforcement service in Leeds.

The Enforcement Plan was appended to the submitted report for Members consideration. The Plan sets out the main procedures and principles the service would adopt to regulate development and its priorities for investigations.

The Plan also provided guidance on what could be done and the timescales for doing so and also how to balance the demands of the service with the resources available.

The Panel discussed issues in relation to:

- Selective Licensing and HMO's
- Timescales in dealing with different categories of compliance
- Processes for dealing with enforcement cases

RESOLVED – To agree the Local Enforcement Plan as a working document for the Planning Compliance Service.

Councillor P Wadsworth vacated the meeting at 15:35 during this item.

12 Annual buildings at risk report

Prior to the start of Agenda Item No. 12 Buildings at Risk, the Panel were advised by the Chair that Councillor J Illingworth had sent an email to all Panel Members raising his concerns with Abbey Mills which was on the list of buildings at risk. Councillor Illingworth had requested to speak at the Panel.

It was noted that Joint Plans Panel was not a decision making Panel and it was unusual for anyone to speak at the Panel.

The Panel agreed to hear Councillor Illingworth's representations after Officers had presented the paper to the Panel.

The report of the Chief Planning Officer was presented by the Team Leader of Design and Conservation in the Sustainable Design Unit.

Members were advised of the definition of a building at risk was that of a building at risk from neglect and decay rather than alteration.

It was noted that the Risk Survey was now complete and found that 120 listed buildings were at risk in the city. However, 11 listed buildings had been removed from the register since the last report in 2017.

Members noted that 15 of the buildings at Risk were owned by the City Council.

Members were advised that the Council was taking active measures to deal with buildings at risk which should result in the repair and re-use of several listed buildings before the next report.

The Leeds Civic Trust were thanked for their work on the provision of information for the Buildings at Risk Register.

The 'Big Five' White Cloth Hall, Temple Mill, Stanks Hall Barn, Hunslet Mill and Thorp Hall priorities for 2018/19 were set out at Appendix B of the submitted report.

Updates were also provided at paragraphs 5.3.4 and 5.3.5 of the report in relation to York Road Library; Former High Royds Hospital; Former Chapel Allerton Hospital; St John's Church, Roundhay; and Former Cookridge Hospital.

Councillor Illingworth addressed the Panel raising his concerns and opinions in relation to Abbey Mills and Abbey Villa as follows:

- Abbey Mills was in danger of collapse
- Abbey Villa was threatened by the current proposals for Abbey Mills
- He was of the opinion that the purchase of these sites had been a misguided attempt at protecting our heritage. It was his view that the buildings were in a state of collapse due to the council's muddle and incompetence.
- Repairs had not been completed
- Inventories had not been taken when the buildings had been tenanted resulting in repairs that the Council paid for.
- He expressed the opinion that reports to Executive Board relating to Abbey Mills and Abbey Villas had contained errors
- A proposed access road leading to Abbey Mills would destroy a part of the Abbey Villa garden and wall

Councillor Illingworth set out some proposals as to how Abbey Mills and Abbey Villas may be used which include: library; community hub; artist's workshop; homework club; rehearsal space.

The Chair and the Panel thanked Councillor Illingworth for his attendance and presentation.

Members discussed the following points:-

- Roundhay Park Lodges – it was noted that these were currently shuttered up. However, Councillor A Wenham informed the Panel that discussions were on going to look at redevelopment.
- The state of repair of the Eleanor Lupton Building
- List of other vulnerable buildings to be made available to Members

Members requested an update on those buildings that had been removed from the Buildings at Risk Register.

It was suggested that a Member Working Group be established with a view to monitoring the Buildings at Risk Register.

The Chair suggested that small items on the list such as fountains, plaques or statues could be sent to the Community Committees to seek funding for repairs.

It was noted that the appropriate forms would need to be submitted to secure any necessary funding.

RESOLVED - To note the report, in particular that work is progressing towards reducing the number of Buildings at Risk in the City and report to Derelict and Nuisance Sites Steering Group on the findings of the pilot Buildings at Risk survey.

(Councillor D Cohen vacated the meeting at 4:00pm and Councillor G Wilkinson vacated the meeting at 4:15pm during the consideration of this item).

(Councillors D Collins and J Shemilt vacated the meeting at 4:25pm at the conclusion of this item).

13 Member training

The report of the Chief Planning Officer on Member Training 2018/19 described the planned learning and development opportunities for Members in relation to planning and development and asked Members for suggestions of further topics and areas for training to be provided.

It was noted that training for all new Members to Plans Panels had been completed, with all relevant Members undertaking the training.

Members were informed that a tour of past sites was now proposed as 14th September 2018. David Newbury to email Members with details.

The following areas for training were suggested:-

- Enforcement
- Leeds City Vision
- Student Houses
- Viability NPPF (Including Housing Delivery Test)
- Role of design in planning
- Working with developers
- Impact on school places for developments
- Our Spaces Strategy
- Building Control

Members requested that all training sessions be pitched at an appropriate level.

RESOLVED – To note the report.

14 Date and Time of Next Meeting

The next scheduled meeting of the Joint Plans Panel to be on Thursday 29th November 2018 at 1:30pm.