



JOINT PLANS PANEL

Meeting to be held in 6 & 7 - Civic Hall, Leeds on
Thursday, 26th July, 2018 at 1.30 pm

MEMBERSHIP

Councillors

Councillor Barry Anderson
Councillor Salma Arif
Councillor David Blackburn
Councillor Kayleigh Brooks
Councillor Colin Campbell
Councillor Peter Carlill
Councillor Andrew Carter CBE
Councillor Dan Cohen
Councillor Dawn Collins
Councillor Mark Dobson
Councillor Al Garthwaite
Councillor Matt Gibson
Councillor Jacob Goddard
Councillor Ronald Grahame
Councillor Caroline Gruen
Councillor Peter Gruen
Councillor Sharon Hamilton
Councillor Julie Heselwood

Councillor Andy Hutchison
Councillor David Jenkins
Councillor Asghar Khan
Councillor Thomas Leadley
Councillor Richard Lewis
Councillor James McKenna
Councillor Elizabeth Nash
Councillor Denise Ragan
Councillor Kevin Ritchie
Councillor Simon Seary
Councillor Mohammed Shahzad
Councillor Jackie Shemilt
Councillor Fiona Venner
Councillor Paul Wadsworth
Councillor Neil Walshaw
Councillor Angela Wenham
Councillor Gerald Wilkinson
Councillor Paul Wray

Agenda compiled by:
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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			ELECTION OF THE CHAIR To formally nominate the Chair for the meeting	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
3			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
4			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
5			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
6			APOLOGIES FOR ABSENCE	
7			MINUTES - 30TH NOVEMBER 2017 To confirm the minutes of the meeting held on 30 th November 2017 as a correct record.	1 - 8
8	All Wards		END OF YEAR PERFORMANCE REPORT The report of the Chief Planning Officer provides the Joint Plans Panel with the planning services annual report, which covers planning performance and activity for the period 2017-18. (Report attached)	9 - 24
9	All Wards		PUBLISHING COMMENTS ON PUBLIC ACCESS The report of the Chief Planning Officer is to inform members of the new process the service intends to implement in relation to online publishing of public comments made on planning applications as part of the notification process. (Report attached)	25 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10	All Wards		PLANNING PROTOCOL- JOINT WORK WITH THE CHAMBER OF COMMERCE The report of the Chief Planning Officer is to update members on the progress of the draft planning protocol which was agreed to be developed between the Council and the Leeds Chamber of Commerce. The draft protocol is attached for member consultation and comments. (Report attached)	31 - 38
11	All Wards		LOCAL ENFORCEMENT PLAN The report of the Chief Planning Officer is presented to Joint plans Panel Members for endorsement and agreement to the local enforcement plan as a working document for the service. (Report attached)	39 - 52
12	All Wards		ANNUAL BUILDINGS AT RISK REPORT The report of the Chief Planning Officer is to inform Joint Plans Panel of Buildings at Risk and the efforts that are being made to address this issue by securing emergency repairs and securing new uses. (Report attached)	53 - 66
13	All Wards		MEMBER TRAINING The report of the Chief Planning Officer describes the planned learning and development opportunities for elected members in 2018-19 in relation to planning and development and asks members for suggestions of further topics and areas for training to be provided. (Report attached)	67 - 70
14			DATE AND TIME OF NEXT MEETING The next meeting of the Joint Plans Panel will be on Thursday 29th November 2018, at 1:30pm	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<u>Third Party Recording</u> Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties – code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	

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Joint Plans Panel

Thursday, 30th November, 2017

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, S Arif, J Bentley,
D Blackburn, C Campbell, A Garthwaite,
R Grahame, P Gruen, S Hamilton, A Khan,
G Latty, T Leadley, R Lewis, C Macniven,
J McKenna, K Ritchie, B Selby, F Venner,
N Walshaw and G Wilkinson

14 Election of the Chair

RESOLVED – That Cllr. Caroline Gruen was elected Chair for the duration of the meeting.

15 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

16 Late Items

There were no formal late items. However, supplementary information in relation to Agenda Item 10 - The Grenfell Tower Tragedy and the Leeds City Council Response had been provided to Members.

17 Declarations of Disclosable Pecuniary Interests

Councillor R Grahame and Councillor S Arif declared a disclosable pecuniary interest as a Members of the West Yorkshire Fire and Rescue Authority.

18 Apologies for Absence

Apologies for absence were received from Councillors Congreve, Wood, Towler, Coulson, Smart, Nash, S McKenna, R Procter, J Procter and Finnigan and Chief Planning Officer, Tim Hill.

19 Minutes

RESOLVED - Minutes of the meeting held on 22nd June 2017 were approved as a correct record.

20 Matters arising

Draft minutes to be approved at the meeting
to be held on 26th July 2018

Apologies – Apologies to be recorded for Cllr. G Latty.

Minute 8 - Matters Arising Member Training 2017-18

- A prospective site list to be circulated to Members with proposed dates

Minute 9 – Planning Services end of year 2016-17, performance report

- Size of signs on lampposts – currently no information on change of size to A3

Minute 11 – Buildings at risk

- Cllr. R Lewis informed the Panel that the Council was taking an active interest in the Temple Works site as it goes for auction. Members asked to be kept informed.
- It was that verbal updates would be provided at the next City Plans Panel on Majestic building and Stanks Hall Barn
- It was noted that work had started on the old York Road Library.

21 Planning Services performance report- quarters 1 and 2, 2017-18

Steve Butler the Head of Development Management presented the report of the Chief Planning Officer which provided Members with Planning Services performance for quarters 1 and 2 of 2017/18.

Members were informed of the following points:-

- Small increase in applications with 2,584 applications submitted this was the fifth successive year that numbers had risen although it was only a 1% increase compared with the same period last year.
- An anticipated reduction in numbers of household applications due to permitted development changes had not occurred in Leeds with 1,359 applications submitted.
- Planning fees were £457k up against the predicted figure to September. This was £185k above the budget
- 66 decisions had been made by the 3 Plans Panels with three decisions contrary to officer recommendations.
- The service had received 130 new appeals, same as quarters 1 and 2 of 2016-17.
- A breakdown of CIL monies paid had been provided at point 3.5.3 of the submitted report. The table showed that in the first two quarters of 2016-17, £881k had been paid, taking the total CIL paid to almost £3.6m
- 625 enforcement cases had been received in the first two quarters of 2017/18
- 64 formal complaints had been received since April 2017
- Members were provided with a breakdown of staffing and resource issues and how the service planned to resolve some of the issues
- The on-line payment system implemented in August 2017 was now the preferred method of payment with 50% of planning fees paid on-line
- Feedback from Members and the Chamber of Commerce on a session held to discuss ways to make planning work more efficiently in the city was seen to be a positive step in an evolving partnership

In response to Members questions the Panel were advised as follows:-

- Information could be provided to Ward Members in relation to active enforcement cases within their wards
- At commencement of work on site developers should start paying CIL. It was noted in some cases payments are staggered.
- Figures to be provided to the Panel on the 'draw-down' of CIL monies to include where, and what used for.
- DCLG had implemented new targets in relation to appeals. It was noted that Leeds were not near those figures.
- It was noted that the figure for enforcement cases were static. The process was an ongoing process with cases both in and out and that 668 cases resolved was correct figure.

RESOLVED - To note the report and comment as they feel appropriate and to receive a further performance report in six months' time.

22 Update to Leeds Site Allocations Plan

The report of the Director of City Development was presented by Martin Elliot, Group Manager (Policy & Plans). The report provided an update to Leeds Site Allocations Plans which was submitted to the Secretary of State for independent examination in May 2017. Members were advised of recent changes to national guidance, which indicates a lower trajectory of housing need. It was noted that the Council's Development Plans Panel and Executive Board were considering changes to the SAP which would be made available for public consultation in the New Year.

Members were advised of main changes:-

1. Consultation from DCLG on assessing housing needs which was published in September 2017 which contained a figure of 42,000 homes for Leeds on a 16 year plan period;
2. Overall changes to national guidance by the Housing White Paper;
3. Continuing advancement of the Core Strategy selective review looking at a new plan period of 2017 – 2033.

Members heard that when the SAP was submitted for examination Executive Board had been made aware of a lower contextual housing figure in the short term. Executive Board were satisfied that land being released through SAP would last into the new plan period.

Members were advised that officers were to look at amendments to the SAP examination that can deal with a longer term trajectory of lower housing growth. It was noted that the Inspector was happy to maintain the plan at examination.

The examination was to be split into two hearing sessions:

- Stage 1 Issues related to employment, retail, green space and provision for sites for gypsies and travellers, these have been heard in front of the Inspector
- Stage 2 will look at housing.

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Both sessions will be brought together prior to the Inspector releasing her report.

Members noted that greenbelt land had been released near the airport and Capitol Park and also for sites for gypsies and travellers.

Members were informed that staged two hearing on housing would be heard in July 2018. However there would be a need for further public consultation on changes to the plan. Members were advised on the approach to the plan given the changes which were set out at 3.5 of the submitted report. Appendix 1 of the submitted report listed sites affected by the proposed changes.

Members were advised of the next steps as follows:-

- Report to Executive Board – 13 December 2017
- Public consultation 22 January – 2 March 2018
- Approve changes for submission subject to public consultation and necessary amendments to full Council - 10 January 2018
- Revised Plan to Inspector – March 2018
- Hearings July 2018

RESOLVED – To not the report.

23 The Grenfell tower tragedy and Leeds City Councils Response

The report of the Chief Planning Officer provided Members with an update on the outcome of Grenfell Tower tragedy, the new Building Regulations and the Leeds response.

David Pickles, Head of Building Control was at the meeting and spoke to the presentation which had been submitted as supplementary information to the report. The presentation had been published to the Council's web pages and circulated to the Panel.

The presentation focused on the following points:-

- Background information on Grenfell Tower;
- Brief outline of Leeds City Council's Building Control;
- Investigations including:
 - The Police Investigation
 - The Coroners Report
 - The Public Inquiry
- The Independent review of the Building Regulations and fire safety (The Hackett Review);
- Leeds City Council Building Controls involvement in the Hackett Review;
- The Building Regulation Part B and the guidance on external cladding;
- The Building Regulation B4;
- DCLG clarification on 2006 Part B;
- Leeds City Council Reporting;

- Data on tower blocks in Leeds including those that had ACM and had failed the BRE testing;
- The role of Planning;
- The London Plan;
- Leeds City Council's Building Control continued role.

Members were advised that Building Control were still waiting answers nationally. A procedural hearing in relation to the Hackett Report was to take place on 11th and 12th December 2017 with the review expected to be completed by Spring 2018.

Members were concerned that they had been told that no tower blocks in Leeds had ACM. The Head of Building Control said that no towers blocks owned by the Council had ACM. However, there were 10 blocks in Leeds with ACM which were privately owned, 8 of which were residential.

Members requested that they were provided with a list of the blocks with ACM.

Members discussed the following points:-

- The work of Building Control in Leeds and with other authorities.
- Cross service teams working to address works to be undertaken. It was noted where owners of buildings do not complete work required enforcement action would be taken.
- There were concerns in relation to some Members not being aware of tower blocks in private ownership being unsafe. Although it was noted that there had been an Executive Board report in July.
- Concerns were also raised that there could be smaller blocks with ACM cladding which fall out of the DCLG guidance of 18 metres.

It was noted that nothing specific had been provided in relation to toxicity testing. David Pickles said that he would take Members concerns on this matter to the Hackett Review.

The Chair suggested a working group on this paper.

RESOLVED – To note the report and the presentation

24 Vacant Building Credit

The report of the Director of City Development provided Members with an update on the Vacant Building Credit (VBC) and set out issues in relation to its implementation for Leeds.

The report considered whether VBC should be applied in Leeds, given that Leeds has an adopted Core Strategy which sets out its affordable housing requirement and makes recommendations as to how it should be applied.

Members were informed that the aim of the VBC was to promote development of brownfield sites to unlock genuine brownfield sites by providing an affordable housing credit. It allows the floorspace of existing buildings that are to be

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redeveloped to be offset against the calculations for section 106 affordable housing requirements whether by financial contributions or provision.

Members were advised that the VBC was not in the National Planning and Policy Framework but was part of the on-line planning practice guidance.

The Panel was informed that Leeds had a good track record of using brownfield sites and of bringing vacant buildings back into use. However, there was pressure from developers not to deliver the required amounts of affordable housing set out in the adopted Core Strategy and they were using VBC to do this.

Members heard that officers had considered whether the VBC needed to be elevated, the decision set out in the submitted report was that whilst it remained a material consideration the Core Strategy policy on seeking affordable housing on all properties should be a first consideration. All issues around unviability of vacant units should be dealt with at the planning application stage.

It was noted that old floorspace was exempt from CIL

RESOLVED – To note the report.

25 Update on Housing Mix

The report of the Director of City Development updated the Panel on the achievement of housing mix policies in the adopted Core Strategy.

An addendum was tabled at the meeting in relation to the monitoring of Policy H4.

Members were informed of a joint scrutiny enquiry of Housing and City Development held in March last year where a range of recommendations were made. These related to overall Core Strategy housing targets which had been advanced and also in terms of Core Strategy policy H4 which seeks appropriate mix of dwelling types particularly bedroom types.

Members heard that at the time of the enquiry for the first three years of the Core Strategy a significant number of 3 and 4 bed houses had been approved against 1 and 2 bed properties.

Members' attention was drawn to the tabled document which set out Policy H4 targets.

Concerns had been raised at the enquiry that developers were putting in a model that they wanted rather than a model that Leeds needed. The scrutiny enquiry came up with a number of recommendations one being that this issue be brought to Joint Plans Panel to update Members of the changes and what was being done.

The addendum also provided Members with monitoring which showed that 4 bed properties had fallen and that 1 and 2 bed properties had increased. This reflected a greater number of apartments being built in and around the city centre.

Members were advised that Scrutiny wanted to ensure that policy H4 targets were maintained across the city and on individual sites.

One of the recommendations included a consistent heading in Panel reports so that housing mix was flagged up and Members understood discussions that had taken place with developers on housing mix.

The tabled document provided Members with a number of housing market assessments of need in specific areas of Leeds. It was noted that there was a need to summarise outcomes of assessments in Panel reports where developments did not meet the specific mix required, to provide reasons for this and what the desired mix would be appropriate for that local area.

Members were advised that the Strategic Housing Market Assessment was a recent piece of work commissioned by ARC4 in the Summer of 2017. It was noted that there was also local area work on market characteristics basis that was now feeding through which provided more evidence on specific bedroom sizes and specific needs for mix in local areas. This information was also to be included in Panel reports.

Cllr. R Grahame raised an issue on housing and schools specific to the Aire Valley development. The Head of Development Management to address this and report back to Cllr. Grahame.

Members discussed the following points:-

- The need to pay regard to Council's planning policies;
- Leeds Living – where at currently;
- Need to know what percentage variation is in local areas; and
- More information to be provided on how the housing mix of a site is calculated.

Members were informed that more work was required to look at what the SHMA was indicating in relation to 4 bed properties.

Members were advised that the Leeds Living was a housing market assessment on contract with ARC4. Officers were to provide more information to Members on Leeds Living via email.

RESOLVED – To note the report.

26 Any Other Business

Further to Minute 9 of the meeting held on 22nd June 2017 it had been noted that Enforcement in relation to category 1 cases was not as robust as it could be. Members requested a Members Oversight when officers look at category 1 cases to assist officers in making the decision to proceed.

It was noted the Tim Hill the Chief Planning Officer had suggested further conversation at the Joint Member Officer Working Group to try and accommodate the request made and to bring back suggestions to the Joint Plans Panel.

The suggestion was made that a special meeting of Joint Plans Panel could be arranged to discuss this issue.



Leeds
CITY COUNCIL

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26 July 2018

Subject: 2017-18 annual planning performance report

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. This report covers planning performance and activity for the period 2017-18.
2. It has been another busy and challenging year, with application numbers rising again for the sixth successive year. For the first time since the economic downturn in 2008 application numbers have reached over 5,000. The service is carrying a number of vacancies across all levels of the organisation, which has had an impact on performance in some areas, but timescales for the determination of planning application still remains above the statutory level.
3. The service is looking forward to the recruitment of additional planners which has been made possible because of the national 20% increase in planning fees.
4. Inevitably there are areas where the service can improve and training and changes in processes will help to facilitate improvement going forward into 2018-19, particularly in working with members and developers to facilitate expeditious and high quality decision making in Leeds and in improving the customer experience.

Recommendations

5. Members are asked to note the report and to receive a further performance report in six months' time.

1. Purpose of this report

- 1.1. This is a cover report to the main planning services annual report, which is attached.

2. Main issues

- 2.1. The annual planning services performance report covers the main areas of key activity for the service- timescales in determining applications, workloads, plans panel decision making and compliance activity. In addition the performance reports looks at performance on the quality of decision making through an examination of appeals and complaints activity.
- 2.2. A look back on the year to describe some successes is also covered as well as challenges and service improvements for the year ahead.

3. Corporate Considerations

3.1. Consultation and Engagement

- 3.1.1. This report is presented for information and comment

3.2. Equality and Diversity / Cohesion and Integration

- 3.2.1. There are no Equality and Diversity / Cohesion and Integration issues.

3.3. Council policies and City Priorities

- 3.3.1. 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.

3.4. Resources and value for money

- 3.4.1. There are no specific implications arising from this report. However, measures are taken to ensure that the service is delivered within budget.

3.5. Legal Implications, Access to Information and Call In

- 3.5.1. No identified issues.

3.6. Risk Management

- 3.6.1. There are no risks identified in this report.

4. Recommendations

- 4.1. Members are recommended to note the report and to receive a further performance report in six months' time.

Development Management Annual Report 2017-18



1. Introduction

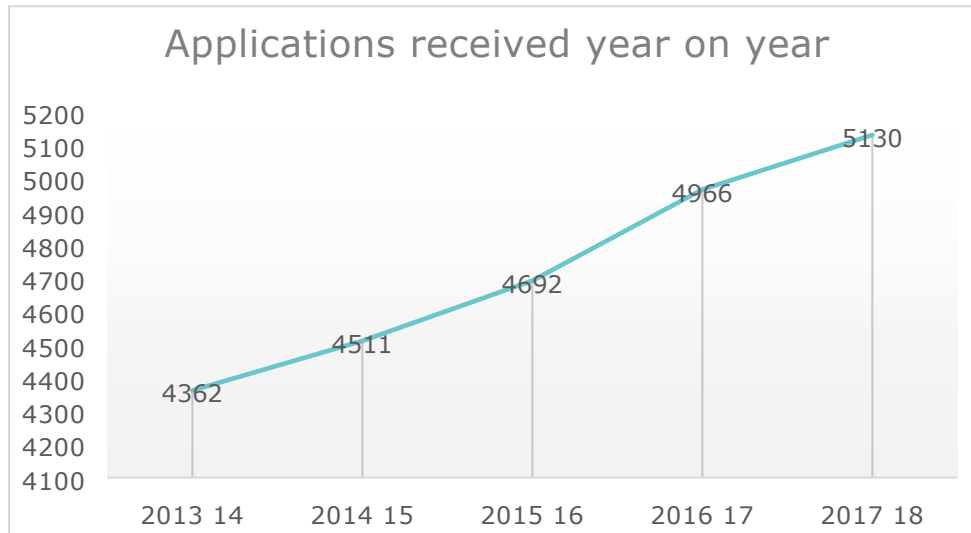
- 1.1.** In 2017-18, application workload increased again for the sixth successive year, breaching the 5,000 mark for the first time since the economic downturn in 2008. This has coincided with the ongoing position of a number of planning officer vacancies and two further planning officers leaving the 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 2017 ¹ show that Leeds has the highest number of 578 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

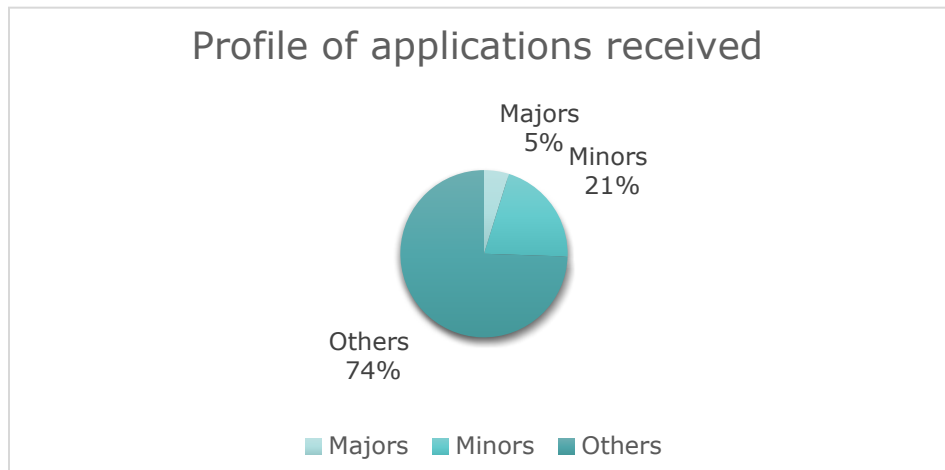
<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

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

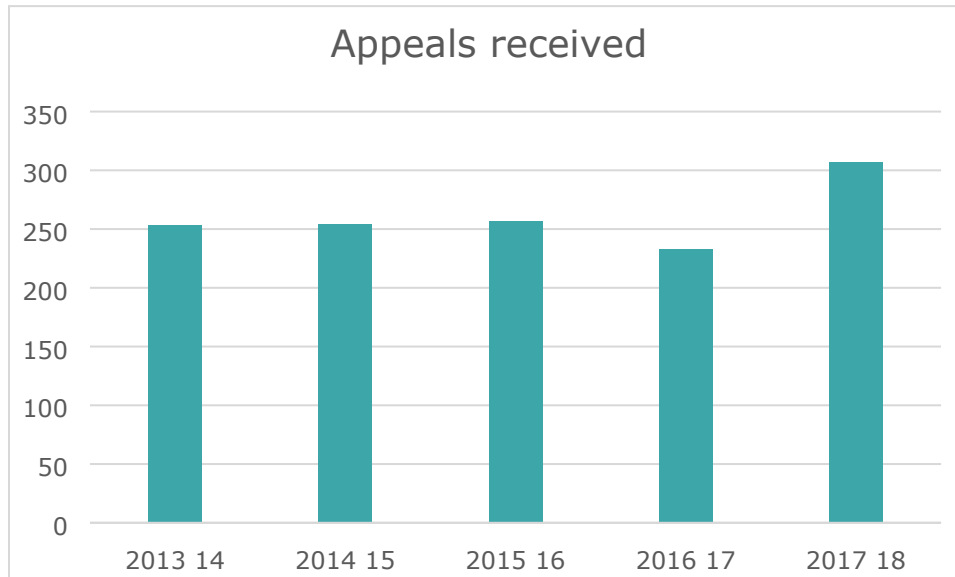
Year	Decisions	Decisions contrary to officer rec (as a % of the total no of Panel decisions)	Appeals Against Refusal	Dismissed	Allowed	Costs awarded
2017-18	119	4 (3.3%)	3	2 1 in progress		
2016-17	105	11 (10.4%)	3	1	1	0
2015-16	127	4 (3%)	2	0	1	0
2014-15	191	14 (7%)	9	4	5	0

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 aparthotel 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

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 provide 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.

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Report author: Helen Cerroti

Tel: 0113 378 3999

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26 July 2018

Subject: Publishing public representations on Public Access

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 Data Protection Act 1998 has been replaced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and came into force on 25 May 2018.
2. The new legislation significantly strengthens provisions on the protection of individuals' personal data; it has a wider definition of what is considered personal data and there are stricter rules for handling sensitive personal data. This has implications for any organisation or service which collects and stores personal data.
3. Under the Act, there is a lawful basis for Leeds planning services to collect personal data, however, a key principle of GDPR is that organisations process personal data securely by means of 'appropriate technical and organisational measures' and requires organisations to ensure the confidentiality and integrity of systems and services and the personal data processed within them. Work has been undertaken ensuring privacy statements informing the public how the service will securely store and use their personal data in relation to services they apply for, but in relation to public comments made on Public Access, the Planning Register, such assurances cannot be given for the current process.

4. A recent case investigated by the Information Commissioner's Office in 2017 into Basildon Council's planning department handling of personal information resulted in a £150,000 fine. This combined with the new legislation has led to planning services reviewing its processes in relation to publishing online comments made by the public on planning applications.
5. The service wishes to cease publishing comments online and instead make them available on request; the service is under no legal obligation to publish the comments online.
6. Whilst the service recognises that customers will not be immediately able to look at other people's comments, this does not in any way prejudice them from making their own personal comments. A process will be advertised and promoted so the public will be aware of the new changes and how to request comments on applications through the Council's Public Access website.
7. There will need to be significant changes to the process and current customer communications, so it is likely that this will take effect from autumn 2018.

8. Recommendations

- 8.1. Members are recommended to note the report and provide comments as appropriate.

1. Purpose of this report

- 1.1. This report is to inform members of the new process the service intends to implement in relation to online publishing of public comments made on planning applications as part of the notification process.

2. Background information

- 2.1. General Data Protection Regulation (GDPR) came in to force on 25th May 2018. The aim of GDPR is to ensure that personal data is stored with consent, for a specified purpose and for a duration that is in keeping with the reason for obtaining the data in the first place.
- 2.2. GDPR requires a raft of control measures around processing of personal data; personal data is defined in the GDPR as any information relating to an person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.
- 2.3. Under GDPR there are six lawful basis in order to process personal data, these replace and mirror the previous requirement to satisfy one of the 'conditions for processing' under the Data Protection Act 1998. However, the GDPR places more emphasis on being accountable for and transparent about the lawful basis for processing. Planning services lawfully can rely on the new 'public task' basis for most processing and the service has been writing privacy notices which will be included on communications with individuals, which describe the lawful basis for processing their personal data.
- 2.4. The GDPR requires that there are suitable processes defined and in place in case of a data breach. Depending on the severity of the breach, the legal obligation to report a data breach (of identifiable or un-pseudonimised data) within 72 hours.
- 2.5. The GDPR also requires that services undertake an analysis of the risks presented by processing and use this to assess the appropriate level of security needed to put in place to ensure data security.
- 2.6. The maximum sanction for non-compliance with the GDPR is 20,000,000 Euros or up to 4% of annual worldwide turnover (based on figures from the preceding financial year), whichever is the greater.

3. Main issues

- 3.1. The implementation of GDPR has 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 public task test provides the legal basis which allows the use of data enabling the service to perform its statutory function and the processing is necessary for the service to perform a task in the public interest.

- 3.2. A key principle of GDPR is that organisations process personal data securely by means of ‘appropriate technical and organisational measures’ – this is the ‘security principle’. Doing this requires considerations of risk analysis, organisational policies, and physical and technical measures and taking into account additional requirements about the security of processing information.
- 3.3. The strengthened GDPR provisions and a recent case in Basildon County Council has highlighted the importance of information governance and data security.
- 3.4. The case was in Basildon Borough Council who were ordered on 31st May 2017 by the Information Commissioner’s Office (ICO) 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.
- 3.5. The ICO’s investigation found that the council received a written statement in support of a householder’s planning application for proposed works in a green belt. The statement contained sensitive personal data relating to a static traveller family who had been living on the site for many years. In particular, it referred to the family’s disability requirements, including mental health issues, the names of all the family members, their ages and the location of their home.
- 3.6. The council published the statement in full on its online planning portal later that day without redacting the personal data. The ICO investigation found that this was due to failings in data protection procedures and training. The information was only removed on 4 September 2015 when the concerns came to light.
- 3.7. The Council argued that whilst it did redact personal data from planning documents – names address etc, (the same process as Leeds currently does) it was required, under planning law, to publish all planning comments in the public domain. This argument was rejected by the ICO which said planning regulations could not override people’s fundamental privacy and data protection rights. The ICO also noted that publication of planning documents online was a choice and not a legal requirement.
- 3.8. In light of this case and the GDPR, planning services having reviewed current processes and policies considers that, as planning comments can currently be placed on the Council’s online planning register, Public Access, without being vetted by the authority, the Council is at risk of a similar data breach.
- 3.9. Published Public Access comments do not include information such as email address and signatures etc, but have the potential to include such information in the main body of the representation. Comments are automatically available online as soon as a customer submits them and even if there was a way to place comments in a temporary off line position, it would not be possible due to current resource pressures for staff to vet every comment received. Comments received in hard copy have personal information, email and telephone numbers and signatures redacted, but the main body of the comment is not scrutinised and could include personal information. Again, there isn’t the resource to vet each representation prior to publishing.
- 3.10. Therefore in order to mitigate the risk of disclosure of personal information, the service wishes to cease publishing any comments on Public Access and instead make comments available for public inspection on request (as required by planning law).

- 3.11. A process will be developed whereby customers are able to request to view comments on particular applications and these comments will then be made available, appropriately vetted and redacted on Public Access. This proposed solution is already operating successfully in other Local Planning Authorities. The change will be widely advertised and promoted as this represents a significant change to the current process and whilst it is accepted that this will prevent members of the public from immediately inspecting comments, the service believes this decision will not ultimately impact on the transparency of the planning process or adversely impact on the ability of an individual to make their own comment. The important issue is that the change in process will safeguard that only valid planning comments are made publicly available, and that these comments do not contain personal information or perhaps libelous comments.
- 3.12. The new process will be monitored to ensure there are no unintended consequences of making this change, however it is inarguable that the risk of a breach and the consequential fine and reputational damage will mean that these measures are the best solution to mitigate the risk of occurrence.
- 3.13. Once planning applications have been determined, there is no legal obligation to make comments available for public inspection and this is currently the practice in Leeds. In addition, once the time period for appeal to the Planning Inspectorate or judicial review has expired, both the Data Protection Act and GDPR necessitate that any personal information is destroyed. Nevertheless, if the authority does receive a request to review documents after determination, and if these are still held by the authority, this request will be considered under the Environmental Information Regulations and a response provided to the customer within 20 working days (with redactions to personal data being made as required).

4. Corporate Considerations

4.1. Consultation and Engagement

- 4.1.1. The Executive Member for Regeneration, Transport and Planning, Plans Panel Chairs Development Plan Panel Chair and the Joint Member Officer Working Group have all been consulted on this proposal. Whilst there is some concern about the change, it is accepted that the risk of a breach could be significant. Members have asked that a robust and clearly advertised process is put in place so that members of the public can easily request comments, in the interests of transparency.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality impact assessment will be carried out for this change.

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.

4.4 Resources and value for money

4.4.1 Current resourcing levels and functionality of the Public Access software prevent the redaction and vetting of comments prior to placing online, putting the Council at risk of a breach and disclosure of personal information by publishing unvetted comments on Public Access. The proposed solution is one which can be met from existing resources.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The measures identified ensure we are complying with legislation and good information governance.

4.6 Risk Management

4.6.1 There are risks of a breach of personal information under the current process. The measures outlined in the report seek to mitigate the potential risks.

5. Conclusions

5.1. The GDPR forms part of the data protection regime in the UK, together with the new Data Protection Act 2018. The strengthened rules around the storage and security of personal data has led the service to look at the risk of a breach in regards to comments made on Public Access, in light of the recent ICO ruling on Basildon Council. As a consequence the way to mitigate this risk is by no longer publishing comments online, but instead making them available on request. The council legally does not have to publish comments online

5.2. The new process does not prevent anyone from making comments about applications and therefore it does not reduce the important input of local people having their say about applications. Importantly, the change to the process will safeguard that only valid comments are made publically available and that these comments do not contact personal information or libelous information.

5.3. Work will be carried out to ensure that customers and members of the public are aware of the changes and a clear process is put in place to enable requests for information to be made easily.

6. Recommendation

6.1. Members are recommended to note the report and provide comments as appropriate.

7. Background documents



Report author: Helen Cerroti
Tel: 0113 378 3999

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26 July 2018

Subject: Planning Charter

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. 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.
2. Arising from this meeting was an agreement that a planning charter would be developed; this would be a joint piece of work between the Council and the Chamber of Commerce, with all parties agreeing to a number of promises and ambitions.
3. A draft protocol has now been produced in collaboration with representatives from the Chamber of Commerce and has been shared with the Joint Member Officers Working Group and the Chamber of Commerce and some of its sub groups. This draft protocol is now presented to the Joint Plans Panel for consultation and comment.
4. Whilst the document does not have any legal status, it is not an adopted document within the Local Plan, it seeks to provide a positive context for delivering planning and good growth in Leeds, to which all parties have made a commitment.

Recommendations

5. Members are recommended to note the report and provide comments on the protocol as appropriate.

1. Purpose of this report

- 1.1. This report is to update members on the progress of the draft planning protocol which was agreed to be developed between the Council and the Leeds Chamber of Commerce. The draft protocol is attached for member consultation and comments.

2. Background information

- 2.1. As part of the ongoing commitment to service improvement to support the Council's ambitions, planning services has been developing a relationship with the Leeds Chamber of Commerce over the last few years.
- 2.2. In June 2017, the service facilitated a meeting between elected members and representatives of the Chamber of Commerce to discuss ways to make planning work more efficiently in the city. Whilst the Chamber fielded developers from all sectors, discussion inevitably focussed 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.
- 2.3. An action from the session was to produce a "planning charter", a series of promises/ ambitions adhered to by both the development industry and the local authority, which all parties make a commitment to abide by.
- 2.4. Work has been ongoing over the last few months to produce a draft version working with two representatives from the Chamber, one representing the volume house building sector the other from a commercial planning agent. A draft was shared for consultation at the Chamber Housing Forum meeting in mid May 2018, and more widely with the Chamber Planning Group, House Builders Federation and Developers Forum later that month. The draft was received positively, with some comments for the service to consider.
- 2.5. The draft was also shared with the Joint Member Officer Working Group for member comment and consultation, where again it was received positively, subject to some small amendments.
- 2.6. The draft protocol is attached to this report for wider member comment.

3. Main issues

- 3.1. The protocol is a series of ambitions for both the local planning authority and the development industry to sign up to and work towards. For the LPA the "asks of us" centre around communication, consistency of approach and timeliness, the asks of the development industry are mainly around quality of submissions and adherence to policy and where this cannot be achieved being up front about where the short falls lie and engagement with local members and communities.
- 3.2. There is some work to be done to ensure that the pledges the service has signed up to can be met, but in part this will be achieved when the service is up to establishment following the next round of recruitment, but there is also some work to be done with consultees to ensure quality and timely responses and reviewing

the officer member communication protocol (agreed by Joint Plans Panel in 2013, and updated in 2016) ensuring that the provisions in that document dovetail with the proposed planning charter.

3.3. Following this engagement with the Joint Plans Panels, a final draft will be produced and shared with the Chamber of Commerce and thereafter, the protocol will be implemented.

3.4. Whilst the documents does not have any legal status, it has been encouraging that there has been developer buy into the process and to the protocol.

3.5. The success of the protocol will be monitored and a review of it will be carried out after 12 months operation.

4. Corporate Considerations

4.1. Consultation and Engagement

4.1.1. This report is presented for information and comment

4.2. Equality and Diversity / Cohesion and Integration

4.2.1. There are no Equality and Diversity / Cohesion and Integration issues.

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.

4.4. Resources and value for money

4.4.1. The promises made in the document will require some work by the service to ensure they can be fully achieved, and this will require amendments to internal processes and revisiting of current protocols; this will be met from within existing resources. If the document is successful in all it sets out to achieve, it will aid transparency, involvement and expeditious decision making.

4.5. Legal Implications, Access to Information and Call In

4.5.1. No identified issues.

4.6. Risk Management

4.6.1. There are no risks identified in this report.

5. Conclusions

5.1. The work carried out so far on the protocol has been done in a positive spirit, with the development industry being engaged and having considerable input. The promises being made by both the Council and the development industry means it has the potential to aid transparency, involvement, increase certainty and facilitate

expeditious decision making, at the same time allowing the Council to meet its aspirations and ambitions through the promotion of good economic growth and place making.

5.2. The comments received from members today will be feed into the process and a final draft will be produced. The protocol will be monitored and reviewed after 12 months operation, to ensure that it is working in the way it was intended to.

6. Recommendations

6.1. Members are recommended to note the report and provide comments on the protocol as appropriate.

7. Background documents¹

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.



DRAFT Planning Protocol

Delivering Growth Working Together





Introduction

It has been a time of significant change for Leeds in recent years: Leeds has the largest centre outside London for financial and business services, digital, creative, publishing and broadcasting; the second highest concentration of knowledge intensive jobs. The Council's ambitious Core Strategy sees a commitment to delivering thousands of new houses whilst retaining the focus on building strong and vibrant communities with the emphasis on good place making and high quality homes.

This sustainable growth can only happen if the right development comes forward in the right place at the right time and works successfully if there is collaboration between the Council, local communities and developers to secure that growth.

This planning protocol therefore is the result of a joint venture between Leeds City Council and the Leeds Chamber of Commerce and sets a commitment to working together. It builds on the existing good practices of engaging with communities and front loading the planning process and aims to provide a more proactive approach in delivering the good growth needed in Leeds.

Our Pledge

Together we aim to work successfully together to deliver growth within the Leeds City Council area through the planning process.

#1

Commitment to Service Improvement

- ✓ The Council will continuously try to improve planning services by engaging with the development industry through workshops, meetings, forums and reviews to meet this aspiration.
- ✓ The Council will deliver training to elected members and in particular members of the Plans panel to support quality, and timely decision making. The Council will look for innovation and seek out best practice from other authorities to improve the development management process in the interests of expeditious decision making.
- ✓ The Council will invest in its staff, providing them with support and training to ensure competency and ensure their skills and knowledge is current.

#2

Effective Communication and Engagement

- ✓ The Council will strongly encourage pre-application engagement at the initial stages in the formulation of a project to identify issues early on. This will include the promotion of Planning Performance Agreements where appropriate to ensure greater clarity of the level of service and timeliness from pre-application through to delivery on site.
- ✓ Developers should take into account pre-application advice given by officers; if an application is subsequently submitted which significantly fails to meet the pre application advice, the council retains the right to refuse without further discussion.
- ✓ Developers will submit clear, evidenced, good quality pre-application enquiries and applications. This will ensure that development proposals are made with sufficient and accurate supporting information and are well-presented, enabling Council Officers to efficiently manage the application through the planning system for determination within the statutory or agreed period.
- ✓ The Council will provide direct dial phone numbers for planning case officers so developers can speak directly to the right person.
- ✓ The Council will ensure that planning case officers keep applicants updated with information about their pre-application and applications in a timely manner to facilitate greater common understanding and consensus on planning matters.
- ✓ The Developers and Agents, where appropriate, will be provided with an opportunity to engage with elected members, through briefings at the pre-application stage and to address the Plans Panels at pre application presentations, at the position statement stage and at final determination.
- ✓ Developers will engage early and openly with the community, amenity groups, neighbourhood planning forums/groups and where relevant, Town and Parish Councils in line with the advice from the planner and the Statement of Community Involvement, both at pre-application stage and when planning applications are made. Developers will demonstrate in supporting documentation of any subsequent planning application, how the responses to this local engagement have been taken into account and have shaped the scheme.
- ✓ Developers will continue to engage with the community through the implementation stage to ensure residents and relevant groups are kept informed of demolition and/or construction stages where appropriate.

- ✓ The Council will provide a mechanism to escalate issues to senior officers when agreed timescales and actions are not being met in the interests of expeditious decision making.
- ✓ For larger and more complex proposals, the use of Planning Performance Agreements (PPAs) will be encouraged, to achieve a more project managed approach from pre-application, through to the application process and discharge of conditions.
- ✓ All parties will engage positively and proactively with consultees to ensure that all considerations are addressed at an early stage.
- ✓ The Council's internal consultees will provide clear consistent advice on applications and at pre-application in a timely fashion.
- ✓ Developers will provide policy compliant proposals and where this is not achieved, this shall be evidenced and justified clearly at submission. The information will be in a clear and accessible format, provided within agreed timescales.
- ✓ Developers will provide and pay for a viability assessment where relevant, which will be independently assessed.
- ✓ Wherever possible developers will provide Draft Heads of Terms for the Section 106 agreement at the pre-application stage using the Council's Draft S106 Template, or if not at submission of the application.
- ✓ All parties will seek to negotiate and conclude Section 106 agreements using the Council's Section 106 template so that planning permissions can be granted without unreasonable delay through agreed timescales.
- ✓ The Council will seek to minimise the number of pre-commencement conditions requiring the submission of further details and agree conditions prior to issuing a decision.
- ✓ Developers will provide comprehensive, high quality supporting information, reducing the need for conditions on those aspects.
- ✓ Developers shall submit the relevant, high quality information with discharge of conditions applications so they can be discharged expeditiously.
- ✓ All parties will seek to develop a better shared understanding of design quality standards, and, where appropriate, to engage in a design review process with the Council, at the earliest stage.

Monitoring

This protocol sets out a shared approach to development by the Chamber of Commerce and Leeds City Council and will review annually the implementation and effectiveness of the Protocol and share best practice that emerges from such reviews.





Report author: Helen Farrer

Tel: 0113 3788064

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26th July 2018

Subject: Leeds Planning Enforcement Plan

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

1 Summary of main issues

- 2 Paragraph 207 of the National planning Policy Framework recommends that Planning authorities should secure an enforcement plan to manage enforcement proactively and set out how cases will be investigated and actioned . It states “ *Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so*”
- 3 The attached draft report outlines the key considerations for the enforcement service in Leeds. It sets out the main procedures and principles the service will adopt to regulate development and its priorities for investigations. It gives guidance on what we can do and the timescales for doing so and also how we balance the demands on the service with the resources available.

- 4 The report is presented to Joint plans Panel Members for endorsement and agreement to the plan as a working document for the service.

5 Recommendations

- 6 Members are asked to agree the plan as a working document for the planning compliance service.

7 Corporate Considerations

7.1 Consultation and Engagement

- 7.1.1 The Joint Member Officer Working Group, a cross party group of members, comprising the Plans Panel Chairs, Development Plans Panel Chair, Executive Board Member and representatives from the other political parties have been briefed on the emerging plan.

7.2 Equality and Diversity / Cohesion and Integration

- 7.2.1 There are no specific equality considerations directly arising from this report. However, an equality impact assessment will be carried out on the Local Enforcement Plan prior to adoption as a working document.

7.3 Council policies and the Best Council Plan

- 7.3.1 The service makes a key contribution in the regeneration of the city and to the delivery of housing growth, a priority in the Best Council Plan and one of the Breakthrough projects. The Local Enforcement Plan sets out our policy and procedure for enforcing planning control in the city, ensuring the Council's enforcement resources are put to the best use in dealing with breaches of planning control that threaten the quality of the local built and natural environment or the amenities of residents. The planning system operates to regulate development and the use of land in the community's interest having regard to the development plan and other material planning considerations. The effective and proper enforcement of planning control is essential to maintain public confidence in the planning system.

7.4 Resources and value for money

- 7.4.1 There are no specific implications arising from this report. However, measures are being taken to ensure that the service is delivered within the present financial climate and close monitoring occurs of the budget.

7.5 Legal Implications, Access to Information and Call In

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

7.6 Risk Management

- 7.6.1 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.

Local Enforcement Plan

1. Purpose of the Plan

- 1.1 This document aims to help you get the best out of the Development Management Compliance Service. It sets out the main principles and procedures the Council will adopt to regulate and monitor development and how it will communicate with service users, prioritise cases coming into the service and the range of options and actions available to us to remedy any given situation.
- 1.2 The purpose of the planning enforcement plan is to assist the residents of Leeds and to ensure that appropriate development is undertaken which helps preserve the environment and maintains confidence in the planning system. The enforcement service investigates breaches of planning control and seeks to deal with them in a positive way that maintains the environment and special character of areas. In order to give the best possible service, it is vital that we give clear guidance on what we *can do* and how we balance demands on our services against the resources available to us.

2.0 Introduction

- 2.1 Leeds is a vibrant city with a strong economy that aims to protect its environment. The city and district is a rich and varied place with a distinctive settlement hierarchy. The main urban area covers nearly a third of the district and includes the city centre, inner city and outer suburbs. The rural parts of Leeds have a variety of individual characters and identities and include larger settlements such as Wetherby and Otley as well as several smaller towns and villages. The heritage of the historic buildings and public spaces across the Leeds District linked with its noticeable green environment helps give the city its unique character.
- 2.2 Planning laws and policies are designed to control the development and use of land and buildings in the public's interest. They are not meant to protect the private interests of one person against the activities of another. The relevant background legislation to these powers is contained primarily within the Town and Country Planning Act 1990 (as amended) the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended). This legislation is supported by Government advice, which includes the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 2.3 It is important to note that the authority will not always take action when there is a breach of planning control. Government advice requires us to consider the expediency of doing so and the harm being caused by the breach. The advice is clear that action should not be taken solely to regularise a matter that is acceptable and would gain planning permission. (see Para 4.4)

- 2.4 From the information we give below, we hope that you will be able to measure our performance and decide if we have met our own demanding standards. Should you be unhappy with our performance, we hope that Council officers can rectify any problems or explain why we cannot meet your expectations.

3.0 Enforcement

- 3.1 Development is sometimes carried out without planning permission or does not properly follow the detailed plans which have been approved by the Council. Cases such as these can cause serious harm to the way in which people live. Residents and businesses have a right to expect that harmful activities are dealt with effectively.
- 3.2 Certain types of building works or changes of use however are defined as 'permitted development' meaning that an application for planning permission is not required. Whether or not planning permission is required depends on several factors and these are detailed in the Town and Country Planning [General Permitted Development] Order 2015. Help in understanding 'permitted development' can be found in booklets published by the Department for Communities & Local Government and via the Planning Portal. <http://www.planningportal.gov.uk/permission/>
- 3.3 Planning enforcement can only be considered where the Building Work or Material Change of Use being undertaken requires planning permission. An initial investigation by the enforcement officer will seek to determine this. There are a number of other situations that can be considered for planning enforcement which includes:

- Unauthorised display of advertisements;
- Unauthorised works to protected trees;
- Unauthorised work to buildings listed as being of special architectural or historic interest;
- Unauthorised demolition of certain buildings within a Conservation Area;
- Unauthorised storage of certain quantities of hazardous materials;
- Land that is in such a poor condition that it adversely affects the amenity of the area.

- 3.4 The term used to describe such cases is, 'breach of planning control.' There can be many reasons why a breach of control has occurred ranging from a simple oversight or lack of knowledge to a deliberate attempt to secure development that is unacceptable. These factors are all considered in deciding how to prioritise cases coming into the service.

4.0 Expediency

- 4.1 The National Planning Policy Framework stipulates that "effective enforcement is important as a means of maintaining public confidence in the planning system" Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control." It is important that the public have confidence in the planning system. The enforcement service investigates possible breaches of planning control and seeks to deal with them in a positive way either through negotiation or direct action.

- 4.2 Planning laws are designed to control the development and use of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another.
- 4.3 Carrying out work or changing the use of land or buildings without planning permission is not a criminal offence. In most cases the Council will give the owner an opportunity to apply for retrospective planning permission. However, where serious harm is being caused, the Council will take firm action quickly.
- 4.4 The Council must operate its enforcement activities within Government guidelines and in accordance with Council policy. This means that:
- The Council must decide whether the breach of control unacceptably affects the quality of life or amenity of an area;
 - Action should not be taken just because development has started without planning permission;
 - The Council does not always have to take action but the particular circumstances of the case should always be considered;
 - The council will not normally take formal action against a minor breach of control that causes no real harm simply to ensure the submission of the necessary applications.
 - **However:** Enforcement action will be taken quickly when it is necessary

5.0 Harm

- 5.1 Harm resulting from a breach of planning control could concern amenity or highway safety issues and include noise nuisance, loss of daylight or privacy, or danger from increased traffic flows. Harm to the visual amenity of an area could occur for example through unauthorised work to: - a listed building, demolition within a Conservation Area or work to a protected tree as well as on going building works and operations.
- 5.2 Once the alleged breach has been investigated and it has been established that harm is being caused, action may then be taken.
- 5.3 In dealing with planning enforcement matters and decisions to take action we will always have regard to :
- Objectives of the development plan comprising the Core Strategy and Site Allocations Plan by ensuring that unauthorised development does not undermine the purpose and credibility of its policies and proposals;
 - Planning permissions and consents by ensuring that developments are largely in accordance with approved plans, conditions and obligations;
 - Protection of listed buildings, conservation areas, protected trees and other scheduled sites in the built and natural environment;
 - Protection of residential amenity from undue disturbance resulting from commercial activities and from inappropriate domestic and commercial buildings e.g. noise, dust, overshadowing, loss of outlook;

- Where serious harm is being caused, enforcement action will be swift and proportionate to remedy the effects of the breach of planning control.

Harm would **not**, for example, include:

- loss of value to a neighbouring property;
- competition to another business;
- loss of an individual's view or trespass onto someone else's land;
- Party wall issues;
- Private civil issues relating to for example covenants or maintenance of private roads.

5.4 It may be possible to address issues such as these by way of civil action although this is a matter for the individual to pursue and is not an area where the Council would be involved.

6.0 New Complaints and Cases

6.1 Anyone who believes that a breach of planning control has occurred can make a complaint. Except for urgent cases, all complaints should be made preferably by e mail to planning.enforcement@leeds.gov.uk or alternatively in writing. Complainants who have difficulty writing down their concerns can contact the Development Enquiry Centre for assistance (see useful contacts). Please be prepared to identify yourself so that your complaint may be investigated and give as much detail as possible including the address and the nature of your concerns. It is often not possible to investigate anonymous complaints due to lack of witnesses or evidence. Where a retrospective application for permission is made to regularise unauthorised development, publicity and consultation will be carried out, and people given the opportunity to comment before a decision is taken.

6.2 In urgent cases please contact the Development Enquiry Centre (Tel 2224409) and give as much detail as possible of your concerns. If you also raise your complaint with a Councillor, please advise them of any contact you may have had with the Compliance Service and give them the name of the officer you have spoken to or who is dealing with your complaint where possible.

All initial complaints are dealt with in confidence and details of the complainants will not be made known without their agreement. However, the substance of the complaints themselves is not confidential. In some cases it may be necessary to rely on evidence from complainants in order to take action and you will need to consider whether you are willing to actively assist the Council by collecting evidence and acting as a witness at an appeal or in Court. The Council's Enforcement Service will explain what may be required of you in these cases.

7.0 Expectations – What happens to your complaint?

7.1 Written complaints will normally be acknowledged within 3 days of receipt and each case will be individually assessed on its merits. You will be informed of the name of the Enforcement Officer who will be dealing with your complaint. The officer will then check the council's records, inspect the site and interview witnesses if needed in order to establish whether a breach of planning control has occurred. You will receive an update once these initial checks have been undertaken which will advise how the case is likely to progress. If a breach has occurred that is harmful the

person responsible may be asked to put it right, either by the making of a planning application or by stopping the unauthorised work. If this approach fails, the Council can then consider taking formal enforcement action. The Council may prosecute offenders who do not comply with an Enforcement Notice.

- 7.2 Where the Council decides not to take formal enforcement action or no breach of planning control has taken place, the complainant will be notified by e mail or in writing of the reason for the Council's decision. These matters would mainly relate to development that would be granted planning permission without conditions.
- 7.3 Where it is decided to take enforcement action in response to a breach of planning control, the council has a range of statutory powers available to it to seek information about, and to remedy the activities being undertaken and the persons involved. Wherever possible, except in the most serious circumstances we will seek to engage with landowners to address matters without the need for a formal notice. This is often more successful, quicker and economical than formal enforcement options. When this has failed, the council can serve statutory notices setting out what actions are required to remedy the breach of planning control and when necessary take prosecution action, seek court injunctions and undertake works in default.
- 7.4 There are statutory time limits within which enforcement action must be taken or the breach becomes immune and the unauthorised development is then lawful. For example, enforcement action cannot be taken against building works or the change of use of a building to a single dwelling, including the subdivision of a house into self-contained flats, if the development took place more than four years ago. The time limit in respect of other changes of use or the failure to comply with planning condition is ten years. There is no statutory time limitation on taking action against works to listed buildings.

8.0 Priorities and Timescales

- 8.1 Within the service there are 3 categories of complaint depending on the alleged breach of planning control.

Priority 1 where there is a likelihood of irreparable harm occurring, the site will be visited within 1 working day of the complaint. This includes works to protected trees, listed buildings and demolitions within a conservation area as well as other works that are considered to be causing immediate and irreparable harm to the amenity of an area.

Priority 2 where there is a significant nuisance or impact on amenity, we will aim to visit within 5 working days.

Priority 3 This relates to less urgent cases and we will aim to visit within 20 working days.

- 8.2 The table below identifies the order of enforcement priorities that will generally be applied to cases coming into the service:

1	A	High	Unauthorised works (including alteration, partial demolition or demolition) to a Listed Building or a building within a Conservation Area
1	B	High	Unauthorised works to trees that are protected, either by a Tree Preservation Order or by virtue of the tree being situated within a Conservation Area, or involving works to a hedgerow that is protected by law
1	C	High	Any other unauthorised development which in the opinion of the local planning authority causes irreversible and serious demonstrable harm or presents an immediate and serious danger to the public.
2	D	Medium	Unauthorised development/activities within the green belt, a Site of Special Scientific Interest, within a Conservation Area, within an Area of Article 4 Direction or within any other national or locally-designated site of nature conservation
2	E	Medium	Any unauthorised development/activity or breach of a planning condition which in the opinion of the local planning authority causes demonstrable, continuous harm to the locality, or the living conditions of local residents
2	F	Medium	Unauthorised advertisements which have a detrimental impact upon public/highway safety or visual amenity
2	G	Medium	Unauthorised development where the time limit for pursuing enforcement action might expire within 6 months (excluding categories above)
3	H	Low	Technical breaches of planning control that marginally exceed permitted development rights
3	I	Low	Minor variations from approved plans that do not, in the opinion of the local planning authority, appear to cause demonstrable harm to the locality or the living conditions of local residents
3	J	Low	Unauthorised advertisements that in the opinion of the local planning authority, lie outside any of the categories listed above.
3	K	Lowest	Minor unauthorised development that would be likely, in the opinion of the local planning authority, to receive retrospective planning permission or would result in formal enforcement action not being instigated.
3	L	Lowest	Complaints that are made anonymously

8.3 These priorities can change should further information be received or the initial site visit raise further issues. In a number of cases it will sometimes be necessary to undertake further monitoring to build up a picture of the nature and scale of the problem. We will on occasion ask complainants to assist us in this process by keeping log sheets over a period of time.

9.0 What factors will we take into account?

9.1 Following an initial visit we will assess what has taken place and if there is a planning breach decide the following:

- What is the planning harm – how serious is it ?
- Would it be likely to be granted planning permission (with or without conditions)?
- Is it a minor breach (technical) or more serious?
- Can we resolve it simply by negotiation or modification?
- Is action needed quickly because the development or activity is harmful and not acceptable?

9.2 The decided actions will need to be proportional to the breach and balanced with the available resource. Dealing with enforcement cases can be a lengthy and complex process. The different types of enforcement cases vary considerably in complexity as does the time taken for their resolution.

9.3 If the investigations indicate that a breach of control has occurred that justifies enforcement action an Enforcement Notice will be served. The Notice takes a minimum period of 1 month to come into effect during which time the person(s) served with the notice can appeal against it to the Secretary of State for Communities & Local Government via the Planning Inspectorate. An Enforcement Notice may be quashed or revised by the Planning Inspector appointed by the Secretary of State.

9.4 Where an appeal is lodged the Council can take no further action until the appeal has been decided. It is not unusual for the appeal process to take several months. If a person decides to appeal against an enforcement notice; this will add to the time taken to resolve the case. In consequence it is not possible to give a standard time for dealing with enforcement cases.

9.5 An Enforcement Notice specifies the time period needed for compliance. This period will take account of the steps required to comply with the Notice and will set a practical and reasonable period for their completion. However, if someone does not comply with a notice in the stated time period they may be prosecuted with the possibility of being fined by the Courts.

9.6 Where a breach of control is causing serious harm to public amenity in the neighbourhood of a site the Council can seek immediate remedial action. This action may involve the serving of a Stop Notice when an Enforcement Notice has already been issued. Temporary Stop notices may be served when an immediate cessation of the harmful activity is required, usually before an enforcement notice comes into effect. They can only last a maximum of 28 days and may only be served once.

9.7 It is helpful to contact the Enforcement Service whenever you have any new information that the council needs to consider in handling the case.

9.8 Notwithstanding the above we will endeavour to provide you with regular updates regarding the progress of a case and will regularly review all our cases to ensure the most effective action plan is in place to secure a satisfactory outcome as quickly as possible.

10.0 Monitoring and Performance

- 10.1 We will seek feedback from our customers on the quality of service they have received by requesting feedback through an annual customer survey on 10% of our cases. We will undertake case reviews of all live cases at both seven weeks and 13 weeks and continue to do so every 13 weeks until the matter has been concluded. We will aim to first time visit 80% of all new cases within the timescales stated. For 50% of cases where there is an actionable breach to reach a key milestone in case progression by 13 weeks. Monitoring against targets will be undertaken on a quarterly basis against the above performance standards. We will also measure our success rates at enforcement appeals and prosecutions across the service.

11.0 What if someone complains about you?

- 11.1 If you are contacted about an alleged breach of planning control you are entitled to know what the allegation is (but not who made it), and have the opportunity to explain your side of the case. If you are not involved, no action will be taken against you. If you are involved, the Enforcement Service will advise you of the details of the breach and how it can be put right.
- 11.2 Your co-operation will be sought to correct the breach, either by removing or modifying the unauthorised development or by ceasing the unauthorised work. A reasonable period of time will be allowed for you to do this.
- 11.3 In some circumstances you may be invited to submit a retrospective planning application if it is considered that permission may be granted.
- 11.4 If you are running a business which is threatened by enforcement action, you will be helped to identify alternative premises so as to minimise the possible impact on the business. This does not mean that the enforcement action will be delayed or stopped.
- 11.5 If you are issued with an Enforcement Notice you will be given the precise details of the breach, the reasons for the action, the steps required to overcome the problem and the time period for compliance.
- 11.6 You may be served with a 'Planning Contravention Notice' that requires information concerning the development carried out. This Notice is used to establish the facts of what has occurred so that the Council can determine whether a breach of control has taken place, and whether formal enforcement action is appropriate. The implications of not completing and returning the Notice will be explained to you.

12.0 What to do if something goes wrong

- 12.1 If you feel that there is unreasonable delay, or an error in the way in which an enforcement investigation is being carried out, you should contact the Compliance Team in the first instance. They will investigate the matter, review the circumstances and advise you within 10 days about what action will be taken. If a matter requires further investigation, you will be advised of this at the time. If you are still dissatisfied with the service, then you can make a formal complaint – details of the procedure for which will be sent to you. Please remember that the complaints procedure does not apply to matters where there is a legal remedy or appeals process. You can, of course, contact your local Councillor at any time.

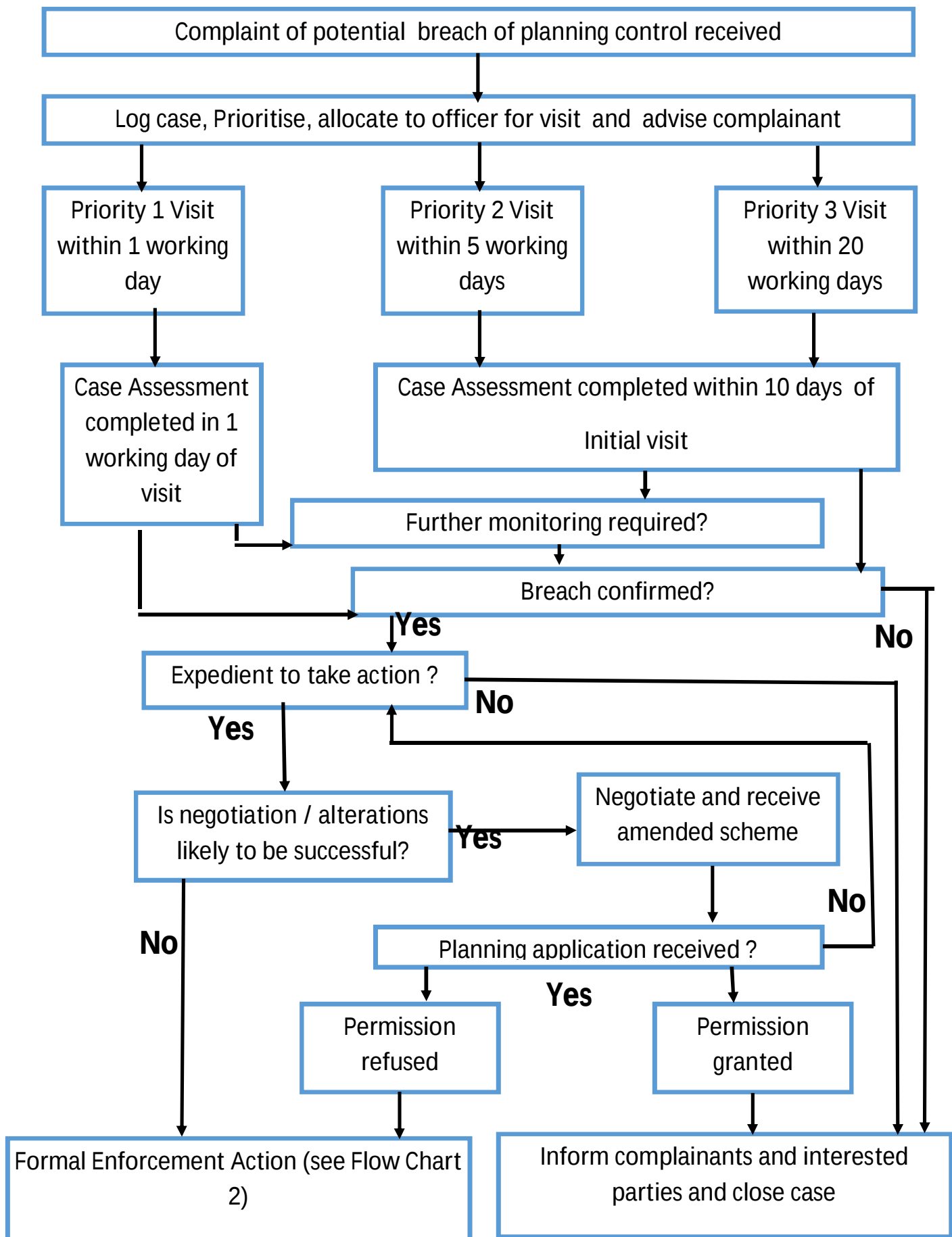
- 12.2 If you remain dissatisfied with the outcome of any investigation, you may complain to the Ombudsman and information on how to do this will be given to you by the Council. The Ombudsman will not normally deal with a complaint unless it has first been through the Council's own complaint procedures and deals only with aspects concerning the conduct of the investigation.
- 12.3 We always welcome constructive criticism and any ideas on how we can improve our services. Please contact us if you can suggest ways of improving the service.

Useful Contacts

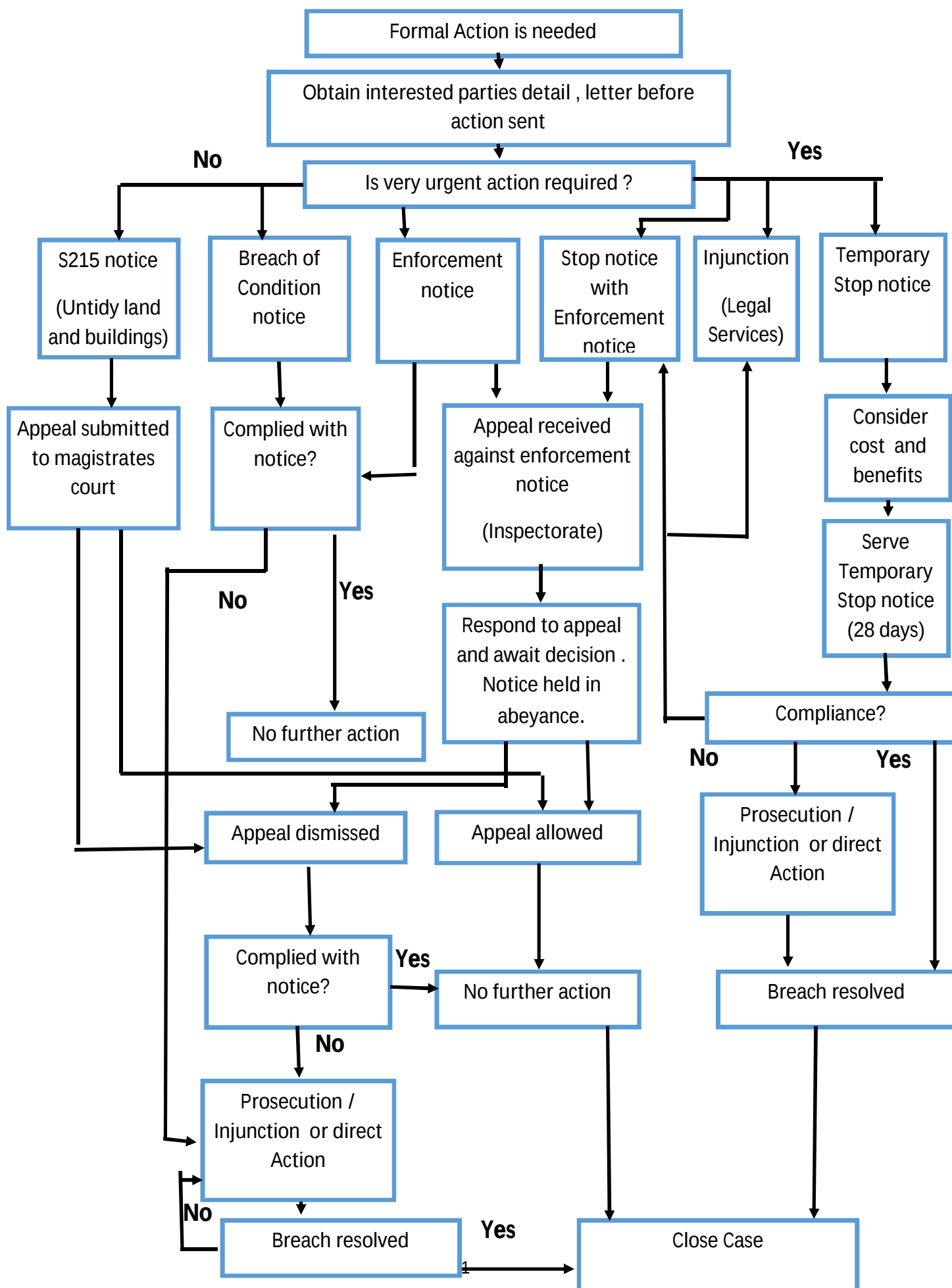
Planning.enforcement@leeds.gov.uk

Planning Compliance
Leeds City Council
Merrion House
110 Merrion Centre
LEEDS
LS2 8BB

Appendix 1— Planning Enforcement Process Flow Chart



Appendix 2 Planning Enforcement Formal Action Flow Chart



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Report author: Phil Ward
Tel: 37 87625

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26th July 2018

Subject: Buildings at Risk

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. A Building at Risk is a listed building at risk from neglect and decay rather than alteration.
2. The Buildings at Risk Survey is complete and it has found that 120 listed buildings are at risk which is 4.8% of the total of listed buildings in the city. 11 listed building have been removed from the register since the last report in 2017.
3. The City Council owns 15 Buildings at Risk.
4. The City Council is 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.

Recommendations

- 1 Note the contents of this report, in particular that work is progressing towards reducing the number of Buildings at Risk in the city.
- 2 Report to Derelict and Nuisance Sites Steering Group on the findings of the pilot Buildings at Risk survey.

3 Purpose of this report

- 3.1 To inform Joint Plans Panel of Buildings at Risk and the efforts that are being made to address this issue by securing emergency repairs and securing new uses.

4 Background information

- 4.1 A Building at Risk is a listed building at risk from neglect and decay rather than alteration. There is a standard methodology for identifying listed buildings at risk which allows the Council to track changes over time and also to draw comparisons with other authorities.
- 4.2 The Buildings at Risk Register at appendix A shows the listed buildings known to be at risk in the city. There are various actions that the Council can take to address disrepair ranging from partnership-working with owners to the use of statutory powers such as urgent works notices which allow the Council to carry out emergency repairs in default.

5 Main issues

5.1 Buildings at Risk Survey

- 5.1.1 The Building at Risk Survey is complete and provides a comprehensive and up-to-date picture of the condition of the City's listed buildings (reported below). The survey work has been carried out by volunteers under the joint management of the City Council and Leeds Civic Trust following a pilot study funded by Historic England and is the most ambitious project of its kind.
- 5.1.2 The completion of the survey and its results will be publicised along with the Council's strategy to improve their condition which will include an outreach programme with the owners of listed buildings highlighting the benefits of building maintenance.

5.2 Buildings at Risk Register

- 5.2.1 The Buildings at Risk Register at Appendix A (table 1) shows the 120 listed buildings known to be at risk, accounting for 4.8% of the total of listed buildings in the city. This is a net increase of 23 since last year's report which is a consequence of improved information from the Buildings at Risk Survey rather than a sudden worsening in the condition of listed buildings in the city since the last report in 2017. Nearly a third of the new entries are grave slabs in the church yard of St Mary on the Hill, Morley.
- 5.2.2 The eleven listed buildings removed from the register since 2017 (table 2 appendix A) also reflects, in part, improved intelligence from the Buildings at Risk Survey but also the culmination of several long term projects to find new uses for several buildings at Risk such as Mansion Gate, Chapel Allerton and York Road Library.
- 5.2.3 The City Council owns 15 Buildings at Risk (marked with a Y in the right hand column of the register). This is a decrease of one since last year due to the re-

assessment of The Mechanics' Institute, Otley, which is not considered to be at risk against the criteria used in the Buildings at Risk Survey.

5.3 Priorities

- 5.3.1 The “Big Five” priorities for 2018-2019 are set out in appendix B with a summary of progress so far. These are higher grade listed buildings (grade I and II*) which in some cases have significant regeneration potential for the surrounding areas.
- 5.3.2 Members have shown a keen interest in the First White Cloth Hall, one of Leeds' most important listed buildings. Since the last report, the Rushbond Plc has received planning and listed building consent and put their scheme for re-use out to tender with the intention of starting work on site in September. An existing resolution by the Council to start CPO proceedings is likely to remain until the development starts.
- 5.3.3 Great progress has been made with Victoria and Hunslet Mills which have been derelict for many decades. Following transfer of ownership, a five year scheme of residential conversion has begun with many of the buildings in the complex already complete and occupied (see photograph 1 in appendix C). Work on the conversion of the iconic grade II* Hunslet Mill is programmed to start in the second phase in 2020. When complete, there will be over 300 residential units on the site.
- 5.3.4 In addition to the “Big Five” priority cases, significant progress has been made towards the refurbishment and re-use of several other Buildings at Risk.
- York Road Library is due to open as a gym and fitness centre in this October which will restore to use this important landmark on one of the key roads into the city (see photograph 2 in appendix C).
 - Former Highroyds Hospital (now Chevin Park), Menston has been undergoing conversion to residential use for over a decade with work underway on the main clock tower building which is last remaining part of the hospital to be refurbished.
 - Former Chapel Allerton Hospital is being converted to flats following a long engagement with the Council to find a new use (see photograph C in appendix 3). It was a condition of the permission that the listed building had to be converted before new build development could commence.
- 5.3.5 The Council is also intervening in several other vacant Buildings at Risk which are causing blight to the surrounding area or attracting antisocial behaviour:
- St John's Church, Roundhay remains without an active use. Following service of several urgent works notices, essential repairs have been carried out to make the building watertight and secure. Listed building consent has been granted to adapt the church to the needs of the new congregation, but these works have yet be carried out.
 - Former Cookridge Hospital has been vacant since it closed as a hospital more than a decade ago. The two listed building of the old hospital are part of a

bigger development site with their refurbishment tied by a S106 agreement to the completion of the residential development. Despite the efforts of the developer to secure the buildings, they have been subject to repeat vandalism and recently the lodge building was badly damaged by a fire. There are advanced proposals for the re-use of the buildings which the developer will have to carry out before they can re-commence with the new build.

- 5.3.6 The City Council-owned Buildings at Risk are a diverse range of buildings which can be divided into two groups: those within the 'civic estate' which the Council will retain, such as several structures with the Templenewsam estate, and operational buildings it can dispose in accordance with asset management criteria.
- 5.3.7 Over the previous decade, great progress has been made with the reduction of Council-owned buildings at Risk through disposal of surplus Council stock which has subsequently led to their re-use and repair. The proposed disposal of Stank Hall complex, Eastmoor Reformatory and Abbey Mills will reduce the number of Buildings at Risk owned by the Council by 2019 and result in the repair and re-use of this important group of listed buildings.
- 5.3.8 Buildings at Risk within the civic estate are more challenging given the constraints on the Council budget, but progress has been made with the allocation of nearly £6m over a three year period towards the repair of Council-owned heritage buildings. The Council has also produced a Heritage Action Plan to target its resources and agree priorities with grant bodies such as the Heritage Lottery Fund and Historic England which should improve the chances of success with bids for external funding for repair and adaptation.

6.0 Consultation and Engagement

6.1 Consultation and Engagement

- 6.1.1 This report is presented for information and therefore there has not been the need for consultation.

6.2 Equality and Diversity / Cohesion and Integration

- 6.2.1 There are no specific equality considerations arising from this report, as such it has not been necessary to prepare an Equality Impact Assessment.

6.3 Council policies and City Priorities

- 6.3.1 The strategy and actions are consistent with the Core Strategy which seeks to secure the retention, continued use and proper maintenance of listed buildings. They are also consistent with the aims of Best Council Plan, particularly the objective to promote sustainable and inclusive growth.

6.4 Resources and value for money

- 6.4.1 There are no implications for resources. Addressing disrepair is a cost saving in the long term.

6.5 Legal Implications, Access to Information and Call In

6.5.1 None

6.6 Risk Management

6.6.1 None

6 Conclusions

6.1 The ongoing survey of the city's listed buildings (2,459 in total) has shown that the number of listed buildings at risk of neglect has increased since the last report, due mainly to better information resulting from the Building at Risk survey rather than a sudden deterioration in the condition of the city's listed buildings. Resources are being concentrated on five priorities (the "Big Five") but the Council is also intervening in numerous other Buildings at Risk which has resulted in many listed buildings being repaired and brought back into use since the last report. The number of Council-owned Buildings at Risk has largely remained the same as 2017, but disposal of several properties should show a marked reduction by the next report in 2019.

7 Recommendations

7.1 Joint Plans Panel is asked to note the contents of this report, in particular that work is progressing towards reducing the number of Buildings at Risk in the city.

7.2 Report to Derelict and Nuisance Sites Steering Group on the findings of the pilot Buildings at Risk survey.

8 Background documents

8.1 None

Appendix A: Table 1 Buildings at Risk Register 2018

 = New entries since the 2017 Building at Risk Register

Address	Ward	LCC owned	Listing Grade	Listed building number
Ice House at Cookridge Hall	Adel and Wharfedale		II	1375192
Adel Reformatory	Adel and Wharfedale	Y	II	1393509
Langley Well to east of Grove farm, Eccup Lane	Alwoodley		II	1119696
Alwoodley Lodges, Gates and Flanking Walls, Harrogate Road	Alwoodley		II	1265962
Thorpe Hall, Thorpe Lane	Ardsley and Robin Hood		II*	1135039
Black Gates House, 113 Bradford Road	Ardsley and Robin Hood		II	1250734
Armley Park Plaque approximately 40 metres east of Fountain, Stanningley Road	Armley	Y	II	1256004
Armley Park Plaque Approximately 40 metres west of Fountain, Stanningley Road	Armley	Y	II	1256007
Redcote Canal Bridge (Bridge 224), Redcote Lane	Armley		II	1256165
Weir and Sluice Gates at NGR 2658 3497 Approximately 450 metres North West of Burley Mills, Kirkstall Road	Armley		II	1375057
Weir on River Aire at NGR 2655 3488, Kirkstall Road	Armley		II	1375059
Bridge over Hol Beck, Water Lane	Beeston and Holbeck		II	1255738
Temple Mill, Marshall Street, Holbeck	Beeston and Holbeck		I	1375162
Gate lodge at Temple Mill, Holbeck	Beeston and Holbeck		II*	1375166
Stank Hall Barn, Dewsbury Road	Beeston and Holbeck	Y	II*	1375339
Stank Hall, Dewsbury Road	Beeston and Holbeck	Y	II	1375338
New Hall, Dewsbury Road	Beeston and Holbeck	Y	II	1375337
Tower Works Engine House, Globe Road	Beeston and Holbeck		II	1256245
Pair of Lamp Posts approx. 3 metres west of Church of St Thomas, Stanningley Road	Bramley and Stanningley		II	1256016
Weir and retaining walls on the River Aire, Pollard Lane, Leeds, LS4	Bramley and Stanningley		II	1375482
Monument to Sarah Kidney, Beckett Street Cemetery	Burmatofts and Richmond Hill		II	1256308
Mount St Mary's Church, Church Road, Richmond Hill	Burmatofts and Richmond Hill		II*	1255558
Presbytery at St Mary's Convent Church, Church Road	Burmatofts and Richmond Hill		II	1255559
Calverley Old Hall, 14-24 Woodhall Road	Calverley and Farsley		I	1265966
Potternewton Park Mansion	Chapel Allerton		II	1256051

Dovecote attached to Manston Hall Farm, Manston Lane	Cross Gates and Whinmoor		II	1375155
Barn approximately 75m west of Farnley Hall, Hall Lane	Farnley and Wortley	Y	II	1256107
Meter House and two cottages south west of Stonebridge Mills, Stonebridge Lane	Farnley and Wortley		II	1255991
The Old Mill, Engine House and Boiler House at Stonebridge Mills, Stonebridge Lane	Farnley and Wortley		II	1255993
Row of workshops to the north of Stonebridge Mills, Stonebridge Lane	Farnley and Wortley		II	1255990
Row of three cottages to the north west of Stonebridge Mills, Stonebridge Lane	Farnley and Wortley		II	1255986
Cliff House School, Fawcett Lane	Farnley and Wortley		II	1375460
Sundial approximately 10m south of Church of St Mary, Church Lane	Garforth and Swillington		II	1247735
High Royds Hospital, Bradford Road	Guiseley and Rawdon		II	1240191
Milepost at NGR 351409, Bay Horse Lane	Harewood		II	1268450
Cottage opposite Gateways School, Harrogate Road	Harewood		II	1226351
Forge House, Home Farm	Harewood		II	1226631
The Old Corn Mill, Harrogate Road	Harewood		II	1265964
Stockton Grange Farmhouse, Harewood Avenue	Harewood		II	1226107
Sundial in the Rock Garden	Harewood		II	1226233
Scarcroft Lodge (Yorkshire Electricity Board), Wetherby Road	Harewood		II	1265280
Shelter at approximately SE428368	Harewood		II	1300603
Barn at approximately 20 metres west of Rigton Farmhouse, Holme Farm Lane	Harewood		II	1357164
Coachhouse at Arncliffe, 22 Shire Oak Road	Headingley and Hyde Park		II	1256048
Eleanor Lupton Centre, Headingley Lane	Headingley and Hyde Park		II	1255938
Mawer Memorial approximately 20 metres south west of tower of Church of St Mark, St Mark's Road	Headingley and Hyde Park		II	1256146
Summerhouse at Arncliffe, 22 Shire Oak Road	Headingley and Hyde Park		II	1256046
Rose Court	Headingley and Hyde Park		II	1256012
K6 Telephone Kiosk adjacent to the Old Kings Arms Public House, The Green	Horsforth		II	1240190
The Tower of Woodhouse Grove School, Apperley Lane	Horsforth		II	1240194
Hunslet Mill, 23 and 25 Goodman Street	Hunslet and Riverside		II*	1256253
21A Goodman Street	Hunslet and Riverside		II	1256252
37 and 39, Hunslet Road and 6 and 8, Sheaf Street	Hunslet and Riverside		II	1255569
41 and attached wall and railings, 41 Hunslet Road and 10 Sheaf Street	Hunslet and Riverside		II	1255571

16 and 18 Crown Point Road, 35 Hunslet Road and 2 and 4 Sheaf Street	Hunslet and Riverside		II	1375260
Fearnville, Dib Lane	Killingbeck and Seacroft		II	1375342
33-37 High Street, Kippax	Kippax and Methley		II	1237465
Ledston Hall	Kippax and Methley		I	1237569
Gate piers on former drive, approx. 150m north of Ledston Hall	Kippax and Methley		II	1264016
Ledston Luck Colliery winding house, Barnsdale Road, Kippax	Kippax and Methley		II	1237513
Number 1 winder at Ledston Luck Colliery with garden wall and gate	Kippax and Methley		II	1264026
Windmill approximately 30m west of Mill Farmhouse, Longdike Lane	Kippax and Methley		II	1237402
Shann Cottage and Shann House Bridleway Number 48, Station Road	Kippax and Methley		II	1300125
13 and Abbey Mills, 13 Abbey Road	Kirkstall	Y	II	1256706
Kirkstall Forge buildings with halve hammers, slitting mill machinery, Abbey Road	Kirkstall		II	1256648
Kirkstall Forge former cottages now offices, Abbey Road	Kirkstall		II	1256649
Kirkstall Forge former stables now garages, Abbey Road	Kirkstall		II	1256650
Former Majestic Cinema, City Square	Little London and Woodhouse		II	1375048
First White Cloth Hall, 98-101, Kirkgate	Little London and Woodhouse		II*	1375042
Templar House, Lady Lane	Little London and Woodhouse		II	1375065
Memorial to Queen Victoria, Woodhouse Moor	Little London and Woodhouse	Y	II*	1255642
Gas lamp post in Bay Horse Yard, Briggate	Little London and Woodhouse		II	1255847
Gas lamp post in Ship Yard, Briggate	Little London and Woodhouse		II	1255848
Centenary House, North Street	Little London and Woodhouse		II	1375281
Meanwood Hall, Parkside Road, Meanwood	Moortown		II	1375476
Milestone approximately 30m north east of six arches viaduct, Elland Road	Morley North		II	1135106
Milestone approximately 300m north of entrance to Woodlands, Geldard Road	Morley North		II	1135109
Coach House to the north of Croft House	Morley South		II	1250517
Croft House, Rods Mill Lane	Morley South		II	1313456
Church of St Mary-on-the- Hill, Troy Road	Morley South		II	1135116
Scatcherd Mausoleum, Church of St Mary-on-the- Hill, Troy Road	Morley South		II	1250654
GROUP OF 6 RAISED SLABS CLOSE TO SOUTH BUTTRESS OF NAVE OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1135117

GROUP OF 9 RAISED SLABS APPROXIMATELY 6 METRES SOUTH SOUTH EAST OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1135118
GROUP OF 3 RAISED TOMBS APPROXIMATELY 10 METRES NORTH OF SCATCHERD MAUSOLEUM, TROY ROAD	Morley South		II	1135119
PAIR OF SLABS TO MARTHA BALMFORTH 1795 AND BENJAMIN HOPPERTON 1785 APPROXIMATELY 20 METRES EAST OF CORNER OF NORTH TRANSEPT OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1135120
CHEST TOMB TO ANNE LISTER 1735 AND RAISED GRAVE SLAB TO WILLIAM HAVDEN 1699 APPROXIMATELY 10 METRES NORTH WEST OF CORNER BUTTRESS OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1135121
RAISED SLAB TO ELIZABETH REYNER APPROXIMATELY 8 METRES NORTH OF NORTH WEST CORNER OF SCATCHERD MAUSOLEUM, TROY ROAD	Morley South		II	1250667
GROUP OF 3 CHEST TOMBS TO ELIZABETH ELLIS 1723 WILLIAM ROBUCK 1720 AND JOSEPH HALL 1739 APPROXIMATELY 20 METRES EAST OF EAST WINDOW OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1250717
PAIR OF CHEST TOMBS TO THE ASQUITH FAMILY C1827 AND 1854 APPROXIMATELY 25 METRES NORTH WEST OF WEST DOOR OF CHURCH OF ST MARY	Morley South		II	1250727
TABLE TOMB TO SARAH JUBB APPROXIMATELY 1 METERS EAST OF NORTH EAST CORNER OF CHURCH, TROY ROAD	Morley South		II	1250728
GROUP OF 5 TOMBS APPROXIMATELY 8 METRES EAST OF CANTED BAY ON EAST END OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1263107
GROUP OF 3 RAISED TOMB SLABS SET BETWEEN CENTRAL BUTTRESSES TO NORTH AISLE OF CHURCH OF ST MARY, TROY ROAD	Morley South		II	1263112
GROUP OF 4 RAISED SLABS SET ROUND NORTH EAST CORNER OF SCATCHERD MAUSOLEUM, TROY ROAD	Morley South		II	1263141
Pair of K6 Telephone Kiosks, Market Place, Otley	Otley and Yeadon		II	1135231
19, Crow Lane, Otley	Otley and Yeadon		II	1135268

Garden Alcove in the Garden at rear of 6, Boroughgate, Otley	Otley and Yeadon		II	1135288
Pair of Cemetery Chapels at Otley Cemetery, Cross Green, Otley	Otley and Yeadon	Y	II	1250551
Church of St Andrew, Haw Lane	Otley and Yeadon		II	1313171
Outbuildings to west of Throstle Nest Farmhouse, Weston Lane, Otley	Otley and Yeadon		II	1250559
Clumpcliffe Gazebo, Methley Lane	Rothwell		II*	1135669
Kennels east side, south of gazebo, Methley Lane	Rothwell		II	1184432
Kennels west side, south of gazebo, Methley Lane	Rothwell		II	1135670
Church of St John the Evangelist, Oulton	Rothwell		II*	1135676
Barn to south of Number 7, Oulton Lane	Rothwell		II	1135682
Barn South of Roundhay Grange	Roundhay		II	1255709
PARISH CHURCH OF ST JOHN, WETHERBY ROAD	Roundhay		II	1255702
Fountain, Templenewsam Park	Temple Newsam	Y	II	1255945
Little Temple, Templenewsam Park	Temple Newsam	Y	II*	1255949
Boundary wall to north, Templenewsam Park	Temple Newsam	Y	II	1255951
Bridge over Avenue Ponds, Templenewsam Park	Temple Newsam	Y	II	1255912
Barn and outbuildings at Park Farmhouse, Park Farm, Colton	Temple Newsam	Y	II	1375408
Ida Convalescent Hospital, Hospital Lane, Ireland Wood	Weetwood		II	1255593
Old block at Cookridge Hospital, Hospital Lane, Ireland Wood	Weetwood		II	1255595
Smithy to rear of number 11 The Green, Thorpe Arch	Wetherby		II	1115676
Font bowl adjacent to north west buttress of tower of Church of All Saints, Church Causeway, Thorpe Arch	Wetherby		II	1116232
Cartshed/granary at Hall Farm approximately 120 metres to south west of farmhouse	Wetherby		II	1135030
62, High Street, Clifford, LS23	Wetherby		II	1313484
Outbuildings approx. 10 metres south east of 62 High Street	Wetherby		II	1135023
Barn on north side of farmyard adjacent to west side of Headley Hall, Spen Common Lane, Bramham Moor	Wetherby		II	1200561
Bramham Biggin	Wetherby		II*	1135632

Table 2: Buildings at Risk removed from the Buildings at Register since 2017

Barn east of Old Hall Farm, Main Street	Ardsley and Robin Hood		II	1251092
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York Road Library	Burmatofts and Richmond Hill		II	1255621
Mansion at former Chapel Allerton Hospital	Chapel Allerton		II	1256047
197 Main Street, Shadwell	Harewood		II	1375132
Church of St Peter, Town Street, Rawdon	Horsforth		II	1135590
Drying House to Victoria Mill, Atkinson Street	Hunslet and Riverside		II	1256355
Victoria Mill, Atkinson Street	Hunslet and Riverside		II	1256342
The Rising Sun Public House, 290 Kirkstall Road	Kirkstall		II	1375060
66 and 68, Armley Road	Little London and Woodhouse		II	1256389
Church of St Mary, Town Street	Middleton Park		II	1255815
The Mechanics' Institute, 4-8 [even], Cross Green, Otley	Otley and Yeadon	Y	II	1200204

Appendix B: Table 2 “Big Five” Building at Risk Priorities 2017-2018

Building at Risk	Summary of progress
First White Cloth Hall, Kirkgate (Grade II*)	- Grant aid secured from Heritage Lottery Fund and Historic England (approx. £0.75 million). - Several phases of urgent works carried out by previous and current owner at the request of the Council. - Rushbond Plc acquire the building and receive planning and listed building consent for refurbishment. - Proposed refurbishment scheme put out to tender with the intention of starting works this September.
Temple Mill and Temple Lodge, Holbeck (Grade I)	- Temporary support and roof covering installed following partial collapse in 2008. - CEG acquire Temple Mill in December 2017 as part of wider land holding in Holbeck. - Three stages of work proposed by CEG leading up to full repair and re-use with the immediate priority being to make the building weatherproof and stable.
Stank Hall Barn, Beeston (Grade II*) NB: Council-owned	- Temporary roof installed and improved perimeter fencing erected by Council following theft and vandalism. - Condition survey carried out to identify further emergency works and cost of carrying out full refurbishment. - Decision made to dispose of the buildings. Buildings offered for sale and bids are currently being assessed.
Victoria and Hunslet Mills (Grade II* and II)	- Valuation and condition reports commissioned jointly by Council, owner and Historic England to assess viability of re-use. - Buildings sold to JM construction who have started a scheme of residential conversion over a five year period finishing in 2021.
Thorpe Hall, Thorpe on the Hill (Grade II*)	- Project group formed with owner's agent to progress a viable development proposal. - Owner is considering approaching the Council to make a “special circumstances” case for development in the Green Belt to fund the refurbishment of Thorpe Hall.

Appendix C: Photographs of listed buildings removed from Building at Risk Register



Photo 1: Victoria Mill, Holbeck, has been largely converted to residential use.



Photo 2: York Road Library, Burmatofts, has been converted to a gym.



Photo 3: Mansion Gates, Chapel Allerton, is undergoing residential conversion and is no longer at risk.

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Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 26 July 2018

Subject: Member training 2018-19

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. This report describes the programme of training for members of the Plans Panel in 2018-19.
2. In addition to the mandatory training, a programme of other learning opportunities is presented to members each year, adding further to member's knowledge and providing the most up to date information and approaches available on a range of planning issues. Members are asked for suggestions for other areas to build into the member training programme.

Recommendations

3. Members are requested to suggest any further non-compulsory training to support decision making
4. Members are recommended to note the report.

1 Purpose of this report

- 1.1 This report describes the planned learning and development opportunities for elected members in 2018-19 in relation to planning and development and asks members for suggestions of further topics and areas for training to be provided.

2 Background information

- 2.2 Article 8.2.2 of the Council's Constitution, says that Members of the Plans Panels must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme.
- 2.3 For a number of years additional training has been provided to members on a variety of topical issues as non-compulsory development.

3 Main issues

3.1 Compulsory training

- 3.2 The compulsory training session in order to sit on Panel comprises one or two session(s), depending on the experience of members on planning matters and comprises:
- Planning update: This session updates members with the latest legislation and planning guidance. It also covers any changes to the planning system which will impact on the work of members. All substitute members will attend this session.
 - Additional training for members new to the Plans Panel. This training is run by the Area Planning Officer who goes through the procedural issues associated with the running of the Panel and the basic principles of planning-determine in accordance with development plan/what are material planning considerations and so on etc. In this session officers will also identify some key planning issues, hot topics, direction of travel for policy and probity issues. All substitute members will also attend this session. Training for all new members to the plans panels has now been completed, with all relevant members undertaking the training.

3.3 Additional training and learning opportunities

3.4 Member site visit tour

- 3.4.1 A tour of past sites is being organised in summer 2018. The visits will be to sites which have received planning permission and have been built or are in the process of being constructed. This allows reflection on the relevant issues at the time of determination on particular applications and how the development has worked out in practice.

3.5 Workshop series

- 3.5.1 Following on from the successful tall buildings workshop, further training opportunities will be offered in 2018-19. Sessions already in the pipeline are enforcement training and Leeds city centre vision including the city centre

transport strategy and student housing. Additionally, a workshop will be arranged on viability once the implications of the forthcoming NPPF/NPPG are known, possibly in early 2019.

- 3.5.2 Members are asked for suggestions for any further topics they feel would be helpful in enhancing their knowledge and thereby supporting planning decision making.

3.6 Shadowing planning officers

- 3.6.1 Several years ago the service offered members the opportunity to spend some time in the planning office, shadowing a planning officer, looking at the process of determining a planning application from end to end. Feedback from members was very positive indicating that the training had provided a valuable insight to the process involved in coming to a recommendation. Such training will be offered again to Members during 2018-19

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.2 Individual elements of the proposed training programme for members have been discussed with the Executive Member for Regeneration, Transport and Planning and with the Joint Member Officer Working Group.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no Equality and Diversity / Cohesion and Integration issues.

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.

4.4 Resources and value for money

- 4.4.1 Member training in Leeds is long established and is recognised to be critically important to quality decision making. The programme offered in 2018-19, whilst has resource implications primarily in terms of member and officer time, represents good value for money as it is being delivered flexibly and imaginatively in-house.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 No identified issues.

4.6 Risk Management

- 4.6.1 There are reputational risks associated with a lack of high quality consistent decision making. The Plans Panels are the shop window to the planning system in

Leeds and therefore it's critical to adequately support and equip members with the knowledge and skills needed in order for them to discharge their duties effectively.

5 Conclusions

- 5.1 Planning legislation and guidance can be complex. Our current approach of providing members with training on the planning process when first serving on the Plans Panel and updates on changes to legislation or procedures is endorsed as good practice by the Local Government Association. This is the mandatory training required in order to serve on a Panel.
- 5.2 The discretionary additional programme of training for 2018-19 will offer a diverse range of learning opportunities for members, to suit varying needs and requirements.

6 Recommendations

- 6.1 Members are recommended to note the report.

7 Background documents¹

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.