



JOINT PLANS PANEL

Meeting to be held in 6 & 7 - Civic Hall, Leeds on
Thursday, 11th July, 2019 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 Robert Finnigan
Councillor Al Garthwaite
Councillor Ronald Grahame
Councillor Caroline Gruen
Councillor Peter Gruen
Councillor Sharon Hamilton
Councillor Julie Heselwood
Councillor David Jenkins

Councillor Asghar Khan
Councillor Graham Latty
Councillor James McKenna
Councillor Mirelle Midgley
Councillor Lisa Mulherin
Councillor Elizabeth Nash
Councillor Denise Ragan
Councillor Kevin Ritchie
Councillor Simon Seary
Councillor Nicole Sharpe
Councillor Jackie Shemilt
Councillor Trish Smith
Councillor Paul Wadsworth
Councillor Neil Walshaw
Councillor Angela Wenham
Councillor Paul Wray

Agenda compiled by:
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Civic Hall
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Debbie Oldham
37 88656

A G E N D A

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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	

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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 - 29TH NOVEMBER 2018 To confirm the minutes of the meeting held on 29 th November 2018 as a correct record.	1 - 4
8			END OF YEAR PERFORMANCE REPORT The report of the Chief Planning Officer covers planning performance and activity for the period April 2018- March 2019. (Report attached)	5 - 22
9			PUBLIC SPEAKING PROTOCOL AND GUIDE TO PRE APPLICATION PRESENTATIONS The report of the Chief Planning Officer requests Members consideration on changes to the Public Speaking Protocol and Protocol for Pre Applications Presentations at the Plans Panel meetings and is part of the Chief Planning Officers consultation with the Joint Plans Panel. (Report attached)	23 - 34

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10			UPDATE ON THE SITE ALLOCATIONS PLAN AND CORE STRATEGY SELECTIVE REVIEW The purpose of this report submitted by the Chief Officer is to provide an update regarding the preparation of the SAP and the CSSR, as part of the Leeds Local Plan. (Report attached)	35 - 44
11			PLANNING AND DESIGN FOR HEALTH AND WELL-BEING The report of the Chief Officer sets out the context and background of Planning and Design for Health and Wellbeing (PDHW); the establishment of a cross Directorate officer working group involving colleagues in Planning, Design, Highways, Public Health, Active Leeds and Parks and Countryside; the work that this group has undertaken to date and future actions. (Report attached)	45 - 58
12			DATE AND TIME OF NEXT MEETING The next meeting of Joint Plans Panel will be on Thursday 14th November at 1.30pm. <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, 29th November, 2018

PRESENT: Councillor J McKenna in the Chair

Councillors D Blackburn, C Campbell,
P Carlill, D Cohen, A Garthwaite,
M Gibson, R Grahame, P Gruen,
J Heselwood, A Hutchison, D Jenkins,
A Khan, T Leadley, R Lewis, E Nash,
D Ragan, K Ritchie, M Shazad,
P Wadsworth and P Wray

15 Election of the Chair

RESOLVED – That Councillor McKenna be elected Chair for the duration of the meeting.

16 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

17 Late Items

There were no late items.

18 Declarations of Disclosable Pecuniary Interests

No declarations of pecuniary interest were made.

19 Apologies for Absence

Apologies for absence had been received from the following Councillors:
B. Anderson; Salma Arif; Andrew Carter, Dawn Collins, Caroline Gruen, Sharon Hamilton, Jackie Shemilt, Alice Smart, Fiona Venner, Neil Walshaw, Gerard Wilkinson.

20 Minutes - 26th July 2018

RESOLVED – That the minutes of the meeting held on 26th July 2018 be approved as a correct record after a slight amendment to item 8 End of year performance report.

Fourth Paragraph second bullet point to read 'Fees for developers in an attempt to reduce the number of repeat site visits attended by Members'

Councillor Khan joined the meeting at 13:40

21 Matters arising

Minute no. 7 – Matters arising – Cllr. Grahame requested the toxicology report relating to the Grenfell Fire Tragedy.

Draft minutes to be approved at the meeting
to be held on Date Not Specified

Minute no. 10 Planning Protocol – Members raised concerns in relation to the legal status of the Planning Protocol. Members were invited to email the Chief Planning Officer with specific details of what they would want in the protocol.

Minute no. 12 Annual Buildings at Risk Report – Members were informed that a cross party Member officer working group had been established. The group were working with Phil Ward, Team Leader in Design and Conservation to support a solution to save heritage buildings.

22 Delivering Employment & Skills opportunities through the Council's planning function

The Chief Officer Employment and Skills presented a paper which updated the Joint Plans Panel on the activity to create local employment and skills opportunities through the use of Section 106 Planning Agreements.

Members were also advised of early work to adopt a revised approach to target priority groups rather than localities to ensure that support is targeted to those furthest from the labour market to access new opportunities to more effectively contribute to the delivery of the Best Council Plan and the city's inclusive growth objectives.

Members were informed how the model works and provided with information on where and how many people had gained employment.

Members' discussions included:

- Concerns that the east side of the city which had 2 priority areas, where English was not a first language were not able to access the opportunities set out in the report;
- A number of initiatives were in place working with partners to deliver work opportunities to those who have barriers to looking for work;
- Leeds no longer has special areas and 'local' means the whole of Leeds;
- Living wage and the low pay challenge;
- Targeted areas included the inner city wards with higher priority;
- Third Sector provided opportunities and skills to work through Adult Learning Program;
- Sustainability of jobs and apprenticeships.

RESOLVED – To comment on the report and note the positive outcomes delivered to date.

Councillor R Lewis joined the meeting at 14:10 during this item.

23 Planning Services performance report- quarters 1 and 2, 2018-19

The Head of Development Management presented the report of the Chief Planning Officer which provided planning services performance for quarters 1 and 2, 2018-19.

Members were informed of following points:

- 114 major applications had been submitted in quarters 1 and 2;

Draft minutes to be approved at the meeting
to be held on Date Not Specified

- Performance on determination of applications had slipped from the previous report at the end of 2017-18;
- Pre application enquiries had increased from the previous year on the same reporting period, although planning applications had dropped;
- There had been a significant reduction in appeals with 51% household appeals appealing against refusal of permission;
- 737 compliance cases had been received this was an increase on the previous year;
- Leeds continues to take a lead on formal enforcement action in comparison to other core cites with 58 enforcement and other notices being served so far;
- A complaints officer had now been employed, which has led to increased formal logging of complaints and resulted in the increase in reported complaints;
- The Planning Protocol is due to be formally launched in December 2018;
- CIL Guidance has been produced and provided to all Members;
- Still awaiting the Inspectors Report on the Site Allocation Plan following the hearing over the Summer.

Member's discussions were around the following points:

- Staffing: use of agency staff; need for experienced staff for areas such as enforcement; assistance from staff in other areas such as Environment Team;
- Amount of CIL available and to be collected
- Use of Sharepoint webpage to disseminate future guidance to Members;
- Neighbourhood Plans.

RESOLVED - To note the report and to receive a further performance report in six months.

24 The Letwin Review

The report of the Director of City Development set out the implications of the Letwin Review for Leeds.

Members were advised that the report had been published on 29th October 2018. The review had focused on large sites in the South of England defined as more than 1,500 dwellings.

It was noted that the definition of a large site currently only appertained to one in Leeds, The East Leeds Extension. A discussion at a meeting of the core cities had suggested that the threshold of a site should be reduced to 500 dwellings. Leeds City Council is to send an email to the Letwin Review to support 500 dwellings.

Members discussed the followings points:

- Build out rates;
- Poor report, disappointment with the review;
- Supply and demand of the markets.

RESOLVED – To note the contents of the report.

Members of Joint Plans Panel supported the email to the Letwin Review to support the proposal of 500 dwellings.

25 Site Allocations Plan Update

The report of the Chief Planning Officer presented an update on the Site Allocations Plan.

Members were advised that Leeds would not be proceeding with the broad areas of search. However, at this stage all other allocations for housing would remain as proposed.

Members discussed the need to engage with public health, and schools etc. when developing schemes.

RESOLVED – To note the Inspectors initial views on the Site Allocations Plan.

26 Date and Time of Next Meeting

The date of the next meeting will be decided on at the Annual General Meeting of full Council in May 2019.

The meeting concluded at 15:25



Report author: Helen Cerroti
Tel: 0113 3788039

Report of Chief Planning

Report to Joint Plans Panel

Date: 11 July 2019

Subject: End of year 2018-19 development management performance report

Are specific electoral wards affected? If yes, name(s) of ward(s):	☐ Yes ☒ No
Has consultation been carried out?	☐ Yes ☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes ☒ No
Will the decision be open 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

1. Main issues

- 1.1 This report covers planning performance and activity for the period April 2018-March 2019.
- 1.2 Despite the number of planning application falling this year in comparison with the position reported at the end of 2017-18, it has been another busy and challenging year.
- 1.3 Performance levels for determining planning applications in time or within the agreed timescale is lower than the position reported for the previous year, largely due to a challenging staffing situation, with a number of long term sicknesses and five planning officers leaving the authority. However, performance still remains high and well above the Government's national targets.
- 1.4 The 20% uplift in planning application fees has allowed the service to make a number of new external appointments, increasing the staffing establishment for the first time in a number of years which will help the service to continue to deliver a high quality planning service going forward.
- 1.5 The service is committed to continuous improvement and has carried out a number of activities in 2018-19 working with members and developers to facilitate

expeditious and high quality decision making in Leeds and in improving the customer experience.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The development management service contributes to all of the Council's Best City Priorities either directly or indirectly through the delivery of high quality homes and through sustainable place making to deliver safe, strong communities. Its work in delivering planning permissions for social housing and assisted living accommodation as well as delivering permissions for new schools, supports the Council to meet its ambitions. Through working with other Council services, development management also facilitates, through the legal agreement process, employment opportunities for local people. The planning process is closely tied with the health and wellbeing agenda and through the implementation of the policies in the Core Strategy, contributes to providing healthy environments for the residents of Leeds and its visitors to have access to and to enjoy.

3. Resource Implications

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

Recommendations

- a) Members are recommended 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 development management annual report for 2018-19 which is attached.

2. Background information

- 2.1. A performance report describing the activity of the development management service is presented to the Joint Plans Panel twice a year, at the end of quarter 2 and then at the end of the year. The attached report provides information about activity levels, performance and service improvement work the service has undertaken in the reporting period.

2. Main issues

- 2.1 This 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 report looks at the performance of 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 for the service and service improvements for the year ahead.

3. Corporate considerations

3.1 Consultation and engagement

3.1.1 This information is presented for information and comment

3.2 Equality and diversity / cohesion and integration

3.2.1 There are no specific issues arising from this report

3.3 Council policies and the Best Council Plan

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.

Climate Emergency

3.3.2 There are no specific issues arising from this report

3.4 Resources, procurement and value for money

3.4.1 The development management service is delivered with the constraints of the 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. Conclusions

4.1 The annual report shows that it has been a challenge year for the service but it is now well placed, through the appointment of additional staff, to continue to deliver high quality services.

5. Recommendations

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

6. Background documents¹

6.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Development Management Annual Report 2018-19



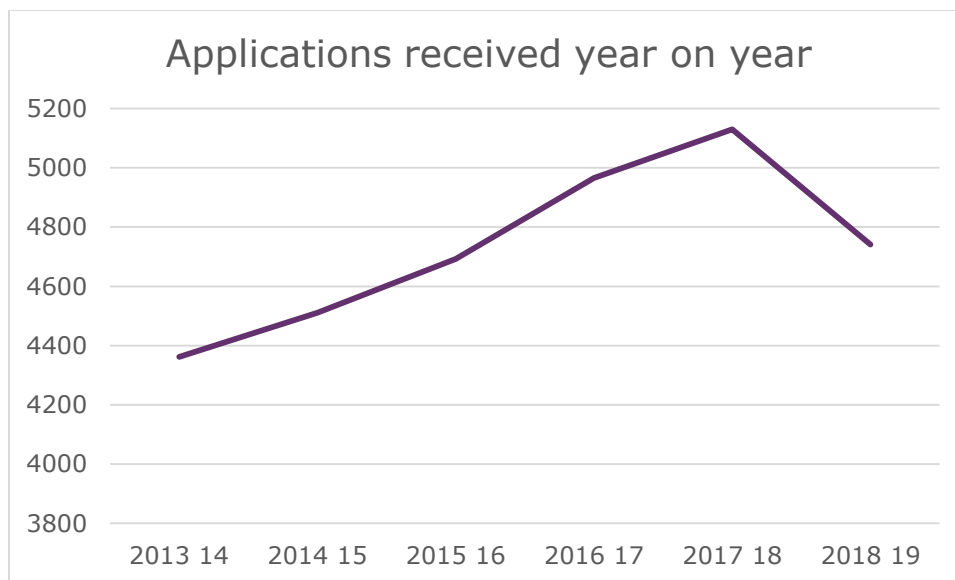
1. Introduction

- 1.1.** In 2018-19, application workload decreased for the first time in a number of years. Anecdotally the service considers this may be due the “Brexit effect”, however a number of large and significant schemes have still come forward in the period, demonstrating there is still buoyant economic activity in Leeds.
- 1.2.** Also for the first time in a number of years, external recruitment has taken place which has increased the overall staff establishment in Development Management by three Officers. It has been a lengthy process to reach the point of adding to the establishment as the new posts created from the 20% uplift in planning fees have largely been filled internally and there has been a process of back filling posts arising from this internal promotion of staff. However, new staff have been in post since the end of quarter 3, which has had a positive effect on overall performance on the determination of applications in time, or within the agreed timescales. The appointment of new staff has been a welcome addition as the service has felt under pressure for a number of years and it has been a challenge to balance workloads with the available resources in order to maintain a high quality development management service.
- 1.3.** A number of staff have left the authority in 2018-19 and the process of filling those posts is also almost concluded now.
- 1.4.** Planning performance is down on the previous year, however this was due to the challenging staffing situation at the beginning of the year, but performance in quarter 4 was good and back to where the service aspires to be. However notwithstanding the challenging and fluid staffing situation this year, performance still remains high and above the Government’s targets.
- 1.5.** Fee income has achieved the budget target, with a very small surplus.
- 1.6.** The number of complaints lodged under the Council’s Complaints procedure in 2018-19 increased significantly from those received in 2017-18, again this can in part be accounted for by the challenging staffing situation, but also due to more robust accounting processes with the appointment of a new Complaints Officer in June 2018. However, there were fewer cases reaching the Local Government Ombudsman, which is a positive sign.
- 1.7.** The number of appeals received by the service has decreased from those received in 2017-18, a reduction of 44%. Appeal casework constitutes a significant resource input for the LPA so a reduction in the number of appeals lodged has been welcome this year.

1.8. The service is committed to a process of continuous improvement and has delivered a varied programme of training to elected members, worked positively with Town and Parish Councils and Neighbourhood Forums and launched the Planning Protocol, a collaborative document between the Council and the Leeds Chamber of Commerce.

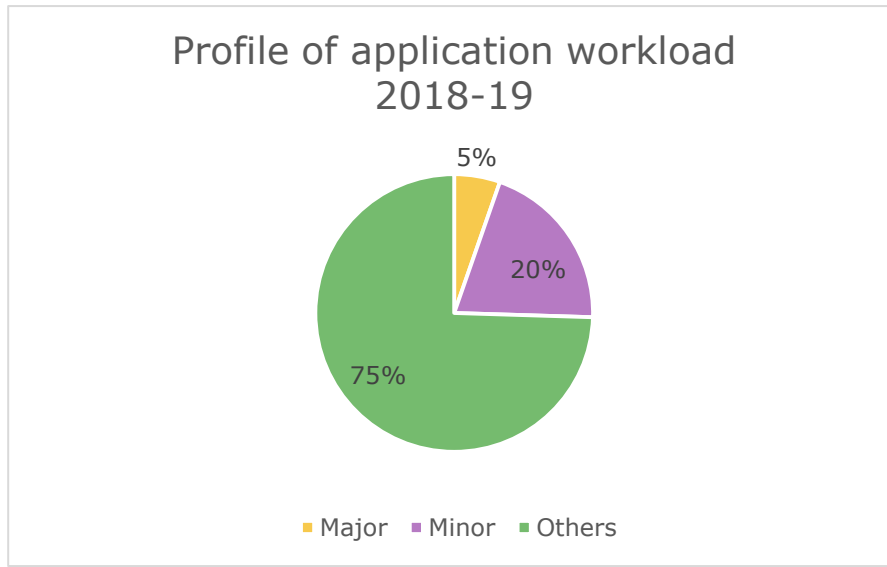
2. Workload

2.1. In 2018-19, the service received 4,741 applications, a 7.6% reduction from those received the previous year. This is the first time in a seven years that application numbers have fallen. The latest statistics produced by MHCLG show that nationally application numbers have reduced by 5%. ¹



¹ Ministry of Housing, Communities and Local Government Statistical release Planning Applications in England: January to March 2019

2.1.1. 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.

2.1.2. This workload profile is very similar to those received in 2017-18. The “others” category includes householder applications, which overall accounts for around 50% of the total applications received by the LPA. In addition to planning applications, the service received over 1000 applications to discharge conditions, almost 700 pre-application enquiries and over 500 applications for a certificate of proposed lawful use/development.

2.2. Income and fees

2.2.1. Planning fee income in 2018-19 was £4,709,189 against a projected budget of £4,701,070, a small surplus of £8,000.

2.2.2. In terms of monies via S106 agreements, just under £12 million was collected, a slight increase on what was collected in 2017-18. S106 agreements continue to be entered into for site specific requirements and there are currently over 600 live agreements being monitored. £2.2million of Community Infrastructure Levy was invoiced in 2018-19, bringing the total amount of CIL received, since the implementation of CIL in 2015 to £13.4 million.

2.3. Decision making

2.3.1. There were 4,711 decisions made in the reporting period, a 5.5% decrease from the previous year. Nationally, decision making has fallen by 2%

2.3.2. 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
2018-19	84.6%	83.2%	83.0%
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%

2.3.3. The lower performance this year can be attributed to a number of staff vacancies and high sickness levels. There were also a number of staff who left the service due taking posts externally to the council or as a result of promotion to other areas of the Council; this had an impact on the time taken to determine applications. However, since the start of quarter 4 when many of the staff resourcing issues had been resolved, performance increased markedly to 86.6% of majors, 87.5% of minors and 86.2% of others being determined in time.

2.3.4. The latest national figures² for applications determined in time show that Local Planning Authorities decided 88% of major applications within 13 weeks or in the agreed time. Therefore, Leeds' performance is slightly below the national average. However as mentioned above the service faced a number of challenges at the start of the year.

2.3.5. It is important for the LPA to maintain high performance; Members have heard previously about the Government's approach to measuring the performance of authorities which was introduced by the Growth and Infrastructure Act 2013; it is based on assessing local planning authorities' performance on the speed and quality of their decisions on applications for majors and in 2018 the regime was broadened to include non-major development. Where an authority is designated as underperforming, applicants have the option of submitting their applications for major and non-major development (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination. The Government's current assessment period is October 2016 to September 2018 and have already announced the next assessment period and thresholds, this is shown in the table below.

Measure and type of Application	Threshold and assessment period October 2016 to September 2018	Threshold and assessment period October 2017 to September 2019
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² Ministry of Housing, Communities and Local Government Statistical release Planning Applications in England: January to March 2019

Speed of major Development (District and County)	60%	60%
Speed of non-major Development	70%	70%

2.3.6. Based on the current assessment period, Leeds' performance for determining major applications stands at 92.3% and 86.9%³ for non-major applications, well above the designation thresholds for both application types.

2.3.7. There is often a time lag in government statistics being published, but the table below shows Leeds performance in comparison with the Core Cities using the latest dataset available, covering the period calendar year 2018 and ending December 2018⁴. The table shows the performance against the three types of applications, majors, minor and others as well as the comparative workloads across the Core Cities. Whilst this does not fully cover the reporting period, it shows that Leeds performance in determining applications in time, is good in comparison with the Core Cities.

Authority	No applications received	Majors determined in time (%)	Minors determined in time (%)	Others determined in time (%)
Birmingham	5510	74	61	74
Leeds	4796	90	85	85
Liverpool	2485	94	82	86
Manchester	2661	82	87	89
Newcastle	1343	90	89	85
Nottingham	1407	84	73	76
Sheffield	2696	88	79	87

2.3.8. Leeds is second only to Birmingham in terms of the volume of application workload and joint second for determining major applications in time. This represents a significant achievement in delivering the largest and often most complex schemes. Performance across the other two categories of applications is also healthy in comparison with the Core Cities.

³ Ministry of Housing, Communities and Local Government Tables 152 and 153
<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#historical-live-tables>

⁴ Ministry of Housing, Communities and Local Government Table P132 and Table P134: district planning authorities - planning applications decided, granted, performance agreements and speed of decisions, by development type and local planning authority (yearly)

2.4. Plans Panel decision making

2.4.1. In the reporting period, the Plans Panels made 77 decisions. In addition to applications for determination, the Plans Panel workload also comprised a significant number of pre application presentations and position statements. The three stage process of pre application presentation, position statement and final determination for the most complex or sensitive applications ensures that appropriate level of scrutiny is brought to bear before determination.

2.4.2. The table below shows the Panel workload, decisions contrary to officer's recommendation and where it was a refusal, if it led to an appeal. Due to the timescales for making an appeal, it is not possible to provide a full picture yet for 2018-19, as some applications determined in March 2019 would have until

Year	Decisions	Decisions contrary to officer recommendation(as a % of the total no of Panel decisions)	Leading to an appeal against refusal	Appeal decision
2018-19	77	1 (1.3%)	0	
2017-18	119	4 (3.3%)	3	1 dismissed 1 allowed 1 In progress
2016-17	105	11 (10.4%)	2	1dismissed 1 allowed
2015-16	127	4 (3%)	2	1 dismissed 1 allowed
2014-15	191	14 (7%)	9	4 dismissed 5 allowed

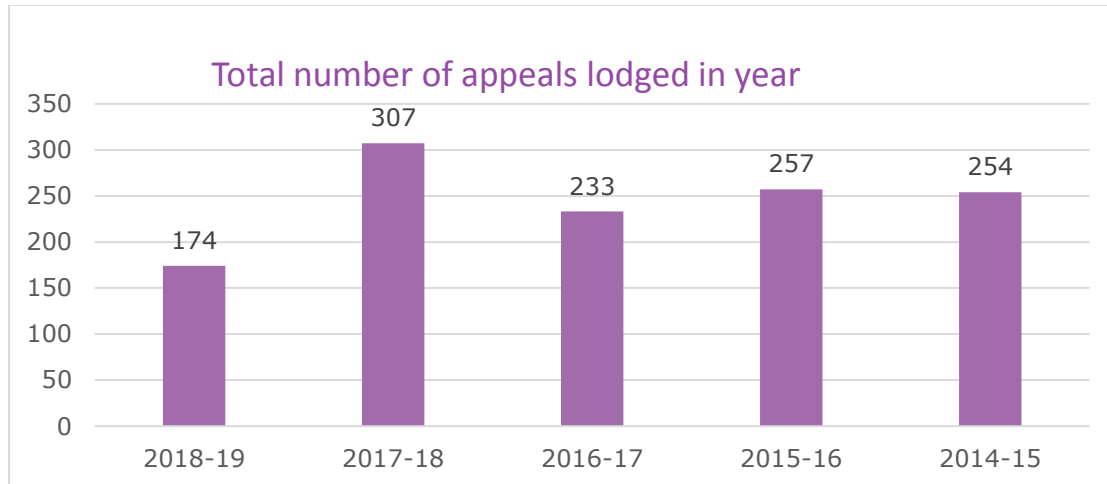
September 2019 (six month window) for an appeal to be lodged.

2.4.3. Of the 77 decisions made by the three panels, just one was contrary to the officer recommendation. This was Leeds Montessori School and Day Nursery, Wetherby Road, for a detached classroom building. Members resolved not to accept the officer recommendation to refuse planning permission.

2.4.4. 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 0.02% of total decisions.

2.5. Appeals received and Planning Inspectorate Decisions

2.5.1. In 2018-19 there were 174 new appeals received, this is a significant drop from the previous year where 307 new appeals were received, this represents a 44% reduction. Almost half of the appeals, 44% were householder appeals, however this is a significant increase from the previous year where householder appeals accounted for a quarter of appeals received. The chart below shows the numbers of appeals received over the last five years.



2.5.2. The reduction in the appeals caseload is welcome as it requires a significant resource input from the service. The service continues to monitor appeals and take corrective action, or attach different weight, as appropriate, where a change of stance is perhaps required in light of recurring upheld appeals.

2.5.3. The Planning Inspectorate made 212 decisions on appeals in 2018-19, this includes S78 and Household appeals. (The figures for appeals lodged and appeal decisions are different because of the six month window for some types of appeal to be made.) The table below shows the outcome of appeals for 2018-19 compared with the last three years.

Year	Appealed Decisions	Dismissed	Costs awarded Council	Costs awarded to Council
2018-19	212	73.6%		
2017-18	233	71.3%	1	0
2016-17	259	64.5%	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

- 2.5.4. Performance on appeals dismissed has improved year on year with 73.6% of appeals being dismissed in comparison with the previous year where 71.3% were dismissed.
- 2.5.5. In terms of costs claimed against the Council for appeals, there have been two cost claims in 2018-19 one for Metals 4U Ltd, Armitage Works, Sandbeck Way, Wetherby, costs settled at £ 5,097.78, the other Land at Rigton Farm still is under negotiation.
- 2.5.6. In terms of comparative data, the latest dataset available from the Planning Inspectorate⁵ is for 2017-18 and whilst not the reporting year in question, the chart below shows Leeds performance in comparison with the Core Cities.

Authority	Number of S78 appeal decisions made	S78 appeals allowed (%)	Number of Householder appeals decisions made	Householder appeals allowed (%)
Birmingham	70	17%	28	39%
Leeds	116	22%	74	34%
Liverpool	41	41%	23	43%
Manchester	50	30%	12	25%
Newcastle	23	13%	9	11%
Nottingham	30	25%	3	0%
Sheffield	28	13%	21	33%

- 2.5.7. Whilst this chart demonstrates that Leeds received a high number of appeals (as it has for a number of years), the performance on appeals dismissed is good in comparison with the Core Cities.
- 2.5.8. As mentioned above, the government assesses the quality of decisions made by local planning authorities by measuring the proportion of decisions on applications that are subsequently overturned at appeal. The thresholds for designation for both majors and non-majors is 10% of an authority's total number of decisions on major and non-major applications made during the assessment period being overturned at appeal. The MHCLG's latest planning

⁵ <https://www.gov.uk/government/statistics/planning-inspectorate-statistics#history> Table 5.1 Yearly decisions by LPA (annual)

statistics, published in March 2019⁶ show the provisional data on English authorities' performance in terms of quality of decision-making over the two years from January 2016 to December 2017; Leeds remains well above the thresholds for designation with 1.2% of non-major decisions and 1.3% of major decisions overturned at appeal.

2.6. Compliance Activity

2.6.1. The number of enforcement cases received in 2018-19 has remained at a consistently high level with over 1,300 cases received. As such the workload remains substantial with a significant number of complex cases being investigated. However, the number of cases on hand has been maintained 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	389	348	320	276	1333
No of cases resolved	354	327	300	446	1427
Category 1: Site visit same day/within 1 day. Target 100%	75% (4)	100%(9)	100% (2)	67%(6)	
Category 2: Site visit within 2 working days. Target 95%	80% (20)	93%(15)	75% (8)	95% (21)	
Category 3: Site visit within 10 working days Target 90%	93%	89%	92%	94%	
	341/364	288/324	282/310	233/249	

2.6.2. Cases received and resolved and performance in undertaking initial site visits

2.6.3. In quarter 3 there was a drop in category 2 visits, where two visits were missed out of 8, this was due to significant staff absences over that period and into quarter 4 also. This was also the case for the drop in performance in category 1 visits in quarter 4.

⁶ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#historical-live-tables> tables 153 and 154

2.6.4. In terms of outcomes of cases, there was a large number of case closures in quarter 4 due to proactive case review to help with maintaining a manageable workload. The table below shows the breakdown of how cases were resolved over the four quarters of 2018-19. The table demonstrates that across the year, in 44% of the cases investigated, there was no breach. A further third of cases investigated were resolved by negotiation and discussion; the service will always employ informal measures first before resorting to formal enforcement action as this is often the quickest and easiest way of resolving issues.

	Q1	Q2	Q3	Q4
No Breach*	40%	49%	52%	37%
Resolved by negotiation	32%	26%	22%	33%
Breach but de minimis/ not expedient	12%	10%	13%	17%
Planning permission/ CLU granted/ appeal allowed	13%	11%	11%	10%
Enforcement /other notices complied with	3%	4%	2%	3%

**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.*

2.6.5. Enforcement and other notices

2.6.6. 104 enforcement and other notices have been served during the year as demonstrated in the table below. Overall number of notices is down in quarter 3 probably due to a significant staff absence and the service is still catching up with the accumulated backlog of drafted notices, however, normal levels have returned in quarter 4.

	Q1	Q2	Q3	Q4	Total
Planning Contravention Notices / Section 330 notices	18	21	9	16	62
Breach of Condition Notice	0	1	2	1	4
Enforcement Notice	11	7	4	10	32

S215 Untidy Land Notice	0	0	4	1	5
Temporary Stop Notice	0	0	1	0	1
Stop Notice	0	0	0	0	0

2.7. Customer complaints and Ombudsman cases

2.7.1. During the reporting year, 2018-2019, there have been 205 stage 1 and stage 2 complaints received by the LPA. This is compared with 117 received in the same period last year; a 57% increase. The increase in number of complaints can be accounted for in part due to the staffing and resourcing challenges the service faced at the beginning of the year but also by and the more robust processes and systems and recording of complaints since the appointment of a Complaints Officer in June 2018.

2.7.2. One of the main themes of upheld complaints was about lack of contact with the planning officer; again this was symptomatic of the staffing situation and since the service has undergone a period of recruitment, the numbers of complaints on this issue have decreased significantly.

2.7.3. There has been a decrease in the number of Ombudsman complaints received by the service in comparison with the same period last year, 17 in comparison to 22. Six of the new cases received within the past year were either closed as being out of jurisdiction or deemed to require no further action. A further six with no fault found. There were five cases where fault was found.

2.7.4. Training from the Local Government Ombudsman was delivered to senior officers in May 2018 which was helpful in highlighting ways to avoid common pitfalls and the measures to put in place to help mitigate the risk of reoccurrence on similar issues.

2.8. Staffing and resources

2.8.1. Due to staff turnover with five planning officers leaving the authority and sickness absence which was running at an average of 12.6 days per full time equivalent, compared to City Development average of 7.1 days, the staffing

resource within the service in the year has been stretched even despite a reduction in workload. However, the external appointments of the planner grade staff has boosted the staffing establishment and has helped to redress the balance. The 20% uplift in planning fees funded a number of posts; three additional Principal Planners, a Career Grade Planner, a Senior Compliance Officer, a CIL Officer and a Complaints Officer. Looking ahead to the near future, the Chief Planning Officer will leave the authority at the end of July and David Feeney, currently Head of Policy and Plans, has been appointed as the new Chief Planning Officer, commencing in August 2019.

3. Reflecting on the year and looking ahead

3.1. Plans Panel Review

- 3.1.1. 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 looking at the function of the plans panels in Leeds 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 representatives from the development industry to highlight existing good practices and to learn from practices from elsewhere.
- 3.1.2. A report was prepared in 2018 and the service is now, in consultation with the Executive Board Member and the Joint Member Officer Working Group, implementing the recommendations.

3.2. Relationship with partners and customers

- 3.2.1. Members of this Panel have previously heard about the work with the Chamber of Commerce and the collaborative work to produce the Planning Charter. This was officially launched at a meeting of the Chamber's Property Forum in March 2019.
- 3.2.2. The protocol will be reviewed after a year's operation, but the service hopes that the protocol will put some guiding principles in place to support good growth in Leeds.

3.3. Town and Parish Councils and Neighbourhood Forum Conference

- 3.3.1. In March 2018 the service held a conference for representatives from Town and Parish Councils and Neighbourhood Forum across the district. The programme of the session included an update on the Core Strategy Selective Review and the Site Allocations Plan, Public Access and making representations online and understanding developer contributions-Community Infrastructure and S016. There was also the opportunity for delegates to raise and discuss any issues they had. The session was well attended by both local Councils and Neighbourhood Forums, with over 20 participants. The service has received positive feedback as

a result of this session and hopes to make this an annual event, further developing the relationship between the service and local communities.

3.4. Member Training

- 3.4.1. A programme of discretionary member training events was offered to all members in 2018-19. Subjects ranged from Viability to the impact of development on school places, Leeds transport strategy, and student housing and urban design. A further session is scheduled for early July on developer contributions, exploring the relationships between CIL and S106.
- 3.4.2. The sessions so far have been well received and well attended and a new programme will be developed, in consultation with the Joint Member Officer Working Group, starting after the summer break in September 2019.



Report author: Helen Cerroti
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Report of Chief Planning

Report to Joint Plans Panel

Date: 11 July 2019

Subject: Public Speaking Protocol and Guide to Pre Application Presentations at Panel

Are specific electoral wards affected? If yes, name(s) of ward(s):	☐ Yes ☒ No
Has consultation been carried out?	☐ Yes ☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes ☒ No
Will the decision be open 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

1. Main issues

1. Public speaking has been a feature at the Plans Panel meetings in Leeds for a number of years. In recent years opportunities have increased for public speaking at the pre application stage and at position statements as well as final determination.
2. From time to time the protocol is reviewed and revised to take into account best practice and the protocol has been reviewed in spring 2019 to ensure it is up to date and fit for purpose. Following some feedback at a recent Panel meeting, it was agreed that it was timely to review the protocol again.
3. A number of small changes have been made in the interests of Plain English, but more fundamental changes are recommended in relation to the order in which supporters and objectors speak and in agreeing common terminology for those in favour of applications and those against; this is in the interest of transparency.
4. A document referred to in the public speaking protocol is the Protocol for Pre Application Presentations; this too has been reviewed for currency and readability and a number of changes have also been recommended.

5. Changes to the protocol can be approved by the Chief Planning Officer as a delegated decision in consultation with Joint Plans Panel.
6. Following some customer feedback it is proposed to create a guide or note for the public on the order of business and order of public speaking in the interest of transparency.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

3. The development management service contributes to all of the Council's Best City Priorities either directly or indirectly through the delivery of high quality homes and through sustainable place making to deliver safe, strong communities. Its work in delivering planning permissions for social housing and assisted living accommodation as well as delivering permissions for new schools, supports the Council to meet its ambitions. Through working with other Council services, development management also facilitates, through the legal agreement process, employment opportunities for local people. The planning process is closely tied with the health and wellbeing agenda and through the implementation of the policies in the Core Strategy, contributes to providing healthy environments for the residents of Leeds and its visitors to have access to and to enjoy.

4. Resource Implications

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

Recommendations

- a) Members are asked to note this report and note the amendments to the public speaking protocol and the guide to pre application presentations at the plans panel meetings and agree to the production of short explanatory notes for the public attending Panel meetings to help them formulate their address.

1. Purpose of this report

- 1.1. This report describes the suggested changes to the Public Speaking Protocol and Protocol for Pre Applications Presentations at the Plans Panel meetings and is part of the Chief Planning Officers consultation with the Joint Plans Panel.

2. Background information

- 2.1. Public Speaking has been a feature of the Plans Panel meetings in Leeds for several years, providing local people, community representatives and ward members the opportunity to address the Plans Panel to share their views and thoughts on development proposals.
- 2.2. In Leeds, there is public speaking on pre application presentations, position statements and at the final determination stage.
- 2.3. Some feedback at a recent South and West Plans Panel meeting highlighted the potential difficulty for members of the public to follow and understand meetings and

the process, in particular in relation to the order of speakers. Following this feedback and in discussion with Panel Chairs, it was timely to revise the Protocol.

1. Main issues

- 1.1 The Council's provisions for public speaking on planning applications at the Plans Panels are contained within the Public Speaking Protocol, part 5h of the Council's Constitution.
- 1.2 The latest revisions seek to further clarify the existing provisions in the protocol by minor Plain English wording changes in the interests of transparency. However, more significant changes are proposed in relation to the order in which speakers make their representations at Panel and the terminology used. These revisions have been made in response to recent customer feedback at a South and West Plans Panel meeting about the difficulty understanding the procedure of public speaking and recent administrative misunderstandings on the order of speakers, leading to confusion at the Panel meeting.
- 1.3 The current protocol makes speaking provision for objectors and supporters of the *officer's recommendation*; where an application is recommended for approval, the speaker against the recommendation that is the objector to the application would speak first, followed by the speaker for the recommendation (subject to the exceptions). However, where the application is recommended for refusal, the applicant would speak first, as they are the speaker against the recommendation. As mentioned above this has led to some confusion.
- 1.4 The proposed changes seek to clarify and simplify terminology and now refer to *objectors and supporters of the application* and standardise the running order of speakers; objectors to an application will always speak first, followed by supporters of the application (often the applicant), again subject to the exceptions in the protocol. This maintains the applicant's right to reply but also provides improved clarity and certainty for members of the public who are trying to follow the meeting, who may also be participating as speakers.
- 1.5 The proposed changes are attached as appendix 1.

2. Protocol for pre application presentations at plans panel

- 2.1 The public speaking protocol makes reference to the *Protocol for pre application presentations at plans panel*, which has also been reviewed. There are minor changes and mainly relate to points of clarity and the removal of the image of an out of date leaflet (the content of which has since been reviewed and updated).
- 2.2 The main change is changing the title to *Guide to pre application presentations at plans panel meetings*. This reflects its weight as a guidance note for applicants, rather than as a formal document within the constitution.

3. Guidance note

- 3.1 Again, reflecting on the feedback, it is also proposed to produce a short explanatory leaflet/ guide for people attending the Plans Panel meetings to explain proceedings, order of business and order of public speaking in the interests of clarity and transparency. This will be produced in consultation with the Joint Member Officer Working Group

3.2 It was also agreed to produce some information for speakers in advance of the Panel meeting to help speakers formulate their address to members, with a focus on what is material and what cannot be taken into consideration.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Both documents have been reviewed by the Executive Board Member, Plans Panel Chairs, Legal Services and the Joint Officer Member Working Group.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no specific issues arising from this report, however, the new process provides greater clarity of approach for the public, aiding transparency in the planning process for all service users.

4.3 Council policies and the Best Council Plan

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. Public involvement and engagement is a key part of the determination of planning applications.

Climate Emergency

4.3.2 There are no specific issues arising from this report

4.4 Resources, procurement and value for money

4.4.1 The development management service is delivered with the constraints of the budget and these changes will not place any further financial burdens on the service

4.5 Legal implications, access to information, and call-in

4.5.1 No identified issues

4.6 Risk management

4.6.1 The proposed approach reduces risk at Plans Panel meetings, by following a clearly understood order of proceedings for members of the public, thereby reducing the risk of accusations of impropriety.

5. Conclusions

5.1 Largely the changes suggested have been made in the interests of clarity and Plain English, but the change of order to the speaks are Panel provides a consistent approach at meetings and hopefully makes following the order of business easier for member of the public.

- 5.2 The change of name of the pre application presentation guidance note reflects the weight attached to the document in that it does not form part of the Constitution, but is a service guide to the process and proceedings at Panel of pre application presentations. Again, this is in the interests of clarity of approach and transparency.
- 5.3 Information leaflets or guides for members of the public will also be produced to help them formulate their address to Panel, describing what can be taken into consideration and what is not material and information will be available at the Panel meeting describing the Panel process, making it easier for the public to follow proceedings.

6. Recommendations

- 6.1 Members are asked to note this report and note the amendments to the public speaking protocol and the guide to pre application presentations at the plans panel meetings and agree to the production of short explanatory notes for the public attending Panel meetings to help them formulate their address.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Protocol for public speaking at the Plans Panels

1 Introduction

- 1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.
- 1.2 Subject to the exceptions below at 2.3.10 and 2.3.11 public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation. It also does not cover applications subject to non-determination appeals, where members' views may be sought.

2 Procedures

2.1 Pre-application presentations

- 2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.
- 2.1.2 Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 10 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*¹ sets out the formal process of the pre-application presentation to the plans panels.
- 2.1.3 A Ward Member or their nominated community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.
- 2.1.4 A Ward Member or their nominated community representative will be allowed to speak for a maximum of 10 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.
- 2.1.5 At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

¹ Leeds City Council Protocol for pre-application presentations at the plans panels, 2018

2.2 Position Statements

- 2.2.1 Position statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.
- 2.2.2 Applicants or agents have the opportunity to speak on the information provided in the Position Statement for a maximum of four minutes.
- 2.2.3 A Ward Member or their nominated community representative may then address the Panel for a maximum of four minutes. *Whilst members may express views on aspects of the proposals, at this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.*

2.3 Matters for determination or other matters requiring a decision

- 2.3.1 Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below.
- 2.3.2 Applicants, supporters and objectors must give notice of their wish to speak at the Panel meeting to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the meeting.
- 2.3.3 Applicants, supporters or objectors will have a maximum of four minutes to address the Panel. At the discretion of the Chair additional time maybe allowed; this additional time will be offered to both supporters and objectors.
- 2.3.4 In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated. However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the four minute time limit.
- 2.3.5 , Objectors to an application will always be invited to speak first. The applicant or supporters will then speak.
- 2.3.6 The Chair will invite members of the Panel to ask questions of the speakers after each speaker has finished to clarify matters of fact, but such questions shall be limited to relevant planning issues.
- 2.3.7 At the end of the public speaking the Chair will allow officers to clarify any matters raised/ or to point out any non-material considerations arising from the public address.

- 2.3.8 If the applicant or supporters of the application do not speak in relation to an application recommended for refusal, the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.3.9 If no objector to the application wishes to speak to an application recommended for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.3.10 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters of the application have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to four minutes when detailed reasons for refusal are reported at the next panel meeting. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.11 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors to the application have not been given the opportunity to speak, they shall be given an opportunity to address the Panel for up to four minutes when detailed conditions for approval are reported at the next Panel meeting. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.12 For the avoidance of doubt, applicants, supporters or objectors to the application will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about the new matters or the amended details, not about matters which have been previously considered by the Panel.

3 Passing around of information

- 3.1 The circulation of materials will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any new issues raised in the material.

4 Members of Plans Panel

Protocol for Public Speaking at Plans Panel

- 4.1 A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.
- 4.2 No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking².

5 Review

- 5.1 This Protocol may be reviewed, revised or revoked by the Chief Planning Officer in consultation with a meeting of the Joint Plans Panel³ at any time.

² A Member may address the meeting as a member of the public if they have in place an appropriate dispensation relating to the relevant DPI.

³ An informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel

Guide to pre-application presentations at the Plans Panel meetings

Current government guidance is clear that the pre-application stage is a valuable part of the planning process where applicants should be encouraged to take up pre-applications services offered by the Local Planning Authority.

Leeds City Council welcomes pre-application involvement and certain major, significant or sensitive proposals may be accepted for pre-application presentations to the Plans Panels. Applications subject to Planning Performance Agreements will almost certainly be presented at the Plans Panel meeting at the pre-application stage.

A pre-application presentation to the Plans Panel is an opportunity for Members to learn about an emerging proposal and to help identify issues to be dealt by the developer prior to a formal submission.

Leeds City Council takes a transparent and open approach to pre-application presentations and includes them on the Plans Panel's formal agenda, normally after any planning application items on the agenda have been considered. The information is therefore in the public domain, unless a developer can demonstrate to the satisfaction of the Plans Panel that some or all of the presentation (or information provided) should be exempt from publication and the public should be excluded from that part of the meeting in accordance with the Council's Access to Information Procedure Rules. Pre-application presentations may only be treated as confidential if there are clear demonstrable issues of commercial sensitivity or other significant

reasons why information may not be disclosed and a public interest test may be applied.

Plans Panel meetings may be filmed or recorded.

Format of pre-application presentations

Presentations will take place at the Civic Hall, or any other venue at an appropriate time to the Plans Panel meeting.

The format of the pre-application presentations shall be:

- Officer introduction to the site and key points
- Applicant presentation limited to a maximum of 10 minutes unless a longer period is permitted by the Chair
- Ward member or their nominated representative address, limited to a maximum of 10 minutes (at Chair's discretion)
- Questions on the emerging proposals as set out in the officer report asked of Members
- Member questions to officers and or applicant
- Consideration by Members to ensure clear guidance is given
- Summing up by Chair

The role of the applicant

The applicant presentation will be limited to a maximum of 10 minutes, followed by questions and answers.

The presentation should only provide relevant summary of the scheme and provide background information to give context to the proposal. Applicants should also provide information on any community and ward member engagement which has taken place or is planned.

A good practice guide to pre-application engagement with Ward Members and Communities is availableⁱ.

Role of ward members or a community representative

Subject to the provisions in the Council's Public Speaking Protocol, a Ward Member or their nominated community representative has the opportunity to address the Plans Panel.

Ward Members will be notified by letter and should contact planning@leeds.gov.uk or telephone 0113 2224409 by 5pm on the Tuesday before the Plans Panel meeting stating their, or their community representative's intention to address the Plans Panel.

This address will follow the developer/ applicant presentation and Ward Members or their nominated community representative has a maximum of 10 minutes to present their information.

At the discretion of the Chair of the Panel, the time may be shared by more than one speaker.

Information must focus on matters that are relevant to the planning process. Members of the

ⁱ *Leeds City Council Pre-application engagement - a guide to best practice 2018*

Panel may ask questions to seek clarification on any issues they may have.

Role of plans panel members

Plans Panel Members will give an informal response to the presentation but will not give advice that indicates a pre-determination of the proposals.

Plans Panel Members may ask questions to clarify aspects of a proposal or policy concerns, but the discussion will not develop into negotiation. All views expressed by the Panel or by Officers prior to the formal determination of an application are without prejudice. Members will only make their decision on any subsequent application after having received the officer's report and heard all the relevant evidence, representations and views at the meeting of the Plans Panel when the application is presented for determination.

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Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 11th July 2019

Subject: Site Allocation Plan (SAP) & Core Strategy Selective Review (CSSR) - Update

Are specific electoral wards affected? If yes, name(s) of ward(s): All	☒ Yes ☐ No
Has consultation been carried out?	☒ Yes ☐ No
Are there implications for equality and diversity and cohesion and integration?	☒ Yes ☐ No
Will the decision be open 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

- The City Council has a statutory duty to prepare a Local Plan and review it so that Policies are relevant and up to date. In Leeds, the Local Plan includes the Site Allocations Plan (SAP) and the Core Strategy Selective Review (CSSR). These Plans are set within the context of the Leeds Core Strategy (CS) which was adopted in November 2014 and forms the key strategic and spatial planning framework for Leeds.
- Both the SAP and the CSSR are now at a very advanced stage, following periods of extensive public consultation and public examination by independent Inspectors. At the time of drafting this report, following consideration by Executive Board on 26th June, the SAP is due to be considered at Council on 10th July for adoption. In relation to the CSSR, following the close of public consultation on Main Modifications (MMs) on 28th June, the Inspectors report is currently pending. Subject to receipt of this within governance timescales it is proposed to present the Inspectors Report to Executive Board on 26th July, with a recommendation for Council to adopt the Plan in September.

1. Main issues

The preparation and adoption of an up to date Local Plan is an essential requirement to plan the overall scale and distribution of the homes, jobs and green spaces across the District and provides a focus to guide investment decisions and to plan infrastructure decisions. Once adopted, the Plans can be afforded full weight in the determination of planning applications.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

The SAP and the CSSR takes forward Best Council Plan priorities for regeneration, inclusive growth, high quality housing, health and wellbeing, sustainable infrastructure, and environmental enhancement; having a key role to play in shaping the future form, location and overall pattern of development across the entire Metropolitan District (MD). The preparation of the Local Plan is also one of the main ways that local authorities can use their planning powers to tackle climate change. The Council has a statutory duty to prepare a Local Plan, which contains strategic policies and land allocations, taking into account the need to mitigate and adapt to the consequences of climate change.

3. Resource Implications

The preparation of the SAP and CSSR has been a complex and resource intensive process. This has been met from within existing resources but has entailed extensive cross service and Directorate working across the City Council and with external partners. The preparation of an up to date and adopted Plan, is significant also in providing certainty as a basis to guide investment decisions and in infrastructure planning.

Recommendations:

i) to note the contents of this report

1. Purpose of this report

- 1.1 The purpose of this report is to provide an update regarding the preparation of the SAP and the CSSR, as part of the Leeds Local Plan.

2. Background information

- 2.1 As outlined above, the SAP and CSSR form part of the Leeds Local Plan. The SAP provides the future planning framework to guide the development of housing (including for Gypsies and Travellers and Travelling Showpeople), employment and retail proposals and to protect and enhance green space. This is a key strategic Plan for Leeds MD and the City Region as a whole, providing for 51,863 homes (identified and new allocations), 830,000 sqm of office space, 245ha of employment land, as well as over 1,600 green spaces and 63 retail designations.
- 2.2 The SAP Inspectors' final Report was received on 7th June 2019. The Inspectors' found the Plan to be legally compliant and "sound" and capable of adoption, subject to a number of MMs being made. The recommended MMs are acceptable in improving the clarity and effectiveness of the Plan and the majority are in line with the Council's suggested modifications discussed at Examination.
- 2.3 In providing a commentary of the soundness of the SAP, the Inspectors Report focusses upon seven key issues. These are:

- i. Whether the SAP meets the legal process and requirements,
- ii. Whether the SAP gives effect to and is consistent with the CS (Core Strategy),
- iii. Is the Council's approach to the Green Belt Review robust and consistent with the CS,
- iv. Whether the Council's approach to Green space protection and designation is sound,
- v. Whether the necessary infrastructure will be in place to support the planned development,
- vi. Are the site allocations justified by a robust process of site selection within the context of the CS, and,
- vii. Whether the generic policies and specific site requirements for allocated sites are sound.

2.4 In relation to these issues, the main conclusions reached by the Inspector are summarised as follows:

- i. The Plan has been assessed under the transitional arrangements of the revised NPPF (2019) which means that the Plan must be compliant with the NPPF (2012).
- ii. Any consideration of whether the housing requirement figure in the CS remains appropriate or what any new requirement should be is beyond the purpose of the SAP and the remit of the Examination (para 7).
- iii. The Plan provides an appropriate basis for the planning of the area of Leeds excluding the Aire Valley (covered by the AVLAAP) provided that a number of recommended MMs are made to it (see Appendix 1 of the Inspectors Report).
- iv. The Inspector has concluded in reference to the Duty to Co-operate that the Council has been proactive and has engaged constructively, actively and on an on-going basis in preparation of the SAP (with relevant adjoining authorities and Agencies, including Bradford, Harrogate, the Highways and the Environment Agencies). This has ensured that the Council complies with the legal duty, soundness test and that there are no unresolved strategic matters.
- v. The Plan provides a delivery mechanism to ensure that the development required to implement the Core Strategy is appropriately located, of the right scale and adequately supported by the required physical and green infrastructure. With regard to infrastructure the Inspectors specifically conclude, *'the process of identifying the infrastructure requirements arising from the proposed allocations set out in the SAP is sound and will ensure that the necessary infrastructure will be in place to support the planned delivery of development'* (para. 93).
- vi. The Plan is consistent with national policy, in particular with aims to boost significantly the supply of housing and support sustainable economic development. Subject to the modifications, the Plan appropriately addresses the spatial implications of economic, social and environmental change and, as demonstrated by the Sustainability Appraisal (which has met the test of adequacy), will achieve net gains

across all three social, economic and environmental dimensions of sustainable development.

vii. Subject to the recommended modifications, the allocations in the Plan are consistent with national planning policy on flood risk.

viii. Viability and delivery issues within the Plan area have been appropriately addressed and in delivering over 51,000 homes and 245 ha of employment land the Plan will provide sufficient flexibility to respond to changes in circumstances over its lifetime.

ix. Mechanisms such as the Strategic Housing Land Availability Assessment, the Employment Land Review and Assessment, and the Sustainability Appraisal have enabled a thorough testing of the proposed allocations against reasonable alternatives, with clear methodologies used for the comparative and cumulative analysis of potential allocations. With regard to site selection, the Inspectors have specifically concluded that, *'the site selection process, including Green Belt releases, is clear and based on a sound process of SA and testing of reasonable alternatives...The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement'* (para.109).

x. The scale and mix of housing proposed by the Plan is justified and there is a reasonable prospect for its effective delivery over the plan period, which will positively address the identified needs of different groups in the community.

xi. The allocation of Green Belt sites for housing to meet needs to 2023, ensures that the majority of sites in the Green Belt that had been proposed for housing in the Submission Draft Plan are deleted via the MMs. (32 sites initially proposed for housing are deleted). The Inspectors are satisfied that there are no reasonable alternatives to the allocations proposed and the housing requirement provides the exceptional circumstance necessary to support the release of a reduced number of Green Belt sites, subject to the necessary infrastructure and site requirements being applied.

xii. With regard to the selection and allocation of employment sites, the inspectors conclude that, the site selection process is sound ensuring that the allocated employment and office sites are the most reasonable having regard to the alternatives assessed (para. 121).

xiii. *'Subject to the MMs the Council's approach to Green space to ensuring that sites are protected and the manner in which sites have been designated is sound'* (para. 86).

xiv. The approach to designating boundaries for the retail centres identified within the CS, including primary (and where appropriate secondary frontages), is sound (para. 120).

xv. *'The Council's efforts to engage the Gypsy and Traveller community in the process provide an exemplary example'* (para. 123).

xvi. In relation to the generic and specific site requirements relating to individual sites, the Inspectors conclude that subject to the MMs, they are 'justified and effective',

‘clearly expressed so they can be applied in day to day decision-making and consistent with national policy’ and that, ‘the evidence demonstrates that the delivery and viability of the allocated sites is not prejudiced by the site requirements’ (para. 223)

xvii. The Plan appropriately recognises and reflects the significance of designated and non-designated heritage assets and takes into account the contribution they make to their environment.

xviii. *‘The CS (Core Strategy) includes policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change. This is further supported through individual site requirements in the SAP such as those relating to flood risk, ecology, and public transport measures’ (para. 229).*

xix. The detailed wording of MM19 (Section 2 Housing Overview – Gypsy and Traveller needs throughout the plan period) has been amended by the Inspector. The focus of this is to clarify overall pitch requirements throughout the plan period and for these requirements in turn to be subject to monitoring and review, subject to any deficit.

xx. The Plan complies with the relevant legal requirements including: the Planning Act (and Regulations), Local Development Scheme, Statement of Community involvement, Duty to Cooperate, Sustainability Appraisal, Habitats Regulations and the aims of the Equality Act (2010)

- 2.5 Upon Adoption the sites allocated in the SAP will also provide the City Council with a housing land supply position in excess of 5 years. This is necessary to ensure that full weight can be applied to all Development Plan policies and cease the run of planning appeals relating to unallocated or protected sites, which has involved the allowance by the Secretary of State and Planning Inspectors of 11 sites for housing development (for 1,500 homes). Although it is noted that 3 appeals were dismissed (for 1,400 homes).
- 2.6 The Leeds Core Strategy, which sets the overall strategic planning framework for Leeds, was adopted in November 2014 and this included a housing requirement of 70,000 (net) new homes between 2012 and 2028, of which 66,000 homes were to be identified as allocations through the SAP and the Aire Valley Leeds Area Action Plan (AVLAAP).
- 2.7 Concurrently, alongside the SAP and taking account of up to date evidence on housing needs and the need to update policies on housing standards, the Council has progressed a Core Strategy Selective Review (CSSR). This was submitted to the Secretary of State in July 2018. This flexible approach to preparing and updating plans (in response to changing circumstances) is reflected in national guidance and planning regulations. However, for the purpose of examining the SAP, the Council and Inspectors have made clear from the start of the process that it must be compliant with the Adopted Core Strategy and not any plans in draft form. That said, the SAP is complementary to the draft CSSR and its lower housing requirement.
- 2.8 In relation to housing needs (Policy SP6), the Council considered a range of revised requirements for the MD sourced from a Strategic Housing Market Assessment carried out by independent housing and demography consultants. The Council used

the accepted national methodology for this work (supplemented by a local housing survey) and had regard to the Government's new standard methodology, which provides local authorities with a starting point that may be increased e.g. to reflect economic growth and local characteristics. This work identified a revised housing requirement of 51,952 homes between 2017 and 2033 at a lower rate of 3,247 homes p.a. It is noted that completions for the year 2018/19 rest are 3,430 homes with reasons to be optimistic about short term delivery based on record levels of planning permissions and starts on site, including the continued contribution of the Council House Build Programme, City Council partnerships and regeneration programmes

- 2.9 In addition, as part of the targeted scope of the CSSR (agreed at Executive Board in February 2017), Policies in relation to affordable housing, green space, sustainable construction (Policies EN1 and EN2 to reflect national advice) have been updated, together with new policies on housing standards (size and accessibility) and electric vehicle charging.
- 2.10 In relation to affordable housing (Policy H5) the CSSR proposes increases in targets for the city centre and inner areas from 5% to 7%, clarified how the Council's definitions of affordable housing sit in relation to new definitions in the national guidance and clarified arrangements for build-to-rent dwellings in line with national guidance.
- 2.11 In relation to Housing Standards (Policy P9) the CSSR adopts the Nationally Described Space Standards (NDSS) in local policy to provide for larger rooms and dwellings to meet needs in line with Best Council Plan.
- 2.12 In relation to Accessible Housing (Policy H10) the CSSR sets out policies to provide for 30% of all new dwellings to be adaptable for wheelchair users and for 2% to be fully wheelchair accessible.
- 2.13 In relation to Green Space (Policy G4, G5 and G6) the CSSR sets out a revised approach to delivering high quality on-site greenspace and seeking improvements to local spaces as appropriate.
- 2.14 In relation to Electric Vehicle Charging Infrastructure (Policy EN8) the CSSR seeks to ensure that development, including new homes, provides on-site charging facilities for electric vehicles.
- 2.15 Following the hearing sessions of the CSSR in February 2019 the Inspector issued a series of Main Modifications (MMs), considered necessary to make the Plan sound and legally compliant. On 16 May 2019 Executive Board approved Main Modifications (MMs), recommended by the Inspectors as necessary to make the Plan sound, be subject to public consultation. This took place between May and June 2019. At the time of preparing this report the Inspectors Report was pending (members will be updated at the meeting).

Next Steps

- 2.16 At the time of preparing this report, following consideration by Executive Board on 26th June the SAP was pending adoption at Council on 10th July. In relation to the CSSR, subject to the receipt of the Inspectors Report, this was due for consideration at Executive Board on 26th July, with a view to the CSSR being adopted at the

September Council meeting. As outlined above, once adopted these Plans can be afforded full weight in the determination of planning applications.

3. Corporate considerations

3.1 Consultation and engagement

- 3.1.1 The preparation of the SAP & CSSR have been subject to several stages of engagement and public consultation, this is document in the Reports of Consultation for both documents. At the time of writing this report the consultation and engagement activity in relation to the SAP, has been found to be sound and legally compliant by the independent Inspectors. In relation to the CSSR, at the time of writing the Inspectors Report was pending.

3.2 Equality and diversity / cohesion and integration

- 3.2.1 Due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening. As the recommendations are to review and update in the context of existing principles and the Council's role in plan-making and planning policy implementation, it is assessed that at this stage there are no EDCI implications but this will be kept under review through the next stages of work. A key focus of the declaration of the Climate Change Emergency and the principles of sustainable development is to ensure that there is intergeneration equity in terms of environmental conditions and quality of life.

3.3 Council policies and the Best Council Plan

- 3.3.1 The Best Council Plan (2019/20 – 2020/21) is relevant to the CSSR in terms of its priorities for Housing, Inclusive Growth, Health & Wellbeing, Sustainable Infrastructure, Child-friendly Leeds, Age-friendly Leeds, and Safe & Strong Communities.
- 3.3.2 The quantity of homes that Leeds plans for will have ramifications for inclusive economic growth by ensuring that Leeds is supported by the right number of new homes of the right type to meet the needs of a growing population. The SAP and CSSR will also provide the ability to improve the range and quality of dwellings delivered to ensure the needs of particular groups such as the elderly are met, and that health and wellbeing of residents is improved. Proposed Policy H10 (Accessible Housing Standards) should be of particular benefit to households with mobility issues including the elderly and support self-care, choice and control. In terms of public health and wellbeing, there are important linkages between the CSSR policies. Improved Space and Access Standards, the provision of Affordable Housing (in meeting housing needs), together with the protection and provision of green space make an important contribution to local amenity and quality of life across the District.

Climate Emergency

- 3.3.3 A Climate Change Emergency was declared by the City Council on 27th March 2019. It is therefore critical that the statutory plan-making process and the implementation of those plans contributes to the sustainable development of the District and the ability to mitigate and adapt to the consequences of climate change (including the need for carbon reduction to meet agreed targets).

- 3.3.4 Taken as a whole, the Leeds Local Plan (and Supplementary Planning and Design Documents and Guidance), including the adopted Natural Resources and Waste Plan, Core Strategy, Aire Valley Leeds Area Action Plan,, and the Core Strategy Selective Review and the Site Allocations Plan (both at an advanced stage), have a positive impact on reducing carbon emissions and protecting and enhancing biodiversity which all has health and well-being benefits. A consequence of not having these plans in place and ensuring they are delivered is poorly planned, un-co-ordinated and adhoc development proposals, being determined on their merits outside an integrated planning framework.
- 3.3.5 A fundamental purpose of a plan-led approach, is to plan the spatial and inclusive growth of the District, with regard to the longer term strategic imperatives of Sustainable and Healthy Development and Climate Change. Consequently, the integration of land use allocations and transport planning, the provision of renewable energy and sustainable infrastructure for new development, the protection and enhancement of green infrastructure and the management of waste flows and the consumption of natural resources, are integral to the policy framework for influencing investment decisions and the determination of planning applications.

3.4 Resources, procurement and value for money

- 3.4.1 The cost of preparation of the SAP and CSSR has been met from existing provision. A key strategic benefit of having such adopted plans in place is to provide certainty for investor decisions and infrastructure provision.

3.5 Legal implications, access to information, and call-in

- 3.5.1 No legal implications at the present time. Any review of policy will be in accordance and compliance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plans) Regulations 2012 (as amended).

3.6 Risk management

- 3.6.1 The Risk to the Council of not having up to date Plans in place, exposes the District to speculative, potentially unsustainable development and a lack of certainty for investors. This is detrimental to communities and to the provision of co-ordinated and well planned infrastructure. In addition, with the Local Plan in place, the Council is better able to establish and defend a five year housing land supply position and to take a plan led approach to growth and investment, consistent with the requirements of national planning guidance.

4. Conclusions

- 4.1 The adoption of the SAP and the CSSR will be a significant step in supporting our ambition to strengthen the economy in a compassionate way as set out in the Best Council Plan through inclusive economic growth, improving housing growth and standards, the provision of green spaces for health and well-being and mitigating of and adaptation to the consequences of climate change.

5. Recommendations:

5.1.1 i) To note the contents of this report

6. Background documents

None

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Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 11th July 2019

Subject: Planning and Design for Health and Well-Being

Are specific electoral wards affected? If yes, name(s) of ward(s): All	☒ Yes ☐ No
Has consultation been carried out?	☒ Yes ☐ No
Are there implications for equality and diversity and cohesion and integration?	☒ Yes ☐ No
Will the decision be open 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

The City Council's Planning and Design for Health and Wellbeing group was set up in 2017. The purpose of this is to further establish cross cutting working across services (including Public Health, Active Leeds, Planning, Highways and Parks & Countryside) to build on the work of Leeds' 2014 Public Health report. Its aim is to achieve the best possible outcomes for Leeds' communities, where active travel and outdoor activity is an easy choice and to raise awareness and identify practical steps to achieve benefits and added value between good design in planning for health and wellbeing. Within this overall context, the focus of this report is to set out the work undertaken to date and to identify next steps.

1. Main issues

The City Council will review the implementation of existing policy and identify areas of best practice, to ensure that improving Health and Wellbeing (linked also to the Climate Emergency) is delivered as a priority and that the Core Strategy and associated Supplementary Planning Documents and Guidance notes are fit for purpose. There is an urgency to do this work now, with particular reference to the Sustainable Energy and Air Quality's lead on the climate emergency and the targets Leeds has set itself. The relationship between climate change and health and wellbeing are integral and it's important therefore to take a joined up approach through planning policy and design solutions. In addition to the delivery and monitoring of existing policies, the future Local Plan review also provides an opportunity to take a longer term view and to strengthen policy interventions.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

The Leeds Local Plan and supplementary planning documents/ guidance, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be the 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives for planning and design for Health and well being, these Plans seek to implement key City Council priorities. These include the Best Council Plan (in particular priorities relating to 'Health and Well-Being; Inclusive Growth, Sustainable Infrastructure, Child Friendly Leeds, Age Friendly Leeds, Housing and Safe and Strong Communities'.

In addition there are clear alignments to Leeds Inclusive Growth Strategy and Leeds Health and Wellbeing Strategy and the recently announced Leeds commitment to the Climate Emergency

3. Resource Implications

Health and Well-being has strategic implications across all directorates. Joint partnership working allows shared knowledge and staff resources. Additional, specialised staff resource may be required to fully embed Public Health engagement into the Planning Application process. External funding sources could be sought to assist in exploring exemplar projects through case studies for example Beckhill and Lincoln Green (looking at theoretical indicative concept layouts and the integration of the Health and Well –being principles.)

Recommendations:

- i) to note the contents of this report and the work of the Planning and Design for Health and Wellbeing (PDHW) group and
- ii) endorse next steps

1. Purpose of this report

- 1.1 This paper sets out the context and background of Planning and Design for Health and Wellbeing (PDHW); the establishment of a cross Directorate officer working group involving colleagues in Planning, Design, Highways, Public Health, Active Leeds and Parks and Countryside; the work that this group has undertaken to date and future actions.

2. Background information

- 2.1 Leeds' 2014 [Director of Public Health report](#) detailed ways that Leeds could plan a healthy city around housing growth. Further, the principles of health & wellbeing are embedded into Leeds' Health and Wellbeing Strategy (2016-2021) alongside the Best Council Plan (2018/19-2020/21) and Leeds Growth Strategy (2018-2023). There are also clear links between a healthy city and the City's commitment to the Climate Change emergency.
- 3. The City Council's Planning and Design for Health and Wellbeing group was set up in 2017. The purpose of this is to further establish cross cutting working across

services (including Public Health, Active Leeds, Planning, Highways and Parks & Countryside) to build on the work of Leeds' 2014 Public Health report. Its aim is to achieve the best possible outcomes for Leeds' communities, where active travel and outdoor activity is an easy choice and to raise awareness and identify practical steps to achieve benefits and added value between good design in planning for health and wellbeing. Main issues

- 3.1 The quality and form of the built environment has a major impact on public health and wellbeing, *'The characteristics of the environment where we live influence our lifestyles and daily experiences, contributing significantly to our health and wellbeing. Today, compared to 70 years ago, the disease burden is increasingly associated with lifestyle... In short, town planning, transport planning and house building have inadvertently contributed to the lifestyle associated diseases that place an unacceptable burden on both individuals and the NHS.'* **Healthy by Design, NHS England, 2018**
- 3.2 It is widely acknowledged that using education to improve health through changes in behaviour has had limited success, and indeed has contributed to health inequalities. It is now known that a 'whole systems approach' is needed. The Healthy Places programme was set up in 2013 by Public Health England to work with planning, housing and transport bodies in recognition that homes and neighbourhoods have a big impact on our health and wellbeing.
- 3.3 The relationship between health and planning has been entrenched since the 'Housing and Town Planning Act of 1909' (and subsequent re-writes) when urban planning was being advanced to mitigate the consequences of the industrial age to provide healthy living spaces and environments.
- 3.4 This is a timely reminder of the purpose of the planning system (National Planning Policy Framework NPPF2) which is to contribute to the achievement of sustainable development. The NPPF sets out three objectives that broadly contribute to the wider factors that influence health and wellbeing:
 - a) An economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.5 Furthermore, the National Planning Policy Framework (NPPF) specifically sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, safe and accessible spaces and promote healthy lifestyles. It also acknowledges that planning policies and decisions

play a key role in the provision of social, recreational and cultural services that meet community needs and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

- 3.6 All development plans produced in Leeds, as part of the Local Plan, have sought to provide a framework for sustainable and healthy communities, having regard to quality of life and to protect and enhance the environment. . This is achieved through a strategic and spatial approach and a suite of policies relating to the overall scale and distribution of development, location, layout and fabric of places. Primarily, (through the Core Strategy (CS)) the greatest levels of development are directed to the existing main urban area (including the City Centre) and major settlements to avoid travel by private car, as sustainable locations.
- 3.7 Further, all development proposals are subject to a range of specific detailed policies¹ to achieve a layout, design and fabric efficiency which both mitigates climate change and addresses impacts, such as flooding but has clear physiological and psychological benefits on health and well-being. These plans are underpinned by comprehensive sustainability appraisals, which take into account the social and environmental consequences and strengthens policies accordingly. These have been tested extensively through a public examination process, based on evidence.
- 3.8 To that end, planning for health and well-being is embedded within Leeds as part of an integrated approach. But it is important to plan, monitor and review policies to see if they are working most effectively and respond to new pressures. An example of this is the Core Strategy Selective Review (CSSR) which has recently targeted planning policies on sustainable design & construction through minimum space and accessibly housing standards and electric vehicle charging points.
- 3.9 In addition to the Core Strategy, the Planning Service (Environment Design Group) have led on the Supplementary Planning Guidance of 'Neighbourhoods for Living' which provides guidance to developers for delivering quality housing designs and this is supplemented by Sustainable Design and Construction' and 'Accessible Leeds' alongside Highways guidance in 'Street Design'. These documents all provide recognised and useful design guidance on how development should be laid out alongside the provision of pedestrian and cycle facilities, high quality public realm and buildings and provision of green spaces and planting.
- 3.10 The above documents (developed since 2003) provide an important base line to address Health and Well-being issues through Planning. It is fundamentally important also to ensure that policy effectiveness with regard to good design and its contribution to overall health and well-being benefits, is subject to on-going monitoring and review. This is recognised by the Policy and Plans work programme recently agreed by Development Plans Panel (15th May 2019) which includes a review of the Local Plan.

Whilst the existing suite of Local Plan policies provide a comprehensive framework from which to progress, the future Local Plan Review provides an opportunity to review policies in relation to climate change policies and their implications for health and wellbeing.

¹ in the Core Strategy (2014), the Core Strategy Selective Review (pending 2019), the Site Allocations Plan (pending 2019), Aire Valley Leeds Area Action Plan (2017) and supplementary guidance / design guidance

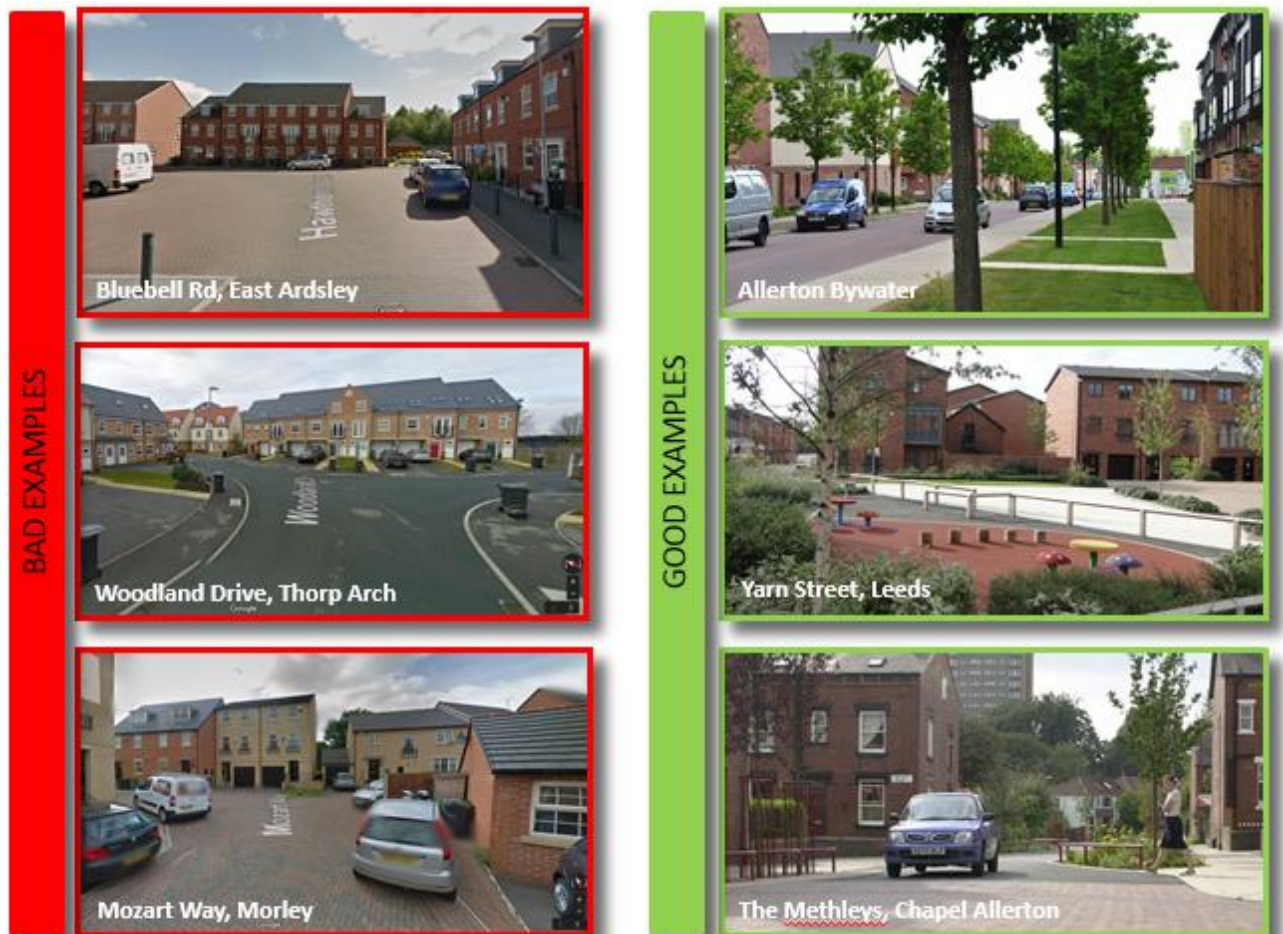
- 3.11 There are a number of ways to review policy, including:
- through more focussed implementation of existing planning policy
 - consistent monitoring of built development to better understand what works
 - influence of other service areas, agencies and investors
 - through a wider Local Plan review, which can provide more ambitious statutory policies.
- 3.12 The wealth of Design Guidance/SPD's that Development Management colleagues are asked to consider is considerable. Highways have taken the lead by condensing 4 Highway documents into one Street Design Guide (currently being finalised for approval). There is a similar intention that the key design guidance in Neighbourhoods for Living and the Sustainable Design and Construction SPD be amalgamated, with 'Health and Wellbeing' with 'Climate Emergency' incorporated.

Work to date by the PDHW group

- 3.13 The PDHW group's first aim was to establish key principles that are underpinned in national and local planning policy and meet strategic priorities for the city, which can be signed up to by all partners at a senior level:
- **A**ctive neighbourhoods – promoting cycling and walking, reducing car usage and improving children's opportunities for independent mobility.
 - **B**etter air quality and green space – using green and blue infrastructure to provide opportunities for outdoor recreation and promote mental wellbeing.
 - **C**ohesive communities – encouraging co-located services and high quality neighbourhood spaces to encourage social interaction and combat isolation.

A graphic illustrating these key principles and how they align with Council strategy is included in the background document (section 7) below. This is also available online (<https://www.leeds.gov.uk/docs/Planning%20Design%20for%20Health%20and%20Wellbeing.pdf>)

- 3.14 The aim of this project is not to introduce additional 'burdens' but to continue to mainstream best practice and collaboration to deliver the existing guidance and to focus on the key principles. By embedding this understanding inside and outside the Council, LCC hopes to develop a common language of 'healthy planning' so that designs consider the principles at the very earliest stage of a development project.
- 3.15 Illustrated below are some examples of bad practice and good practice, particularly focusing on the public realm outside residential properties. The bad examples do not conflict with planning policy but the spaces created do not entice people to actively play or travel by alternative means than the private vehicle. Officers will present some other examples at the meeting.



3.16 To date, the PDHW group has:

- Responded to the TCPA Sponsored Raynsford Review to influence national planning policy development
- Gained Planning Board (Planning & Sustainable Development) support for the key principles
- Presented to and received endorsement from Leeds' Health and Wellbeing Board
- Presented a Masterclass to 50 Council staff representing all directorates; with further masterclasses to be arranged
- Embedded the key principles within the emerging Neighbourhood Plans and Design Toolkit
- Had the project included as a key priority in LCC's Healthy Weight Declaration
- Published a [webpage](#) which can be accessed from the [Planning Guidance](#) section of our website including a summary of the group and the key principles
- Delivered a workshop attended by 9 major housing developers, with a presentation by a group of young people from Young Ambassadors, to explore healthy neighbourhoods
- Included the key principles in the East of Otley development brief

3.17 The PDHW group are continuing to work on the following actions:

- Continuing to facilitate best practice across the Council, assisted by Development Management colleagues to integrate best practice into advice to developers
- Progressing theoretical case studies to facilitate best practice (Lincoln Green Priority Neighbourhood – strategic; and Beckhill LCC Regeneration - site specific)
- Contributing to key changes in the wording of the emerging Leeds Street Design Guide SPD
- Taking a lead from Highways and combining 3 placemaking/sustainability documents into one
- Strengthening links to Highways and Transport teams
- Delivering a workshop for the locality partners team
- Improving the web-based resources and promoting them more widely
- Embedding the principles in further Site Allocation development briefs
- Investigating the possibility of exemplar projects by working with developers more closely, such as East of Otley, East Leeds Extension, Lincoln Green and Beckhill (please note: this is a theoretical reinterpreting of an indicative layout to test the principles, whilst ensuring that the layout is not contrary to the Street Design Guide)
- Assisting with the development of a Design Code for East Leeds Extension (5,000 houses) to embed the PDHW principles

3.18 Further ahead, the PDHW group aim to work with Universities to research the impact of the above work, building an evidence base for further projects, with the potential of working with other authorities in the region.

3.19 The key message is that LCC should improve on the implementation of existing policy and aiming towards doing things differently if Leeds is to have a significant impact on improving Health and Wellbeing (linked also to the Climate Emergency) and ensure that the Core Strategy Policies and Natural Resources and Waste Policies are fit for purpose. There is an urgency to this work now, with particular reference to the Sustainable Energy and Air Quality's lead on the climate emergency and the targets Leeds has set itself. The only way to achieve this is for a total change in approach and by putting Health and Wellbeing at the forefront of all planning policy and design. This needs to be undertaken through Local Plan review of Policies.

3.20 The group's longer term ambition is to work with partners to more fully integrate and implement the principles on key sites, including new housing developments, and gather evidence about their impacts. It is therefore important that these issues continue to be raised at a very early stage in the development process. Leeds has very comprehensive design policies and guidance available to developers, but this has not always resulted in neighbourhoods that encourage outdoor activity, and there are therefore opportunities for improvement. Although Leeds has some exemplar development sites (Allerton Bywater Millennium Village, Citu's Climate Innovation District and the emerging Kirkstall Forge).

3.21 Many new developments can be dominated by traffic and parking and lack features (such as small front gardens, street trees, safe walking 'loops' and informal areas for seating and play) that bring physical and mental health benefits. Including such

features leads to many desirable outcomes such as cleaner air, reduction in carbon emissions, reduction in social isolation, better community cohesion and enhanced financial value (well evidenced). Consequently, applying the good design principles outlined in this report can transform the form and quality of development and its integration within existing and established communities.

3.22 In order to embed health and wellbeing into planning policy and decisions, Public Health are also proposing to:

- Input into reviews of plans and policy to ensure that all aspects of health and wellbeing are considered at an early stage.
- Investigate utilising a 'Health and Wellbeing Checklist' (note: ongoing discussions on this with colleagues in DM regarding validation and staff resource implications) in pre-application discussions with developers.
- Submission of applications to be accompanied by brief written explanation around the positive and negative health and wellbeing impacts, covering the range of themes/topics set out in the 'checklist'
- Public Health, Planning and partners to develop criteria to help decide which planning applications will be reviewed from a Public Health perspective so that planning colleagues can receive appropriate advice/recommendations

Next Steps

3.23 This report is intended to provide an initial overview of the responsibilities, contribution to date and future work programme of the PDHW group and wider planning service as regards implementation and policy review. It sets out that the City Council already has a number of planning policies in place, which embed health and well-being principles. However, it recognises the need to investigate the implementation of these and to update and review the Local Plan to take account of both the revised climate change context and emphasis on health and well-being and seek to identify where more ambitious policies may be needed.

3.24 Review the Neighbourhoods for Living and Sustainable Construction Design Supplementary Planning Documents/ Guidance.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Discussion has taken place at Planning Services Leadership Team (PSLT), Leeds Chamber of Commerce. Further consultation will take place with the Executive Member for Climate Change, Transport and Sustainable Development, Ward Members and other local stakeholders as further details are developed

4.2 Equality and diversity / cohesion and integration

4.2.1 Due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening. As the recommendations are to review and update in the context of existing principles and the Council's role in design and planning policy implementation, it is assessed that at this stage there are no EDCI implications but this will be kept under review through the next stages of work. A key focus of the declaration of the Climate Change Emergency and the

principles of sustainable development is to ensure that there is intergeneration equity in terms of environmental conditions and quality of life.

4.3 Council policies and the Best Council Plan

- 4.3.1 The adopted Core Strategy, UDPR 2006 saved policies and the highly advanced SAP and Core Strategy Selective Review alongside a number of supplementary planning and design documents/guidance play a key strategic role in taking forward the spatial and land use elements of Leeds Best Council Plan. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, these Plans seek to support delivery of our ambition to be a strong economy and a compassionate city. In particular, they support the Best Council Plan 2019/20 – 2020/21 priorities on Sustainable Infrastructure, Inclusive Growth, Health and Wellbeing and Safe, Strong Communities.

Climate Emergency

- 4.3.2 A Climate Change Emergency was declared by the City Council on 27th March 2019. It is therefore critical that the statutory plan-making process and the implementation of those plans contributes to the sustainable development of the District and the ability to mitigate and adapt to the consequences of climate change (including the need for carbon reduction to meet agreed targets).
- 4.3.3 Taken as a whole, the Leeds Local Plan (and Supplementary Planning and Design Documents and Guidance), including the adopted Natural Resources and Waste Plan, Core Strategy, Aire Valley Leeds Area Action Plan,, and the Core Strategy Selective Review and the Site Allocations Plan (both at an advanced stage), have a positive impact on reducing carbon emissions and protecting and enhancing biodiversity which all has health and well-being benefits. A consequence of not having these plans in place and ensuring they are delivered is poorly planned, un-co-ordinated and adhoc development proposals, being determined on their merits outside an integrated planning framework.
- 4.3.4 A fundamental purpose of a plan-led approach, is to plan the spatial and inclusive growth of the District, with regard to the longer term strategic imperatives of Sustainable and Healthy Development and Climate Change. Consequently, the integration of land use allocations and transport planning, the provision of renewable energy and sustainable infrastructure for new development, the protection and enhancement of green infrastructure and the management of waste flows and the consumption of natural resources, are integral to the policy framework for influencing investment decisions and the determination of planning applications.
- 4.3.5 Significantly also, the Core Strategy and supplementary planning guidance aims to create and integrate improved green space and landscaping; serving to provide important local amenity and recreation (having health and wellbeing benefits) but will also from part of a wider green infrastructure and habitats network (biodiversity benefits, tree protection/planting), which in turn contributes mitigating the effects of climate change through urban cooling, flood storage, sustainable drainage and reducing greenhouse gases with associated physiological and psychological health benefits.

- 4.3.6 In addition all development needs to consider building regulations and energy efficiency standards and tighter water consumption standards alongside provision of electric vehicle charging points and the potential to design in renewable energy generation, as set out in Local Plan policy and ensure that development is consistent with policy and necessary responses to climate change issues and related health and well-being principles are addressed.

4.4 Resources, procurement and value for money

Health and Well-being has strategic implications across all directorates. Joint partnership working allows shared knowledge and staff resources. Additional, specialised staff resource may be required to fully embed Public Health engagement into the Planning Application process. External funding sources could be sought to assist in exploring exemplar projects through case studies for example Beckhill and Lincoln Green (looking at theoretical indicative concept layouts and the integration of the Health and Well-Being principles).

4.5 Legal implications, access to information, and call-in

- 4.5.1 No legal implications at the present time. Any review of policy will be in accordance and compliance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plans) Regulations 2012 (as amended).

4.6 Risk management

- 4.6.1 None.

5. Conclusions

- 5.1 This report has outlined the initial work and next steps in delivering improvements to Health and well-being. A focus of this work has been via the Planning and Design for Health and Well-Being (PDHW) group. A series of future actions have been identified to investigate the implementation of existing policies and to update and review the Local Plan (and where appropriate Supplementary Documents) to take account of both the revised climate change context and health and well-being priorities and seek to identify where more ambitious and deliverable policies where needed. From a Development Management perspective there are opportunities to work with Public Health, to identify opportunities at an early stage to reflect these priorities as part of the planning application process.

6. Recommendations:

- i) To note the contents of this report and the work of the Planning and Design for Health and Wellbeing (PDHW) group and
- 6.1 ii) Endorse next steps

7. Background documents²

² The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

- 7.1 The ABC Planning and Design for Health and Well-being Principles is included below. A copy of this can also be found online at:

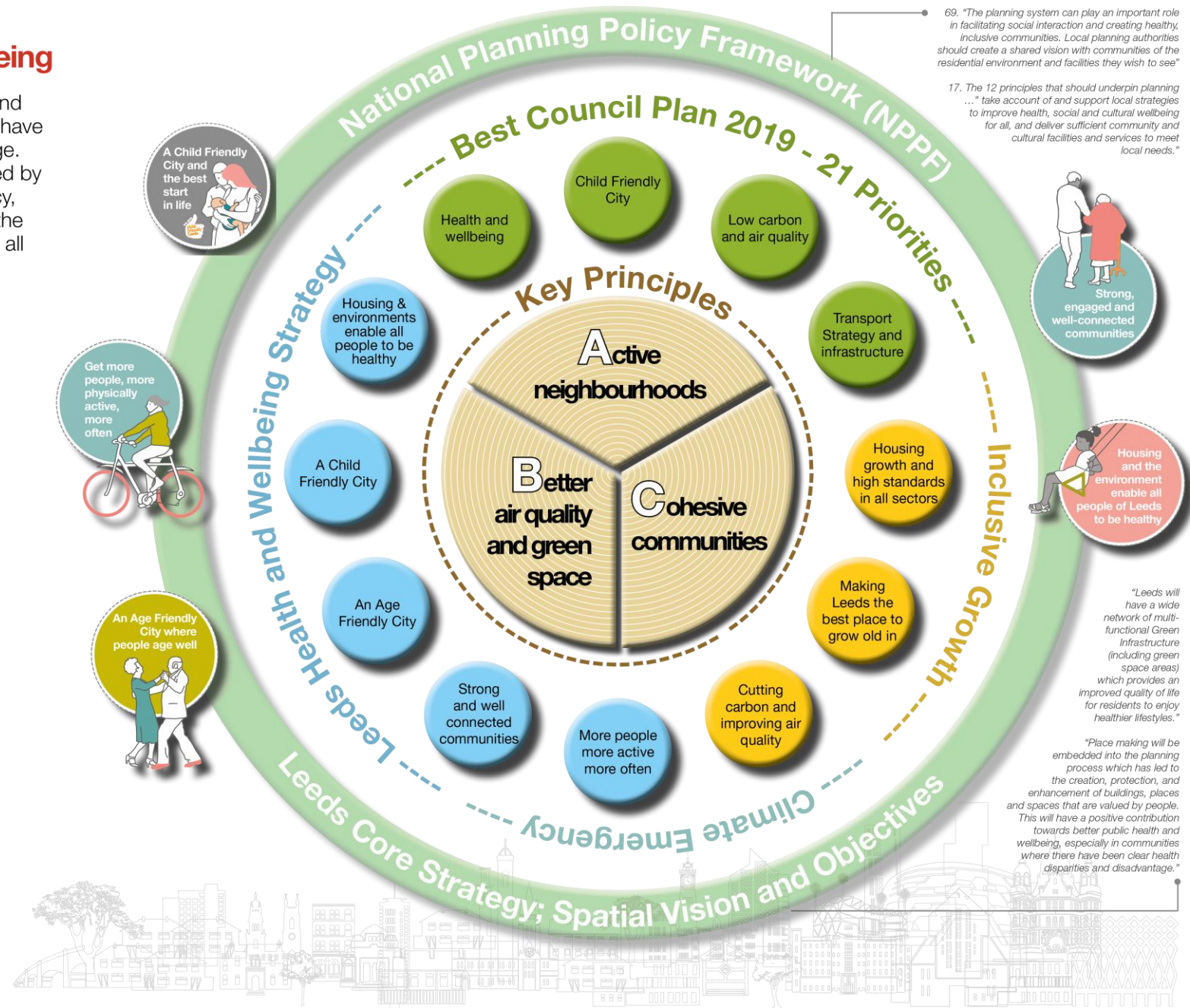
<https://www.leeds.gov.uk/docs/Planning%20Design%20for%20Health%20and%20Wellbeing.pdf>

Planning and Design for Health and Wellbeing

The key principles of planning and design for health and wellbeing have been brought together on a page. These principles are underpinned by national and local planning policy, meet the strategic priorities for the city and can be signed up to by all partners.

Key Principles

- Active neighbourhoods** – promoting cycling and walking, reducing car usage and improving children's opportunities for independent mobility.
The increasing volume and speed of traffic over the last few decades have been shown to impact negatively on healthy outdoor activity. Attractive, safe streets and networks lead to more children's informal Wplay and active travel for all ages and abilities, and can add to the financial value of development.
- Better air quality and green space** – using green and blue infrastructure to provide opportunities for outdoor recreation and promote mental wellbeing.
New development should provide and link to existing green and blue infrastructure wherever possible and should provide new natural features including green roofs, hedges, street trees and gardens. Environmental sustainability is integrally linked.
- Cohesive communities** – encouraging co-located services and high quality neighbourhood spaces to encourage social interaction and combat isolation.
A well-overlooked street or space that provides places for chance encounters or to sit and chat is more likely to lead to more neighbour friendships, helping those from different backgrounds get to know each other and feel safe. Facilities and workplaces should be easy to reach, and communities helped to play an active part in managing their area.



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