

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 11 September 2014

Subject: End of year performance report, 2013-14 and update on quarter 1, 2014-15

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. Overall in 2013-14, planning application numbers were up by 2.8%, but with a significant rise of almost 25% in the number of major applications being made to the service. Application numbers in quarter 1, 2014-15 are up by 6% across all application types on the same period last year.
2. In addition to the increase in workload there was an improvement in the performance on major applications, with a determination rate of 73.3% in 13 weeks in 2013-14, this is a significant improvement compared with 2012-13. This has largely been down to better project management and a sharper focus. The new extension of time arrangements which can be entered into with applicants to extend the time in which an application can be determined has also assisted our overall improvement in performance in the latter part of 2013-14 and the first quarter of 14-15.
3. There is considerable activity in a number of sectors including residential, offices, retail, student housing, the educational sector and industrial. There are a substantial number of residential applications in the system being dealt with including some PAS sites.
4. Appeal performance was improved in 2013-14 compared to the previous years – Leeds has more appeals than the other Core Cities but in 2013 - 14 but maintains a high performance.
5. Service improvements continue to be made: a wide scale planning review commenced in early 2014 has now concluded and the implementation stage is about to commence; a house builders seminar to drive up standards in quality of design and place making;

retention of the Customer Services Excellence award for customer services and for the first time, extension of the scope of the award to include the whole of planning services and putting measures in place to strengthen the probity and transparency of the decision making process.

6. Progress continues to be made in the enforcement service with a number of successes and the resolution of long standing cases, progress on a needed restructure and a greater focus on the progression of key cases, keeping customers updated and the closure of older cases where no further action can be taken.
7. It has nevertheless been a further challenging year, balancing workloads and resources available within a changing planning environment, brought about by the Governments planning reform agenda and the pick up in the economy.

Recommendations

8. Members are asked to note the report and comment as they feel appropriate and to receive a further performance report in six months time.

1 Purpose of this report

- 1.1 At the last Joint Plans Panel meeting on 14 November 2013, members received and noted a performance report for planning services for quarters 1 and 2, covering the period April to September 2013. It was resolved that the Joint Plans Panel would receive a year end performance report for 2013-14 at its next meeting.
- 1.2 Due to the rescheduling of this meeting from July to September 2014, planning and enforcement performance information relating to quarter 1, April to June 2014-15 has also been included to provide a more up to date position.
- 1.3 This report is presented for information and comment.

2 Background information

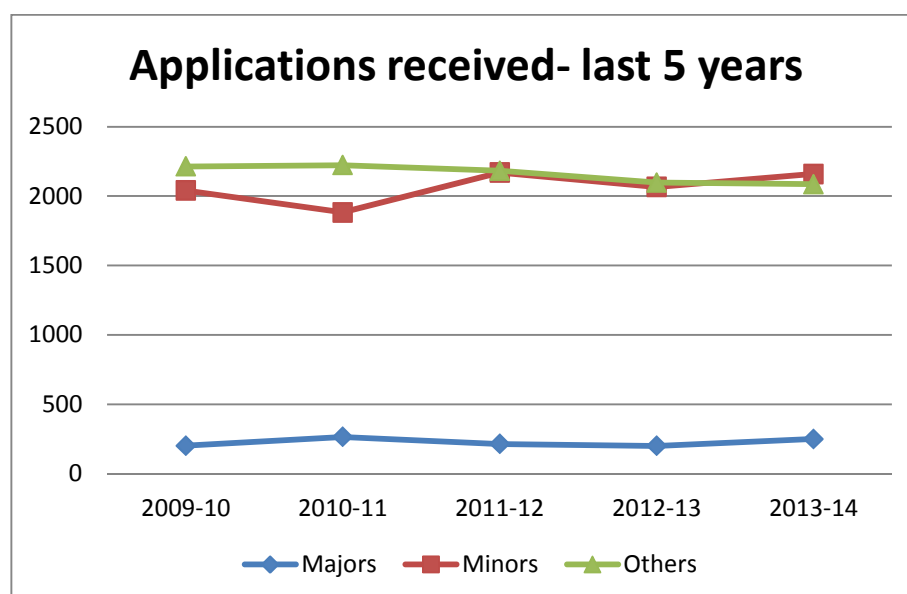
- 2.1 Across all categories of applications, the number of planning applications received in 2013-14 was up by 2.8% compared with those received in 2012-13, but the number of major applications increased from 200 in 2012-13 to 249 in 13-14. Coupled with the rise in numbers has been the significant improvement in determination rates for major applications from 61.4% at the end of 2012-13 to 73.3% in 2013-14. This is particularly important with the commencement of the planning guarantee whereby out of time majors over 26 weeks old are liable for their fee to be returned.
- 2.2 The service uses several measures to determine the quality of decision making: lost appeals, number of complaints and upheld complaints. Performance in these areas compares favourably with 2012-13 with the number of stage 1 and stage 2 complaints broadly the same and no local settlements required on Ombudsman complaints. Appeal numbers have increased, but so has the percentage of those appeals being dismissed.
- 2.3 The service has an ongoing commitment to service improvement and a number of activities have taken place throughout the year to ensure the decision making process is robust and accountable and customer service is integral to the organisation. This includes the planning review - a four month review of the planning "function" by external consultants, working with volume house builders to develop a high quality Standard for new homes in Leeds and extending the scope of the Customer Services Excellence award.

3 Main issues

3.1 Planning performance and workload

- 3.1.1 A total of 4,495 planning applications were made in 2013-14, up by 2.8% on the previous year. Major applications saw the greatest increase in numbers up by 24.5%. Householder applications are only marginally down on previous years figures, which is a little surprising given the new permitted development rights for

larger householder extensions, which takes some household extensions out of the system. The chart below shows the number of applications received over the last five years.



3.1.2 In the first quarter of 2014-15, 1,221 applications have been submitted, a 6% increase on the same period last year.

3.1.3 The government sets national performance targets for decision making on planning applications as follows:

- 60% of major applications determined within 13 weeks
- 65% of minor applications determined within 8 weeks
- 80% of other applications determined within 8 weeks

3.1.4 A total of 3,977 decisions were made in 2013-14, compared with 3,976 in 2012-13. Overall, 79.9% of all decisions were made in time. The majority of decisions were taken by officers under the delegation scheme which accounted for 96.7% of all decisions - similar to last year at 96.8%.

3.1.5 The performance for the last three years and the first quarter of this year is set out below:

	% Majors in time (target 60%)	% Minors in time (target 65%)	% Other in time (target 80%)
2011-12	56.3	76.9	85.1
2012-13	61.3	77.4	88.9
2013-14	73.3	70.3	83.3
2014-15 (quarter 1)	83.3	79.9	87.4

3.1.6 Performance particularly on major applications continues to improve year on year. The figures for 2014 -15 show a further significant increase from the end of the

year position across all categories but this is partly explained by the fact that in 2014-15 applications determined in accordance with an extension of time agreement are not counted as out of time in the returns on government statistics. Nationally, for the period 2013-14, 70% of major applications were being determined in time¹, therefore not only is Leeds' performance a significant improvement on last year, it is also above the national average determination rate.

- 3.1.7 At the end of 2013-14 the numbers of out of time Majors stood at 38 at the year-end – similar to a year ago. Officers are now working proactively with applicants to agree extensions of time across all application categories, where applications are unable to be determined within the statutory timeframe. The number of out of time non majors at the end of March 2014 stood at 140, up from the 120 at the end of last year.
- 3.1.8 At the end of 2013-14 there were 83 applications over six months old, which decreased to 57 at the end of quarter 1. This number needs to be reduced further as there are financial implications in terms of returning the planning fee under the planning guarantee, for those applications over six months old and submitted on or after 1 October 2013.
- 3.1.9 Overall planning fees in 2013-14 totalled £3.5million, £644k more than the budget set at the start of the year and £1million more than 2012-13. £54K of income has been achieved through discharge of conditions, major pre-application charges generated £42K, permitted development enquiries £22K and non-material amendments £23K. In the first three months of 2014-15, fee income of £808K was received – a very busy April followed by lower months in May and June meaning at the 3 month stage we are some £70K down on the budget estimate (which has been increased from last year).

3.2 Comparison with Core Cities

- 3.2.1 The table below shows the performance of the Core Cities for 2013-14. Leeds is only second behind Birmingham in overall workload figures. Like Leeds, other Core Cities have also seen an improvement in their determination rates.

	Majors		Minors		Others	
	No Dec'd	% in time	No Dec'd	% in time	No Dec'd	% in time
Birmingham	181	90.6%	1120	85.5%	3251	94.0%
Bristol	97	70.1%	975	65.5%	1736	80.0%
Leeds	105	73.3%	866	70.3%	2917	83.3%
Liverpool	No data available					
Manchester	No data available					
Newcastle	73	74.0%	335	86.0%	996	92.00%
Nottingham	66	90.9%	367	89.4%	880	89.5%
Sheffield	101	82.2%	656	69.8%	1642	84.3%

¹ Department Communities and Local Government Planning applications January to March 2014 Statistical Release 20 June 2014

3.2.2 Of the Core Cities, Leeds makes the most use of Planning Performance Agreements and extension of time agreements, with 28 PPA, all within time and 61 extension of time agreements in the year. These all related to major schemes. Combining the Majors , PPAs and Extensions of Time then Leeds decided 194 major schemes in the year compared to 184 in Birmingham and 123 in Sheffield. The Government is keen that Local Planning Authorities use tools such as PPA and extension of time agreements as it gives applicants more certainty about the determination process and timescales. Interestingly, although Birmingham performance is high across all categories, they also have a very high rate of withdrawn applications, 779 over the year, compared with 286 in Leeds.

3.3 **Permitted development**

3.3.1 On 30 May 2013 the Government amended legislation to allow certain types of development to go forward without the need for planning permission for a three year period. This included larger single storey rear house extensions and the conversion of offices to residential use.

3.3.2 The larger house extension changes were controversial and a late amendment introduced a neighbour notification process. This means immediate neighbours are informed of proposals and they have the opportunity to make an objection. Applications without any objections after the 21 day notification period are permitted development (PD). Applications which have received representations are determined by the LPA through the prior approval process. In such cases, the LPA can only assess the impact on amenity. Between 30 May 2013 and the end of March 2014, 262 larger extension proposals have been submitted, over half of these were permitted development and of those going through the prior approval process, seven have been granted prior approval and 13 refused, on the grounds of impact on amenity. 63 were outside of the scope of permitted development and required planning permission. There is no fee for this work.

3.3.3 Leeds sought an exemption for office to residential schemes for the prime office area in the city centre which is a major employment hub for the city and region. Like many other authorities, Leeds was unsuccessful. A light touch prior approval process to allow transport, contamination and flooding issues to be addressed by LPA is in place, with no further approval required. Up to the end of April 2014, 32 offices to residential schemes have been submitted in Leeds, with so far 20 grants of prior approval and three refusals. Schemes have generally been outside the city centre. Within the City Centre the notable bigger schemes have been for 34 units at 117 The Headrow, 63 units at Rivers House, Park Square and the conversion of Brunswick Point on Wade Lane. Whilst £1,280 fee income has been generated through this work this is considerably less than if a planning application had been submitted and no Section 106 contributions are payable towards greenspace, affordable housing and public transport etc.

3.3.4 The government is currently consulting on making permanent these temporary permitted development rights (which at present will expire in May 2016).

3.4 Panel decision making

	Number of meetings		Decisions		Pre-app'n presentations		Position statements		Deferred	
		Q1		Q1		Q1		Q1		Q1
City Panel	18	4	37	12	26	5	15	6	9	1
North and East	13	3	52	13	2	0	1	1	9	3
South and West	11	3	47	16	3	1	7	3	5	2
TOTAL	42	10	136	41	31	6	23	10	23	6

- 3.4.1 During 2013-14, the three Plans Panels considered 136 applications. Seven decisions were made contrary to officer recommendation. This represents 5.1% of the total number of decisions made by the three Panels. This is a positive reduction on the number compared with last year, where 6.4% of decisions were contrary to the officer recommendation. Of those 7 decisions, 5 were approved and 2 refused with no subsequent appeal made. 4 approvals were given by South & West Panel and the other approval plus the 2 refusals by North & East Panel. In quarter 1, there have been 5 decisions not in accordance with the officer recommendation out of 41 decisions (12.2%) – all refusals but involving 3 planning applications and 2 condition discharges, 3 at South & West Panel and 2 at North & East Panel. These figures and any trends are actively monitored by officers.
- 3.4.2 Of the 249 major applications received by the LPA in 2013-14, 130, or 52% were dealt with by the three Plans Panels for determination. 31% of all the major applications received by the service in 13-14 went to the City Panel.
- 3.4.3 City Panel continues to deal with a significant number of pre-application presentations and position statements; this is to be expected given the nature and complexity of proposals which are eventually determined at City Panel.
- 3.4.4 A number of additional City Panel meetings have also been held to discuss East Leeds Extension Thorp Arch and NGT in 2013-14.

3.5 Appeals

- 3.5.1 The table below shows that performance on the number of dismissed appeals has been steady with some improvement in the last couple of years, demonstrating that the service's decision making is robust and transparent. A continuous review of appeal decisions takes place to ensure that any common themes are highlighted and to mitigate the risk of appeals occurring on similar grounds and to see whether delegated decision making in particular is hitting the right balance of being good quality but not unreasonable.

Year	Appeal Decisions	Dismissed	Costs awarded against Council	Costs awarded to Council
2014-15 Q1	54	67%	0	0
2013-14	251	71%	4	0
2012-13	187	67%	3	0
2011-12	254	69%	7	2

- 3.5.2 In 2013-14 appeal costs of £4,796 were received by the council from the Planning Inspectorate from the rerun of the Hook Moor Wind Farm Inquiry, Micklefield following the quashing of the original decision. Costs paid out by the Council on two appeals totalled £12,900. Two other costs awards (one full and one partial) made in August / September 2013 have not yet been settled but will not total more than £6,200.
- 3.5.3 The Kirklees Knoll Protected Area of Search (PAS) site inquiry is to be reopened in November 2014. The Public Inquiry at Grove Road, Boston Spa (PAS site) has taken place and a decision is expected in late October. There have been further Inquiries held at Deighton Road, Wetherby (retirement home – design issues) and at Cottingley Springs (12 travellers pitches - Green Belt) and decisions are now awaited.
- 3.5.4 Recent research by planning consultancy, Turley Associates² has shown that there has been an increase in the success rate for planning appeals since the introduction of the Government's National Planning Policy Framework (NPPF) two years ago, with a particularly significant increase in upheld appeals for residential scheme appeals determined after public inquiries.
- 3.5.5 In comparison with the Core Cities in 2013-14, Leeds has the highest number of appeals, but achieves a high dismissal rate given the volume dealt with as shown in the table below.

Core Cities	Number of Applications (2013-14)	Number of Appeal Decisions	% Upheld
Birmingham	5292	136	26%
Bristol	3136	95	28%
Leeds	4583	249	30.9%
Liverpool	No data available		
Manchester	No data available		
Newcastle	No data available		
Nottingham	1433	37	43.2%
Sheffield	3190	50	38%

² Turley Associates The impact of the National Planning Policy Framework on decision making, 30 June 2014

3.6 Major Projects

3.6.1 There is considerable activity in a number of sectors including retail, student housing, offices, educational sector and industrial:

- Work has started on phase 1 of Victoria Gate for the John Lewis development in the City Centre.
- Position statement on the application for new homes on the former Vickers Factory
- Residential and retail scheme at Millennium Village, Allerton Bywater
- Residential units on former Yorkshire Chemicals site
- Student housing - Downings Tower at Leeds Met and Pennine House
- Office - Sovereign Street and the first office building at MEPC, Whitehall Road is well advanced, office schemes on Queens Street and Park Place are also under construction
- Floodlights at Headingley cricket ground
- Leisure- the Merrion Centre refurbishment is almost completed
- Hotel - major scheme at Portland Place is now under construction
- Minerals- energy from waste proposals approved and Veolia are now on site. Wind turbine scheme for Yorkshire Water has also started.

3.6.2 More housing has been delivered on site in 2013-14 than in 12-13. Work is underway on a number of larger brownfield sites eg Clariant/ Riverside Mills, Garnetts in Otley, Bodington as well as on the Phase 2 and 3 greenfield sites including Churchfields, Boston Spa, Centurion Fields, Adel and Daisy Hill, Morley. Some smaller brownfield sites are now starting, showing renewed confidence. Approval has now been given in outline on 4 PAS sites in Rothwell, Oulton, Morley and Farsley and there are detailed applications under active consideration on 3 of these sites.

3.6.3 There has been some progress in moving forward schemes where viability has been an issue including Wharfedale Hospital, Otley and Fountain Street, Morley.

3.6.4 At the end of 2013-14 the profile of major residential applications shows that of the 59 major residential applications, 11 are on PAS sites (18.6%); of the nine large-scale major residential applications, 7 are on PAS sites (77.8%) meaning that in total 18 out of 68 major residential applications involve PAS sites.

3.7 Compliance activity

3.7.1 The number of enforcement cases received in 2013-14 has risen slightly compared to the previous year, and has been fairly constant over the four quarters of 13-14. During the year the rates of case resolution have continued to outpace cases received and the overall number of cases has reduced to 1200 which is closer to the service plan target of 1100 than at any time over the last five years. With continued progress it is hoped that the target figure can be achieved over the next reporting period. However, in quarter 1 more cases have been received than have been resolved. Individual caseloads still remain high at around 110 – 130

cases per full time equivalent with a consequent impact on the responsiveness to complainants and progressing cases.

	Q1	Q2	Q3	Q4	Total	Q1**
No of cases received	402	389	339	339	1469	358
No of cases resolved	335	363	388	351	1437	310
Initial site visits						
Category 1: Site visit same day/within 1 day. Target 100%	100%	100%	100%	75%	93.75%	100%
Category 2: Site visit within 2 working days. Target 95%	97%	92%	83%	77%	87.25%	93%
Category 3: Site visit within 10 working days Target 90%	92%	95%	90% 92%*	82% 98%*	89.75% 94.25%*	72% 96%*

* Figures for site visits undertaken within 20 working days in accordance with amended temporary target. See below.

**2014/15 – Q1 figures included for information. Full report in relation to these figures within next reporting period.

3.7.2 Performance in undertaking initial site visits has fallen slightly in the last two quarters of 13-14. The service has had significant resourcing issues caused by a number of factors including a maternity leave, the appointment of two enforcement officers as planning assistants and a significant increase in absence from sickness (11% of the available resource in enforcement was lost in sickness absence in January and February 2014). In response, the timescale for responding to Category 3 visits was lengthened in the short term to 20 days. With this adjustment the performance figure has been maintained and performance is starting to pick up again now as staffing issues start to be addressed. The target figure will return to 10 days for the next reporting period. In relation to the category 1 and 2 cases the figures relate to a relatively small number of cases and only 8 cases in total missed the target over the last 2 quarters of 2013-14.

3.7.3 Outcomes of case resolved

No Breach*	46%
Resolved by negotiation	31%
Breach but de minimis/ not expedient	9%
Planning permission/ CLU granted/ appeal allowed	10%
Enforcement/other Notices complied with/resolved by prosecution action	4%

*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.

3.7.4 55% of all complaints investigated this year were found to either involve no breach of planning control or are minor infringements. This is similar to previous years where the figure has consistently been between 55% and 60%. Conversely, 45%

(approx. 700 cases) involving significant breaches have been resolved to the satisfaction of the Council. Ward Member meetings have continued throughout the year and invitations continue to be sent out with the bi monthly key cases list.

3.7.5 Enforcement and other Notices

3.7.6 During the 2013-14 52 Enforcement Notices, 6 Breach of Condition Notices, 3 Listed Building enforcement notices and 1 S215 Notices were issued. 3 Temporary Stop notices and 1 Stop notice have been served.

3.7.7 There are a further small number of cases (approximately 10) with authorised notices waiting to be served, some are awaiting land registry searches to be returned and a smaller number are awaiting consideration by legal services. In all these cases formal action is likely to result.

3.7.8 It has been agreed with legal services that planning services will now issue and serve enforcement notices for less complex breaches without consultation with legal officers and that the printing and serving of all enforcement notices will be carried out in planning services. This shift in working practices has placed pressure on case officers in progressing cases but has been carried out successfully in house for the past year and continues to be monitored. Regular liaison with legal services takes place on more difficult and complex cases. The majority of planning breaches continue to be resolved through negotiation.

3.7.9 Prosecution Outcomes and outstanding cases

3.7.10 A small number of cases have proceeded to the courts for non-compliance with enforcement notices or for the illegal display of advertisements. Outcomes have involved low level fines and awards of costs to the council. Whilst all these cases have been successful in the courts, in a small number of cases it has not resulted in the breach of planning control being remedied and this is a frustration. An injunction was successfully obtained in relation to a long standing breach in relation to a house extension where previous action in the courts has failed to achieve an outcome. The majority of the required works to comply with the injunction have now been undertaken and the case is likely to be closed in the near future.

3.7.11 Proactive Initiatives

3.7.12 City Centre long Stay Car Parks

3.7.13 Enforcement notices have been served on a significant number of unauthorised long stay city centre car parks, subsequent appeals have been dismissed and car parks have ceased operating. Further notices have been served on sites that have gained permission but have not complied with planning conditions relating to the environmental improvements or landscaping works promised as a result of the consideration of applications comprehensively. A number of decisions are still outstanding but in cases where decisions have been received these notices have also been upheld. Work will continue to monitor and take action in order to support the city centre car park strategy as new operators come forward. Regular

monitoring of all car parks is being undertaken collaboratively with parking services and planning enforcement.

3.7.14 Headingley / Hyde Park To Let Boards

3.7.15 Proactive monitoring and enforcement of the Direction and the adopted Code of Practice to control the display of “To Let” boards in a part of Headingley/Hyde Park, has resulted in a number of prosecution actions. Monthly surveys are undertaken as well as a number of survey days in the November board free month. Active dialogue is maintained with many of the key letting agencies in the area to achieve the intended outcome. A number of prosecutions have resulted from the monitoring and enforcement in relation to this initiative as well as a noticeable reduction in the number of boards on display in the area.

3.7.16 Derelict and Nuisance Sites

3.7.17 Work has continued on the Derelict and Nuisance sites initiative which is a cross departmental initiative to help secure improvements to sites in a poor state which have proved difficult to bring forward by one single action. Planning Enforcement plays a key role in the working group and is involved in the serving of Section 215 Notices and Enforcement notices to bring forward improvements together with works from other services such as Regeneration and Building Control. A number of improvements have been secured through the initiative without a large capital spend through coordinated action. A regular working group agrees actions and work continues with a rolling budget to secure improvement to the city’s most problematic sites.

3.7.18 Customer services and Restructure

3.7.19 Work has continued with Compliance to drive forward service improvements. The service has moved over to CAPS enterprise system to ensure timely case reviews and actions on live cases and to ensure closure of cases where appropriate. This has helped improve customer feedback on case progress as well as reduce overall caseloads. Work continues to reduce the number of old cases that will not progress to reduce overall officer caseloads. It is also worthy of note that during the year there has only been one upheld complaint across the service.

3.7.20 The compliance service is currently being restructured to ensure that the Area based alignment in Development Management is mirrored, that a career grade system for enforcement officers similar to planning officers is produced and to clarify management arrangements and sharpen focus on a proactive, outcome based approach on priority cases. There is discussion taking place with staff and Unions at present prior to moving into the implementation phase.

4 Service quality

4.1 Complaints

4.1.1 The service received 113 Stage 1 complaints in the year of which 21 were upheld (19%). This compares to 82 complaints in 2012/13 with 13 (16%) upheld. 41 Stage 2 complaints were received in the year of which only 1 was upheld, similar

to 2012/13 when there were 41 Stage 2 complaints and none upheld. The service received 76 compliments in the year which were recorded – similar to the 77 received in 2012/13.

- 4.1.2 20 Local Government Ombudsman (LGO) cases were also received but 14 were closed on arrival and needed no investigation. Three other cases referred to the same housing site where the service accepts that the impact on an adjacent Conservation Area was not properly considered. As part of the LGO investigation a report was commissioned from an independent planning consultant. The LGO provisional view on these cases has found fault with the way the LPA considered the application, but found no injustice causing harm.
- 4.1.3 No financial settlements have been suggested by the LGO during this period.

5 Service improvements

5.1 E-planning

- 5.1.1 The service has continued to developed new processes and systems both in response to changes in legislation eg additional prior notification applications and notifications and Certificates of Proposed Works for Listed Buildings and to meet business requirements using Enterprise with Uniform. The use of Enterprise to improve case management particularly around applications where we are risk of having to return the fee has been further developed.
- 5.1.2 Tree Works applications are live on the system including Public Access and around 450 have been processed to date.
- 5.1.3 Work on making the new website more customer friendly is ongoing and the feedback from this year's SOCITM report has seen the whole website improve from 1 Star to 4 stars. Further improvements are planned over the coming months.
- 5.1.4 Further work has been completed with Enterprise- getting internal consultations with Sustainable Development onto the system, resulting in information reaching officers more quickly and removing unnecessary duplication and the use of Enterprise to collect key information for SHLAA to ensure quality information is input consistently.
- 5.1.5 The major upgrade to the new server and the upgrade to Oracle and ArcSDE finally went live in January with very little impact on the service. This was a massive achievement given the complexity and scale of the project.
- 5.1.6 Further improvements include rolling out of Phase 1 of dual screen working to planning officers to improve electronic working, the Derelict Land project is progressing well and should go live within the next few months, rollout of the new printers and the last elements of the upgrade to Windows 7 has been completed.

5.2 Audit of decision making

- 5.2.1 Internal Audit undertook a review of the processes and systems in place for making planning decisions at the end of the financial year. The scope of the review was to obtain assurance that there was a robust system in place to ensure decisions in respect of planning applications were taken promptly and in accordance with all relevant legislation and guidance and that appropriate levels of income are collected and recorded. The audit concluded that Substantial Assurance was provided for the control environment. This was found to be sufficiently robust to provide assurance in respect of compliance with legislation and in respect of the full and complete collection of fee income.
- 5.2.2 In order to strengthen this process, a further review has been undertaken to look at extending the number of officers who would be required to declare their interest, by recognising that it is not necessarily grade, but role that may dictate whether there is a need to know information on interests. There is ongoing dialogue with Trade Union representatives to clarify what potential conflicts of interest are and guidance will be issued to all officers involved in working on planning applications, including those involved with working with community groups, site allocations and preparing planning briefs. Where there is a declarable interest, officers would be required to submit a written statement to the Chief Planning Officer and the Head of Planning Services and they should play no part in determination of the relevant application. Declarable interests would include:
- Property ownership
 - Significant financial interest
 - Membership of any community groups involved in particular proposals
 - Officer or family member relationship to the agent or applicant
 - Personal knowledge of the applicant or agent

5.3 House builders' workshop

- 5.3.1 In October 2013, a council led seminar with several national house builders took place. The session was attended by representatives from the volume house building industry, elected members including the plans panel chairs and Executive Board member for neighbourhoods, planning and personnel and council officers.
- 5.3.2 The service took a proactive approach to engaging with volume house builders in a bid to address concerns about the quality of large residential proposals in Leeds and move to a position where proposals better reflect the varied character and identity of the different communities throughout the city. The expectation is that this would lead to better schemes through the clear articulation of the Council's ambition for high quality housing, more clarity for applicants and more consistent and speedier decision making.
- 5.3.3 The next steps are the agreement of principles which will hopefully form the basis of a "Leeds Standard", expressing the quality in design and place making aspirations of the council for new residential schemes. This is also being consolidated by ongoing working relationships with house builders on schemes

both with officers and members through workshops, negotiations and the formal Panel process.

5.4 Planning Review

5.4.1 A full review of the function and role of planning services commenced in March 2014 and concluded in July. The aims of the review were:

- assess the appropriateness of resources, the culture of the organisation and embedding the development management approach in striving for high performance
- consider workload volume and level of support
- consider the current service income and identification of any further opportunities for further monetising the service
- consider the overall determination process, focusing on if and where improvements in processes or cost-savings can be identified.

5.4.2 The review process involved interviews with internal and external stakeholders and follow-up in depth workshops to further explore priority areas. Staff groups have been heavily involved in the review in informing the process.

5.4.3 The four month review ended at the end of July 2014 and the service is now commencing with the implementation stage. A report on the review and next steps is included on the agenda of this meeting.

5.5 Customer Services

5.5.1 The customer services section within planning services has been the holder of the Customer Services Excellence Award (CSE) since 2009. This is a national government standard awarded to organisations which demonstrate that they are a customer centric organisation. The scope has now been broadened to include the wider planning service. The whole service was subject to an external assessment in April 2014 and was successful in gaining the award. The service is only the second planning service in the country to hold the award and will be reassessed on an annual basis.

5.5.2 Next year, the service will be assessed against rigorous criteria which looks at customer satisfaction. The service will run a customer survey in autumn 2014 to feed into the CSE process and methodologies are currently being considered in order to achieve a better response rate than the 7% of the January 2013 survey.

5.6 Review of the Plans Panel

5.6.1 Following the reorganisation of the Plans Panels in 2012, two review reports were presented to General Purposes Committee (GPC) in 2013-14; the first after six months operation in May 2013 and a further report after a year's operation in October 2013. The reports focussed on workloads, delivery of major schemes, pre-application process and operation of meetings. The report recommended that GPC embed the Plans Panel arrangements permanently as part of the Council's decision making framework, which was agreed.

- 5.6.2 A close watch will continue to be maintained on workloads and the duration of meetings, particularly if major application numbers continue to rise, leading potentially to more applications coming to City Panel. However, the use of special meetings to deal with particular applications such as energy from waste, NGT and Thorpe Park have been useful and allows for the appropriate time and level of scrutiny to be given to strategically important applications.

6 Challenges Ahead

6.1 Planning Guarantee

- 6.1.1 The planning guarantee came into force on 1 October 2013. The guarantee requires local authorities to determine applications in a maximum of 26 weeks. Any application over 26 weeks old where there isn't an extension of time agreement or PPA will be liable for the return of the applicant's planning fee.
- 6.1.2 On 1 April 2014 (26 weeks after the guarantee came into force), the service had 83 applications over 26 weeks old without an extension of time agreement. Work was actively progressed to achieve a resolution on these schemes or put an extension of time agreement in place and at the end of quarter 1 the number of applications over 26 weeks reduced to 57. So far, three applications have gone over the 26 week timescale and the fees have had to be returned; these fees amounted to just over £5,000. The situation is being actively monitored and managed to mitigate the risk of reoccurrence. Now, as a matter of course extension of time agreements are being actively sought on any and all applications approaching the 26 week deadline.
- 6.1.3 The refund of the planning fee is one incentive for LPAs to determine applications swiftly; the other is the threat of being placed in special measures. In 2014 the government consulted on increasing the threshold where local authorities would be designated, from 30% of major applications taking longer than 13 weeks to 40%, and where more than 20% of decisions on major applications are overturned at appeal, measured over a two-year period. The DCLG has recently confirmed that it will now go ahead with this. Currently Leeds is far above these thresholds, but the government has indicated that the threshold will be reviewed and possibly raised year on year. This may have significant implications for the service as more PAS sites come forward and until the picture on the 5 year housing land supply is clearer.
- 6.1.4 A further feature of the guarantee is that it allows applicants to by-pass the LPA placed in special measures and apply directly to the Planning Inspectorate (PINS). Nationally, Blaby Council has been the first and only LPA to be designated and developer Gladman Homes has bypassed the LPA and submitted a residential scheme for 220 homes directly to the PINS. This application was subsequently refused by PINS.

6.2 Planning Review

- 6.2.1 The Planning Review described earlier has been completed and the service is now in receipt of a final report and high level action plan. The report indicates that the current level of staffing (FTE) is broadly right for the current volume of workload, provided the recommended efficiencies and change management process was embarked on. The report also concludes that there is no contingency to allow for increases in workload, sickness or other staff absences. Therefore the service needs swiftly to find ways to increase service capacity by making operational efficiencies. It is likely that there will be a period of change, both from a process perspective and culturally, which will need to be actively managed. The challenge will be to ensure that the service operates as effectively and efficiently as possible so it is in a better place to respond, as and when the economy picks up, to the increase in application workload that will inevitably follow.

6.3 Performance against targets

- 6.3.1 At the end of the financial year the service's performance on majors was the best it has been for a number of years and is a positive step in engendering further confidence in the planning system in Leeds. There is still room for improvement and further work is needed in service to actively manage caseloads so that any application likely to not be determined within the statutory period has an extension of time agreement, as a matter of course. This will require officer's taking a much more project managed approach to applications and embedding the use of extension of time agreements as good practice.
- 6.3.2 A number of officers will be leaving the service in the coming year through early leavers initiative and voluntary redundancy. This has implications on service performance, especially if numbers of applications continue to rise. The complexity of some recent applications- East Leeds Extension, Thorp Arch, Thorpe Park and NGT places significant resource demands on the service and resourcing at an adequate level of experience and sheer numbers may represent a challenge going forward. The Chief Planning Officer is due to retire at the end of 2014 and recruitment is underway for a suitable replacement - this will be a key appointment and is likely to have significant implications for the service as a whole.

6.4 National Changes

- 6.4.1 The reform of the national planning system is continuing and there was a significant Technical consultation on further possible changes to the planning system issued in late July by CLG with a response date in late September. This proposes that the temporary PD changes to householder single storey rear extensions and change of use of office to residential become permanent, that further PD and Use Classes Order changes be introduced and that conditions discharges be reformed so that if no decision is made within a period of time the applicant can proceed on the basis of the submitted information. The changes are designed to reduce control in certain areas and speed up the process. There is an increasing emphasis on a 3 tier planning system - PD, prior approval and planning applications. This reduces the role of Local Planning Authorities and further

consolidates the prior approval system for which there is little planning fee, strict time limits and limited if any involvement by the public.

7 Corporate Considerations

7.1 Consultation and Engagement

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

7.2 Equality and Diversity / Cohesion and Integration

- 7.2.1 There are no specific equality considerations arising from this report.

7.3 Council policies and City Priorities

- 7.3.1 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. The service makes a key contribution to the delivery of housing growth, a priority in the City Priority Plan 2011-15 .

7.4 Resources and value for money

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

7.5 Legal Implications, Access to Information and Call In

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

7.6 Risk Management

- 7.6.1 There are a number of risks associated with the decision making process which are both financial and reputational. Measures, processes and future service improvements outlined in the report seek to minimise the risk of challenge.

8 Conclusions

- 8.1 There has been significant progress on major performance with an increase in the number of applications determined in 13 weeks. At the end of 2013-14 this stood at 73.3%, a sound platform for 2014-15. Emphasis will continue to be placed on the efficient and expeditious determination of majors, use of Planning Performance Agreements and extensions of time when it is clear that applications cannot be determined in the statutory timeframe.
- 8.2 2013-14 saw a significant rise in the number of major applications in particular, and whilst this is good for planning fees, it has consequences for resourcing and performance. Again, numbers at the end of quarter 1 showed a 6% increase on the same period last year. A close watch will be kept to ensure that there are sufficient resources to maintain the quality and speed of service necessary. The planning guarantee provisions for returning fee income on those applications not

determined within 26 weeks could represent a challenge, particularly on the largest and most significant applications, unless applicants agree to a Planning Performance Agreement or agreed extension of time.

- 8.3 Progress continues to be made on complaints and the successful retention of Customer Services Excellence in Customer Services and for the first time in Planning Services; showing the on-going commitment to customer care.
- 8.4 It has been a year of significant national changes to the planning system as part of the government planning reform agenda, with a total of 11 changes in the year. The changes to permitted development rights for large household extensions, for which there has been no fee and offices to residential has resulted in more work, and little fee income. It is likely that the government will continue to raise the bar for appeals and performance on majors, so a careful watch will be made on the service performance.
- 8.5 The next year will focus on implementing the recommendations identified through the planning review in a bid to maximise efficiencies and utilise resources in the most effective way and a further challenging year ahead is anticipated. However, the direction of travel and objectives are clear in terms of transforming how we work, maintaining and improving performance levels and continuing to improve services to customers.

9 Recommendation

- 9.1 Members are asked to note the report and comment as they feel appropriate and to receive a further performance report in six months time.