

**Report of Chief Planning Officer**

**Report to Joint Plans Panel**

**Date: 28 January 2016**

**Subject: Planning Services performance report**

|                                                                                                                                              |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Summary of main issues**

1. Members usually receive a performance report at the twice yearly Joint Plans Panel meetings - one covering quarters 1 and 2, and the second reporting performance for the full year. However, as quarter two ended in September 2015, the information is no longer current. Therefore in order to provide members with as much up to date information as possible, this report covers performance for quarters 1 to 3, 2015-16, to the end of December, wherever it is available.
2. In quarters 1 to 3 there has been a slight increase in the number of application compared with the same period last year. There has however been a significant improvement in performance in terms of determination of applications in time compared with the previous year.
3. Performances on the statutory timescale for determining applications in all categories has continued to improve which is due in part to the extensions of time provisions brought in under the Growth and Infrastructure Act, but also due to better project management and proactive working with applicants.
4. Service improvements continue to be made: Actions arising from the 2014 Planning Review are continuing to be implemented, yielding financial as well as operational efficiencies. There have been a number of successful sessions with the volume housebuilders and a conference with the agents who submit household applications to the service. The new pre-application service launched in February 2015 has now been reviewed after six months operation, in consultation with customers, resulting in a

number of changes and enhancements to the service. Operationally, the service continues to move forward with electronic working and paperless planning files in readiness for going through the Council's Changing the Workplace programme.

5. It has nevertheless been a further challenging year, balancing workloads and the available resources within a changing planning environment, brought about by the pick-up in the economy, the reduction in public expenditure and pressure on budgets and the Governments planning reform agenda which continues apace.

## **Recommendations**

6. 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 16 July 2015, members received and noted a year end performance report for planning services for 2014-15. It was resolved that the Joint Plans Panel would receive a report covering quarters 1 and 2 of 2015-16 at its next meeting. As quarter 2 ended in September, performance information up to quarter 3 data has been provided to present the most up to date information available.
- 1.2 This report is presented for information and comment.

## **2 Background information**

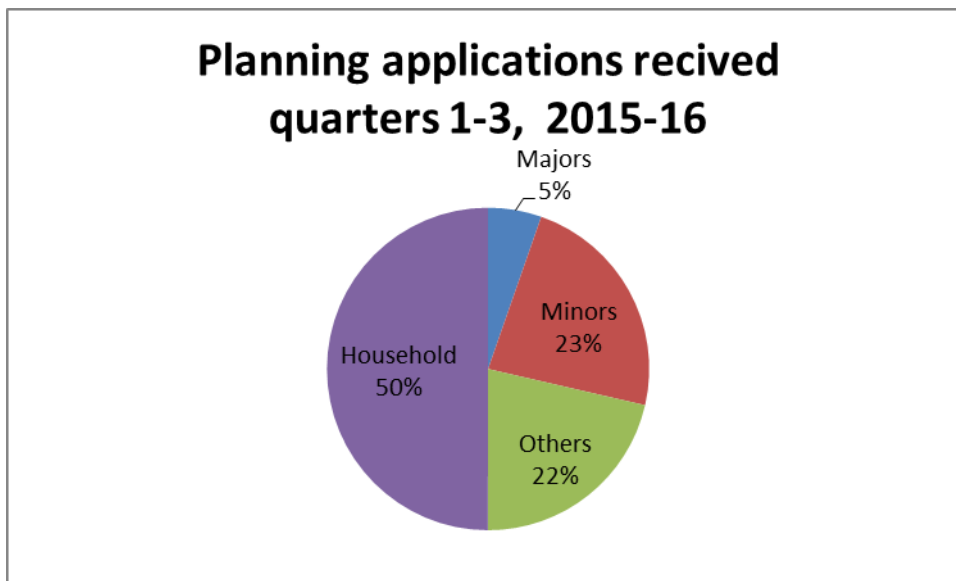
- 2.1 In the first three quarters of financial year 2015-16, the service continued to deal with a significant workload, whilst progressing with a number of large and strategically important planning applications. This is in the context of a seemingly ever evolving national planning policy picture, as part of the government's planning reform agenda and a pick-up in the economy.
- 2.2 The number of planning applications received in quarters 1 to 3 of 2015-16 has increased by 1.5% compared to the numbers received in the same period in 2014-15. Performance against time targets for determining applications has improved further across all categories. It is particularly important to meet time targets for majors as this has implications on the planning guarantee whereby out of time majors over 26 weeks old are liable for their fee to be returned. Additionally, authorities risk going into special measures if they have more than 50% of major application decisions out of time in a 2 year period. The designation threshold was raised to 50% in August 2015.
- 2.3 The service uses several measures to determine the quality of decision making including lost appeals, number of complaints and upheld complaints. There are similar levels of complaints as the same period last year; however there has been an increase in the number of Ombudsman complaints. The services' performance on appeals has improved significantly in this time period with number of appeals dismissed now standing at 73.4% after 9 months of 15/16.

- 2.4 The service has an ongoing commitment to service improvement and a number of activities have taken place in quarters 1 to 3 of 2015-16 to ensure the decision making process is robust and accountable and customer service is integral to the organisation. This includes reviewing the pre-application enquiry service introduced in February 2015; working with the volume housebuilders and householder agents and increased use of technology which supports the business and generates operational and financial efficiencies.

### 3 Main issues

#### 3.1 Planning performance and workload

- 3.1.1 In the reporting period, there have been 3,492 applications submitted, a 1.5% increase compared with the same period last year. 98% of decisions were made by officers under the delegation scheme, a slight increase from the previous year, where 96% decisions were made by officers under delegated powers.
- 3.1.2 There have been 187 major applications submitted in quarters 1 to 3, representing almost 5% of the total workload of the service. The national average for major applications as a proportion of the total workload is around 3%; therefore Leeds continues to receive a greater number of major schemes than the national average. The workload profile for quarters 1 to 3 is demonstrated in the chart below:



- 3.1.3 Household applications account for 50% of the workload of the service, with 1,745 submitted in quarters 1 to 3. It was anticipated that the changes to the permitted development regime allowing larger household extensions without the need for formal planning application, would result in a drop in the workload, however this does not seem to be the case, with household applications continuing to account for around half the workload.

- 3.1.4 Performance on determination times continues to improve as demonstrated in the table below. From 2014-15 extension of time agreements were introduced, so from then, the figures show the total of those applications determined in 8 or 13 weeks and those with extension of time agreements, that is, all applications determined within the agreed timescale. Clearly extension of time agreements have improved performance considerably and are useful tools for providing greater certainty of determination timescale for applicants. Overall, across all application types, 92.9% of applications are determined in the agreed time scale.

|                  | % Majors in time | % Minors in time | % Other in time |
|------------------|------------------|------------------|-----------------|
| Q1 to 3, 2015-16 | 95.8             | 90.9             | 93.4            |
| 2014-15          | 93.6             | 87.2             | 92.7            |
| 2013-14          | 73.3             | 70.3             | 83.3            |
| 2012-13          | 61.3             | 77.4             | 88.9            |

- 3.1.5 The latest national figures for the period July to September 2015 show that LPAs decided 79% of major applications within 13 weeks or within the agreed time, up from 78% a year earlier<sup>1</sup>, therefore not only is Leeds' performance continuing to show improvement, it is also significantly above the national average determination rate.
- 3.1.6 At the end of quarter 2, there were 73 applications in the system which are six months old or more and a decision has not been made. Without an agreement to extend the time period beyond 6 months the planning fee has to be returned under the Planning Guarantee. In quarters 1 and 2, fees have been returned on 2 applications totalling £7,700. However only 9 fees have been returned since the scheme came into force in 2014 totalling £13,819.
- 3.1.7 After 9 months a total of £2,585,145 has been received in planning fees, which although £18,131 down on the budget set for the year so far is some £62,268 more than the same period last year and we are generally on target to meet the fee income anticipated for the year and remain within budget.

## **3.2 Pre-application**

- 3.2.1 The new pre-application enquiry service introduced in February 2015 has made a significant difference to both the fee income and the numbers being received. In the whole of 2014-15 a total of 967 pre-application enquires were received, generating an income of £73,830. In comparison, so far at the end of quarter 3, 2015-16, a total of 278 enquiries have been received, generating £144,000.
- 3.2.2 The new enquiry service was reviewed after six months operation, (described fully in paragraph 5.2 below) and an analysis of the requests for service showed the predicted fall in minor pre-applications. However, the number of requests for the major pre-application service has doubled.

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<sup>1</sup> Department Communities and Local Government Planning applications July – September 2015 Statistical Release 17 December 2015

- 3.2.3 The Core Cities carried out an exercise on pre-application income and numbers for the time period 2014-15. The changes to the pre-application service in Leeds started in February 2015 and so the table below captures the “old service” with two months of the new service and does not therefore give an up to date picture. However, it does provide a useful comparison with the Core Cities of income and numbers prior to making the changes and also with the current position at the end of quarter three.
- 3.2.4 Assuming current workload and similar levels of demand for the service, the projected estimated outturn for 2015-16 will be around £172,000. Pre-application income would account for around 6% of the total income of the service. Therefore it is critical to keep this under review and ensure performance in meeting our service standards is being achieved to maintain this essential income stream.

| Core City  | Pre-app nos | Pre-application income | Planning Application nos | Application income | % pre-app to app income |
|------------|-------------|------------------------|--------------------------|--------------------|-------------------------|
| Bristol    | 483         | £129,000               | 2969                     | £1,519,597         | 8.5%                    |
| Sheffield  | 494         | £124,550               | 3261                     | £1,820,069         | 6.8%                    |
| Newcastle  | 343         | £67,000                | 1610                     | £1,430,674         | 4.7%                    |
| Liverpool  | 254         | £113,560               | 3367                     | £3,016,349         | 3.8%                    |
| Leeds      | 967         | £73,830                | 4511                     | £3,062,461         | 2.4%                    |
| Nottingham | 667         | £28,583                | 1457                     | £1,342,096         | 2.1%                    |
| Birmingham | 1721        | -                      | 5209                     | £3,819,453         | 0.0%                    |
| Manchester | -           | -                      | 2792                     | £2,326,128         | 0.0%                    |

*Core Cities comparison of pre-application income 2014-15*

### 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. Originally these permitted development rights expired in May 2016, but for household extensions this has now been extended for developments that must be completed by 30 May 2019. In October 2015, the government announced that permitted development rights for conversion of offices to residential will be made permanent. In addition, those already with permission will have 3 years in which to complete the change of use
- 3.3.2 In the first 3 quarters of 2015-16, there have also been 226 notifications of prior approvals for large scale extensions; as mentioned earlier this has not led to the predicted fall in the number of planning applications for house extensions.
- 3.3.3 There are still a number of prior approvals for office to residential schemes being made, 25 between April and December 2015 and most have been approved. The biggest scheme in recent months has been approved and taken up is for 84 flats

at Brunswick Point, Wade Lane and 27 flats on the Headrow. Some large schemes at Queen Street, Headingley Office Park and Arndale Centre in Headingley have not yet been taken up. The government has now signalled that the measure will become permanent and extended to cover demolition and rebuild, but no regulations have yet been received.

### **3.4 Panel decision making and decisions not in accordance with the officer recommendation**

3.4.1 In the first three quarters of 2015-16, 149 applications have been before the Plans Panels and a total of 92 decisions have been made. Four decisions were contrary to officer recommendation: two at the North and East Panel and two at South and West Panel.

3.4.2 Between the end of quarter 2 (September) and the end of quarter 3 (December), there was a considerable increase in the number of items coming before the Panel. In quarters 1 and 2, a total of 87 applications went to Panel in quarter 3 alone a further 62 items. Fluctuations in the workload of the service and of the Plans Panels do have implications on length of meetings and officer resources and the service is working to find flexible solutions to deal with seasonal variations in workloads.

|                | Q1 to Q3 | Q1 and 3 decisions | Q1 to Q3 Majors | Q1 to 3 overturns | Q1 to Q3 Pre-app presentations | Q1 to Q3 Position statements | Comments             |
|----------------|----------|--------------------|-----------------|-------------------|--------------------------------|------------------------------|----------------------|
| Central        | 40       | 19                 | 35              | 0                 | 12                             | 8                            | 2 meetings cancelled |
| North and East | 64       | 35                 | 16              | 2                 | 2                              | 2                            |                      |
| South and West | 45       | 38                 | 25              | 2                 | 0                              | 3                            |                      |
| <b>Total</b>   | 149      | 92                 | 76              | 4                 | 14                             | 13                           |                      |

3.4.3 In 2014/15 there were a total of 15 member decisions contrary to the officer recommendation at Plans Panels including two approvals and 13 refusals. That has resulted in a total of nine subsequent appeals of which four have been dismissed and five allowed. Only one of the allowed appeals resulted in a partial award of costs against the City Council (settled at just over £3K).

### **3.1 Major schemes**

3.1.1 There have been some significant application submissions in recent months, which include:

- Outline applications for residential development at Great North Road and Church Lane, Micklefield
- Outline for mixed use development and river bridge at City Reach, Kirkstall Road
- Residential led development of up to 1100 homes at Skelton Gate on previous employment allocation at junction 45 of the M1

- Detailed application for 500 houses at Seacroft hospital; 270 dwellings at Hilltop Works, Buslington Lane; 325 dwellings at Spofforth Hill, Wetherby and reserved matters (RM) for housing at the former government buildings, Otley Road, Adel; RM for 220 dwellings at Station Road, Methley and 135 dwellings at Moseley Wood Rise, Cookridge
- RM for 7 storey office block at Kirkstall Forge (approved)
- Two detailed approvals for office buildings at Thorpe Park and variation of outline to include a cinema
- Detailed applications for industrial / warehouse buildings in Enterprise Zone on Logic Leeds and Thornes Farm (approved - 7,410 sq m in total)
- Mixed use development of industrial units and drive throughs at Coal Road, Whinmoor ( approved)
- Motor vehicle dealerships at Gelderd Road, Leeds 12
- Aldi stores at White Cross, Guiseley, Drighlington and Westfield Mills, Yeadon and replacement Lidl store at Amberton Road, Gipton
- School proposals for new school at East Leeds Leisure Centre (1020 places) and extensions to Gledhow Primary and Castleton Primary, Armley

### 3.1.2 There is also considerable activity on site in a number of sectors:

- Housing sites – brownfield (eg Royds Lane, Wortley, Cookridge Hospital, Bodington Hall, Optare Crossgates, Green Lane Dyeworks Yeadon, Garnets Otley, Otter Island, St Michael's College and Council sites at Carlton Gate and Holbeck Towers ) greenfield (Phase 2 and 3 (eg Daisy Hill, Morley and Grimes Dyke, Whinmoor) plus PAS sites in Morley, Rothwell, Oulton and Farsley have all got detailed approval and on site or about to start).
- Education – major expansions on a number of sites to meet Basic Needs Programme, Ruth Gorse academy on Black Bull Street under construction and college / university eg Leeds City College at Alf Cookes further phase and UTC about to start or on site. The new multi storey car park for the University of Leeds is complete and opened in January 16.
- Student housing - work well under way on Phase 3 Downings and further residential block at Trinity University, Horsforth
- Office – further office building at Sovereign Street (KPMG now complete) and two office buildings on MEPC and offices at Park Place, Lumiere site on Wellington Street are under construction. Substantial office scheme now complete and operational at Low Lane, Horsforth for a local computer company.
- Retail – Victoria Gate Phase 1 for John Lewis well under construction and on track, a number of smaller supermarkets (Aldi, Lidl ) across the city where schemes are progressing and expansion at White Rose for cinemas
- Leisure – work is due to start soon on the Ice Rink on Elland Road next to the Park & Ride.

## **3.2 Appeals**

- 3.2.1 The table below shows that performance on the number of appeals dismissed has improved significantly from the position reported at the end of 2014-15. The main area of change has been in relation to household appeals, where between April and December 2015, 85 appeal decisions have been received, of which 60, or 79.4% were dismissed. This compares with 59.8% (61 in total out of 110) being dismissed throughout 2014-15. The improvement in performance has been down to taking more pragmatic decisions on those which are “marginal”, but at the same time not compromising design quality or impact on others.

| Year    | Appealed Decisions | Dismissed | Costs awarded against Council | Costs awarded to Council |
|---------|--------------------|-----------|-------------------------------|--------------------------|
| Q1 to 3 | 177                | 73.4%     | 1 full, 3 partial             | 1 partial                |
| 2014-15 | 237                | 66%       | 5                             | 0                        |
| 2013-14 | 251                | 71%       | 4                             | 0                        |
| 2012-13 | 187                | 67%       | 3                             | 0                        |
| 2011-12 | 254                | 69%       | 7                             | 2                        |

- 3.2.2 In the first three quarters of 2015-16, there have been 16 cost claims made against the Council with 12 refused, three partial awards and one full award. The council has made three cost claims, two of which were refused and one partial award. The cost award related to Clean Power Properties Ltd and Network Rail Infrastructure Ltd – energy recovery facility and Anaerobic Digestion facility at Bridgewater Road, Hunslet. The applicants withdrew from the Public Inquiry on 4th June. Partial award of costs granted on 25th Sep 2015 on all costs incurred from 28th October 2014. The Council has claimed £55,157 from the appellants. Three of the 4 costs claims against the Council have now been settled at a total cost of £8,315.
- 3.2.3 There are four PAS appeal inquiries in the system which are due to be held in the coming months: Bradford Road, East Ardsley at the end of February; Breary Lane East, Bramhope and Leeds Road, Collingham in April and land at Sandgate Drive, Kippax in July. Having made recent further submissions to PINS regarding the PAS appeals at Kirklees Knoll and Grove Road, Boston Spa we now await the decision of the Secretary of State on both appeals.

## **3.3 Compliance activity**

- 3.3.1 The number of enforcement cases received in the first two quarters of 2015-16 has maintained the level of previous years and as such the workload through the service remains significant due to the resources available and the complexity of cases being investigated. However, the number of cases on hand has been reduced overall to the region of 1,000 which has been a long standing service objective. This is a significant step in improving the overall handling of cases as it will ultimately assist in reducing officer caseloads as resource issues are addressed.
- 3.3.2 The restructure of the compliance service has recently been completed and the final member of staff to be appointed starts work at the beginning of February. It

is hoped that when the changes made have bedded in, coupled with the resolution of some long standing staff absences in the service that further progress on service improvements can be delivered. The total number of open cases currently stands at 994. Work is due to start soon on the production of a local enforcement plan for the service which will be subject to consultation with members and local communities.

|                                                           | Q1                | Q2                | Total           |
|-----------------------------------------------------------|-------------------|-------------------|-----------------|
| No of cases received                                      | 320               | 334               | 654             |
| No of cases resolved                                      | 351               | 412               | 763             |
| Initial site visits:                                      |                   |                   |                 |
| Category 1: Site visit same day/within 1 day. Target 100% | 100% (5)          | 100% (6)          | 100%            |
| Category 2: Site visit within 2 working days. Target 95%  | 100% (6)          | 93%(15)           | 96.5%           |
| Category 3: Site visit within 10 working days Target 90%  | 86% (309)<br>*95% | 87% (319)<br>*98% | 86.5%<br>*96.5% |

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

### 3.3.3 Cases received and resolved and performance in undertaking initial site visits

3.3.4 Performance in undertaking initial site visits has been maintained with a revised target of 20 days for category 3 visits. This revised target has been in place throughout the reporting period due to the resource and staff absence experienced by the service. This continues to be an issue which is hoped will be addressed by the completion of the restructure and resolution of long standing staff absences.

3.3.5 In relation to the Category 1 and 2 cases the figures relate to a relatively small number of cases. For example there were 21 category 2 cases during the reporting period and only 1 of those cases missed the 2 day target and this is reflected in the figures.

3.3.6 The overall number of open cases on hand has been reduced and has achieved the service plan target of less than 1100 which is positive.

### 3.3.7 Outcomes of case resolved

- 3.3.8 The number of complaints investigated that that are found to either involve no breach of planning control or are minor infringements remains over the period at approximately 55%. This has reduced from a figure of 60% in 2010/11. This can possibly be accounted for by the increased rigour in examining cases as they come into the service. Where there is clearly no breach of planning control, cases have not been opened and complainants advised that the matter will not be investigated and the reason why. The remaining 45% of cases which have been closed involve significant breaches which have been resolved to the satisfaction of the Council through negotiations, granting planning permission or formal enforcement action. Ward Member meetings have continued during the year. Invitations are sent out with the bi monthly key cases list which continues to be sent to both ward members and parish councils with updates on priority cases within each ward.

|                                                                        |       |
|------------------------------------------------------------------------|-------|
| No Breach*                                                             | 42.5% |
| Resolved by negotiation                                                | 27%   |
| Breach but de minimis/ not expedient                                   | 13.5% |
| Planning permission/ CLU granted/ appeal allowed                       | 12%   |
| Enforcement/other Notices complied with/resolved by prosecution action | 5%    |

\*Includes matters that are “permitted development”; where no development or material change of use is involved; matters that were time exempt from enforcement action on investigation; or where approved plans and conditions have been found to have been complied with.

- 3.3.1 **Enforcement and other Notices**A total of 78 enforcement and other notices have been served during the first three quarters. This is a further increase from previous levels. There have been two temporary stop notices served during the period in relation to unauthorised building works that were continuing on site and not considered acceptable or likely to gain planning permission. In the period April to December 19 appeal decisions have been received in relation to formal notices. Of these four (21%) have been allowed and fifteen (79%) have been dismissed.
- 3.3.3 The compliance service continues to draft and issue its own notices with input from legal officers only on the more complex cases. This is continually monitored and whilst it does carry some risk, the resource savings in doing this have been significant. It does however place increased pressure on case officers in progressing cases within the service and additional training needs that have been highlighted and are being addressed through on-going training. There has been good interaction with legal officers in this period with a number of new appointments in Legal Services and good examples of joint working.
- 3.3.4 **Prosecution Outcomes and outstanding cases**
- 3.3.5 A small number of cases have been brought before the courts for non-compliance with enforcement and other notices. These have been in relation to illegal tree works, untidy land and non-compliance with both enforcement notices and breach of condition notices. Two of these cases were successfully resolved before the court date, one is still waiting for a court date and the remaining cases have proceeded and owners have been prosecuted and fined for non-compliance. In one case relating to untidy land it has also prompted some improvements to the

land though the case remains unresolved despite a successful prosecution as further works are required. The threat of court action can be effective in securing compliance with notices and remedying the breach.

### **3.3.6 Proactive Initiatives**

#### **3.3.7 City Centre long Stay Car Parks**

3.3.8 Work continues to monitor and control unauthorised long stay car parks within the city centre. Regular monitoring is undertaken of all car parks collaboratively with officers in parking services and action taken when required. A number of new car parks have opened in the area around St James Hospital and further meetings are being arranged with the hospital, car park operators and ward members in relation to their parking and travel planning to meet their future needs for staff and patients.

#### **3.3.9 Headingley / Hyde Park To Let Boards**

3.3.10 The Direction in relation to the Display of To Let Boards was finally reconfirmed in November 2015 and came into effect on the 1<sup>st</sup> December 2015 and runs until 1<sup>st</sup> December 2020. Proactive monitoring and enforcement of the Direction and the adopted code of practice to control the display of To Let Boards in parts of Headingley /Hyde Park will recommence in the near future.

#### **3.3.11 Derelict and Nuisance Sites**

3.3.12 The compliance service continues to play a key role on the Derelict and Nuisance site initiative which is a cross department initiative to help secure improvements to sites in a poor state which have proved difficult to bring forward by one single action. A number of notices have been served together with actions from Building Control and other services. Improvements have been secured, in many cases without a large capital spend through coordinated action. A regular working group agrees actions and work continues with a rolling budget to secure improvements to the most problematic sites.

## **3.4 Staffing and resourcing**

3.8.1 We are currently on track to achieve a balanced budget at the end of the financial year against a backdrop of the continued need to maximise income and work within a reduced staffing budget each year. Following a number of staff leaving the service in March 2015 through the Early Leavers Initiative there has been some internal movement of staff as a result and we have managed to recruit staff for vacancies in Customer Services through internal processes. At the end of December we lost two members of staff who moved to other jobs both inside and outside the Council and a further valued staff member has achieved a promotion outside the Council and leaves at the end of February. Given the level of activity in the city and the need to maintain resources at an adequate level balanced against the budget, release of vacancies to recruit is being sought and the service is looking at how we can best meet demands for additional capacity in the most effective way.

- 3.8.2 We already know that 2016-17 will be a further challenging year for the Council in terms of the budget which will have to be managed carefully. The additional demands of several major Planning Inquiries places additional pressures on staffing and our ability to progress all work in a timely manner.
- 3.8.3 A significant change in the coming quarter will be the retirement of both the Head of Planning Services and the Head of Customer Services at the end of March. A management restructure to deal with this and the retirement of the Deputy Chief Planning Officer is being progressed by the Chief Planning Officer and following staff and union consultation implementation is due to start shortly.

## **4 Service quality**

### **4.1 Complaints**

- 4.1.1 Since April 2015 the service has received a total of 94 formal complaints under the Councils Compliments and Complaints procedure. These are broken down by quarter and Stage 1 and Stage 2 complaints below. The number of complaints received for the same period last year is shown in brackets.

| Quarter | Total Complaints | Stage 1 | Stage 2 | Ombudsman Cases |
|---------|------------------|---------|---------|-----------------|
| Q1      | 34 (33)          | 24 (29) | 10 (4)  | 7 (2)           |
| Q2      | 36 (32)          | 26 (23) | 10 (9)  | 4 (1)           |
| Q3      | 24 (32)          | 16 (23) | 8 (5)   | 6 (2)           |
|         |                  |         |         |                 |
| Total   | 94 (97)          | 66 (75) | 28 (18) | 17 (5)          |

- 4.1.2 Whilst the number of complaints is broadly similar to the number received last year, the number of Ombudsman cases increased from 5 to 17. Of these, 12 cases were received closed or were closed following initial enquiries. Five cases required a formal response and two cases identified fault by the LPA.

## **5 Service improvements**

### **5.1 E-planning**

- 5.1.1 New processes have been put in place to support the move to 'paperlite' working, an important step towards complete electronic working and making significant savings in the costs of printing. Applications are now allocated by planning managers and applicants/agents are automatically notified who the case officer is. New tasks prompt officers when to put up site notices and have a target for visiting the site. Officers can also do their own electronic consultations. A pilot has been undertaken using a variety of mobile devices eg ipads and tablets to see how well they work on site to enable the service to move to complete electronic working.
- 5.1.2 Parish Councils are now notified of householder and tree works applications electronically with links to Public Access, instead of having paper plans. It is hoped to extend the electronic notification further to most applications in the near

future, enabling further savings to be made on printing but this will be subject to consultation with Parish and Town Councils.

- 5.1.3 The Document Management system (DMS) has been successfully upgraded and moved onto new servers. This system is used by over 300 staff and stores documents and enables them to be viewed in Public Access. The upgrade has introduced new functionality to upload email and attachments directly from MS Outlook and a more effective way of uploading multiple documents.
- 5.1.4 The upgrade to the DMS has also allowed the upgrade of 300 users to IE11 which is required by most websites and for BSC self-service.
- 5.1.5 New processes have been implemented to manage discharge of condition applications and deemed discharges which were introduced by legislation earlier in the year.
- 5.1.6 Local Development Framework policies have been made available through the planning system and Local Land Charges so that officers are aware of the relevant policies on their applications

## **5.2 Household agents conference**

- 5.2.1 As part of the proactive work with customers to improve the planning process in Leeds, in October a household agents' conference was held. The top fifty agents (in terms of numbers submitted) were invited to the conference. Topics for discussion included reducing the number of invalid applications, use of the Planning Portal for more efficient submissions, permitted development changes and ensuring high quality design. Additionally there were round table discussions on what customers and the LPA can do to make the planning process more effective and deliver high quality outcomes.
- 5.2.2 The conference was well attended and feedback has been very positive. From the session an action plan is now being delivered to address the highlighted issues.
- 5.2.3 It is anticipated that this will become an annual event, providing ongoing dialogue with the agents who submit these type of applications.

## **5.3 Pre-application review**

- 5.3.1 Following the implementation of the new pre-application changes in February 2015, it was agreed that a review would be conducted after six months operation. This took place over summer 2015 and essentially comprised an analysis of the volumetric data and consultation with customers and officers.
- 5.3.2 The data relating to February to July 2015 showed that there were:
  - Double the number of major pre-application enquiries
  - Three times as many household pre-application enquiries
  - The anticipated fall in the number of minor pre-application enquiries occurred with a reduction in numbers by 66%

- Overall a 20% reduction in numbers compared with the previous year
- Of the household pre-application enquiries 39% were paid for and 61% were free
- Of the major pre-application enquiries 54% were paid for pre-apps and 46% were free
- Almost four times as much pre-application income

5.3.3 The data showed that whilst numbers had fallen, income was up, due to an appropriate charging mechanism in place with service standards for responding. It also showed that the service was still undertaking a significant amount of work that was not being paid for.

5.3.4 The other strand to the review was wide scale consultation with customers who had used the new service and with council officers and internal consultees. The findings from customers showed that largely the “in principle” free service for householder pre-application enquiries was not valued, with many customers requiring in depth advice, but not necessarily wishing to pay for it. The results on the major pre-application enquiry service were varied, with some customers welcoming the continued free in principle service, with others, not valuing this service and needing much more bespoke and detailed advice. The service also considered the comments made in the sessions with the volume house builders and with the householder agents about generally making the process more customers focussed, with more emphasis on personal communication.

5.3.5 The review report made a number of recommendations, some were operational changes to make the process smoother and some required more fundamental changes such as removing the free services and interacting and communicating with applicants in a more effective way. It was also recommended to improve the content on the Council’s website so customers can self-serve much more easily, proving the relevant information for applicants if they choose not to pay for a pre-application enquiry. These recommendations were agreed by the Executive Board member and Plans Panel Chairs and have been in place since 1 January 2016.

5.3.6 Pre-application fees are becoming an increasingly valuable income stream and the service will continue to monitor and periodically review the pre-applications enquiry service.

## **6 Challenges Ahead**

### **6.1 Planning reform**

6.1.1 The Government’s planning reform agenda shows no sign of a slowdown. The *Fixing the Foundations* report, July 2015, the November Autumn Statement and The Housing and Planning Bill 2015-16 all contain a number of planning measures:

- putting a general duty on all planning authorities to promote the supply of Starter Homes, and providing a specific duty, which will be set out in later regulations, to require a certain number or proportion of Starter Homes on site;

- require local authorities to grant “sufficient suitable development permission” of serviced plots of land to meet the demand based on the self-build and custom housebuilding register.
- intervention by the Secretary of State over the production of local plans where local authorities are judged to be too slow;
- creating a zonal system for brownfield land creating automatic planning permission in principle for housing; and
- allow major infrastructure projects with “an element” of housing to be considered as part of the Planning Act 2008 development consent regime.
- tighten the planning performance regime, so that local authorities making 50% or fewer of decisions on time are at risk of designation.
- extend the performance regime to minor applications. Local authorities processing applications too slowly will be at risk of deregulation.
- The government will introduce a fast-track certificate process for establishing the principle of development for minor development proposals, and significantly tighten the ‘planning guarantee’ for minor applications.
- Pledge to repeat the target from the previous Parliament to reduce net regulation on house builders.
- The government will introduce a dispute resolution mechanism for section 106 agreements.
- strengthening guidance to improve the use of the duty to cooperate on strategic matters between local authorities; and
- introducing a delivery test on local authorities, to ensure delivery against the homes set out in local plans within a reasonable timeframe.
- proposed pilot project to open up the processing of planning applications to competition.

6.1.2 The Housing and Planning Bill is still going through the parliamentary process, however, it is clear that the service faces a challenge in responding to the changes, in the context of diminishing workforce and increasing workloads.

6.1.3 Just before Christmas the government launched consultations on proposed changes to the National Planning Policy Framework and the New Homes Bonus and these are being considered in detail so responses on behalf of the Council can be sent back within the required timescales.

## **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.

#### **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 continues to be improvements in performance with a total of 92.9% of applications determined in time across all categories. Considering the complexity and size of some of the schemes in Leeds this is a significant achievement. Emphasis will continue to be placed on the efficient and expeditious determination of applications through the promotion of the pre-application service and use of extensions of time agreements when it is clear that applications cannot be determined in the statutory timeframe.
- 8.2 Application numbers received in the first two quarters are up by 1.5% in comparison with the same period last year; however the service has seen a further reduction in its staffing establishment to deal with these applications. A close watch will be kept to ensure that there are sufficient resources to maintain the quality and speed of service necessary.
- 8.3 Performance on appeals has improved considerably, largely due to the number of household appeals dismissed. It is important that the service strikes a balance, maintaining design quality and safeguarding amenity, whilst at the same time not being unreasonable.
- 8.4 Consulting and working proactively with customers through the householder agents' conference and workshop sessions with the volume housebuilders has been a particular focus this year. This is an essential part of the work of the service, particularly with diminishing resources, meaning the most efficient processes and effective customer communications are needed in order to progress applications expeditiously.
- 8.5 The service anticipates a further challenging time ahead, particularly with the retirement of the Head of Planning Services and Head of Customer Services and

changing planning landscape. 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 within the resources available to deliver the service.

## **9 Recommendations**

- 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.