



## Report of Chief Planning Officer

### Report to Joint Plans Panel

**Date: 29 November 2018**

**Subject: Planning Services performance report- quarters 1 and 2, 2018-19**

|                                                                                                                                              |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 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. In quarters 1 and 2 there has been a small decrease in the number of applications submitted to the authority compared with the position reported at the end of 2017-18; this goes against the trend of an increase in applications seen over the last five years.
2. Performance on determining applications within the statutory or agreed timescale has slipped a little since the position last reported at the end of 2017-18, but is still well above the thresholds for designating an authority as poorly performing. Nonetheless, the service is under some pressure to determine applications in time, given the current resources and workload.
3. The number of appeals submitted in the reporting period was significantly lower than the same period last year and the number of appeals dismissed by the Planning Inspectorate has increased significantly to 77.4 % compared with 64% of dismissed appeals for the same period last year.
4. Development Management has an ongoing commitment to service improvement, and a number activities have taken place in the first two quarters of 2018-19, providing opportunities for working more effectively with partners to deliver good inclusive growth in Leeds and by providing more accessible information so that stakeholders are equipped with the most up to date, accurate information to meet their needs.

## **Recommendations**

5. 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 26 July 2018 members received and noted a year end performance report for planning services for 2017-18. It was resolved that the Joint Plans Panel would receive a report covering quarters 1 and 2 of 2018-19 at its next meeting. This report is presented for information and comment.

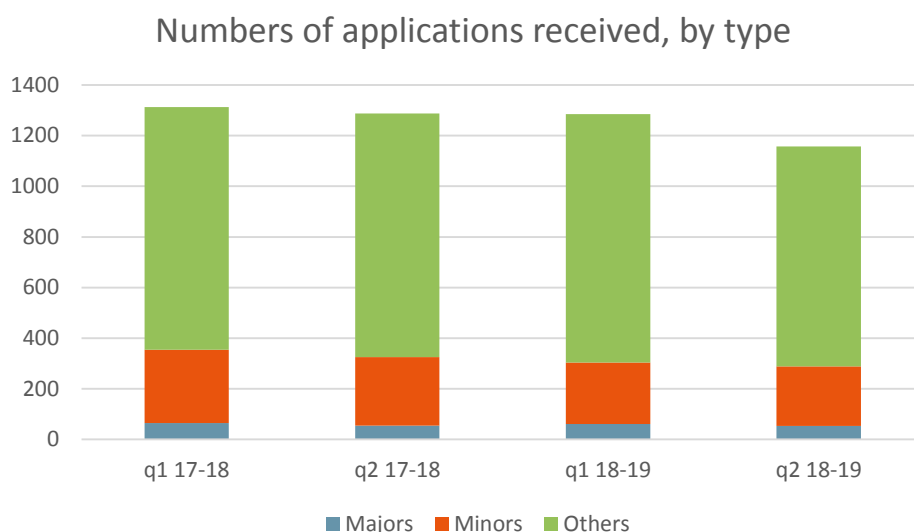
## **2 Background information**

- 2.1 The number of planning applications received in quarters 1 and 2, 2018-19 has decreased for the first time in a number of years; however the number of complex majors is still high, with major applications accounting for higher than the national average as a proportion of total workload.
- 2.2 Applications determined in time have decreased in these two quarters, but performance is still above the thresholds set by the Government and the service currently is not at risk of being designated as a poorly performing planning authority. But it continues to be a challenge for the service to maintain performance within resource constraints.
- 2.3 The service uses several measures to determine the quality of decision making including lost appeals, number of complaints and upheld complaints. There has been a significant increase in the number of complaints received in the reporting period, but with an improved performance in terms of a lower number of those complaints being upheld. The number of complaints reaching the Local Government Ombudsman has also decreased in comparison with the same period last year. Appeals performance in terms of numbers dismissed has improved considerably on the position reported at the end of the financial year and stands at 77.4%.
- 2.4 The service has an ongoing commitment to service improvement and a number of activities have taken place in quarters 1 and 2 to improve processes and deliver expeditious decisions to support inclusive growth in Leeds.

## **3 Main issues**

### **3.1 Planning performance and workload**

- 3.1.1 In the reporting period there have been 2,442 applications submitted, a 6% reduction compared with the same period last year. This decrease is at odds with the general trend seen over the last few years of a steady increase in application numbers. The chart below shows the workload breakdown of applications received in this reporting period in comparison with the same period last year.



3.1.2 There were fewer decisions made in the reporting period compared with the same period last year, 2,462 compared with 2,586 in quarters 1 and 2, 2017-18. 98% of decisions are made by officers under the delegation scheme. The delegation rate has remained steadily around this mark for a number of years.

3.1.3 There have been 114 major applications submitted in quarters 1 and 2, representing 4.6% 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.

3.1.4 The table below shows that performance on determination of applications has slipped from the position reported at the end of 2017-18. This is perhaps a reflection of planning officers' workloads. The latest national figures for the period April to June 2018 show that LPAs decided 87% of major applications within 13 weeks or within the agreed time.<sup>1</sup>

|                  | % Majors in time | % Minors in time | % Other in time |
|------------------|------------------|------------------|-----------------|
| Q1 and 2 2018-19 | 80.6%            | 81.35%           | 83.1%           |
| 2017-18          | 89.9%            | 85.2%            | 87.5%           |
| 2016-17          | 93.1%            | 89.4%            | 93%             |
| 2015-16          | 96.6%            | 90.6%            | 93.5%           |
| 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 It is crucial for the service to maintain its good performance as in 2016 the government extended the designation regime to applications in time for non-major development as well as major development. The threshold for designation for

<sup>1</sup> Ministry of Housing, Communities and Local Government, Planning Applications in England: April to June 2018

minor applications for 2018 has been set at 70% in time and 60% of major applications determined in time; these thresholds apply for the 2018 designation round (covering the period October 2015 to September 2017). Details of the threshold for designation in 2019 will be published in due course.

- 3.1.6 After six months a total of £2.3 million has been received in planning fees, £15k above the quarter end target, but significantly below the fees received for the same period last year, where £2.9 million was received.

### 3.2 Pre-application enquiries

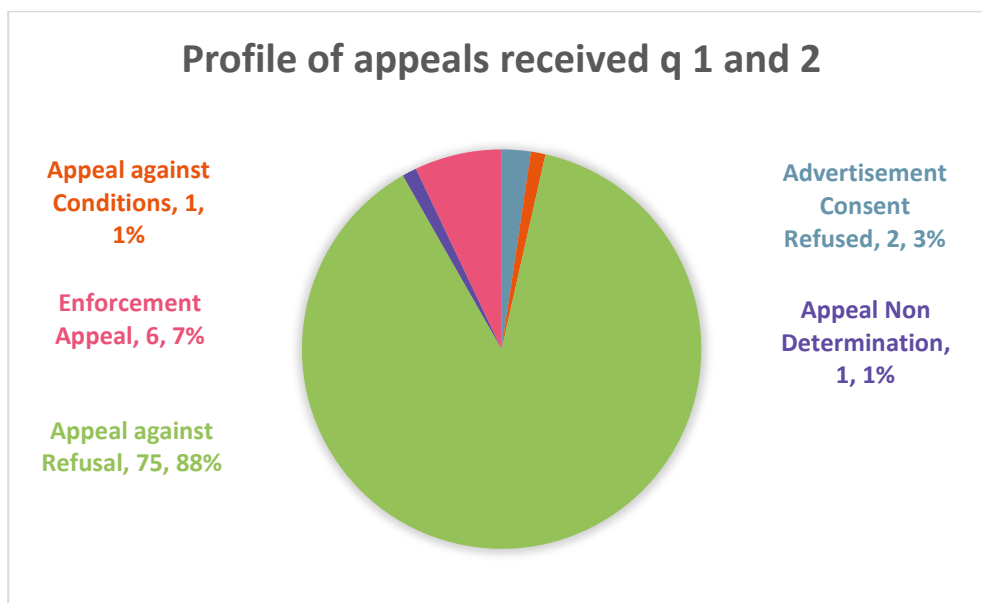
- 3.2.1 In the reporting period, the service received 386 pre application enquiries, a 13% increase on the same reporting period last year. Almost £200,000 has been generated from pre application enquiries, of this £155k was from major pre applications enquiries. There continues to be a resourcing issue in delivering the pre-application service, with some responses taking longer than the published timescales; this has largely been due to officer capacity to deal with heavy application caseloads.

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

- 3.3.1 In the first two quarters of 2018-19 there have been 47 decisions made by the three Plans Panels. There were no decisions contrary to the officer's recommendation.

### 3.4 Appeals

- 3.4.1 In the reporting period, the service has received 85 new appeals, this a significant reduction from the position reported for the same period last year where 130 new appeals were received, of these appeals 51% (44) were household appeals, all but one was appealing against refusal of permission. The profile and type of appeals are shown in the chart below.



- 3.4.2 In the reporting period the Planning Inspectorate made 95 appeal decisions and 77.4 % were dismissed. This is a significant improvement in appeals performance over this period, with the service reporting a position of 64% of dismissed appeals for the same period last year.
- 3.4.3 Appeals is a key area where the service needs to maintain its performance. As well as raising the threshold for applications determined in time as mentioned above, the Ministry of Housing, Communities and Local Government also extended the designation regime for the quality of decision making for major developments to 10% of all decisions made being overturned at appeal, and introduced a threshold of 10 % for all non-major development decisions being overturned at appeal. The new thresholds came into for the designation round in early 2018. The service is currently performing well above these thresholds.
- 3.4.4 There were three cost claims settled in the reporting period:
- 84 Kirkstall Road, £10,000
  - 54 Longroyd Grove, £1,100
  - 39 Austhorpe Road £6,600
- 3.4.5 There have been no costs awarded to the Council in the reporting period.

### 3.5 Compliance activity

- 3.5.1 The number of enforcement cases received in the first two quarters of 2018-19 has been high with 737 cases received. This is an increase on previous years. As such the workload through the service remains substantial with a significant number of complex cases being investigated. The number of cases on hand has been maintained at around 1000 which has been a long standing service objective. This is a key step in improving the overall handling of cases as it will ultimately assist in reducing officer caseloads.

|                                                           | Q1             | Q2             | Total |
|-----------------------------------------------------------|----------------|----------------|-------|
| No of cases received                                      | 389            | 348            | 737   |
| No of cases resolved                                      | 354            | 327            | 681   |
| Category 1: Site visit same day/within 1 day. Target 100% | 75% (4)        | 100%(9)        | 92%   |
| Category 2: Site visit within 2 working days. Target 95%  | 80% (20)       | 93%(15)        | 86%   |
| Category 3: Site visit within 10 working days Target 90%  | 93%<br>341/364 | 89%<br>288/324 | 91%   |

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

3.5.3 Performance in undertaking initial site visits has generally been maintained. There has been a drop in Category 1 and 2 visits being made in time. Whilst this relates to a small number of cases (1 category 1 and 5 category 2 cases missed targets) it is a concern and is symptomatic of recent pressures in the service through absence. All of these missed visits were subsequently visited within 2 days of the target. During this reporting period the site visit target dates have been amended on the system to align with the enforcement plan and this should help to manage the volume of cases coming into the service in the longer term. The overall number of open cases on hand currently stands at 1019. This is slightly increased from the last reporting period but remains within the service target of approximately 1000. Of particular interest is the age profile of cases with an increasing proportion of current case load being under 13 weeks old which is a long standing objective.

### 3.5.4 Outcomes of case resolved

3.5.5 The number of complaints investigated that are found to either involve no breach of planning control or are minor infringements over the period sits at just over 40%. This has gradually reduced from a figure of 60% in 2010/11. This can possibly be accounted for by the increased rigour in examining cases as they come into the service. Where there is clearly no breach of planning control, cases have not been opened and complainants advised that the matter will not be pursued after initial investigation and the reason why. A further 11% percent of cases are closed following investigation as not expedient to pursue as the breaches identified are either minor or action to regularise has failed, and it is not considered justified to pursue formal action. The remaining 40% 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.

3.5.6 Ward Member meetings have continued during the year. Invitations are sent out with the key cases list which continues to be sent to both ward members and parish councils with updates on priority cases within each ward.

|                                                  | Q1  | Q2  | AvTotal |
|--------------------------------------------------|-----|-----|---------|
| No Breach*                                       | 40% | 49% | 44%     |
| Resolved by negotiation                          | 32% | 26% | 29%     |
| Breach but de minimis/ not expedient             | 12% | 10% | 11%     |
| Planning permission/ CLU granted/ appeal allowed | 13% | 11% | 12%     |
| Enforcement /other notices complied with         | 3%  | 4%  | 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.*

3.5.7 **Enforcement and other notices**A total of 58 enforcement and other notices have been served during the year so far. This is a continuation of activity levels of previous years. Leeds continues to take more formal action than all the other core

cities by some distance reflecting the importance Members place in Leeds on the service. The following numbers of notices have been served:

|                                                      | Q1 | Q2 | Total |
|------------------------------------------------------|----|----|-------|
| Planning Contravention Notices / Section 330 notices | 18 | 21 | 39    |
| Breach of Condition Notice                           | 0  | 1  | 1     |
| Enforcement Notice                                   | 11 | 7  | 18    |
| S215 Untidy Land Notice                              | 0  | 0  | 0     |
| Temporary Stop Notice                                | 0  | 0  | 0     |
| Stop Notice                                          | 0  | 0  | 0     |

- 3.5.10 The compliance service continues to draft and issue its own notices with input from legal officers only on the more complex cases. This is continually monitored and whilst it does carry some risk, the resource savings in doing this are significant. It does however place increased pressure on case officers in progressing cases within the service and requires additional on-going training.

### 3.6 Community Infrastructure Levy

- 3.6.1 Executive Board, in February 2015, made key decisions around spending of the future Community Infrastructure Levy (CIL) income, directing it into two main funding streams; a strategic fund and a neighbourhood fund, plus up to 5% for administrative costs. Executive Board agreed that the Strategic CIL Fund will be 70-80% of the total CIL received, and that priorities for its spending will be decided on an annual basis as part of the Council's budget setting process, in line with the Regulation 123 List, and taking into account the impact of specific and cumulative infrastructure needs arising from new developments. A report was taken to Strategic Investment Board in March 2018 and Executive Board in July 2018, providing detail of the impact of specific and cumulative infrastructure needs arising from new developments.
- 3.6.2 The balance of the Strategic Fund is currently £7,557,532.83, with another £5,385,650.55 expected from invoices raised to developers who have already triggered the CIL payment.
- 3.6.3 In relation to the Neighbourhood CIL Fund, Executive Board agreed that this would be 15% in an area without a Neighbourhood Plan, and 25% in an area with an adopted Neighbourhood Plan. In town and parish council areas, the CIL neighbourhood fund is passed directly to those local councils, as required by national CIL regulations. In non-parished areas the decisions about spending are delegated to the relevant Community Committee (as the lowest democratic representative) and the CIL neighbourhood fund is ring-fenced by the City Council for that purpose. Currently CIL funds are transferred twice a year, in October and April.

### 3.7 Service quality

#### 3.7.1 Complaints

- 3.7.2 In June 2018, a dedicated Complaints Officer was appointed to deal with complaints received by Planning Services. Since April 2018 the service has received a total of 127 formal complaints under the Council's Compliments and Complaints procedure. These are broken down by quarter and Stage 1, Stage 2 and Ombudsman complaints in the table below, compared with the same period last two years.

| Quarter       | Total Complaints | Stage 1 | Stage 2 | Ombudsman Cases |
|---------------|------------------|---------|---------|-----------------|
| Q1 Q2 18-19   | 127              | 98      | 29      | 7               |
| Q1 Q2 17-18   | 64               | 36      | 16      | 11              |
| Q1 & Q2 16-17 | 70               | 50      | 20      | 11              |

- 3.7.3 Overall the number of complaints received has increased by over 50%. This is perhaps due to increased formal logging of complaints since the Complaints Officer started, and also a reflection of the staffing situation, with a number of staff being absent, affecting performance and responsiveness as well as high workloads. A high proportion of complaints have related to alleged inadequate communication between officers and applicants. Work will be carried out shortly to analyse the complaints and to identify common themes so that measures to reduce the risk of complaints arising on the same subjects can be put in place.
- 3.7.4 In terms of numbers being upheld, in this reporting period 8% of stage 1 complaints were upheld, compared with 13% the same period last year and 3.4% of complaints at stage 2, compared with 11%, the same period last year.
- 3.7.5 Cases reaching the Local Government Ombudsman (LGO) have also reduced significantly compared to the same period last year, seven, compared with 11. Of these seven two were closed after initial enquiries, three no fault was found, one is in progress and in one case fault was found.
- 3.7.6 Therefore, although numbers of complaints has risen significantly, the numbers being upheld have reduced, as have the numbers reaching the Local Government Ombudsman.

#### **4 Staffing and resourcing**

- 4.1 The last six months has seen a period of some staff turnover with two principal planners leaving the service to join the Planning Inspectorate; there have also been number of staff absences due to sickness. However, the backfilling process of planners using the uplift in planning fees is almost concluded, with the appointment of three new planners and one planner appointed on a temporary basis for a year, who will all start with the service in autumn 2018.
- 4.2 Agency staff have been used to cover maternity leave and to provide a dedicated resource to specific projects including to work on Local Passenger Transport infrastructure Programme (LTIP) i.e. new Park and Ride applications and Environmental Impact screening requests for the new bus corridors into Leeds, and to backfill for permanent staff occupied by significant paid for pre-applications.

## **5 Service improvements**

### **5.1 Tree Preservation Orders (TPO) GIS map**

- 5.1.1 It has long been the aspiration of the service to deliver a better way of providing and presenting TPO information. Currently TPO information is available on the Council's website, but in format which is not particularly user friendly and customers often have to contact the service for the information. A GIS TPO map has been developed and will be hosted on the Leeds City Council website which spatially shows the location of a TPO and link to the TPO documentation. The map works on all mobile devices, complete with a location tracking application, allowing customers out on site to be able to locate the tree they are interested in. This is a huge step forward in providing the information customers need instantly; it is also an operational service efficiency as customers will now be able to self-serve.

### **5.2 Planning Protocol**

- 5.2.1 Following on from the collaborative work established with the Chamber of Commerce in 2017, the service has continued to work with the Chamber to develop a Planning Charter (this came before Joint Plans Panel in July 2018). The protocol will be formally launched at a meeting of the Chamber's Property Forum in December 2018; the Council will be represented by the Executive Member for Regeneration, Transport and Planning and the Chief Planning Officer.

### **5.3 Small and Medium Sized Enterprise (SME) Builders**

- 5.3.1 A meeting was held in December 2017 with representatives from the SME building sector to discuss opportunities and barriers for working more collaboratively to deliver the new homes Leeds needs. From this meeting arose several actions for both the Council and SME sector to take forward. A follow up meeting was held in September 2018 to update on the progress being made. The main actions were around developing a bespoke pre application service which better reflects the needs of the SME sector, work on pre commencement and other conditions to try to reduce the number of conditions required, better up front information from the SME sector both at the pre application stage and at application stage to expedite the process and the provision of policy, funding, planning and other useful information to the SME sector in a more usable format to support them in making higher quality applications. This work is now going forward and the service has committed to meeting with the SME sector twice a year to maintain this positive relationship.

### **5.4 Planning pages on the Leeds City Council website**

- 5.4.1 Following a very lengthy process, the new planning pages are available on the LCC website. The service has been working with the corporate web team to develop refreshed page layouts and content, to make the architecture, navigation and content easier to find and use. The pages have been based on the Government's .gov style, providing concise targeted information with external links

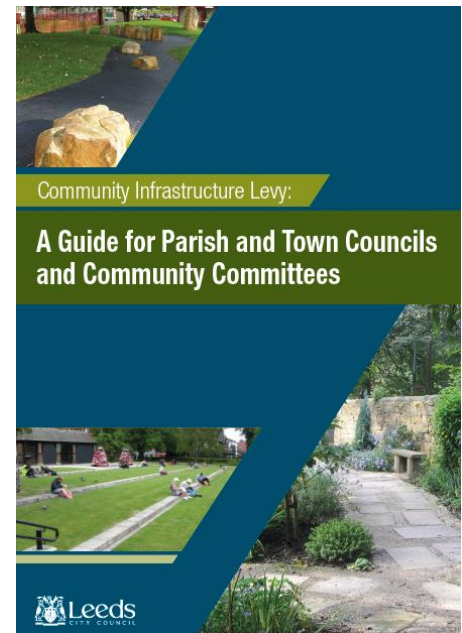
to pages such as the Planning Portal. The pages have been user tested and work will continue monitoring the use and effectiveness of the new pages. Planning policy pages are now being developed.

## 5.5 Community Infrastructure guide

5.5.1 Following requests for support and guidance on the spending of the CIL Neighbourhood Fund, a guidance document has been produced for Town and Parish Council and Community Committees. This has been now been circulated to the Community Committees who will disseminate to all members of the Council.

5.5.2 The Neighbourhood Fund can be spent on a wide range of infrastructure, as long as it meets the requirement to support the development of the area by: funding either the provision, improvement, replacement, operation or maintenance of the infrastructure, or addressing the demands and anything else concerned with what the development places on an area. It is not restricted to items on the City Council's Regulation 123 list.

5.5.3 The guidance provides useful information and examples of spending the CIL on a wide range of infrastructure and is hoped that it will help and guide Councillors and Ward Members to identify appropriate projects and initiatives.



## 6 Challenges ahead

### 6.1 Performance and resourcing

6.2 During this reporting period it has been clear that there has been a correlation between resourcing of the service and performance in some areas; speed of determination of applications across all categories has declined and the number of customer complaints had almost doubled in comparison with the same period the previous year. Whilst application numbers have decreased in quarters 1 and 2 in comparison with the same period last year, officer caseloads still remain high. The proportion of major applications compared to the overall caseload received is well above the national average, therefore the service continues to deal with a significant number of the largest and most complex applications, which are usually resource intensive. The newly appointed planning staff will go some way to alleviate the pressure felt by some case officers and hopefully lead to a better balance of work, allowing officers to better respond to applicants, in line with the revised NPPF which requires local planning authorities to work positively and imaginatively with applicants.

6.3 We are anticipating the Inspector's report from the Site Allocations Plan Inspection shortly, with a view to the Council adopting the plan, potentially around in June 2019. This will inevitably lead to residential planning

applications coming forward, and the service will need to position itself so that it is best placed to be able to deal with the potential volume of applications post adoption.

- 6.4 With this in mind, the service is undergoing some realignment to match resources to the workload in the area teams; this should lead again to a better balance and align the correct type of work to the correct level of planning officer, whilst still providing development opportunities for individual officers to deal with different types or more complex applications.
- 6.5 The additional staff resource arising from the uplift in planning fees will also potentially allow the service to implement on a wider scale the use of paid for Planning Performance Agreements. This is an agreement whereby a developer and Council commit to the provision of information and a series of actions to ensure major development proposals are taken through the planning process in a timely way, from initial pre-application discussion to implementation.

## **7 Corporate Considerations**

### **7.1 Consultation and Engagement**

- 7.1.1 As this report is presented for information 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 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 Performance in terms of applications determined in time is down on the same period last year, but remains above the national average and above the thresholds for designation. The service however is under pressure with heavy workloads and complex and significant applications with finite resources. Whilst the 20% uplift in planning fees will go towards alleviating the situation in part, there is need to have regard to the adequate funding of the service if the Council is to deliver the good growth it aspires to.
- 8.2 Emphasis will continue to be placed on the efficient and expeditious determination of applications through the promotion of the pre-application service; however this service too is often under pressure to deliver within stated timescales due to the volume of work and again this work stream needs adequately resourcing to ensure there is continued customer confidence in the service.
- 8.3 Performance on appeals has improved significantly which is encouraging and the numbers of appeals being lodged is also down on the same period last year. The resources expended on appeals can be significant both in terms of officer time and in the case of public inquiries and where costs claims are made, financial. However, it is important that the service strikes a balance, maintaining design quality and safeguarding amenity, whilst at the same time making reasonable, planning based decisions.
- 8.4 The service anticipates a further challenging time ahead, 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.