

Development Management Annual Report 2018-19



Leeds
CITY COUNCIL

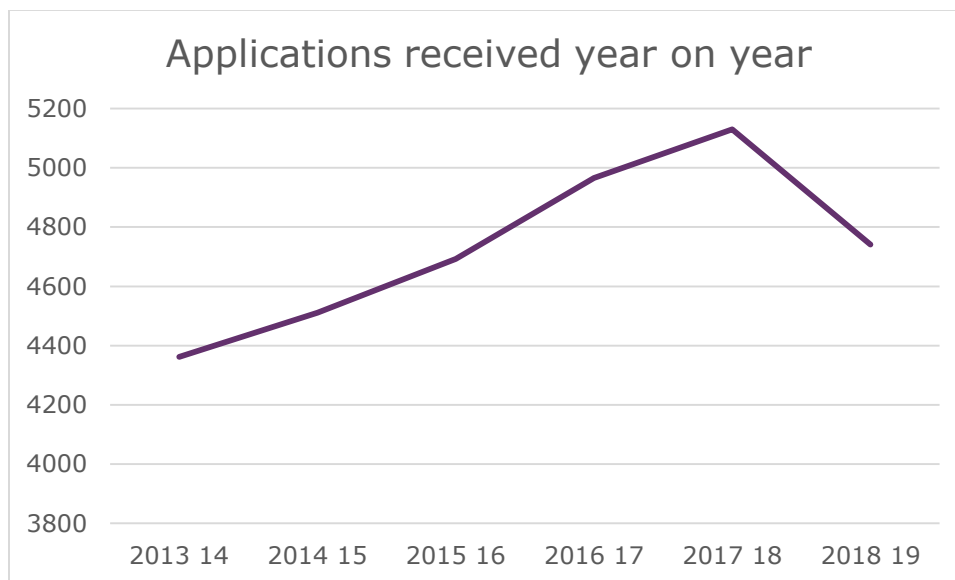
1. Introduction

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

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

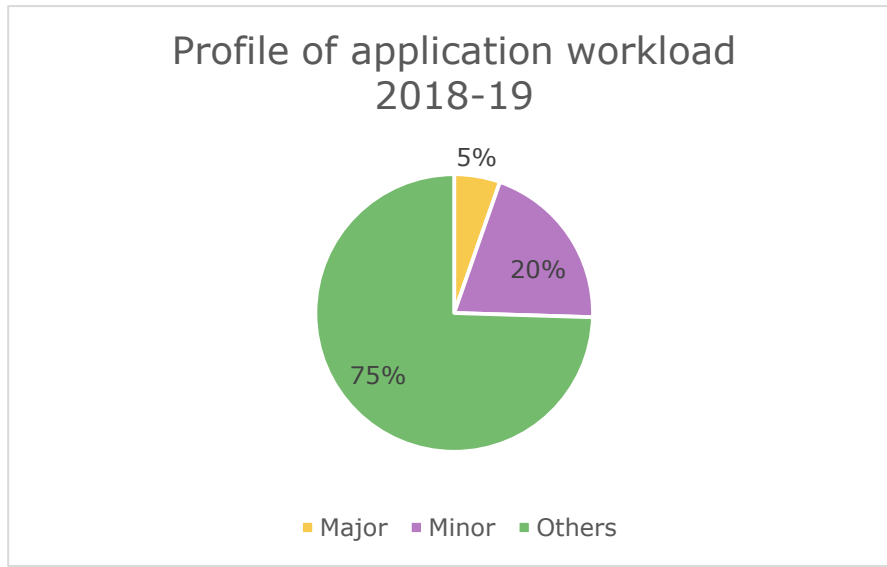
2. Workload

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



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

2.1.1. The workload is broken down thus:



Nationally, the average proportion of majors as a percentage of total workload is around 3%; the service continues to receive a higher proportion of majors than the national average.

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

2.2. Income and fees

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

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

2.3. Decision making

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

2.3.2. The table below shows the services’ performance in relation to applications being determined in time or within agreed timescale.

	% Majors in time	% Minors in time	% Other in time
2018-19	84.6%	83.2%	83.0%
2017-18	91%	84.3%	88.2%
2016-17	93.1%	89.4%	93%
2015-16	96.6%	90.6%	93.5%
2014-15	88.7	85.1	91.8%

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

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

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

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

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

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

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

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

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

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

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

2.4. Plans Panel decision making

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

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

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

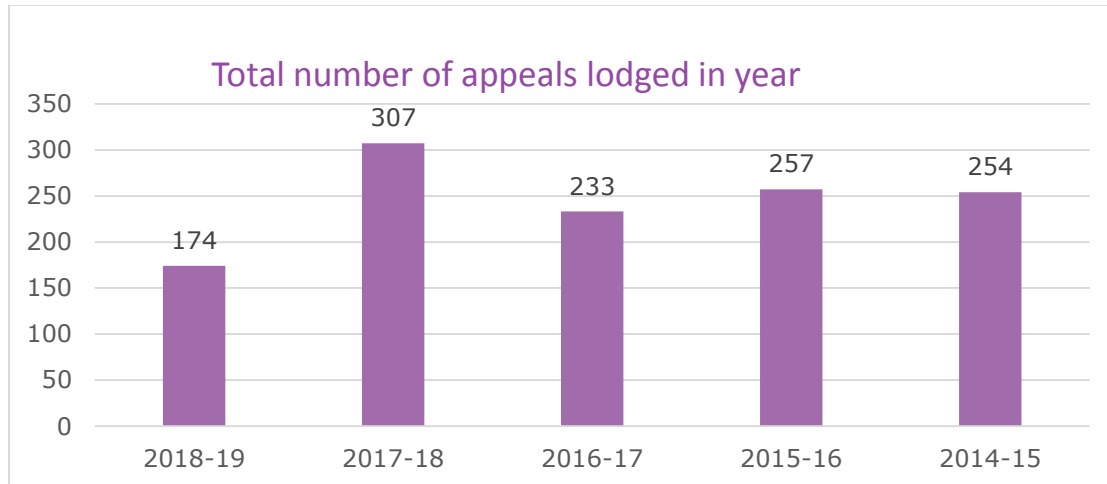
September 2019 (six month window) for an appeal to be lodged.

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

2.4.4. The number of decisions contrary to the officer recommendation represents a very small percentage of the total number of decisions made by the local planning authority, around 0.02% of total decisions.

2.5. Appeals received and Planning Inspectorate Decisions

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



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

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

Year	Appealed Decisions	Dismissed	Costs awarded Council	Costs awarded to Council
2018-19	212	73.6%		
2017-18	233	71.3%	1	0
2016-17	259	64.5%	0	0
2015-16	231	74.1%	3 partial, 1 full	1 partial, 1 full
2014-15	237	66%	5	0
2013-14	251	71%	4	0

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

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

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

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

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

2.6. Compliance Activity

2.6.1. The number of enforcement cases received in 2018-19 has remained at a consistently high level with over 1,300 cases received. As such the workload remains substantial with a significant number of complex cases being investigated. However, the number of cases on hand has been maintained to under 1000 which has been a long standing service objective. This is a key step in improving the overall handling of cases as it will ultimately assist in reducing officer caseloads.

	Q1	Q2	Q3	Q4	Total
No of cases received	389	348	320	276	1333
No of cases resolved	354	327	300	446	1427
Category 1: Site visit same day/within 1 day. Target 100%	75% (4)	100%(9)	100% (2)	67%(6)	
Category 2: Site visit within 2 working days. Target 95%	80% (20)	93%(15)	75% (8)	95% (21)	
Category 3: Site visit within 10 working days Target 90%	93%	89%	92%	94%	
	341/364	288/324	282/310	233/249	

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

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

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

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

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

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

2.6.5. Enforcement and other notices

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

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

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

2.7. Customer complaints and Ombudsman cases

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

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

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

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

2.8. Staffing and resources

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

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

3. Reflecting on the year and looking ahead

3.1. Plans Panel Review

- 3.1.1. As part of planning services commitment to continuous improvement to support the good growth needed in Leeds, consultants were commissioned to carry out a short piece of work looking at the function of the plans panels in Leeds and their contribution to that growth agenda. POS Enterprises were appointed; working with planning officers, members of the Plans Panels, the Chief Executive, senior politicians and representatives from the development industry to highlight existing good practices and to learn from practices from elsewhere.
- 3.1.2. A report was prepared in 2018 and the service is now, in consultation with the Executive Board Member and the Joint Member Officer Working Group, implementing the recommendations.

3.2. Relationship with partners and customers

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

3.3. Town and Parish Councils and Neighbourhood Forum Conference

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

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

3.4. Member Training

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