Leeds CITY COUNCIL

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Report of Chief Planning Officer

Report to the Joint Plans Panel

Date: 14 November 2019

Subject: Planning Services performance report- quarters 1 and 2, 2019-20

Are specific electoral wards affected? If yes, name(s) of ward(s):	☐ Yes ☒ No
Has consultation been carried out?	☐ Yes ☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes ☒ No
Will the decision be open for call-in?	☐ Yes ☒ No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	☐ Yes ☒ No

Summary

1. Main issues

- In quarters 1 and 2 (1st April to 30th September 2019) there has been a small decrease in the number of applications submitted to the service compared with the position reported at the end of 2018-19; this goes against the trend of an increase in applications seen over the last five years.
- Performance on determining applications within the statutory or agreed timescale has improved in most categories of applications since the position last reported at the end of 2018-19, and even the minors category which has slipped a little is still well above the thresholds for designating an authority as poorly performing.
- There has been a small increase in the number of appeals submitted in the reporting period in comparison with the same period last year but the number of appeals dismissed by the Planning Inspectorate has increased significantly, demonstrating the robustness and quality of the service's decision making.
- Development Management has an ongoing commitment to service improvement, and a number activities have taken place in the first two quarters of 2019-20, notably by providing accessible information so that stakeholders are equipped with the most up to date, accurate information to meet their needs.

2. **Best Council Plan Implications** (click here for the latest version of the Best Council Plan)

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

3. **Resource Implications**

- There are no resource implications arising from this report; all systems and processes which are in place to meet the requirements of the decision making framework do so from within existing resources.

Recommendations

a) Members are asked to note the report and comment as they feel appropriate and to receive a further, full year performance report in six months' time.

1. Purpose of this report

1.1 At the last Joint Plans Panel meeting on 11 July 2019, members received and noted a year end performance report for planning services for 2018-19. It was resolved that the Joint Plans Panel would receive a report covering quarters 1 and 2 of 2019-20 at its next meeting. This report covers this period and is presented for information and comment.

2 Background information

2.1 The number of applications being received by the service in this period has decreased and is down by 4.2% in comparison with the same period last year. This is following a national trend, with numbers of applications received across England also down by similar amounts.

2.2 It has continued to be a challenging and fluid resourcing picture within the service during the reporting period, with a number of staff leaving or gaining promotion to other posts. This has an immediate impact on the workload and knock on effect on determination times as caseloads are redistributed. Recruitment has continued throughout this reporting period which is hopefully now coming to an end and it is hoped that the staffing establishment will be more stable going forward.

2.3 Leeds still continues to receive a higher proportion of major applications than the national average; these are usually the largest and more complex schemes, often significant residential schemes, which take considerable resource input.

2.4 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 notable decrease in the number of complaints received in the reporting period and with improved performance in terms of fewer 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 the end of quarter 2 at 82.5%., compared to a national average of around 67%

2.5 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.

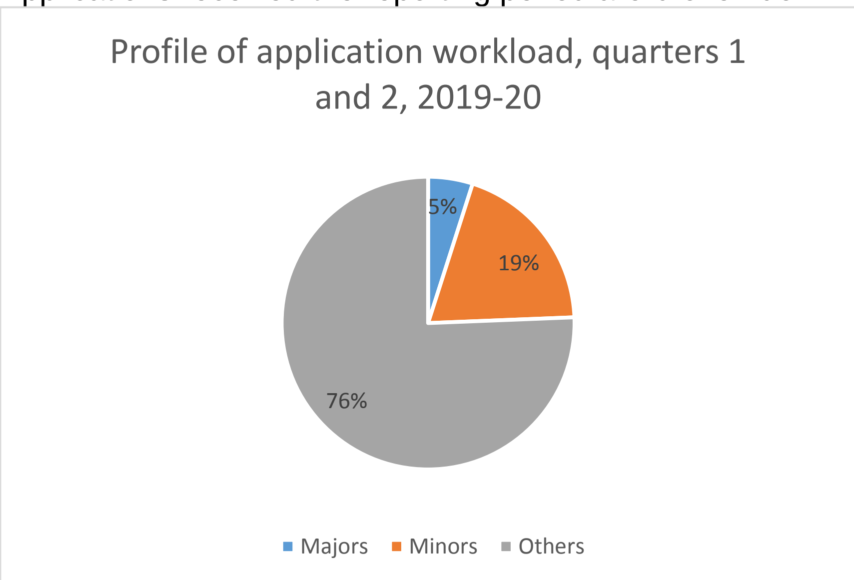
3 Main issues

3.1 Workload

3.1.1 As reported above there has been a decrease in application numbers in comparison with the same period last year. It is unclear why there has been a decrease in application numbers, but this appears to be a national issue, with the latest Ministry of Housing and Local Government statistics[1] reporting that district level planning authorities have seen a 4% decrease in numbers.

3.1.2 Householder applications still account for the highest proportion of applications received by the service, at three quarters of the total workload and the service continues to receive a significant number of major applications, accounting for 5% of the total workload. Nnationally, the average proportion of majors as a percentage of total workload is around 3%; therefore the service continues to receive a higher proportion of majors than the national average. The “others” category includes householder applications, which overall accounts for around 50% of the total applications received by the LPA.

3.1.3 Applications received the reporting period are broken down in the chart below



[1] Ministry of Housing and Local Government Planning Statistical Release April to June 2019, 25 September 2019

3.1.4 In addition to planning applications, the service received over 500 applications to discharge conditions, just over 300 pre-application enquiries and over 250 applications for a certificate of proposed lawful use/development.

3.2 **Income and fees**

3.2.1 After a slow start to the year in April which showed that planning fee income was £54,000 down against the projected budget, at the end of quarter 2, the planning fee income exceeded the target by just over £56,000.

3.2.2 Pre application fees stand at just over £95,000 at the end of quarter 2, 20% more than the same period last year.

3.2.3 In terms of monies received via Section 106 (S106) legal agreements, just over £2.3 million has been collected in the reporting period. S106 agreements continue to be entered into for site specific requirements, with 26 new agreements received in the reporting period. The monies collected are devolved to specific service areas within the Council who have responsibility for spending the monies, in accordance with the requirements in the legal agreements.

3.2.4 £6.5 million of Community Infrastructure Levy (CIL) has been invoiced in the reporting period. This is the first year sums of this amount have been generated from CIL, bringing the total amount of CIL received, since the implementation of CIL in 2015 to almost £23 million. Recommendations made by the Strategic Investment Board to the Executive Board determine the spending priorities for the Strategic CIL Fund.

3.3 **Decision making**

3.3.1 There were 2,191 decisions made during the reporting period; this is 11% lower than the same period last year. Nationally, decision making has fallen by 3% across all categories of applications[2]. 98% of decisions were made by officers under delegated powers.

3.3.2 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**
2019-20 (q1 & 2)	85.6%	81.8%	88.6%
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%

3.3.3 There has been an improvement in the performance of "majors" and "others" determined in time or within the agreed timescale in comparison to the positon reported at the end of 2018-19 financial year, but a drop in minors determined in time. This compares nationally to 88% of majors determined in time. However, as previously stated Leeds has a higher proportion of major applications than the

[2] ibid

national average and has seen some very large and strategically important sites come forward in the reporting period.

3.3.4 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. The thresholds are 60% of major developments in time and 70% on non-major developments for the assessment period October 2017 to September 2019. Clearly at the moment Leeds' performance is above the thresholds, but the service is not complacent and will continue to try to improve its performance during the rest of the year.

3.4 **Plans Panel decision making**

3.4.1 In the reporting period, the Plans Panels made 54 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.

3.4.2 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 quarters 1 and 2, as some applications determined in September 2019 would have until March 2020 (six month window) for an appeal to be lodged.

Year	**Decisions**	**Decisions contrary to officer recommendation(as a % of the total no of Panel decisions)**	**Leading to an appeal against refusal**	**Appeal decision**
Q1 and 2 2019-20	54	3 (5.5%)	2	In progress
2018-19	77	1 (1.3%)	0	
2017-18	119	4 (3.3%)	3	2 dismissed 1 allowed
2016-17	105	11 (10.4%)	2	1dismissed 1 allowed
2015-16	127	4 (3%)	2	1 dismissed 1 allowed

3.4.3 The three decisions which were contrary to the officer recommendation were all at North and East Panel:

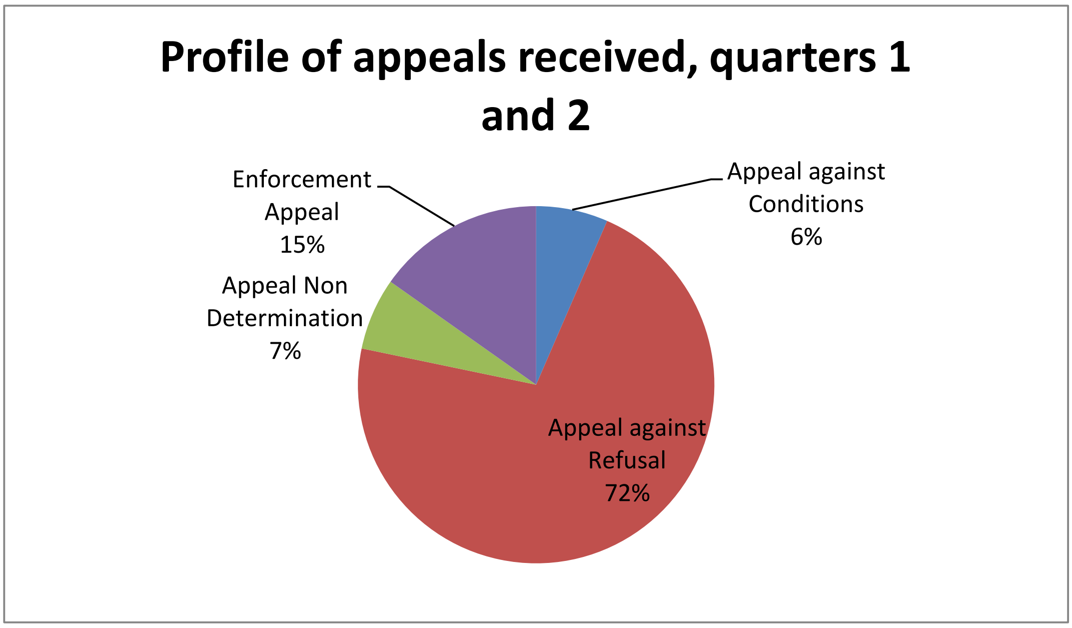
- 19/01819/FU - Single Storey Extension/Boundary Fence - 8 White Laithe Grove- Members resolved not to accept the officer recommendation to approve permission and refused on the grounds of parking insufficient for the size of the extended dwelling, impact of the development on the character and visual amenities of the locality and that it would result in an overdevelopment of the site. This application was ultimately withdrawn before the decision was issued.

- 19/00835/FU- Alterations and extensions - 22 Park Lane Mews, Shadwell- Members resolved not to accept the officer recommendation to approve permission and refused on the grounds of parking insufficient for the size of the extended dwelling. An appeal is in progress.

- 18/06186/OT - Outline application for a detached dwelling at 9 Manor Park, Scarcroft- Members resolved not to accept the officer recommendation to approve permission and refused on the grounds of harm to the spatial character and appearance of the area through the loss of open space and landscape features, inadequate living conditions for the new residents and also the occupiers of the applicant site due to the remaining limited amenity space and also its relative poor quality due to the impact of the off-site trees and its northerly orientation relative to the main dwellings and the introduction of an additional dwelling accessed off an un-adopted road would be contrary to the Street Design Guide and would result in highway safety issues. An appeal has been lodged and is in progress.

3.5 **Appeals received and Planning Inspectorate Decisions**

3.5.1 In the reporting period there have been 92 new appeals received, this compares with 85 new appeals for the same period last year. The profile and type of appeal are shown in the chart below:



3.5.2 Of these new appeals over 40%, 38, were household appeals, where the majority of cases, 34, were appeals about the refusal of planning permission, the other 4 were appeals about conditions to approvals.

3.5.3 In this reporting period, the Planning Inspectorate made 97 appeal decisions; 82.5% of the appeals were dismissed, this compares favourably with the national average of 67% dismissed and the same period last year where 77.4% of appeals in Leeds were dismissed.

3.5.4 There are three costs claims for the reporting period, none of them have been settled yet: Land adjacent to Holly Park Mills, Woodhall Road, Calverley, Agricultural Building/ Barn adjacent to The Beeches, Wike and None Go Bye Farm, Old Otley Road, Leeds.

3.5.5 There has been one cost claim awarded to the Council in the reporting period for £4,392.90, relating to an appeal against an enforcement notice on Broadway Service Station, Broadway, Horsforth.

3.6 **Compliance activity**

3.6.1 The number of enforcement cases received in the first two quarters of 2019/20 has been high, with 746 cases received. This is similar to recent 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 reduced to approximately 900. And maintained at under 1000. A long standing service objective has been to maintain the number of cases on hand to under 1000. This is a key step in improving the overall handling of cases as it ultimately assists in reducing officer caseloads.

	Q1	**Q2**	**Total**
No of cases received	357	389	**746**
No of cases resolved	311	361	**672**
Category 1: Site visit same day/within 1 day. Target 100%	100% (5)	75%(4)	87.5%
Category 2: Site visit within 2 working days. Target 95%	88% (17)	85% (34)	86.5%
Category 3: Site visit within 10 working days Target 90%	98% 329/335	98% 343/351	98%

3.6.2 **Cases received and resolved and performance in undertaking initial site visits**

3.6.3 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 7 category 2 cases missed targets) it is a concern and is symptomatic of recent pressures in the service. All of these missed visits were subsequently visited within 2 days of the target. The majority of cases (category 3) have been visited within target times. The overall number of open cases on hand currently stands at 906. 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 of the service.

3.6.4 **Outcomes of cases resolved**

3.6.5 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 45 %. This has gradually increased from previous reporting period and helps demonstrate the demands on the service for investigation of non or minor infringements of planning control. A further 10% percent of cases are closed following investigation as not expedient to pursue, as the breaches identified are either minor, or informal action to regularise them has not resulted in compliance and it is not considered justified to pursue formal action. 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.

3.6.6 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*	46%	50%	48%
Resolved by negotiation	28%	26%	27%
Breach but de minimis/ not expedient	10%	11%	10.5%
Planning permission/ CLU granted/ appeal allowed	14%	12%	13%
Enforcement /other notices complied with	2%	1%	1.5%

**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.*

3.6.7 **Enforcement and other notices**

3.6.8 A total of 86 enforcement and other notices have been served during the year so far. This is a continuation of activity levels of previous years and an increase on the last reporting period. 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	23	24	47
Breach of Condition Notice	2	4	6
Enforcement Notice	14	17	31
S215 Untidy Land Notice	1	1	2
Temporary Stop Notice	0	0	0
Stop Notice	0	0	0

3.6.9 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.

3.7 **Customer complaints and Ombudsman cases**

3.7.1 Since April 2019 the service has received a total of 84 formal complaints under the Council's Complaints procedure. The table below shows the performance in comparison with the same period last year and shows that there has been a 34% decrease in numbers received, which is a positive sign. There has been only one complaint fully upheld and one partially upheld Stage 1 complaint, with no upheld Stage 2 complaints.

Quarter	Total Complaints	Stage 1	Stage 2	Ombudsman Cases
Q1 & Q2 19-20	84	70	14	2
Q1 & Q2 18-19	127	98	29	7

3.7.2 In terms of Local Government Ombudsman (LGO) complaints, there has been two new LGO cases during the last quarter. This compares favourably to the previous year, where seven were received. The first of these related to a complaint by a resident in respect of extensions, where the resident considered that the LPA had failed to correctly address the amenity issues and has also failed to take appropriate enforcement action relating to tree works. The second related to a previous LGO case for a development in Morley, where the LGO has agreed to take into account the concerns of another neighbour with regard to loss of privacy.

3.7.3 There has been a LGO decision for one longstanding case during the past quarter. This decision relates to a development in Morley and the Ombudsman found fault and required that the LPA liaise with the developer to ensure that appropriate measures be taken to protect the privacy of the complainant.

3.7.4 The service continues to review complaints and put into place service improvements to mitigate the risk of reoccurrence wherever possible.

4 Staffing and Resources

4.1 In terms of planning application case officers, the service has been recruiting to posts vacated by officers leaving the authority (due to retirement or career progression) or achieving promotion internally. In the period, two Planners , one Principal Planner and one Local Transport Infrastructure Programme Planner were appointed following the departure of previous postholders. A turnover of caseload- holding staff has a knock on effect in terms of dealing with ongoing workloads as cases that are unresolved have to be reallocated and there is inevitably a settling-in period for new staff. Whilst the period of recruiting replacements has continued beyond September (more Planners (one temporary to cover a secondment) will be appointed, as well as a Principal Planner for Housing Growth), it is envisaged that there will be a period of stability enabling performance levels to continue to improve.

4.2 With regard to Compliance and Enforcement, the previously reported levels of sickness absence, which was affecting delivery of the service, have begun to reduce with phased return to work plans and ongoing measures to address absence having been put in place, However there is still some instability, with one maternity leave and also redeployment requests submitted which will require replacement recruitment to enable the ongoing high workload to be addressed.

5 Service improvements

5.1 Tree Preservations Orders (TPO) online map

5.1.5 In August 2019, the service launched a new TPO online map, hosted on the Leeds City Council website. The map shows all the TPOs in Leeds and provides a direct link to the Order documentation. Previously customers would need to contact the service to obtain this information and this is a huge step forward in providing the information customers need instantly; it is also an operational service efficiency as customers are now be able to self-serve, rather than any staff intervention in the process. In the period September to October 2019, there had been over 1,700 views of the map, averaging at around 57 views per day.

5.1.6 It is hoped to digitise and make available other datasets in the near future, so that customers and stakeholders have the information they need more easily.

5.2 Plans Panel Review Recommendations

5.2.7 Work on other improvements including implementation of the recommendations from the Plans Panel review has continued e.g. on report writing and officer presentations, and will become evident within the next two quarters.

6 Challenges ahead

6.1 Performance, resourcing and the budget

6.1.1 The Council's challenging budget position for 2020-21 and 2021-22 has meant that services have been asked to make plans to contribute to the budget deficit; for the Development Management service the aim is to generate an extra £250k in discretionary income. This will come from pre-application enquiries and Planning Performance Agreements. However, currently this service is often under pressure to deliver within stated timescales due to the volume of work. Informal consultation with the development industry has shown, that in principle the industry will pay a higher price for pre application enquiry services, but the emphasis needs to be on the quality of that advice and delivered in a timely fashion. This is the challenge for the service going forward, to deliver a more responsive service within the constraints of the current staffing establishment, in order to meet its budget ambitions. Therefore, work is currently underway to try to find a more ways to release staffing capacity so that more senior officers have the capacity to deal with complex pre application enquires and PPAs.

6.1.2 The first work stream is looking at householder type applications and discharge of conditions, which have a low fee. The work involves developing a process which correlates the time and resources involved in dealing with those application types with the fee being paid. This will result in taking a more transactional approach, whilst still working positively and creatively with applicants, as required by the NPPF. This will then free up capacity of more senior planning staff who are currently undertaking this type of work who would be then able to engage more effectively on the larger more complex schemes. The challenge will be to deliver this efficient and cost effective service, whilst still supporting the residents of Leeds through the planning process, which can be complex.

6.1.3 As mentioned above the service is committed to the use of digital channels to allow customers and residents to be able to self-serve- this is more time efficient for customers and creates operational and cost efficiencies for the service. Further work is ongoing to see what other services and datasets can be provided to support this ambition.

6.1.4 It is going to be a challenging time ahead as clearly the service seeks to continue to deliver the service at the current level, whilst achieving a balanced service budget and generating the additional income required.

7 Corporate considerations

7.1 **Consultation and engagement**

7.1.1 This report has been provided for information and therefore no need for consultation and engagement.

7.2 Equality and diversity / cohesion and integration

7.2.1 There are no implications for this report.

7.3 Council policies and the Best Council Plan

7.3.1 The Council's values include being open, honest and trusted; spending money wisely; and working with all communities. The effective and expedient determination of planning applications contributes to the prosperity of the City and plays a key part in the regeneration and inclusive growth agenda.

<u>Climate Emergency</u>

7.3.2 There are no implications for this report.

7.4 Resources, procurement 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 has increased in two out of the three categories compared with the same period last year and all categories remain above the thresholds for designation. Whilst there have been fewer applications being made in these two quarters in comparison with the same period last year, the number of major applications as a proportion of the overall workload, remain as it has done for a number of years, higher than the national average. This places pressures on more senior planners, who still are dealing with smaller scale applications due to the volume of those types of applications.

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 the further challenge of an additional income target going forward will require some business process reengineering of the way existing services are delivered. However, this is necessary to ensure there is continued customer confidence in the service.

8.3 Performance on appeals has improved significantly which is encouraging even though the number of appeals being made remains high. The resources expended on appeals can be significant both in terms of officer time and in the case of public inquires 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, particularly with the difficulties of achieving significant additional income targets. 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

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