



Report of the Chief Planning Officer

Meeting: Scrutiny Board City Development

Date: Tuesday 6th July 2010

Subject: Planning Performance Target PI NI 157 –Majors

<p>Electoral Wards Affected:</p> <p>All</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
---	--

1.0. Purpose Of This Report

- 1.1. The report is presented to Scrutiny Board in order that Members can further consider the planning performance target PI NI 157 for major planning applications. At City Development Scrutiny Board meeting on 1st September 2009, the Board requested a report back to look at the planning performance target PI NI 157 Majors in more detail. This would address the reasons why some major planning applications had not been determined in time as well as two applications which had been determined in time. Members requested that the report focus on two major planning applications which had achieved the target, and two major planning applications which had not achieved the target and allow the Board to better understand the reasons and appreciate the lessons learned.

2.0. Background

Performance of target PI NI 157 (Majors) to date

- 2.1. The NI 157 Indicator (which came into force on 1st April 2008) for major planning applications is 60% within 13 weeks. Applications subject to Planning Performance Agreements (PPAs) are not counted within this. PPAs were introduced on 1st July 2008 and are aimed at providing good quality advice to developers prior to the submission of a major planning application. The protocol provides a collaborative development team approach and promotes early consultation and discussion between developers, the Council, Ward Councillors and their communities.
- 2.2. The following statistics demonstrates the performance of PI NI 157 (Majors) for last year -2009/2010.

Last year there were a total of 162 major planning application decisions, 98 of which were in time (60.49%). Seven applications involving Planning Performance Agreements were also determined, these would otherwise have been out of time Majors. The year commenced with 88 out of time pending Majors and this has been reduced by 32 to 56 cases to date (18th June 2010). Despite the reduction in staffing levels (in response to a fall in fee income associated with the recession), the significant work involved in dealing with the backlog of older (out of time) applications had an impact on the overall major performance in this period with Planning Performance Agreements and dealing with major planning applications. The service is trying to look forward and encouraging investors confidence, working closely with communities and aiming to create good quality development throughout the city of Leeds.

- 2.3. With this in mind, members are requested to scrutinise the following 2 major planning applications that were in time and two that were out of time:

Major applications in time

- Application 09/04934/FU, Nelson House, 2 George Mann Road, Hunslet. Determined under delegated powers with a Unilateral Agreement.
- Application 09/05453/LA, West Leeds Academy, Calverley Lane, Bramley. Determined at panel with pre –application discussions and presentations to Plans Panel prior to application submission

Major applications out of time

- Application number 08/04049/FU, Leeds University, Tetley Hall, Headingley. Referred to panel by Chief Officer for determination because of its significance and impact on the local area.
- Application 09/04481/FU, St. Margaret's RC Church, Naburn Approach, Whinmoor. Determined under delegated powers with S106 Agreement.

By focusing in on the above applications what lessons can we learn from them?

- How did the Local Authority perform, in across the service joined up team Approach?
- How good was community engagement and the involvement of Ward Councillors?
- What role has the applicant played?
- What role did external consultees play?

- 2.4. The service is continually looking at ways to improve performance and as mentioned earlier in the report developers are reluctant to sign S.106 Agreements for financial reasons, which delays the process. A report regarding S.106 contributions is to be presented to Executive Board shortly. This will review the process and how we can work with developers within the current climate to reduce the delays and better the process. For example measures to assist in identifying and agreeing Heads of Terms can be identified early in the process to allow the community and their consultees to comment.

2.5 It is proposed that the investigation be focused on the following applications which provide good and bad examples of performance in dealing with major applications from a variety of perspectives.

3.0. Major Applications by example

3.1. 09/04934/FU, Nelson House, 2 George Mann Road, Hunslet

3.2. The application was for a change of use from an office to a college (Education Training Centre) which specialises in the education of overseas/international students. The College is seeking to establish itself in Leeds to provide further education and training facilities for school leavers, mature and part time students. Various courses are offered at foundation, graduate, postgraduate and professional levels. The college is predominantly attended by overseas students and aims to foster integration of international students into the local student community.

3.3. The college is developing to provide facilities for up to 650 students with approximately 50 professional and support staff. Student attendance will be in the region of 325 students on site receiving education at any one time. The location of the college premises has been significantly influenced by the need to provide the optimum location in terms of accessibility for students and the suitability of the premises. The building is located within a business park which contains commercial buildings, the majority of which are vacant. The site is just off the A61 Wakefield Road which carries a number of regular buses throughout the day and is not far from the Hunslet Local Centre.

3.4. A focused project managed approach through consultations and negotiations have resulted in revisions to the scheme and S.106 contributions secured by a Unilateral Undertaking. The application was determined under delegated powers within the target date.

3.5. Application Number 09/05453/LA, West Leeds Academy, Calverley Lane, Bramley

3.6. Proposed is the demolition of the school and replace with a new school which forms part of Phase IV of the Leeds BSF (Building Schools for the future) Programme. Phase IV involves replacing the former Intake High school with a purpose-built Academy. The surrounding area around the site is predominantly residential in character.

3.7. The applicant (Education Leeds) commenced pre-application discussions in 2008 and carried out a community consultation exercise. Public meetings and exhibitions took place during the course of the outline application. At pre-application, a presentation was made to Plans Panel (26th November 2009). Members were generally supportive of the emerging scheme. A further public meeting and an exhibition was held on 13th January 2010. A position statement was presented to West Plans Panel on the 21st January 2010. Members were generally supportive, raising a number of issues in relation to the design. Following this a further design review meeting was held to consider concerns raised by Members and the concerns were addressed.

3.8. At outline stage it was agreed that the school will need to make a number of financial contributions towards traffic improvement measures. These were secured by "Grampian" Conditions being attached to the planning approval.

- 3.9. Application number 08/04049/FU, Leeds University Tetley Hall, 40-42 Moor Road, Headingley
- 3.10. This proposal involved the redevelopment of former halls of residence site (previously providing accommodation for 200 students) , comprising conversion of 6 buildings to 29 flats and 2 houses, 3 blocks totalling 70 flats,17 townhouses, one block of 51 retirement flats with landscaping and public open space.
- 3.11. The site, spread over 6 acres, is located in the Far Headingley Conservation Area. It is currently accessed from the south side from Burton Crescent which links to Otley Road (A660) and Meanwood Village. A large stand of mature trees in the centre of the site are protected under the designated Conservation Area status.
- 3.12. The same applicants were previously refused planning permission on the 28th April 2008 which consisted of converting 6 buildings to 29 flats and two houses, 3 blocks totalling 75 flats,17 townhouses, one detached dwelling and a part 4/part 5 storey block of 53 retirement flats with landscaping and public open space. The only differences on resubmission were the 3 blocks totalling 75 flats previously are now 70 flats in total, a reduction of five flats in the 3 blocks, no detached dwelling and 51 retirement flats reduced from 53. The application had a real mix of viability. Whilst lengthy discussions had taken place to negotiate and overcome the reasons for refusal, the applicant resubmitted without addressing them. The applicant also submitted a duplicate student application (08/04024/FU) to be considered alongside this application. This proposal was for the provision of student accommodation of 3 new blocks (4 and 5 storeys in height)comprising 45 cluster flats with 259 bedrooms and 17 student town houses (3 storeys in height), with 102 bedrooms with car parking (107 spaces) and public open space. Both schemes did not overcome the previous reasons for refusal.
- 3.13. The applicant resubmitted the residential scheme prematurely with a view to beat the Deadline for the Affordable Housing contribution which was being increased. The resubmitted viability reports did not address the reasons for refusal. Delays in the determination of the application related to the value of the S.106 contributions, the viability reports and the redesigning of the scheme.
- 3.14. The applications were presented to the Plans Panel for determination because of their significance and impact on the local area. Members upheld the officer recommendation and the applications were refused at Plans Panel on 18th February 2010.
- 3.15. 09/04481/FU, St. Margaret's RC Church, Naburn Approach, Whinmoor
- 3.16. This involves the demolition of the church and its replacement by the proposed 14 x 3 bedroomed semi detached houses and two x 2 bedroom semi detached houses. The site is L-shaped with approximately 0.4ha of overgrown land. The site is located within a predominantly residential area, with a selection of community buildings including a public house and a small parade of shops. Located directly to the north of the site. A public footpath runs along the western boundary of the site.
- 3.17. The application previously had outline consent (07/07380/OT). Since this consent there has been a material change in the Supplementary Planning Document "Street Design Guide". Consequently the site could no longer accommodate 14 houses. The rear gardens for 14 houses were also sub standard.

Lengthy discussions around negotiating the reduction of units and securing a “Greenspace “ contribution through a S.106 Agreement have also contributed towards the delay of this application.

- 3.18. In reviewing the four applications it is suggested that Members look at the pre-application discussions, the community involvement , the involvement of local Council and what worked and didn’t work in the process. The role of the Plans Panel and the Planning Performance Agreements. What lesson can we learn that provides a better outcome for the local community and members and enhances the reputation of the city where people want to live.

4.0 Conclusion

- 4.1. The detailed applications are presented to members to help in focussing on the reasons relating to the performance of major planning applications. Members have also identified S.106 Agreements as a further topic for Scrutiny review and some issues may overlap and there will be a report presented to Scrutiny Board members shortly which overlaps with some of the issues in this report.

5.0 Recommendation

- 5.1 That the report be received and the content noted.

Background Papers

None