



Report of the Director of City Development

Executive Board

Date: 27 July 2011

Subject: Planning Applications Highways Issues (White Paper 16)

Electoral Wards Affected:

All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

1. This report responds to the Council Resolution of 6th April 2011 which stated:

This Council requests the Executive Board to instruct the Council's Highways Department to ensure that consultation with ward members takes place with regard to Planning Applications' highways matters before the Highways Department passes formal comment to Planning Officers. This will ensure that ward members' and residents' views on highways issues are properly reflected in Planning Department reports.

2. It is of great importance that officers are aware of the concerns of members and residents when responding to planning applications to ensure that all relevant matters are taken into account before a decision is made. However, it is considered that the introduction of a further consultation would introduce the potential for unacceptable delay in the process of determining planning applications and could increase the potential for developers appealing planning applications for non-determination. This process would also, in practice, duplicate the existing consultation process for ward members and members of the public.
3. As an alternative, it is considered that the best way to ensure that ward members and resident views on highways issues are properly reflected in Planning reports is to ensure that planning officers re-consult highways officers on any new local concerns raised about highways matters by ward members which weren't covered at the time of the original highways comments. In this way highways officers will be fully aware of

the concerns of ward members and the public and be able to revise their comment accordingly.. This would be a refinement to the existing consultation process and in addition to the ability of Members to request that the application be determined by a Plans Panel rather than a matter delegated to officers.

1.0 Purpose Of This Report

1.1 To respond to the Council resolution of 6th April 2011 that:

This Council requests the Executive Board to instruct the Council's Highways Department to ensure that consultation with ward members takes place with regard to Planning Applications' highways matters before the Highways Department passes formal comment to Planning Officers. This will ensure that ward members' and residents' views on highways issues are properly reflected in Planning Department reports.

1.2 To request that Executive Board agree a revised proposal to ensure ward members views on highway matters are always taken into account before a planning application is determined.

2.0 Background Information

2.1 All planning applications are subject to a minimum of 21 days public consultation and are advertised on the council's website on a weekly list of new applications. Ward members and members of the public are able to raise their views, concerns and objections on any matter relevant to planning (including highways) in relation to any planning application. They are also able to track consultation responses electronically.

2.2 These consultation responses, including ward member and residents' views on highways (as with other issues) are all addressed in application reports, by the planning officer, before a planning decision is made on the application. The decision is made either by a delegated decision by the Chief Planning Officer or by a Plans Panel.

2.3 The highways officer's response will be a professional assessment based on technical detail and relevant planning policy documents and guidance, such as PPG13, PPS3 and the UDP taking into account local circumstances. Inevitably there will be situations where such a view may be at odds with the residents' or ward member's views. This can occur where there is a known and/or perceived highway problem in an area but the view of the highways officer is that it will not be made any worse by the planning proposal in question. Also, any on or off site requirements or other financial contributions for highway works must not exceed what is

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2.4 The current information system used (CAPS) publishes all representations on a planning application on Public Access and the highways officer is able to review these comments prior to providing their consultation response to see if there are any highways matters raised that need taking into account. Sometimes, however, the representations come after the highways officer has already provided their

comments. It is the expectation that the case officer will consult the highways officer to review any further representations made after they have provided their comment but before the application has been determined if they raise new highway matters not previously considered. This does not always happen consistently at the moment and may have led to some instances where local members have felt that their views have not been taken into account. If this practice of re-consultation was introduced consistently for applications then this should better address the concerns raised in the Council Resolution to ensure that *“ward members’ and residents’ views on highways issues are properly reflected in Planning Department reports”*.

- 2.5 This proposal has been discussed with the Chief Planning Officer and he is supportive of introducing a reconsultation process with Highways which would be operated in accordance with an internal protocol be put in place between planning and highways.
- 2.6 Last financial year the highways development control team dealt with 1678 planning application consultations (approximately 39.2% of the total submitted). Duplicating consultation on this many planning applications would impose a significant additional burden on staff resources at a time of budgetary restraint. Any additional consultation needs to add value to the process and ensure that we are making robust and sound planning decisions taking into account local circumstances.
- 2.7 The highways development control team is more than happy to discuss any concerns about an application directly with a ward member and to clarify what the material considerations are relating to the highways matters for any development. Contact gillian.macleod@leeds.gov.uk or telephone 0113 39 51341.

3.0 Main Issues

- 3.1 Members have raised a concern that their views on highways matters are not being properly addressed in planning officer’s reports on planning applications. To address this concern it is suggested that an additional consultation with ward members takes place with regard to Planning Applications’ highways matters before the Highways Department passes formal comment to Planning Officers.
- 3.2 Whilst it is important for officers to be aware of the concerns of members and residents when responding to planning applications, the additional stage of consultation on planning applications suggested has the potential to result in confusion as ward members and the public will be consulted twice on the same planning application. It would lengthen the time taken for the highways officer to provide consultation responses to the planning authority which has the potential to slow the determination process and possibly lead to additional appeals for non-determination.
- 3.3 It is considered that the best way to ensure that ward members and resident views on highways issues are properly reflected in Planning Department reports is to ensure that planning officers re-consult highways officers on any new concerns raised about highways matters which weren’t raised at the time of the original highways comments. In this way highways officers will be fully aware of the concerns of ward members and the public and will be able to revise their comment accordingly if the matters raised warrant such a change.

4.0 Implications For Council Policy And Governance

4.1 None

5.0 Legal And Resource Implications

5.1 Any additional delay in the process for determining planning applications increases the risk of applicants appealing planning applications on the basis of non-determination so there should be a strong justification for introducing any additional steps. The implementation of duplicate consultation to ward members and residents will have significant resource implications for the highways development control team. This could lead to a reduction in service performance or the need for additional staff resource at a time when financial resources are extremely limited.

6.0 Conclusions

6.1 It is requested that Executive Board Members accept the recommendations given in section 7.0 below.

7.0 Recommendations

7.1 In response to the Council resolution of the 6 April 2011, to accept the revised proposal to:

- Continue with existing public consultation on planning applications
- Support the proposal for planning and highways to agree an internal protocol to set out how and when re-consultation will occur with highways to ensure that *“ward members’ and residents’ views on highways issues are properly reflected in Planning Department reports”*.

8.0 Background Papers

Council Resolution WP16 of 6 April 2011.