

Report of Director of City Development

Report to Executive Board

Date: 11 April 2012

Subject: PLANNING APPLICATIONS HIGHWAYS ISSUES (WHITE PAPER 16)

Are specific electoral Wards affected? 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. In response to a Council Resolution of 6th April 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.”

It was agreed by Executive Board on 12 October 2011 that arrangements would be established to:

- Supplement the existing public consultation on planning applications with the additional notification (by e-mail) for all Ward Members of those planning applications which have been sent to Highways and Transportation for a consultation response, giving them additional opportunity to raise any highways concerns they may have with the highways officer directly.
- At the end of a three month trial period to bring a further report back to Executive Board for consideration.

2. This report covers the three month trial period of Member consultation and makes recommendations to continue with the trial arrangements for a further four month period.

Recommendations

Executive Board are recommended to:

- Note the issues raised during the three month Member consultation trial period and the responses to those issues and comment on the report.
- Agree a further four month trial consultation period to assess the issues raised, request Member feedback and assess the revised planning application validation procedure.

1 Purpose of this report

- 1.1 To update Executive Board on the three month trial period which has been undertaken in relation to ward member notification of planning applications on which Highways have been consulted.
- 1.2 To agree a further four month trial period to assess changes to the system and gather more evidence of the benefit or otherwise of the additional procedure.

2 Background information

- 2.1 At full Council on 6th April 2011 Members raised a concern that their views on highways matters were not being properly addressed in planning officer's reports on planning applications. To address this concern it was requested that an additional consultation with Ward Members took place with regard to Planning Applications' highways matters before the Highways Department passed formal comment to Planning Officers.
- 2.2 Very careful consideration was given to this request since it is essential for officers to be aware of the concerns of Members and residents when responding to planning applications. However, an additional stage of consultation on planning applications has the potential to result in confusion as Ward Members could be consulted twice on the same planning application. It could also 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 to the detriment of development and regeneration in the city.
- 2.3 It was therefore recommended that Ward Members be informed when highways officers are being consulted on planning applications within their Ward. This way, Members' views on highways issues could be considered by Highways Officers,

at an early stage, without over-burdening and potentially delaying the planning process. The proposal would entail an e-mail notification being sent automatically via the CAPS system to Ward Members to flag up that Highways and Transportation had been consulted on a planning application (at the same time). Highways officers would receive a 21 day formal consultation period. If Ward Members were concerned about the planning application in question they would have the opportunity to raise it directly with the Highways Officer as soon as possible within that time period. In this way Members would be more aware of the timeframes involved and would be able to operate within the existing consultation timescales. Highways Officers would wait for 10 days out of the 21 day period before responding to planning, giving members the time to raise any concerns directly, but leaving the Highways Officer sufficient time to respond within the set consultation period.

- 2.4 It was considered appropriate to introduce these proposals for a three month trial period. There were concerns that whilst it may help to alleviate Ward Member concerns relating to Highways matters, that it may still raise some confusion in relation to other consultees, eg landscape, design, education.
- 2.5 Members were also advised that they would also need to send any comments they wished to raise about an application to planning if they wanted it logging on public access as a formal comment on a planning application.

3 Main issues

- 3.1 The trial consultation process commenced on 1st November 2011. This report covers all matters raised and lessons learned from 1st November 2011 until February 2012 (covering a four month period instead of the three month period originally intended).
- 3.2 The trial involved all ward members being automatically advised by e-mail when Highways are consulted on a planning application in their Ward. The e-mail is originated automatically by the CAPS computer system and comes from Planning Services.
- 3.3 A group inbox HighwaysDevelopmentControl@leeds.gov.uk has been set up as the return address to send comments to if members wish to make highways officers aware of any issues or concerns they may have about the highway or transport aspects of any development proposal.
- 3.4 In the four month period from November to February Highways Officers have received five hundred and five (505) planning application consultations. Twenty one responses have been received from Ward Members of which seven have related to specific highway concerns. These issues have been addressed by the highways officer dealing with the planning application and a response sent to the Ward Member to inform them of the highways view on the application and whether or not the officer has been able to support the Member view. Of the other fourteen responses, two Members have offered support for the application, three objections have been raised to the application on non-highway matters (these have been forwarded to planning to put on public access to be taken into account

when the application has been determined) and the remaining nine responses have been commenting on general or administration matters.

- 3.5 In most cases the highways officer has been able to support the Member view on highway matters. On a couple of occasions where the highways officer has not been able to support the Member view an explanation has been sent to the Member and they have had the opportunity to request that the application is determined by a Plans Panel if they are not satisfied with the response.
- 3.6 During the course of the trial period Members have also asked for amendments to the notification procedure to improve the process. These improvements have been made where possible:
- Addresses have been added to the automatic notification e-mail.
 - A change to the validation process is being trialled to enable plans to be available on day one of the consultation period rather than having to deal with a forty-eight hour delay. This process requires a two stage validation procedure and is therefore an aspect of the service which needs monitoring to see if it has unintended consequences on validation speed or accuracy.
 - Members have asked for notification of applications in neighbouring wards where the traffic implications of the application may have detrimental consequences in their own ward. This request has been carefully examined by Planning and Highway Officers but it has unfortunately been impossible to comply with via CAPS which moves away from the automated notification process. To try and address this the Head of Planning Services has offered to introduce a procedure whereby the Planning Case Officer for every **Major** Planning Application will review the ward boundary and directly consult / notify ward members of these applications within their own wards and within neighbouring wards if the boundary is close by. Members views will be specifically sought on this process as part of the proposed Member feedback to be undertaken during the next four month monitoring period.
- 3.7 This consultation has in the main not lead to any significant issues arising e.g. officers were concerned that:
- The process 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. Response: There is a small delay on those applications where the highways officer holds onto comments until the ten day Member consultation period is up. However there is no current evidence that this has lead to out of time applications or additional appeals.
 - There was potential to result in confusion as Ward Members could be consulted twice on the same planning application and won't know who to respond to. Response: There has been an element of confusion with Members replying to the notification e-mail (ie responding to planning) rather than sending comments to the HighwaysDevelopmentControl inbox. This is being picked up between planning

and highways and highways officers are still checking the CAPS system for Member views too.

- Members were advised that they would also need to send any comments they wished to raise about an application to planning if they wanted it logging on public access as a formal comment on a planning application. Response: In some instances highways are receiving general planning objections to planning applications rather than observations on highways matters. However, in these instances the comments are being forwarded to planning to insert onto CAPS.

3.8 In addition there have been some positive outcomes from the new process, including:

- Better engagement between Members and Highway Officers.
- Member concerns are being addressed upfront, before comments are placed on public access, which will reduce the number of differences of opinion being placed on public record and enable a constructive dialogue earlier in the planning application timescale.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This report has not been the subject of any external consultation. It is proposed to consult Members about their views of the revised process during the four month extended trial period and make any further amendments to improve the process which it is reasonable to make.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This report has no adverse impact on the Council's Equality and Diversity or Cohesion and Integration strategies. A screening report has been published on the Council's website.

4.3 Council policies and City Priorities

4.3.1 There are no implications for delivery of the Council's policies and city priorities arising directly from this report.

4.4 Resources and value for money

4.4.1 There are no financial or staff resources arising directly from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications raised by this report.

4.6 Risk Management

- 4.6.1 The risks identified in the 12 October 2011 Executive Board Report have not in the main resulted in any delays to the planning system during the trial consultation period.
- 4.6.2 A further four month extension to the trial consultation period will enable the situation to be further monitored. The process for direct member consultation on major planning applications and the amendments to the planning application validation procedure which enable plans to be available when the consultation e-mails are sent out will also be assessed for any unintended risks relating to increased staff time and double handling of data potentially leading to errors.
- 4.6.3 The Member response rate during the initial trial consultation period has been relatively light. If this situation changed some of the concerns about delays to the system might be realised, this situation will continue to be monitored.

5 Conclusions

- 5.1 The trial notification period for Ward Member consultations on planning applications on which Highways Officers have been consulted has been generally informative and successful.
- 5.2 A further four month trial period is proposed to address some issues raised during the initial trial and also to enable a newly introduced validation system to be assessed.

6 Recommendations

- 6.1 Executive Board are recommended to:
- Note the issues raised during the three month Member consultation trial period and the responses to those issues and comment on the report.
 - Agree a further four month trial consultation period to assess the issues raised, request Member feedback and assess the revised planning application validation procedure.

7 Background documents¹

- 7.1 Council Resolution WP16 of 6 April 2011.
- 7.2 Executive Board Report of 27th July 2011.
- 7.3 Executive Board Report of 12th October 2011
- 7.4 EDCI Screening Report published on Leeds City Council's website on 29/9/2011

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.