

Report of Chief Planning Officer

Report to General Purposes Committee

Date: 7 May 2013

Subject: Six month review of the plans panel arrangements

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 type="checkbox"/> Yes	<input checked="" 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. An all party working group, chaired by the Executive Board Member for Neighbourhoods, Planning and Support Services undertook a review of the plans panel arrangements during summer 2012. The remit of the group was to consider options for the formation of a strategic panel which would deal with large scale applications and those applications of strategic importance to the city, which would assist in the delivery of the growth agenda, including applications such as Eastgate, East Leeds Extension, the energy from waste proposals, Thorpe Park and Thorp Arch, amongst others.
2. The work cumulated in a report to full Council recommending the formation of three new plans panels- City Panel which would deal with strategically important applications from across the district, North and East Panel and South and West Panel which would deal with applications of significance from wards within their geographical boundary.
3. Full Council agreed the new arrangements and also asked for a number of measures strengthening local involvement to be put in place as well as a review of the new plans panel arrangements after six months operation.
4. This report reviews the effectiveness of the new arrangements from a number of perspectives- delivering major developments, enhancing local involvement, balancing workloads and finally considers feedback from Chairs, Members, the development industry, local communities and other stakeholders.
5. The new panel arrangements are now delivering more in time, consistent and predictable outcomes, after an initial bedding down period, whilst strengthening the

involvement of ward members and local communities in the determination of planning applications and associated legal agreements.

Recommendations

6. Members are asked to
 - I. Note the report
 - II. Continue with the City Panel and the area plans panels in their current format

1 Purpose of this report

- 1.1 New arrangements for member decision making through the formation of three new plans panel was agreed by full Council in September 2012. As part of the approval, full Council requested that a number of measures were put in place to support the new arrangements including a protocol for pre-application involvement, principles governing how the panels would operate and to review the operation of the revised plans panel arrangements six months after commencement.
- 1.2 Measures have been put in place to support the operation of the new panels and significant work has been undertaken on extending ward member and local community pre-application involvement. The focus of this report is to review and assesses the effectiveness of the new arrangements after six months of operation.

2 Background information

- 2.1 The significant changes to the context of planning decisions at a national, regional and local level including the publication of the National Planning Policy Framework, the Localism Act 2011, with its focus on involving local communities in the planning process, the City Region Deal, the Council's ambition and growth agenda and proposed Planning Guarantee, meant that changes in the way planning was delivered in Leeds were needed.
- 2.2 Additionally, the size, scale and impact of some applications the Council was dealing with including Thorp Arch and East Leeds Extension, Eastgate, Thorpe Park Business Park as well as the Energy from Waste schemes and applications with city wide and local impacts meant a new mechanism was required to help the Council deliver good strategic decision making in order to meet the future needs of the city in terms of business, housing and investment whilst ensuring that communities and elected representatives had a greater involvement and say about their local area. Therefore a review of the plans panel arrangements took place to explore the issues and options. The review was undertaken throughout Summer 2012 by an all party working group, chaired by the Executive Member for Neighbourhoods, Planning and Support Services.
- 2.3 The remit of the group was to consider the case for the establishment of strategic plans panel which would deal with the largest planning applications and those with strategic importance to the city.
- 2.4 It was expected that a new strategic panel would provide a focussed agenda and provide more time to allow greater discussions on those applications of major significance to the future of Leeds and have the following objectives:
 - Support improved major performance targets, through the efficient delivery of major applications which is important for the regeneration and stimulate good growth of the city
 - Provide a consistent decision making framework for the largest and most sensitive applications, so they are dealt with in the same way

- Provide additional opportunities for public involvement and speaking at the panel meeting, strengthening local involvement in the planning process

2.5 A distinction was made between strategic and non-strategic applications and criteria was drawn up to differentiate between the two. Applications would be considered to be strategic in terms of at least one of the following:

- Job growth, investment value and regeneration (these should be of city-wide importance)
- Proposals that are eligible for large scale time limited public funding.
- Residential schemes over 200 units.
- Or by size and scale, as outlined in the terms of reference

2.6 Additionally, the working group reviewed the workload and geographical area of the existing two area plans panels, as historically the East Plans Panel had a disproportionately greater workload than the West Panel. Consequently, revisions were made to the geographic boundaries, in an attempt to make the workloads between the two panels more equitable.

2.7 Through working group discussions the agenda widened to cover current panel processes and the need to strengthen ward member and local community involvement through:

- Additional public speaking opportunities where applications are contentious (at the Chair's discretion)
- Objectors right to address the Plans Panel at the developer's pre-application presentation
- More effective officer-member communication on major application, from pre-application, through to determination
- Greater community and Ward Member involvement at the pre-application stage (through earlier communication by planning officers)

2.8 Full Council, at its meeting in September 2012 agreed to the formation of three new panels- City Panel which dealt with the strategic applications and city centre applications, which would historically go before the City Centre Panel; North and East Panel (NE panel) and South and West Panel (SW panel). The new South and West plans panel was given responsibility for dealing with applications in the following wards: parts of City and Hunslet (outside the City Centre planning boundary), Morley North, Morley South, Ardsley & Robin Hood and Rothwell, Beeston and Holbeck and Middleton Park, in addition to the current wards. A review after six months of operation of the new arrangements was also requested.

3 Main issues

3.1 As part of this six month review the original objectives of the plans panel review have been considered, as well as operational issues and the impact of the revised geographical boundaries for the area panels.

3.2 Support the delivery of major developments

- 3.3 Since the new arrangements commenced in September 2012, there has been a slight decrease in the number of applications going to the three Panels (data is provided for the end of March 2013), 72 compared with 104 for the same period last year and again a slight decrease in the number of major applications going to the three Panels, 40 in 2011-12 compared with 29 in 2012-13. Importantly, there are more applications being determined first time, with only 13 deferrals since the new arrangements commenced. This is important in supporting good growth in the city and in meeting member and developer expectations for good quality schemes within an agreed timescale. Six of these deferrals were from the first two meetings of the SW panel and since then more first time decision making has bedded in.
- 3.4 The new panel arrangements have provided the opportunity for the use of the three phase process: pre-application presentation, position report and final determination for the largest and most complex applications. This process is working very effectively leading to more Plans Panel involvement throughout the life of an application and more first time decision making. There is strong evidence that applications dealt with through this approach also deliver more predictable outcomes in a timely fashion, in accordance with developer expectations thus supporting investor confidence in the city.
- 3.5 This expeditious process can be demonstrated through the determination of a number of significant applications- KPMG four storey office development at Sovereign Street, submitted in late September 2012 and determined at Plans Panel two months later in November, the six storey university library which took just over two months from submission in early November 2012 to determination at Plans Panel on 17 January 2013 and proposals for a data centre on the former Yorkshire Chemicals site which were submitted in September 2012 and went to Panel on 22 November 2012. Additionally, the two Energy from Waste proposals at Skelton Grange and Cross Green were dealt with by City Panel on their first presentation for determination in February 2013.
- 3.6 Overall, major performance since the changes has improved with 60.9% of major applications being determined in 13 weeks for the period September to March 2013, this compared with 56.3% for the same period last year. The number of out of time major applications in the system has reduced from 56 to 36 (a reduction of 34%) from March 2012. Considerable emphasis has been placed over the last two years to reduce the number of out of time majors which have been in the system for some time. This is particularly important with the advent of the Government's Planning Guarantee, where applications should be determined by the LPA in no more than six months.

3.7 Additional opportunities for local involvement

- 3.8 Another objective of the review was to ensure that there was effective local involvement in the decision making process. In this area, the review of the panels has provided an impetus for making a number of significant improvements:

- New ward member or community representative speaking opportunity at pre-application presentations, so there is a more balanced and rounded approach to discussions leading to a decision
- Additional public speaking on sensitive applications (at the chair's discretion), for example additional time was allowed for the two energy from waste applications
- Production of a best practice guide to pre-application community engagement setting out the Council's expectations from developers in terms of effective and meaningful Ward Member and community involvement
- Ward member involvement at pre-application meetings with developers to discuss proposals early on, identifying any local issues and inform local engagement opportunities with communities (subject to any legitimate concerns relating to confidentiality)
- Ward members routinely involved in discussions on the Section 106 draft heads of terms at an early stage
- Improved communication between officers and members- officers inform members within a week of receipt of all new major or significant applications and invite member involvement, as appropriate
- Ward member briefings and communication about ongoing applications
- The establishment of community consultative forums for Thorp Arch and for the East Leeds Extension which brings together developers, the community, elected members and the LPA to deliver significant strategic major residential applications. In the case of Thorp Arch the involvement of the community forum led to a revision of the master plan for the site, leading to an increase in housing numbers from 800 to 1,700
- Forward plan of potential strategic applications assessed every month by Executive Board Member for Neighbourhoods, Planning and Support Services and the three Plans Panel Chairs so there is an ongoing awareness of what is coming forward

3.9 These measures are currently being embedded and should provide more effective early and ongoing dialogue between officers and members, contributing to better involvement, improving performance and support in the delivery of major schemes expeditiously.

3.10 Workloads

3.11 At City Panel (September 2012 to 14 March 2013) there have been 36 items going to the panel, a mixture of applications for determination (15), position statements (7) and pre-application presentations (14). This is the combination of the strategic applications from other parts of the district and appropriate city centre applications. Although pre-application presentations and position statements adds to the workload and makes for a lengthier meeting, they provide an essential sense of direction for developers and improves both the quality of the development and the decision making at the Plans Panel. The number of items on the agenda has now settled down, through first time decision making meaning there are fewer items being deferred, manageable agendas and good time management at the meetings.

3.12 Initially there were some concerns that there would not be enough significant applications going to the area panels as well as the City Panel. However, the

area panels have a range of important pre-application presentations, major and minor commercial and residential applications on their agendas.

- 3.13 There were also some concerns about the process to decide which applications would go to the City Panel and which would go to an area panel. However, a forward plan for each panel has been developed which shows major and other significant applications for the coming months. This provides a city wide view of applications and facilitates a planned approach to agenda setting by the Executive Board Member for Neighbourhoods, Planning and Support Services, in conjunction with the Plans Panel Chairs and Chief Planning Officer.
- 3.14 The changes to the panel boundaries of those wards identified in paragraph 2.8 above from the old East panel to the new SW Panel had an impact on the numbers of applications going to each area panel. Initially there were fewer items going to the NE panel than the SW panel, and the NE panel meeting on 24 January was cancelled due to a lack of business. Several months in, workloads now appear to have evened out, but workloads will be kept under review to ensure the panels are not overburdened with items, or conversely, don't have enough business.
- 3.15 The current panel boundaries have been set to reflect the Area Committee areas and the planning service restructure will align area teams and case officers with Area Committee areas and will place a principal planning officer with responsibility for each area committee, thus providing a single point of contact for members and community groups. This is key for moving forward with the localism agenda, creating better links with local communities, understanding the sensitivities in the area, engaging at the pre-application stage and development of neighbourhood planning going forward. Any redrawing of the boundaries to address workload issues could result in Area Committee areas being split between panels, or parts of area teams reporting to two different area panels and any moves would need to be mindful of these issues to maintain a consistent approach. Workloads will continue to be monitored and numbers of items going to each Panel may fluctuate over time, but maintaining consistent area working arrangements, which supports a collaborative approach to the delivery of major projects is a priority.
- 3.16 The changes to the panel arrangements initially led to longer meetings; additional public speaking for sensitive applications, the new 15 minutes speaking opportunity for ward members and/ or community representatives at pre-application presentations and for City Panel the nature of the items which go to that panel all contributed to lengthier meetings. However, from December onwards, the duration of meeting has reduced and have been focussed and well managed through tighter time management and effective agenda setting.
- 3.17 Special meetings have been convened by the City Panel to look at specific applications, for example the energy from waste proposals which went before the panel on 7 February. Due to sensitivities around these applications, the meeting was focused on these applications, giving them the time and priority they needed. Additional time was allowed for representations to be made, with objectors and applications both having six minutes speaking time. Similarly a special meeting for Thorpe Park and East Leeds Extension took place on 26 March.

- 3.18 Special meetings can provide a focus for complex issues to be explored and can mean that strategically important applications can be determined first time, thereby contributing to better performance and to the regeneration and good growth of the city through effective delivery of major developments.
- 3.19 Feedback from members, officers the community and development industry**
- 3.20 Feedback from members suggests that the Panel changes are working well. The Plans Panel Chairs have been asked about their experiences of the new arrangements and report no significant issues at this point and feel that the City Panel is working well with good quality and expeditious decision making. The use of community forums for complex applications such as Thorp Arch, where developers, Members, Parish Council and local communities come together to deliver major schemes has been a great success and can be replicated for other similar schemes.
- 3.21 Applications going to the area panels are not over dominated by large scale complex applications, which means all applications are given the time they need and deal with significant important local issues. This is also good from a customer point of view, as the public do not normally have to sit through lengthy complex applications before the item they are interested in is dealt with. Feedback from past customer surveys of the plans panels showed that lengthy waiting for an application to be dealt with was a cause of great dissatisfaction.
- 3.22 Chairs are satisfied with the additional public and ward member speaking opportunities and anticipate more take up of this as more pre-application presentations come forward.
- 3.23 The development industry's view is that new arrangements are working well. The three phase approach at Plans Panels and more extensive use of Planning Performance Agreements (PPA) have bedded in for the City Panel, and can be demonstrated by the expeditious decisions being made. The use of PPAs is advocated by the Secretary of State for Communities and Local Government as a way of managing large scale applications and the service is actively promoting this approach as a way to deliver the most complex of schemes. Developers feel there is generally less discussion at the point of determination, as the Panels have been better informed and involved in the evolution and development of the more complex and significant applications. This has resulted in more decisions being made on their first visit to Panel.

4 Future considerations

- 4.1 Application numbers overall continue to be comparable to the same period as last year, so it is difficult to predict activity levels going forward. However, the Government is keen to promote increased use of PPA and part of the Leeds PPA offering is the opportunity for developers to present their proposal at the Panel meeting, which may increase workloads at panel.
- 4.2 It will be important to ensure that the City Panel has capacity to deal with any increase, maintaining the focus and scrutiny on the largest and strategically most

important applications. The use of one off special meetings for contentious or sensitive applications has worked well in this regard.

- 4.3 A further consideration is that where there is sufficient public interest in an item, meetings could start at a different time, for example early evening start time, to allow the public to attend more easily. The new arrangements lend themselves to this suggestion as agendas are not usually overburdened and would not result in very late finishing times.

5 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 Consultation has taken place with the Executive Board Member for Neighbourhoods, Planning and Support Services, the three Plans Panel Chairs, the Joint Member Officer Working Group, Plans Panel Review Working Group, Leeds Planning and Developers Forum (a forum comprising community representatives, Town and Parish Councils and representatives from the development industry).

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 An equality impact screen assessment was undertaken for the original review work and concluded that there were no negative equality or diversity/ cohesion and integration issues arising from the changes to planning committee arrangements.
- 5.2.2 Throughout the planning process applicants and interested parties have the opportunity to make representations throughout the statutory notification and consultation period. There is an additional opportunity for making representations when an application comes to the plans panel through the public speaking arrangements, which are open to everyone. The review has also led to additional provisions for ward member and/or community representative speaking at the pre-application stage of a major or significant application.

5.3 Council policies and City Priorities

- 5.3.1 The new panel arrangements are consistent with and support the Vision and the City Priorities. An efficient, consistent and speedy planning decision making process will particularly support the Vision for Leeds' economy to be prosperous and sustainable.

5.4 Resources and value for money

- 5.4.1 The new arrangements represent value for money with the area plans panels and the City Panel making decisions on the applications where member input adds value.

5.5 Legal Implications, Access to Information and Call In

- 5.5.1 There are no legal implications arising from this report.

5.6 Risk Management

- 5.6.1 A more objective approach to decision-making would be likely to reduce the potential for procedural judicial review and probably reduce the number of adverse appeal decisions and lost applications.

6 Conclusions

- 6.1 The new arrangements have only been in operation for a relatively short period of time and are delivering high quality, consistent and more predictable outcomes, after resolving some initial teething problems.
- 6.2 Performance on major applications continues to be an important issue and it will take time for the measures put in place to show results. However, early indications are that first time decision making has improved, with only 13 deferrals so far across all three Panels and more major applications determined in time.
- 6.3 Whilst performance is a key contributing factor in assessing the success of the new arrangements, the additional opportunities for ward member involvement should not be understated and is an essential part of a modern customer orientated planning service. Chairs, members and local communities have welcomed the enhanced public speaking opportunities both at the pre-application stage and on the more sensitive and contentious applications at determination.
- 6.4 Aligning the plans panel areas with the Area Committee areas and the planning services structure will support better area working, leading to greater understanding of the issues and sensitivities in localities and will help to further embed the neighbourhood planning agenda in communities.
- 6.5 The other pre-application provisions for ward member involvement which arose out of the initial review of the plans panel are bedding in, resulting in more effective communication between officers and ward members. This will assist in making the decision making process more inclusive, expeditious and with more predictable outcomes, thus generating business confidence, promote good growth and contribute to the regeneration of the city.

7 Recommendations

- 7.1 Members are asked to
- I. Note the report
 - II. Continue with the City Panel and the area plans panels in their current format

8 Background documents¹

- 8.1 None

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.