

Joint Plans Panel

Thursday, 30th June, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, A Blackburn,
C Campbell, A Castle, B Chastney,
M Coulson, G Driver, M Hamilton, J Hardy,
J Jarosz, T Leadley, J Matthews,
J McKenna, E Nash, K Parker, J Procter,
R Pryke and B Selby

1 **Declarations of Interest**

There were no declarations of interest

2 **Apologies for Absence**

Apologies for absence were received from Councillors Congreve,
R Grahame, Gruen, Wilson, G Latty, Groves, J Harper, Macniven and Wood

3 **Minutes**

RESOLVED – That the minutes of the last Joint meeting of the Plans Panels held 27th January 2011 be agreed as a correct record

4 **Terms of Reference and Officer Delegation Scheme for the Three Plans Panels**

The Chief Officer, Democratic and Central Services, submitted a report setting out the Terms of Reference and associated officer delegations schemes relevant to the work of the three Plans Panels. The report also included a copy of the Code of Practice for Determining Planning Matters. The Panel noted that routine changes to the delegation scheme, such as those necessary after changes to legislation, could be undertaken by the City Solicitor

RESOLVED –

- a) To note the Terms of Reference and Officer Delegation Scheme for the Plans Panels for the 2011/12 Municipal Year
- b) To note and have regard to the contents of the Code of Practice for Determining Planning Matters

5 **Learning and development for Members of Plans Panels**

The Chief Officer, Democratic and Central Services, submitted a report setting out proposed changes to the compulsory learning and development programme for Members on Regulatory Panels and providing an update on the levels of attendance at the compulsory events held throughout 2010/11. The Member Development Officer attended to present the report and highlighted the proposals for 2011/2012 as:

- Change to the training provider on planning issues
- Collaboration with other local authorities on the introduction of non-compulsory training
- To introduce review sessions including site visits to previously developed sites

Members commented on the usefulness of the city wide site visit undertaken in 2005 and the need for future visits to be relevant and include sites developed after officer decisions as well as Panel decisions

(Councillor Akhtar joined the meeting at this point)

Members welcomed the proposal to approach the Planning Co-operative as an alternative training provider and emphasised that training should be tailored to need i.e. some training is suitable for new Panel Members but not for existing; and should refer to the likely implications of the Localism Bill

RESOLVED –

- a) To note discussions on the learning and development options
- b) To note the Member Training Dates as 23 September and 22 November 2011
- c) To request officers make the necessary arrangements for Members to undertake city wide site visits to developments completed following Panel and officer decisions

6 Pre-application Presentations to the Plans Panels

The Head of Planning Services introduced a report by the Chief Planning Officer on the outcome of discussions at the Joint Member Officer Working Group (Planning) on the format of pre-application presentations at Plans Panels meetings. Members noted the proposal to include presentations on the formal meeting agenda which would bring the presentations into the public domain and be formally minuted.

(Councillor M Hamilton joined the meeting)

Members discussed whether developers would be discouraged from bringing presentations as part of a formal meeting, but noted that the Localism Bill encouraged Councillors to be involved at early stages in development proposals. Additionally, presentations in the public domain were seen to be transparent and an aid to the development process. Members stressed the need to adhere to the criteria by which applications are presented to Panel and that the protocol by which pre-applications were considered should be clear to all parties. Members stressed that minutes of pre-application presentations should clarify that Members were giving a view on proposals, rather than making a decision.

RESOLVED – To agree to the new approach and suggested wording to accompany pre-application presentations on the agenda; and to request officers draw up the necessary protocol and to review the impact and success of the new approach in due course

7 Performance Management Year End Report for Planning Services for 2010/11

The Head of Planning Services introduced the performance management report for Planning Services covering the October 2010 to March 2011 period and the results for the 2010/11 year end. Members noted that this had been a difficult year in terms of the budget and the changing nature of planning. The following matters were highlighted:

- Number of applications in 2010/11 similar to 2009/10 showing the continued impact of the downturn
- Performance had been maintained in terms of dealing with appeals and complaints.
- The number of Ombudsman cases had increased however there had been a reduction in the number of local settlements.
- A number of cost decisions had been awarded against the Council at appeals. Members noted the outcome of the Greenfield housing appeals with regret, but also the successful outcome defending “garden grabbing” appeals
- The ongoing service restructure which emphasised better links to local areas and community engagement
- Planning fees – time recording analysis being undertaken in order to project costs in readiness for when legislation will allow Planning Authorities to charge their own fees in place of national rates (likely April 2012)
- Executive Board had amended the levels of affordable housing sought from developers to provide a short term boost to development. It was felt that some applicants would seek to vary existing permissions in order to take advantage of this, particularly those developers who had won Greenfield appeals

Members discussed the following:

- Enforcement cases and courses of action available to the Local Planning Authority should a developer ignore the outcome of a court case which ruled in favour of the LPA
- Feedback from the public who had attended Appeals and Inquiry hearings on how presentations made by LCC were perceived. Members commented that there appeared to be disparity between the preparedness of expert witness and LCC officers. They advocated training be provided to LCC officers by external providers to develop their witness skills. Officers noted the comment that officers may feel under pressure when asked for a professional opinion from a barrister at appeal and it was agreed that the issue of training (including LCC approach at appeals, establishing a small LCC team of experts to appear at appeals; procuring external training) would be discussed at the Joint Member Officer Working Group (JMOWG) and with the Chambers who provided legal advice to LCC

(Councillor Matthews withdrew from the meeting for a short while at this point)

- Noted that consultation would close soon on proposals to relax Permitted Development Rights in order to enable conversion of disused offices to flat dwellings. Officers responded that a draft LCC response setting out the Authority’s view that the proposals would undermine local decision making was awaiting signature by the Executive Member. This stance had received cross party support at the JMOWG

RESOLVED –

- a) To note the contents of the report
- b) To request a further performance monitoring report in 6 months
- c) To refer the matters raised during the general discussion on appeal/inquiry hearings be referred to JMOWG

(Councillor Coulson withdrew from the meeting for a short while at this point)

8 Executive Board report on Housing Appeals - implications of the Secretary of State's decision relating to land at Grimes Dyke, East Leeds

The Chief Planning Officer submitted a report previously presented to Executive Board on 22 June 2011 setting out the current housing land position following a number of lost appeals and particularly in the context of the Grimes Dike appeal outcome. The report referred to a number of recent appeals against refusal for residential development on Greenfield sites and the impact this had on LCC housing policy, having regard to the Government's stance on the RSS and housing targets.

The report included the prospectus "exploring the scope for housing growth" which had been approved by Executive Board as the basis for informal consultation on Core Strategy housing issues

The Chair of Scrutiny Board (Development) reported a Scrutiny Working Group (WG) had been established to review the prospectus and explore anomalies in government policy, with agents and developers invited to feed in to the process. The Scrutiny Board Chair invited Members to become involved with the Scrutiny WG. Members discussed the following

- The suggestion that Leeds could collaborate with other local authorities to provide a united response through the LGA to central government
- Noted the comment that the Scrutiny Board WG should have regard to population figures
- Noted a comment that figures included within the prospectus incorrectly reported "the best annual rate of completions achieved in Leeds was 3,800 units in 2009/10" should read 2008/09. This date was crucial as mortgages/lending were more freely available in 2008/09
- Relevance of the SHLAA group to the Scrutiny Inquiry

(Councillor Castle left the meeting at this point)

RESOLVED –

- a) To note the contents of the report and the decisions taken by Executive Board
- b) To note the invitation from Chair of Scrutiny Board (Development) to participate in the Scrutiny WG set up to review the prospectus

9 The Localism Bill Update - Plain English Guide

The Chief Planning Officer presented a report setting out the most recent updated version of the plain English guide to the Localism Bill issued by CLG

(Councillor Driver left the meeting at this point)

Members noted the proposals to amend Section 70 of the Town and Country Planning Act (to allow local finance considerations) and noted that the original proposal for parish/community groups to have a role in local planning decision making process had been dropped

RESOLVED – To note the contents of the report and the Guide

10 Date and Time of the Next Meeting

RESOLVED – to note the date and time of the next meeting as 17 November 2011 at 2.00 pm