

ENVIRONMENTAL SCRUTINY COMMITTEE

6 DECEMBER 2016

Present: County Councillor Mitchell(Chairperson)
County Councillors Clark, Chris Davis, Hill-John and
Darren Williams

41 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

42 : DECLARATIONS OF INTEREST

No declarations of interest were received.

43 : DRAFT CARDIFF CYCLING STRATEGY AND INTEGRATED NETWORK MAP

Consideration of this item was deferred until the Committee meeting on 10 January 2016.

44 : EASTERN BAY LINK - JOINT STUDY PROPOSAL

Consideration of this item was deferred.

45 : PLANNING SERVICE - MEMBER UPDATE

The Committee received a report providing an opportunity to consider services delivered by the Planning Service and to review what has been done to improve service delivery. In particular, Members were requested to consider the 'Cardiff Local Planning Authority – Planning Annual Performance (APR) Report 2016'.

The APR provides an overview about Cardiff, comments on the Cardiff's planning background (noting that the City adopted the Local Development Plan in January 2016); identifies Cardiff's Corporate Policy context; discusses existing and previous influences on land use; describes the landscape and historic setting; explains the settlement pattern and concludes by commenting on population change and influence on the Local Development Plan.

The APR also explains the organisational structure of the Council and how the Planning Service ties into this structure. Commentary on the wider organisational activities that impact upon the Planning Service and consideration of the operating budget and staffing issues are also referred to. The four parts of the Planning Service identified are:

- Planning Policy
- Development Management – Strategic and Placemaking
- Development Management – Non Strategic and Enforcement
- Building Control

Members were asked to note the following key points from the APR report:

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- 20 posts have been removed from the Planning Service in the past five years – this including reducing the number of operational managers from five to two;
- Planning fee income has varied significantly in recent years, for example, between 2008/09 to 2012/13 fee income remained between £1.2 million to £1.4 million. This has improved in recent years and in 2014/15 fee income reached £1.86 million. The fee income target for 2015/16 was increased to £1.93 million and this was achieved. The 2016/17 for fee income has once again been increased to £2.03 million;
- A 15% increase in planning fees in the autumn of 2015 was welcomed, however, the fee refund clauses contained in the new Planning Fee Regulations introduced significant risk;
- The Planning Service currently has 50 FTE posts;
- Workload demands are high on staff within Cardiff's Planning Service. In 2015/16 Cardiff processed 3,053 applications compared to the Welsh average of 949;
- Sickness rates are at low levels and are lower than the Directorate and Council wide average.

A section in the report provides a broad overview of the topics relating to the Planning Service. Observations worth noting included:

- Planning Policy – The Local Development Plan for Cardiff was adopted in January 2016 and will continue to form an important element of policy work. The Planning Service will need to review the 102 indicators which inform future plan reviews and help to develop a series of Supplementary Planning Guidance documents that will underpin the LDP;
- Planning Policy – The Planning Service will need to engage with, support and help develop the Strategic Development Plan (SDP). As the economic driver of the Cardiff Capital Region, Cardiff will seek to play an active role alongside other local authorities to progress this work;
- Planning Policy – The Planning Service will need to write the Local Development Plan Annual Monitoring Report (AMR) each autumn for consideration by Welsh Government;
- Planning Policy – The Planning Service will work with the Housing Service to identify new Gypsy & Traveller demand and site(s) to meet the demand in accordance with AMR and Housing requirements;
- Planning Policy – The Planning Service will prepare the annual Joint Housing Land Availability Study;
- Development Management & Enforcement – The number of planning applications determined by Cardiff in 2015/16 was 3,053. This was an increase of 20% more than the previous year;

- Development Management & Enforcement – Case officers can process up to 300 applications a year, however, those dealing with major applications process considerably fewer;
- Development Management & Enforcement – Enforcement investigations generate a caseload of some 500 to 800 cases per year. The Enforcement Team has been significantly reduced in recent years with three officers currently sharing their time between enforcement investigations and as development management case officers;
- Placemaking – The Placemaking Team delivers a wide range of statutory and non-statutory planning functions and includes expertise in such areas as urban design, masterplanning, conservation of the built and natural environment and project management;
- Placemaking – The Placemaking Team will be leading on the preparation and adoption of the Cardiff Community Infrastructure Levy (CIL). This work has created significant additional workload for the Team and is progressing towards

Members were advised that the Welsh Governing Data Unit have undertaken customer satisfaction surveys for all Local Planning Authorities in Wales and provided a summary of responses which are included within the APR. The survey was sent to 1,045 people and had an 11% response rate. The survey identified the following:

- The Local Planning Authority enforces its planning rules fairly and consistently: 50% agree that Cardiff achieved this against a Wales average of 47%.
- The Local Planning Authority gave good advice to help them make a successful application: 62% agree that Cardiff achieved this against a Wales average of 58%.
- The Local Planning Authority gives help throughout, including with conditions: 48% agree that Cardiff achieved this against a Wales average of 49%.
- The Local Planning Authority responded promptly when they had questions: 57% agree that Cardiff achieved this against a Wales average of 58%.
- They were listened to about their application: 56% agree that Cardiff achieved this against a Wales average of 57%.
- They were kept informed about their application: 47% agree that Cardiff achieved this against a Wales average of 49%.
- They were satisfied overall with how the LPA handled their application: 62% agree that Cardiff achieved this against a Wales average of 61%.

Appendix 1 of the report included performance data. The key points in terms of performance were listed as follows:

- Cardiff Council adopted its Local Development Plan in January 2016 – this was a significant milestone as the previous Local Plan was prepared in 1996 and was

considered to be out of date;

In 2015/16

- Cardiff's Planning Service determined 3,053 planning applications at an average of 79 days to process – this compares to the Welsh average of 77 days;
- Cardiff had an average planning officer caseload of 186 applications – the second highest rate of all United Kingdom core cities (Liverpool had the highest score at 197 cases per planning officer);
- 75% of all Cardiff planning applications were processed within the required timescales – the Welsh average was 77%;
- Cardiff determined 52 major planning applications – these took an average of 266 days to determine (the Welsh average was 213 days);
- Cardiff's Planning Service processed 27% of its applications within the required timescales – this compared to 35% across the rest of Wales
- the percentage of minor applications determined within the required timescales increased from 67% to 84%;
- the percentage of householder applications determined within the required timescales increased from 71% to 86%;
- In 2015/16 Cardiff's Planning Committee determined 91 planning applications – this equated to 3% of all planning applications determined (the Welsh average is 4% lower at 7%); 1% of the decisions taken by Cardiff's Planning Committee went against officer advice (the Welsh average was 9%); in 2015/16 the Council received 47 appeals against planning decisions – this equates to 1.5% of all applications (the Welsh average is 2%); from the 35 appeals that were decided during the year 63% (22 cases) were dismissed;
- 62% of survey respondents stated that Cardiff's Planning Service received good advice to help them make a successful application – this is 4% higher than the Welsh average of 58%;
- In 2015/16 the Council investigated 532 enforcement cases which equated to 0.66 per 1,000 of the population; in Cardiff 97% of the enforcement cases were investigated within 84 days; 88% of enforcement action in Cardiff was taken within 180 days from the start of the case.

The performance of the planning service was also assessed through the Council's own reporting mechanisms. The Committee has scrutinised performance of the Planning Service on a quarterly basis as part of the City Operations Directorate. In particular, the Committee has regularly commented on two key performance indicators:

- PLA/004(a) – Percentage of major planning applications determined during the year within 13 weeks

- PLA/004(c) – Percentage of householder planning applications determined during the year within 8 weeks

It was noted that in the last 12 months significant progress has been made against both of these indicators. PLA/004 (a) achieved an outturn figure of 12% against a target of 25% for 2015/16. The Planning Service returned an outcome of 37.5% during Quarter 1 2016/17 and then achieved a result of 53.8% for Quarter 2 2016/17. At the same time PLA/004 (c) achieved an outturn figure of 71.4% against a target of 80% for 2015/16. The Planning Service returned an outcome of 80.8% during Quarter 1 2016/17 and then achieved a result of 80.3% for Quarter 2 2016/17.

The Chairperson welcomed Councillor Ramesh Patel, Cabinet Member for Transport, Planning and Sustainability; Councillor Michael Michael, Chairperson of the Planning Committee; James Clements, Head of Planning; and Simon Gilbert, Operational Manager, Strategic – Placemaking to the meeting.

Councillor Michael made a brief statement. He thanked Members for the opportunity to address the Committee. The Councillor stated that since 2012 the Planning Service had evolved into a more efficient service. Councillor Michael thanked the Planning Service staff for the incredible job they have done over the last 4 years. Cardiff was experiencing a growth and an increase of planning application was being received. However, staff were still meeting their targets and the report gives a fair indication of this. There was still work to be done, but officers were on their way to achieving this.

Councillor Patel advised that since the LDP was adopted Planning officers work working extremely hard under pressure to deliver large, strategic developments. Performance was improving at the same time and the efforts made to turn around a 20% increase in applications was quite an achievement.

The officers delivered a presentation. The Chairperson asked Members to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members of the Committee commended officers in the Planning Service on their performance.
- The Planning Committee Chairperson stated that officers are focussing on using s106 funding to provide the infrastructure the city needs. The provision of infrastructure is led by Development Control and the authority is very successful at it. He considered that more needed to be done to publicise this. The Cabinet Members stated that lots of work was being undertaken 'behind the scenes' in terms of s106, including the potential for providing social housing.
- A Councillor sought clarification on the answer she received to question asked at Council, which related to enforcement notices and the number of demolitions required. Planning Officers were unable to provide the clarification requested as it related the decision of the Planning Inspectorate in a particular case. However, Planning Officers stated that there are no instances where enforcement action will not be taken as a result of the costs incurred. The Councillor was advised that demolition is the last resort – and if demolition is required then the Planning Service has failed. Planning applications are 'front loaded' through planning

guidance, policies, PPA, etc. The Planning Service's intention is to address any issues before they arise. The LDP and SPGs provide clear guidelines for both applicants and the authority.

- Members noted that there has been an increase in the number of applications received for student accommodation in the City. A Member asked how the authority considered applications. Officers advised that the Planning Service has a duty to consider whether any application is policy compliant. The Planning Committee Chairperson stated that there were approximately 40,000 students in the City. The market will decide whether developers wish to invest in these types of development. The Chairperson felt that student accommodation in the City was improving and, in turn, this was leading to HMO type accommodation being converted back into family homes, which was welcome.
- Members asked how many SPGs were currently being reviewed. Planning Officers stated that there were 30 SPGs and there is a constant turnover.
- The Chairperson commented on issues relating to the Cardiff Metro Project. In particular, concerns were expressed regarding the proposed routes and the potential for misinforming the public. The Cabinet Member stated that the Cardiff Metro Project was a Welsh Government project and that whilst such issues were concerning, they were not within the authority's control.
- Members asked at what state infrastructure was considered during the planning application process for large developments. Officers advised that when a planning application is received the Planning Service negotiates a detailed packages of infrastructure for each phase of the development. What is appropriate in terms of infrastructure is determined by corporate priorities. All directorates have an opportunity to input into these negotiations.
- Officers were asked to comment on the Cardiff Civic Society's concerns regarding the LDP. Officers stated that the Civic Society were not planning inspectors. The LDP was sound and it has been adopted with not caveats or clauses.
- A Member requested that local ward Councillors are updated periodically on s106 allocations within their wards. Officers stated that s106 are recorded and are available to all Members on request. Members are asked to state their priorities for s106 projects within their wards. This information is used to inform negotiations with developers. The register is updated on an annual basis.

RESOLVED – That the Chairperson writes on the Committee's behalf to the Cabinet Members to convey their comments and observations.

46 : CORRESPONDENCE

RESOLVED – That the report be noted.

47 : DATE OF NEXT MEETING

The next meeting of the Committee is scheduled to take place on 10 January 2017.

The meeting terminated at 7.00 pm

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