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**PLANNING SERVICE - MEMBER UPDATE**

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**Reason for the Report**

1. To provide Members with the opportunity to consider the work being delivered by Cardiff's Planning Service and review what is being done to improve service delivery. In particular the meeting will consider the 'Cardiff Local Planning Authority – Planning Annual Performance Report 2016' which is attached to this report as **Appendix 1**.

**Background**

2. The Environmental Scrutiny Committee last scrutinised a dedicated item to review Cardiff's Planning Service on the 13 October 2015 when it received a paper titled 'Planning Service – Member Update'; a copy of the cover report for this item is attached as **Appendix 2**. In particular the item considered the impact of:
  - The recently introduced Planning Wales Act 2015;
  - The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015.
3. The Head of Planning delivered a presentation to the Environmental Scrutiny Committee on the 13 October 2015 which explained the changes to the Planning system, outlined the wide range of work undertaken by the service and gave an overview of current performance including the future approach to improvement measures. The presentation also advised that Welsh local authorities would in future have to produce a 'Planning Annual Performance Report' (APR). Cardiff's Planning Service has created such a report which is titled 'Cardiff Local Planning Authority – Planning Annual Performance Report 2016' which is attached as **Appendix 1**. The

report is split into sections on 'Context', 'Planning Service', 'Your Local Story', 'What Service Users Think' and 'Our Performance 2015 -16'. The report is also supported by 'Annex A – Performance Framework' and a series of six sections which contain performance indicators for Plan Making, Efficiency, Quality, Engagement, Enforcement and Sustainable Development Indicators. The following paragraphs (4 to 10) provide a summary of Cardiff's APR reporting on the year 2015/16 which provides a useful context for the Scrutiny Session.

### **Local Context**

4. The APR initially 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 (for example, how planning related to documents like 'What Matters' and the Council's Corporate Plan 2015 – 2017); discusses existing and previous major influences on land use; describes the landscape and historic setting; briefly explains the settlement pattern and concludes by commenting on population change and influence on the Local Development Plan.

### **Planning Service**

5. This section of the APR explains about the organisational structure of the Council and how the Planning Service ties into this arrangement. It then identifies the four parts of the Planning Service which are:
  - Planning Policy;
  - Development Management – Strategic & Placemaking;
  - Development Management – Non Strategic & Enforcement;
  - Building Control.
6. The section continues by commenting on the wider organisational activities that have an impact upon the Planning Service; considering the operating budget and then finally addressing staffing issues.

7. Key points in this section of the report that are worth noting include:

- 20 posts have been removed from the Planning Service Establishment in the past five years – this includes 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;
- As previously stated the 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 (excluding building control). This includes one Head of Planning; two Operational Managers; seven Planning Policy Planners; 14 Development Management Case Officers; 1.5 Enforcement Officers; six Placemaking Team Planners; two 'Specialists' (one Ecologist & one tree Officer); two Planning Assistants; 10.5 Technical / Administrative Support / Website Management Officers; one GIS Officer; one E-Government / Performance Reporting Officer;
- Workload demands are very high on staff within Cardiff's Planning Service, for example, in 2015/16 Cardiff processed 3,053 applications compared to the Welsh average of 949;
- Sickness rates are at extremely low levels and are far lower than the Directorate and Council wide average.

**Workload, pressures and service improvement**

8. A section titled, 'Your Local Story' provides a broad overview of the above topics relating to the Planning Service. Observations in this section of the report that are worth noting include:

- **Planning Policy** – That the Local Development Plan for Cardiff was adopted in January 2016 and will continue to form an important element of policy work, for example, the Planning Service will need to review the 102 indicators which will inform future plan reviews and help to develop a series of Supplementary Planning Guidance documents that will underpin this document;
- **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 submission in 2017.

### **What Service Users Think**

9. As part of the APR process, the Welsh Government 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. 46% of responses were from local agents, 39% were from members of the public. 10% of respondents had recently had a planning application refused. The survey identified that the following percentage of respondents agreed that:

- 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%.

## Our Performance 2015/16

10. The 'Our Performance 2015/16' section of the APR forming **Appendix 1** considered performance data relating to Plan Making, Efficiency, Quality, Engagement and Enforcement. Key points identified in this section of the report were:

- **Plan Making** – 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;
- **Efficiency** – In 2015/16 Cardiff's Planning Service determined 3,053 planning applications which took an average of 79 days to process – this compares to the Welsh average of 77 days; in 2015/16 Cardiff had an average planning officer caseload of 186 applications – this was the second highest rate of all United Kingdom core cities (Liverpool had the highest score at 197 cases per planning officer); in 2015/16 75% of all Cardiff planning applications were processed within the required timescales – the Welsh average was 77%; in 2015/16 Cardiff determined 52 major planning applications – these took an average of 266 days to determine (the Welsh average was 213 days); in 2015/16 Cardiff's Planning Service processed 27% of its applications within the required timescales – this compared to 35% across the rest of Wales; in 2015/16 the percentage of minor applications determined within the required timescales increased from 67% to 84%; in 2015/16 the percentage of householder applications determined within the required timescales increased from 71% to 86%;
- **Quality** – 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;
- **Engagement** – 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%;

- **Enforcement** – 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.

### **Planning Service Performance – 2016/17**

11. The performance of the Planning Service is also assessed beyond the APR process- through the Council's own Scrutiny and reporting mechanisms. As a part of its role in monitoring Council performance and supporting improvement the Environmental Scrutiny Committee has scrutinised areas within its terms of reference on a quarterly basis; this includes reviewing the performance of the Planning Service which is a part of the City Operations Directorate. In particular it has regularly commented upon two key performance indicators which are reported to the Welsh Government on a regular basis, these are:

- **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.

12. It should be 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.

### **Way Forward**

13. Councillor Ramesh Patel, Cabinet Member for Transport, Planning & Sustainability and Councillor Michael Michael, Chair of Planning Committee have been invited to attend for this item. They will be supported by officers from the City Operations

Directorate. A presentation will be given to Members which will complement information included within the APR and cover the following topics: Service overview, main achievements, performance overview, improvements actions, overall overview & looking ahead, together with an opportunity for further questions/discussion.

### **Legal Implications**

14. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

15. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.



## **RECOMMENDATIONS**

The Committee is recommended to:

- i. Note the contents of the attached reports;
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of the item titled 'Planning Service – Member Update'.

**DAVINA FIORE**

**Director for Governance & Legal Services**

**30 November 2016**