

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 18 AUGUST 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

FIRST QUARTER 2016/2017

(All wards)

1 Introduction

1.1 This report relates to the performance of the Development Management Service over the three month period April 2016 to June 2016.

2 Recommendation

2.1 That Members note the content of this report and offer any relevant comments.

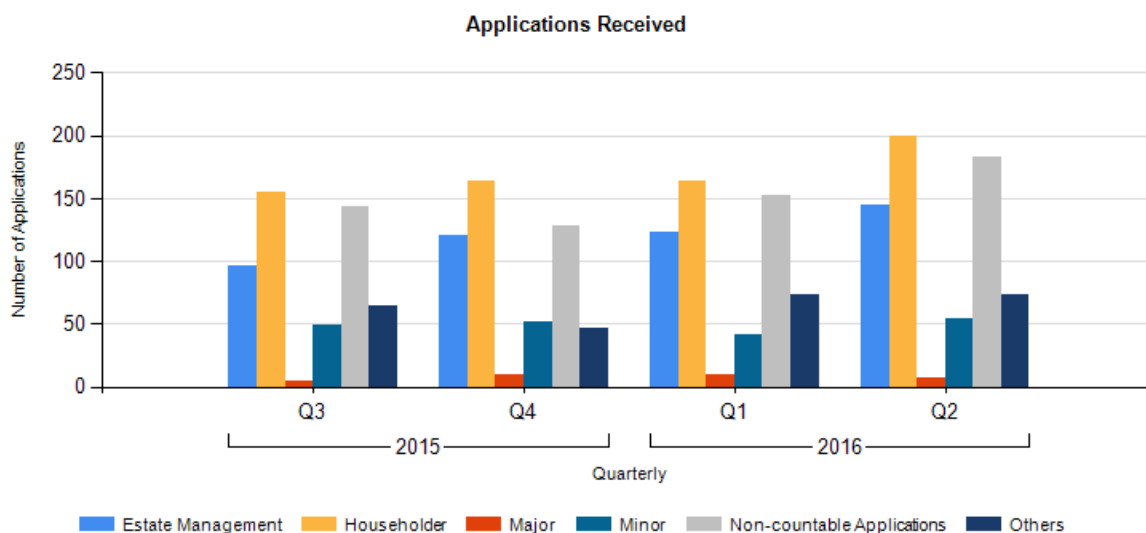
3 Application Numbers

3.1 The table below shows the number of applications that have been received over the previous four quarters.

3.2 Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1000m² new floor area or more.

Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposes not falling within the major category.

Others include (but are not limited to) householder, advertisements and listed building applications.

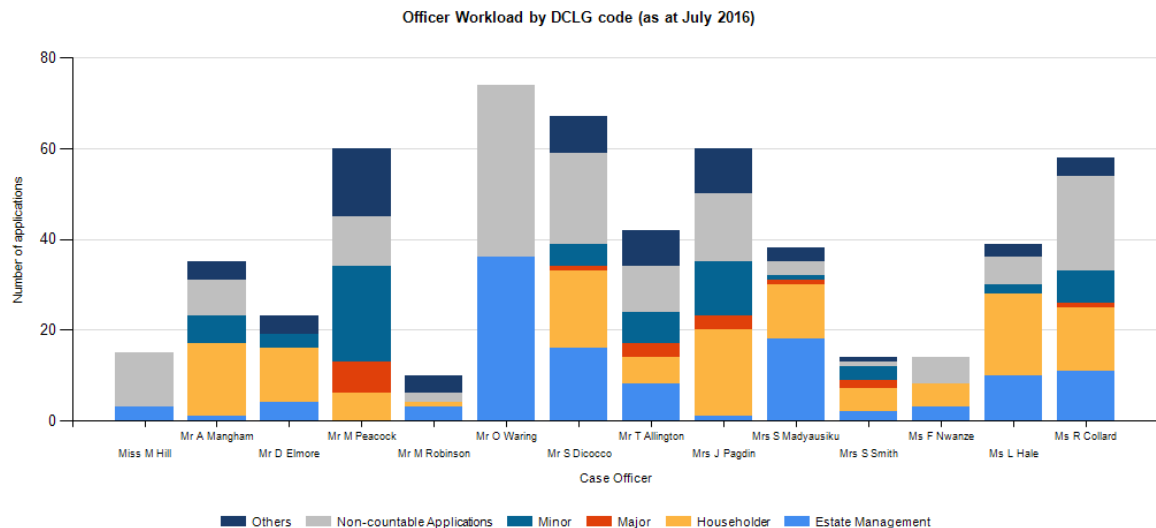


The 'not counted' category are those applications which are not reported to the Department for Communities and Local Government (DCLG). Such applications include, but are not limited to, estate management, prior approvals, discharge of conditions, tree preservation order etc.

- 3.3 From the table above, it can be seen that the number of householder, estate management and non-countable applications have increased over the last quarter with majors and minors remaining fairly comparable in relation to previous quarters.

Workload

- 3.4 The Royal Town Planning Institute (RTPI) recommended in the late 1990s, across a 12 month period, that a case officer should not have to deal with more than an approximate 150 cases dependent on other work being undertaken such as appeals, duty advice and pre-application enquiries, etc. (RTPI, 2015). Appeals for example can take significant amounts of time with hearings and inquiries taking up the equivalent of 3 or more weeks to prepare for in terms of statements, proofs of evidence, reading and challenging the appellants' statements etc. 150 planning cases equates to approximately 25-30 cases 'on-hand' (i.e. being considered) each month. These numbers will depend on their complexity with major development more likely to be more complex, requiring greater negotiation and liaison with stakeholders. Householder applications, likewise, will generally be fairly simple and take much less time. This is why smaller scale developments (minor and others) have a target of 8 weeks compared to majors of 13 weeks.
- 3.5 Across the Planning team there are 3 Principal Development Management Officers with Sarah Smith (3 days) and Michael Robinson (2 days) job sharing which equate to a full-time equivalent person ; 4 Senior Development Management Officers (although 1 officer will be leaving at the end of August); 2 Development Management Officers and 2 Assistant Development Management Officers. Within the Enforcement team there is a Principal Enforcement Officer on a temporary contract following the resignation of William Myers; Senior Enforcement Officer and Assistant Enforcement Officer.
- 3.6 In relation to resources, Principal Officers (Chris Carter, Sarah Smith, Andy Mangham and Michael Robinson) as well as dealing with a caseload of applications also determine applications processed by other officers as well as manage a team of officers. Case officers deal primarily with all types of applications as well as appeals. All officers are full time with the exception of Sarah Madyausiku who works 18 ½ hours per week. Lucy Hale also covers the duty planning advice service each morning so has less time to deal with applications.



3.7 Based on the chart above, the average caseload across the Development Management Officers is 56 on hand for Officers and 15 on hand for Principals. This equates to approximately 280-336¹ cases per Officer across a 12 month period, almost double the number that is recommended by the RRPI.

3.8 This evidences the high workload that officers have and the pressures that they are under to deal with applications in a prompt manner whilst also ensuring decisions and associated reports are of a high quality. Furthermore, reports presented to Committee following a call-in or objection from Town/Parish Councils also generate significantly more work than those determined under delegated authority due to the amount of preparation required by a number of different officers.

3.9 Applications for works to a tree protected by a preservation order, trees in conservation areas, estate management applications, resubmission of planning applications previously refused and those where permitted development rights have been withdrawn are also not subject to a fee impacting upon the financial resource of the department.

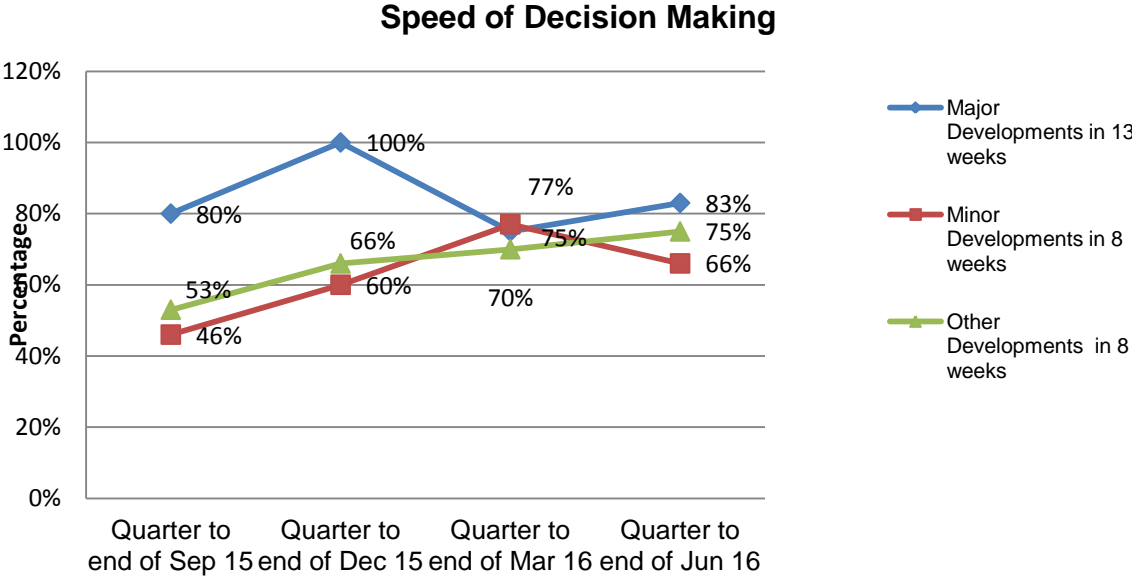
4 Performance

Applications

4.1 Government (DCLG) monitor local planning authorities on their speed of making decisions in relation to major applications. A recent consultation mooted the potential of also monitoring performance in relation to minor applications. No outcome has been published further to this consultation. In relation to major applications, the target at national level is to determine 40% of such applications within the statutory period of 13 weeks over a rolling two-year period. For authorities who under-perform against this target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate should the target be missed. In addition, the Council has a local performance indicator for majors of 70%.

¹ This is calculated by multiplying the average number of cases by 5 and by 6 given each application takes approximately 8 weeks to determine (i.e. 2 months of a 12 month period).

4.2 The following table relates to the percentage of planning applications determined within set timescales.

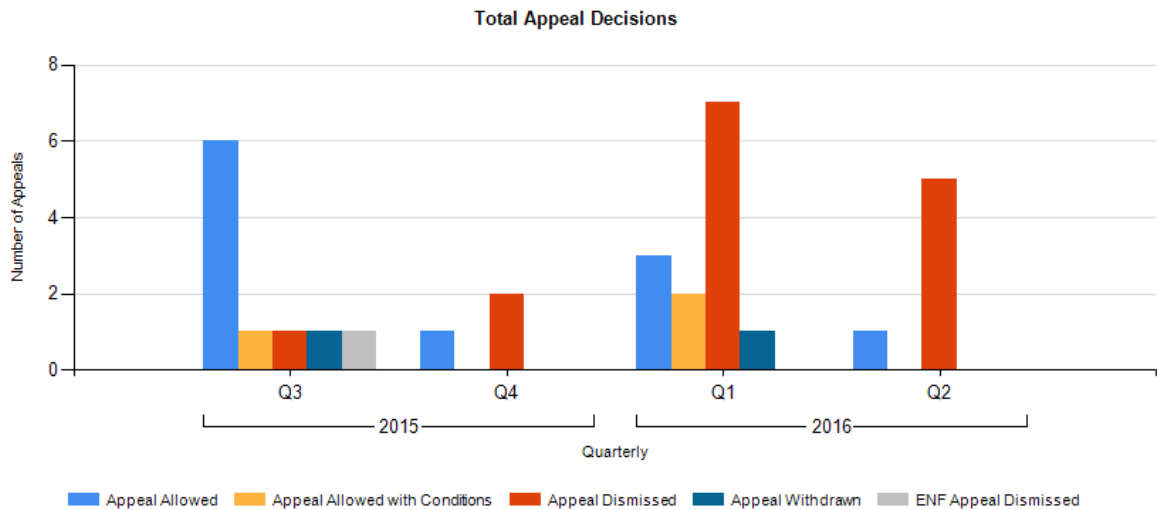


4.3 Over the last quarter there has been an increase in performance for major applications compared to the previous quarter. Minor applications have fluctuated over the previous year with a slight dip in the last quarter compared to the first quarter of 2016. Given the high numbers of applications, high caseload and pressure that arises from such a workload, this speed of decision making is considered to be excellent.

Appeals

4.4 As well as the government monitoring authorities in relation to decisions on major applications, it also monitors quality in relation to the number of major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of major applications to overturned at appeal over a rolling 2-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made by developers directly to the Planning Inspectorate. The last major application overturned at appeal was over 2 years ago and therefore the Council is meeting the government’s target. It is worth highlighting that very few major applications are refused by the Council and thus very few can be appealed.

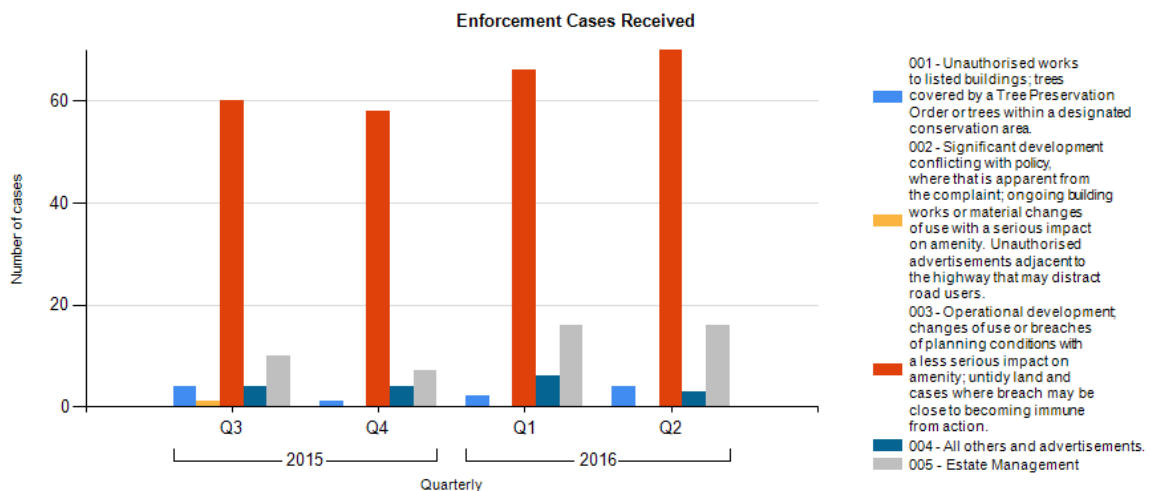
4.5 The chart below shows the number of applications and enforcement notices that have been allowed, allowed with conditions, dismissed and withdrawn. In the last quarter, the majority of applications have been dismissed (5) compared to allowed (1), thus meeting the Council’s local performance indicator of fewer than 33% being overturned, the figure being 17% allowed.



5 Enforcement

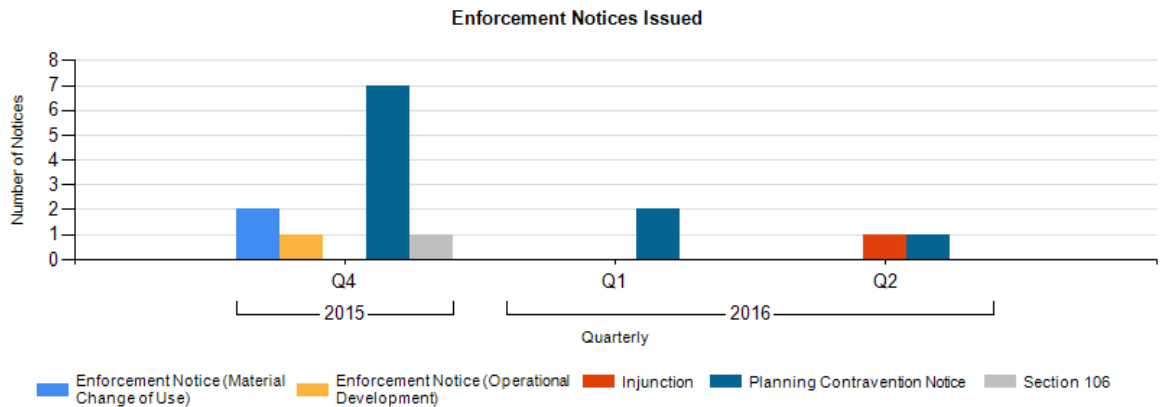
Number of cases received

- 5.1 Enforcement continues to be really busy with the number of complaints received remaining consistently high. The majority of cases reported are those with a less serious impact upon amenity, shown in orange. The number of estate management complaints has increased over the previous two quarters, shown in grey.



Notices Issued

- 5.2 The chart below shows the number of enforcement notices issued. The issuing of an enforcement notice is the last resort for the Council. Government guidance requires local planning authorities to try to negotiate with a contravener to find alternative means by which an unacceptable development may be made acceptable. A significant amount of time is spent by the enforcement officers in negotiation.



- 5.3 Since the last performance report was presented to Members, the enforcement team have been busy with, amongst other matters, an injunction issued by the High Court in relation to the Gypsy/Travellers at Great North Road, Stanborough. The parties subject to the injunction have moved from the site so this has action has been successful although the contravener has moved onto adjoining land. The Council is continuing investigation. This is the first injunction issued by the Council's planning department in over 10 years.
- 5.4 There are currently 265 outstanding enforcement cases (both planning and estate management), some of which are awaiting prosecution or notices to be served, others are being investigated with the aim to find an acceptable resolution for all. A report providing an update on enforcement action taken (i.e. notices issued) is attached to this agenda as a Part II (confidential) item.

6 Updates

- 6.1 There have been a significant number of changes since the last performance report was presented to Councillors. A number of staff have left the authority – including Richard Aston, William Myers, Matthew Heron and Joseph Wharwood. In addition staff have left for maternity leave, as well as returning from maternity leave on a part-time basis (Sarah Smith). All of the changes in staff impact on the service provision that the department is able to offer. Additionally, another challenge is the speed of turnover of staff with two officers having been with the authority for 10 years, whilst the majority have under 2 years experience. This makes awareness of policies and consistency in decision making more difficult for the authority.
- 6.2 Across Hertfordshire and East of England there is a significant shortfall in planning officers with the Council's Development Management department currently carrying 2 ½ vacancies. These vacant posts have been advertised and interviews held. However, the calibre of candidate was not of a level where an offer of appointment could be made. Other authorities across Hertfordshire – such as St. Albans - have recently increased planning salaries and at that authority, as well as North Hertfordshire, salaries are in the region of £5,000 more for a comparable role. This affects the Council's ability to recruit staff with the necessary experience to deal with the applications that are being submitted. It is anticipated that once the Local Plan is submitted for consultation that a number of applications will be submitted by developers wishing to build their schemes at the earliest opportunity.

6.3 The enforcement team is also being managed by a temporary Principal officer, following the departure of William Myers in July, although it is hoped that the recent recruitment campaign will result in an officer being in post shortly. However, the two existing officers in post whilst incredibly good still have a significant amount of enforcement and planning knowledge and experience to learn and put into practice. This has impact upon the speed of investigations and decision making.

7 Conclusion

6.1 Case-loads of officers are incredibly high with officers dealing with almost 100% more cases than is recommended by the RTPI. The enforcement team continues to be busy with a greater number of estate management cases being reported than in the previous two quarters. A number of officers have left the authority and recruitment of new officers is challenging set against the shortage of planners generally as well as the salary that is offered. Against this, performance figures are good against a background of increasing numbers. The Council has not had any major applications go to appeal and so the government's target of the number overturned has been met as well as the speed of decision making for major applications.

8 Implications

8.1 The high number of applications that each officer is dealing with is putting those officers under some quite significant pressure. It is evident within the office that this has had impact on morale as well as a number being known to look for alternative employment. A survey to assess whether officers are suffering from stress or are likely to, has recently been undertaken of all officers in the Development Management team (as well as across the rest of Planning). The results of the survey are being evaluated by Human Resources. An update will be provided to Members as part of the next performance report.

9 Conclusion

9.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the recommendations in this report.

Lisa Hughes
Date 3 August 2016

Background Papers:

RTPI (Royal Town Planning Institute) (2015) *Investing in Delivery: How we can respond to the pressures on local planning authority planning* RTPI Research Report no.10
October

<http://www.rtpi.org.uk/media/1496890/RTPI%20Arup%20Research%20Report%20Investing%20in%20Delivery%2010%20October%202015.pdf>