

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 2 MARCH 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

FUTURE PLANNING APPLICATIONS FOR COMMITTEE AND PERFORMANCE

1 Executive Summary

- 1.1 Over the last 12 months or so, Officers have prepared a report for Development Management Committee (DMC) showing future applications which are likely to be determined by the Committee in the following 2-3 months. A report is attached as Appendices 1 and 2 showing, as a result of improvements in the IT system, those applications which will be presented to Committee in accordance with the Council's constitution.
- 1.2 Members will note that the report has a considerable number of cases listed. It is hoped that these will be presented to Committee over the next 3-4 months as resources permit for their consideration. Dealing with planning applications in a timely manner is a key focus by the Government upon planning departments. As will be noted within the Performance Report, included as part of this agenda, additional targets are being brought in for non major applications, as well as major which are currently monitored. The targets are challenging and therefore it is important to undertake all measures to achieve, and exceed, the Government's targets.

2 Recommendation(s)

- 2.1 That Members note this report.

Implications

3 Legal Implication(s)

- 3.1 The local planning authority is under a duty to deal with planning applications in a timely manner. There are statutory timescales for doing so – 13 weeks for major applications and 8 weeks for minor and other applications. If an application is not dealt with in the relevant timescale and an extension of time not agreed with the applicant, the applicant is able to apply for non determination to the Planning Inspectorate. This can have reputational implications as well as increasing the amount of work required by Officers.
- 3.2 Other legal implications relate to penalties for not dealing with applications in a timely manner and all involve both reputational implications but primarily financial implications.

4 Financial Implication(s)

- 4.1 Section 62B of the Town and Country Planning Act 1990 has introduced performance targets upon local planning authorities by the Government.

Adopted targets are in place for major developments with a requirement of 50% of applications to be determined within 13 weeks or to an agreed time with the applicant. A recent consultation outcome details that performance targets will also be introduced shortly for non major applications, set initially at 65% with a view to increase this to 70% early 2018. The consultation outcome may be viewed at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589744/Summary_of_responses_to_the_technical_planning_consultation.pdf.

Failure to meet the targets will result in the Council being designated as poorly performing which provides the opportunity of the applicant applying directly to the Planning Inspectorate for determination of the application. The Inspectorate would receive the planning fee whilst the Council would still need to undertake the administration. There is likely to be exceptions to this, such as householder applications, although detail has not yet been provided.

- 4.2 Additionally, should a Council not determine an application within 26 weeks of receipt and a time extension is not agreed, the Council is required to refund the planning application fee. The Council has to refund the fee whether or not the applicant requests a refund.

5 Security & Terrorism Implication(s)

- 5.1 No security or terrorism implications arise from this consultation.

6 Procurement Implication(s)

- 6.1 No procurement implications arise from this consultation.

7 Climate Change Implication(s)

- 7.1 No climate change implications arise from this consultation.

8 Explanation

- 8.1 In accordance with previous committee meetings, Appendices 1 and 2 provide a list of possible future planning applications for consideration by Development Management Committee. The list is longer than has previously been presented due to improvements in reporting functionality with the new IT system. It is now possible to report on all applications that have been objected to by Town/Parish Councils and called in by Councillors. Future planning applications will now be presented in this manner and will continue to also include those falling within other reasons under the Constitution for Committee consideration. Namely, the proposal is a departure from the local plan and the recommendation may be recommended for approval; the Borough Council is the applicant or has a major interest in the land and an objection has been received; or officers consider it prudent not to exercise their delegated authority.
- 8.2 Providing the list in this manner should enable Members of the Committee to consider in advance whether or not they consider a site visit should be arranged; further clarification of a proposal is required; Section 106 planning obligations are identified which do not comprise those identified within the Council's Planning Obligations Supplementary Planning Document or Hertfordshire County Council's Planning Obligation Toolkit; or any other matter than Members consider applicable.

8.3 The Council is under a duty, as Local Planning Authority, to determine applications in accordance with statutory timescales. The timescales are 13 weeks for major applications and 8 weeks for minor and other applications. The majority of applications received by the Council are others under which householder proposals fall, comprising the greatest number of applications. However, one of the most challenging targets to meet is minors under which, up to and including 9, new dwellings fall. These are often the applications which require the most negotiation.

8.4 In providing the full list to Councillors, it is hoped that Councillors will be able to reflect upon those that are considered to raise issues additional to those identified within the call in /objection reason which in turn will enable officers to respond to these issues prior to the report being prepared. This will assist in reducing the number of cases that might be deferred once presented to Committee

8.5 The Government, within the Planning Practice Guidance advise in relation to applications that should be determined by a Committee:

“The exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.

Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.”

Paragraph: 015 Reference ID: 21b-015-20140306

8.6 In relation to householder applications, preparing a report for Committee takes approximately 3 to 4 times as long as it does under delegated authority. This does not include the time taken by the Committee to consider the proposal. For minor dwellings, the timescale is approximately double for Committee. In relation to the attached report, the number of applications that have been called in or objected to under the varying application types are:

- Majors – 6
- Minors – 17
- Others – 4 (of which all are householders)

8.7 6 major applications are included on the list and of these, 3 have not been called in or objected to, but are considered by officers, appropriate to be considered by Committee or are a departure from the local plan.

8.8 With regard to the list and consideration of meeting the statutory timescales, it is hoped that as well as having timely comments from Councillors and Town/Parish Councils (i.e. within the 21 days permitted under the Constitution); reasons for objection or call in being questioned when they do not fall within the terms of the

Constitution by Officers; that issues raised by Councillors may be highlighted before the report is presented to Committee for determination.

8.9 Overall, it is hoped that these changes will bring some improvement for everyone in terms of the time taken for decision making.

9 Equality and Diversity

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

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Background Papers:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589744/Summary_of_responses_to_the_technical_planning_consultation.pdf