

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

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

THIRD 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 October to December 2016 (also known as Q3).

2 Recommendation

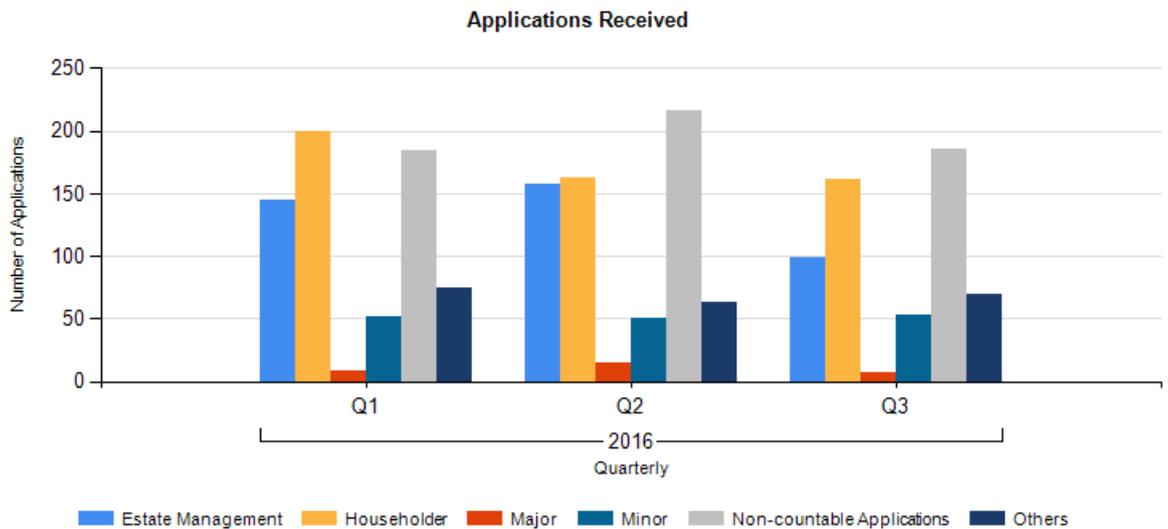
- 2.1 That Members note the content of this report.

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 1,000m² new floor area or more.

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

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



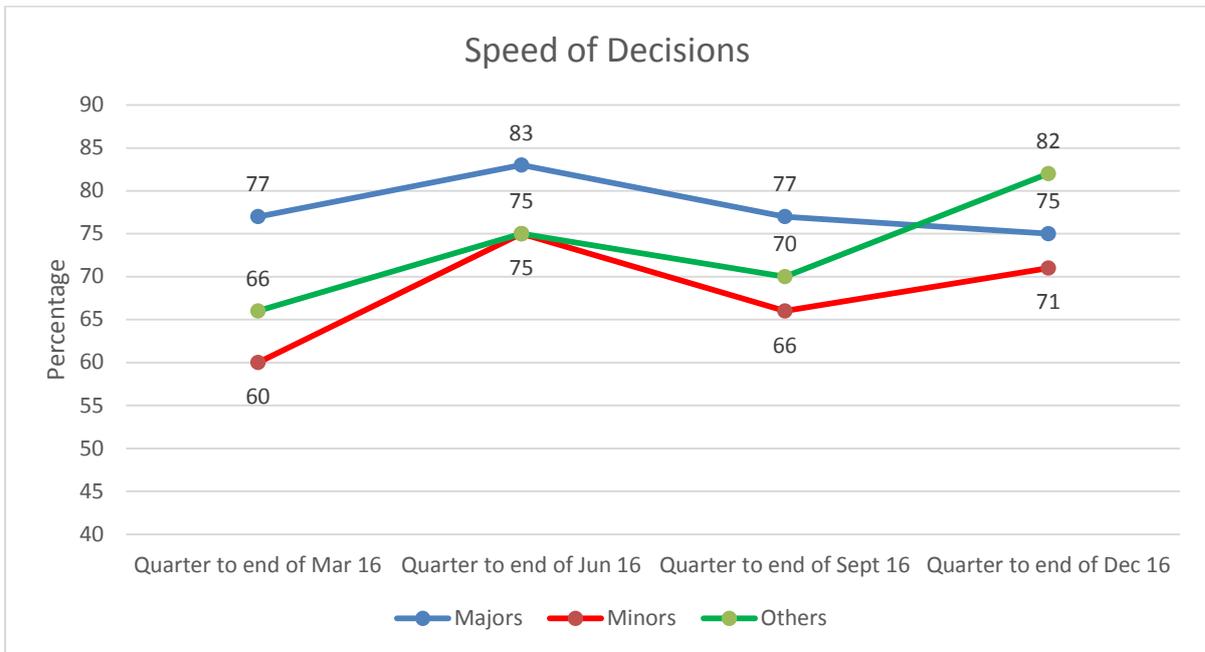
The 'not countable' category are those applications which are not reported to the Department for Communities and Local Government (DCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, tree preservation orders, etc.

- 3.3 From the table above, it can be seen that the number of householder applications have remained fairly comparable to the previous quarter, majors, estate management and non-countable applications have decreased and minors and others have shown a slight increase. Overall the numbers have seen a small decline with 663 in this quarter compared to 718 received in the previous quarter.

4 **Performance**

Applications

- 4.1 Government (DCLG) monitor local planning authorities on their speed of making decisions in relation to major applications. The target at national level is to determine 50% of such applications within the statutory period of 13 weeks or subject to the agreement of a time extension 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%.
- 4.2 The following table relates to the percentage of planning applications determined within set timescales.

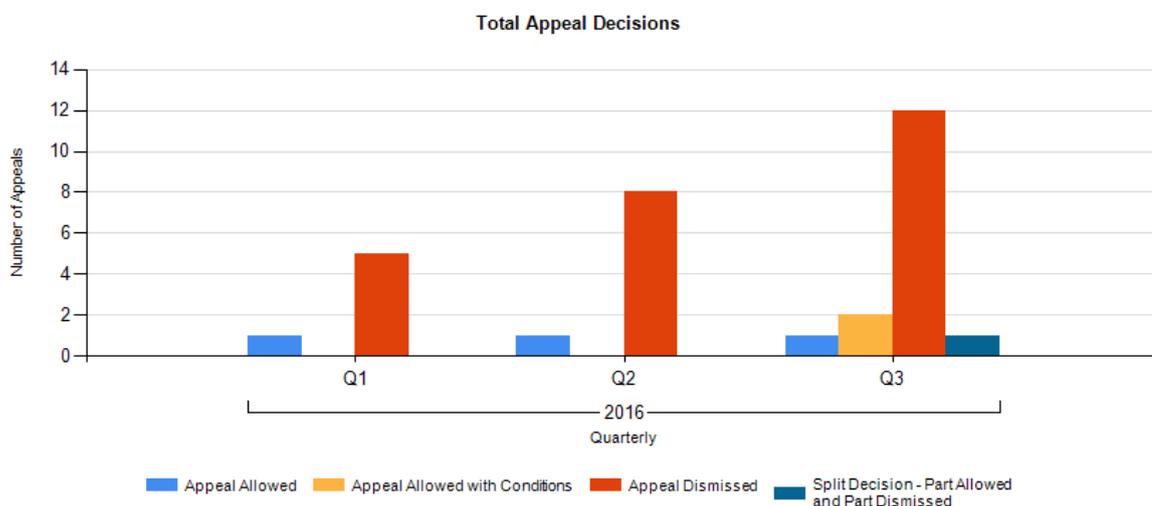


- 4.3 Over the last quarter there has been a small decrease in performance for Major applications. However, there has been an increase in performance minors and other application types.
- 4.4 Following a recent consultation the Government has reported its findings and will also be introducing performance monitoring in relation to non-major applications as well as changing the threshold for major development. Non major applications will include all 'minor' and 'other' applications as shown in the graph above. Non-major applications threshold will be set at 65% with the intention to increase this over time with a threshold of 70% early 2018. Like major developments, the threshold is likely to be based upon a rolling 2 year period. From the graph above, it can be seen that the Council should meet the initial threshold of 65% but will need to take positive action to ensure it does not fall below the 70% in forthcoming years. This is shown in the table below:

Appeals

- 4.5 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 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 have historically been refused by the Council and thus very few can be appealed.
- 4.6 The recent consultation paper details that the threshold for quality of decisions for major developments will be decreased to 10% in early 2018.
- 4.7 It is also intended to introduce a threshold for non major developments determined at appeal of 10%, also in early 2018. For clarification, this is 10% of all decisions made by the Council. A report will be presented within the next performance report of the Council's performance in this regard.

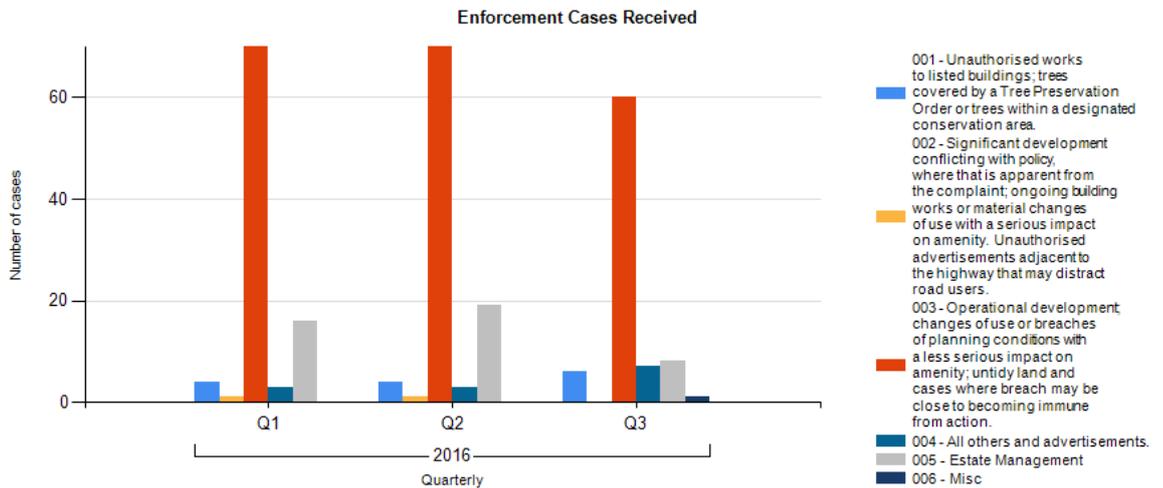
4.8 The chart below shows the number of applications and enforcement notices that have been allowed, allowed with conditions, dismissed and withdrawn. In the last quarter, the majority of applications have been dismissed (12) compared to allowed (1), allowed with conditions (2) and split decision (1) thus meeting the Council's local performance indicator of fewer than 33% being overturned, the figure being 23.5% allowed.



5 **Enforcement**

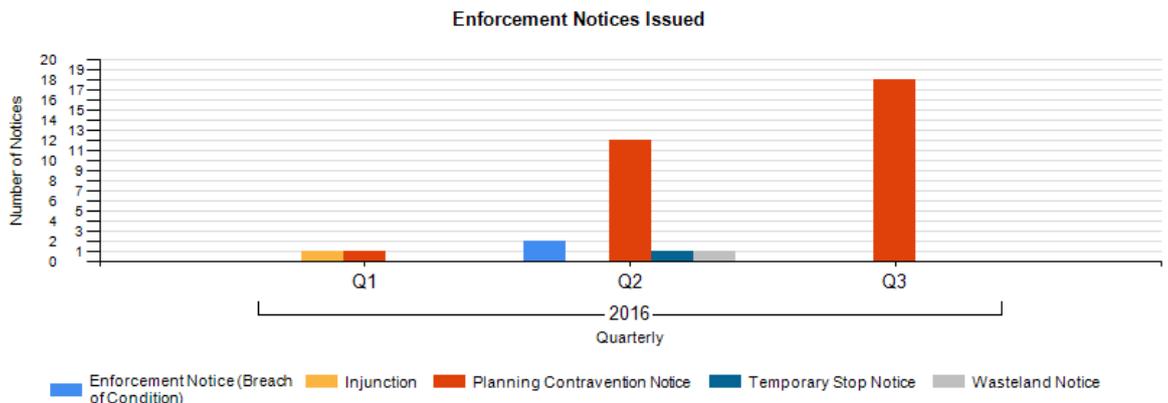
Number of cases received

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 red. The number of estate management complaints this quarter has seen a decline, 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 Committee, the enforcement team have been busy with, amongst other matters, the issuing of 18 Planning Contravention Notices. Planning Contravention Notices are used to establish the use of a site and to find out ownership and other details. They may only be used by the Council when a breach of planning control is suspected. They cannot be used as a 'fishing exercise'.

5.4 There are currently 289 outstanding enforcement cases (both planning and Estate Management), some of which are awaiting prosecution, notices to be served or in the case of estate management for arbitration. 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 number of changes since the last performance report was presented to Councillors with a number of staff leaving the department. Recruitment is underway, however the Council is looking at ways to try and make these posts more attractive to candidates.
- 6.2 Within Development Management, a number of changes are also being implemented. For example, a number of cases are being reallocated to assist with workloads; the Principal Development Service Manager is focusing time to improving overall service provision and finalising the IT system; as well as a significant number of other improvements.
- 6.3 There has been significant change within the enforcement team with a new Principal Enforcement Officer as well as Planning Enforcement Assistant. Both officers will require time to become familiar with the borough as well as their cases.
- 6.4 Within Planning Support, there have been changes to the staff involved which has had significant impact upon the speed of validation of planning applications with the majority of applications now being checked on the day of receipt. This, in turn, gives Officers more time to deal with applications.
- 6.5 Officer's case-loads remain very high which has not been assisted with the departure of an agency worker. The enforcement team continues to be busy with a number of enforcement notices having not been complied with. This adds considerable workload to the team in preparing prosecution papers and appearance at court.

7 Conclusion

- 7.1 A number of officers have left the authority and recruitment of new officers is challenging set against the shortage of planners generally, both for permanent and agency staff. Against this, performance figures are good against a background of increasing numbers but improvement can still be made and will need to be made to ensure compliance with the Government introducing new and amending existing performance targets. The Council has not had any major applications go to appeal and so the Government's target of the number overturned has been met.

8 Equality Impact Assessment

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

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Date: 15 February 2017