

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

FOURTH 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 January to March 2017 (also known as Q4).

**2 Recommendation**

2.1 That Members note the content of this report.

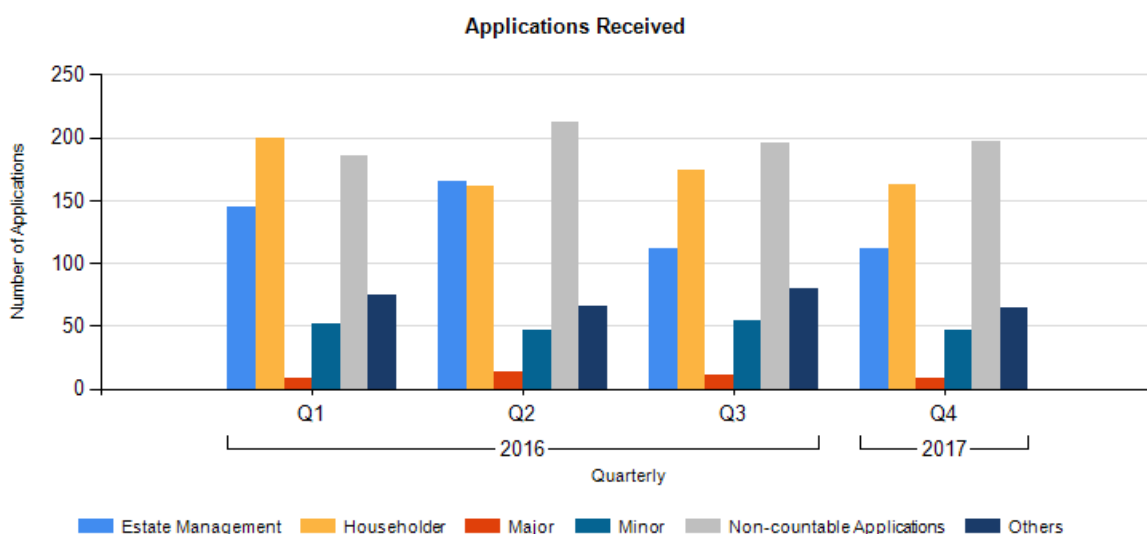
**3 Application Numbers**

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 1,000m<sup>2</sup> 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.

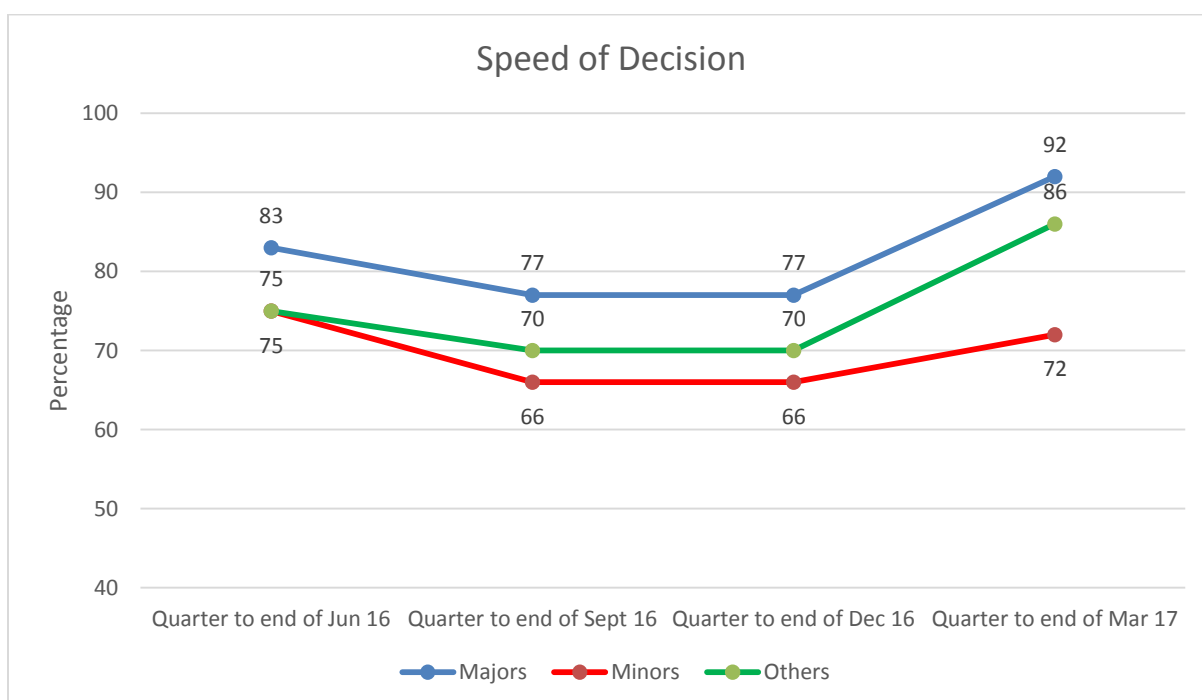
3.3 From the table above, it can be seen that the number of householder applications, non-countable applications and estate management have remained fairly comparable to the previous quarter. Majors, minors and other applications have decreased. Overall the numbers have seen a small decline with 650 in this quarter compared to 663 received in the previous quarter.

## 4 Performance

### Applications

4.1 Government (DCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 50% of major 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.



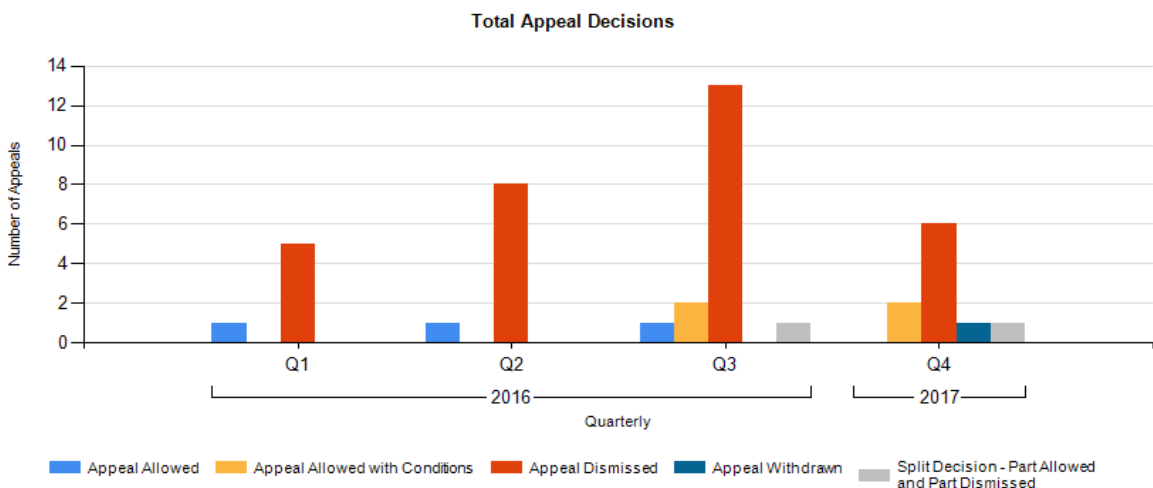
4.3 Over the last quarter there has been a sharp increase in performance for major, minors and other application types.

4.4 Non major applications 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. Our figure for the past 2 years is 68.5%. 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.

## Appeals

- 4.5 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-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% and will be introduced early 2018.
- 4.7 As mentioned in the last performance report a threshold for non-major developments determined at appeal of 10% is proposed. As agreed we will start reporting on this for this performance report. For clarification, this is 10% of all non-major (i.e. minor and others) decisions refused by the Council and subsequently overturned at appeal over a rolling 2-year period. Over this period there have been 302 refused applications with 22 being allowed on appeal. This equates to 7.28% and is within the 10% threshold.
- 4.8 The chart below shows the number of applications and enforcement notices that have been allowed, allowed with conditions, dismissed and withdrawn at appeal. In the last quarter, the majority of applications have been dismissed (6) and split decision (1) compared to allowed with conditions (2) thus meeting the Council's local performance indicator of fewer than 33% being overturned, the figure being 22% allowed. Split decisions, for monitoring purposes, are treated as if they have been dismissed. Legislation enables a Planning Inspector to issue a split decision i.e. part allowed/ part refused on a planning application but not a local planning authority.



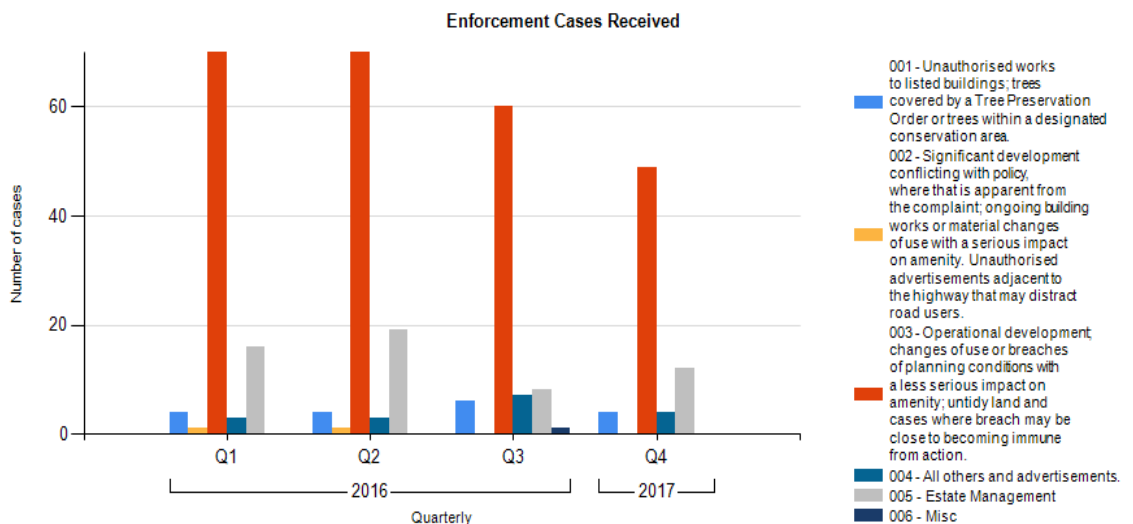
## 5 Enforcement

### Number of cases received

5.1 Enforcement continues to be busy. However a more robust complaint screening process has recently been introduced resulting in a steady decline in the number of cases registered for further investigation over the last two quarters. This mainly involved:

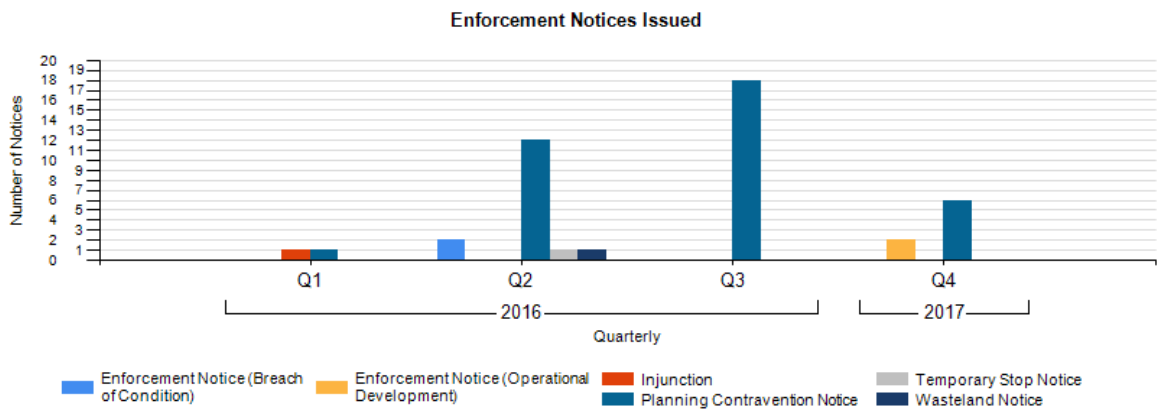
- Merging multiple complaints usually from different complainant and or different issues at the same address where the issues can be dealt with together
- Deciding at the point of complaint, issues that are better dealt with under different legislations/departments and forwarding the complaints to the relevant departments.

5.2 The majority of cases reported are those with a less serious impact upon amenity, shown in red. The number of estate management complaints, shown in grey, has however seen a slight increase this quarter relative to the previous quarter.



### Notices Issued

5.3 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.



5.4 Since the last performance report was presented to Committee, the enforcement team have been busy with, amongst other matters, the issuing of 7 Planning Contravention Notices and 2 Enforcement 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’.

5.5 There are currently 336 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 Since the last report was presented, the department has made a number of internal changes to try and speed up decision making, reduce the number of cases and those that have passed their expiry date. Two officers are dealing with the expired cases enabling the other officers to focus their time on trying to ensure that decisions on all new cases are made within their respective 8 and 13 week dates. This, in turn, has also had the benefit in the expired cases being dealt with more speedily.

6.2 There has also been further changes in staffing within both the Support and Development Management team. Recruitment across both the Support and Development Management team has continued with limited success. Notwithstanding the challenges that this brings, both areas as well as the enforcement team are working hard and have done so across the last 12 months to maintain performance.

6.3 Action is being taken across the department to ensure that the foundations for an excellent planning service are in place which has included an external party undertaking a review of the service and making a number of suggestions on measures that might be implemented. Some suggestions have already been implemented (e.g. that described in paragraph 6.1), others are being reviewed and will be implemented where appropriate.

## 7 Conclusion

7.1 All areas continue to be really busy, however performance has seen an improvement over the previous quarter. However, in order to meet the government's future targets, further improvements are necessary and a careful watch on minor/other performance both in terms of the speed of decision making as well as those cases being overturned at appeal. Recruitment continues to be challenging and further adverts will be posted over the coming months.

## **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: 12 May 2017