

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

APRIL – JUNE 2017

(All wards)

**1 Introduction**

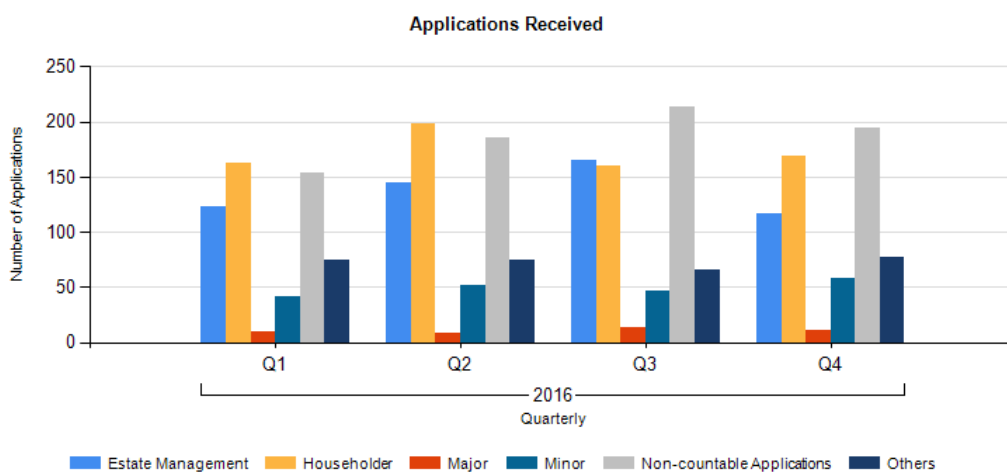
- 1.1 This report relates to the performance of the Development Management Service over the three month period April to June 2017.

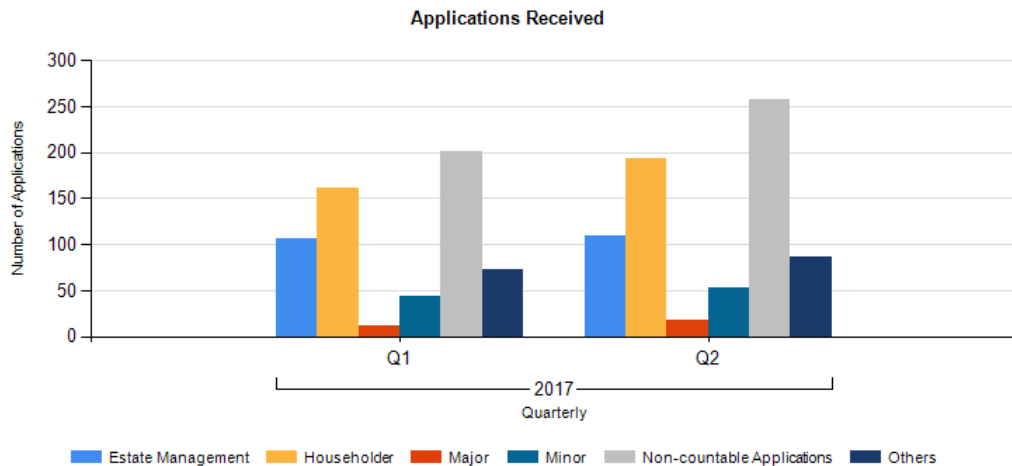
**2 Recommendation**

- 2.1 That Members note the content of this report.

**3 Application Numbers**

- 3.1 The graphs below show the number of applications that have been received during 2016 (first graph) and the first two quarters (January to June) of 2017 (second graph).





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.

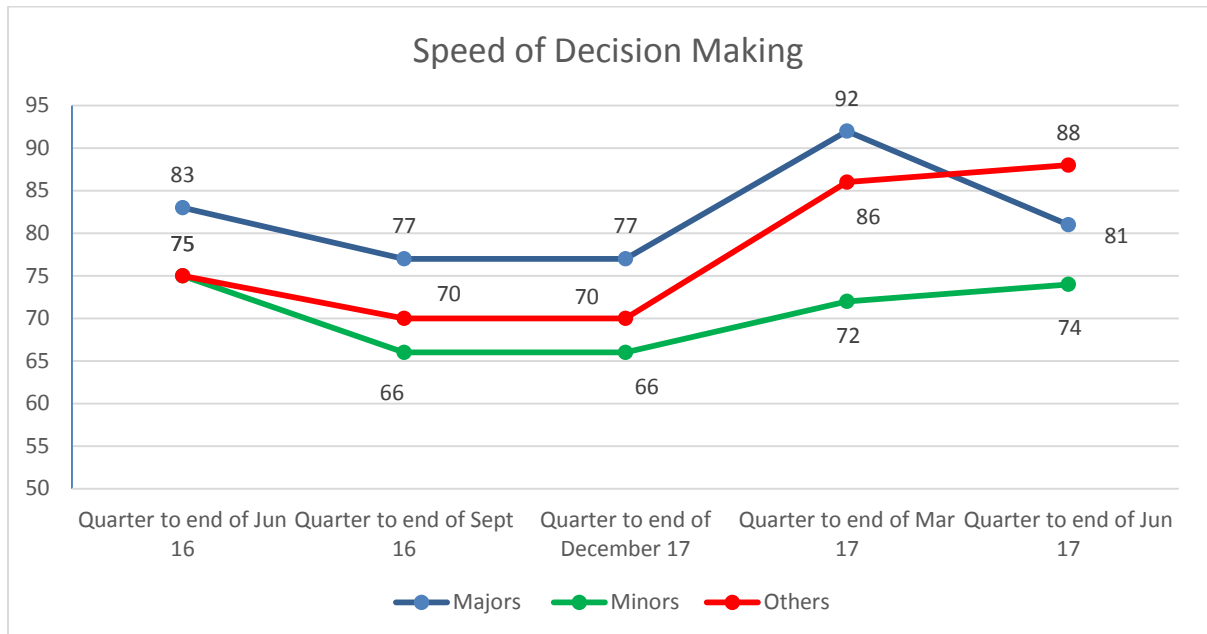
The 'non countable' category are those applications which are not reported to the Department for Communities and Local Government (DCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, tree preservation orders, etc.

- 3.2 From the graphs above, it can be seen that the number of applications across all categories except estate management has seen an increase. The non countable applications however has seen a significant increase, far in excess of numbers received across the 18-month period. Overall the numbers have seen a large increase with 756 in this quarter compared to 650 received in the previous quarter. This comprises an increase in workload of just over 16%.

## **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.



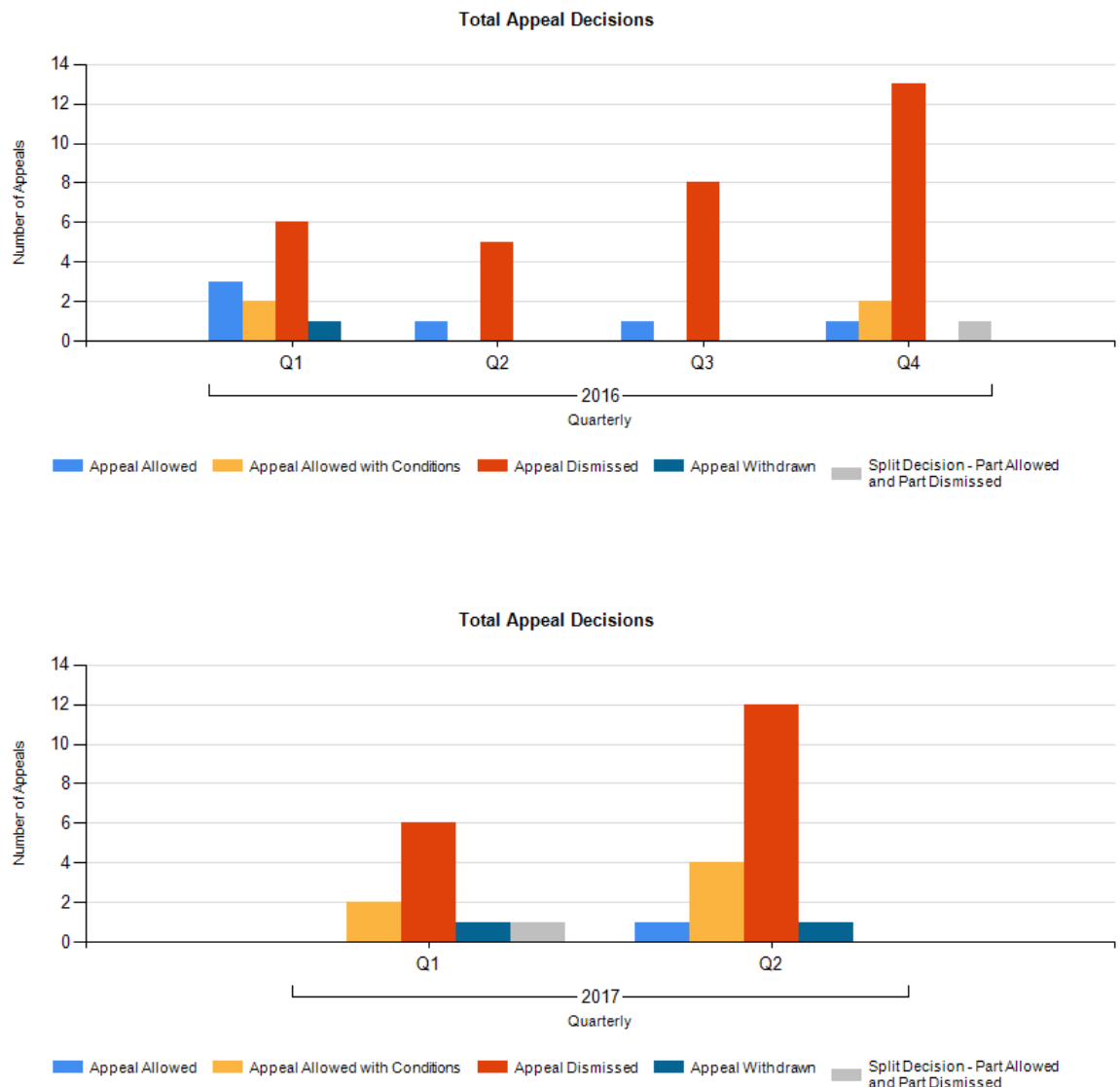
- 4.3 Over the last quarter there has been an increase in performance for minors and other application types. There has been a slight dip for majors, however decisions are still being made within both statutory and local targets.

#### Appeals

The chart below shows the number of applications and enforcement notices that have been allowed, allowed with conditions, dismissed, split decisions (part allowed and part refused) and withdrawn at appeal. In the last quarter, there has been an increase in the number of decisions, the majority of which have been dismissed (13) and split decision (1) compared to allowed/allowed with conditions (1) thus meeting the Council's local performance indicator of fewer than 33% being overturned, the figure being 17% 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, whereas a local planning authority is not able to.

- 4.4 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 two-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 two 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.
- 4.5 DCLG has recently proposed that the threshold for quality of decisions for non-major applications will be amended to 10% and will be introduced for 2018-2019 onwards. 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 two-year period. Statistics collated by DCLG only relate to the last 12

months (April 2016-March 2017) with a total of 33 applications having been determined of which 6 were allowed. Over the same time period 170 applications have been refused. The percentage is therefore 3.5% (6 divided by 170). The Council is therefore significantly within government's target.



## 5 **Enforcement**

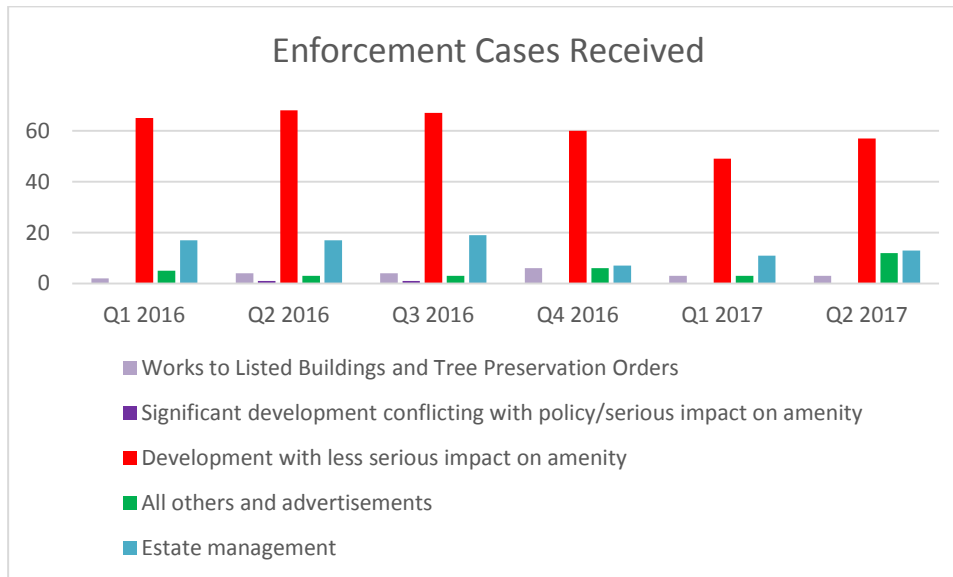
### **Number of cases received**

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; and

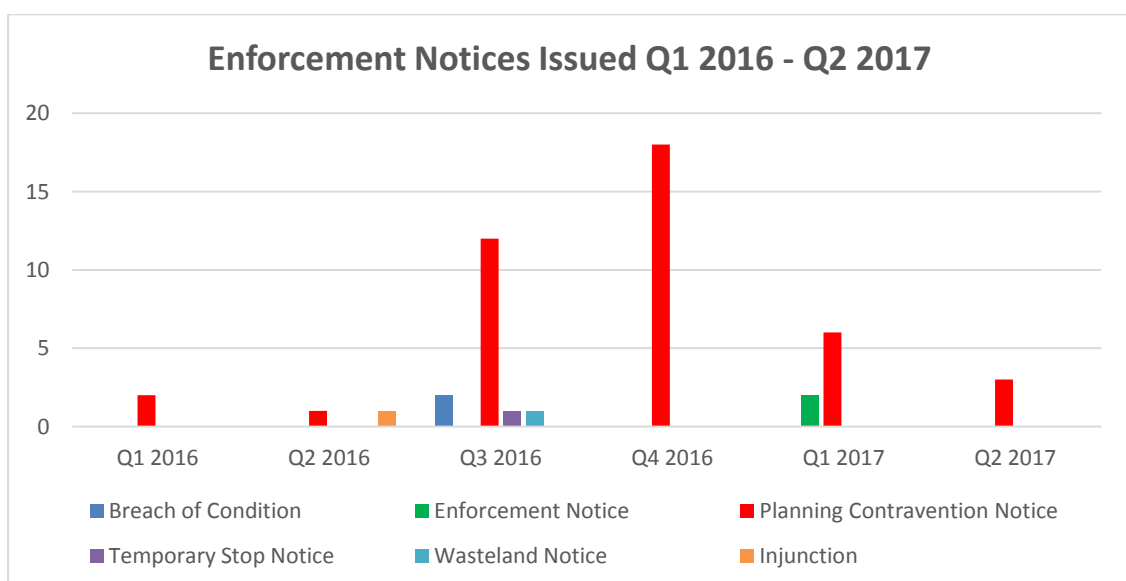
- Deciding at the point of complaint, issues that are better dealt with under different legislations/departments and forwarding the complaints to the relevant departments.

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 blue, 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 3 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'.

- 5.5 There were no Enforcement Notices served during the quarter. Requests for authorisation to issue and serve Enforcement Notices have had to be held up pending correction of an error in respect of the scheme of delegation in the revised constitution of the Council.
- 5.6 There are currently 482 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 As will be noted within this report, the number of planning applications being received has increased significantly compared to the previous quarter. At the same time, performance has continued to be met and the overall number of applications awaiting a decision is slowly reducing. This in part is due to the continued hard work and commitment by officers in addition to a part-time officer returning from maternity leave and another part-time assistant being appointed.
- 6.3 Since the last report the Planning Support Manager has left. This post has been filled with an internal candidate. In addition, a Support Officer has been promoted to the Development Management team as an Assistant officer. These changes have had a significant impact upon Planning Support and further recruitment is underway to fill the vacant posts. In addition, to enable the completion of the replacement IT system, an Interim Development Management Services Manager has been appointed internally and as a result an Interim Principal Major Development Officer has been appointed, also internally. However, this has left a Senior Planning Officer post vacant.

## **7 Conclusion**

- 7.1 All areas continue to be busy, however performance has seen an overall improvement compared to the previous quarter. 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: 29 August 2017