

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 MARCH 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

OCTOBER – DECEMBER 2017

(All wards)

1 Introduction

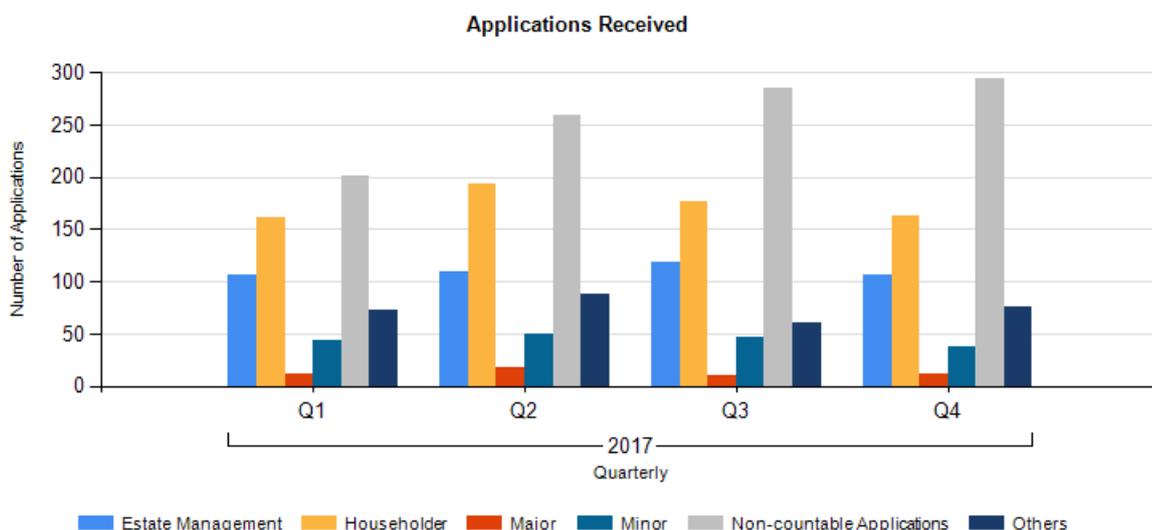
- 1.1 This report relates to the performance of the Development Management Service over the three month period October to December 2017.
- 1.2 Members note that, whilst this quarter is traditionally considered to be quarter three, the planning department software considers this to be quarter four, as with the calendar year. Therefore Members will see that some of the graphs reflect both of these approaches.

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 2017. In summary in the first quarter 651 applications were received, 756 in quarter 2, 750 in quarter 3 and 733 in the fourth quarter.



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 '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, etc.

Estate Management applications are not planning applications and therefore are subject to different policies and regulations compared to planning. However, they comprise a significant amount of the department's work and have therefore been reported separately for information. These applications include proposals for both built development and for landscaping (tree/hedge removal) proposals.

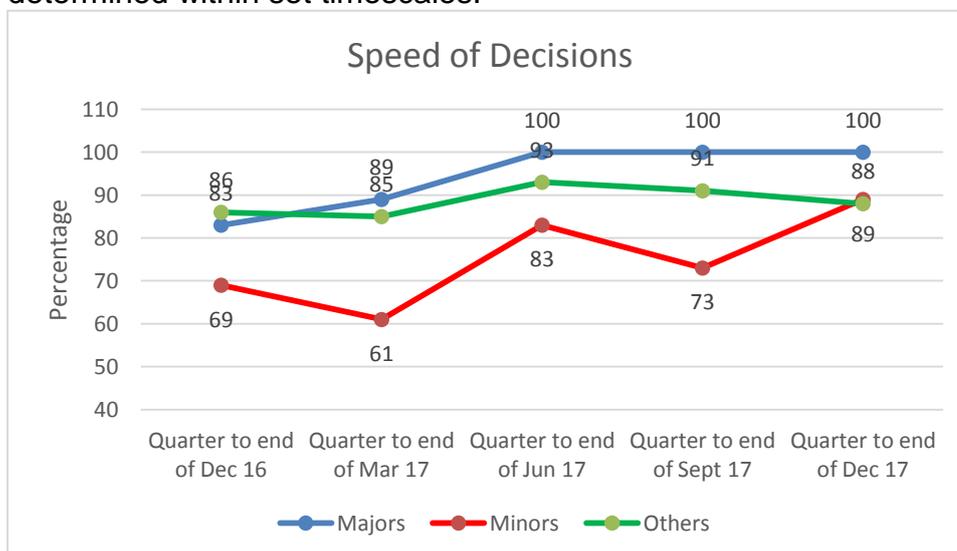
3.2 From the graph above, it can be seen that Estate Management, Non-countable and Householders remain the greatest number submitted. There has been a slight reduction in the overall number of applications received compared to the previous quarter although workloads remain high.

4 Performance

Applications

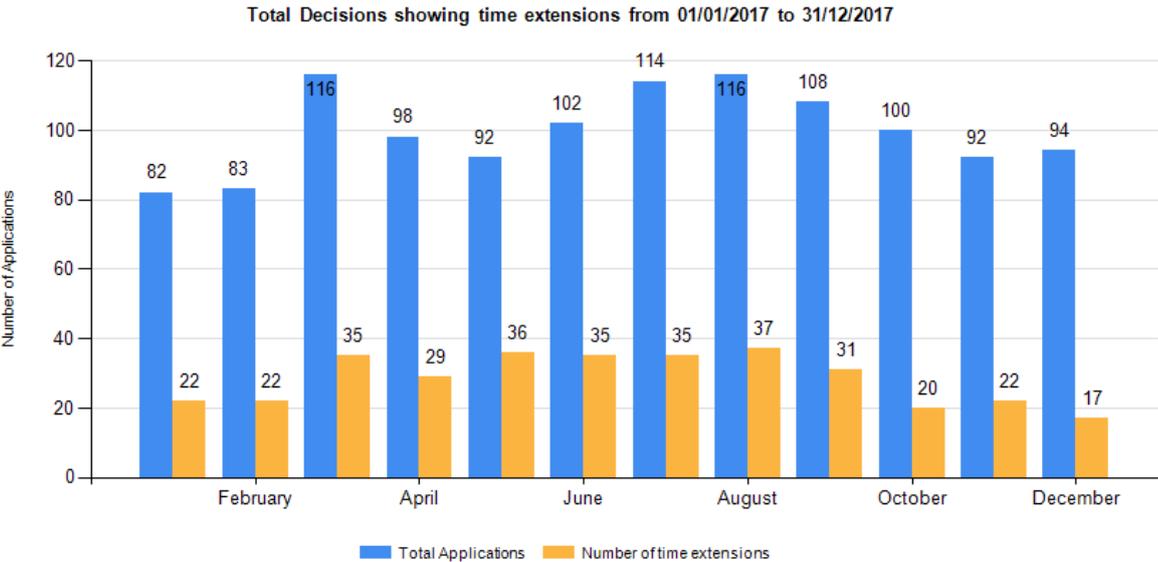
4.1 Government (DCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. In addition, the Council has a local performance indicator for majors of 70%. For non-majors, it is 65% over a two-year period rising to 70% for October 2015 to September 2017 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. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.

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



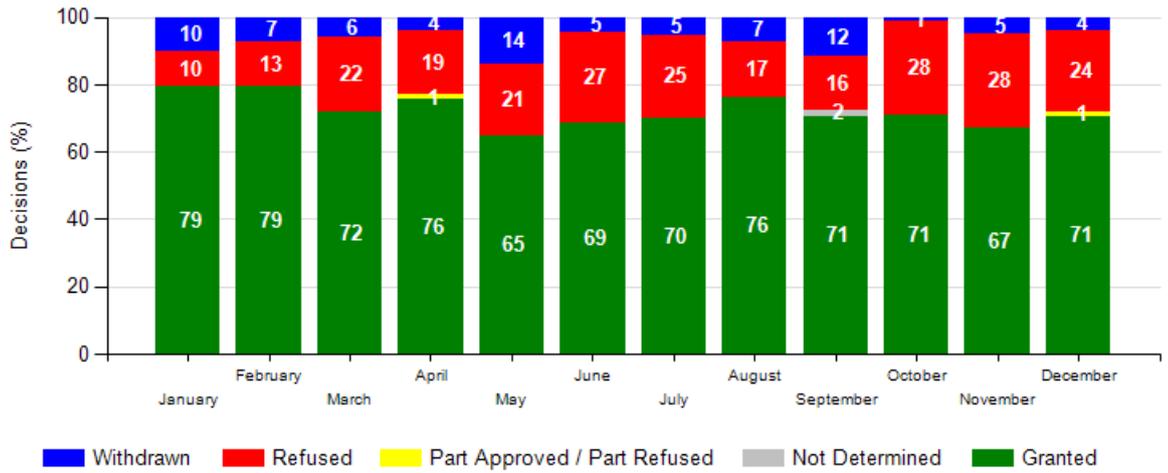
4.2 Over the last quarter performance for majors has been maintained, others has dropped by 2% and minors has increased significantly by 15% to 88%. The reason for this is thought to be the change in approach to negotiation on applications which are found to be unacceptable with these applications being determined as submitted, rather than officers entering into lengthy negotiations. Decisions are still being made within both statutory and local targets.

4.3 These targets have however been achieved due to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions might be sought for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not go against the authority in terms of speed of decision making when reporting to the government. The graph below shows the total number of applications determined each month in blue and alongside this in yellow are the number of applications where time extensions have been sought on those determined. Seeking time extensions means that case officers workloads overall increase which makes dealing with newer applications on time more difficult. Approximately 25% of all applications determined are subject to a time extension. On average, each full time equivalent case officer has approximately 83 cases on hand, slightly up from the previous quarter and equating to approximately 380 per annum.

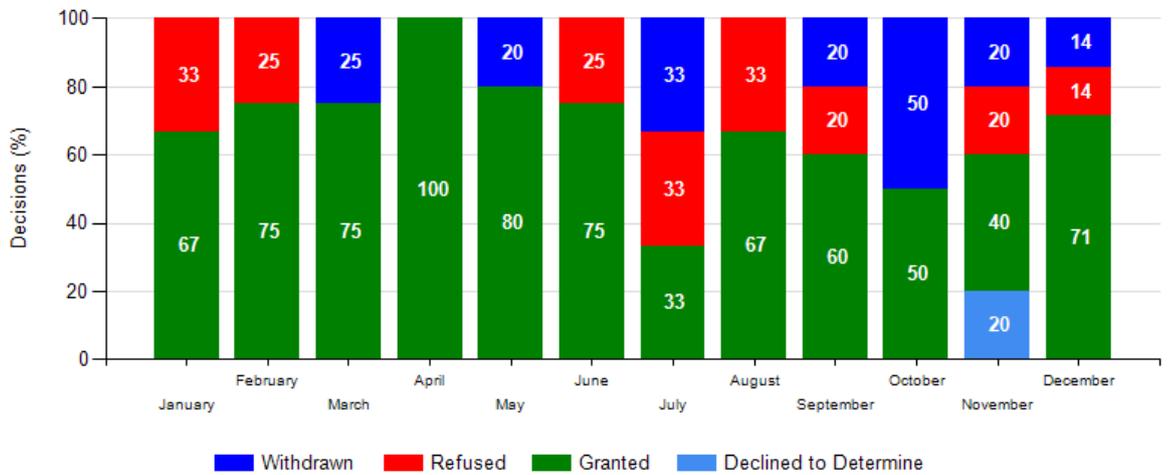


4.4 Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. All three graphs with the exception of July and October for majors and December for minors show the majority of applications are granted. With regard to the spike in minor applications being refused in December, this is thought to be as a result of the change in approach to negotiation for these types of application. Withdrawals are not reported as part of our overall performance to government but still will have involved a significant amount of work by the case officers. These applications are frequently resubmitted often as a 'free go'.

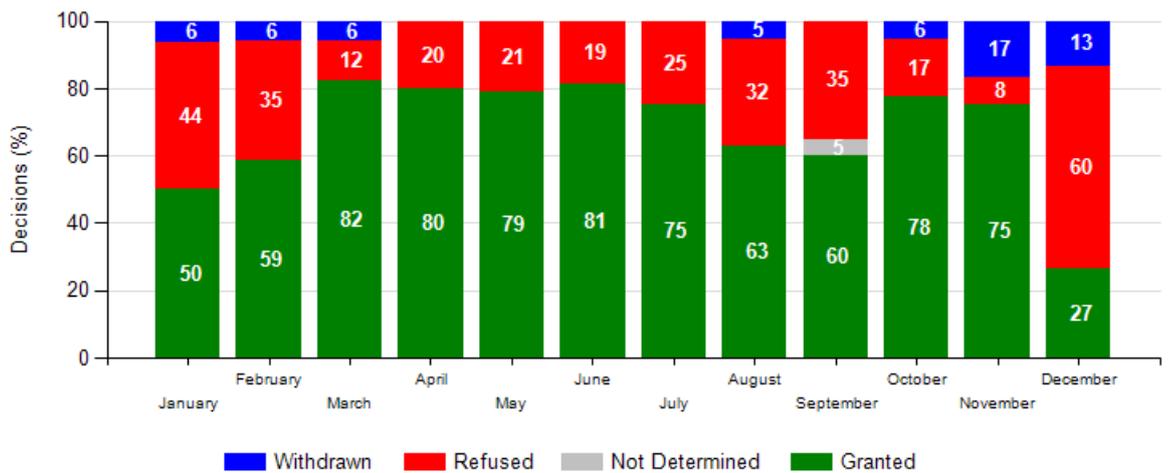
Other Applications - Decisions from 01/01/2017 to 31/12/2017



Major Applications - Decisions from 01/01/2017 to 31/12/2017



Minor Applications - Decisions from 01/01/2017 to 31/12/2017

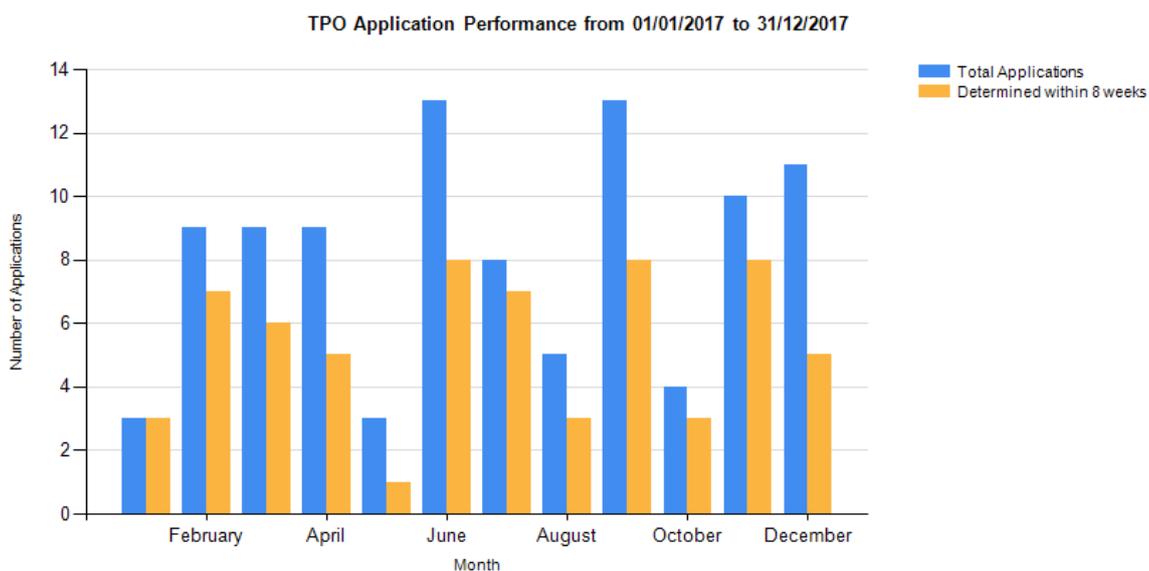


Landscaping

4.5 As in the previous quarter, the performance of the landscaping team is being reported to enable Members to understand some of the work undertaken by

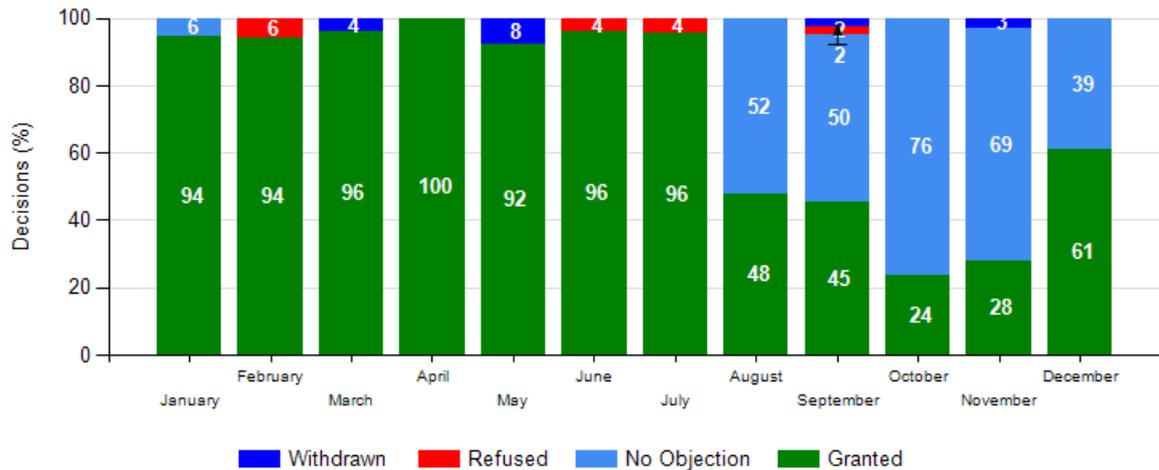
landscape and tree officers which is not already reported to other committees such as the Environment Overview and Scrutiny Committee.

- 4.6 The landscaping team is responsible for dealing with applications relating to Tree Preservation Orders (TPOs), applications for works to trees in Conservation Areas and Estate Management applications where works are proposed to trees or hedges. They are also involved in masterplanning for strategic sites to advise on landscaping and planting plans.
- 4.7 In the region of 200 applications per annum are received which are Estate Management and 300 TPO and works to trees in Conservation Area applications. Applications for works to trees in Conservation Areas require the Council to determine whether or not the tree should be protected by a TPO. Decisions must be made within 6-weeks and the Order issued within this timescale. If a decision is not made on the first day of the 7th week, the applicant may undertake the works that they were seeking consent for.
- 4.8 The following graphs show the number of TPO applications determined each month and whether they were determined within the statutory timescales. This shows little consistency with the number of applications received each month making resourcing more difficult. However, overall a performance of approximately 50% has been achieved in the last quarter.

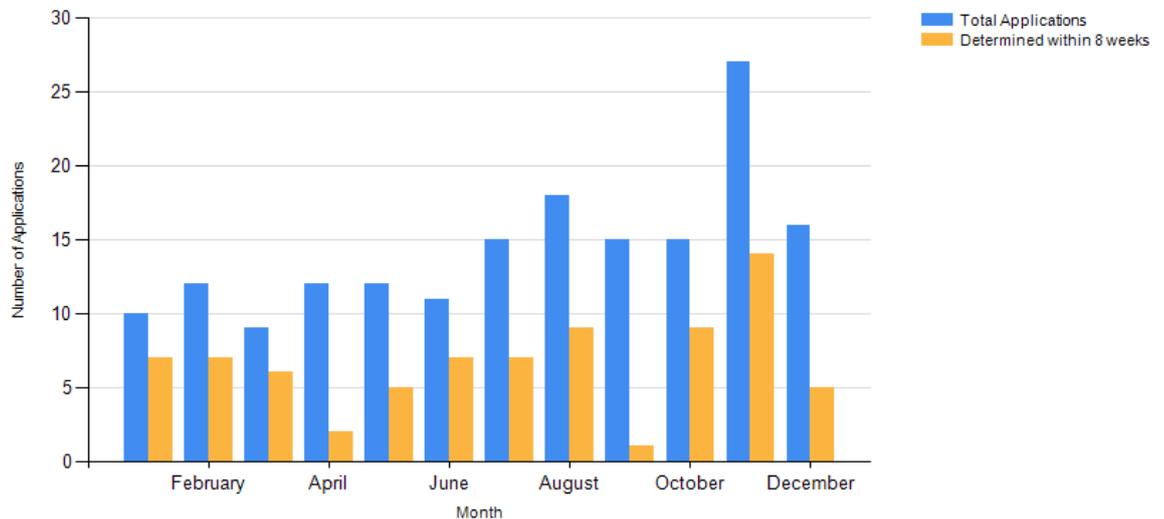


- 4.9 The graph below shows the number of decisions made on TPO's and Trees in Conservation Areas since the beginning of the year. The Landscape Officer tries to negotiate acceptable schemes, hence a high approval or no objection rate.

TPO Applications - Decisions from 01/01/2017 to 31/12/2017



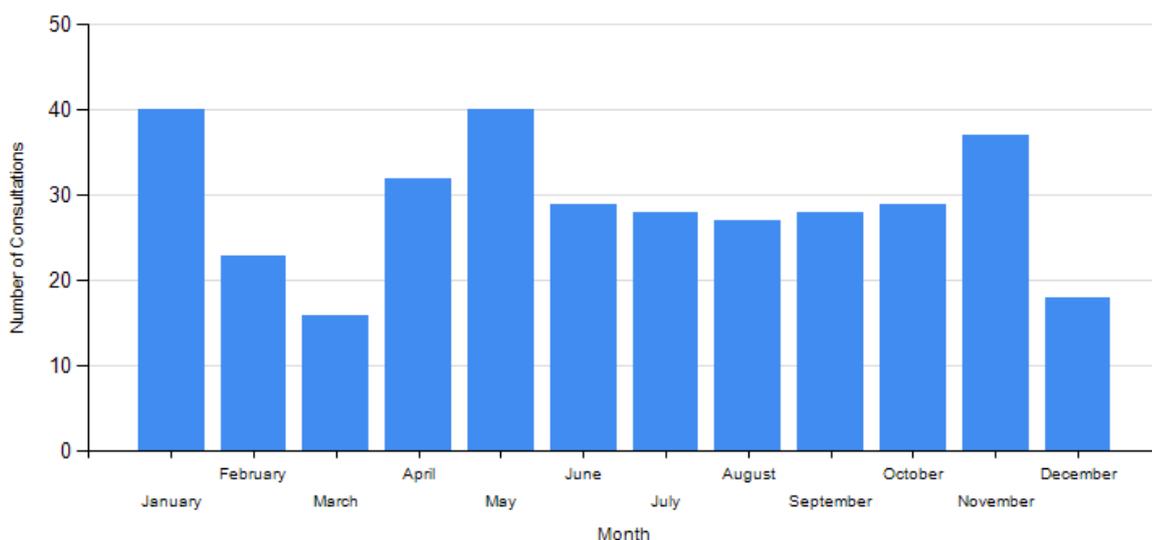
Estate Management Trees Application Performance from 01/01/2017 to 31/12/2017



4.10 The graph above show the number of applications for works to trees within the Estate Management area. The overall number has continued to increase across the quarter whilst the number determined within 8 weeks has also risen.

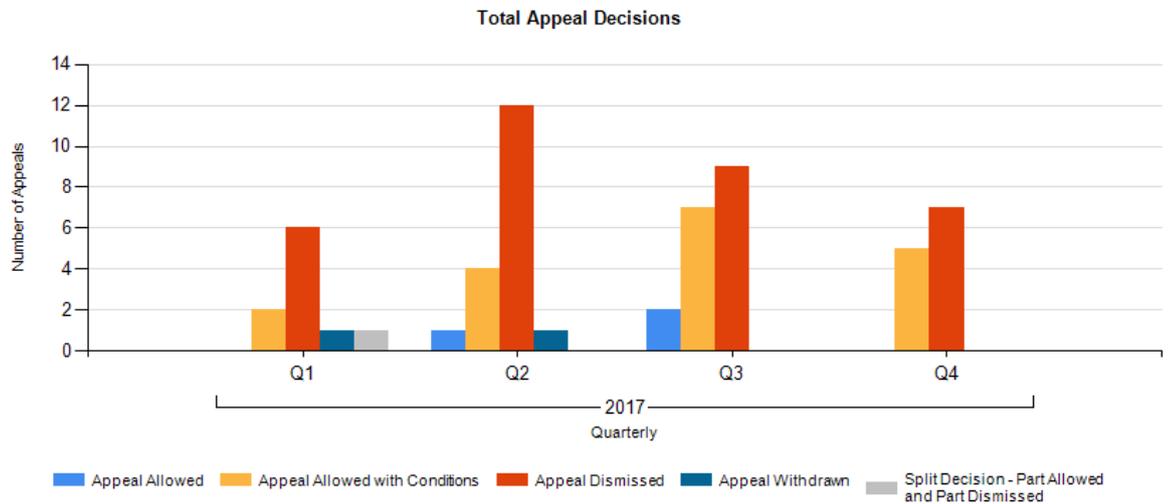
4.11 In addition to dealing with applications, Members will be aware from reports presented to Committee that the landscaping officer will comment on proposals that might have an impact on either existing landscaping or will provide an opinion on proposed landscaping. The following graphs show the average number of consultations per month is approximately 30, although this did drop a little in December. This will be across all types of applications from Majors to Others.

Number of Tree Officer Consultations Sent from 01/01/2017 to 31/12/2017



Appeals

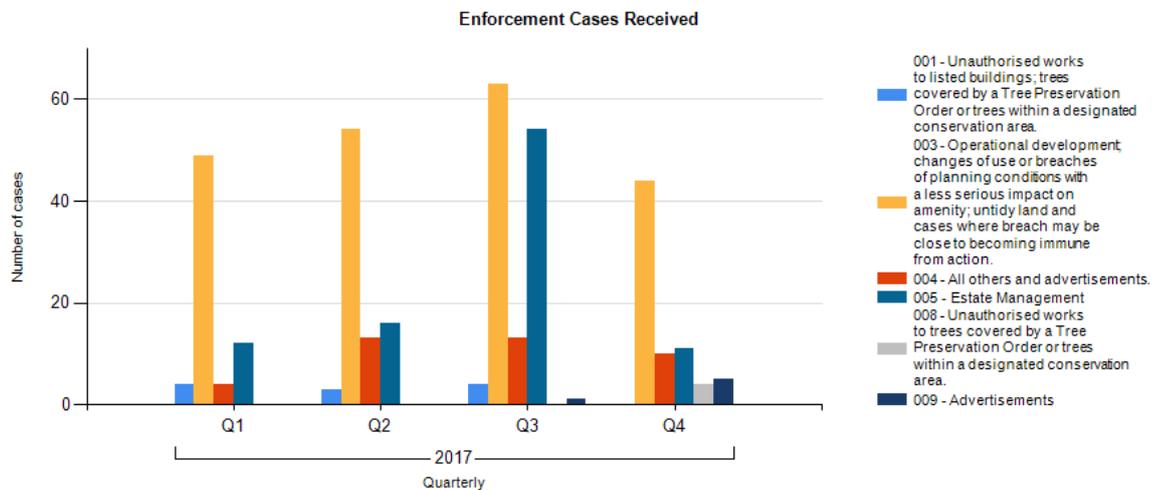
- 4.12 The chart below shows the number of applications and enforcement notices that have been allowed, allowed with conditions, dismissed, split decisions (part allowed and part refused) and withdrawn at appeal. This quarter has seen a small reduction in the number of decisions compared to the previous, from 18 to 13. There continues to be a trend towards appeals being allowed or allowed with conditions by the Planning Inspectorate resulting in 38% allowed, an improvement from the 50% in the previous quarter. This does however mean that the Council has therefore failed to meet its local target for this quarter, albeit by a much smaller margin than in quarter 3.
- 4.13 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.
- 4.14 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. The statistics collated by DCLG have not been updated to that reported last quarter. They relate to 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 and not at risk of being classed as poorly performing.



5 Enforcement

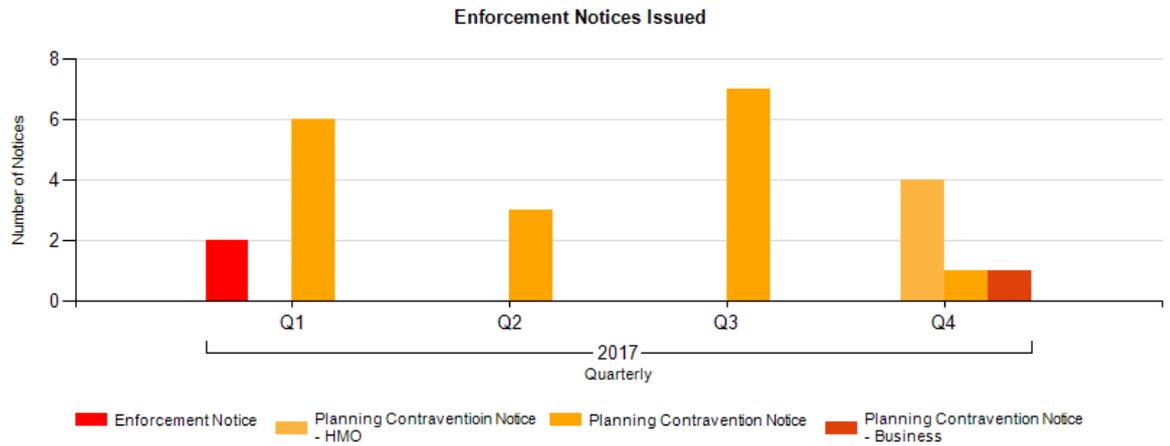
Number of cases received

- 5.1 Enforcement continues to be very busy. However there has been a slight decline in the number of new cases being registered in the last quarter.
- 5.2 As with previous quarters, a lot of cases reported are those with a less serious impact upon amenity, shown in orange.



Notices Issued

- 5.3 The chart below shows the number of 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 continued to be busy with, amongst other matters, the issuing of a further six 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’. There were no Enforcement Notices served during the quarter.

5.5 There are currently 536 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) will be presented to the next DMC meeting as a Part II (confidential) item.

6 Updates

6.1 As noted within this report, the number of planning applications received has remained high following the trend from the previous quarter. At the same time, performance has continued to be met and the overall number of applications awaiting a decision slowly reducing.

6.3 Since the last report, there have been a number of changes within the Planning team including the departure of Lisa Hughes as Development Management Service Manager and her replacement with Chris Carter. Further recruitment is underway in the Officer team for permanent replacements for Rachael Collard and the vacancy created by Mark Peacock’s promotion.

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.

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Date: 16 February 2018