

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 JUNE 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

JANUARY – MARCH 2018

(All wards)

1 Introduction

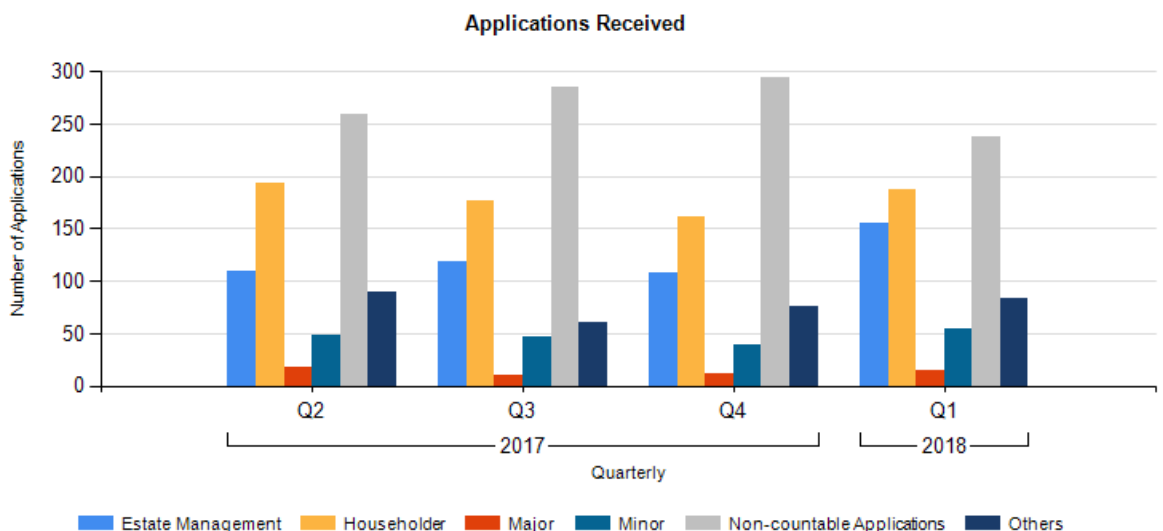
- 1.1 This report relates to the performance of the Development Management Service over the three month period January to March 2018.
- 1.2 Members should note that, whilst this quarter is traditionally considered to be quarter four of the financial year, the planning department software considers this to be quarter one, 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 the final three quarters of 2017 and the first quarter of 2018. In summary, 756 applications were received in quarter 2 of 2017, 750 in quarter 3 and 733 in quarter 4. There has been a significant increase in the number of applications received in quarter 1 of 2018 to 825 applications.



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.

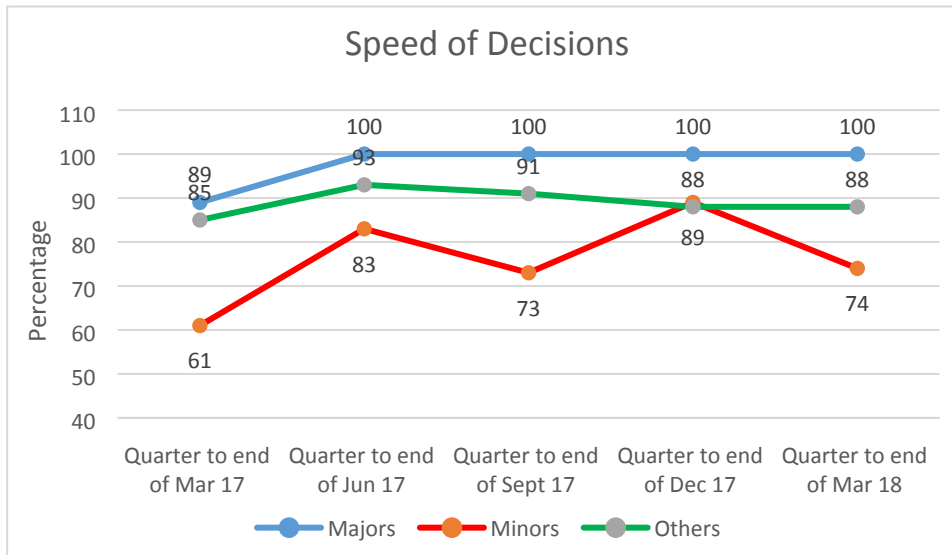
- 3.2 From the graph above, it can be seen that Estate Management, Non-countable and Householders remain the greatest number submitted. There has been a notable overall increase in the number of applications received in the last quarter and individual officer workloads have therefore remained higher than is desired.

4 Performance

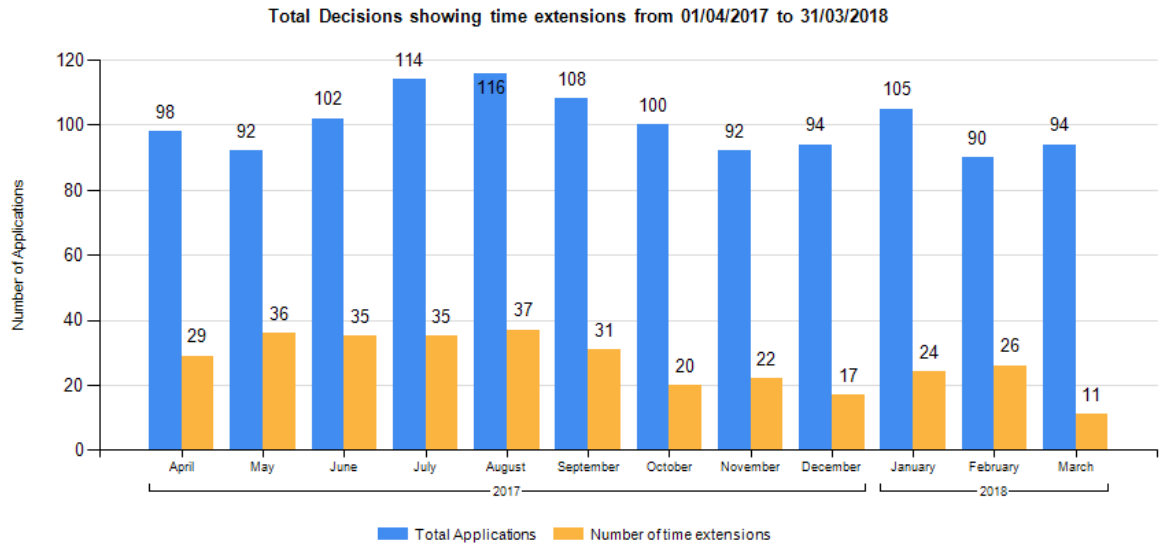
Applications

- 4.1 Government (MHCLG) 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 70% over a 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. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.

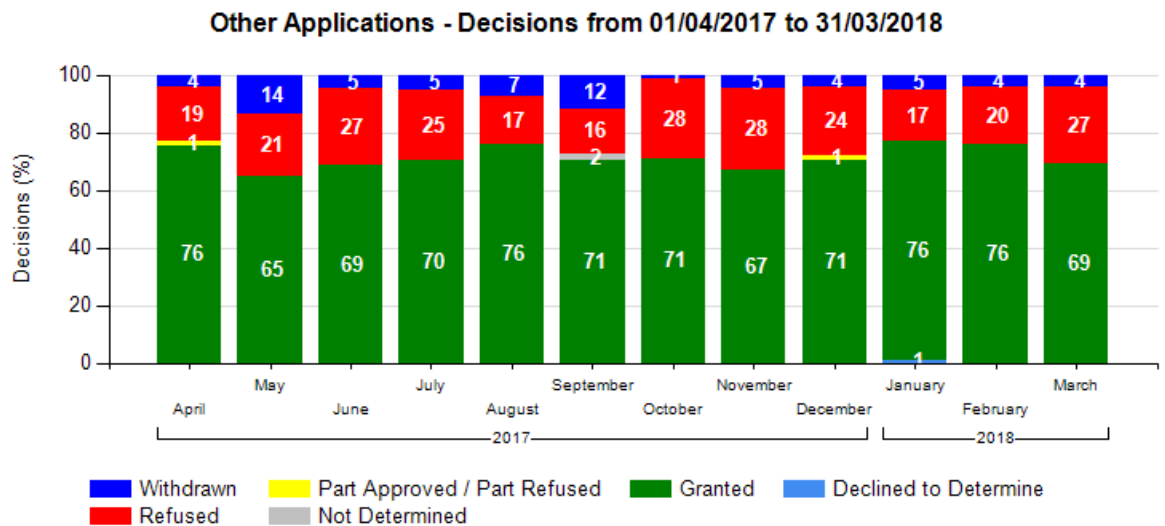
The following graph relates to the percentage of planning applications determined within set timescales.



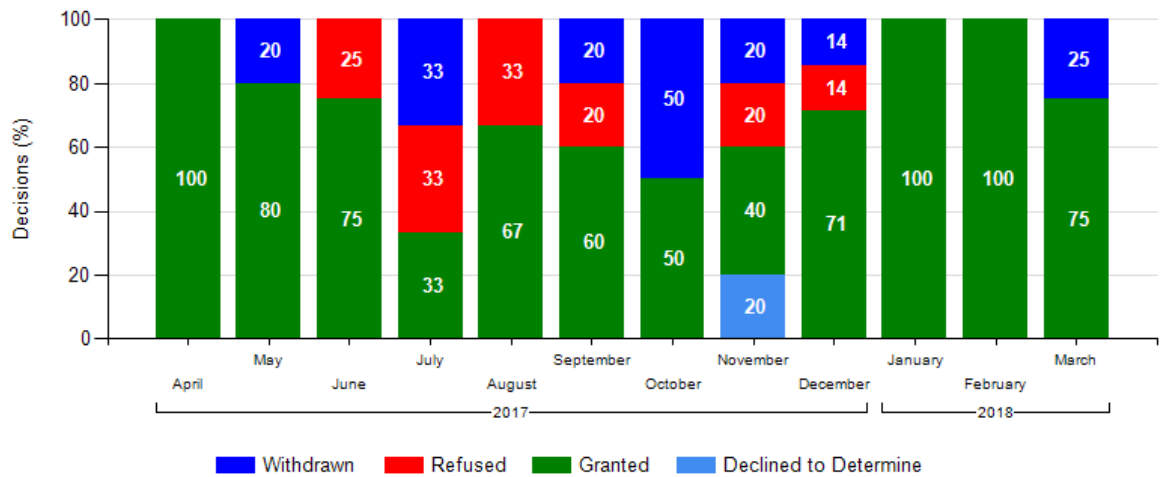
- 4.2 Over the last quarter performance for majors and others has been maintained. With regard to minors, this increased significantly by 15% to 88% in the previous quarter, but has dropped back again to 74% in the most recent quarter. It was previously considered that the reason for the improvement in the previous quarter was as a result of 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. However, given that performance has dropped back slightly, it may be too early to say what effect this is actually having. This will continue to be monitored carefully over coming quarters. 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 74 cases on hand, slightly down from the previous quarter and equating to approximately 300 per annum.



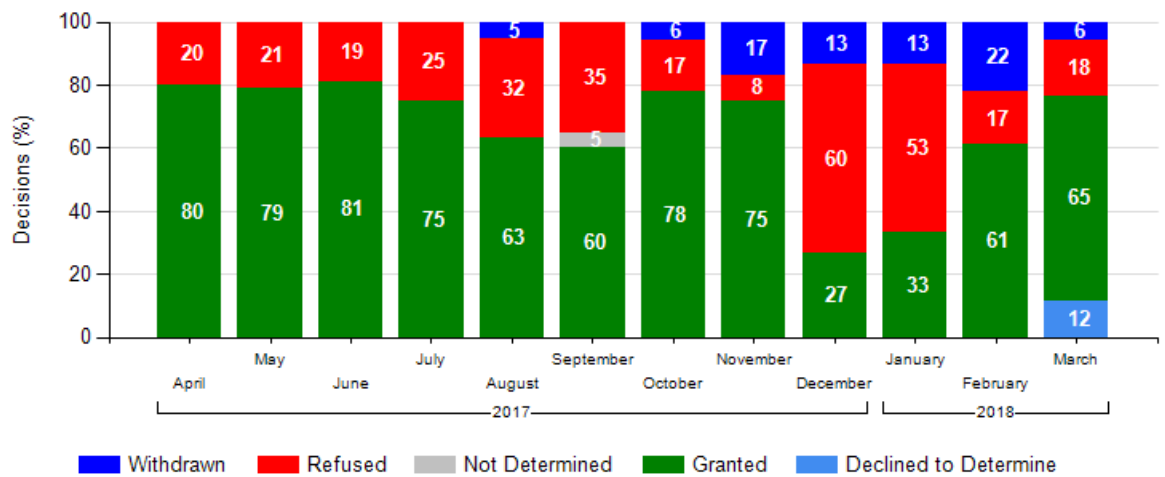
4.4 Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. All three graphs with the exception of July, October and November for majors and December and January for minors show the majority of applications are granted. With regard to the spike in minor applications being refused in December and January, 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'.



Major Applications - Decisions from 01/04/2017 to 31/03/2018



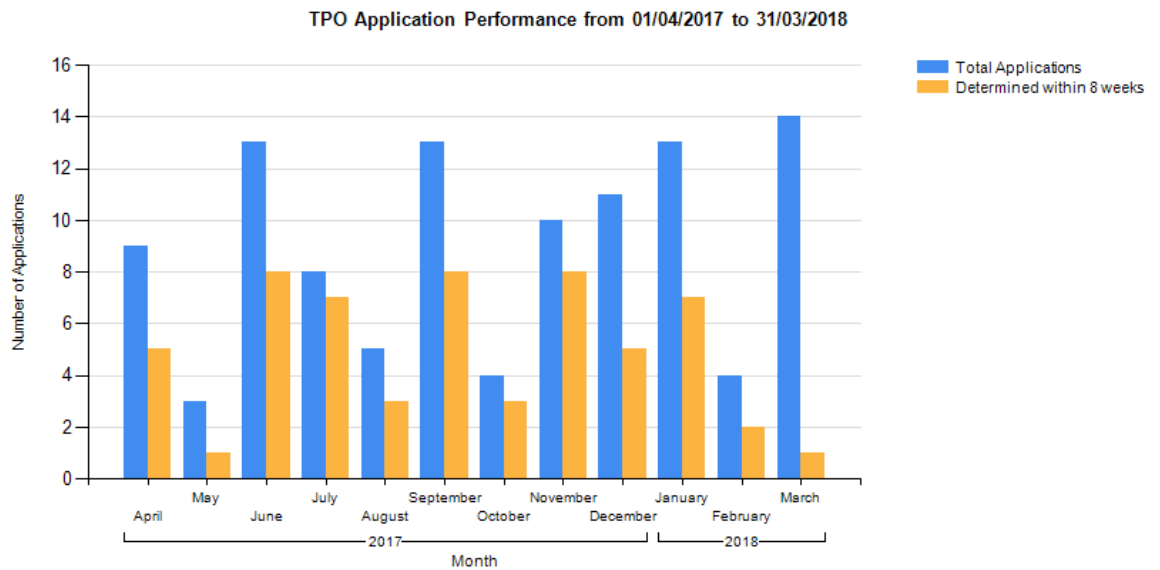
Minor Applications - Decisions from 01/04/2017 to 31/03/2018



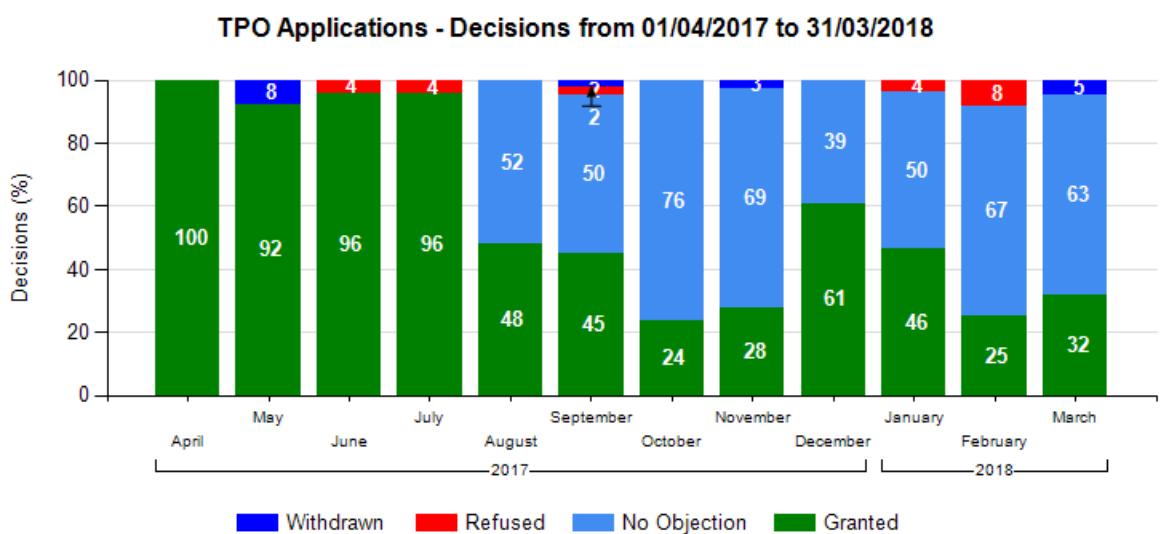
Landscaping

- 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, and other large, 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.

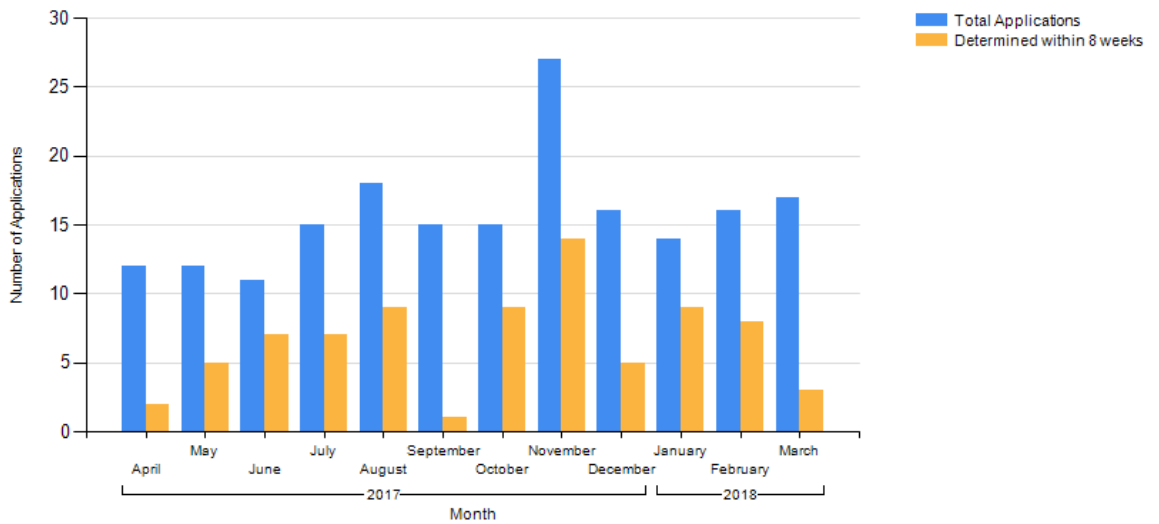
4.8 The following graphs show the number of TPO applications determined each month and whether they were determined within the statutory timescales. This shows little consistency with the number of applications received each month making resourcing more difficult.



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.



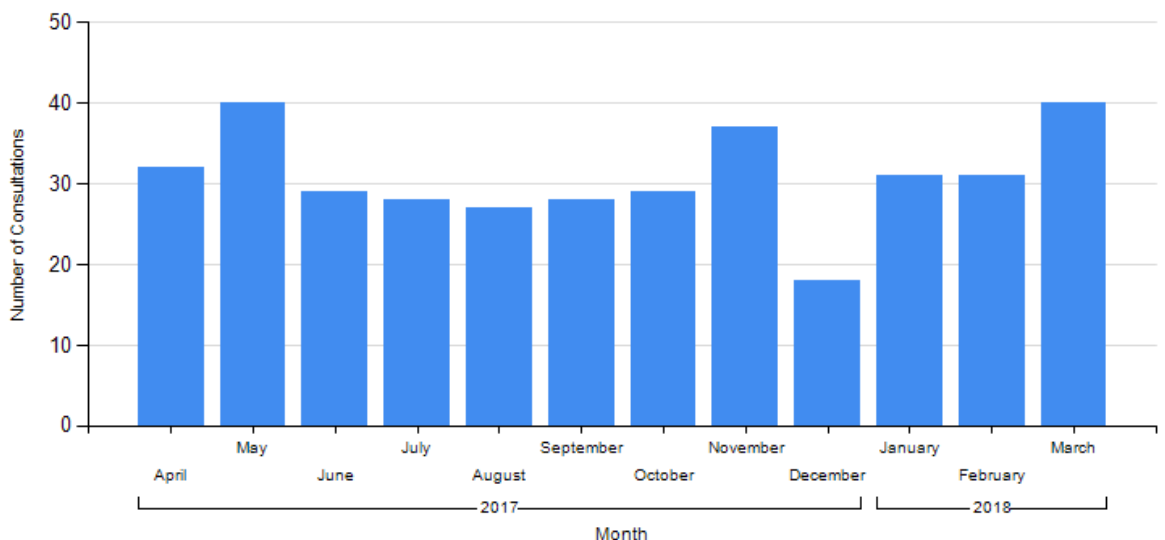
Estate Management Trees Application Performance from 01/04/2017 to 31/03/2018



4.10 The graph above show the number of applications for works to trees within the Estate Management area. The overall number of new applications has remained average across the quarter whilst the number determined within 8 weeks has reduced.

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 last year, picking up again in the new year. This will be across all types of applications from Majors to Others.

Number of Tree Officer Consultations Sent from 01/04/2017 to 31/03/2018

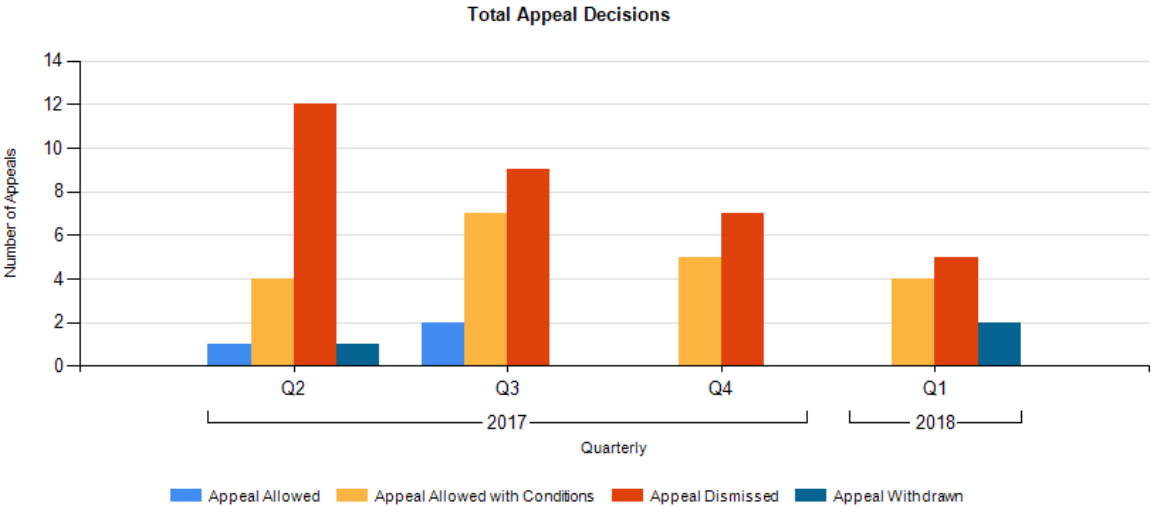


Appeals

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 13 to 11. There continues to be a trend towards appeals being allowed or allowed with conditions by the Planning Inspectorate resulting in 36% allowed, a small improvement from the 38% 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 the previous quarter.

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 10% 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 As of 1 April this year Ministry of Housing Communities and Local Government (MHCLG) has implemented a threshold for quality of decisions for non-major applications at 10%. 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 MHCLG have been published and relate to the two year period between April 2015-March 2017. These figures show that a total of 62 appeals have been determined of which 18 were allowed. Over the same time period 1,677 applications have been determined. The percentage is therefore 1.1%. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

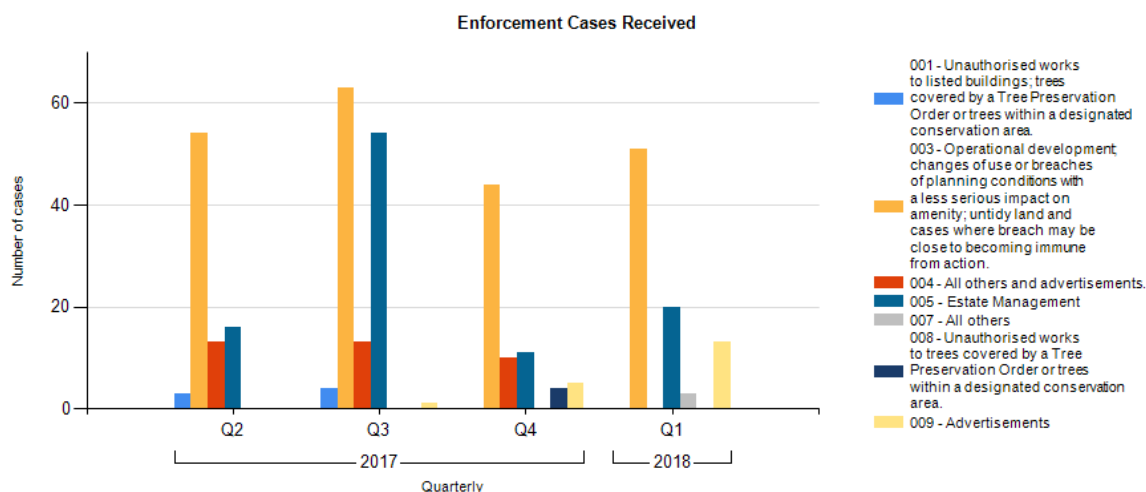


5 Enforcement

Number of cases received

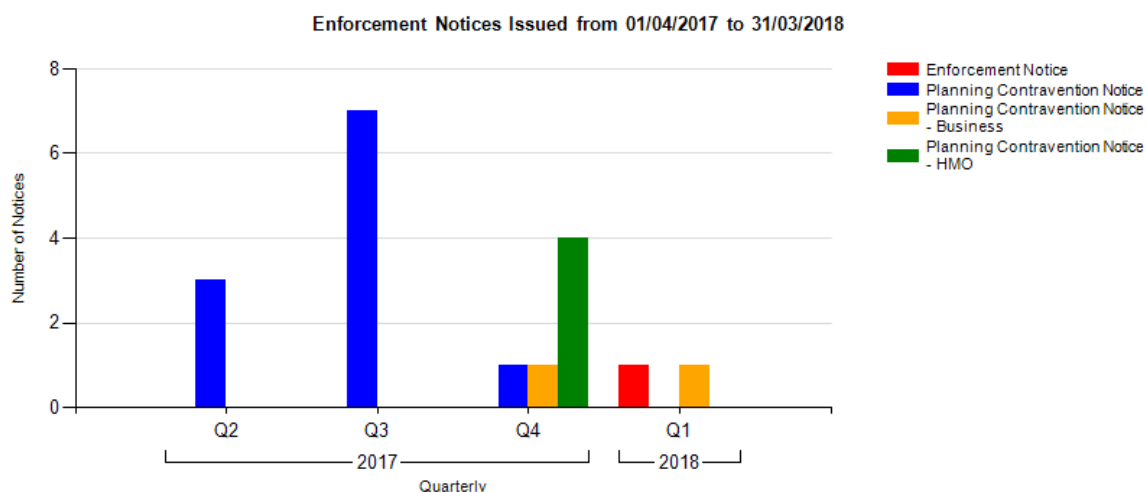
5.1 Enforcement continues to be very busy. However there has been a slight decline in the number of new cases being registered in the last quarter.

5.2 As with previous quarters, a lot of cases reported are those considered as having 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 one Enforcement Notice and a Planning Contravention Notice. 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 578 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 June Development Management Committee (DMC meeting as a Part II (confidential) item.

6 Updates

- 6.1 Since the last report, there have been a number of changes within the Planning team including the arrival Gerry Ansell as Principal Major Development Officer and Clare Howe as Planning Officer. Also Tom Gabriel and Richard Sakyi as temporary staff. Further recruitment is underway in the Officer team for further Principal Officer and Officer roles. As well as this we are currently advertising for a new Principal Planning Enforcement Officer as Bright Owusu will leave the authority in June. In order to assist with the large number of Enforcement cases, and to provide some support to the team after Bright's departure, John Ayers is working two days a week as temporary staff.

7 Conclusion

- 7.1 All areas continue to be busy, however performance has seen an overall improvement compared to the previous quarter. Recruitment remains challenging but efforts continue to try and recruit high quality permanent staff.

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Date: 11 May 2018