

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

SEPTEMBER – DECEMBER 2018

(All wards)

1 Introduction

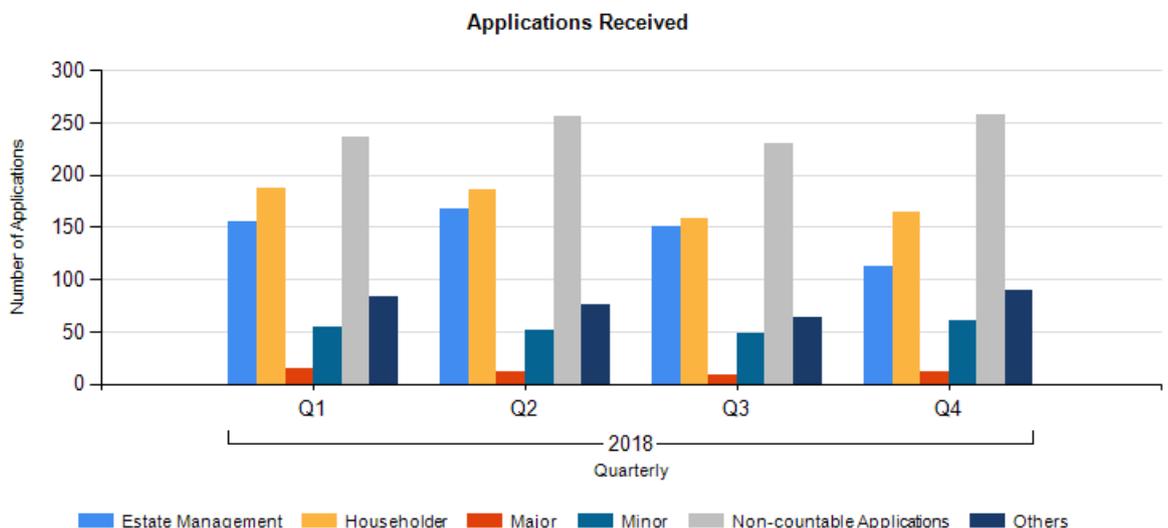
- 1.1 This report relates to the performance of the Development Management Service over the three month period September to December 2018.
- 1.2 Members should note that, whilst this quarter is traditionally considered to be quarter three of the financial year, the planning department software considers this to be quarter four³, 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 four quarters of 2018. In summary, in quarter 1 of 2018 732 applications were received, in quarter 2 748 applications were received, in quarter 3 658 applications were received and in quarter 4 696 applications were received.



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 continue to 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.

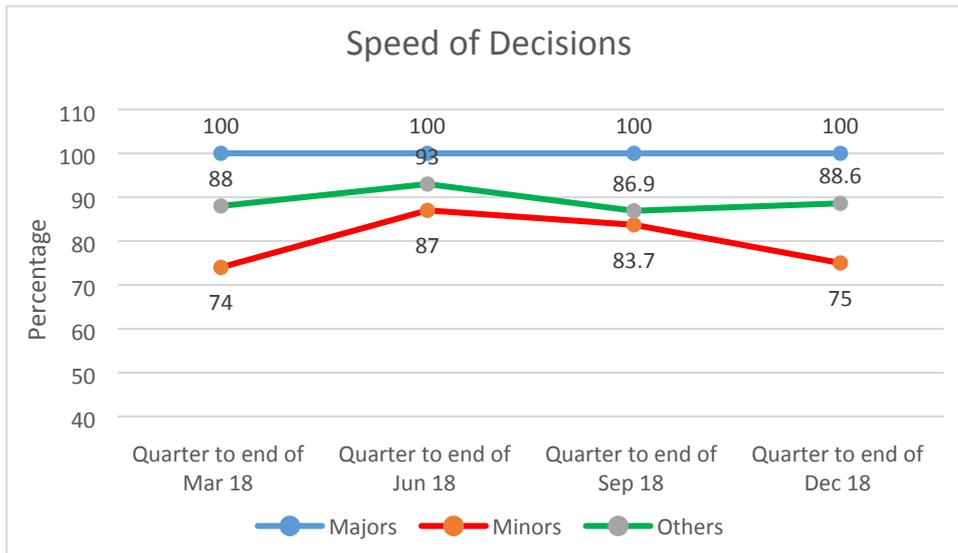
- 3.2 From the graph above, it can be seen that Estate Management, Non-countable and Householders remain the greatest number submitted. As with the previous quarters, new application numbers continue to hover between 650 and 750 and so officer workloads have therefore remained higher than is desired.

4 Performance

Applications

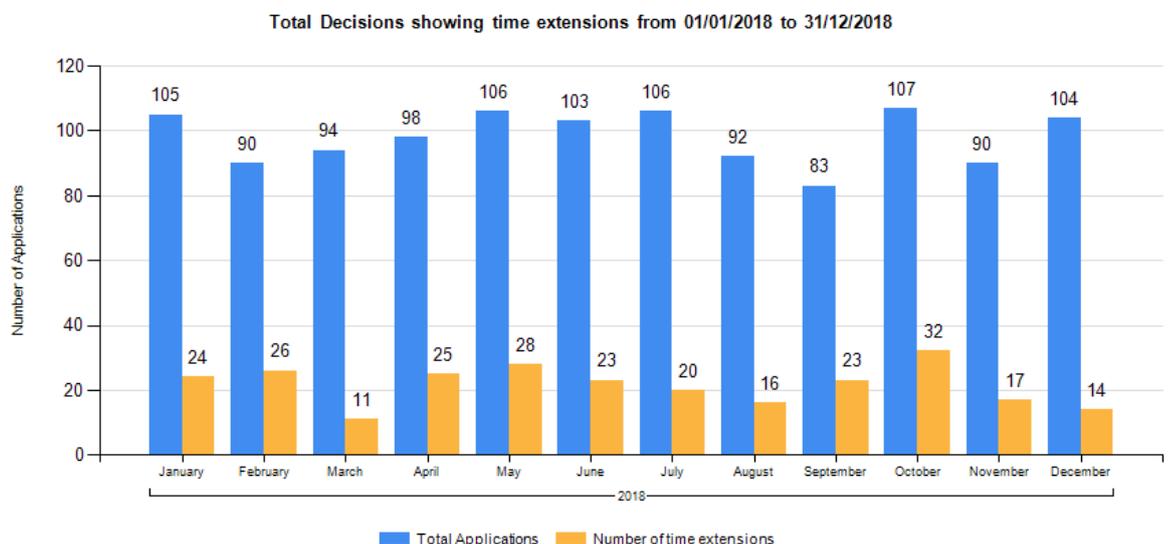
- 4.1 Government (MHCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over 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.



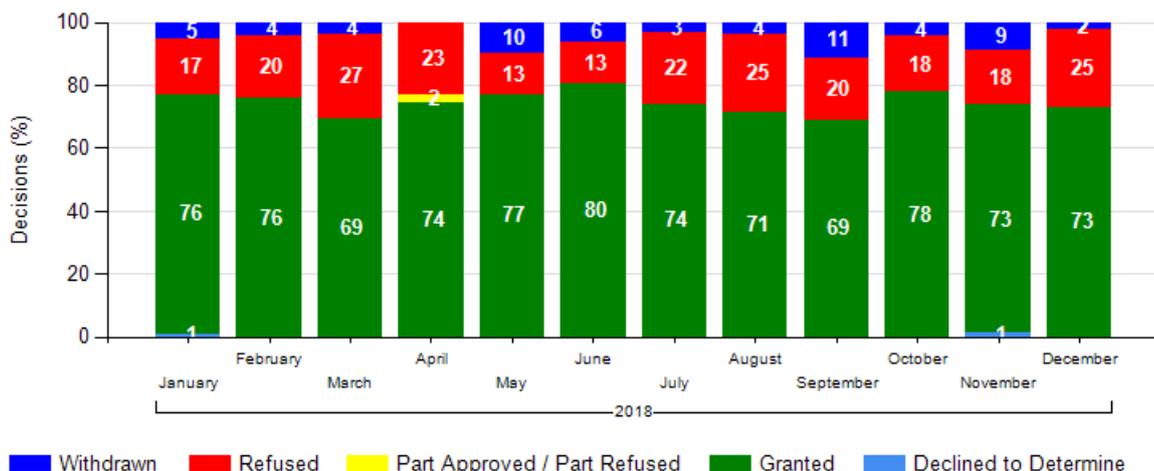
4.2 Over the last quarter performance for majors has been maintained at 100%. Performance for others has risen slightly to 88.6%, continuing to closely follow the longer term average, with performance for minors also dropping 75%. As the chart demonstrates, performance for minor applications does tend to fluctuate more over the course of a year. Decisions are still being made within both statutory and local targets.

These targets do continue to be 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 challenging. Over the longer term, approximately 25% of all applications determined are subject to a time extension, although it is noted that in November and December 2018 this was somewhat lower.

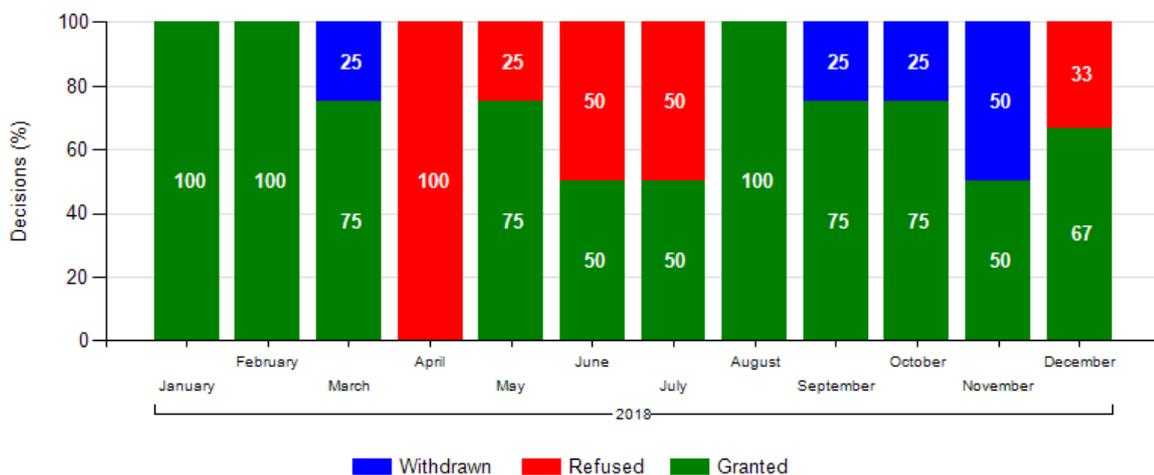


4.3 Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. All three graphs demonstrate that the majority of applications are granted. Withdrawals 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'. It may be noted that in the 'minor' category in December 2018, one application was 'not determined' this means that an appeal was submitted before the Council had the opportunity to issue a decision, and so the case is reported in this way.

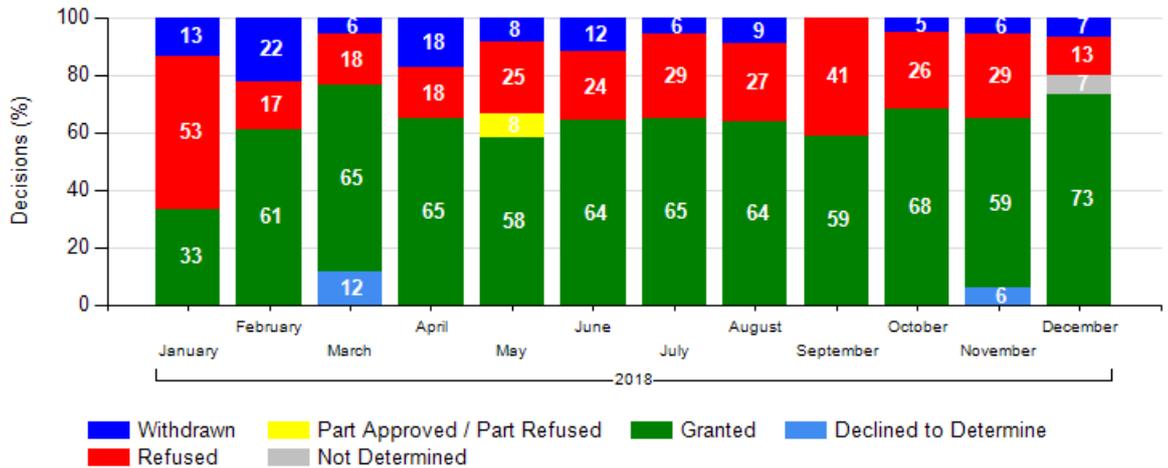
Other Applications - Decisions from 01/01/2018 to 31/12/2018



Major Applications - Decisions from 01/01/2018 to 31/12/2018

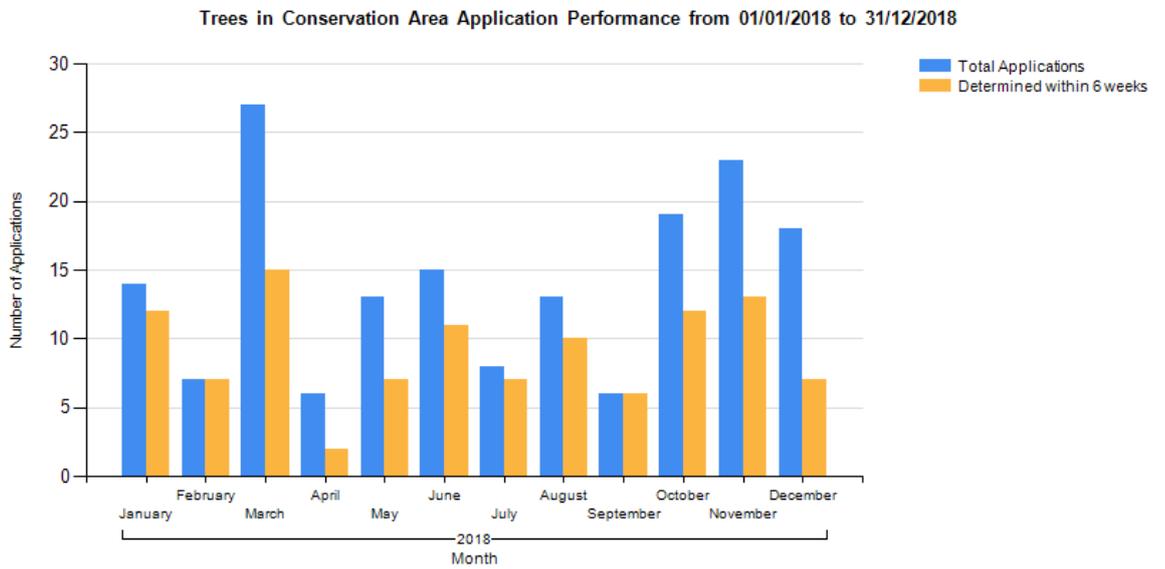
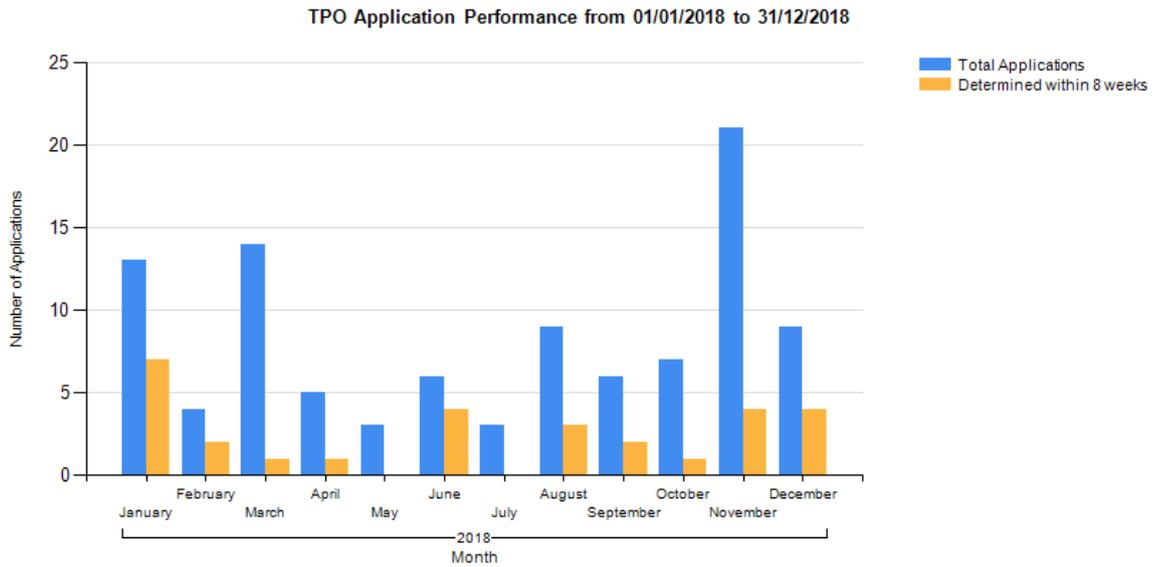


Minor Applications - Decisions from 01/01/2018 to 31/12/2018



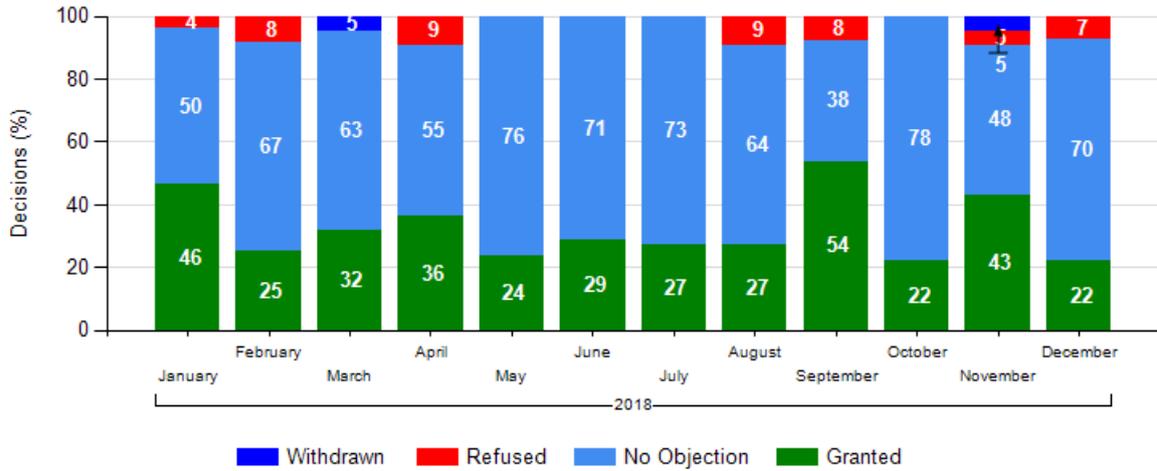
Landscaping

- 4.4 As with previous quarters, 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.
- 4.5 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.
- 4.6 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 should 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.
- 4.7 The following graphs show the number of TPO and conservation area 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 and the number of decisions made in time are sensitive to changes in officer capacity.

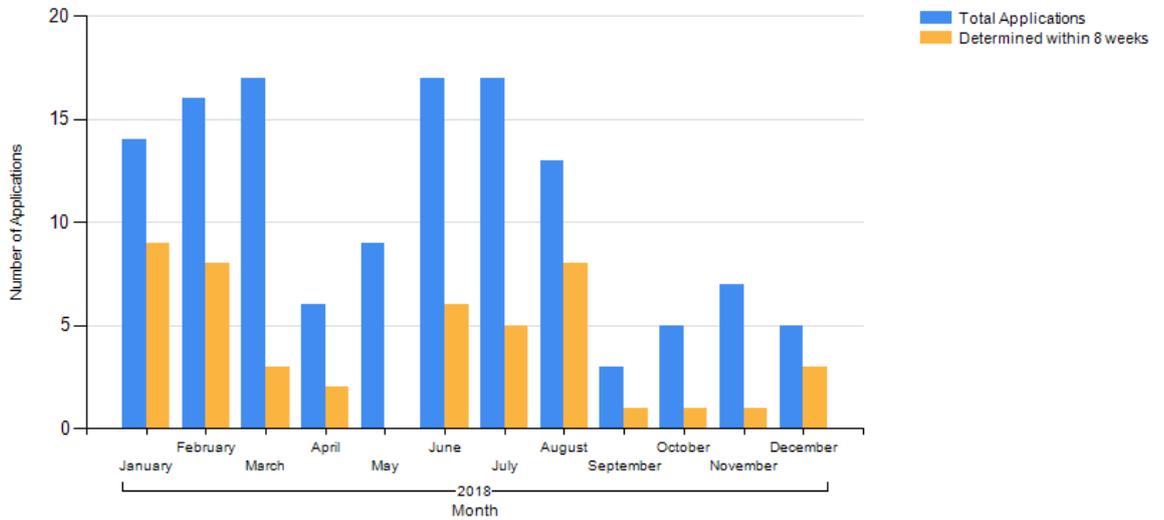


4.8 The graph below shows the number of decisions made on TPO's and Trees in Conservation Areas during 2018. The Landscape Officer tries to negotiate acceptable schemes, hence a high approval or no objection rate.

TPO Applications - Decisions from 01/01/2018 to 31/12/2018



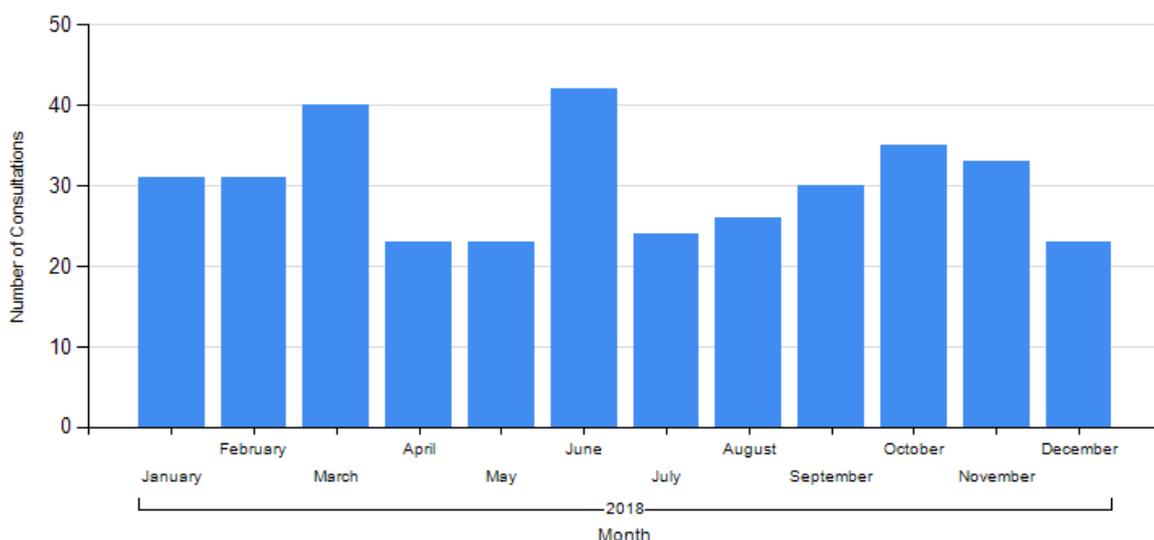
Estate Management Trees Application Performance from 01/01/2018 to 31/12/2018



4.9 The graph above shows the number of applications for works to trees within the Estate Management area.

4.10 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. Each of these consultations has the potential to consume significant landscape officer time as they interrogate tree reports and seek to advise on landscaping improvements to proposals.

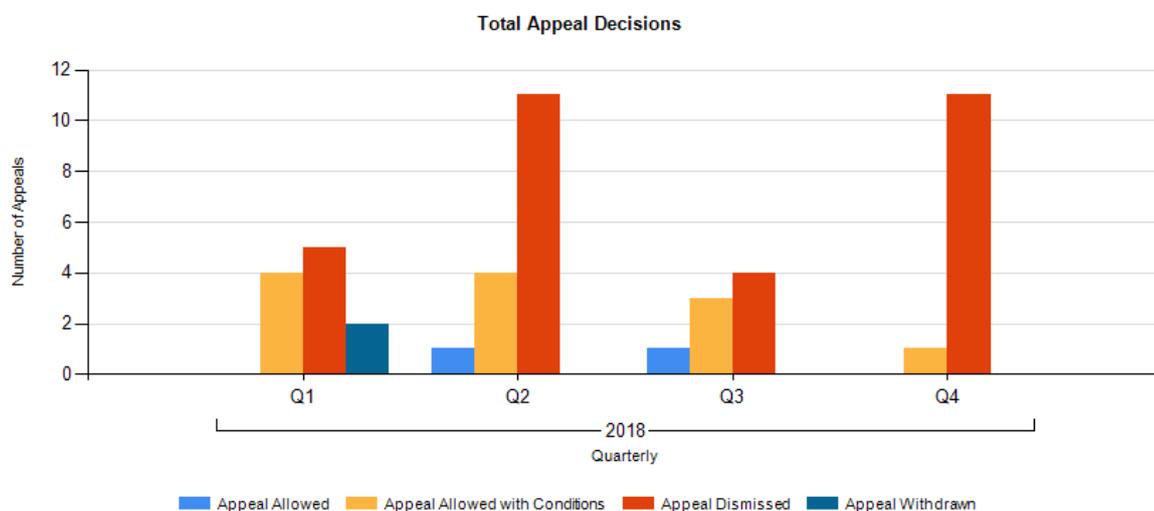
Number of Tree Officer Consultations Sent from 01/01/2018 to 31/12/2018



Appeals

- 4.11 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 an increase in the number of decisions compared to the previous, from 8 to 12. Previous reports have noted a trend, over the longer term, towards appeals being allowed or allowed with conditions by the Planning Inspectorate. However, in the most recent quarter there were 11 appeals dismissed and only 1 that was allowed. This means that the Council has met its local target for this quarter.
- 4.12 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. Whilst it is the case that very few major applications have historically been refused by the Council and thus very few can be appealed, Members will be aware that the appeal at Entech House, Woolmer Green was allowed on appeal during the autumn and that this was a major application.
- 4.13 As of 1 April 2018 the Ministry of Housing Communities and Local Government (MHCLG) 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 (latest available). These figures show that a total of 69 appeals have been determined of which 23 were allowed. Over the same time period 1,698 applications have been determined. The percentage is therefore 1.4%. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

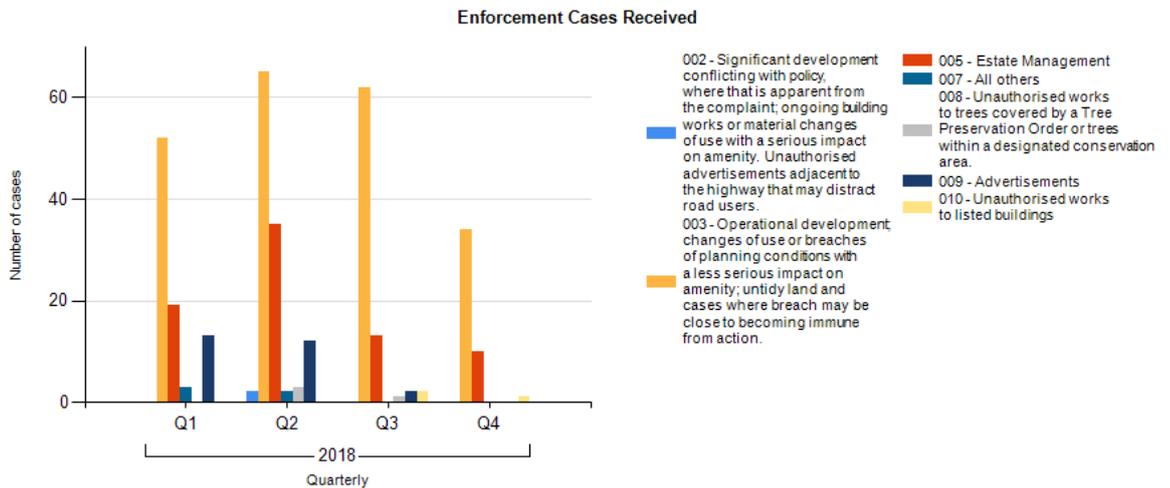
- 4.14 Planning appeals can be costly to administer in terms of officer time and expert advice. A straightforward householder appeal may take approximately 5 hours of officer time to register and respond to, assuming that it follows a written representations procedure. However, larger applications that may require a hearing of public inquiry can run into many thousands of pounds as reported previously in the Entech case.
- 4.15 As well as the cost of administration, the Council must have regard to the potential to have costs awarded against it, should it be found that the decision, or the Council's behaviour was unreasonable. Whilst examples of this were reported in the previous quarter, no further cases have arisen at the time of writing.



5 Enforcement

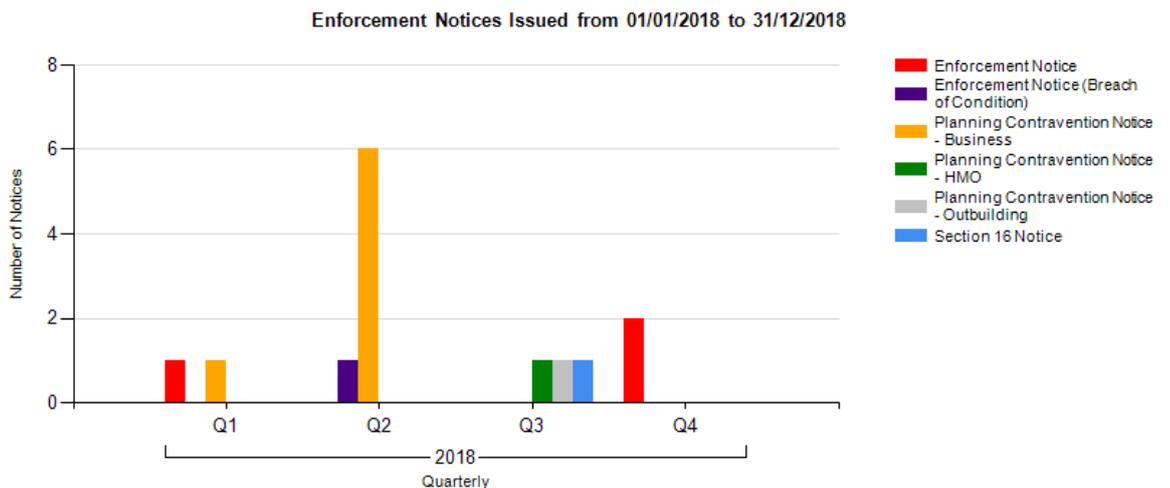
Number of cases received

- 5.1 Enforcement continues to be very busy. However there has been a 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 yellow and red.



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 There are currently 543 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 parties. The next report providing an update on enforcement action taken (i.e. notices issued) will be presented to the December Development Management Committee (DMC meeting as a Part II (confidential) item.

6 Updates

6.1 Since the last report, there have been further changes within the Planning team. Gill Claxton has joined as Principal Development Management Officer and Chris Perry as Senior Enforcement Officer (maternity cover). However, both Gerry Ansell (Principal Major Development Officer) and June Pagdin (Senior Planning

Officer) will be leaving for new roles elsewhere and so we will commence recruitment once again.

7 Conclusion

- 7.1 All areas continue to be busy, however performance been maintained above required local and national levels. Recruitment remains very challenging but efforts continue to try and recruit high quality permanent staff.

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Date: 18 January 2019