

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 12 JANUARY 2023  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

OCTOBER - DECEMBER 2022

(All wards)

**1 Introduction**

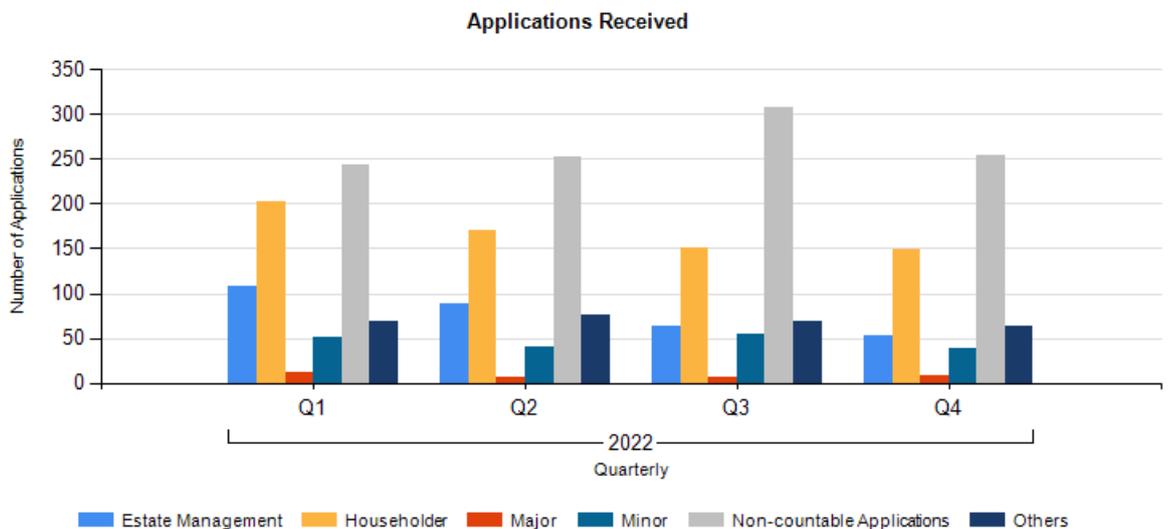
- 1.1 This report relates to the performance of the Development Management Service over the last quarter, October to December 2022.
- 1.2 Members should note that, whilst this quarter is traditionally considered to be quarter 3 of the financial year, the planning department software considers it to be quarter 4, 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**

The graph below shows the number of applications that have been received during 2022 (the last four quarters). In summary, in quarter 1 of 2022 790 applications were received, in quarter 2 703 applications were received, in quarter 3 724 applications were received and in quarter 4 621 applications were received.



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, etc.

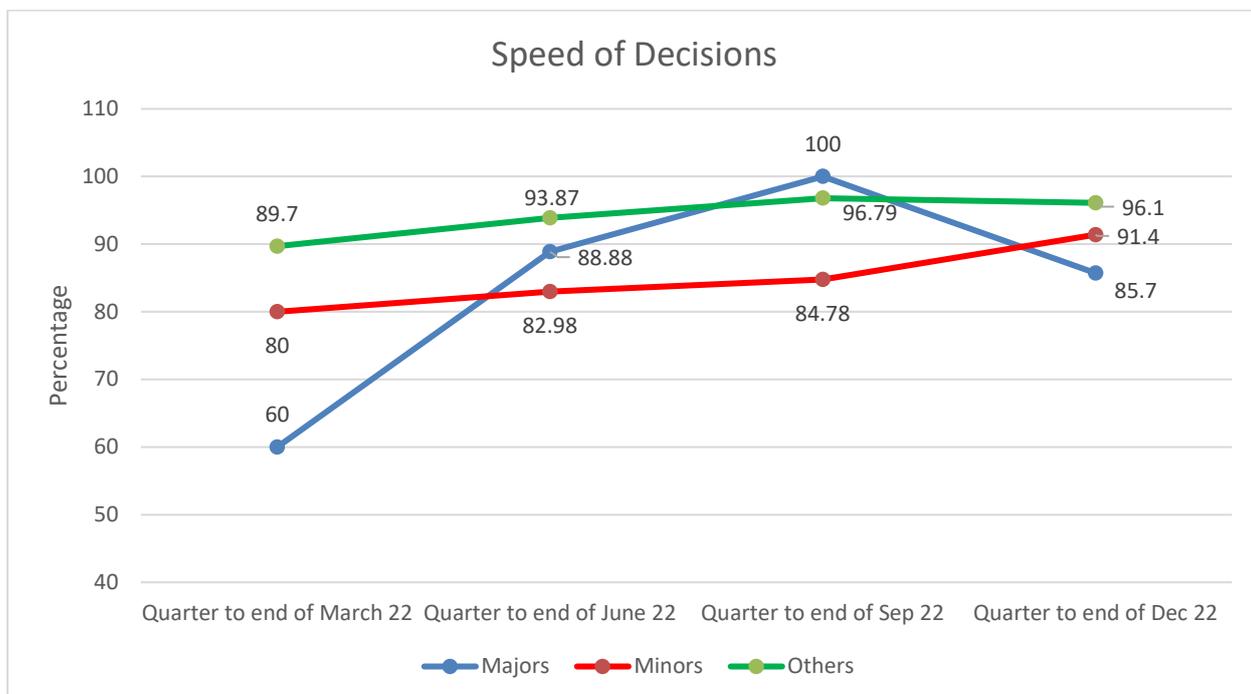
Estate Management applications are not planning applications and therefore are subject to different policies and regulations compared to planning. However, they continue to comprise a significant amount of the department's work and have therefore been reported separately for information. These applications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

- 3.1 From the graph above, it can be seen that Non-countable and Householders remain the greatest number submitted. Estate Management applications are dealt with in a separate team. Officer workloads have decreased very slightly, in respect of minor and other applications over the last quarter but overall workloads continue to remain high.

## **4 Performance**

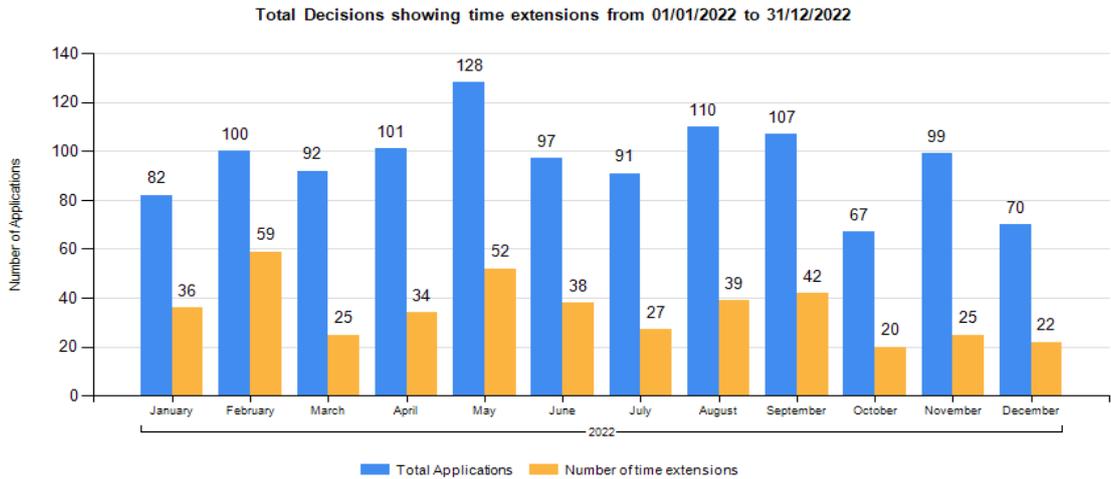
### Applications

- 4.1 The Government (MHCLG) monitors 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. For non-majors, the target at national level is 70% over a two-year period.
- 4.2 Where planning authorities under-perform against the government target, they can 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 such cases the Council would not receive the fees for these applications but would be expected to deal with all of the associated administration.
- 4.3 The following graph relates to the percentage of planning applications determined within set timescales.

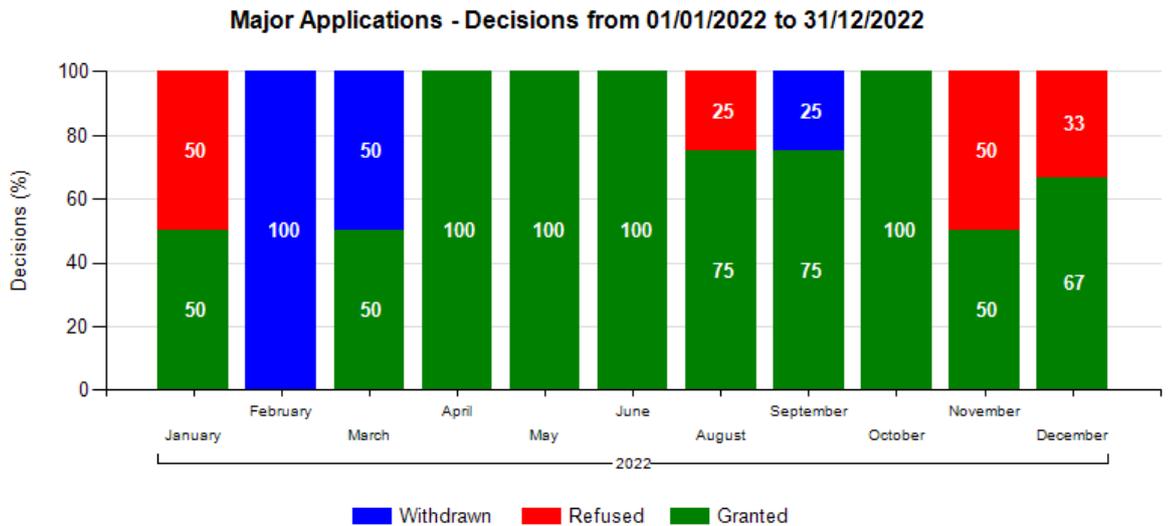


4.4 Over the last quarter performance for majors has reduced to 85.7% with 6 out of 7 applications being determined within deadlines. The application in question was for a refusal for which an extension of time was not agreed. Performance for others was 96.1%, with performance for minors increasing to 91.4%. Over the last quarter decisions continue to be made well above the statutory national targets.

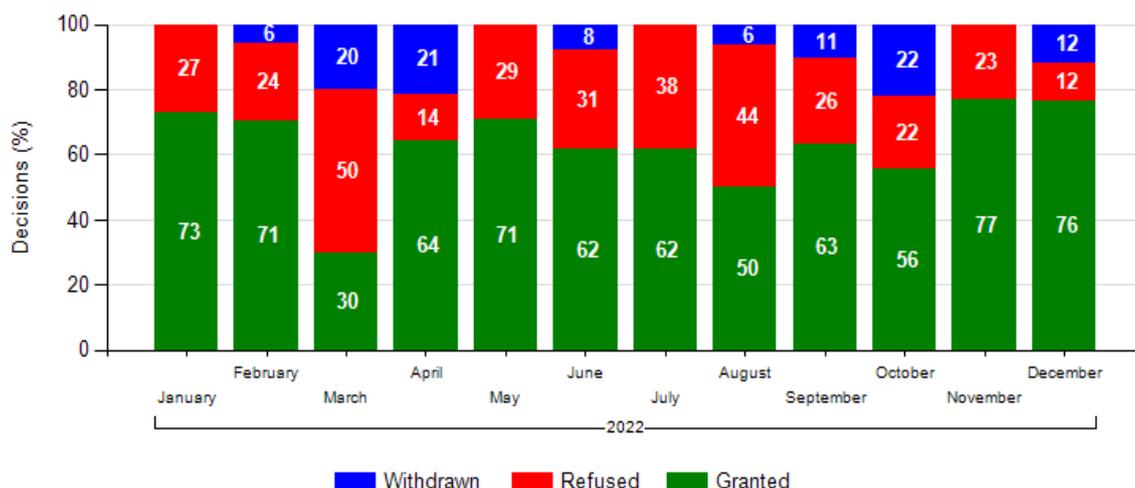
4.5 These targets continue to be achieved due to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions can be sought for a variety of reasons but include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not count 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 officer workloads overall increase which makes dealing with newer applications on time more challenging. Over the longer term, between 30-39% of all applications determined are subject to a time extension.



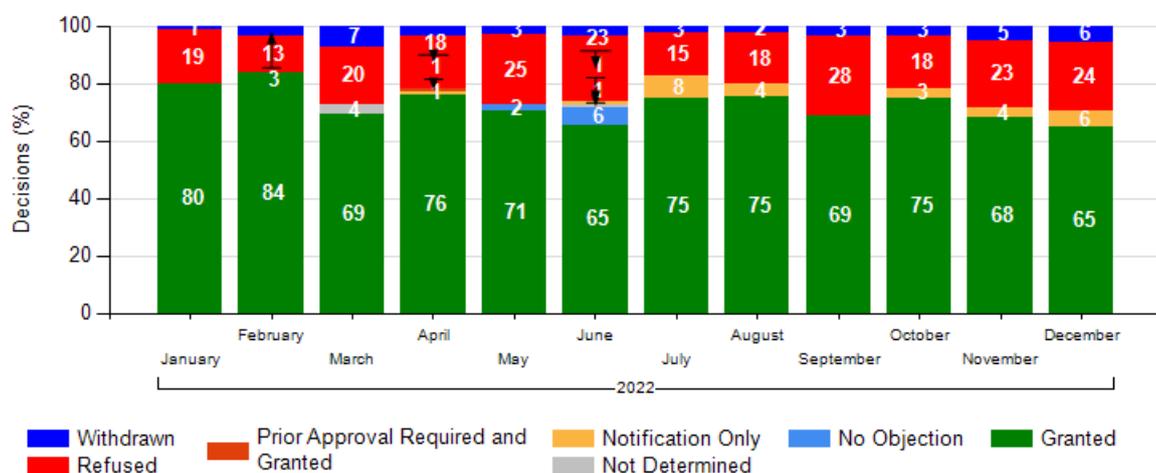
4.6 Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. All three graphs demonstrate that the majority of applications are granted. Withdrawals 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'.



### Minor Applications - Decisions from 01/01/2022 to 31/12/2022



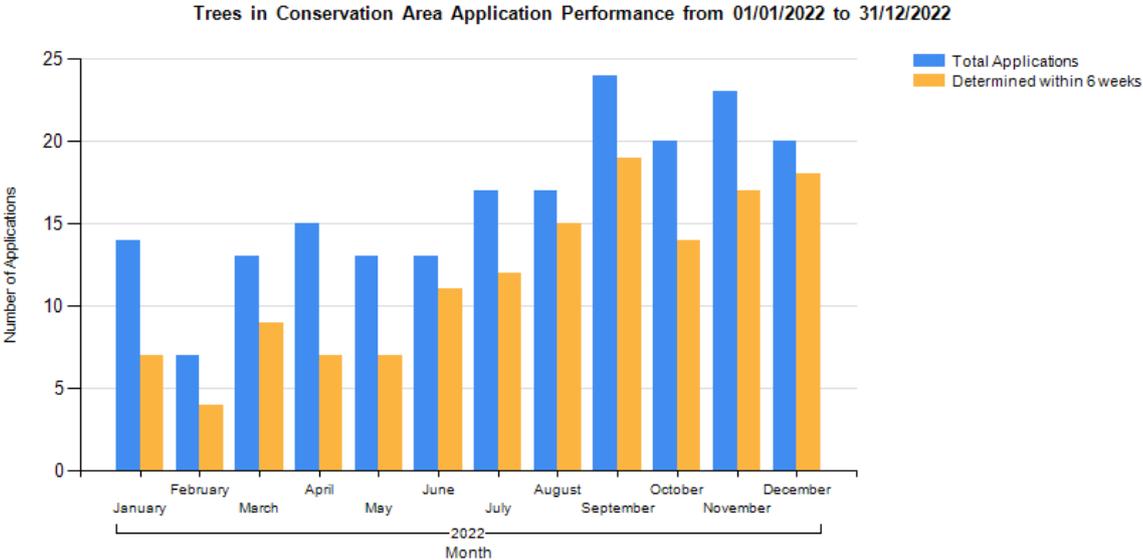
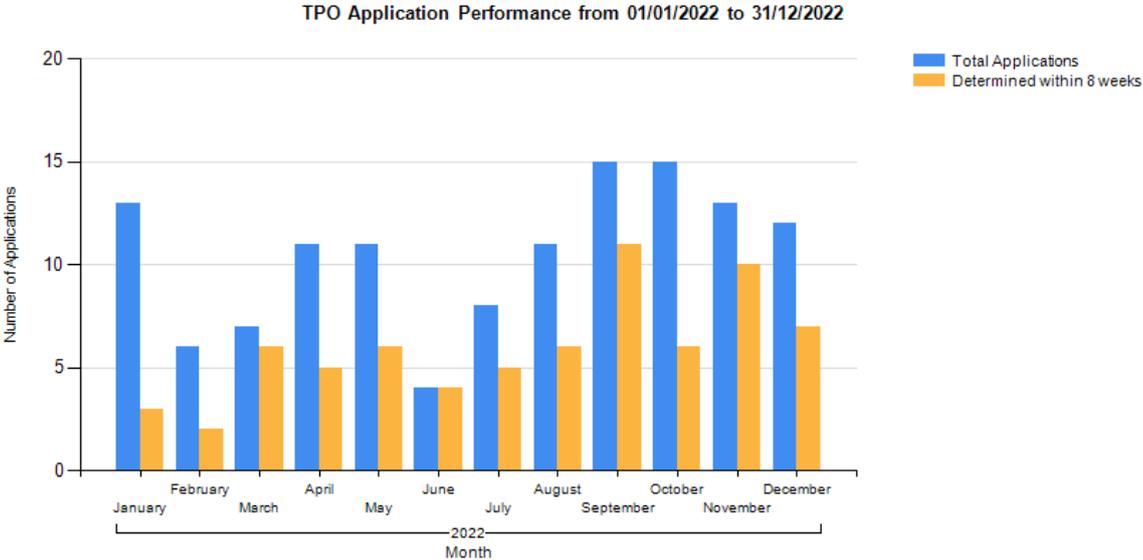
### Other Applications - Decisions from 01/01/2022 to 31/12/2022



## Landscaping

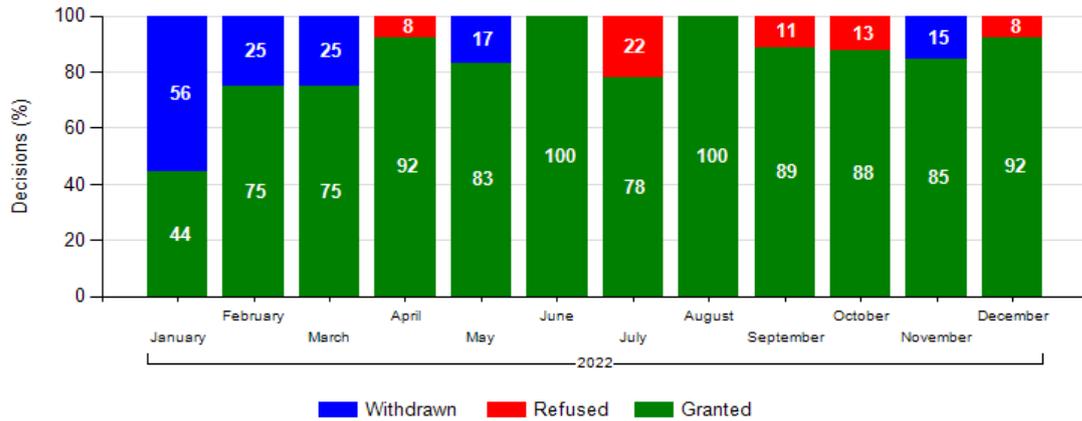
- 4.7 As with previous quarters, the performance of the landscaping team is being reported to enable Members to understand some of the work undertaken by landscape and tree officers which is not already reported to other committees such as the Environment Overview and Scrutiny Committee.
- 4.8 The landscaping 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.
- 4.9 In the region of 300 applications per annum are received which are Estate Management and 400 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 7<sup>th</sup> week, the applicant may undertake the works that they were seeking consent for.

4.10 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 which is challenging for resourcing and the number of decisions made in time are sensitive to changes in officer capacity. It should be noted however that where the Tree Officer identifies a potential risk to a tree of value, this is normally determined within the statutory period in order that further protection for the tree can be put in place if necessary.

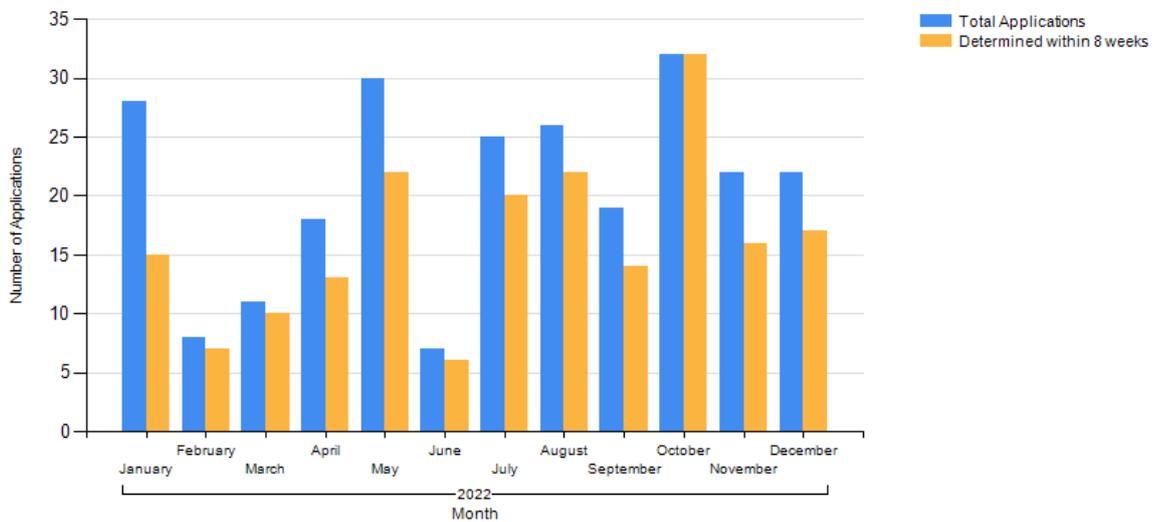


4.11 The graph below shows the number of decisions made on TPO's and Trees in Conservation Areas during the reporting period. The Landscape Officer tries to negotiate acceptable schemes, hence a high approval or no objection rate.

TPO Applications - Decisions from 01/01/2022 to 31/12/2022



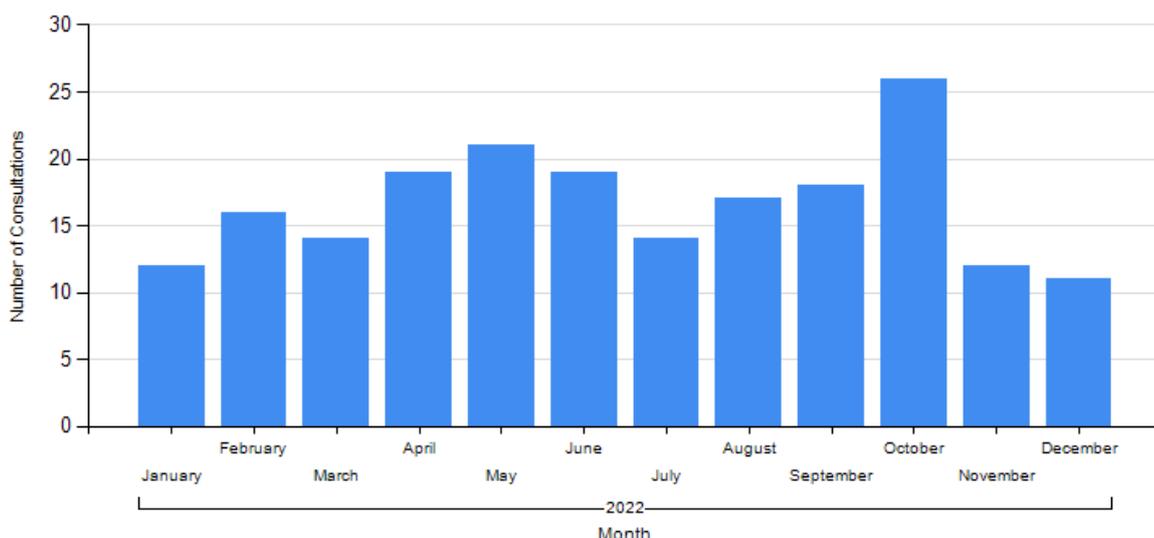
Estate Management Trees Application Performance from 01/01/2022 to 31/12/2022



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

4.13 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 number of consultations per month. Each of these consultations has the potential to consume significant landscape officer time as they need to review tree reports and seek to advise on landscaping improvements to proposals.

Number of Tree Officer Consultations Sent from 01/01/2022 to 31/12/2022

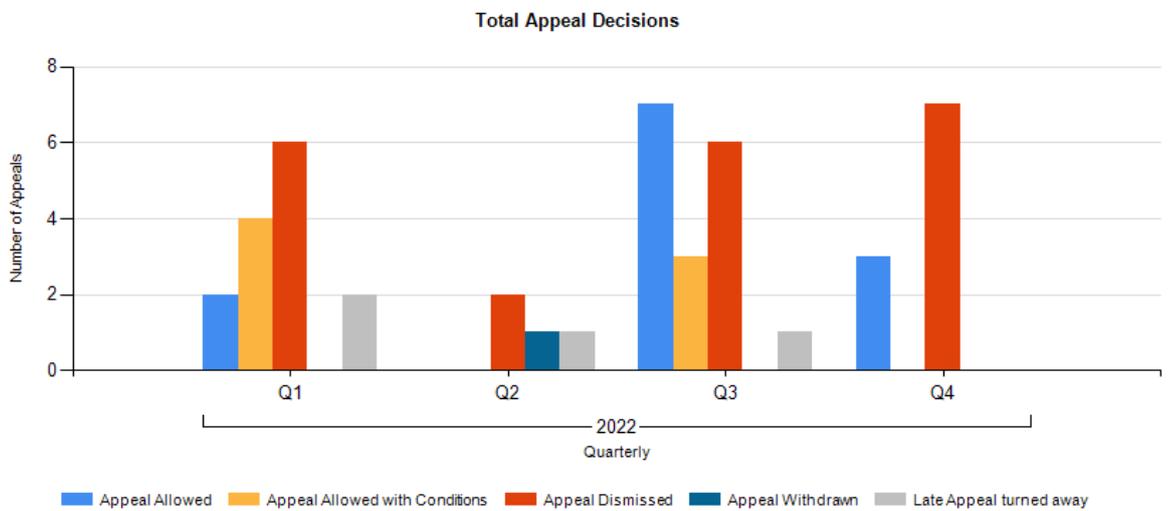


## Appeals

- 4.14 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 have been 10 appeal decisions. Of these, 7 were appeal dismissed and 3 allowed. As has been noted previously, over the longer term, there continues to be a trend towards appeals being allowed or allowed with conditions by the Planning Inspectorate. It should be noted that, with the relatively small number of decisions received, the figures are particularly sensitive to minor changes.
- 4.15 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.
- 4.16 Of the appeal decisions within the last quarter one was a major which was dismissed and the remaining decisions were for non-major applications which shows that 28.6% of the appeals were overturned
- 4.17 The, former, Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling up Housing and Communities) implemented a threshold for quality of decisions for major and 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 latest statistics collated by MHCLG for the two year period to the end of December 2020 for major applications, show that a total of 61 major decisions have been determined with 4 being appealed and 3 overturned. The percentage is therefore 4.9%. For non-majors, the latest statistics for the two year period to the end of September 2020 show that a total of 1673 applications were determined of which 84 were appealed and 20 were allowed at appeal. The percentage is therefore 1.2%. Whilst the percentage of overturned appeals in the last quarter was above the 10% threshold this was only for one quarter and the

measure is over a two year rolling period. However this is an upward trend, even though slight and for a relatively small number of appeal decisions but will need to need to be carefully monitored in future performance reports. For the present the Council remains inside the government’s target and is not at risk of being classed as poorly performing.

- 4.17 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.
- 4.18 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, such cases are reported to the Development Management Committee.

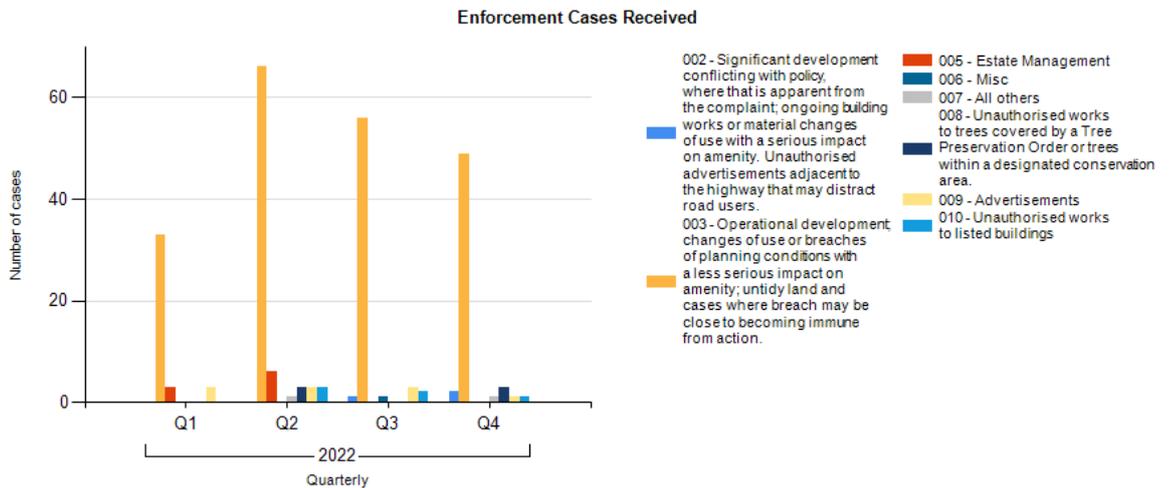


## 5 Enforcement

### Number of cases received

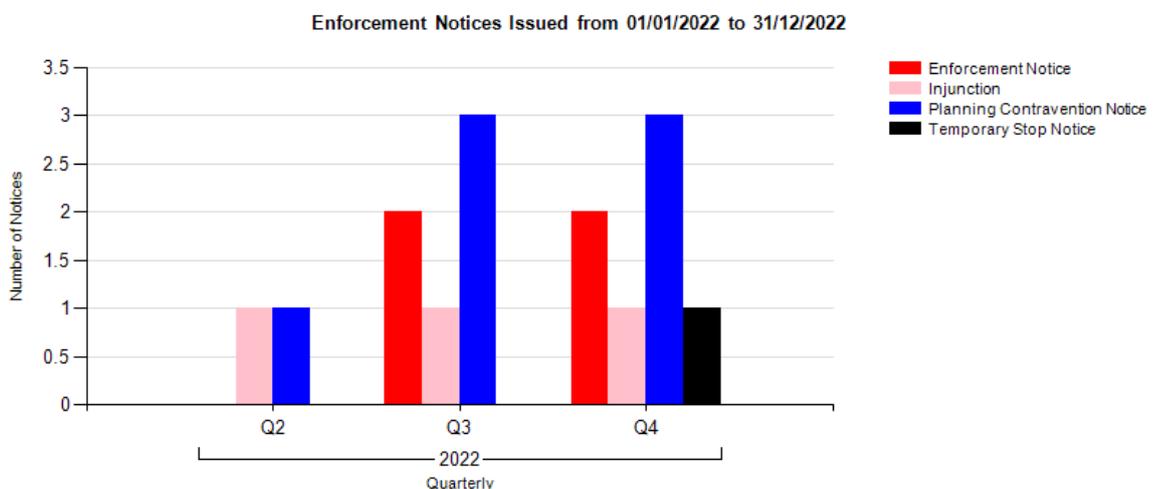
- 5.1 Enforcement continues to be busy with a continued high number of new cases being registered in the last quarter.

As with previous quarters, a lot of cases reported are those considered as having a less serious impact upon amenity, shown in blue and yellow.



## Notices Issued

- 5.2 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. It can be seen that 2 enforcement notices, 1 injunction, 3 planning contravention notices and 1 temporary stop notice have been issued in the last quarter.



- 5.2 There are currently 351 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.

## **Staffing Update**

- 6.1 Planning continues to carry vacant posts which affects the capacity of Development Management, although appointments have been made at Principal and Manager levels to ensure resilience to the Team is maintained.
- 6.2 A new permanent Development Management Service Manager joined the Council on 3<sup>rd</sup> January. A Team Leader/Principal Planning Officer has now been

appointed through an internal promotion and we will be seeking to fill the vacated Senior Development Management Officer post. We are also still seeking to fill an Enforcement Officer post and an Assistant planner post, the latter also being created by an internal promotion. A further advertisement campaign will be progressed to seek to fill the 3 vacant posts.

## **7 Conclusion**

- 7.1 Performance continues to be maintained above required local and national levels.