



PLANNING PERFORMANCE REPORT

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee on planning application, planning appeals and reviews, enforcement and planning customer service performance against key outcome indicators for the period 2015/16.

2 BACKGROUND

- 2.1 The Planning Service is a key regulatory Council function delivering an effective customer focussed planning service, responsible for the assessment and processing of planning applications including the provision of pre application and post application information and advice to applicants, developers and other interested parties, the handling of planning reviews and appeals, the enforcement of planning legislation, the preparation of strategic and local development plans, planning policy and guidance; together with the development and implementation of policy and practice in respect of the conservation of natural and heritage resources, biodiversity, environmental sustainability and climate change.
- 2.2 The primary performance measure is the speed with which applications are determined. To monitor this, the Scottish Government has established statutory performance indicators, the terms of which are set out in section 3 of this report.
- 2.3 At its meeting of 11 May 2010 the Planning Committee instructed that it be provided with regular updates with regard to planning application performance. From February 2015 the Development Management and Planning Policy and Environment teams have been conjoined into a single Planning team.

3 DETERMINATION OF PLANNING APPLICATIONS

- 3.1 Table A, '*Planning Performance in the Handling of Planning Applications for the Period 01/04/15 to 31/03/16*' shows Planning performance with regards the processing of planning applications. While it is acknowledged that quality and speed in decision-making are not necessarily synonymous, speed is one measure of efficiency.
- 3.2 The Statutory Performance Indicators (SPI's) for the determination of planning applications are set by the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 Act). The target is for local planning

authorities to determine 90% of householder applications within 2 months, 80% of other local applications within 2 months and 80% of major applications within 4 months. Overall, the target is to determine 80% of applications within target.

- 3.3 Overall performance (how many applications have been determined within target) continues to be maintained at a high level. In 2015/16 78% of planning applications have been determined within target. This compares to 84% in 2014/15, 84% in 2013/14, 73% in 2012/13, 70% in 2011/12, 65% in 2010/11 and 55% in 2009/10.
- 3.4 A comparison between Midlothian’s performance and the Scottish average for 2012/13, 2013/14 and 2014/15 are shown in the following table:

	Midlothian	Scottish Average	Midlothian	Scottish Average	Midlothian	Scottish Average
	2012/13	2012/13	2013/14	2013/14	2014/15	2014/15
Householder Applications determined within target	90%	86%	94%	86%	92%	86%
All Applications determined within target	73%	69%	84%	73%	87%	72%
Approval Rates	90%	93%	94%	94%	95%	94%

The table shows that Midlothian’s performance is above the Scottish average. The data for 2015/16 has not yet been collated and published by the Scottish Government.

- 3.5 Changes to the way planning performance is being measured came into effect in 2012/13. The introduction of a new Planning Performance Framework (PPF) provides a “balanced scorecard” approach to performance with the objective of giving a more rounded view of overall service quality. Performance measures will be both qualitative and quantitative. The qualitative assessment comprises a statement with regard the quality of development, customer service and efficient and effective decision making; and the quantitative assessment measures the average planning application determination times (rather than the percentage of applications determined within a set target time).
- 3.6 Planning performance with regards the processing of planning applications is also measured by the average time (weeks) to deal with major and local planning applications. Table B, *‘Planning Performance in the Handling of Planning Applications for the Period 2012/13, 2013/14 and 2014/15: The Average Time (weeks) to deal with Major and Local Planning Applications.’* shows Planning performance with regards the processing of planning applications using this new measure.

Table A**Planning Performance in the Handling of Planning Applications for the Period 01/04/15 to 31/03/16**

Performance Indicator	April – June 2015 Q1 2015/16	July – Sept 2015 Q2 2015/16	Oct – Dec 2015 Q3 2015/16	Jan – March 2016 Q4 2015/16	Total for year 2015/16	Total for year 2014/15
% of all local applications determined < 2 months	84% (136 from 162)	80% (150 from 188)	82% (126 from 153)	82% (136 from 165)	82% (548 from 668)	86% (532 from 616)
% of householder applications determined < 2 months	95% (62 from 65)	92% (66 from 72)	88% (51 from 58)	93% (64 from 69)	92% (243 from 264)	93% (236 from 254)
% of other local applications determined < 2 months	72% (59 from 82)	66% (61 from 93)	73% (55 from 75)	71% (55 from 78)	70% (230 from 328)	78% (215 from 274)
% of major applications determined < 4 months ¹	N/a	0% (0 from 2)	0% (0 from 5)	0% (0 from 6)	0% (0 from 13)	11% (1 from 9)
% of non planning applications determined < 2 months ²	100% (15 from 15)	100% (23 from 23)	100% (20 from 20)	94% (17 from 18)	99% (75 from 76)	92% (81 from 88)
Number of Pre Application Consultation applications	1	1	2	4	8	12
Number of recorded pre-application enquiries ³	71	53	43	56	223	229
Number of applications received ⁴	279	232	219	238	968	993

The figures in (*brackets*) are the actual numbers of applications.

¹ A major application can only be submitted after the completion of a Pre Application Consultation (PAC) process.

² Non planning applications comprise; works to trees applications, high hedges applications and prior notification applications.

³ Since June 2010 formal requests for pre application advice have been recorded in the back office database (see paragraphs 6.1 and 6.2 below)

⁴ Figures include planning applications, listed building consents, advert consents, applications under the prior notification procedures, certificates for lawful development, works to trees applications, high hedges applications and formal pre application enquiries.

Table B

Planning Performance in the Handling of Planning Applications for the Period 2012/13, 2013/14 and 2014/15:

The Average Time (weeks) to deal with Major and Local Planning Applications.

Performance Indicator	Midlothian Total for 2012/13	Scottish Average 2012/13	Midlothian Total for 2013/14	Scottish Average 2013/14	Midlothian Total for 2014/15	Scottish Average 2014/15
Local applications (non householder). Average weeks for those applications determined within 2 months.	6.8	7.0	6.8	7.0	6.8	6.9
Local applications (non householder). Average weeks for those applications determined over 2 months.*	26.3	23.4	33.7	25.6	27.0	21.6
Local applications (non householder) overall average	15.8	14.5	13.9	14.3	11.0	12.9
Householder applications. Average weeks for those applications determined within 2 months.	6.7	6.5	6.6	6.6	6.2	6.5
Householder applications. Average weeks for those applications determined over 2 months.	14.0	17.1	11.3	14.2	11.5	13.6
Householder applications overall average	7.5	8.0	6.9	7.7	6.7	7.5
Major applications. Average weeks for all major applications.*	31.8	36.7	60.5	53.8	77.4**	46.4

* The determination time of applications also includes the time periods to negotiate developer contributions and conclude Section 75 legal agreements.

**This figure includes the time taken to conclude the legal agreement and issue the Shawfair planning permission (4,000 houses, schools, town centre and employment opportunities). If this application was excluded from the measure the average time to deal with a major application would drop to 20.8 weeks, significantly below the Scottish Average.

The data for 2015/16 average time (weeks) to deal with major and local planning applications has not yet been collated and published by the Scottish Government.

3.7 Table A shows that in 2015/16 968 applications were received, this is compared to 993 in 2014/15, 883 in 2013/14, 716 in 2012/13 and 619 in 2011/12. This represents an increase in application numbers of over 56% in a four year period. This significant increase in application numbers reflects the increasing construction and development activity taking place in Midlothian.

4 Planning Appeals and Reviews

4.1 For the period April 2015 – March 2016 the Scottish Government Directorate for Planning and Environmental Appeals determined six appeals in Midlothian. The appeal decisions were as follows:

- An appeal against a refusal to grant listed building consent (14/00801/LBC) for the installation of solar panels to roof (retrospective) at Cockpen School House, Cockpen Road, Bonnyrigg has been dismissed. The application was refused on the grounds that the development would not preserve the character of the listed building, its setting or any features of special architectural or historical interest as set out in national and local planning policy
- An appeal against the issuing of an enforcement notice to secure the removal of two dormer windows which have been erected without the benefit of planning permission at 15 Dundas Street, Bonnyrigg has been dismissed. A planning application for the development was refused on the grounds that the development would not preserve the character of the listed building, its setting or any features of special architectural or historical interest as set out in national and local planning policy. This decision was also supported by the LRB.
- An appeal against a refusal to grant planning permission (15/00029/DPP) for the erection of 13 flatted dwellings and 5 dwellinghouses, formation of car parking and access road and associated works on land at the junction of Bryans Road and Morris Road, Newtongrange has been dismissed. The Scottish Government Reporter dismissed the appeal on the adequacy of car parking provision.
- An appeal against a refusal to grant planning permission (14/00044/DPP) for the erection of 9 wind turbines and associated infrastructure on land at Mount Lothian Moss, Penicuik has been dismissed. The application was refused on landscape and visual amenity grounds. The Scottish Government Reporter dismissed the appeal on both these grounds.
- An appeal against a refusal to grant planning permission (15/00365/DPP) for the erection of wind turbines and associated infrastructure on land at Springfield Farm, Penicuik has been upheld. The application was refused on landscape and visual amenity grounds. The Scottish Government Reporter upheld the appeal after considering the proposed development will not be significantly detrimental to the landscape.
- An appeal against non determination of a planning permission in principle application (14/00420/PPP) for residential development and associated infrastructure on land north and south of Lasswade Road, Eskbank has been upheld. The application was not determined by the Council because of the status of the proposed Midlothian Local Development Plan (MLDP), the application being considered to be

premature. The Scottish Government Reporter upheld the appeal after considering the proposed development accords with the provisions of the development plan on the basis that Midlothian Council does not have an effect five year land supply.

- 4.2 Changes in the planning system introduced by the Scottish Government in 2009 required each local planning authority to establish a local review body (LRB) to review planning decisions made under delegated powers. In the period April 2015 – March 2016 a total of 16 cases were determined, details of which are attached at Appendix A. Prior to the changes introduced by the new planning act all of these ‘appeals’ would have been determined by Scottish Ministers.
- 4.3 In 2015/16 there was six appeal decisions and 16 reviews determined. This compares to 4 appeal decisions and 16 reviews determined in 2014/15, 2 appeal decisions and 16 reviews determined in 2013/14, 7 appeal decisions and 18 reviews determined in 2012/13, 5 appeal decisions and 22 reviews determined in 2011/12, 1 appeal decision and 14 reviews determined in 2010/11 and 15 appeal decisions and 1 review determined in 2010/11; indicating the expected shift of planning appeal decisions from national to local level.

5 Planning Enforcement

- 5.1 In addition to the determination of planning applications and appeals, the Planning service is responsible for the enforcement of planning legislation. The Council has an adopted Enforcement Charter which outlines the Council’s approach to investigating and resolving alleged breaches of planning control. The table below outlines the number of formal notices issued and the number of cases which have been/are subject to investigation.

Performance Indicator	April – June 2015 Q1 2015/16	July – Sept 2015 Q2 2015/16	Oct – Dec 2015 Q3 2015/16	Jan – March 2016 Q4 2015/16	Total for year 2015/16	Total for year 2014/15
Number of notices issued*	1	0	5	1	7	4
Number of enforcement cases lodged**	52	31	31	33	147	155

* The full range of notices which the planning authority could issue is outlined in the Council’s adopted Enforcement Charter.

** Many enforcement enquires are resolved without developing into ‘cases’ and are therefore not counted against this performance measure.

6 Customer Services

6.1 The 'Duty Officer' Service

In addition to the handling of planning applications and planning appeals, enforcement of planning control and the preparation of development/design briefs the team responds to a wide range of associated enquiries giving planning advice to the public and others. Such enquiries include giving pre application advice, advising whether planning permission is required for a particular development and giving specialist tree and landscape advice. Each month the Planning duty service receives over 400 phone calls, an estimated 100 written enquiries and 150 visits to the reception (these statistics do not include the contact made directly to planning application case officers).

6.2 Pre Application Advice

In June 2010 a formal pre application advice service was introduced. This service supplemented the more informal advice given on a daily basis by the 'duty office'. Pre application advice requested in writing is recorded in the Council's back office database and the responses are monitored. This has helped to improve the management of this service and the advice given. A total of 223 formal pre application enquiries were submitted in 2015/16, this compares to 229 submitted in 2014/15, 189 submitted in 2013/14, 153 submitted in 2012/13, 140 submitted in 2011/12 and 91 submitted in 2010/11.

6.3 E-planning

Following the successful implementation of the Council's Online Applications and Appeals (OAA), Online Planning Information Systems (OPIS) and eConsultations (eCONS) work streams the Council's Planning service went live on 29 April 2009 and all planning applications submitted following this date have been made available online. In addition to these applications being available online a programme of back scanning has been undertaken and in total 7,048 (on 11 April 2016) planning applications can be viewed online. The Council's stakeholders are actively engaged with the online services, and the public access terminals located in Fairfield House reception are widely used by members of the public for viewing planning applications. Since 29 April 2009, 2,106 planning applications (representing 35% of the total number received) have been submitted using the online services and some 8,874 comments (45% of all comments) have been received from members of the public via the web; objecting to or supporting planning applications. Since April 2009 (and as at 11 April 2016) 842,957 planning application searches have been performed via the Council's website.

7 Recommendations

7.1 It is recommended that the Committee:

- (i) notes the content of this report; and
- (ii) continues to receive an annual Planning performance report.

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Background Papers

- (a) Planning (Scotland) Act 2006
- (b) New Regulation and Circulars
- (c) Previous Committee Reports regard the new planning act

Appendix A

Table of Local Review Body Decisions (April 2015 to March 2016)

	Application Reference	Site Address	Proposed Development	Status of Review
1	14/00855/DPP	15 St James Gardens, Penicuik	Removal of materials condition	Permission granted at LRB meeting of 28.04.2015
2	14/00773/PPP	Craigesk Coachworks, 6 Ashbank, Gorebridge	Erection of dwellinghouse, formation artist studio and formation of access	Permission granted at LRB meeting of 28.04.2015
3	15/00034/DPP	Honeysuckle Cottage, Nine Mile Burn, Penicuik	Erection of upper floor extension and alterations to conservatory	Permission granted at LRB meeting of 01.09.2015
4	15/00185/DPP	86 Main Street, Newtongrange	Erection of dwellinghouse	Review dismissed at LRB meeting of 01.09.2015
5	15/00199/DPP	Land at Stone Place, Mayfield	Siting of Welfare Block	Permission granted at LRB meeting of 20.10.2015
6	15/00222/DPP	Land adjacent 103 Lothian Street, Bonnyrigg	Formation of car park	Review dismissed at LRB meeting of 01.09.2015
7	15/00325/DPP	205 Main Street, Pathhead	Removal of condition restricting installation of windows	Review dismissed at LRB meeting of 01.09.2015
8	15/00120/DPP	Springfield Farm, Polton, Lasswade	Erection of fence and gate and formation of access track	Review dismissed at LRB meeting of 20.10.2015
9	15/00335/PPP	Former Arniston Gas Works, Gorebridge	Residential development of 10 units	Permission granted at LRB meeting of 20.10.2015
10	15/00592/DPP	Whitehill, Nine Mile Burn, Penicuik	Erection of dwellinghouse	Permission granted at LRB meeting of 24.11.2015
11	15/00591/DPP	Land south of Camp Wood, Dalkeith	Erection of dwellinghouse and associated buildings	Permission granted at LRB meeting of 19.01.2016
12	15/00158/DPP	Land at Shewington, Rosewell	Temporary test piling facility	Permission granted at LRB meeting of 19.01.2016
13	15/00740/DPP	4 Newmills Road, Dalkeith	Change of use of office to residential (2 flats)	Permission granted at LRB meeting of 08.03.2016
14	15/00767/DPP	St Mary's Lodge, Rosewell	Erection of extension to dwellinghouse	Permission granted at LRB meeting of 08.03.2016
15	15/00762/DPP	42 Station Road, Roslin	Erection of extension to dwellinghouse	Permission granted at LRB meeting of 08.03.2016
16	15/00703/DPP	Former Lugton Inn Site, Old Dalkeith Road, Dalkeith	Erection of 5 dwellinghouses	Permission granted at LRB meeting of 08.03.2016