

Development Management Performance

Report by John Blair, Director Resources

1 Purpose of Report

The purpose of this report is to bring to the Committee's attention the attached report by the Head of Planning and Development on Development Management Performance.

2 Background

The report was considered by the Planning Committee on 27 August 2013, when the Committee agreed, as follows:-

- (a) to noted the content of the report;
- (b) to receive further development management performance reports on a six-monthly basis; and
- (c) to refer the report to the Performance, Review and Scrutiny Committee for its interest.

3 Report Implications

These are as outlined in the attached report by the Head of Planning and Development

4 Recommendations

The Committee is invited to consider the attached report by the Head of Planning and Development.

30 September 2012

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Background Papers:



DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

Report by Head of Planning and Development

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee on Development Management performance against key outcome indicators for the period July 2012 – June 2013 (2012/13 Quarters 2, 3 and 4 and 2013/14 Quarter 1).

2 BACKGROUND

- 2.1 The Development Management Service is a key regulatory part of the Council's planning function. It handles planning applications and planning appeals, enforcement of planning control, preparation of development/design briefs; and a range of associated activities including provision of planning advice to the public and others.
- 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 Development Management performance.

3 DETERMINATION OF PLANNING APPLICATIONS

- 3.1 Table A, '*Development Management Performance in the Handling of Planning Applications for the Period 01/07/12 to 30/06/13*' shows Development Management 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.

- 3.3 Overall performance (how many applications have been determined within target) improved in 2012/13 when compared to previous years. This improvement is being maintained through 2013/14. In 2013/14 (Q1), 87% of planning applications have been determined within target. This compares to 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 and 2011/12 are shown in the following table:

	Midlothian 2011/12	Scottish Average 2011/12	Midlothian 2012/13	Scottish Average 2012/13
Householder Applications determined within target (2 months)	83%	84%	90%	86%
All Applications determined within target (2 months for local developments and 4 months for major applications)	70%	67%	73%	69%
Approval Rates	92%	92%	90%	93%

- 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 Development Management 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, *'Development Management Performance in the Handling of Planning Applications for the Period 2011/12 and 2012/13: The Average Time (weeks) to deal with Major and Local Planning Applications.'* shows Development Management performance with regards the processing of planning applications using this new measure.

Table A**Development Management Performance in the Handling of Planning Applications for the Period 01/07/12 to 30/06/13**

Performance Indicator	July – Sept 2012 Q2 2012/13	Oct – Dec 2012 Q3 2012/13	Jan – March 2013 Q4 2012/13	April – June 2013 Q1 2013/14	Total for year 2012/13
% of all local applications determined < 2 months	73% (100 from 136)	79% (109 from 138)	71% (95 from 134)	89% (110 from 123)	75% (401 from 537)
% of householder applications determined < 2 months	87% (55 from 63)	92% (71 from 65)	90% (61 from 68)	100% (62 from 62)	90% (245 from 273)
% of other local applications determined < 2 months	62% (45 from 73)	66% (44 from 67)	52% (34 from 66)	79% (48 from 61)	59% (156 from 264)
% of major applications determined < 4 months*	0% (0 from 2)	11% (1 from 9)	0% (0 from 1)	25% (1 from 4)	19% (3 from 16)
% of non planning applications determined < 2 months**	100% (11 from 11)	86% (25 from 29)	100% (10 from 10)	100% (27 from 27)	94% (75 from 80)
Number of Pre Application Consultation applications*	3	1	2	4	9
Number of recorded pre-application enquiries***	30	38	52	40	153
Number of applications received	179	144	192	224	716

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

* The new planning act introduced new procedures regarding the determination and recording of major applications from 3 August 2009. From that date major applications can only be submitted after completion of the Pre Application Consultation (PAC) process.

** Non planning applications comprise; works to trees applications and prior notification applications.

*** 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

Table B

Development Management Performance in the Handling of Planning Applications for the Period 2011/12 and 2012/13:

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

Performance Indicator	Midlothian Average 2011/12	Scottish Average 2011/12	Midlothian Total for 2012/13	Scottish Average 2012/13
Local applications (non householder). Average weeks for those applications determined within 2 months.	7.3	7.1	6.8	7.0
Local applications (non householder). Average weeks for those applications determined over 2 months.*	32.5	28.8	26.3	23.4
Local applications (non householder) overall average	18.0	17.0	15.8	14.5
Householder applications. Average weeks for those applications determined within 2 months.	7.3	6.8	6.7	6.5
Householder applications. Average weeks for those applications determined over 2 months.	16.2	16.6	14.0	17.1
Householder applications overall average	9.0	8.3	7.5	8.0
Major applications. Average weeks for all major applications.*	71.0	69.1	31.8	36.7

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

4 Planning Appeals and Reviews

- 4.1 For the period October 2012 – June 2013 the Scottish Government Directorate for Planning and Environmental Appeals determined four appeals in Midlothian. The appeal decisions were as follows:
- Erection of garage, workshop and studio at 3 Eskview Villas, Eskbank, Dalkeith – appeal allowed (this appeal was against non determination).
 - The refusal of a certificate of lawful development regarding the occupation of a dwellinghouse contrary to a condition at Loanview House, Lang Loan, Straiton – appeal dismissed and the Council was awarded costs.
 - The siting of extra caravans on the open space provision at Nivensknowe Park, Loanhead – appeal dismissed.
 - An appeal against a condition controlling the style of windows imposed on a grant of planning permission to carry out various alterations and extension at Broachrigg Farmhouse (listed building), Rosewell – appeal dismissed.
- 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 October 2012 – June 2013 a total of 13 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 2012/13 there was 7 appeal decisions and 18 reviews determined. This compares to 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 2009/10; 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, Development Management 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	July – Sept 2012 Q2 2012/13	Oct – Dec 2012 Q3 2012/13	Jan – March 2013 Q4 2012/13	April – June 2013 Q1 2013/14	Total for year 2012/13
Number of notices issued*	2	6	4	4	12
Number of enforcement cases lodged**	28	24	36	51	144

* The full range of notices which the planning authority could issue is outlined in the Council's adopted Enforcement Charter (an amended version of the Charter was approved by the Planning Committee at its meeting 12 January 2010).

** 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 Development Management 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 153 formal pre application enquiries were submitted in 2012/13, this compares to 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 4,326 (on 15 July 2013) 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, 966 planning applications (representing 29% of the total number received) have been submitted using the online services and some 1,937 comments (47% 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 15 July 2013) 489,162 planning application searches have been performed via the Council's website.

8 Recommendations

8.1 It is recommended that the Committee:

- (i) notes the content of this report;
- (ii) continues to receive further development management performance reports on a six-monthly basis; and
- (iii) refers this report to the Performance, Review and Scrutiny Committee for information.

Date: 20 August 2013

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Background Papers

- (a) Scottish Government White Paper: Modernising the Planning System: June 2005**
- (b) Planning (Scotland) Act 2006**
- (c) New Regulation and Circulars**
- (d) Previous Committee Reports regard the new planning act**

Appendix A

Table of Local Review Body Decisions (October 2012 to June 2013)

	Application Reference	Site Address	Proposed Development	Status of Review
1	12/00208/DPP	8 Mayburn Walk, Loanhead	Erection of balcony	Permission granted at LRB meeting of 23.10.2012
2	12/00207/DPP	10 Eskbank Road, Dalkeith	Cladding of front elevation of building	Permission granted at LRB meeting of 23.10.2012
3	12/00377/DPP	2 Glen View, Penicuik	Erection of garage	Permission granted at LRB meeting of 27.11.2012
4	12/00188/DPP	48 Sixth Street, Newtongrange	Erection of extension	Permission granted at LRB meeting of 27.11.2012
5	12/00314/DPP	Cleikemin Cottage, Howgate	Erection of extension	Review dismissed at LRB meeting of 27.11.2012
6	12/00526/DPP	Hillview Cottage, Woolmet, Dalkeith	Erection of two dwellings	Permission granted at LRB meeting of 22.01.2013
7	12/00486/DPP	5 Lothian Bank, Dalkeith	Installation of replacement windows	Review dismissed at LRB meeting of 22.01.2013
8	12/00750/DPP	10A Lower Broomieknowe, Lasswade	Variation/removal of condition regarding matching materials	Permission granted at LRB meeting of 23.04.2013
9	12/00795/DPP	15 Main Street, Gorebridge	Change of use shop to hot food takeaway	Permission granted at LRB meeting of 23.04.2013
10	12/00693/DPP	27 The Square, Penicuik	Change of use shop to hot food takeaway	Permission granted at LRB meeting of 23.04.2013
11	12/00654/PPP	Land to south west of Mosshouses, Penicuik	Erection of dwellinghouse	Permission granted at LRB meeting of 04.06.2013
12	12/00390/DPP	Unit 23, Eldin Industrial Estate, Loanhead	Variation of condition regarding operating hours	Permission granted at LRB meeting of 04.06.2013
13	12/00796/DPP	Land north of Edgefield Toll Farm, Loanhead	Change of use of agricultural land to open storage	Permission granted at LRB meeting of 04.06.2013