

## **DEVELOPMENT MANAGEMENT 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 Development Management performance against key outcome indicators for the period 2013/14.

### **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 01/04/13 to 31/03/14'* 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 2013/14 when compared to previous years. In 2013/14 84% 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<br>2011/12 | Scottish<br>Average<br>2011/12 | Midlothian<br>2012/13 | Scottish<br>Average<br>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%                            |

The table shows that Midlothian's performance is above the Scottish average. The data for 2013/14 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 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 01/04/13 to 31/03/14**

| Performance Indicator   | April – June<br>2013<br><br>Q1<br>2013/14 | July – Sept<br>2013<br><br>Q2<br>2013/14 | Oct – Dec<br>2013<br><br>Q3<br>2013/14 | Jan – March<br>2014<br><br>Q4<br>2013/14 | <b>Total for year<br/>2013/14</b> | Total for year<br>2012/13 |
|---|---|--|--|--|-----------------------------------|---------------------------|
| % of all local applications determined < 2 months                 | 88%<br>(110 from 125)                     | 83%<br>(117 from 141)                    | 86%<br>(116 from 135)                  | 86%<br>(100 from 119)                    | <b>85%<br/>(443 from 520)</b>     | 75%<br>(401 from 537)     |
| % of householder applications determined < 2 months               | 100%<br>(62 from 62)                      | 94%<br>(63 from 67)                      | 89%<br>(57 from 64)                    | 95%<br>(42 from 44)                      | <b>95%<br/>(224 from 237)</b>     | 90%<br>(245 from 273)     |
| % of other local applications determined < 2 months               | 76%<br>(48 from 63)                       | 73%<br>(54 from 74)                      | 66%<br>(59 from 71)                    | 74%<br>(57 from 77)                      | <b>76%<br/>(218 from 285)</b>     | 59%<br>(156 from 264)     |
| % of major applications determined < 4 months <sup>1</sup>        | 25%<br>(1 from 4)                         | 0%<br>(0 from 2)                         | 0%<br>(0 from 1)                       | 0%<br>(0 from 1)                         | <b>13%<br/>(1 from 8)</b>         | 19%<br>(3 from 16)        |
| % of non planning applications determined < 2 months <sup>2</sup> | 100%<br>(30 from 30)                      | 95%<br>(21 from 22)                      | 100%<br>(17 from 17)                   | 100%<br>(20 from 20)                     | <b>99%<br/>(88 from 89)</b>       | 94%<br>(75 from 80)       |
| Number of Pre Application Consultation applications               | 4   | 6  | 1                                      | 1  | <b>12</b>                         | 9                         |
| Number of recorded pre-application enquiries <sup>3</sup>         | 40  | 45                                       | 42                                     | 62                                       | <b>189</b>                        | 153                       |
| Number of applications received <sup>4</sup>                      | 224                                       | 214                                      | 199                                    | 153                                      | <b>883</b>                        | 716                       |

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

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

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

<sup>3</sup> 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)

<sup>4</sup> 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**

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<br>Average<br><br>2011/12 | Scottish Average<br><br>2011/12 | Midlothian Total for<br><br>2012/13 | Scottish Average<br><br>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.

The data for 2013/14 average time (weeks) to deal with major and local planning applications has not yet been collated and published by the Scottish Government.

## 4 Planning Appeals and Reviews

4.1 For the period April 2013 – March 2014 the Scottish Government Directorate for Planning and Environmental Appeals determined two appeals in Midlothian. The appeal decisions were as follows:

- 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.
- Erection of 9 wind turbines (115m height to blade tip) at land at Fala Moor, Fala – 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 April 2013 – March 2014 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 2013/14 there was 2 appeal decisions and 16 reviews determined. This compares to 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, 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                | April – June 2013<br><br>Q1 2013/14 | July – Sept 2013<br><br>Q2 2013/14 | Oct – Dec 2013<br><br>Q3 2013/14 | Jan – March 2014<br><br>Q4 2013/14 | Total for year 2013/14 | Total for year 2012/13 |
|--------------------------------------|-------------------------------------|------------------------------------|----------------------------------|------------------------------------|------------------------|------------------------|
| Number of notices issued*            | 4                                   | 3                                  | 0                                | 0                                  | 7                      | 12                     |
| Number of enforcement cases lodged** | 52                                  | 25                                 | 35                               | 24                                 | 136                    | 144                    |

\* 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 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 189 formal pre application enquiries were submitted in 2013/14, this compares to 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 4,943 (on 1 April 2014) 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, 1,215 planning applications (representing 30% of the total number received) have been submitted using the online services and some 2,509 comments (44% 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 31 March 2014) 586,625 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.

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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 (April 2013 to March 2014)**

|           | <b>Application Reference</b> | <b>Site Address</b>                         | <b>Proposed Development</b>   | <b>Status of Review</b>                         |
|-----------|------------------------------|---|---|---|
| <b>1</b>  | 12/00750/DPP                 | 10A Lower Broomieknowe, Lasswade            | Variation/removal of condition regarding matching materials         | Permission granted at LRB meeting of 23.04.2013 |
| <b>2</b>  | 12/00795/DPP                 | 15 Main Street, Gorebridge                  | Change of use shop to hot food takeaway                             | Permission granted at LRB meeting of 23.04.2013 |
| <b>3</b>  | 12/00693/DPP                 | 27 The Square, Penicuik                     | Change of use shop to hot food takeaway                             | Permission granted at LRB meeting of 23.04.2013 |
| <b>4</b>  | 12/00654/PPP                 | Land to south west of Mosshouses, Penicuik  | Erection of dwellinghouse   | Permission granted at LRB meeting of 04.06.2013 |
| <b>5</b>  | 12/00390/DPP                 | Unit 23, Eldin Industrial Estate, Loanhead  | Variation of condition regarding operating hours                    | Permission granted at LRB meeting of 04.06.2013 |
| <b>6</b>  | 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 |
| <b>7</b>  | 12/00792/DPP                 | 38 Dewartown, Gorebridge                    | Replacement windows   | Permission granted at LRB meeting of 03.09.2013 |
| <b>8</b>  | 13/00002/DPP                 | 41 Easter Langside Medway, Dalkeith         | Extension to dwellinghouse  | Permission granted at LRB meeting of 03.09.2013 |
| <b>9</b>  | 12/00835/DPP                 | Eastfield Industrial Estate, Penicuik       | Change of use of industrial unit to dance and fitness studio        | Review dismissed at LRB meeting of 03.09.2013   |
| <b>10</b> | 13/00161/DPP                 | Hardengreen Industrial Estate, Dalkeith     | Change of use of industrial unit to fitness studio                  | Permission granted at LRB meeting of 03.09.2013 |
| <b>11</b> | 13/00348/DPP                 | Braidlaw Farmhouse, Penicuik                | Removal of condition tying dwellinghouse to the land/rural business | Permission granted at LRB meeting of 26.11.2013 |
| <b>12</b> | 13/00448/DPP                 | Land at 2 and 4 Crichton Avenue, Pathhead   | Erection of dwellinghouse   | Review dismissed at LRB meeting of 26.11.2013   |
| <b>13</b> | 13/00370/DPP                 | Land at Soutra Mains Farm, Pathhead         | Erection of four retail units                                       | Review dismissed at LRB meeting of 21.01.2014   |
| <b>14</b> | 13/00508/DPP                 | 33 Mayburn Terrace, Loanhead                | Conversion of dwellinghouse to three flats and alterations          | Review dismissed at LRB meeting of 21.01.2014   |
| <b>15</b> | 13/00634/DPP                 | 243 Eskhill, Penicuik                       | Erection of corrugated metal shed                                   | Review dismissed at LRB meeting of 04.03.2014   |
| <b>16</b> | 13/00825/DPP                 | 62 Hadfast Road, Cousland                   | Erection of rear extension  | Permission granted at LRB meeting of 04.03.2014 |