

## **Development Management Performance**

### **Report by John Blair, Director, Corporate 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 20 November 2012, when the Committee agreed, as follows:-

- (a) To note the content of the report;
- (b) To agree 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.

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**Report Contact:** Mike Broadway Tel No 0131 271 3160  
mike.broadway@midlothian.gov.uk

**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 April 2012 – September 2012 (Quarters 1 and 2).

#### **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 Development Management performance.

#### **3 DETERMINATION OF PLANNING APPLICATIONS**

- 3.1 Table A, *'Development Management Performance in the Handling of Planning Applications for the Period 01/10/11 to 30/09/12'* 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 2011/12 when compared to previous years. This improvement is being maintained through 2012/13. In 2012/13 (Q1 and Q2), 73% of planning applications have been determined within target. This compares to 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 2011/12 and 2010/11 are shown in the following table:

|   | Midlothian<br>2010/11 | Scottish<br>Average<br>2010/11 | Midlothian<br>2011/12 | Scottish<br>Average<br>2011/12 |
|---|-----------------------|--------------------------------|-----------------------|--------------------------------|
| Householder Applications determined within target (2 months)  | 81%                   | 83%                            | 83%                   | 84%                            |
| All Applications determined within target (2 months for local developments and 4 months for major applications) | 65%                   | 66%                            | 70%                   | 67%                            |
| Approval Rates  | 92%                   | 93%                            | 92%                   | 92%                            |

- 3.5 Changes to the way planning performance is being measured will take effect from 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). A separate report on Midlothian's Planning Performance Framework is an item elsewhere on this agenda.
- 3.6 From 2012/13 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. The Scottish Government have also requested the new measure is applied retrospectively to 2011/12. Table B, *'Development Management Performance in the Handling of Planning Applications for the Period 01/10/11 to 30/09/12: 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 01/04/12 to 30/09/12**

| Performance Indicator                                  | Oct – Dec<br>2011<br><br>Q3<br>2011/12 | Jan – March<br>2012<br><br>Q4<br>2011/12 | April – June<br>2013<br><br>Q1<br>2012/13 | July – Sept<br>2013<br><br>Q1<br>2012/13 | <b>Total for year<br/>2012/13<br/>(Q1 and Q2)</b> | Total for year<br>2011/12 |
|--|--|--|---|--|---|---------------------------|
| % of all local applications determined < 2 months      | 63%<br>(100 from 158)                  | 60%<br>(80 from 134)                     | 75%<br>(97 from 129)                      | 73%<br>(100 from 136)                    | <b>74%<br/>(197 from 265)</b>                     | 70%<br>(389 from 559)     |
| % of householder applications determined < 2 months    | 73%<br>(61 from 83)                    | 76%<br>(39 from 54)                      | 90%<br>(64 from 71)                       | 87%<br>(55 from 63)                      | <b>88%<br/>(119 from 134)</b>                     | 83%<br>(223 from 270)     |
| % of other local applications determined < 2 months    | 52%<br>(39 from 75)                    | 56%<br>(41 from 73)                      | 57%<br>(33 from 58)                       | 62%<br>(45 from 73)                      | <b>59%<br/>(78 from 131)</b>                      | 59%<br>(166 from 279)     |
| % of major applications determined < 4 months*         | 0%<br>(0 from 1)                       | 0%<br>(0 from 2)                         | 50%<br>(2 from 4)                         | 0%<br>(0 from 2)                         | <b>33%<br/>(2 from 6)</b>                         | 18%<br>(2 from 11)        |
| % of non planning applications determined < 2 months** | 87%<br>(20 from 23)                    | 67%<br>(4 from 6)                        | 100%<br>(17 from 17)                      | 100%<br>(11 from 11)                     | <b>100%<br/>(28 from 28)</b>                      | 78%<br>(50 from 64)       |
| Number of Pre Application Consultation applications*   | 4                                      | 1  | 3   | 3  | <b>6</b>  | 9                         |
| Number of recorded pre-application enquiries***        | 34                                     | 27                                       | 33  | 30                                       | <b>63</b>   | 140                       |
| Number of applications received                        | 139                                    | 147                                      | 129                                       | 179                                      | <b>308</b>  | 619                       |

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 01/04/11 to 30/09/12:

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

| Performance Indicator  | Midlothian<br>Average<br><br>2011/12 | Scottish<br>Average<br><br>2011/12 | Midlothian<br>Total for<br><br>Q1: 2012/13 | Scottish<br>Average<br><br>Q1: 2012/13 | Midlothian<br>Total for<br><br>Q2: 2012/13 | Scottish Average<br><br>Q2: 2012/13 |
|--|--------------------------------------|------------------------------------|--|--|--|-------------------------------------|
| Local applications (non householder).<br>Average weeks for those applications<br>determined within 2 months. | 7.3                                  | 7.1                                | 6.5  | 7.1                                    | 6.4  | N/A                                 |
| Local applications (non householder).<br>Average weeks for those applications<br>determined over 2 months.*  | 32.5                                 | 28.8                               | 19.9                                       | 17.0                                   | 51.2                                       | N/A                                 |
| Local applications (non householder)<br>overall average  | 18.0                                 | 17.0                               | 12.6                                       | 12.7                                   | 27.0                                       | N/A                                 |
| Householder applications. Average<br>weeks for those applications<br>determined within 2 months.             | 7.3                                  | 6.8                                | 7.2  | 6.8                                    | 6.5  | N/A                                 |
| Householder applications. Average<br>weeks for those applications<br>determined over 2 months.               | 16.2                                 | 16.6                               | 16.1                                       | 16.1                                   | 12.8                                       | N/A                                 |
| Householder applications overall<br>average  | 9.0                                  | 8.3                                | 8.2  | 8.0                                    | 7.4  | N/A                                 |
| Major applications. Average weeks<br>for all major applications.*  | 71.0                                 | 69.1                               | 65.1                                       | 63.0                                   | 87.8                                       | N/A                                 |

\* 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 April 2012 – September 2012 the Scottish Government Directorate for Planning and Environmental Appeals determined three appeals in Midlothian. The appeal decisions were as follows:
- Erection of conservatory at Mauldslie West Cottage (listed building), Temple, Gorebridge – appeal allowed.
  - Installation of replacement door and windows at Mauldslie West Cottage (listed building), Temple, Gorebridge – appeal dismissed.
  - Erection of advert board on gable elevation at Black Bull (listed building), Buccleuch Street, Dalkeith – appeal dismissed.
- 4.2 Changes in the planning system introduced by the Scottish Government required each local planning authority to establish a local review body (LRB) to review planning decisions made under delegated powers. In the period April 2012 – September 2012 a total of 11 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 (Q1 and Q2) there was 3 appeal decisions and 11 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 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                | Oct – Dec 2011<br><br>Q3 2011/12 | Jan – March 2012<br><br>Q4 2011/12 | April – June 2012<br><br>Q1 2012/13 | July – Sept 2012<br><br>Q2 2012/13 | Total for year 2012/13<br><br>(Q1 and Q2) | Total for year 2011/12 |
|--------------------------------------|----------------------------------|------------------------------------|-------------------------------------|------------------------------------|---|------------------------|
| Number of notices issued*            | 5                                | 1                                  | 0                                   | 2                                  | 2   | 12                     |
| Number of enforcement cases lodged** | 34                               | 48                                 | 56                                  | 28                                 | 84  | 155                    |

\* 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 respond 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 63 formal pre application enquiries were submitted in quarters 1 and 2 of 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 3,376 (on 6 November 2012) 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, 739 planning applications (representing 27% of the total number received) have been submitted using the online services and some 1,166 comments (51% 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 6 November 2012) 400,163 planning application searches have been performed via the Council's website.

## **7 Report Implications**

### **7.1 Resources**

There are no resource implications arising directly from this report. The resource implications arising from the implementation of the 2006 Planning Act were accounted for in the management review of July 2010.

### **7.2 Risk**

All risks associated with the provision of the Development Management service are accounted for in the Development Management and Planning and Development Unit risk registers which are regularly reviewed.

### **7.3 Policy**

#### **Strategy**

The new planning system has been prepared and approved by Scottish Government. Its provisions do not run counter to the Council's corporate aims and objectives.

#### **Consultations**

No consultations have been required in the preparation of this report.

#### **Equalities**

There are no equalities issues arising directly from this report.

#### **Sustainability**

In terms of both environmental and operational sustainability there are no specific matters arising directly from this report.

## **8 Summary**

8.1 The report identifies steady improvement in performance during this year.

## **9 Recommendations**

9.1 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.

**12 November 2012**

**Report Contact: Peter Arnsdorf, Development Management Manager**

**Tel No: 0131 271 3310      peter.arnsdorf@midlothian.gov.uk**

### **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 to September 2012)**

|           | Application Reference | Site Address                                   | Proposed Development   | Status of Review  |
|-----------|-----------------------|--|--|---|
| <b>1</b>  | 11/00591/DPP          | Unit 9 Eldin Industrial Estate, Loanhead       | Variation/removal of conditions                                | Review deferred at LRB meeting of 17.04.2012 to enable a solution to be negotiated. |
| <b>2</b>  | 11/00677/DPP          | 15 Dundas Street, Bonnyrigg                    | Insertion of dormer windows                                    | Review dismissed at LRB meeting of 17.04.2012                                       |
| <b>3</b>  | 11/00673/DPP          | Brewlands House, Abbey Road, Dalkeith          | Two storey extension   | Review dismissed at LRB meeting of 17.04.2012                                       |
| <b>4</b>  | 11/00731/PPP          | Seafield Mill, A703, Bilston                   | Mixed used development – vehicle showroom, repairs and storage | Permission granted at LRB meeting of 17.04.2012                                     |
| <b>5</b>  | 11/00748/DPP          | 16 Temple, Gorebridge                          | Installation of rooflights/windows                             | Review dismissed at LRB meeting of 31.07.2012                                       |
| <b>6</b>  | 11/00780/DPP          | Land adjacent 7 Westfield Park, Eskbank        | Erection of single dwellinghouse (amended scheme)              | Review dismissed at LRB meeting of 04.09.2012                                       |
| <b>7</b>  | 11/00799/DPP          | 92 Burnbrae Road, Bonnyrigg                    | Erection of extension to dwellinghouse                         | Permission granted at LRB meeting of 31.07.2012                                     |
| <b>8</b>  | 12/00153/DPP          | Lyndean, St Leonards, Lasswade                 | Installation of replacement windows                            | Permission granted at LRB meeting of 31.07.2012                                     |
| <b>9</b>  | 12/00143/DPP          | 37 Belwood Road, Milton Bridge, Penicuik       | Erection of extension to dwellinghouse                         | Permission granted at LRB meeting of 31.07.2012                                     |
| <b>10</b> | 11/00864/DPP          | 74 Newbattle Abbey Crescent, Eskbank, Dalkeith | Variation/removal of conditions                                | Permission granted at LRB meeting of 31.07.2012                                     |
| <b>11</b> | 12/00111/DPP          | Hilltown House, Woolmet, Dalkeith              | Erection of four dwellings                                     | Permission granted at LRB meeting of 04.09.2012                                     |