



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 October 2011 – March 2012 (Quarters 3 and 4).

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 The table '*Development Management Performance in the Handling of Planning Applications for the Period 01/04/11 to 31/03/12*' 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. In 2011/12,

70% of planning applications have been determined within target. This compares to 65% in 2010/11 and 55% in 2009/10.

- 3.4 The Scottish Government are currently collating the performance statistics for 2011/12. Once the data is available a comparison between Midlothian's performance and the Scottish average for 2011/12 will be reported to the Committee. The following table gives a comparison for 2010/11:

	Midlothian	Scottish Average
Householder Applications determined within target (2 months) 2010/11	81%	83%
All Applications determined within target (2 months for local developments and 4 months for major applications) 2010/11	65%	66%
Approval Rates 2010/11	92%	93%

- 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).

Development Management Performance in the Handling of Planning Applications for the Period 01/04/11 to 31/03/12

Performance Indicator	April – June 2011 Q1 2011/12	July – Sept 2011 Q2 2011/12	Oct – Dec 2011 Q3 2011/12	Jan – March 2012 Q4 2011/12	Total for year 2011/12	Total for year 2010/11
% of all local applications determined < 2 months	81% (114 from 140)	75% (95 from 127)	63% (100 from 158)	60% (80 from 134)	70% (389 from 559)	66%
% of householder applications determined < 2 months	97% (63 from 65)	86% (60 from 71)	73% (61 from 83)	76% (39 from 54)	83% (223 from 270)	81%
% of other local applications determined < 2 months	68% (51 from 75)	63% (35 from 56)	52% (39 from 75)	56% (41 from 73)	59% (166 from 279)	49%
% of major applications determined < 4 months*	40% (2 from 5)	0% (0 from 3)	0% (0 from 1)	0% (0 from 2)	18% (2 from 11)	13%
% of non planning applications determined < 2 months**	94% (15 from 16)	58% (11 from 19)	87% (20 from 23)	67% (4 from 6)	78% (50 from 64)	94%
Number of Pre Application Consultation applications*	2	2	4	1	9	6
Number of recorded pre-application enquiries***	42	37	34	27	140	91
Number of applications received	170	163	139	147	619	588

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

4 Planning Appeals and Reviews

- 4.1 For the period October 2011 – March 2012 the Scottish Government Directorate for Planning and Environmental Appeals determined three appeals in Midlothian. The appeal decisions were as follows:
- Erection of six illuminated advertisement hoardings at Land opposite Ikea, Straiton Road, Loanhead – appeal dismissed.
 - Appeal against an enforcement notice issued to secure compliance with a condition requiring the rendering of a boundary wall at 41 Bogwood Road, Mayfield – appeal dismissed.
 - Residential development at Kevock Vale Park, West Mill Road, Lasswade – appeal upheld.
- 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 October 2011 – March 2012 a total of 10 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 2011/12 there was 5 appeal decisions and 22 reviews determined. This compares to 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 2011 Q1 2011/12	July – Sept 2011 Q2 2011/12	Oct – Dec 2011 Q3 2011/12	Jan – March 2012 Q4 2011/12	Total for year 2011/12	Total for year 2010/11
Number of notices issued*	5	1	5	1	12	8
Number of enforcement cases lodged**	39	34	34	48	155	168

* 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 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. 140 formal pre application enquiries were submitted in 2011/12, this compares to 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 commenced and in total 3,271 (on 1st June 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, 597 planning applications (representing 25.4% of the total number received) have been submitted using the online services and some 989 comments have been received from members of the public via the web; objecting to or supporting planning applications. Since April 2009, (and as at 1 June 2012) 351,455 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 the 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.

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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 to March)

	Application Reference	Site Address	Proposed Development	Status of Review
1	11/00295/DPP	Carlyle Lodge, Fushiebridge, Gorebridge	Variation of conditions with regard the erection of a fence.	Permission granted at LRB meeting of 15.11.2011
2	11/00293/DPP	72 Newbattle Abbey Crescent, Eskbank	Change of use of open space to garden.	Permission granted at LRB meeting of 15.11.2011
3	10/00507/DPP	Unit 1 Dalhousie Business Park	Variation of condition to allow increase in HGV movements	Permission granted at LRB meeting of 15.11.2011
4	11/00203/PPP	Land Meyerling, Howgate	Erection of dwellinghouse	Review dismissed at LRB meeting of 24.01.2012
5	10/00489/DPP	Land at De Quincey Road, Bonnyrigg	Erection of dwellinghouse	Review dismissed at LRB meeting of 24.01.2012
6	11/00630/DPP	54 Penicuik Road, Roslin	Erection of extension	Permission granted at LRB meeting of 24.02.2012
7	11/00564/DPP	6 Bog Road, Penicuik	Variation of conditions to allow relocation of garage	Permission granted at LRB meeting of 24.02.2012
8	11/00677/DPP	15 Dundas Street, Bonnyrigg	Insertion of dormer windows	Review dismissed at LRB meeting of 17.04.2012
9	11/00673/DPP	Brewlands House, Abbey Road, Dalkeith	Two storey extension	Review dismissed at LRB meeting of 17.04.2012
10	11/00731/PPP	Seafield Mill, A703, Bilston	Mixed used development – vehicle showroom, repairs and storage	Permission granted at LRB meeting of 17.04.2012