



PLANNING PERFORMANCE REPORT FOR 2014/15

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 2014/15.

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 Development Management 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 01/04/14 to 31/03/15*' 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) has been maintained at a high level, above the Scottish Government's target, and is equal to the 2013/14 performance. In 2014/15 84% of planning applications have been determined within target. This compares to 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 2011/12, 2012/13 and 2013/14 are shown in the following table:

	Midlothian	Scottish Average	Midlothian	Scottish Average	Midlothian	Scottish Average
	2011/12	2011/12	2012/13	2012/13	2013/14	2013/14
Householder Applications determined within target	83%	84%	90%	86%	94%	86%
All Applications determined within target	70%	67%	73%	69%	84%	73%
Approval Rates	92%	92%	90%	93%	94%	94%

The table shows that Midlothian's performance is above the Scottish average. The data for 2014/15 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 2011/12, 2012/13 and 2013/14: 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 01/04/14 to 31/03/15**

Performance Indicator	April – June 2014 Q1 2014/15	July – Sept 2014 Q2 2014/15	Oct – Dec 2014 Q3 2014/15	Jan – March 2015 Q4 2014/15	Total for year 2014/15	Total for year 2013/14
% of all local applications determined < 2 months	86% (126 from 147)	87% (134 from 154)	84% (139 from 165)	89% (133 from 150)	86% (532 from 616)	85% (443 from 520)
% of householder applications determined < 2 months	92% (59 from 64)	94% (61 from 65)	86% (51 from 59)	98% (65 from 66)	93% (236 from 254)	95% (224 from 237)
% of other local applications determined < 2 months	75% (44 from 59)	82% (61 from 74)	79% (61 from 77)	74% (49 from 64)	78% (215 from 274)	76% (218 from 285)
% of major applications determined < 4 months ¹	33% (1 from 3)	0% (0 from 4)	0% (0 from 1)	0% (0 from 1)	11% (1 from 9)	13% (1 from 8)
% of non planning applications determined < 2 months ²	96% (23 from 24)	80% (12 from 15)	93% (27 from 29)	95% (19 from 20)	92% (81 from 88)	99% (88 from 89)
Number of Pre Application Consultation applications	2	2	3	5	12	12
Number of recorded pre-application enquiries ³	51	40	49	89	229	189
Number of applications received ⁴	269	213	229	282	993	883

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 2011/12, 2012/13 and 2013/14:

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

Performance Indicator	Midlothian Average	Scottish Average	Midlothian Total for	Scottish Average	Midlothian Total for	Scottish Average
	2011/12	2011/12	2012/13	2012/13	2013/14	2013/14
Local applications (non householder). Average weeks for those applications determined within 2 months.	7.3	7.1	6.8	7.0	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	33.7	25.6
Local applications (non householder) overall average	18.0	17.0	15.8	14.5	13.9	14.3
Householder applications. Average weeks for those applications determined within 2 months.	7.3	6.8	6.7	6.5	6.6	6.6
Householder applications. Average weeks for those applications determined over 2 months.	16.2	16.6	14.0	17.1	11.3	14.2
Householder applications overall average	9.0	8.3	7.5	8.0	6.9	7.7
Major applications. Average weeks for all major applications.*	71.0	69.1	31.8	36.7	60.5	53.8

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

The data for 2014/15 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 2014/15 993 applications were received, this is compared to 883 in 2013/14, 716 in 2012/13 and 619 in 2011/12. This represents an increase in application numbers of over 60% in three years. This significant increase in application numbers reflects the increasing construction and development activity taking place in Midlothian.
- 3.8 For 2014/15 the Scottish Government requested Planning Services prioritise the resolution of 'legacy cases'. A legacy case is one which has remained undermined for over a year. On the 1st April 2014 Midlothian had 36 legacy cases and set a target of reducing this number by 10%. 15 of the 36 legacy cases have been resolved; this is a reduction of 41%. On the 1st April 2015 Midlothian had 25 legacy cases. The primary reasons for an application remaining undetermined for over one year are; ongoing negotiations over developer contributions and the conclusion of legal agreements and applicants holding their applications in abeyance whilst they review their options.

4 Planning Appeals and Reviews

- 4.1 For the period April 2014 – March 2015 the Scottish Government Directorate for Planning and Environmental Appeals determined four appeals in Midlothian. The appeal decisions were as follows:
- An appeal against a refusal to issue a high hedge notice (14/00332/HH) concerning a hedge at 15 Cairnbank Road, Penicuik has been dismissed. The applicant's address is 20 St James's View, Penicuik. The application was refused on the grounds that there is no adverse effect from the high hedge.
 - An appeal against a refusal of planning permission (14/00293/DPP) for the erection of four retail units (part retrospective) at Soutra Mains Farm, Blackshiels, Pathhead has been dismissed. The planning application was refused by the Committee at its meeting of 26 August 2014.
 - An appeal against a refusal of planning permission (13/00853/DPP) for the change of use from vacant shop (Class 1) to hot food takeaway (sui generis) and installation of external flue at 24 High Street, Penicuik has been allowed and planning permission granted.
 - An appeal against a condition on a grant of listed building consent (13/00728/LBC) for the conversion and alteration of a store building to a dwellinghouse at Carrington Mill, Gorebridge has been allowed subject to amending the condition subject to the appeal. The condition relates to glazing details on part of the building.
- 4.2 An appeal against the non determination of an application (14/00044/DPP) for the erection of 9 wind turbines (up to 102m tip height) and associated plant and access roads, at Mount Lothian Moss, Penicuik is pending consideration by a Scottish Government Reporter. It is anticipated that the appeal will be determined by a combination of hearings and written submissions. The hearings are scheduled to be held in May 2015.
- 4.3 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 2014 – March 2015 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.

- 4.4 In 2014/15 there was 4 appeal decisions and 16 reviews determined. This compares to 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, 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 2014 Q1 2014/15	July – Sept 2014 Q2 2014/15	Oct – Dec 2014 Q3 2014/15	Jan – March 2015 Q4 2014/15	Total for year 2014/15	Total for year 2013/14
Number of notices issued*	0	2	0	2	4	7
Number of enforcement cases lodged**	33	46	36	40	155	136

* 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 229 formal pre application enquiries were submitted in 2014/15, this compares to 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 5,951 (on 1 April 2015) 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, 1,641 planning applications (representing 33% of the total number received) have been submitted using the online services and some 3,636 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 31 March 2015) 652,209 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; 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 2014 to March 2015)

	Application Reference	Site Address	Proposed Development	Status of Review
1	13/00736/DPP (Listed Building)	Carrington Mill, Gorebridge	Removal of condition restricting alterations to a listed store building	Permission granted at LRB meeting of 29.04.2014
2	13/00805/DPP	Land adjacent 25 Damhead	Erection of dog kennels	Permission granted at LRB meeting of 03.06.2014
3	13/00725/DPP	Premier Inn, Lasswade	Erection of 20 metre golf ball stop fence	Permission granted at LRB meeting of 03.06.2014
4	13/00901/DPP	Land south of 2 and 4A Butlerfield Industrial Estate	Re-grading of land and change of use to storage	Permission granted at LRB meeting of 03.06.2014
5	14/00132/DPP	14 Hillhead, Lasswade	Insertion of replacement windows	Permission granted at LRB meeting of 03.06.2014
6	13/00843/DPP	Land at the former Lugton Inn	Use of land for the storage of cars	Review dismissed at LRB meeting of 03.06.2014
7	14/00064/DPP	18 Ninth Street, Newtongrange	Extension to dwellinghouse and erection of decking	Permission granted at LRB meeting of 02.09.2014
8	14/00047/DPP	Old Pentland, Loanhead	Use of land for the storage of storage skips	Permission granted at LRB meeting of 02.09.2014
9	14/00421/DPP	6A Hursted Avenue, Easthouse	Erection of veranda	Permission granted at LRB meeting of 21.10.2014
10	13/00865/DPP	Land at 15 Ironmills Road, Dalkeith	Erection of satellite dish	Permission granted at LRB meeting of 21.10.2014
11	14/00361/DPP	Glenord, 17 Broomieknowe, Lasswade	Removal of condition requiring entrance gates and fence to be painted black	Permission granted at LRB meeting of 21.10.2014
12	14/00566/DPP	19 Robert Smillie Avenue, Gorebridge	Erection of two storey rear extension	Review dismissed at LRB meeting of 25.11.2014
13	14/00402/DPP	12A Stobhall Road, Gorebridge	Change of use of domestic garage to dwellinghouse	Review dismissed at LRB meeting of 25.11.2014
14	14/00787/DPP	4 Greenlaw Grove, Milton Bridge, Penicuik	Erection of extensions, decking and patio	Permission granted at LRB meeting of 20.01.2015
15	14/00731/DPP	3 Toscana Court, Danderhall	Formation of drive	Review dismissed at LRB meeting of 10.03.2015
16	14/00619/DPP	28 Eskbank Road, Bonnyrigg	Removal of conditions requiring repositioning of fence	Permission granted at LRB meeting of 10.03.2015