

Planning and Building Standards - Regulatory Services

Facilitating Appropriate Development on Key Development Sites



August 2014

FACILITATING APPROPRIATE DEVELOPMENT ON KEY DEVELOPMENT SITES

Background

West Dunbartonshire like other Council areas has been severely affected by the economic downturn and as a result a number of its key major development sites remain undeveloped. The Council is committed to taking a more proactive role in order to facilitate appropriate development on key development sites. The West Dunbartonshire Economic Development Strategy 2011-2016 provides an economic vision and strategy for West Dunbartonshire for a five year period. One of the key objectives of the strategy is the delivery of major regeneration sites. Planning and Building Standards together with the Economic Development section have a key role to play in the delivery of the objective.

Organisational Change

In order to achieve the above objective and other objectives of the Council it was recognised that the Planning and Building Standards Section required to be reviewed together with other sections in the Department of Housing, Environmental and Economic Development. The organisational review has been implemented and allows officers and support staff to be more focused on major employment and regeneration projects. A key feature of the organisational review is the implementation of Lead Planning Officers and Lead Building Standards Surveyors. Key responsibilities of these officers will be giving priority to major employment and regeneration projects in terms of pre-application advice, the processing of applications and aftercare support when permissions/warrants have been granted. A formal pre-application service will be offered whereby developers/applicants and agents can discuss their proposals with officers and consultees and receive formal advice on whether the proposal is acceptable or not, and if modifications or amendments could make the proposal more acceptable. This advice will be material in the consideration of any future planning application or building warrant. Further details of the pre-application/warrant service are available in **Protocol 1**.

The second new service; Lead Officers will hold regular liaison meetings with the developers/owners of key development sites. These meetings will be held on a regular basis (every 6-8 weeks) and it will be an opportunity to progress existing permissions, addressing outstanding conditions and issues and developing alternative proposals or modifications, when necessary. The role, function and composition of the liaison meetings are addressed in **Protocol 2** related to liaison meetings.

PROTOCOL 1 - PRE-APPLICATION ADVICE

Purpose

West Dunbartonshire is committed to the delivery of its major development sites. In order to meet the objectives of the Council and the economic strategy it is recognised that encouraging early and effective consultation and engagement will assist in avoiding delays and difficult situations during the planning and building warrant processes.

Major developments can be complex and involve different services both within and outwith the Council. West Dunbartonshire Council recognises the value of co-ordinated pre-application discussions to facilitate a more efficient handling of subsequent applications for major development and encourage early development on the ground. The Planning etc (Scotland) Act 2006 put in place new processes for dealing with major applications regarding public consultation. Separate advice is contained within Development Management General Advice Note 4 on Pre-application consultations ([Advice Note 4](#)). It defines what constitutes a major development and what is required in terms of public consultation.

Role

To provide a forum whereby developers can discuss your proposals with key Council Officers prior to submitting an application and receive formal advice regarding any issues affecting any future planning application or building warrant.

Function

To assist developers in bringing forward high quality development at the earliest possible date.

What you can expect of us:

- Commitment to meet at the earliest date and thereafter, when required;
- Dedicated Lead Planning Officer/Lead Building Standards Surveyor to take the proposal forward from pre-application stage through the application process to decision and beyond;
- Commitment to facilitate joint meetings with other Officers of the Council, and key consultees;
- Formal advice from officers and consultees which will be endorsed by the Team Leader/Manager;
- Proactive and positive attitude to progressing development on the ground;
- Willingness to suggest amendments and modifications to make an application acceptable.

What we expect of you:

- Commitment to provide detailed information and plans regarding proposals and the development site;
- Providing documents and plans for discussion at the earliest opportunity prior to the meeting;
- Openness and transparency regarding your proposals for the site;
- Willingness to consider and take forward suggested amendments and modifications;
- Commitment to achieve quality development, recognising placemaking and good urban design.

Next Step

If you wish to engage in this pre-application or warrant service, submit a pre-application meeting request containing details of your proposal for a major development. The form is attached to this document. We will respond within 3 working days of potential dates for the meeting and we will facilitate the attendance of key consultees. There is no charge for this service.

Table A and **Table B** provides details of the Planning and Building Standards information and advice which we will endeavour to provide regarding a development proposal. This will be followed up in writing within 10 days of the meeting.

Assessment of the Service

An annual report will be produced regarding the effectiveness of this service. This report will be reported to the appropriate Committee in order to keep elected members informed regarding the effectiveness of the service. The report will be circulated to all parties who took part in the pre-application service over the previous year.

Contact

If you require more information about this advice please contact:

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Table A: PLANNING What Advice Can You Expect To Receive?

Principle of the development	Is it acceptable or not?
Policy	Local plan designation and policies affecting the site and proposed use(s)
Constraints	Details of the constraints affecting the site
Design	Comments on the built form-scale, massing, views, design, materials, patterns
Context	How it relates to the surrounding area
Amenity	The properties affected by the development and what further information is required – noise impact assessment site survey, etc
Transport	Advice on servicing, access, parking standards, cycle parking and public transport linkages. Requirement for Transport Assessment, Green Travel Plan
Studies	What studies would be required- Habitat Study, Ecological Study , Flood Risk Assessment, Drainage Impact Study, Air Quality Study
Open Space	Type, form and nature of the open space and whether play areas will be required
Public Consultation	Advice on who and how to consult in terms of community consultation
Documents and information required	What we will need in terms of plans and documents. Timescales for processing and Committee dates

Table B: BUILDING STANDARDS What Advice Can You Expect To Receive?

General Advice	General advice on the Building Standards system, legislation, procedures and processes.
Detailed Technical Advice	Consideration of the viability of the proposals when compared to the various sections of the Technical Handbooks; including Fire and Means of Escape, Environment, Safety, Energy & Sustainability.
Certification Options	Information on options for self-certification of the design & construction; including structure, energy and electrical works.
Ground Conditions	Information relating to general ground conditions within the vicinity and potential for remediation works being required in relation to contamination & gassing.
Disability Issues	Advice on compliance with the various building regulation requirements relating to accessibility to, throughout and usability of the proposed development in relation to people with disabilities.
Submission Information	Advice on the plans, information and supporting documents that will require to be submitted with your Building Warrant Application.
Departures & Alternative Design Proposals	Consideration of & advice on any proposed departures from Government guidance clauses and likely acceptability of these. Advice can be given on how to make any design not following guidance clauses acceptable.
Building Technology	Advice on the suitability of innovative materials/products and new building technology against the requirements of the building regulations and associated guidance clauses.
Fire, Means of Escape from Fire and Fire Engineering	Detailed consideration of the proposals against the various fire mandatory standards and guidance clauses, and suggestion on ways to amend non-compliant designs; including initial views on any fire engineering designs & departures.

PROTOCOL 2 - LIAISON MEETINGS

Purpose

West Dunbartonshire Council is committed to the delivery of our major regeneration and employment opportunities. To assist in the delivery of the objective and in order to meet the economic strategy we have put in place a new service for developers and land owners of key development sites whereby they can meet key Planning, Building Standards and the Economic Regeneration Team on a regular basis in order to facilitate and progress development on their sites.

Role

To provide a regular meeting forum whereby developers and landowners can bring forward development proposals and progress existing permissions with key Council Officers and achieve joint working where one or more developer is developing the site.

Function

To assist developers in bringing forward high quality development at the earliest possible date.

What you can expect of us:

- Regular 6-8 week meetings, when required;
- Dedicated Lead Planning Officer for the development site with Team Leader/Manager, Economic Regeneration Co-ordinator, Lead Building Standards Surveyor in attendance when required;
- Commitment to facilitate joint meetings with other Officers of the Council such as Environmental Health, Roads and key consultees, when required;
- Formal advice from Officers and consultees which will be endorsed by the Team Leader/Manager;
- Proactive and positive attitude to progressing development on the ground;
- Willingness to discuss and consider alternative appropriate forms of development in order to achieve development on the ground;
- Commitment that certain information regarding the financial workings of site and other sensitive information are kept confidential;
- Willingness to meet in the developers offices, when appropriate.

What we expect of you:

- Willingness to work with Council Officers and attend regular liaison meetings;
- To be open and transparent regarding your proposals to develop your site;
- Progressive and proactive approach to achieving early and high quality appropriate development and recognising placemaking and good urban design;
- Commitment to provide detailed information and plans regarding proposals and the development site and any relevant financial information, when required;
- Ensuring that all action points are followed up;
- Submit documents and plans for discussion at the earliest opportunity prior to meetings.

Key Development Sites

Since 2007 regular liaison meetings have been held for the Lomondgate development to the west of Dumbarton with Planning and Economic Development officers, the sites main developer - the Walker Group and Strathleven Regeneration Company development. These regular meetings have helped to facilitate development on the Lomondgate site during some challenging economic times. Based on this model, and in order to formalise the arrangement, a similar service will be available to the developers and owners of other major regeneration and employment sites.

Appendix A provides details of the key development sites it is proposed that regular liaison meetings will take place.

A brief description of the site, the owner of the site and developer interest and relevant development plan policies is provided. The list is not exhaustive and other development sites can be added when required.

Assessment of the Liaison Meeting

An annual report will be produced regarding the effectiveness of the liaison meetings and to provide an up to date regarding the progress of development on the site. This report will be reported to the appropriate Committee in order to keep elected members informed regarding the progress of major development sites. The report will be circulated to all parties who took part in the liaison meetings over the previous year.

Assessment of the Service

An annual report will be produced regarding the effectiveness of this service. This report will be reported to the appropriate Committee in order to keep elected members informed regarding the effectiveness of the service. The report will be circulated to all parties who took part in the liaison meetings over the previous year.

Contact

If you require more information about this advice please contact:

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Disclaimer

The Council will make every effort to ensure that the advice given in the pre-application process is as accurate as possible. However any advice given by Council officers for pre-application inquiries does not constitute a formal decision of the Council with regards to any planning application and, whilst it may be a material consideration, cannot be held to bind the Council in its validation or formal determination of a subsequent application.

If an application is subsequently submitted which fails to take on board advice given by officers, then the Council may refuse it without further discussion with the applicant or their agent.

Freedom of Information

There is a possibility that, under the Freedom of Information Act, the Council will be asked to provide information regarding inquiries for pre-application advice and copies of any advice provided or correspondence entered into. This information may only be withheld if its disclosure could prejudice commercial interests, inhibit the free and frank provision of advice or exchange of views during the planning process, or could prejudice the effective conduct of public affairs. Those seeking pre-application advice should provide a covering letter that sets out the reasons why, and for how long, any information relating to the case needs to remain confidential.

It will be for the Council to decide whether information can be treated as exempt from disclosure and the thrust of the legislation is to make information accessible unless there is a pressing reason why not. Each case will be assessed on its merits. The passage of time may remove the need for exemption as information becomes less sensitive. Generally notes and correspondence relating to pre-application discussion will not be treated as confidential once a planning application has been submitted and the case is in the public domain.

PROTOCOL 3 - ELECTED MEMBER INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS

Background

West Dunbartonshire Council is committed to engaging with developers at the pre-application stage. This Council has agreed procedures for elected member involvement in the pre-application stages of major development proposals. Recently, the Scottish Government has issued guidance on the role of Councillors in pre-application discussions. Councillors are encouraged to engage at the pre-application stage and to add value to the process while continuing to act within the terms of the Councillors Code of Conduct.

Purpose

To engage Councillors at the pre-application stage on major and complex developments that are key to the Council's strategic priorities and objectives. Appropriate local development may also benefit from this process.

Role

To allow early engagement with elected members to identify key and significant local issues at an early stage of the planning process rather than only emerging in the course of a planning application.

Function

To achieve high quality development as efficiently and effectively as possible by engaging elected members at an early stage.

- To better inform Councillors of development that would be subsequently presented to Planning Committee;
- To give a degree of certainty and confidence to developers by identifying key and local issues earlier;
- To reduce abortive costs by failed applications or redesign work;
- To assist officers to negotiate on key issues;
- To foster greater efficiency in the processing of the subsequent application.

What you can expect of us:

- Offered for all major or complex development or other local development which we would consider would benefit from early input from elected members;
- Consistent and transparent procedure for involving all elected members;
- Ensuring that pre-application meeting is arranged for the earliest date at the end of a Planning Committee meeting;
- Briefing note prepared by officers of the main issues and development policies and circulated before the meeting;
- Invitation to all Planning Committee members and ward members to the presentation;
- Opportunity to hear from the elected members directly;
- Clearly identified on the agenda of Planning Committee as different from other items;
- Elected members being open-minded to all material considerations and are prepared to change their views if persuaded they should;
- Meeting will be minuted and will be available publicly;
- Advised of all the relevant procedures. With procedures regularly reviewed to ensure openness and accountability.

What we expect of you:

- Openness and transparency regarding your development proposal;
- Commitment to provide as much information at this early stage;
- Opportunity to make a short presentation of draft proposals;
- Commitment to give weight and consideration to issues raised by elected members.

Contact

If you require more information about this service please contact:

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PROTOCOL 4 - PLANNING PROCESSING AGREEMENTS

Purpose

A processing agreement (PPA) is a project management tool and is an agreement between the Council and an applicant for planning permission. It principally involves Planning Services but may also include other Council services such as Roads, Environmental Health and Legal Services and statutory consultees, such as Scottish Natural Heritage (SNH) or SEPA, depending on the nature of the development.

Role

A commitment to work with developers/applicants to deliver major and complex developments that are key to the Council's strategic priorities and objectives. Local developments may also benefit from a processing agreement. They can be used to extend the statutory time periods for determining applications if mutually agreed with the Council.

Function

To achieve high quality development as efficiently and effectively as possible, the use of an agreement can offer:

- Transparency in decision making;
- Certainty over the timing of key stages in the planning process;
- Faster and more efficient decision making;
- Clearer links of communication;
- Earlier and effective engagement with key stakeholders.

What you can expect of us:

- Offered for all major development or complex developments and a template will be circulated to show the likely format of a PPA;
- Case officer will identify those proposals where a processing agreement would be encouraged and promoted;
- This will be formally confirmed in writing at the earliest stage possible, ideally in pre-application discussions or on receipt of the Proposal of Application Notice whichever is the sooner;
- The case officer will act as the Council's Lead Officer and identify at an early stage what supporting information is required and from whom;
- A commitment to be open and transparent through the agreement process;
- The Lead Officer will arrange all necessary meetings and invite all internal and external stakeholders which they feel is necessary;
- The Lead Officer will set the dates and/or timescales for the delivery of various stages of the process in conjunction with the applicant and key stakeholders;
- The Lead Officer will circulate the Processing Agreement to all interested parties;

- Any potential Planning obligations/legal agreements will be identified at an early stage;
- The Lead Officer will make the applicant aware of any issues or additional information which comes to light once the agreement has been signed and will advise if it affects the agreed timescales;
- Regular meetings will be held to review and progress the milestones of the processing agreement.

What we expect of you:

- Engage with the Council at the earliest time even before a PAN has been submitted;
- Commitment to provide detailed information and plans as required and at the earliest time to reflect the priority of the proposal;
- Openness and transparency regarding the processing agreement process;
- Notify the Lead Officer at the earliest time if an issue has arisen or if it is difficult to provide information to meet the agreed timescales;
- Commitment to attend meetings and ensure that the necessary members of your team also attend, if required;
- Work co-operatively with the Council in the sharing of information.

Next Step

The Council has produced a template to provide the basis of the format of the PPA and it will contain the following information:

- Details of the planning application;
- Details of the key contacts;
- Key dates within the decision making process including review dates;
- Information to be submitted by the applicant and associated deadlines;
- Information to be provided by the consultees and associated deadlines;
- Matters to be dealt with through any Planning obligation/legal agreement.

The Signatories

The finalised processing agreement will be available online and will be available for viewing by the public for the relevant application on the Council's website.

A Planning Processing Agreement is about the process by which an application will progress to its decisions: it is not about the planning merits of the application. Please be advised that a PPA is not legally binding and does not grant planning permission.

Contacts

For further information on the PPA please contact the Development Management Team.

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