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Development Management Consultation
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Dear Sir / Madam

Draft Regulations on Development Management - Response by Dawn Homes Ltd

We write with reference to the above consultation paper and outline our comments in response below. To allow us to focus on the questions we consider most crucial to Dawn Homes and the house building industry we have not provided comments on each of the 49 questions. Please find below comments we wish to make in response to questions 1 - 21, 23 - 24, and 27 - 40.

Firstly, as background, Dawn Homes Ltd is part of the Dawn Group which has a turnover of around £122million per annum. Dawn Homes itself builds around 250 houses per annum in Central Scotland and in 2004 set up a strategic land arm which sole purpose is to promote and rezone land through the development plan process. We have promoted several large scale projects through the development plan process, including the former Hoover plant in Cambuslang which we secured 300 residential units and also Ayr racecourse which we secured 400 residential units. We have also recently been selected as the preferred bidder for a site at Bellgrove in Glasgow's East End.

Response to Questions

- 1) We do generally agree with the proposed categories of development but this will be subject to our comments on the thresholds below.
- 2) We wish only to make comments in relation to the thresholds for pre-application for residential developments proposed in Schedule 1 of the DMR. It is proposed that pre-application consultation will be required for developments of five units or more, and where there is no proposal in the development plan for such development on the land in question. We are of the opinion that this threshold is far too low, and that a figure of at least three times that is preferable. It is considered that the proposed low figure would only clog up response requests to the planning authority on pre-application screening notices.
- 3) The information required in a pre-application notice is sufficient but we would suggest a re-wording of item (f) in paragraph 2.9 which is quite vague. This could be re-worded to request that the following is provided – "where major or local development is involved, a statement as to whether in the prospective applicant's view the development is one which is compatible with the provisions of the development plan."

- 4) Whilst 21 days seems to be a reasonable length of time to give to local authorities to respond to screening notices, we do have concerns relating to Planning Officers having the time to respond to screening notice requests. The main concern is that they leave responding to screening notices to the 20th day, at which point they then request further information from the developer which could potentially create even more delays. We would suggest that the period of 21 days should be the total time available for requesting and receiving further details of clarification. We also have some concern with the fact that there is no monitoring scheme in place which audits whether the requests made by the planning authority for more information are reasonable.
- 5) We do agree with the proposed content of the proposal of application notice.
- 6) We would consider that the requirements to only notify community councils and neighbours of the proposal of the application notice are sufficient.
- 7) Whilst we have no problem with the requirements to notify the appropriate community councils, and also placing a notice in the local newspaper, we would again seriously question why the holding of a public meeting is now required for all unallocated residential developments exceeding 5 units. We would expect that in some instances such a meeting would be an unproductive use of time and money and should not be made statutory at such a low threshold.

In addition, we understand that it has been proposed that applicants must provide to the planning authority their proposal of application notice at least 12 weeks prior to the submission of their application. We would have grave concerns that this regulation would be seen by the local authority as very much the minimum required and that they may unnecessarily impose a much longer period than 12 weeks on the applicant.

- 8) We do generally agree with the requirements of the content of pre-application reports but it should be made an obligation that the Planning Officer informs the developer of what they expect to be carried out with regard to consultation if they are not happy with what has been undertaken. Officers should not be allowed to just decline an application if they judge that consultation undertaken is insufficient. Perhaps the consultation carried out should be deemed acceptable by the developer if no response to the contrary is provided by the planning authority.
- 9) & 10) We are slightly confused as to why this extra phase of hearings is required. It is proposed that developments which are significantly contrary to the development plan should be subject to a pre-determination hearing. We would question however how an authority can define whether a development is significantly contrary to the development plan or not. Our greatest concern though is that such a hearing would just act an opportunity for objectors to make their opinions - possibly unsupported, known to committee members without the applicant being given the chance to defend their case as it would seem from our reading of the regulations that it has been proposed that applicants are not able to appear at these hearings, which we would consider to be unfair.
- 11) We would question why the full council are required to make these decisions instead of the planning committee, especially if the Local Review Bodies comprise of members of the Council not on the Planning Committee. With the trend towards far fewer full council meetings, we would consider that the problems which undoubtedly will be encountered in trying to convene every member to attend the same meeting will only lead to further unnecessary delays in the determination of the application.
- 12) We agree that processing agreements should be in place before submission of the application.
- 13) We would consider that the period of 28 days to enter into a processing agreement after validation is unnecessarily long and should be cut to 14 days.

- 14) The most crucial component of a processing agreement for a developer is the length of the period of the agreement. We do agree with the suggested components of a processing agreement but would comment that the sheer fact that they have been made voluntary in nature would result in local authorities either acting on the safe side and refraining to enter into them, or if they do then they will ensure that the timescales set are not too challenging.
- 15) Yes, in most cases the sole parties signing the processing agreement should be the planning authority and the applicant. There may be situations however where it would be very useful for statutory consultees such as Transport Scotland to also sign the agreement where transportation matters are a major issue in a development.
- 16) Yes we do support the proposed approach and would comment in connection with Planning Permission in Principle lasting for 3 years, that there may be some instances where this period should be extended, but we do note that the local authority have the power to vary it which we think may be beneficial.
- 17) We would consider the approach outlined in Regulation 11 on the content of planning applications to be appropriate. Specifying the additional suggested options in the legislation would simply over-complicate the process and would result in the developer providing far more detailed information than is necessary in many cases.
- 18) Measures outlined seem appropriate.
- 19) Yes we do consider that the draft regulations on the content of applications for Planning Permission in Principle are pitched at an appropriate level of information.
- 20) No we would consider that in order to undertake a thorough check on the items provided to make up an application then it should be carried out by a Planning Officer who has sufficient knowledge of each of the components required and recognises the importance of their detail.
- 21) The two options appear to be that design and access statements should either accompany all applications except certain minor exceptions, or alternatively that they should only be required in relation to certain specific developments principally major developments and some other developments on sensitive sites. We would support option 2 in this instance.
- 23) This is a difficult question to answer as we assume that access panels will only deal with design issues relating to disability and not the wider design aspects.
- 24) Some further clarification on the detail required in the design and access statements would be useful.
- 27) We would consider that although the function of notifying neighbours is to be transferred to the planning authority, the risk would still lie with the developer. We can see no way how this will be easily achieved within 5 days of the validation date, and the planning authority will inevitably try to put responsibility back onto the applicant, not to mention the likely scale of the fees which will be passed onto the developer as an additional financial burden.
- 28) Whilst we agree that the service of a single notice would minimise costs and potential delay, there is a possibility that in many instances the notice might fall into the hands of a tenant of a property and then not passed onto the owner, or vice versa. This then could lead to the issue of a neighbour claiming that they were not properly notified and therefore not given the opportunity to raise any representations.

- 29) It is considered that the proposed approach of keeping people informed of PPP and approval of matters specified in conditions will only impact again on staff resource issues and delay the planning process further.
- 30) With regards to the proposed definition of neighbouring land, we are of the opinion that 20m is far too excessive but if reduced to 10m then this would be more acceptable.
- 31) Yes we do consider the proposals concerning the use of site notices and of local advertisements to be appropriate. We would consider however that particularly in context of developments in Glasgow and Edinburgh, that it would be helpful if the definition of a local newspaper is given.
- 32) Yes we do support the proposed requirements on notifying owners and agricultural tenants and the placing of local advertisements in this regard.
- 33) We are happy with these proposals as long as authorities have the time to provide the additional information without impeding on the time spent on processing and determining the actual applications.
- 34) Yes we would consider that the advertisement of the availability of the list in a local newspaper on a monthly basis is appropriate.
- 35) We do not have any views in relation to the statutory list of consultees, other than that we would consider that they should be obliged to provide a response further to being consulted. For example, bodies such as SNH, SEPA and the HSE should be required to contribute to the information put before the planning authority to assist them in making an informed decision.
- 36) We have no problem with the statutory period for determining an application being extended to 4 months provided that the planning authority act reasonably in their request for any additional information they say they need to validate the application.
- 37) We would consider that the level of information to be provided in the decision notice is appropriate.
- 38) The best way of managing this potential burden is a matter for the local authorities to consider.
- 39) We would comment that the report of handling seems very similar in its definition and purpose to the existing Committee reports.
- 40) Yes we would consider that existing Committee reports could be easily adapted to incorporate the proposed statutory requirements in paragraph 4 of Schedule 4 but that they would have to be of greater detail and would therefore take more time to prepare.

We would respectfully ask that our comments made above in response to each of the consultation questions be taken into consideration. These comments are connected however to those we made previously on the Draft Regulations on the Planning Hierarchy, and should be read in conjunction with them.

To conclude we would again highlight our surprise that the Draft Regulations on Development Management and those on the Planning Hierarchy were not combined together as one consultation document. As we pointed out previously, it is very difficult to comment on one without considering the contents of the other.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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