

## Development Management Consultation Paper

John Swanson

Q1: Do you agree with the proposed categories of development to which the requirements for pre-application consultation apply?

Yes

Q2: Do you have any comments on the thresholds in Schedule 1 of the DMR on pre application consultation?

There seems no apparent reason why developments serving hot food should be excluded. When comparing threshold sizes stated for non-residential and residential developments they do not seem to be equivalent. A development of five flats cannot be considered the same as a 2500m<sup>2</sup> non-resident development. Also in the case of 5 houses, it does not state the land area. For instance 5 houses in a big field could later give rise to infill development being requested, resulting in a much larger development, so some size of land area needs to be included in the threshold.

Q3: Is the information required in a pre-application screening notice sufficient?

This is an application to a Planning Authority, who will probably have intimate knowledge of their Development Plan, however as these are large documents, I would suggest, in 2.9f, to include reference to relevant plan, including date/edition of plan referred to and chapters and pages etc, to make it easier to find.

Q4: Is 21 days a reasonable period for authorities to respond to a pre-application screening notice in all circumstances?

A matter for a Planning Authority, however it does seem a short period, especially when very large and intricate developments could be the subject of the request.

Q5: Do you agree with the proposed content of the proposal of application notice?

Paragraph 2.13, information required should be 2.9 a to f and not 2.9 a to d, which omits useful information.

Q6: Are the requirements to notify community councils and neighbours of the proposal of application notice sufficient or should others be notified at this stage as a statutory minimum?

Local Authorities will be aware of organisations that have regular input to planning applications, Civic Societies, Heritage and SEPA for example. Hopefully they will have an input to this consultation.

Q7: Do you agree with the minimum statutory requirements for pre-application consultation in regulation 8?

I would like to see local radio included, as especially in my region, it is used widely to publicise events and meetings that are important to different communities.

Q8: Do you agree with the requirements on the content of pre-application reports?

Yes

Q9: Do you support the classes of development which will be subject to pre-determination hearings?

In 2.25, should cases not be classes????

The term “significantly contrary” is too ambiguous and open to abuse. A development either agrees with the plan or does not.

Q10: Should the opportunity to be heard at a pre-determination hearing be extended to other parties beyond those who made representations?

Yes

Q11: What arrangements would need to be made to convene full councils to make these decisions?

No comment

Q12: Do you support the view that processing agreements should be in place before submission of the application?

Yes

Q13: Do you agree that where there is to be a processing agreement that it should be entered into not later than 28 days after validation?

No comment

Q14: Do you agree with the suggested components of a processing agreement?

No comment

Q15: Do you agree that the sole parties signing the processing agreement should be the planning authority and the applicant, or do you think there is scope for statutory consultees to also sign the agreement?

Whereas it would be better if all statutory consultees signed the agreement, there is too much chance that this would make the process far too impractical, causing unnecessary delays, and there is nothing to suggest that there would be any benefit in doing so.

Q16: Do you support the proposed approach to Planning Permission in Principle and approval of matters specified in conditions?

Yes

Q17: Do respondents consider the approach to the content of planning applications to be appropriate or are any of the other options in paragraph 5.3 preferable?

Yes

Q18: What other measures could help to ensure that applications are supported by adequate information at the start of the planning process whilst still encouraging efficiency in the development management system?

Discussion and or site visit with a planning official.

Q19 Do respondents consider that the draft regulations on the content of applications for Planning Permission in Principle are pitched at an appropriate level of information?

Yes

Q20: Do respondents consider that the requirements on content of applications are sufficiently clear to allow validation to be a relatively straightforward administrative check?

Yes

Q21: Do you have a view on the two options on the range of applications to be accompanied by a design and/or access statement?

No

Q22: In addition to those considered in the options, in what circumstances might statements consider only one element – design or access?

No comment

Q23 How can access panels be used most effectively in considering design and access?

Having a structured organisation and where necessary appropriate training.

Q24: Do you consider that there is sufficient clarity in the regulations to allow for effective and timeous validation of applications where design and/or access statements are required?

Where panels are made up of volunteers tight deadlines may not always be achievable and therefore some additional allowances may be appropriate.

Q25: What role can local authority access officers play in assessing the access element of statements?

Regular meetings with access panels

Q26: What information do planning authorities and communities need to ensure a thorough and robust assessment of the design and access statement?

Easily understood information on which they can make a decision. This may require such as simplified drawings and statements, professional's précis of development in easily understood language, easily understood models including actual and computer generated, and virtual models allowing walk through for large developments.

Q27: Do you consider the proposals on service of notice to neighbours to be appropriate?

No. An occupier may not pass on notification to an owner and vice versa. Use should be made of the electoral role and land registry to confirm owner/tenants plus any other appropriate means, and both should be notified. Although there are electronic ways to be notified of planning applications, absent tenants or owners may not be aware of these, and they may not always work in every area as volunteers may run them.

Q28: Do you agree that, in order to minimise costs and potential delay, a single notice sent to the address of the neighbouring land is sufficient for these purposes?

No. As above there is always the potential that the appropriate owner or tenant does not receive the notification.

Q29: Is the proposed approach to keeping people informed of PPP and approval of matters specified in conditions appropriate?

Yes

Q30: Do you support the proposed definition of neighbouring land?

In general yes, however the 20 metre limit may be too restrictive. Something additional needs to be added that includes those who would not be considered neighbours under this definition, but will or could be affected by the development, but may be a lot further away than 20 metres. A test could be whether the development could or would have an affect on them.

Q31: Do you consider the proposals concerning the use of site notices and of local advertisements to be appropriate?

There is no reason not to have site notices for every development, placed appropriately and having the requisite information.

Q32: Do respondents support the proposed requirements on notifying owners and agricultural tenants and the placing of local advertisements in this regard?

Yes

Q33: Are you content with the Scottish Government's proposals for the public availability of the list?

Yes

Q34: Is the advertisement of the availability of the list in a local newspaper on a monthly basis appropriate?

To continually publish that a list is available and not the list, even on a monthly basis seems unnecessary, and most likely would be ignored by the majority of the public. To publish the list itself monthly would also be an unnecessary waste of resources in that consultation periods are set at 21 days. Our local authority sends out a quarterly newsletter to every householder. This seems a much more appropriate medium to inform on what lists are and how they can be accessed.

Q35: Do respondents have any views on the list of statutory consultees and the criteria for consultation?

No comments

Q36: Do respondents consider it appropriate to extend the statutory period for determining an application for national and major development to 4 months?

Yes

Q37: Is the level of information to be provided in the decision notice appropriate?

Yes

Q38: How should planning authorities best manage the potential burden of ensuring those who made representations are advised of the decision?

Where possible use electronic notification (email). A requirement would be that there would have to be a method allowing respondents to update their email addresses whilst an application is ongoing.

Q39: Is the information to be contained in the report of handling appropriate in order to provide a robust summary of how the application has been dealt with and the reasons behind the planning authority's decision?

No comment

Q40: Can existing Committee reports, where available, be easily adapted to incorporate the proposed statutory requirements in paragraph 4 of Schedule 4?

No comment

Q41: What might be an appropriate alternative name for “bad neighbour development”?

Developments negatively affecting other than immediate neighbours

Q42: Do you support the proposed additions and deletions to the list of “bad neighbour developments” and do you have other suggestions?

Night club/public house – already included in licensed premises

In the statement “The construction of buildings or the use of land or buildings for the purpose of slaughtering animals or the processing of animal carcasses for final disposal or as part of the production of other goods.” It should be animals and fowl (unless there is a definition that animals includes same), in which case should fish/seafood not also be included?

Q43: Are there any others uses which you consider should also be subject to controls on increases in gross floorspace ?

It should be applied generally to all such increases. That way, even those not aware about or currently thought about will be covered in the future.

Q44: Do you support our proposal to have different approaches depending on whether other increases in the internal floorspace have taken place?

Yes

Q45: Do you consider that 200 square metres is an appropriate level to help achieve the objectives of helping protect town centres?

There should also be appropriate percentages to prevent overwhelming increases in smaller premises.

Q46: For the purpose of controlling internal floorspace, do you support the decision to use amounts in square metres rather than a percentage?

As Q45, 200m<sup>2</sup> is a large increase for a small business, and there should be a combination of a fixed figure maximum (proposed 200m<sup>2</sup>) as well as a maximum percentage, for this reason and suggest something like 20%, whatever the lesser.

Q47: Are there any potential impacts on business or voluntary sectors that we should be aware of in finalising the regulations or the order?

For voluntary sectors, not everyone yet has access to electronic communication and may be disadvantaged or even discriminated against regarding receipt and sending of information. Authorities also have to realise that they carry out this work in their own leisure time and at their own costs, and due allowance should be made for them.

Q48: Are there any potential impacts on particular societal groups that we should be aware of in finalising the regulations or the order?

No comment

Q49: Do you have any other comments to make on the draft development management regulations or the mezzanine floors order?

Mezzanine floors, like basements etc. need to be structurally sound and suitable for purpose. Provided developments not included in these regulations are fully covered in building standards/building warrants, then no other comments.

#### General Comments

In “13.3 New section 32A of the 1997 Act specifies that planning applications may, with the agreement of the planning authority, be varied after submission. Where the planning authority consider such a variation to be substantial, they must not agree to it and a new application would be needed for the altered proposal. The planning authority may give such notice of the variation as they consider appropriate.” there needs to be some guidance/formal explanation of what is considered substantial.

There also needs to be stricter guidance on what notifications are made, and who should receive them.

Without being more prescriptive in defining “substantial”, or what notification needs to be made if determined as substantial, it would be all too easy for planning departments, who already have the additional administrative burden of neighbour notification, to take the easy options in the above two decisions.