

PLANNING COMMITTEE

NOTE OF VISITATIONS – 15 DECEMBER 2014

- Present:** Councillors Denis Agnew and John Mooney*
- Attending:** Pamela Clifford Planning & Building Standards Manager and Keith Bathgate, Team Leader (Development Management)*
- Also attending:** Councillor Kath Ryall
- Apologies:** Councillors Gail Casey, Patrick McGlinchey and Laurence O'Neill.
- *Note:-** Councillor Mooney and the Team Leader (Development Management) attended both site locations, all others attended Aurora Avenue and Ossian Way, Queens Quay, Clydebank only.

SITE VISIT

Site visits were undertaken in connection with the undernoted planning applications:-

(a) Aurora Avenue and Ossian Way, Queens Quay, Clydebank

DC14/180 - New Leisure Centre over 4 floors comprising 25 metre pool, teaching pool, leisure pool, cafe, sports hall, fitness suite and ancillary spaces by West Dunbartonshire Council.

(b) 127 College Street, Dumbarton

DC13/166 - Change of use from public house to restaurant and associated works including the installation of an external flue and DC14/247 - Installation of galvanised steel external flue (Listed Building Consent) by Mr Santokh Singh.

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 January 2015

**DC14/037 &
DC14/038** **Change of use from a care home to hotel and events centre (Planning Permission and Listed Building Consent), at Dalmoak House, Renton Road, Dumbarton, by Mr Nitin Satpute**

1. REASON FOR REPORT

- 1.1** The report relates to applications for planning permission (DC14/037) and listed building consent (DC14/038) which are subject to a significant number of objections and which are recommended for approval. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission (DC14/037) subject to the conditions set out in Section 9 below.
- 2.2** **Delegate authority to grant** listed building consent (DC14/038) to the Planning and Building Standards Manager subject to the conditions set out in Section 9 below and to the conclusion of formal notification of Historic Scotland.

3. DEVELOPMENT DETAILS

- 3.1** This application relates to the 'A'-listed Dalmoak House, which is a substantial Victorian country house located between Dumbarton and Renton. The property is located within a rural setting, although the associated walled garden and former stables block (both 'B'-listed in their own rights) are immediately to the north west (rear). The stable block has previously been converted into four houses, whereas the majority of the walled garden is still part of Dalmoak House's grounds. To the north-east and south-east the site is bounded by fields and to the south-west the site is bounded by trees and a burn. The site is accessed by way of a private road lined with trees, which leads up to the buildings from the original entrance gates on Renton Road. Dalmoak House was constructed in the 1860s as a private residence, although it's most recent use was as a care home. The care home closed in December 2013 as the building could not readily be adapted to meet the current requirements for care accommodation. Despite some alterations made to accommodate the former care home use the building is notable for the high quality of its interior fabric, including ornate plaster ceilings, stained glass windows and original woodwork.

- 3.2** The current applications seek planning permission and listed building consent to change the use of the building from a care home to a hotel and events centre. It is proposed to use the building mainly as a wedding and function centre. Functions and events would have to be booked well in advance as on such occasions the building would not be open to other guests. When events are not being held the building would operate as a small hotel, with the applicant stating that they would like to cater for the golfing and adventure tourism market with guests mainly from India and the Far East. The hotel would provide 11 bedrooms on the first floor, and 4 public/function rooms on the ground floor, along with associated service space.
- 3.3** In terms of physical works to the building, there would be no changes to the exterior. Internally, on the ground floor a reception would be formed in the main entrance hall, existing bedrooms would become public rooms, and toilets would be formed in existing offices at the rear of the building. On the first floor, alterations would be made to the existing layout to form additional bathrooms. Most of the rooms within the building would remain largely unaltered, and the original cornicing, timber panelling and windows would be retained.
- 3.4** Car parking for staff and guests would be provided primarily at the rear of the building. A 24 space car park would be formed on an existing lawn between the house and the walled garden, and some smaller parking areas, including 5 parking spaces for staff, would be formed immediately to the rear of the building. A row of 4 existing parking spaces at the rear of the building currently used by the residents of the converted stable buildings would be retained for the use of those residents. The existing single track private access road would be used, but the two existing passing places would be upgraded.
- 3.5** When the applications were first submitted, they included proposals for two marquees within the grounds, in order to cater for larger events. These have since been deleted from the proposal.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal. It is noted that sight lines at the existing junction onto Renton Road are slightly substandard, however the proposal would not result in a major increase in use of the junction relative to the former care home, and would not raise any road safety issues.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal, subject to implementation of the mitigation measures proposed in the applicant's noise impact assessment. However, it is noted that the site is a very quiet rural location and due to the lack of background noise in the vicinity, noise from functions and from late night coming and going from the car park may be particularly audible to residents in the nearby houses. The Environmental Health Service has no statutory powers in

relation to patron noise and therefore does not object to the proposal, but comments that there is a likelihood of the development causing disturbance.

- 4.3** Historic Scotland has been consulted informally and has no objection to the proposal. They are content that the internal alterations would be minimal and would preserve the principal features of the interior. Whilst the provision of additional car parking is not ideal in terms of the setting of the listed buildings, it is acknowledged that this may be necessary in order to secure a viable long term use for the building.

5. REPRESENTATIONS

- 5.1** A total of six persons/households have made representations, in some cases to both applications or to the listed building application. Four local residents and a farmer object to the application, whilst another representation comments on the noise impact assessment. The reasons for objection are as follows:

- Noise and disturbance from functions, music, movement of guests, staff, glass recycling bins, cars and coaches, particularly late at night;
- Odour nuisance from catering;
- Light pollution from car park will disturb neighbours (or if there is no lighting then this could be a safety hazard);
- Risk of anti-social behaviour by guests;
- Loss of privacy;
- Major events such as weddings would take a number of days to set up and dismantle so disturbance would be prolonged;
- Not possible to control nuisance by planning conditions as these would be ineffectual/unenforceable.
- Proposal contravenes human rights legislation (right to enjoy peaceful enjoyment of possessions, including land and home);
- Increased traffic would obstruct access/egress for residents and emergency vehicles and reduce safety, particularly for children;
- Increased traffic will cause the condition of the private road to deteriorate and may damage sewage/water pipes underneath;
- Farmer requires 24-7 access through site to attend to livestock and cannot have road blocked with cars or buses;
- Applicant cannot widen road or increase number of passing places as land required is outwith their ownership;
- Proposal contrary to policies BE2 and BE4 as it would not integrate with or compliment the character/setting of the various listed buildings;
- Proposal contrary to policy LE7 in that it would seriously affect residents' quality of life and erode/undermine the residential quality and amenity of the area;
- Proposal does not satisfy requirements of policy LE8 as no significant economic benefit to West Dunbartonshire;
- Only a small number of part-time jobs created;
- Market for hotels in this area is already well supplied. Business may not survive long term;

- Tourists would spend most of their money in surrounding council areas such as Argyll & Bute and Glasgow;
- Noise from people or music will upset livestock;
- Impact on local environment and wildlife such as deer and bats due to noise, disturbance and removal of trees;
- Previous problems with sewage system for the nursing home and concerns that it will not be able to cope with new use;
- Safety concerns relating to original marquee proposal;
- Noise impact assessment claims that a band frequently played at the former care home, whereas only a singer and a keyboard player would entertain residents with non-amplified music.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan (2010)

- 6.1** The site is located within the Green Belt. Policy GB1 states a general presumption against development in the Green Belt except in certain circumstances, including; the appropriate re-use of vacant buildings which would be desirable to retain for their local significance, historic or architectural character; and outdoor recreation, leisure or tourist proposals which are appropriate for the countryside, contribute to the social and economic development of the Plan area and are not contrary to other policies and proposals contained within the Local Plan.
- 6.2** Policy BE2 states that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting is not adversely affected. Policy BE4 encourages the productive re-use of vacant or underused listed buildings where this is compatible with surrounding land uses.
- 6.3** Policy LE7 states that proposals for business development within residential areas or in mixed use schemes will be supported where residential amenity or the surrounding uses are not adversely affected. Policy LE8 states that the Council will support applications for tourist industry developments throughout the Plan area provided that they satisfy certain criteria including the following:
- no adverse environmental, landscape, infrastructure or transport implications;
 - clear locational need;
 - significant economic benefit;
 - conformity with other relevant policies
- 6.4** The private access road and the land bordering the south-west edge of the site are a Local Nature Conservation Site and are partially covered by a Tree Preservation Order. Policy E3A states proposals should not adversely impact upon the integrity or character of a local nature conservation site. Policy E4 states that the Council will continue to protect trees covered by Tree Preservation Orders.

- 6.5** Policy GD1 sets out general requirements for all planning proposals. These include recognising the value of the historic environment and respecting the amenity of the area in which it is sited.
- 6.6** The issues contained in the above policies are discussed in section 7 below. It is considered that the development complies with Green Belt, Listed Building and Tourism/Employment policies as it would involve the sympathetic re-use of an important 'A'-listed building for a purpose which is appropriate for the countryside and which would enhance the area's tourism facilities. It is not considered that there would be any conflict with environmental policies as the proposal would not involve loss of any protected trees, and the impact on wildlife is not likely to be significant.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 7.1** West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan
Policy DS2 states that development outwith the urban area will be restricted to the opportunities identified by the Plan and certain specified uses, including leisure and tourism uses requiring and appropriate for a rural setting, and the reuse of existing buildings which are desirable to retain for their local significance or historic or architectural character subject to that character being retained.
- 7.2** Policy BH3 supports enabling development which would result in the retention or restoration of a listed building where this is appropriate in terms of design and use. Policy GE4 supports new tourist accommodation in appropriate locations which avoid adverse impact on the green network or built heritage.
- 7.3** Policies GN3 and GN5 seek to protect local nature conservation sites and tree preservation orders from development which adversely impacts upon the special characters of these areas.
- 7.4** These policies broadly correspond with the equivalent local plan policies described above, and the proposal is considered to be consistent with them.

Principle of Proposed Use

- 7.5** The property is a listed building which presents some specific challenges for re-use. The interior of the building is particularly ornate and well preserved, and this was the main reason for its listing category having previously been elevated from 'B' to 'A'. It would be difficult to subdivide the building into flats (for example), without this having an adverse impact upon the interior spaces, which could detract significantly from the building's historic value. It would therefore be preferable to retain the building as a single unit. However, the building does not lend itself to continued use as a care home, because it is too small to be economic, and cannot easily be adapted to meet current Care Commission requirements. Conversely, the building is so large that in practice it is unlikely to be viable as a single house. The proposed use as a small hotel is therefore an ideal use in terms of the listed building interests, as this would require minimal alteration of the interior layout and fixtures.

- 7.6** Country houses such as Dalmoak House are often used as leisure hotels and as venues for weddings, as their size, grand appearance and rural setting provide a suitably attractive location for such uses. Green Belt policy allows the re-use of important rural buildings for suitable new uses, including leisure/tourism uses. Other policies support the re-use of listed buildings and the provision of new tourism accommodation within the plan area. The proposed use as a hotel / function centre would be consistent with all of these policies, subject to consideration of the impact upon neighbours (discussed below).

Listed Building Issues

- 7.7** The layout of the house lends itself well to use as a small hotel and little alteration would be required to convert the building. There would be no alterations to the exterior of the building and internally the changes would be minimal with no great impact on the original features and character of the main rooms. The stained glass windows, ornate cornicing and feature ceilings would all be retained and restored. Historic Scotland supports the development and welcomes the proposals to find a new use for the building. They have advised that it is important that a new use is found for the building as soon as possible as vacant listed buildings in or near urban areas can deteriorate very rapidly due to vandalism and theft. This would not only detract from the special interest of the building through the loss and damage of historic fabric, but would also greatly increase the cost of conversion and reuse, making it even more difficult to find a commercially viable use in the future. Were Dalmoak House to fall into disrepair, this would also adversely impact upon the setting and amenity of the listed stables block and walled garden, and the residential amenity of residents.
- 7.8** The proposed changes to the grounds of the House mainly involve the creation of car parking. The proposed car park and acoustic fence would be less attractive than the existing grass lawn which currently contributes positively towards the setting of the house, walled garden and stables block. However, it is considered that these impacts would be outweighed by the benefits of bringing the listed building back into economic use. The proposed parking area is located towards the rear of the building and is partially screened by trees. It is the intention that the trees would be retained although some of the existing leylandii at the edge of the car park may need to be cut back slightly. The lawn and landscaped areas at the front and to the side of the House would be unaffected by the development and therefore the open setting of the building would be retained.

Impact on Neighbouring Residents

- 7.9** The stables block behind Dalmoak House has previously been converted into 4 houses, although it is understood that one of these is owned by the applicant. There is also a lodge house at the end of the private road which is approximately 250m from the site but which would be passed by traffic to and from the development. The residents of all these properties have objected. The previous care home use would have involved a degree of traffic and activity, but the proposed hotel use, and in particular the use of the building

for functions, would change the nature of such activity and may generate more noise, including noise into the evenings.

- 7.10** The applicant has responded to concerns about noise and disturbance by deleting their initial proposals to site marquees within the grounds. Such marquees would have provided additional space for larger functions, but it would have been difficult to contain noise and they would have encouraged external movement between the house and the marquees. It is therefore now intended that functions would be held solely within the rooms at the front of the building, which would limit the size of function which could be held, and which face away from the adjacent houses.
- 7.11** A noise impact assessment has been submitted by the applicant at the request of Environmental Health. This identifies that there is limited potential to add noise mitigation measures to the building because of its listed status, but suggests that the volume of amplified music played in the function room could be limited to a specified level that would avoid impacting upon the nearby residential properties. A speaker system could be employed which automatically limited the noise output, and this could be controlled by condition. It is therefore considered that the noise of amplified music from within the hotel is capable of being kept to an acceptable level.
- 7.12** The noise impact assessment also addressed the potential for noise disturbance from the proposed car park (e.g. car/coach engines starting up and doors being slammed). In terms of mitigation measures for the car park, the report recommends that a noise barrier in the form of a 2 metre high acoustic fence be built along the eastern boundary of the main car park. This would prevent much of the noise from reaching the nearby houses. Although the erection of such a fence would have an impact on the setting of the listed building, it is important that a commercially viable use that also preserves the internal space and decorative features of the building is found. A condition can be used to ensure that the barrier would be acceptable in terms of its appearance as well as being functional, and planting can be used to screen it where necessary.
- 7.13** Other recommendations in the noise impact assessment relate to management of the site including limiting delivery of goods to between the hours of 8am and 6pm, disposal of glass bottles to take place during the daytime and guests being dropped off/picked up in front of the building to reduce noise from people talking, walking around the premises, slamming doors etc; before the vehicle proceeds to the car park. Conditions can be applied restricting time for the delivery of goods, and agreement of a management plan for implementation of the other recommendations.
- 7.14** Collectively, it is considered that the various noise mitigation measures proposed would help to reduce the impact of the proposed use upon the nearby houses, but they would not eliminate them. In particular, it would be very difficult to prevent noise from guest's conversations when going outside for fresh air or to smoke, or when moving to and from the car park, and due to the site's quiet location even low levels of noise escaping from the building

may be audible to the neighbours. Whilst not objecting to the application, the Council's Environmental Health Service has highlighted the potential for such disturbance.

- 7.15** In relation to odours from cooking and disturbance from lighting, conditions could be used to ensure that details of proposed flues and lighting are appropriate.

Parking and Access

- 7.16** The proposal would provide 40 parking spaces for guests and 5 further spaces designated for staff, whilst maintaining the existing resident's spaces. This level of parking provision would comply with the parking standard for a venue of this size. It is likely that even when large functions were held there would be a high degree of car sharing by families and of guests travelling by taxi, and the applicant has stated that they would encourage clients booking functions to arrange coaches or minibuses for guests. The applicant has also stated that most of the 12 staff members would be part-time and that in the event of a large function transport would be arranged for staff to avoid the need for them to park on the site. Overall, it is considered that the parking arrangements would be acceptable.

- 7.17** The existing private access road leading up to the house is single track, but it is considered that the overall level of traffic generated by the proposal is unlikely to be significantly greater than that generated by the care home. However, there may be brief periods of heightened traffic (e.g. if function guests arrive or depart en masse). Therefore the applicant proposes to upgrade the existing poorly surfaced passing places, which are stated to be on ground controlled by the applicant. The passing spaces would be resurfaced with stone chippings and would be designed to the Council's Roads standards. The main entrance to the site is via the existing vehicular access on Renton Road, which has slightly sub-standard sight lines. The entrance has a curved stone wall on either side of stone pillars with entrance gates in the centre, but these are 'B'-listed along with the adjacent lodge house and cannot be altered. However, the access is not considered to be dangerous and the proposed development would involve only a small increase in use. The Council's Roads Service has no objection to the proposal, and subject to improvement of the passing places the access is considered to be acceptable.

Natural Environment

- 7.18** The road leading up to Dalmoak House and the south-western edge of the site are located within a Local Nature Conservation Site, and the trees on either side of the access road are covered by a Tree Preservation Order, which offers further protection for this area. The only work that would take place within this area is the upgrading of the surface of the existing passing spaces, and no trees would be affected by the works. The main car park to be formed at the rear of the building would extend up to the edge of the Local Nature Conservation Site; however, the agent has confirmed that no trees would be affected within the protected area. The only trees likely to be affected are some the leylandii trees along the south-eastern boundary of the

car park, which are not covered by a Tree Preservation Order and are of limited environmental value. Due to its rural setting it is likely that species such as bats and deer are to be found in the surrounding area, however, the development would not result in the loss of any natural habitat and it is not considered that noise or activity from the proposed use is likely to have a significant impact on local wildlife. It is also unlikely that noise from the development would be at a level which would alarm livestock.

Other Issues

- 7.19** A number of other issues, not covered above, have been raised in the representations. These issues relate to human rights legislation, health and safety concerns, viability of the business, impact on pipes under access road, and additional pressure on building's sewage system. These issues are either not considered likely to be relevant to the application, or are not material planning considerations.

8. CONCLUSION

- 8.1** The proposal involves a change of use which would be an eminently suitable, if not ideal, use for this important 'A'-listed building, but which has an acknowledged potential to give rise to noise in a quiet rural location where even low levels of noise are likely to be audible to neighbours. On balance, it is considered that the amenity of Dalmoak House's historic curtilage, including the amenity of the houses in the former stables, is fundamentally drawn from the high quality of the buildings, and the most important issue in the preservation of that amenity is to ensure the future of Dalmoak House. The proposal should secure the future of the listed building, which may otherwise fall into decline. Were that to happen, it is considered that the negative impact upon neighbouring homes would be more significant than the disturbance which may arise from this proposal. The proposed hotel / event centre use would be consistent with all relevant development plan policies, and it is therefore recommended that the applications be approved.

9. CONDITIONS

DC14/037

- 01. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.**
- 02. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 03. Prior to the commencement of works, full details of the acoustic fence shown on plan 002, including details of planting to screen the fence, shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved**

prior to the opening of the hotel / events centre, and maintained thereafter. Once installed, the acoustic fence shall not be removed without the prior written approval of the Planning Authority.

04. The new use shall not commence until such time as details of the means of limiting the noise of amplified music played in the function rooms to the level specified in the noise impact assessment have been submitted to and approved in writing by the Planning Authority. Such means shall thereafter be implemented as approved and retained thereafter. No amplified music shall at any time be played outwith the building.
05. Prior to the proposed use being brought into use, the upgrading/resurfacing of the passing places shown on drawing number 000 shall be carried out, and these passing places shall thereafter be maintained at all times.
06. Prior to the new use commencing, the parking spaces shown on drawing number 002 shall be formed and delineated, and shall thereafter be maintained at all times as parking spaces.
07. Prior to the commencement of the development details (including specific luminaire and lamp type, beam control, wattage, the use of reflectors, baffles, louvers, cowling, lux contours/distribution diagrams and columns types/colours) of any external lighting including floodlights shall be submitted for the further written approval of the Planning Authority and implemented as approved. Any subsequent changes to the position or specification of the external lighting shall be subject to the prior written approval of the Planning Authority.
08. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.
09. No commercial vehicles making deliveries to or collecting material or waste from the hotel / event venue shall enter or leave the site before 8am or after 6pm. This restriction does not apply to passenger vehicles transporting guests to and from the site.
10. Prior to the commencement of works, details of an adequate sized grease trap shall be submitted to and approved by the Planning Authority in consultation with Environmental Health and thereafter it shall be installed prior to the use being operational and maintained thereafter.

11. Prior to the commencement of works, details of the flue system/extraction system shall be submitted to and approved by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue/extraction system shall be implemented prior to the use being operational and shall be maintained thereafter.
12. The hotel / event venue use shall not commence until such time as a management plan detailing the means by which the various noise mitigation measures suggested in the noise impact assessment shall be implemented during operation of the use has been submitted to and approved in writing by the Planning Authority. The operation of the hotel / event venue shall thereafter be carried out in accordance with the agreed management plan.
13. No trees shall be lopped, topped or felled unless this has first been approved in writing by the Planning Authority.

DC14/038

01. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
02. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site, including the noise barrier, shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.
03. Prior to the commencement of works, full details of any external lighting including floodlights shall be submitted for the further written approval of the Planning Authority and implemented as approved.
04. Prior to the commencement of development on site, details of the flue system/extraction system shall be submitted to and approved by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue/extraction system shall be implemented prior to the use being operational and shall be maintained thereafter.
05. No alterations to any of the original interior fixtures, including plasterwork, timber panelling and windows, shall be carried out unless this has first been approved in writing by the Planning Authority.

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 15 January 2015

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Appendix: None

Background Papers:

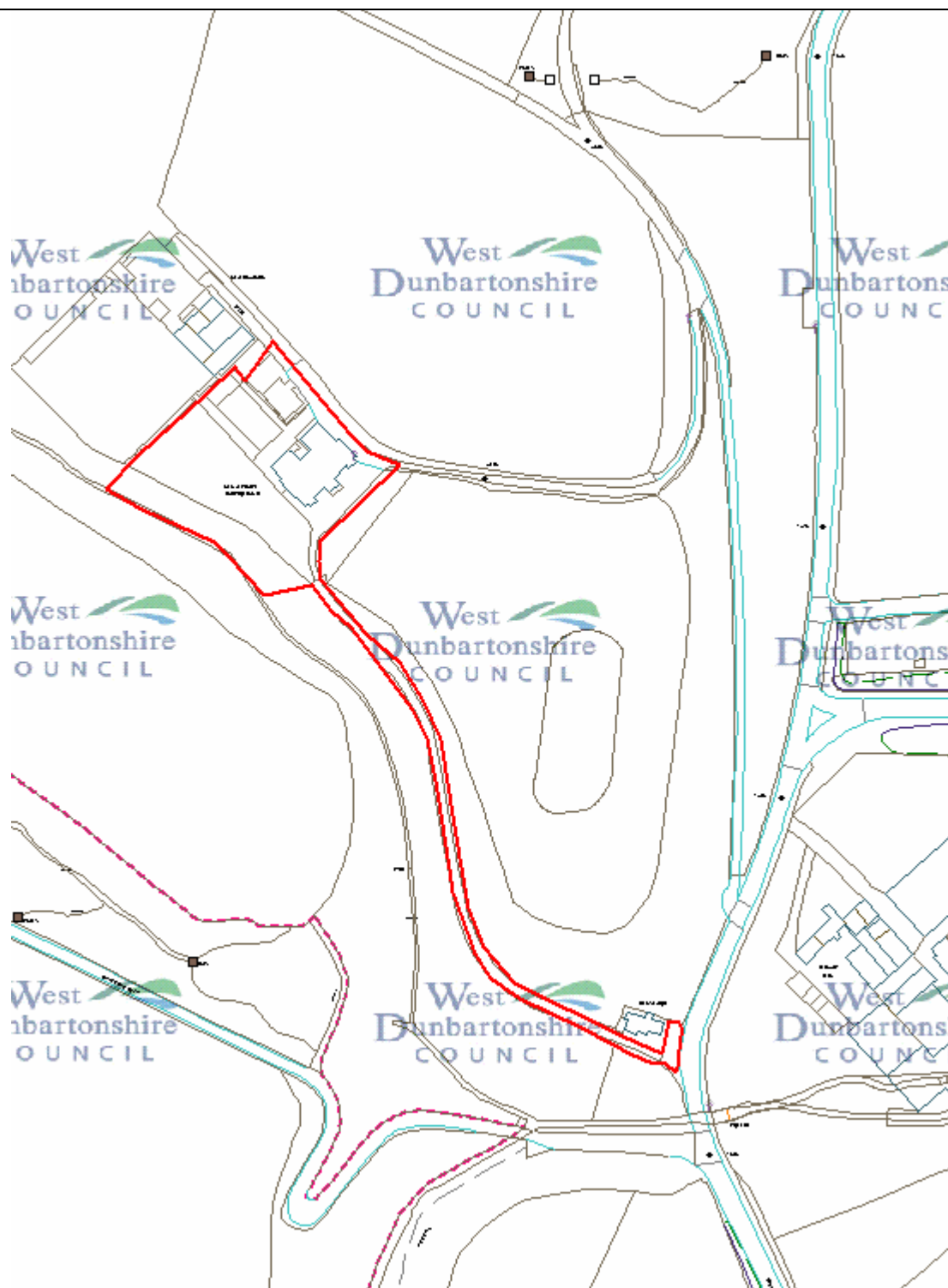
1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. Consultation responses
5. Representations

Wards affected: Ward 3 (Dumbarton)

DC14/037
DC14/038

Dalmoak House change of
use from a care home to
hotel and events centre

Castle Glen Care And Nursing Home
Renton Road
Dumbarton
G82 4HQ



WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 January 2015

DC14/202: Residential development of 24 flats (removal of Conditions 20 and 21 of permission DC12/275 which link construction of the last 12 flats to the completion repair, restoration and conversion of Helenslee House), at the former Keil School, Helenslee Road, Dumbarton by Bett Homes Limited.

DC14/203: Residential development of 13 houses (removal of Condition 21 of permission DC12/211 which links construction of the last 11 new-build houses within the wider Keil School site to the completion repair, restoration and conversion of Helenslee House), at the former Keil School, Helenslee Road, Dumbarton by Bett Homes Limited.

1. REASON FOR REPORT

- 1.1** The applications seek to remove conditions attached to permissions granted by the Planning Committee and raise issues of local significance. Under the terms of the approved Scheme of Delegation they therefore require to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Refuse** planning applications DC14/202 and DC14/203 for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The applications relate to part of the larger residential development within the grounds of the former Keil School, located within the Kirktonhill Conservation Area. The Keil School development comprises the former school building itself (Helenslee House, which is a 'B' listed building), and its extensive grounds, including a former walled garden to the north of Helenslee House. At the south of the site, between Helenslee House and the River Clyde, is a large area which has been partly developed with new housing. The eastern half of this area has already been developed with large detached houses, whilst the western part of the site has been partially implemented with a mix of houses and flats.
- 3.2** The Keil School development has a complex history, which it is necessary to summarise in order that the current applications may be understood.

- The original planning permission to redevelop the site (DC03/176, amended by DC06/295) allowed the conversion and extension of Helenslee House to create 8 flats/houses, and the building of 32 new detached houses (mainly in the southern part of the development) and 5 new terraced houses (in the former walled garden). All of these houses and flats were to have been very large properties;
- Due to the economic downturn demand for such large properties was not as strong as the developer had anticipated, and only 21 of the approved units were built (all detached houses). The developer therefore sought to develop the balance of the site with an increased number of smaller properties;
- Permission DC08/224 increased the number of flats allowed within Helenslee House from 8 to 13, although this was never implemented and the permission has since lapsed;
- A succession of applications amended the original 11 unbuilt detached house plots, ultimately replacing these with 13 houses (permission DC12/211) and two blocks containing 24 flats (permission DC12/275). At present, 10 houses and one block of 12 flats have been built in accordance with these permissions, with the balance remaining unbuilt.

3.3 The reasons that the balance of 3 houses and 12 flats have not yet been built is that completion of these units is restricted by conditions on their respective permissions, which linked the development of these plots to the restoration of Helenslee House. The conditions concerned are as follows:

DC12/211

21. *The last 11 new build dwellinghouses on the site* shall not be occupied until such time as the repair, restoration and conversion of the listed buildings within the grounds of Keil School have been completed to the satisfaction of the Planning Authority in accordance with the plans approved under Ref. DC03/176.*

* (i.e. including 8 unbuilt terraced house plots adjacent to Helenslee House and in the walled garden)

DC12/275

20. *No work shall commence in respect of the second block of twelve flats (i.e. whichever of the two blocks hereby approved that the developer chooses to commence second) until such time as:*

- (a) *a detailed programme of works for the first phase of restoration of Helenslee House has been submitted to and approved in writing by the Planning Authority. The first phase shall include as a minimum all such works as are necessary to make the building secure, to ensure its physical integrity pending commencement of its conversion into flats, and to secure from the elements those parts of the building which are currently open (by a means to be agreed with the Planning Authority and Historic Scotland); and*

(b) a financial appraisal demonstrating the commercial viability of the completion of the conversion of Helenslee House into flats in accordance with permission DC08/224 (or such alternative permission as may be granted), has been submitted to and approved in writing by the Planning Authority. Such appraisal shall include a letter from the applicant's Parent Company confirming that the requisite financial authorisations are in position to enable the conversion of Helenslee House to take place.

21. *None of the second block of twelve flats shall be occupied until such time as all of the 'first phase' works agreed under condition 20(a) above have been implemented.*

The background to these conditions is explained in Section 7 below.

3.4 No restoration has taken place at Helenslee House, which has deteriorated significantly in condition over the last few years due to vandalism, including several malicious fires which have destroyed much of the interior and roof. The applicant has submitted that it is now not possible to comply with these conditions. Therefore, the applicant has applied to remove all of these conditions in order to allow the second block of flats and last three houses to be constructed in the south western corner of the site without any link to the restoration of Helenslee House. As the conditions were attached to two separate permissions, there are now two separate applications to vary the conditions, although the issues are the same for both applications.

4. CONSULTATIONS

4.1 None. However, the future of Helenslee House has been under discussion with Historic Scotland for some time, and Historic Scotland were a party to the commissioning of the Heritage Merit Assessment which is discussed in Section 7.5 below. From these discussions it is understood that Historic Scotland remains of the view that Helenslee House remains capable of restoration.

5. REPRESENTATIONS

5.1 There have been 6 objections to application DC14/202 and 7 objections to DC14/203, from a total of 9 local individuals/households (some people objecting to both applications). The reasons for objection to each application are similar, and can be summarised as follows:

- The conditions serve a necessary purpose of safeguarding the listed building and the character of the conservation area;
- Removing conditions would reduce likelihood of the listed building being restored in a timely manner, if at all;
- Removing conditions would result in the listed building falling into further disrepair to the point where it would probably have to be demolished;

- Further deterioration or demolition of the listed building would detract from the appearance and character of the conservation area;
- Proposal would free the applicant of responsibility for restoring listed Helenslee House and allow them to walk away from the site upon completion of the remaining houses/flats;
- Developer is responsible for deterioration of Helenslee House due to lack of restoration work over last ten years whilst other parts of the site were developed, and inadequate security making the building an easy target for vandals;
- Although the interior of the listed building has been destroyed, the external stonework is still in place and it remains capable of restoration.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The policies of greatest relevance to the current applications are those relating to Listed Buildings and to the Kirktonhill Conservation Area. Policy BE1 seeks to ensure that no works adversely affect the appearance or character of a Conservation Area, and indicates a general presumption in favour of retaining all buildings which make a material contribution towards the urban form, architectural or historic character of the area. Policy BE2 presumes against the demolition of listed buildings and seeks to protect their appearance, character and setting. The proposal is assessed against the criteria in the above policies in Section 7 below. It is considered that the removal of the conditions would be contrary to policies BE1 or BE2 of the adopted local plan since this would significantly reduce the likelihood of Helenslee House being restored, and its further deterioration would detract from the value of the listed building and the character of the conservation area.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** Policy BH3 indicates that development which would adversely affect the special interest, character or setting of a listed building will not be permitted. The policy supports appropriate enabling development that would result in the retention or restoration of a listed building, subject to conditions or a legal agreement ensuring the restoration of the listed building. Policy BH4 indicates that development which would harm the character or appearance of a conservation area, including demolition of notable buildings, will not be permitted. Policy DS1 contains general requirements for all new development, including contributing positively towards built heritage and retaining built assets which make the area distinct. The proposal is considered to be contrary to policies BH3, BH4 and DS1.

Purpose of Conditions

- 7.2** Securing the future of the listed Helenslee House has been a fundamental requirement of the various planning permissions for the enabling development within its grounds. To this end, the original planning permission (DC03/176)

contained two conditions specifying (i) that no development occur until binding contracts for the restoration of Helenslee House had been entered into, and (ii) that the last 10 (of 37) new houses must not be occupied until the Helenslee House conversion was complete. The first condition was subsequently discharged, allowing development to commence, but unfortunately it proved insufficient to secure the restoration once the economic situation changed. The conversion of Helenslee House was not expected to be economic without some subsidy from the sale of the new houses, but in the event the selling price of some houses had to be reduced so they did not generate the profit anticipated to allow the conversion of Helenslee House. Meanwhile, the cost of converting Helenslee House had increased due to the fire damage. The approved mechanism for securing restoration therefore became unachievable.

- 7.3** The only remaining mechanism for linking the restoration of Helenslee House to the enabling development is therefore the conditions that prevent the completion of the last of the new-build units until such time as the conversion is carried out. As a result of the reduced size and increased number of new build units, the relevant conditions on permissions DC12/211 and DC12/275, increased this restriction proportionately so it now applies to the final 11 houses and 12 flats on the Keil School site. These conditions therefore continue to serve the necessary planning purpose of linking the remaining new development on the site to the restoration of the listed building.

Condition of Helenslee House

- 7.4** Due to the extensive fire damage to Helenslee House, the applicant commissioned a Heritage Merit Assessment from an independent consultant. The scope of this assessment was agreed in advance with the Council and Historic Scotland. The purpose of the assessment was to review the current condition of the building and provide an objective view on the potential viability of restoring and/or retaining all or part of the surviving structure.
- 7.5** The assessment concludes that the building structure is in a reasonable condition, given the events of four fires and the extent of water ingress over time. Although fire and water damaged, the assessment states that there are no obvious signs of major structural issues and the building would therefore be capable of re-use and conversion following careful structural interventions. In addition, it was noted that some internal features could potentially be saved and re-created within public areas and could include plaster mouldings, cast iron staircase balusters and stained glass. The assessment concluded that the building is capable of repair, and that its restoration and retention would be a significant benefit to the immediate locale and the wider community. However, the assessment also recognised that restoration of the building would be extremely expensive. The assessment estimates the likely cost of restoring and converting the building as 2 million pounds and concludes that the cost of the works would substantially exceed the income generated from sale of the resultant flats. Ultimately, the assessment concludes that in the absence of any external funding source, the saving of the building will only be possible if the cost of the restoration can be offset against sales values realised from the remaining enabling development on the site.

Financial Viability of Development

- 7.6** The applicant has provided financial details for various possible scenarios relating to the site. These demonstrate that were the developer to vacate the site upon completion of the existing phase of work (i.e. leaving Helenslee House unrestored and not building the final 11 houses and 12 new-build flats), the developer will be left with a debt of £4.14 million for the site. From that baseline, the estimated costs of other possible works are as follows:

development	net income
build last 3 houses from permission DC12/211	£803,295
build last 12 flats from permission DC12/275	£727,800
convert Helenslee House to flats	-£1,528,476 (loss)
build 3 townhouses onto Helenslee House	£245,031
build 5 terraced houses in walled garden	£408,384
demolish Helenslee House	-£350,000 (loss)

- 7.7** It will be noted that even the profitable elements remaining do not provide enough surplus for the developer to clear the existing debts for the site. The applicant has confirmed that the options they are proposing are ultimately a means of debt reduction and the figures do not include interest or company overheads. The figures quote are optimistic, and assume a higher rate of return for new development than has hitherto been realised on the site. Nonetheless, the applicant has estimated that even if all of the permitted new-build units were implemented and Helenslee House was demolished, they would have to construct approximately 30 more houses in order to clear the debts for the site. The conversion of Helenslee House would increase the debt by over £1 million, and would increase the number of addition new units needed to clear the debt.
- 7.8** The applicant submits that there is no possibility of carrying out any restoration of Helenslee House unless the existing debt on the site can be reduced. Restoring the listed building would involve a very large “up front” expenditure on the building, which would take many months to develop and would not realise any return on that investment (i.e. sales income) over that period. Whilst the site is carrying over £4 million in debt the bank will not lend money for such a project. However, if the debt can be brought down to a more manageable level it is more likely that lending could be secured in the future, although this would still require the future development to contribute towards paying off the debt.
- 7.9** The financial challenges facing this development are recognised, but this situation (i.e. the existing debt) has arisen primarily because earlier phases of the “enabling” development failed to sell at a profit, and not because of the condition of Helenslee House. The fire damage which has occurred to Helenslee House will undoubtedly have increased the cost of the structural repairs required for its restoration, but it has also provided greater flexibility in terms of the internal layout as it is no longer necessary to design the flats around the existing interior fabric. This may make it easier to accommodate a larger number of smaller flats, with a greater potential value.

- 7.10** Furthermore, regrettable though the developer's losses on this development are, the fact that the site is making a loss overall does not provide a justification for removing the obligations relating to the listed building. The financial information submitted by the applicant suggests that the 11 houses and 12 flats which are covered by the relevant conditions have potential to generate a net surplus of £2.18 million, which would be sufficient to cover the net cost of restoring Helenslee House (£1.53 million) whilst still generating £0.55 million towards debt reduction and avoiding the £0.35 million cost of demolishing the building. On the other hand, if the developer is allowed to complete the 3 houses and 12 flats which are covered by permissions DC12/211 and DC12/275 without any link to the restoration of Helenslee House, then the estimated net surplus from the remaining 8 house plots (£0.65 million) would be nowhere near sufficient to cover the restoration of the listed building. Whilst this would serve to reduce the site's outstanding debt, it would appear to make future investment in Helenslee House even less likely.
- 7.11** Under these circumstances it would be inappropriate to allow any relaxation of the conditions, unless the Council accepted that Helenslee House did not require to be restored. This would imply either that the building be left derelict (in which form it is unsightly, dangerous and a financial liability for the developer), or that it could be demolished (which would require listed building consent and the agreement of Historic Scotland). No application for listed building consent has been submitted, and it is understood that the reason for this is that the applicant would need to show evidence of having actively attempted to market the building at a realistic price before Historic Scotland would consider agreeing to its demolition. Given that the building on its own is not likely to be economically viable for restoration, any such marketing of the site would need to include the surrounding undeveloped plots in order to make it a realistic development opportunity. It would therefore be entirely inappropriate to allow the developer to complete any of the outstanding plots until such time as the future of Helenslee House has been established.

Amenity

- 7.12** The applicant has submitted that allowing the completion of the remaining 3 houses and 12 flats would "finish off" the southern end of the site, whereas if these plots continue to be linked to the future of Helenslee House there is little prospect of them being developed in the near future. Completion of this part of the development would be to the benefit of the residents of the estate, as it would remove the uncertainty which arises from living on a partly developed site. Additionally, there have been problems of anti-social behaviour on vacant land in the development, and completion of these units would serve to reduce this.
- 7.13** It is clearly in the interests of residential amenity to complete the development of the new housing as quickly as possible. However, for the same reasons it is also important to secure the restoration of Helenslee House, which in its current state is detracting from the amenity of the area and is attracting anti-social behaviour. The proposal would solve one problem (the vacant plots at

the south end of the site) whilst exacerbating a larger problem (the derelict state of Helenslee House) which would detract from the amenity of area.

8. CONCLUSION

- 8.1** The restoration and conversion of the 'B' listed Helenslee House is important to the character and amenity of the Kirktonhill Conservation Area and is an integral part of the wider Keil School redevelopment. The new houses and flats built within the grounds were allowed primarily as a means of enabling this restoration to take place. Were the conditions attached to permissions DC12/211 and DC12/275 to be removed, this would result in the completion of almost all of the "enabling" development without it having made any contribution towards the restoration of the listed building, and it would leave insufficient value in the few remaining undeveloped parts of the site to cover the costs of restoration. In practice, this would amount to accepting that the listed building need not be restored and would very probably result in its continued dereliction and eventual demolition. This would be contrary to the policies of the adopted and emerging development plans in respect of the protection of listed buildings and the character of conservation areas. It would also be premature, in the absence of an application for listed building consent. It is therefore recommended that the conditions preventing completion of the final 11 houses and 12 flats should be retained.

9. REASONS

DC14/202

- 1. The completion of the flats without complying with the terms of conditions 20 and 21 of planning permission DC12/275 would remove any link between this phase of the enabling development and the restoration/conversion of Helenslee House, and would reduce the likelihood that the value of enabling development on the remaining parts of the Keil School site would be sufficient to cover restoration of the listed building. The proposal would therefore endanger the future of a listed building which is of architectural and historic interest and which contributes positively towards the appearance and character of the Kirktonhill Conservation Area. The proposal is therefore contrary to Policy BE2 of the West Dunbartonshire Local Plan (2010) and Policy BH3 of the West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan.**

DC14/203

- 1. The completion of the new houses without complying with the terms of condition 21 of planning permission DC12/211 would remove any link between this phase of the enabling development and the restoration/conversion of Helenslee House, and would reduce the likelihood that the value of enabling development on the remaining parts of the Keil School site would be sufficient to cover restoration of the listed building. The proposal would therefore endanger the future of a listed building which is of architectural and**

historic interest and which contributes positively towards the appearance and character of the Kirktonhill Conservation Area. The proposal is therefore contrary to Policy BE2 of the West Dunbartonshire Local Plan (2010) and Policy BH3 of the West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan.

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 13 January 2015

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Appendix: None.

Background Papers:

1. Application forms, plans and supporting documents;
2. Representations;
3. West Dunbartonshire Local Plan 2010; and
4. West Dunbartonshire LDP - Proposed Plan.
5. Previous Permissions DC12/211 and DC12/275

Wards affected: Ward 3 (Dumbarton)

Map Register No:HQ450

Date: 9 January 2015

DC14/202

**Erection of residential
development (Removal of
Condition 20 and Condition
21 from planning
permission DC12/275**

**Keil School
Helenslee Road
Dumbarton**



WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 January 2015

DC14/228

**Change of use to form car park at Crosslet Road,
Dumbarton by West Dunbartonshire Council**

1. REASON FOR REPORT

- 1.1** This application relates to a development that is contrary to the development plan but which is recommended for approval. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site is an area of open space that measures just over 0.1ha. It forms the eastern part of a larger area of open space on the south side of Crosslet Road, adjacent to the entrance to East End Park. The site is separated from East End Park and from housing to the east by the Knowle Burn and a hedgerow, while on the opposite side of Crosslet Road to the north is St Patrick's Primary School. The site is flat and was formerly an area of grass, however it is currently surfaced in hardcore as a result of it having been used as a temporary site compound for the Knowle Burn flood prevention works.
- 3.2** Planning permission is sought to use part of the land as a 12-bay car park, to provide pick-up/drop-off parking for the school opposite and for East End Park. The surface of the car park would cover an area measuring around 260 square metres and would be finished with grasscrete or similar material. The remainder of the land on either side of the car park would be re-surfaced with grass, and beech hedges would be planted along the 2 sides. A post and wire fence would also be erected around the perimeter of the car park, and a new footway crossing would be formed in the pavement to allow vehicular access from Crosslet Road.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal.

5. REPRESENTATIONS

- 5.1** One representation has been received from a local resident who supports the provision of a car park but considers that it should be larger, surfaced with tarmac, and that there should be signs to advise that the car park is for short term use only.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is within a larger area (covering East End Park and the open space to the west of the site), which is designated for the Retention of Open Space. Policy R1 indicates a presumption against development which adversely affects the use, character or amenity of areas of functional and valued open space, or which are capable of being brought into functional use to meet an identified need. Development on existing open space will be considered against the following criteria:
- the existing or potential future use, quality and value of the open space;
 - whether there is sufficient provision of the facility type in the local area, with reference to Policy R2 targets including the proximity and quality of open space in the area or an Open Space Audit and Strategy;
 - whether or not a comparable replacement facility is proposed in the local area.

These issues are discussed in Section 7 below, and it is concluded that whilst the proposal would result in a loss of open space, the area lost would be fairly small and of limited amenity value. Whereas the provision of a car park would provide a benefit to the local area by reducing on-street parking.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

- 7.1** The site is located within an area identified as Open Space. Policy GN1 states that development which would result in the loss of an open space which is, or has the potential to be, of quality and value will not be permitted unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Scottish Planning Policy

- 7.2** This states that the development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered.

Open Space Audit and Strategy

- 7.3** The Council's Open Space Strategy was approved in 2011 based on Audit work undertaken in 2009. The proposed development site was assessed as part of the wider East End Park site which it adjoins. East End Park was assessed as being of high quality and high value.

Amenity and Safety

- 7.4** The proposal involves the construction of a small car park which would mainly be used to allow parents to park whilst waiting to collect their children from the nearby primary school. Dumbarton Academy is also a short distance to the west, and it is understood that there is a high demand for car parking in the area at either end of the school day. The proposal would help to relieve congestion and has been requested by the Parents' Council. The car park would also be useful for activities held in East End Park. There are some houses a short distance to the east of the site, but the proposal is not likely to have any adverse impact upon the amenity of these properties, and the only representation received is from a resident of these houses who requests that the car park be made larger and that it be surfaced in tarmac. However, these suggestions would make the car park more visually prominent. The access is acceptable in road safety terms.

Loss of Open Space

- 7.5** Although the site has temporarily been used as a site compound, its permanent use is currently part of a broad strip of grass along the south side of Crosslet Road. This area is separated from East End Park by the Knowle Burn, but the park is visible across the open space from Crosslet Road, which contributes significantly to the visual amenity of the street. Therefore, whilst the open space is of limited practical use in itself, it would not be desirable to allow it to be built upon or to become unsightly.
- 7.6** In this case the proposal would involve the loss of a relatively small part of the open space (around 260m²), and the majority of the land would be unaffected by the development. The proposed car park would be finished with grasscrete, which would help to integrate it with the surrounding open space, and the proposed beech hedging and grass would also help to soften the appearance of the edges of the development. The open character of the south side of Crosslet Road, and the views across the land to East End Park would be retained. It is there considered that the development would not have a significant impact on the visual amenity of the area.

8. CONCLUSION

- 8.1** The proposed development will help to reduce on-street parking and congestion around the front of a school, which in turn will help to improve road safety and the amenity of the surrounding area. Although a small area of open space would be lost, it is considered that the impact upon the wider open space of which the site forms a part would be minimal, and that the proposal would be suitably landscaped to ensure an appropriate appearance. Whilst the loss of any area of open space is contrary to Policy R1 of the adopted plan it is considered that this is outweighed in this instance by the benefits of providing the car park.

9. CONDITIONS

1. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
2. The proposed landscaping scheme shown on drawing number 13043/RW/LP-02 shall be implemented not later than the next appropriate planting season after the car park is brought into use.

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 12 January 2015

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Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. Consultation response
5. Representation

Wards affected: Ward 3 (Dumbarton)

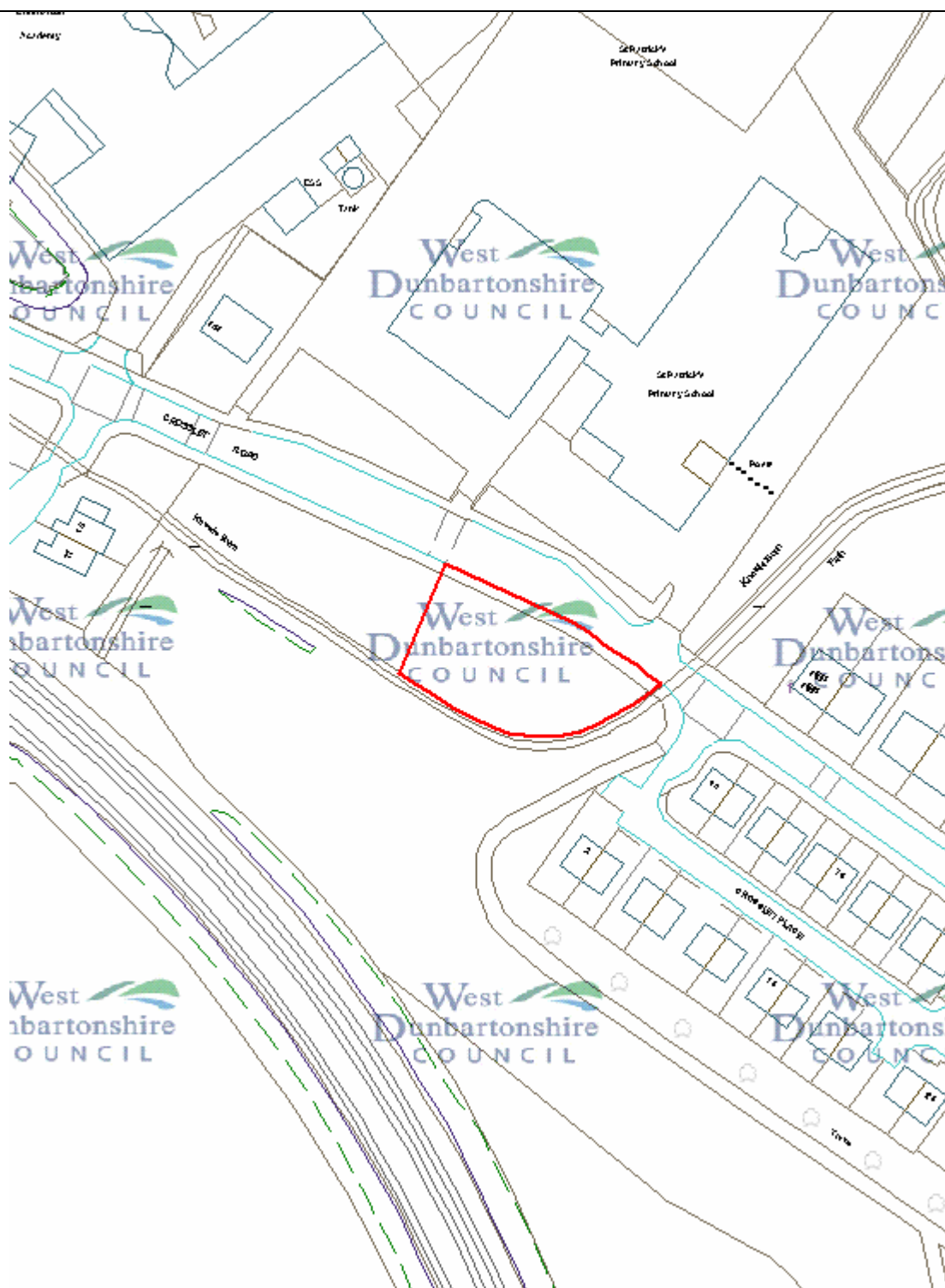
Map Register No:HQ448

Date: 8 January 2015

DC14/228

Change of use to form car
park

Car Park
Crosslet Road
Dumbarton



WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 January 2015

DC14/254 **Erection of conservatory (retrospective, removal of Condition 2 of permission DC13/087 requiring implementation of noise mitigation measures) at 11 Park Avenue, Dumbarton by Mrs Elaine Lawrie**

1. REASON FOR REPORT

- 1.1** This application seeks to remove a condition attached to a permission granted by the Planning Committee. Under the terms of the approved scheme of delegation the application therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** Grant planning permission.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a ground floor flat within a four-in-a-block building. The site is located within an existing residential area and is bounded by similar residential properties on either side and on the opposite side of the street. A burn runs along the rear boundary of the site, separating it from East End Park.
- 3.2** A small rear conservatory and a driveway were formed at the site around 2 years ago. As the property is a flat these works required planning permission, and retrospective planning permission was granted by the Planning Committee in June 2013 (decision DC13/087). That application had been subject to six objections, mostly in relation to the driveway, but there was also a complaint that the noise of rain on the plastic roof of the conservatory caused disturbance to the flat above. To address this issue, the following condition was applied to the consent:
- 2.** *Within 1 month of the date of this permission the applicant shall submit for the written approval of the Planning Authority details of noise mitigation measures to reduce the noise arising from rainfall on the conservatory roof. The approved noise mitigation measures shall thereafter be implemented within 3 months of the date of this consent.*
- 3.3** Shortly after that permission was granted, the agent submitted details of a proposed “Silent Roof” system, which is a translucent material that can be applied to the exterior of conservatory roofs to improve insulation and reduce

rain noise. This material was considered to be acceptable and met the requirements of condition 2. However, during the subsequent assessment of the building warrant application, it was determined that the use of this material would not comply with the building regulations. The existing plastic roof on the conservatory does comply with the current building regulations, but if the insulation material was to be applied this would change the structure from a “conservatory” to an “extension” in terms of the building regulations. The agent has not been able to find an alternative material that can be applied to the existing roof to reduce noise which would also meet the current building regulations. The applicant has therefore not been able to comply with Condition 2 of the planning permission, and has now applied to remove the requirement for noise insulation altogether, in order that the conservatory may obtain its building warrant.

4. CONSULTATIONS

4.1 None.

5. REPRESENTATIONS

5.1 None, although the applicant has submitted statements of support signed by two neighbours.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

6.1 The site is within an Existing Residential Area where Policy H5 seeks to safeguard and where possible enhance character and amenity. The conservatory is a small domestic development which is in compliance with this policy. It has already been established as being acceptable in principle, and the only issue for consideration in this application is the issue of noise arising from its roof construction.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

7.1 The site is located within an Existing Neighbourhood where Policy BC3 indicates that development which would significantly harm the residential amenity, character or appearance of existing neighbourhoods will not be permitted. The proposal is considered to comply with this policy for the reasons discussed below.

Residential Amenity

7.2 At the time of the previous application, two of the objections received related to noise from the roof, these being from the two upper flats in the four-in-a-block. All neighbours within 20m of the site have been notified of the current application, and no objections have been received. In addition, the agent has submitted pro-forma letters signed by the occupants of these two flats indicating that they agree to the silent roofing system being omitted.

7.3 The issue of noise from the conservatory roof only arose because the original application was retrospective, and it would seem that issue may have been a minor annoyance when the conservatory was newly built. However, any noise from the roof is likely to be more of an issue for the applicant themselves than for neighbours, and the lack of objections to the current application suggests that it is not now having a significant impact upon the amenity of neighbours. The applicant was willing to install sound insulating material but this would have had significant building warrant implications and is therefore not a practical solution. Furthermore it is unusual to require such measures for a conservatory. Under the circumstances it is considered reasonable to allow the conservatory to remain in its present condition, without the requirement for further noise mitigation.

8. CONCLUSION

8.1 It is considered that noise from rain landing on the conservatory roof is not likely to be causing excessive noise or disturbance for neighbouring properties, and it is recommended that the condition requiring noise mitigation measures can therefore be removed.

9. CONDITIONS

9.1 None.

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 12 January 2015

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Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan

Wards affected: Ward 3 (Dumbarton)

Map Register No:HQ447

Date: 8 January 2015

DC14/254

Removal of Condition no.2
of Consent DC13/087
requiring implementation
of noise mitigation
measures

11 Park Avenue
Dumbarton
G82 1BU



WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28th January 2015

Subject: Planning Performance Framework 2013/14

1. Purpose

- 1.1** To inform the Committee of the recent comments received from the Scottish Government regarding the Planning Performance Framework submitted by this Council for 2013/14.

2. Recommendations

- 2.1** That the Committee notes the content of this report and agrees to the implementation of the improvement plan contained in Appendix 4.

3. Background

- 3.1** A Planning Performance Framework was introduced in 2012 by the Scottish Government and this was seen as a balanced measurement of the overall quality of the Planning Service which would be used as a vehicle to drive continuous improvement. This is the third Planning Performance Framework to be submitted and assessed. The feedback received on the previous two Planning Performance Frameworks was very favourable and the service supported a strong commitment to decision making timescales and the provision of an open for business culture envisaged through planning reform and the Planning Performance Framework.

4. Main Issues

The third Planning Performance Framework was submitted at the end of September 2014 and it outlined our performance and demonstrated our achievements, actions and improvements in 2013-14 and is contained in Appendix 1. The Framework is again centred around key themes of national headline indicators, defining and measuring a high quality Planning Service identifying high quality development on the ground, certainty and communications, engagement and customer service, efficient and effective decision making and management structures, financial management and local governance and a culture of continuous improvement.

- 4.1** The Scottish Government feedback report on Planning Performance Framework 2013/14 was again very favourable and indicated a well presented report that includes good case studies and customer feedback. The approval rates, early engagement and willingness to negotiate all suggested a beneficial level of certainty and confidence. Evidence of a range of activities such as the use of processing agreements, the supplementary guidance on

Residential Development; Principles for Good Design as well as the case studies of development on the ground contributed to an Open for Business approach and a positive customer experience. The commendation at the Scottish Awards for Quality in Planning 2013 for the public and private partnership at Lomondgate demonstrated commitment to delivering high quality development. They indicated that there was good evidence of collaborative working through regular internal meetings and clearly publicised protocols. This was supported by positive customer feedback. The report also recognised the progress made in involving elected members at the pre-application stage and the benefits of the site visit to Alg Deary Wind Farm in Argyll which allowed information sharing and an insight into decision making perspectives.

4.2 The Scottish Government were pleased to learn that the Local Development Plan is to be adopted by March 2015 within 5 years of the adoption of the previous Local Plan. In terms of decision making timescales there was a small decline albeit these remain comparable with the national average. For major developments the average timescales increased from last year from 19.2 weeks to 32.4 weeks. However this is better than the national average of 53.6 weeks. This increase to 32.4 weeks was due to one major application which took 90 weeks for a wind farm. The other 3 major applications took an average of 13 weeks which is very good for major developments that often have complex issues to resolve. The average timescales for local developments increased since last year from 12.3 weeks to 15.2 weeks which is worse than the national average of 14.3 weeks. This was due to 6 decisions over the year. This years figure has been skewed by legacy cases and one legacy case in particular which took no less than 314 weeks. If this case is excluded the average number of weeks is 13 weeks. Addressing the legacy cases was an issue highlighted in the feedback by the Scottish Government to last years Planning Performance Framework and was an action in our Improvement Plan for 2013/14. However the Scottish Government welcomed our actions to reduce legacy cases. In terms of householder development there was a slight increase since last year from 7.3 weeks to 7.5 weeks, however this is better than the national average of 7.7 weeks. The high approval rate continues to improve and they were pleased to learn of the positive approach to working with applicants at all stages to secure better outcomes. The delegation rate shows some improvement and they looked forward to seeing the full impact next year as they noted that the scheme of delegation was only updated late in the reported year.

4.3 The covering letter with the feedback report from the Cabinet Secretary for Social Justice, Communities and Pensioners Rights indicates that Section 55 of the Regulatory Reform (Scotland) Act commenced on 30th June 2014. This provides the Scottish Ministers with powers to vary the planning application fee payable to different planning authorities where the functions of a planning authority are not being or have not been satisfactorily performed. The High Level Group on Performance which includes COSLA, HOPS, SOLACE, SOLAR, the RTPi and key agencies have been considering the process. At

their last meeting the preferred option was to base the process on decision making statistics alone using the annual statistics for the period 2014/15.

- 4.4** Similar to last year a Performance Markers Report was provided which assessed the submitted Performance Planning Framework against agreed markers to give an indication of priority areas for improvement actions. The performance markers such as decision making, processing agreements, early collaborations etc. were rated red, amber or green. We received 10 green performance markers, 2 amber performance markers for legal agreements and continuous improvement and 1 red performance marker for decision making. This is an improvement on last year when we received 6 green, 6 amber and 1 red performance markers for the Enforcement Charter. Last year an improvement plan was produced and is contained in Appendix 3 and it shows how the various actions have been addressed. All of the 5 actions have been addressed with the exception of PPF2 regarding the recording and concluding of legal agreements/ Section 69 agreements within 6 weeks of decision. This was not achieved due to the priority being given to the protocols on Processing Agreements and Elected Member involvement in pre-application stage. It is proposed that this action is included in this year Improvement Plan and a protocol is produced and promoted for legal agreements. It is also proposed that the review of the remaining Legacy cases is included in this year's Improvement Plan. Appendix 4 includes the Improvement Plan for Planning Performance Framework 2013/14.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** None.

7. Risk Analysis

- 7.1** It is important that good decision making timescales are achieved to ensure that Section 55 of the Regulatory Reform (Scotland) Act is not enacted to vary the planning application fees.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.
- 8.2** None.

9. Consultation

- 9.1** No consultation was necessary for the preparation of this report.

10. Strategic Assessment

10.1 The content of this report supports the Council's Strategic Priorities.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 12 January 2015

Person to Contact:	Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Rosebery Place, Clydebank, G81 1TG Email: pamela.clifford@west-dunbarton.gov.uk
Appendices:	Appendix 1: Planning Performance Framework 2013/14 Appendix 2: Feedback Report from the Scottish Government Appendix 3: Improvement Plan 2012/13 Appendix 4: Improvement Plan 2013/14
Background Papers:	None
Wards Affected:	All

West Dunbartonshire Council Planning Performance Framework

Planning and Building Standards Service



Foreword

Welcome to the third Planning Performance Framework and thank you for your interest in the Planning and Building Standards service in West Dunbartonshire. The Planning Performance Framework outlines our performance and shows our achievements, actions and improvements in 2013-14. It also outlines our proposed service improvements for 2014-15.

The feedback we received from the Scottish Government on 2012-13 was positive and has helped to shape the Planning Performance Framework for 2013-14.

"A positive, informative and well written report that supports a strong commitment to decision making timescales and the provision of an open for business culture envisaged through planning reform and the Planning Performance Framework." Scottish Government

West Dunbartonshire is one of the smallest local authorities in Scotland with just over 90,000 residents and is made up of rural, urban and waterfront locations. The Planning Authority excludes parts of Balloch and the countryside to the east and west of Loch Lomond which forms part of the Loch Lomond and the Trossachs National Park.

The challenges facing the Council and the area are significant. The area has been severely affected by economic conditions and recovery has been slower than that experienced by other local authorities. Our key regeneration sites remain undeveloped but the Council is working very closely with the site owners to bring forward proposals. The Council is progressing its own ambitious Capital Programme which involves a new school estate, two new care homes and a new leisure centre.

2013-14 saw planning application fees at their lowest level since the economic crisis of 2008. This has largely been due to the lack of major applications. Signs for 2014-15 are good as many of the major projects of the Council and those from the private sector reach the application stage. Planning application performance continues to be good. The proposed West Dunbartonshire Local Development Plan is at the examination stage and it is anticipated that it will be adopted in 2015, within 5 years of the adoption of the previous Local Plan.

Our partnership working with the private sector and the regeneration company at Lomondgate was recognised at the annual Scottish Planning Awards. This year we have been shortlisted in the community involvement category for a charrette at Bowling Basin undertaken with Scottish Canals. Planning officers were also part of the Team of the Year at the Council's Annual Employee Recognition Awards for helping to bring forward the first Council housing in 25 years.

In January 2015 the Planning and Building Standards Service will move to a new office on the Clyde waterfront together with other services of the Council that are currently based in Clydebank. This will involve a new working environment, new methods of working and staff will be required to adjust to these changes.

Staff continue to show commitment to developing themselves by achieving additional qualifications such as Customer Service Professional Qualifications, Management Institute qualifications.

I hope you enjoy reading the Framework and I would welcome any feedback.

Pamela Clifford
Planning and Building Standards Manager
September 2014
Email address: pamela.clifford@west-dunbarton.gov.uk

Part 1: National Headline Indicators (NHIs)

Key Outcomes	2013-2014	2012-2013
Development Planning: <ul style="list-style-type: none"> Age of Local Development Plan(s) (full years) <i>Requirement: less than 5 years</i> Development Plan Scheme: on track (Y/N) 	4 years Yes	3 years Yes
Effective Land Supply and Delivery of Outputs <ul style="list-style-type: none"> Effective housing land: years supply Effective housing land supply Housing approvals Effective employment land supply Employment land take-up 	8.7 years 2,797 units 382 units 35.66ha 0.87 ha	8.82 years 2,823 units 323 units 34.16 ha 5.74 ha
Development Management Project Planning <ul style="list-style-type: none"> Percentage of applications subject to pre-application advice Number of major applications subject to processing agreement or other project plan Percentage planned timescales met Decision-making <ul style="list-style-type: none"> Application approval rate Delegation rate 	 43% 0 n/a 97.6% 81.9%	 100% (major) 0 n/a 95% 80%
Decision-making timescales Average number of weeks to decision: <ul style="list-style-type: none"> Major developments Local developments (non-householder) Householder developments Enforcement <ul style="list-style-type: none"> Time since enforcement charter published / reviewed (full years). Requirement: review every 2 years Number of breaches identified / resolved 	 32.4 15.2 7.5 1 34/23	 20 12 7 0 32/24

Contextual Statement (reasons/factors which have influenced performance and any increase /decrease)

The proposed Local Development Plan was published in September 2013 in line with the June 2013 Development Plan Scheme. Submission to the Scottish Government for Examination was timetabled for March 2014. This was missed as a Modified version of the Plan was published that month. The Plan was submitted in June 2014 and Examination has now commenced. Housing figures are based on draft 2014 Housing Land Audit (dated 31/3/2014) prior to consultation with Homes for Scotland and RSLs. The Effective Housing Land Supply figure is the number of houses expected to be built in West Dunbartonshire from 2014-2021. The 'years supply' figure is calculated by dividing this by 320, our LHS Housing Supply Target. Housing approvals include all housing related approvals on sites of 4 or more units, and includes changes of house types, permissions in principle and in detail.

All major applications were subject to pre-application advice which is consistent with the developers' protocol. 62 % of local developments were subject to pre-application advice, especially for the more complicated residential developments, whilst 23 % of householder applications were subject to pre-application advice. Although there were no planning decisions issued with a processing agreement, one was agreed in this year period, but the application decision was not issued until June due to the conclusion of a legal agreement.

The approval rate for applications continues to rise with just over 2% of applications refused. This may be due to the applicants seeking early advice before the submission of an application. The Council continues to work with applicants to revise their proposals so as to make them more acceptable, rather than just refusing them or withdrawing them.

The delegation rate has increased from last year from 80% to 82%. The full impact of the revised scheme of delegation have not yet been felt as the amended scheme of delegation was only agreed in January 2014, which was too late to have any significant impact on delegation rates for 2013-14. Delegation rates should increase next year due to these changes.

There were only 4 major applications this year. One of the major applications was for a windfarm close to the boundary with the Loch Lomond and Trossachs National Park which had significant landscape and visual impacts. This application took 90 weeks. The other 3 major applications for a new cemetery and two housing developments took an average of 13 weeks, which is good for major developments, that often have complex issues to resolve.

The local development applications saw a slight increase in the average number of weeks to decision. This was due to 6 decisions over the year. This year's figure has been skewed by legacy cases and one legacy case in particular, which took no less than 314 weeks. If we exclude that case the average number of weeks was 13 weeks. The cases which have taken a longer period include those which were subject to prolonged design amendments and legal agreements. The average number of weeks for householder applications was very similar to last year.

The Enforcement Charter was published in late 2013 and is available on the website. The number of enforcement cases remains very similar to previous years.

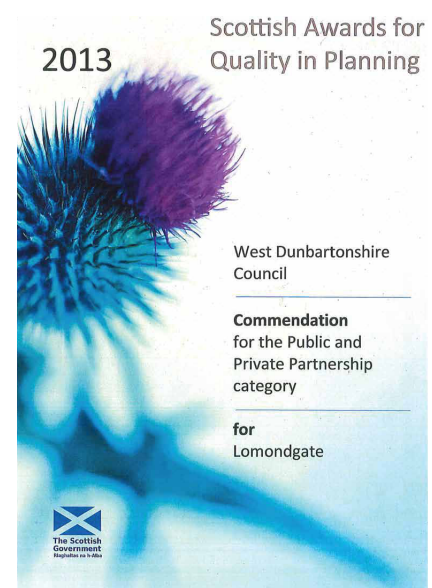
Part 2: Defining and measuring a high-quality planning service

Open for business

Public and Private Partnership - Lomondgate Development Dumbarton

This is a major mixed-use development on a 50 hectare site on the edge of Dumbarton. The masterplanned project comprises around 340 homes, BBC Scotland studio and River City set, Business Park and associated roadside services. Liaison meetings between the Council and the developer have taken place every 4-6 weeks and have helped to facilitate development during challenging economic times. It has become a forum where inward investors/developers such as Aggreko, Costa Coffee and the house builders such as Persimmon, Taylor Wimpey can bring forward their development proposals. Other Council services such as Roads, Environmental Health and Building Standards have been invited to attend the liaison meetings to discuss specific issues with developers. The approach has worked so well that it has been embedded in the protocol for Facilitating Appropriate Development on Key Development Sites. The liaison process has also been influential in decisions not to proceed with inappropriate development.

The approach was commended at the Scottish Awards for Quality in Planning 2013 in the Private and Public Partnership category because Lomondgate has been created through a strong successful partnership.



"Regular liaison combined with a pragmatic approach has been core to the success of the partnership for over 10 years between the Council, Walker Homes and Strathleven Regeneration. As a result, the physical changes that have taken place are testament to a public and private partnership making things happen." Comments of the SAQP 2013 Judging Panel

Beardmore Place Clydebank – Use of a Processing Agreement

This involved a development of 54 flats for rent by a housing association. The site was previously in industrial use. It backs onto the Forth and Clyde Canal with residential uses on either side of it. The developer used the Council pre application service and agreed to enter into a processing agreement. The processing agreement identified the supporting information required for the application and the main planning issues raised by the proposal. It was important that all parties were clear about these issues and requirements from an early stage. It also identified the need for a financial contribution towards improvement of play facilities in the area and an associated legal agreement so the new flats remained in social rented use. This allowed the developer to build these additional requirements and costs into their development model. The processing agreement gave the developer early clarity on timescales, processes and information required.

West Dunbartonshire Local Development Plan - Developer requirements

Anticipating that difficult conditions for developers may continue in West Dunbartonshire over at least part of its lifetime, the Local Development Plan has taken a realistic view on the provision of developer requirements. The Plan does not have an affordable housing quota policy; instead it specifically identifies land for both private and affordable housing. This minimises the bureaucracy that can surround quota type policies, and gives developers certainty as to what tenure of housing will be expected from a specific site. Developer contributions are only sought in relation to infrastructure required to service the site e.g. road improvements and green infrastructure. With regard to the latter - SuDS, open space, paths and habitat enhancement will be sought at a level proportionate to the scale of development, to be set out in detail in Supplementary Guidance.

Merkins Wind Farm

An application for 10 wind turbines close to the boundary of the Loch Lomond and the Trossachs National Park raised substantial issues in terms of landscape and visual impact on the National Park, the Kilpatrick Hills and the National Scenic Area. Planning officers worked very closely with the developer and key consultees such as Scottish Natural Heritage, the Park Authority and SEPA to ensure that the information requested was clear and proportionate to the visual and landscape issues being addressed both at the pre-application stage and during the consideration of the application. This allowed the consultees and the Planning Authority to reach conclusions on the main issues of the development more effectively and allowed clear recommendations to be made.

High quality development on the ground

West Dunbartonshire Local Development Plan – Successful places

The proposed Local Development Plan includes Policy DS1 which requires all development to contribute towards creating successful places. Based on the six qualities of a successful place – Distinctive, Adaptable, Resource Efficient, Easy to get to/move around, Safe and Pleasant, and Welcoming – the policy sets out a range of criteria that can be used both by applicants as a guide to developing proposals and Development Management officers to assess planning applications. With Scottish Planning Policy strengthening the importance of placemaking and stating that planning permission can be refused on design grounds, this policy establishes the requirement for good design in the Development Plan.

Residential Development: Principles for Good Design Supplementary Guidance

The Council published Supplementary Guidance on Residential Development: Principles for Good Design alongside its Proposed Local Development Plan. The Supplementary Guidance applies to housing developments of 3 units or more. It seeks to inform developers of the standards of development required and the criteria used by planners to assess such proposals. It requires development to reflect its local context, be design led and be based on the six qualities of successful place. The document has 6 sections considering: Character and Setting; Layout and Plot Sizes; House Design; Landscaping, Open Spaces and Play Areas; Roads and Parking; and Community Safety. Each section includes a checklist of the criteria to be considered. The Supplementary Guidance was amended following a consultation period and is being used for the assessment of residential applications.

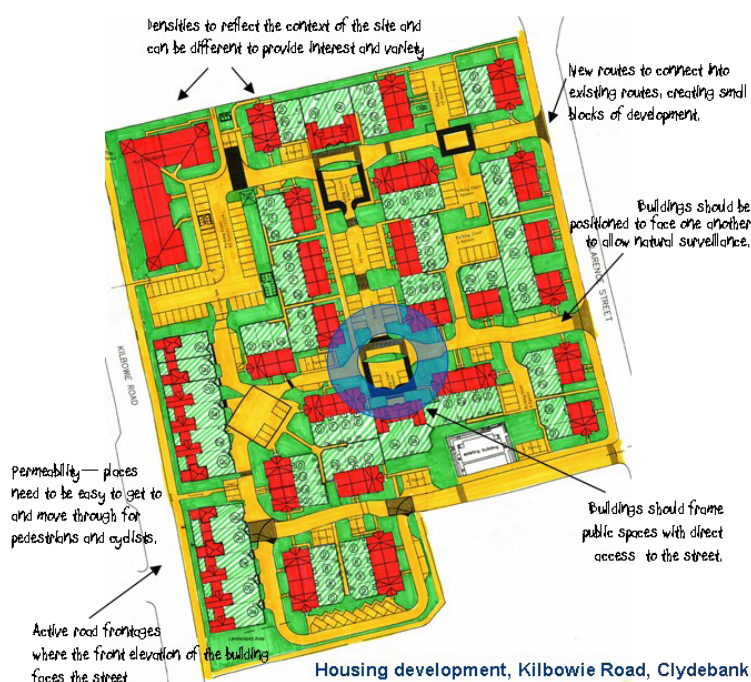
Former Clydebank College Site

The site is presently being developed for 91 detached, semi-detached and terraced houses and 33 flats. The housebuilder had owned the site for a number of years and had previously secured detailed permission for 127 flats and 51 houses prior to the housing market downturn in 2007/8. However the site remained undeveloped as demand for the flats was very limited. The Council has worked very closely with the developer to achieve a more house dominated layout which also meets the Council design requirements for the site, including an active frontage onto Kilbowie Road, a main thoroughfare. This is an example of a development where pre-application discussions were essential as the layout within the site has been designed to reflect the Scottish Government's "Designing Streets" guidance, whereby street design considers place before movement and puts the needs of pedestrians and



cyclists before cars. The proposed layout features a square in the centre of the site, and a series of shared surface streets with a relatively informal character enhanced by landscaping. There are good pedestrian linkages throughout the site, providing access to Kilbowie Road and open space to the north. The development provides an attractive new residential environment, with appropriate frontages onto existing streets.

"Through the pre-application process West Dunbartonshire Council took a flexible and common sense approach, allowing some planning guidelines and standards to be relaxed without compromising the quality of the final design." Stuart Dodson, Development Director, Barratt Homes



Site Monitoring Guidance: Quarries and Landfill sites

Recent events in the opencast coal industry highlighted the need to ensure that there is clear guidance available to officers and operators regarding the monitoring of quarry and landfill sites. It is important that quarry and landfill sites are effectively managed, monitored, regulated and restored. The guidance sets out how often the site needs to be monitored to ensure compliance with planning permissions and associated legal agreements. A checklist is attached with each site which highlights the main considerations for monitoring and the planning conditions and this is used to provide evidence that the monitoring has been carried out. It was agreed that the monitoring of the 2 quarries and the 2 landfill sites would take place annually during the month of May unless specific issues required more frequent visits. An annual report will be presented to the Planning Committee usually in August updating of the progress of the sites and identifying any issues which require resolution.

Certainty

West Dunbartonshire Local Development Plan

The Council has an up-to-date Development Plan (SDP published May 2012, Local Plan adopted March 2010). Preparation of the new Local Development Plan is well underway, with the Proposed Plan published in September 2013 and a modified version in March 2014. It is anticipated that the Local Development Plan can still be adopted by March 2015, within 5 years of the adoption of the previous Local Plan. Whilst the Development Plan Scheme provided the target dates for key stages of the Plan, the writing of key documents such as the Main Issues Report and Proposed Plan was tightly project-managed to ensure it went through the various approval levels before submission to Committee. A project plan for the new Local Development Plan will be included in future Development Plan Schemes. The Development Plan Scheme is published in June every year providing an up-to-date position on development plan preparation in the authority area.

There has been Elected Member involvement throughout the Plan process, with a series of workshops held before both the MIR and Proposed Plan were taken to committee for approval. Key agencies have also been involved throughout the Plan process with one-to-one meetings and multi-agency workshops held and early drafts of the MIR and Proposed Plan sections shared.

The proposed Local Development Plan is a shorter and more definitive document than the current Local Plan. It is 100 pages compared to 220 pages and has 37 short and definitive policies compared to 81 policies in the current local plan that are often wordy and not as clear in their intent.

99.1% of planning applications determined in 2013/14 were in accordance with the Development Plan. Assessment against the development plan is clearly set out in Planning Committee Reports and in 2013/14, 97.8% of planning applications determined by the Planning Committee were in accordance with the Development Plan.

Protocol - Planning Processing Agreements

This takes the same format as the protocols for pre application advice and liaison meetings. The role and function of processing agreements is to deliver high quality development as efficiently and effectively as possible. The protocol outlines what the developer and Council should expect of each other if they agree a processing agreement. A training session was held with Development Management officers to discuss the protocol and to encourage the promotion and use of Processing Agreements. The protocol is available on the website and developers are referred to it. Promotion of the use of processing agreements has led to one signed processing agreement with another processing agreement ready to be signed shortly and a few others currently being discussed.

Protocol - Elected Member Involvement in Pre-applications Discussions

We are keen that our elected members are confident in engaging at the pre- application stage on major development proposals. In PPF2 it was indicated that a report to Planning Committee had agreed that elected member engagement at the pre-application stage would be by way of written briefings and a developer presentation. This was formalised in a Protocol. The Scottish Government in conjunction with COSLA and the Commissioner for Ethical Standards in Public Life in Scotland issued guidance on the role of Councillors in pre-application procedures in February 2014. The Protocol has been revised to take this advice into account and the Planning Committee has agreed detailed procedures for its involvement at the pre-application stage. We have had our first request for such a meeting and this will take place in the next few months.



Communications, engagement and customer service

Local Development Plan

A participant database was established when preparation of the new Local Development Plan began in 2010. By the end of the Proposed Plan consultation, 670 individuals and organisations had participated or registered their interest in the plan process. The Council has stressed that email is its preferred means of communicating directly with participants, and it holds email addresses for almost 70% of participants. Participants have been sent a newsletter at key stages of the plan process. The Main Issues Report, Proposed Plan and associated Supplementary Guidance and supporting documents have all been published online, both as pdf documents and using the Online Local Development Plan system. Hard copies were also available. To maximise the opportunity to comment all forms of representation have been accepted at consultation stages i.e. e-forms, email, OLDP and hard copy. Whilst electronic submissions were encouraged, the importance of accepting hard copy submissions was demonstrated by 40% of representations on the Proposed Plan being submitted that way. Promotion of the Proposed Plan consultation period was achieved by:

- Directly notifying over 3000 premises situated close to sites that were proposed for development by the Plan.
- Staffed information sessions held in Alexandria, Clydebank and Dumbarton.
- A mobile exhibition located at several locations throughout the authority.
- Meetings with 9 of the 10 active Community Councils
- Regular reminders of the Plan's availability on the Council's Facebook page and Twitter feed.

Bowling Basin Charrette

Jointly with Scottish Canals, the Council ran a charrette to consider the future development of the Bowling Basin site. The local Community Council were engaged early so that they could help shape the format of the event. Publicity included early website and press articles to give people notice of the event, a Bowling Basin website (www.bowlingbasin.com), posters and the direct leafleting of 1200 houses. Charrette sessions were held during the day, in the evening and at the weekend in order to maximise attendance. Gavinburn Primary School was engaged in the charrette by the Scottish Waterways Trust. One hundred and twenty different people attended one or more of the charrette sessions with many repeat visitors. Bowling has a population of 560 so attendance was strong. Feedback on the event indicated:

- 91% agreed or strongly agreed that the charrette was well publicised.
- 100% agreed or strongly agreed that the charrette was convenient to attend.
- 91% agreed or strongly agreed that the charrette was well organised and interesting.
- 78% agreed or strongly agreed that the charrette felt like a community event.
- 96% agreed or strongly agreed that participants were able to express their views.

The engagement had a direct impact on the proposals for Bowling with a significant area that the Local Development Plan identified for development removed as an opportunity on all of the options that emerged from the charrette. High, mid and low density options emerged from

the charrette reflecting the different views of those who attended. The charrette has been shortlisted for a Scottish Award for Quality in Planning 2014 in the community involvement category.

"I had a really positive meeting with your colleagues last week about how we can work up a detailed planning app for the new canal bridge and access improvements and the western arches and also prepare a PAN and masterplan PPP application as soon as possible. You are a very positive crowd down there and it is much appreciated and this 'can do' attitude has been fed back to the Scottish Govt." Chris Breslin, Estates Manager, Scottish Canals



Planning Enforcement Charter

Revised in 2013, the Planning Enforcement Charter is now presented in a more clear and concise manner. It recognises the increasing role that members of the public play in reporting potential breaches of planning control and in monitoring the conditions that are placed on certain planning consents. It summarises the key points of Planning Enforcement and it provides service standards for responding to complaints and indicates how those making complaints will be kept informed if enforcement action is taken. It is a useful document for officers and the public and has helped to inform the compliance monitoring guidance for quarries and landfill sites.

Efficient and effective decision-making

Committee Structure

The Planning Committee meets every month, with the exception of July. The more major and contentious applications continue to be determined by Committee. This allows the maintenance of good performance statistics whilst maintaining a good balance between the use of delegated powers and committee applications. In 2013-14, 40 applications were determined by Planning Committee. Site visits continue to take place before the Planning Committee for applications which are subject to objection or if the application is of local significance. A total of 18 site visits took place in 2013-14. The Committee also considers reports on consultations from neighbouring authorities, Scottish Government consultations, the Kilpartick Hills Statement of Importance, Antonine Wall Management Plan and the outcome of planning appeals.

Review of the Scheme of Delegation

The Council's Scheme of Delegation was revised in September 2013. The new Scheme of Delegation reflects recent regulatory change by removing the requirement for applications to be decided by the Committee because of a Council interest in the land or development. Between June 2011 and June 2013 53% of all applications that went to Committee were Council interest applications. Applications for Council interest development will now be handled in the same way as all other applications. It was not considered appropriate to change the other categories of applications which are determined by Planning Committee where the more major and contentious applications continue to be determined by Committee.

Reducing Legacy Cases

A review of 10 legacy applications has been undertaken this year. Some of these applications had been determined and were outstanding because of legal agreements; others were undetermined because of a particular unresolved issue. Six of these applications have now been determined and one was withdrawn. One of the applications was 2201 days old and it had not progressed due to economic conditions and a contribution requested towards providing play equipment elsewhere. The Council recently took a fresh look at the financial contribution level and agreed a reduced level with the developer. Of the legacy applications that remain the Council is working with the applicants to try to progress the outstanding issues.

Effective management structures

Team Working

There are close links between the four teams in Planning & Building Standards (Development Management, Building Standards, Forward Planning and Technical Support) and there is regular interaction and co-ordination of their work. During the year a Development Management Officer moved over to the Forward Planning Team on a temporary basis to cover maternity leave. This made efficient use of resources and has been a substantial benefit to the Forward Planning team as her development management experience has been very useful in the preparation of supplementary guidance. A number of workshops were held with the Development Management team when the Proposed Plan was being prepared in order to test the practical application of the new policies.

Teams meet regularly to progress workload, share good practice and ensure that procedures are correctly applied and Team Leaders meet officers on a one-to-one basis. Regular meetings are held by the Planning and Building Standards Manager with the Team Leaders to update them on corporate matters and to progress operational matters. The Manager contributes to fortnightly Management meetings held by the Head of Regeneration and Economic Development.

Collaborative Working

Monthly meetings are held between the Managers and Team Leaders of the Roads and Planning Services. This is an opportunity to discuss issues on key development sites and to discuss the nature and speed of responses to consultations on planning applications. The Roads Protocol is a regular item on the agenda of these meetings. This year we have been working with the Roads Service to encourage it to review parking standards for social rented housing and private housing.

We also meet every second month with our colleagues in Regeneration and Asset Management to update each other formally with regard to activity on key development sites and to progress the Council's Property and Land Disposal Strategy.

There is collaborative working as a member authority of the Strategic Development Plan Authority. Officers take part in the various topic groups, Heads of Policy meetings and the Steering Group. Elected members participate in the Strategic Development Plan Committee on a quarterly basis. The Council is a partner in the Glasgow and Clyde Valley Green Network Partnership with 7 other local authorities, SNH, Forestry Commission and others. This has allowed the Council to contribute to, and benefit from, various studies and projects regarding the green network.

The Council is a member authority of the West of Scotland Archaeological Service (WoSAS). WoSAS maintains the Historic Environment Record and provides archaeological advice to 11 of Scotland's planning authorities.

"The internal collaboration between Roads and Planning has been strengthened over the past years through the introduction of planned liaison meetings and Planning/Roads protocol. These practices facilitate open and constructive dialogue which can address any issues where there is misinterpretation or conflict and assists in ensuring prompt and consistent procedures are in place to ensure there is a broad agreement in principle between the Services prior to any application being determined." Jack McAulay, WDC Roads and Transportation Services Manager

Financial management and local governance

Financial Management

The service budget is monitored on a monthly basis by the Manager and the Service accountant to ensure that outturn is being achieved. The budget is discussed regularly at Team Leader and Management Team meetings. The revenue budget for 2013/14 continues to be heavily weighted towards employee costs and related items. The main payments to other agencies and bodies are for the Strategic Development Planning Authority, Ordnance Survey, computer licences and the Archaeology Service. The main source of external income is from application fees and related items. Although planning fees were increased by 20% in April 2013 our planning fee income fell to the lowest level since the downturn in applications began in 2008. It is hoped that this is a one-off and that fee income will rise this year to the levels experienced previously. The signs are promising as in the last few months a number of developers have re-engaged and it is hoped that this interest will be translated into applications. As the Council's ambitious capital projects are progressed this should further assist with an increase in planning fee income.

Costing the Planning Service

This Council, together with 14 other Planning Authorities, took part in a 4 week pilot of costing the planning service. The Development Management, Forward Planning and Technical Support teams all recorded the time spent on planning-related tasks, as did colleagues within the Roads Service and Environmental Health. The results demonstrated that planning application fees and other planning-related income does not cover the cost of running the planning service. The exercise had the benefit of focussing staff on the amount of time spent on particular tasks, and also of revealing how much time can be spent by a number of staff on a particular application e.g. a significant amount of time was spent finalising the committee report for a major wind farm application over the time of the exercise.



Culture of continuous improvement

Performance & Development Planning and training

All Planning staff have a Performance and Development Plan (PDP) which is undertaken on annual basis and reviewed half yearly in November. Their training requirements are identified in the Service Training Plan and this is supported through both the Service and Departmental budget to ensure that training requirements are met. Internal training continues with the sharing of knowledge and skills between team members and with events held by the Council's Organisational Development team and other services such as a recent SUDS event organised by the Council's Roads Service.

One of our Support Officers represented the Council at the Young Scotland Programme in October in North Queensferry. This event develops young talent in the workplace by improving communication skills and inspiring confidence and was attended by young people employed in both the public and private sectors.

One of our Support Assistants achieved the Customer Service Professional Qualification and another Support Assistant is undertaking the same qualification in the coming year.

The Service's GIS Officer and a Support Officer have completed Level 2 Chartered Management Institute (CMI) qualification

Other external events attended by staff included the two day A&DS Design Symposium, the National Planning Forum, HOPS events, PPF, dealing with the media, project management and the Development Management and the Development Plans Sub-Groups. Training and development needs will continue to be identified through Performance and Development Planning work.

Development day and drawing skills

A staff development day was held in October 2013 in the newly refurbished Clydebank Town Hall. This included all planning and building standards officers and technical and administrative staff. The morning included sessions on freedom of information, handling complaints and a presentation on the work and structure of our Housing colleagues. The afternoon was a Drawing Skills session led by Susie Stirling, Head of Placemaking and Design at the Scottish Government. The purpose of this was to increase staff

confidence to use their drawing skills and to help them better understand drawings that are presented to them. The programme included an introduction to drawing equipment, basic drawing skills, understanding plans, tracing from photographs and making use of 'B' plans. The



inspiration for the training was the Scottish Government's promotion of more graphical development plans. The drawing training was well received and drawing talent discovered across the teams. Drawings were subsequently included in the Residential Development Supplementary Guidance and will feature in future Development Plans, as well as presenting alternative layouts to developers.

Benchmarking Partners

The group (West Dunbartonshire, East Renfrewshire, Renfrewshire, East Dunbartonshire, North Ayrshire and Inverclyde Councils) continues to meet every four months to share good practice and to benchmark on specific planning issues. Items on the agenda have included the High Hedges Act, scheme of delegation, archiving and filing, restoration arrangements for quarries and landfills sites, and procedures for elected member involvement in the pre application stage. The feedback we all received on PPF 2 was shared and discussed. This year Heads of Planning Scotland had proposed that participation in benchmarking through the Solace family groups. However the Benchmarking group agreed that our existing benchmarking arrangements work well given the close proximity of the local authorities involved and the commonality in the issues. It was agreed by all that the existing group would be retained. The email group continues to be used to exchange information and to get views on specific planning issues such as purchase notices, permitted development queries, etc.

Improvement Plan for Planning Performance Framework 2012-13

This was put together to address matters raised from feedback and performance indicators of PPF2. The improvement plan addressed matters such as promoting processing agreements, investigating the use of project management techniques and reviewing legacy cases. The improvement plan was reported to Planning Committee and has allowed us to focus and progress these issues.

Elected Member Site visit to Alg Dearg Wind Farm Argyle

In September 2013 we arranged for a site visit to an operational wind farm primarily for elected members. It involved a visit to the site and presentations from the planning officer who dealt with the planning application and the Chair of the Planning Committee for Argyle and Bute Council. The visit was also attended by other officers of this Council responsible for Sustainability. It was very beneficial to assess the impact of the wind turbines both directly on the site but also on the overall landscape. It was good to hear from both an officer's and elected member's perspective the issues they took into account when considering the wind farm development.



Part 3: Supporting Evidence

Part 2 of this report was compiled, drawing on evidence from the following sources:

Open for Business

- West Dunbartonshire Local Development Plan (www.west-dunbarton.gov.uk/media/3761560/ldp__as_modified_march__with_fc.pdf)
- Facilitating Appropriate Development on Key Development Sites (www.west-dunbarton.gov.uk/media/2115391/facilitating_appropriate_development_inc_protocols_34.pdf)

Quality Development on the Ground

- West Dunbartonshire Local Development Plan (www.west-dunbarton.gov.uk/media/3761560/ldp__as_modified_march__with_fc.pdf)
- Residential Development: Principles for Good Design Supplementary Guidance (www.west-dunbarton.gov.uk/media/2589591/residential_development_principles_for_good_design_supplementary_guidance.pdf)

Certainty

- West Dunbartonshire Local Development Plan (www.west-dunbarton.gov.uk/media/3761560/ldp__as_modified_march__with_fc.pdf)
- Facilitating Appropriate Development on Key Development Sites (www.west-dunbarton.gov.uk/media/2115391/facilitating_appropriate_development_inc_protocols_34.pdf)

Communications, Engagement and Customer Service

- West Dunbartonshire Local Development Plan report of Conformity with Participation Statement (www.west-dunbarton.gov.uk/council/strategies,-plans-and-policies/local-development-planning/local-development-plan/)
- Bowling Basin Charrette Report (www.bowlingbasin.com/wp-content/uploads/2014/05/Bowling-Basin-Charrette-Report.pdf)
- Planning Enforcement Charter 2013 (www.west-dunbarton.gov.uk/media/3199135/planning_enforcement_charter_2013.pdf)

Efficient and Effective Decision-making

- Scheme of Delegation (www.west-dunbarton.gov.uk/media/1087893/scheme_of_delegation_appendix_1.pdf)

Effective Management Structures

- Planning and Roads Protocol (www.west-dunbarton.gov.uk/planning-building-standards/planning-applications/planning-application-service-and-performance/Planning-Roads-Protocol-2014-09.doc)

Culture of Continuous Improvement

- Improvement Plan - Appendix 2

Part 4: Service Improvements 2014-15

In the coming year we will:

- Prepare Development Briefs for Council disposal sites as required so as to ensure high quality development on the ground.
- Hold a Planning and Building Standards forum to enable contact with frequent users of the service.
- Carry out Customer surveys to measure customer satisfaction.
- Provide guidance on trees and publicise trees protected by TPO.
- Promote the Protocols on Processing Agreements and Elected Members involvement in the pre application stage.
- Review the Environmental Health Protocol.
- Review restoration bonds for quarries and landfill sites.
- Formally monitor landfill and quarry sites and present an updated report to Planning Committee.
- Preparation of supplementary guidance on the green network.
- Benchmark with other authorities on processes, best practice and cost.
- Promote and implement a Protocol on Legal Agreements.
- Scan and archive planning records.
- Review Planning Website and continue to encourage use of electronic communication.
- Hold away day for all staff to view examples of good development.
- Review and undertake individual PDPs and prepare training implementation programme.
- Progress training plan for Elected Members with Improvement Service.
- Introduce new ways of working associated with our new offices.

Delivery of our service improvement actions in 2013-14:

Committed improvements and actions	Complete?
Promote and implement the Developer Protocol in terms of pre-application service and regular liaison meetings with key developers Protocol on the website and number of new liaison meetings set up for key development sites.	Yes
Implement elected member involvement in pre-application discussions Protocol implemented and procedures agreed by Committee. First meeting to take place in the coming months.	Yes
Assess the effectiveness of pre-applications discussions for major proposals Pre-applications discussions now being recorded and an assessment has been undertaken of the effectiveness of these discussions.	Yes
Review the approved scheme of delegation This was approved by full Council in January 2014.	Yes
Prepare Development Briefs for Council disposal sites No development briefs were requested by Asset Management during 2013/14.	Partial
Implement residential development guidelines This is now supplementary guidance and all new residential applications are being assessed by the guidelines.	Yes
Provide guidance on trees and publicise trees protected by TPO This has not been achieved this year however it presently is being progressed as supplementary guidance and is an action for 2014-15.	No
Continue to encourage greater use of electronic communication and document management systems This is being achieved through working practices and is reviewed regularly at Team meetings and by our Technical Support Team. 68% of planning applications submitted online.	Yes
Hold a Planning and Building Standards forum to allow regular contact with frequent users of the service This was not achieved this year due to other commitments. It will be an action for 2014-15	No
Carry out Customer surveys to measure customer satisfaction This was not been achieved this year however it will be an action for 2014-15.	No

Committed improvements and actions	Complete?
Benchmark with other authorities on processes, best practice and cost The Benchmarking Group continues to meet every four months to share best practice and to benchmark on specific planning issues.	Yes
Review the Environmental Health Protocol and implement the Roads Protocol The Roads Protocol has been implemented and is available on the website. It is a regular item on the agenda of Planning / Roads Liaison meetings and its effectiveness is assessed. The Environmental Health Protocol is presently being reviewed and will be an action for 2014-15.	Partial
Review and undertake individual PDPs and implement Training implementation plan All Staff have up to date PDPs and there is a Service Training Plan.	Yes
Implement training needs of elected members in conjunction with Improvement Service This is being progressed with the Improvement Service and a training plan has been produced.	Partial

Part 5: Official Statistics

A: Decision-making timescales

Category	Total number of decisions 2013-2014	Average timescale (weeks)	
		2013-2014	2012-2013
Major developments	4	32.4	20.38
Local developments (non-householder)	102	15.2	12.45
Local: less than 2 months	60.8%	7.0	7.1
Local: more than 2 months	39.2%	28.0	23.8
Householder developments	107	7.5	7.3
Local: less than 2 months	88.8%	6.9	6.87
Local: more than 2 months	11.2%	12.6	15.33
Housing developments			
Major	2	15.9	22.7
Local	26	24.9	15.57
Local: less than 2 months	53.8%	7.4	7.1
Local: more than 2 months	46.2%	45.3	21.9
Business and industry			
Major	0	n/a	n/a
Local business and industry	15	9.8	11
Local: less than 2 months	53.8%	6.1	6.6
Local: more than 2 months	46.2%	20	23.5
EIA developments	1	90	23.3
Other consents*	41	11.1	6.85
Planning/legal agreements**	11		
Local Reviews	1	5.0	n/a

* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 7 relating to agricultural and forestry development and applications prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

** Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973.

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld	
		2013-2014	2012-2013
Local Reviews	1	1 (0%)	n/a
Appeals to Scottish Ministers	3	3 (33%)	3 (50%)

C: Enforcement activity

	2013-2014	2012-2013
Cases taken up	65	66
Breaches identified	34	32
Cases resolved	23	24
Notices served***	5	2
Reports to Procurator Fiscal	1	0
Prosecutions	0	0

*** Enforcement notices; breach of condition notices; planning contravention notices; stop notices; temporary stop notices; fixed penalty notices; and

D: Context

Over the past year the average timescales for both householder and local developments remained very similar to the previous year. Although there was a slight dip in both the percentage of householder and local development applications determined in less than 2 months. The average timescale figures are good given that we dealt with 6 legacy applications which were over 1 year old. One of these applications for a play area was 2201 days old. Also the number of planning /legal agreements nearly tripled for this year. Often where an application is associated with a legal agreement there is a delay in issuing the decision for various reasons. This year we are intending to give priority to the Protocol on Legal Agreements and we will work with our legal colleagues to simplify procedures and try and reduce the time taken to conclude a legal agreement.

The average timescale for major developments was 32.4 which is consistent with the Scottish average. However this figure was skewed by an application for a windfarm which took 90 weeks to determine. The other 3 major applications took an average of 13 weeks. Appeals and Local Reviews remain low compared to the number of applications determined.

Part 6: Workforce and Financial Information

The information requested in this section is an integral part of providing the context for the information in Parts 1-5. Staffing information should be a snapshot of the position on 31 March. Financial information should relate to the full financial year.

	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service				X

Tier 1 = Chief Executive, Tier 2 = Directors, Tier 3 = Heads of Service, Tier 4 = Managers

		DM	DP	Enforcement	Other
Managers	No. Posts	1	1		0.5
	Vacant				
Main grade posts	No. Posts	3.5	2.5		
	Vacant	0.5			
Technician	No. Posts	0.5	1		
	Vacant				
Office Support/Clerical	No. Posts	3.5	0.5		
	Vacant				
TOTAL		9	5		0.5

Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.

Staffing Profile	Number
Under 30	3
30-39	7
40-49	4
50 and over	5

Committee & site visits*	Number per year
Full Council committees	4
Planning Committees	11
Area Committees (where relevant)	0
Committee site visits	18
LRB**	1
LRB site visits	0

*References to committees also include National Park Authority Boards. Number of site visits is those cases where visits were carried out by committees/boards.

**This relates to the number of meetings of the LRB. The number of applications going to LRB are reported elsewhere.

	Total Budget	Costs		Income***
		Direct*	Indirect**	
Development management	£223,644	£280,000		£137,101
Development planning	£185,625	£170,000		
Enforcement	n/a	n/a	n/a	
Other		£213,985	£248,000	
TOTAL	£871,254			

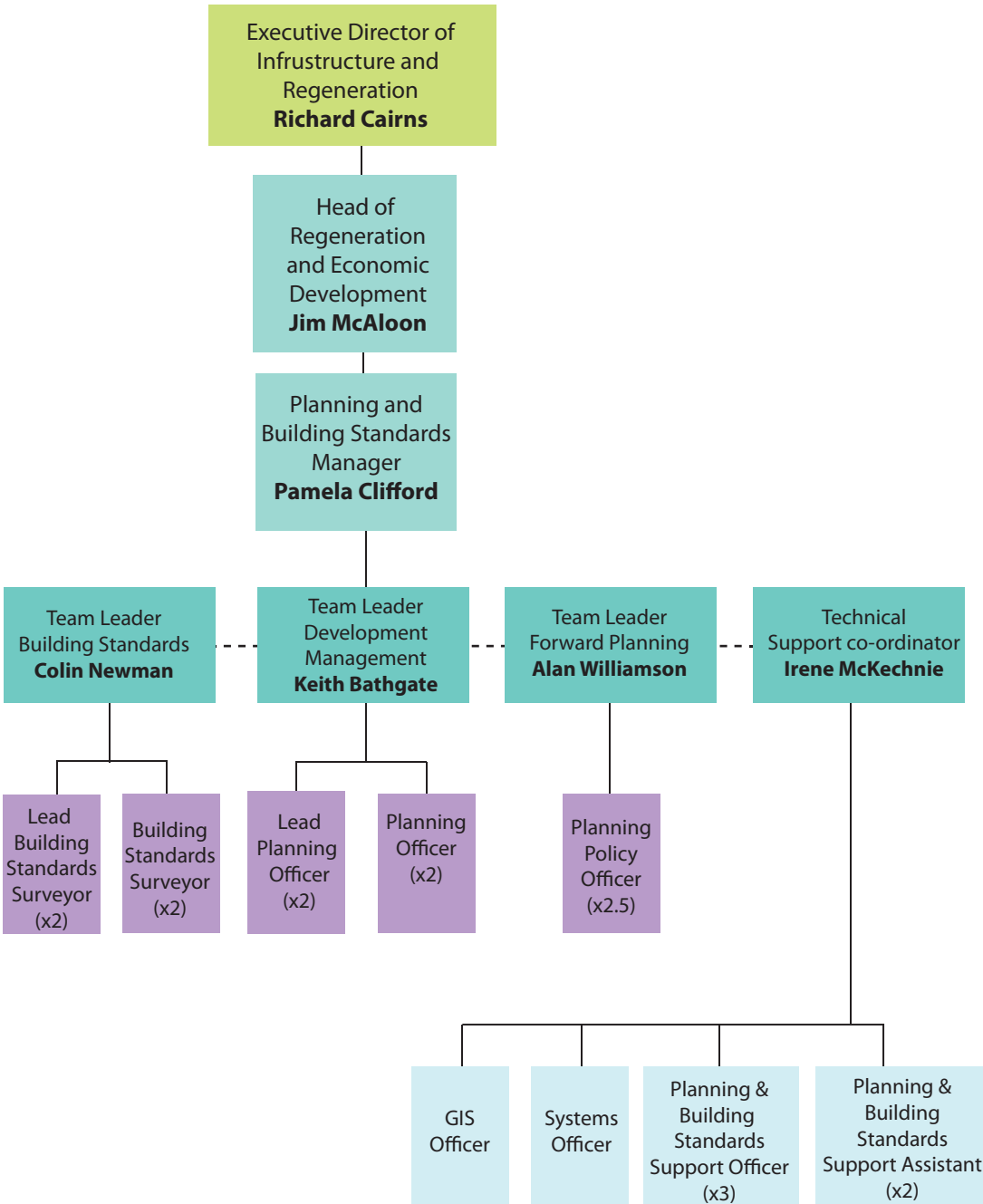
*Direct staff costs covers gross pay (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% or more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.

**Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel and subsistence, apportionment of support service costs.

***Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.

Appendix 1

Planning and Building Standards Service Structure



Appendix 2: Improvement Plan - Planning Performance Framework 2012-2013

Ref	Action	Milestone	Target Date	Complete?	Statement
PPF1	Promote and publicise the use of processing agreements	<ul style="list-style-type: none"> Produce a protocol on processing agreements. Produce guidance/ information for the website. Provide training for Planning Officers. 	30/05/2014 30/05/2014 30/05/2014	Yes	The protocol has been updated and is on the website. One processing agreement signed with another one ready to be signed shortly. Others being discussed.
PPF2	Record and conclude legal agreements/ Section 69 agreements within 6 weeks of planning decision	<ul style="list-style-type: none"> Produce a protocol on legal agreement process and timescales. Make officers and legal officers aware of the timescales. 	30/06/2014 30/06/2014	No	This was not achieved due to priority being given to the Protocols on Processing Agreements and Elected Member Involvement in Pre-application Stage. It will be an action for 2014-15.
PPF3	Enforcement Charter	<ul style="list-style-type: none"> Publicise revised Enforcement Charter. 	28/02/2014	Yes	This is now complete and is available on the website. It is being use by officers and the public.
PPF4	Project Management Techniques for use in the Local Development Plan process	<ul style="list-style-type: none"> Investigate use of project managements techniques. Review, evaluate and implement if appropriate. 	30/05/2014 30/05/2014	Yes	An Officer is attending a course on project management techniques and is using their new skills to project manage the Development Plan and supplementary guidance.
PPF5	Review all legacy applications	<ul style="list-style-type: none"> Identify the reasons for stalled applications and facilitate progress 	30/03/2014	Yes	This has been undertaken this year and seven legacy applications were either determined or withdrawn.

Appendix 2

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Alex Neil MSP

T: 0300 244 4000
E: scottish.ministers@scotland.gsi.gov.uk



Ms Joyce White
Chief Executive
West Dunbartonshire Council

In 2014 Scotland Welcomes the
World



11 December 2014

Dear Ms White

PLANNING PERFORMANCE FRAMEWORK 2013/14

Thank you for submitting your authority's annual Planning Performance Framework (PPF) report covering the period April 2013 to March 2014.

I am delighted to have planning within my portfolio and I am pleased to see that continued progress is generally being made across the country to improve planning performance.

Please find enclosed feedback on your 2013/14 PPF, which has been prepared by a Scottish Government contractor, and is based on the evidence provided within your report. Contact details for my officials are available in the feedback report should you wish to clarify any element of the contractors commentary. We will be publishing an Annual Performance Report in the new year which will summarise performance across the country against the key markers of performance.

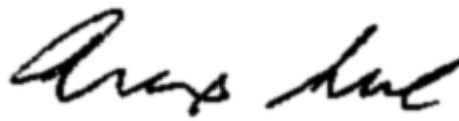
The quality of PPF reporting has significantly improved with many PPF reports setting out a very clear story of how the service is operating and their priority actions for improvement. There is still some inconsistency in planning authority decision making timescales across the country and I look forward to seeing progress in the next set of performance statistics.

You will be aware that Section 55 of the Regulatory Reform (Scotland) Act commenced on 30 June 2014. It provides Scottish Ministers with powers to vary the planning application fee payable to different planning authorities where the functions of a planning authority are not being, or have not been, satisfactorily performed. The High Level Group on Performance has been considering the process which would be used to determine if any authorities have not satisfactorily performed. It is hoped to

finalise that process at our next meeting in February 2015. Please note that following the last meeting, the preferred option was to base the process on decision making statistics alone using the annual statistics for the period 2014/15. I shall write again to planning authority Heads of Planning in February to update them on discussions at the High Level meeting. COSLA, HOPS, SOLACE, SOLAR, the RTPi and key agencies are all represented on this group.

I am determined to keep up the momentum with the performance agenda, maintaining continual improvement and enhancing the reputation of our planning service. I look forward to working with you to achieve this shared goal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Neil', with a stylized, cursive script.

ALEX NEIL

Cc: Pamela Clifford, Manager of Planning

PLANNING PERFORMANCE FRAMEWORK: 2013-14

FEEDBACK REPORT: **West Dunbartonshire Council**

Date performance report due: 30 September 2014

Date of receipt of report: 30 September 2014

National Headline Indicators

- We are pleased to learn that you expect your LDP to be adopted by March 2015, within 5 years of the adoption of the previous Local Plan.
- There has been a small decline in your decision-making timescales, albeit these remain comparable with the national average. Your comments regarding legacy cases and legal agreements impacting on decision-making timescales are helpful in explaining this and we look forward to learning more about your protocol on legal agreements in your next report.
- We welcome the actions you have taken to reduce legacy cases over the year, with only 3 remaining.
- We are pleased to see that you have provided a breakdown of pre-application advice across development types and the overall figure is encouraging.
- It is also encouraging to learn that you entered into a processing agreement for a major development, albeit not concluded within the reporting year.
- We are pleased to learn that your enforcement charter was revised and published during the reporting year and we note your comments regarding its improved clarity.
- You continue to improve on your high approval rate and we are pleased to learn of your positive approach to working with applicants at all stages to secure better outcomes.
- Your delegation rate shows some improvement and we note that your scheme of delegation was updated late in the reporting year. We look forward to seeing the full impact of this in your next report.

Defining and measuring a high-quality planning service

- Your report is once again well structured and makes good use of case studies as well as customer feedback as supporting evidence of your achievements.
- Your approval rates, early engagement and willingness to negotiate all suggest a beneficial level of certainty and confidence.
- You have provided evidence of a range of activities that contribute to an Open for Business approach and a positive customer experience. We look forward to seeing the introduction of customer surveys to provide a more quantitative measure of customer satisfaction in future.
- Your commendation at the Scottish Awards for Quality in Planning 2013 demonstrates your commitment to delivering high quality development.
- You have provided good evidence of collaborative working through regular internal meetings and clearly publicised protocols and this is supported by positive customer feedback. It is helpful that you include examples of specific topics addressed in work with, for example, the Roads Service.
- We welcome your example of close working with developers and consultees to ensure clear and proportionate information requests leading to early

conclusions and clear recommendations. You have also provided supporting information regarding proportionate approaches to developer contributions.

- We note your progress in involving elected members at the pre-application stage and your site visit including elected members to allow information sharing and insight into decision-making perspectives.
- You have again provided a good indication of effective management structures and flexible, beneficial approaches to ensuring cover, for example during maternity leave.
- You show commitment to the ongoing development and training of staff through personal development and attendance at both internal and external training events.
- We note that your benchmarking group took the decision to maintain existing arrangements rather than participating in the Solace family groups due to the close proximity of the local authorities involved and the commonality of issues. We welcome your inclusion of information on the topics discussed this year.

Service improvements 2013-14: delivery

- You have made good progress on delivering a range of previously identified service improvements. A small number of outstanding actions have been carried forward.

Service improvement commitments 2014-15

- You have committed to another good range of activities that should help contribute towards your continuing delivery of good performance, collaborative working and customer service.

Conclusion

- You have provided a well-presented report that includes good case studies and customer feedback.
- There has been a small decline in all of your decision-making timescales and we look forward to improvements in your next report.
- The development of your customer survey will further assist in measuring customer satisfaction.
- We hope that your LDP remains on course for adoption within the statutory 5-year timescale.

The feedback in this report is based solely on the information provided within your Planning Performance Framework Report covering the period April 2013 to March 2014.

If you need to clarify any aspect of the report please contact us on 0131 244 7148 or email Chief.Planner@scotland.gsi.gov.uk

Please note that Planning Performance Framework Reports covering the period April 2014 to March 2015 are due to be submitted to the Scottish Government by 31 July 2015.

PERFORMANCE MARKERS REPORT 2013-14

Name of planning authority: **West Dunbartonshire Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Red	<ul style="list-style-type: none"> • Major Developments Average timescales have increased from last year from 19.2 weeks to 32.4 weeks. However, this is better than the national average of 53.8 weeks. RAG = Amber • Local (Non-Householder) Developments Average timescales have increased since last year from 12.3 weeks to 15.2 weeks which is worse than the national average of 14.3 weeks. RAG = Red • Householder Developments Average timescales have increased slightly since last year from 7.3 weeks to 7.5 weeks. However this is better than the national average of 7.7 weeks. RAG = Amber <p>TOTAL RAG = Red</p> <p>Commentary provided to explain the impact of legacy cases and legal agreements on timescales.</p>
2	Processing agreements: <ul style="list-style-type: none"> • offer to all prospective applicants for major development planning applications; and • availability publicised on website 	Green	<p>Processing agreements offered for all major developments. One signed processing agreement and another ready to be signed shortly with others being discussed although none concluded this year.</p> <p>Information provided regarding protocol on website and improvement action to improve promotion in 2014/2015.</p>

3	Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	43% take up across all development types. Evidence of clear and proportionate requests.
4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission <ul style="list-style-type: none"> reducing number of live applications more than 6 months after resolution to grant (from last reporting period) 	Amber	Based upon the Planning Authority Performance Statistics for 'all applications' in 2013/14: <ul style="list-style-type: none"> No major applications were determined that were subject to a legal agreement. The average decision making timescale for local applications subject to a legal agreement increased from 38.4 weeks to 56.9 weeks, but remains better than the Scottish average of 66.1 weeks. <p>It is noted that 10 legacy cases were reviewed, 6 applications were determined and one withdrawn. This impacted upon decision making timescales.</p> <p>Service improvement for 2014-15 to promote and implement a protocol on legal agreements.</p>
5	Enforcement charter updated / re-published within last 2 years	Green	Enforcement charter updated and on website
6	Continuous improvement: <ul style="list-style-type: none"> progress/improvement in relation to PPF National Headline Indicators; and progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Some fall-back on timescales with commentary provided. Good activity on improvement actions. Local Development Plan still expected to be on track. Enforcement Charter updated within 2-year requirement.
7	Local development plan less than 5 years since adoption	Green	Local Plan adopted 2010.
8	Development plan scheme – next	Green	LDP anticipated to be on course for adoption in

	LDP: <ul style="list-style-type: none"> on course for adoption within 5 years of current plan(s) adoption; and project planned and expected to be delivered to planned timescale 		2015, within 5 years of the previous plan. Information shows that the writing of key documents such as the Main Issues Report and Proposed Plan was tightly project-managed and that a project plan for the new Local Development Plan will be included in future Development Plan Schemes.
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	NA	
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	NA	
11	Regular and proportionate policy advice produced on: <ul style="list-style-type: none"> information required to support applications; and expected developer contributions 	Green	Regular and proportionate policy advice produced on: <ul style="list-style-type: none"> Information required to support applications A number of protocols are in place and available on the website. Pre-application and processing agreements used to identify information requirements. RAG = Green Expected developer contributions Case study provided showing how advice applied. Report describes how policy on expected developer contributions is clear and proportionate. RAG = Green TOTAL RAG = Green
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	Good evidence again of corporate working and collaborative working between Council departments on service provision and variety of projects. Clear management structures supported by existing and emerging protocols. Report provides a number of clear examples supported by customer feedback.

13	Sharing good practice, skills and knowledge between authorities	Green	<p>Established benchmarking arrangement continues and information on topics covered.</p> <p>Participation in regular benchmarking meetings. These have covered a number of topics, including sharing good practice on PPF2 feedback.</p> <p>Service improvement for 2014-15 for further benchmarking on best practice and cost.</p>
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	<p>Actions taken to determine legacy cases and 7 out of 10 resolved. Only 3 cases remain.</p> <p>Council is working with applicants to progress remaining cases and ensure new cases are not generated.</p>
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	<p>Developer contributions: clear and proportionate expectations</p> <ul style="list-style-type: none"> • set out in the development plan (and/or emerging plan); <p>Report confirms clear policy on developer contributions with supplementary guidance to follow.</p> <p>RAG = Green</p> <ul style="list-style-type: none"> • in pre-application discussions <p>Example provided of how a proportionate approach to developer contributions was delivered, supported by feedback.</p> <p>RAG = Green</p> <p>TOTAL RAG = Green</p>

Appendix 3: Improvement Plan - Planning Performance Framework 2012-2013

Ref	Action	Milestone	Target Date	Complete?	Statement
PPF1	Promote and publicise the use of processing agreements	<ul style="list-style-type: none"> •Produce a protocol on processing agreements. •Produce guidance/ information for the website. •Provide training for Planning Officers. 	30/05/2014 30/05/2014 30/05/2014	Yes	The protocol has been updated and is on the website. One processing agreement signed with another one ready to be signed shortly. Others being discussed.
PPF2	Record and conclude legal agreements/ Section 69 agreements within 6 weeks of planning decision	<ul style="list-style-type: none"> •Produce a protocol on legal agreement process and timescales. •Make officers and legal officers aware of the timescales. 	30/06/2014 30/06/2014	No	This was not achieved due to priority being given to the Protocols on Processing Agreements and Elected Member Involvement in Pre-application Stage. It will be an action for 2014-15.
PPF3	Enforcement Charter	<ul style="list-style-type: none"> •Publicise revised Enforcement Charter. 	28/02/2014	Yes	This is now complete and is available on the website. It is being use by officers and the public.
PPF4	Project Management Techniques for use in the Local Development Plan process	<ul style="list-style-type: none"> •Investigate use of project managements techniques. •Review, evaluate and implement if appropriate. 	30/05/2014 30/05/2014	Yes	An Officer is attending a course on project management techniques and is using their new skills to project manage the Development Plan and supplementary guidance.
PPF5	Review all legacy applications	<ul style="list-style-type: none"> •Identify the reasons for stalled applications and facilitate progress 	30/03/2014	Yes	This has been undertaken this year and seven legacy applications were either determined or withdrawn.

Appendix 4

Improvement Plan – Planning Performance Framework 2013-14			
Ref	Action	Milestone	Target Date
PPF1	Record and conclude legal agreements/section 69 agreements within 6 weeks of planning decision.	Produce a protocol on legal agreement process and timescales.	28/2/2015
		Make officers and legal officers aware of the timescales.	30/3/2015
		Promote protocol to developers.	30/3/2015
PPF2	Review all remaining legacy applications.	Facilitate progression of applications.	30/3/2015
PPF3	Monitor on a monthly basis, decision making timescales for all applications.	Produce monthly list of applications decision timescales.	30/1/2015
		Identify applications which have not met target and reasons for this.	30/1/2015
		Team Leader weekly meetings with officers.	30/1/2015
		Identify problematic applications at registration and project manage.	30/1/2015
PPF4	Monitor delegation rates.	Identify applications determined by Planning Committee and reasons for this.	30/3/2015
PPF5	Continue to promote and publicise the use of processing agreements.	Promote the protocol with developers.	30/3/2015