

Agenda



Planning Committee

Date: Wednesday, 31 January 2018

Time: 10.00

Venue: Committee Room 3,
Council Offices, Garshake Road, Dumbarton

Contact: Craig Stewart, Committee Officer
Tel: 01389 737251, craig.stewart@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)
Bailie Denis Agnew
Councillor Jim Brown
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Diane Docherty (Vice Chair)
Councillor Douglas McAllister
Councillor Marie McNair
Councillor John Mooney
Councillor Lawrence O'Neill

All other Councillors for information

Date of Issue: 18 January 2018

PLANNING COMMITTEE
WEDNESDAY, 31 JANUARY 2018

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 13

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 20 December 2017.

4 NOTE OF VISITATIONS 15

Submit, for information, Note of Visitations carried out on 18 December 2017.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

6 PLANNING PERFORMANCE FRAMEWORK 2016-17 17 – 74

Submit report by the Strategic Lead – Regulatory informing of the recent comments received from the Scottish Government and the peer review regarding the Planning Performance Framework submitted by this Council for 2016-17.

7 PLANNING (SCOTLAND) BILL - CALL FOR EVIDENCE 75 – 96

Submit report by the Strategic Lead – Regulatory seeking approval of the Council's response to the Scottish Government's Local Government and Communities Committee Call for Evidence in relation to the Planning (Scotland) Bill.

- 8 PLANNING APPEAL DECISION: ERECTION OF 2.5 STOREY 97 – 99
DWELLINGHOUSE AND INSTALLATION OF ASSOCIATED
DRIVEWAY (WITHOUT COMPLYING WITH CONDITIONS 3
AND 9 OF PERMISSION DC14/096 REQUIRING LANDSCAPING
WORKS AND THE UPGRADING OF ROAD TO ADOPTABLE
STANDARD), AT LAND ADJACENT TO STIRLING ROAD,
GLENPATH, DUMBARTON (DC17/205)**

Submit report by the Strategic Lead – Regulatory informing on the outcome of the above planning appeal.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 20 December 2017 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Jim Brown, Gail Casey, Karen Conaghan, Diane Docherty, Jim Finn, John Mooney and Lawrence O'Neill.

Attending: Peter Hessem, Strategic Lead – Regulatory; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader – Development Management; Raymond Walsh, Interim Manager – Roads and Transportation; Ashley Mullen, Place & Design Officer, Nigel Ettles, Section Head – Litigation and Nuala Quinn-Ross, Committee Officer.

Apologies: Apologies were intimated on behalf of Councillors Douglas McAllister and Marie McNair.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 15 November 2017 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 13 November 2017, a copy of which forms Appendix 1 hereto, was submitted and noted.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATIONS

Reports were submitted by the Strategic Lead – Regulatory in respect of the following planning applications:-

- (a) **DC17/198 – Removal of Condition 8 of Planning Permission VL.3801-1, to remove age restriction on occupancy of flats at Cherry Tree Court, Hill Street, Alexandria by Volbis Limited.**

The Planning & Building Standards Manager was heard in further explanation of the report.

Officers were then heard in further elaboration of the report and in answer to Member's questions.

Thereafter Councillor Finn, seconded by Bailie Agnew moved that:-

The Committee indicate that it is minded to grant full planning permission, and delegate authority to the Planning & Building Standards Manager to grant permission subject to the payment of a financial contribution.

As an amendment, Councillor O'Neill, seconded by Councillor Mooney moved that:-

The Committee agree to refuse planning permission on the grounds that there would be a loss of amenity for residents.

On a vote being taken, 3 Members voted for the amendment and 5 Members voted for the motion which was accordingly carried.

- (b) **DC17/242 – Erection of a 1.5 Storey Dwellinghouse at Dunira House, 18 Overtoun Road, Clydebank by Mr M. Rafter.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Team Leader – Development Management was heard in further explanation of the report.

The Chair, Councillor Finn invited the applicant, Mr Rafter to address the Committee. Mr Rafter advised that he had nothing further to add to the discussion.

Thereafter, the Committee agreed to grant approval of matters specified in conditions, subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

- (c) **DC17/231 – Erection of energy centre with associated flues, plant equipment, car parking, new access and relocation of substation including reconfiguration of road and associated works at Queens Quay, Ailsa Road, Clydebank by Clydeside Regeneration Ltd. c/o Dawn Development.**

The Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 3 hereto.

PLACE AND DESIGN PANEL – TERMS OF REFERENCE AND GOVERNANCE

A report was submitted by the Strategic Lead – Regulatory seeking approval for the terms of reference and governance arrangements of the Place and Design Panel.

The Place & Design Officer gave a presentation on Place and Design and the aspirations of what could be achieved within West Dunbartonshire through the establishment of a Place and Design Panel.

After discussion and having heard the Planning & Building Standards Manager and the Place & Design Officer in answer to Members' questions, the Committee agreed to approve the terms of reference and governance arrangements for the Place and Design Panel, as detailed within Appendix 1 to the report.

The meeting closed at 11.10 a.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 13 NOVEMBER 2017

Present: Councillors Jim Brown, Karen Conaghan, Ian Dickson and Diane Docherty.

Attending: Keith Bathgate, Development Management Team Leader.

Apologies: Councillors Jim Bolland, Gail Casey, David McBride, John Mooney, Sally Page, Martin Rooney and Brian Walker.

SITE VISITS

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

- (1) DC17/205 – Erection of 2.5 storey dwellinghouse and installation of associated driveway and access (Without complying with Condition 9 of Permission DC14/096 requiring upgrading of a road to adoptable standard) at land adjacent to Stirling Road, Glenpath, Dumbarton by Mr Nazir.
- (2) DC17/171 – Use of site for car wash, car sales and tyre sales at 90-92 North Street, Alexandria by Hemen Mohamadi.

DC17/242 – Erection of a 1.5 Storey Dwellinghouse at Dunira House, 18 Overtoun Road, Clydebank by Mr M. Rafter.

Permission GRANTED subject to the following conditions:-

1. Notwithstanding the details shown on the approved plans, permission is not granted for the use of synthetic stone, Marley Modern roof tiles, or timber facing boards on the dormer window. No development shall commence until such time as details and specifications of alternative external materials have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed, such materials shall include:
 - Light coloured wetdash or drydash render with red brick contrast material;
 - Natural slate roofing, and natural slate dormer facings
 - The materials shall thereafter be implemented as approved.
2. 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.
3. 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
4. Prior to the commencement of development details of the design and location of the bin stores shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.
5. Prior to the commencement of works the position of the building shall be pegged out on site for inspection by the Planning Authority.
6. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority) shall be carried out only between the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays: 0800 -1800

Saturdays: 0800-1300

Sundays or Public Holidays: No working.

DC17/231 – Erection of energy centre with associated flues, plant equipment, car parking, new access and relocation of substation including reconfiguration of road and associated works at Queens Quay, Ailsa Road, Clydebank by Clydeside Regeneration Ltd. c/o Dawn Development.

Permission GRANTED subject to the following conditions:-

1. Unless otherwise approved in writing, no development shall commence until details and specifications of all external materials (other than the materials agreed within the email from ADF Architects received on 23 November 2017 including colour G16044 for the chimney flue mesh enclosure) shall be submitted for the further approval of the planning authority and implemented as approved,
2. Unless otherwise approved in writing, no development shall commence on site until full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved, unless otherwise approved in writing with the Planning Authority.
3. Unless otherwise approved in writing, no development shall commence on site until details of the landscaping scheme for the site shall be submitted for the further written approval of the planning authority and implemented as approved not later than the next appropriate planting season after the use of the building. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.
4. Unless otherwise approved in writing, no development shall commence on site until full details of any external lighting including floodlights shall be submitted for the further written approval of the Planning Authority and implemented as approved.
5. Unless otherwise approved in writing, no development shall commence until such time as detailed arrangements to ensure that all public roads are kept free of deleterious material have been submitted to and approved in writing by the Planning Authority. Such measures should include wheel washing, rumble bars and mechanical brushing. Thereafter, the approved arrangements shall be implemented as approved.
6. Unless otherwise approved in writing, no development shall commence on site until such time as an amended noise impact assessment prepared by a suitably qualified person has been submitted to and approved in writing by the Planning Authority. In addition to the information contained in the previously submitted "New Acoustics Noise Impact Assessment 21 April 2017" the amended noise impact assessment shall include an assessment of noise arising from plant/equipment and such amended proposals for the attenuation of noise affecting nearby properties as may be appropriate. Any such approved noise attenuation scheme shall thereafter be implemented

throughout the course of the construction period and thereafter the site shall operate in accordance with an ongoing attenuation requirements so approved.

7. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays: 08.00-18.00

Saturdays: 08.00-13.00

Sundays and public holidays: No working

8. No piling works shall be carried out until a piling method statement prepared by a suitably qualified person has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. Thereafter, all piling works shall thereafter be carried out in accordance with the approved method statement, and no piling work shall take place outwith the following hours as stated in Condition 7 above.
9. Unless otherwise approved in writing, no development shall commence until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the construction work, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully during any of the identified dust generating activities commencing on site, unless otherwise approved by the Planning Authority.
10. Unless otherwise approved in writing by the Planning Authority, no development shall commence until such time as detailed proposals for the treatment of the areas where there are existing obstructions (i.e. reinforced concrete slabs and demolition arisings such as former crane foundations) (as noted in the Environmental Risk Assessment Report June 2017 and the Geotechnical Design Report September 2017) have been submitted to and approved in writing by the Planning Authority. Such proposals shall include proposals for additional site investigations of any areas so exposed, and no development shall take place within such areas until such time as any resultant remediation works which may be necessary in the light of these investigations have been approved by the Planning Authority. Any such remediation works shall thereafter be implemented as approved.
11. Unless otherwise approved in writing by the Planning Authority, no development shall commence until such time as details of the 'ongoing gas measurements' referred to in Section 6.1 of the Geotechnical Design Report

September 2017 have been submitted to and approved in writing by the Planning Authority. Such details shall include:

- (a) an updated assessment of the potential risks; and
 - (b) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option. Any approved remedial works shall thereafter be implemented as approved.
12. Unless otherwise approved in writing by the Planning Authority, the approved remediation scheme (including any further remediation required under conditions 10 and 11 above) shall be carried out and implemented fully prior to the commencement of the relevant phase of development (other than work required to carry out remediation). The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works for each phase and prior to the area concerned being made accessible to the public, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority
13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme shall be submitted to and approved by the Planning Authority prior to any development (other than such works as may first be agreed with the Planning Authority) commencing. Any actions ongoing shall be implemented within the timescale agreed with the Planning Authority in consultation with Environmental Health measures. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
14. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected area. Such amended remediation scheme shall thereafter be implemented as approved.
15. Unless otherwise approved in writing, no development shall commence until such time as a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Planning Authority. Thereafter the developer shall secure the implementation of the approved Scheme which shall incorporate the recommendations set out in the Archaeological Mitigation Strategy, and ensure the recording and recovery of archaeological resources during works approved by this consent is undertaken in agreement with the Planning Authority and West of Scotland Archaeology Service.

16. Unless otherwise approved in writing, no development of any of the landscaped areas shall commence until such time as a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of:
- (a) The organisation(s) responsible for implementing the Bird Hazard Management Plan on an ongoing basis;
 - (b) Arrangements for the management of fruit and berry bearing trees and shrubs to dissuade hazardous flocking bird species that may exploit these potential food sources;
 - (c) Arrangements for the management of grassed areas to discourage hazardous birds; and
 - (d) Arrangements for the management of potential nesting and roosting habitat. The approved Bird Hazard Management Plan shall be implemented within a timescale agreed with the Planning Authority. It shall remain in force for the life of the development. No subsequent alterations to the plan shall take place unless firstly agreed by the Planning Authority in consultation with Glasgow Airport.
17. Notwithstanding the submitted plans one car parking spaces shall be identified for use by a disabled badge holder only and two cycle spaces shall also be identified.
18. This approved development shall comply with the terms of the Construction and Environmental Management Plan and details approved under Condition 16 and 17 of planning permission DC15/234.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 18 DECEMBER 2017

Present: Bailie Denis Agnew and Councillor John Mooney.

(The above lists all Councillors who attended at least one site visit).

Attending: Pamela Clifford, Planning & Building Standards Manager.

SITE VISITS

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

(1) Queens Quay, Ailsa Road, Clydebank

DC17/231 – Erection of energy centre with associated flues, plant equipment, car parking, new access and relocation of substation including reconfiguration of road and associated works by Clydeside Regeneration Ltd. c/o Dawn Development.

(2) Dunira House, 18 Overtoun Road, Clydebank

DC17/242 – Erection of a 1.5 Storey Dwellinghouse by Mr M. Rafter.

(3) Cherry Tree Court, Hill Street, Alexandria

DC17/198 – Removal of Condition 8 of Planning Permission VL.3801-1, to remove age restriction on occupancy of flats by Volbis Limited.

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead – Regulatory****Planning Committee: 31st January 2018**

Subject: Planning Performance Framework 2016-17**1. Purpose**

- 1.1** To inform the Committee of the recent comments received from the Scottish Government and the peer review regarding the Planning Performance Framework submitted by this Council for 2016-17.

2. Recommendations

- 2.1** That the Committee notes the content of this report and the comments received from the Scottish Government and peer reviewer.

3. Background

- 3.1** This is the sixth Planning Performance Framework (PPF) to be submitted and assessed by the Scottish Government and it is seen as a measure of continuous improvement. The Scottish Government have assessed the Planning Performance Framework against a set of performance markers agreed by the High Level Group of Performance. The Performance Markers give an indication of good performance, good practice and help to identify priority areas for improvement action. A peer review of the reports was also undertaken in SOLACE Groups. West Dunbartonshire is in the SOLACE group with East Dunbartonshire, Edinburgh Council, Glasgow City Council, Dundee, Aberdeen City and Falkirk Councils. This year the Council were paired with North Lanarkshire Council for the peer review.

4. Main Issues

- 4.1** The annual Planning Performance Framework was submitted at the end of July 2017. The report outlined our performance and demonstrated our achievements, actions and improvements in 2016-17 and is contained in Appendix 1. The general format of the report was around defining and measuring a high quality planning service and it was assessed through quality of outcomes, quality of service and engagement, governance and culture of continuous improvement. The report was based on case studies in order to showcase good performance, good practice and the use of innovative ideas.
- 4.2** The Feedback report from the Minister for Local Government and Housing Mr Kevin Stewart was based on performance markers which were rated green, amber or red. These ratings are based on the evidence provided within the Planning Performance Framework reports. Where no information or

insufficient evidence has been provided a 'red' marking has been allocated. This Council received 10 green performance markers, 4 amber and 1 red marker. The report is contained in Appendix 2. This is an improvement on last year whereby 7 green, 5 amber and 1 red markers were received. Green performance markers were received for decision making, processing agreements, enforcement charter, elected members engaged early in the development plan preparation, cross sector stakeholders engaged early, regular and proportionate policy advice, corporate working across services, sharing good practice, skills and knowledge, legacy cases and developer contributions. Positive comments were received about the establishment of the Design Panel, leading on the work for preserving the Antonnie Wall and working alongside Clydeplan, City Deal and the benchmarking families. Recognition was given to the guidance produced for the Dumbarton waterfront path and Clydebank Business Park and the review of Conservations areas which has made changes to the areas. It was also recognised that there was strong evidence of our corporate approach to working and liaising closely with other Council services. In particular demonstrating close links with Roads and Environmental Health with a programme of regular meetings and close links with our Regeneration and Infrastructure colleagues.

- 4.3 This year the "amber" performance markers related to early collaboration, legal agreements, continuous improvement, and the development plan scheme. An overall amber was received for the early collaboration marker: a green marker was received for the availability and promotion of pre-application discussions, however it was not clear how requests for supporting information was clear and proportionate and a red marker was received for that part of the marker. The abandonment of the Local Development Plan, the commencement of the new plan and the adopted plan being 7 years out of date resulted in the continuous improvement and development plan scheme markers being amber which otherwise would have been green. The only red marker was received for the Local Development Plan.
- 4.4 The peer review of the Planning Performance Framework carried out by North Lanarkshire Council commented that the layout and style of the report made it a straightforward document to read which set out the Council's Vision at the beginning and allows the reader to understand the priorities for the service right at the start. There was good and clear presentation of the future service improvements. There was a clear explanation of the Performance Markers being included in the case studies, and by identifying them in the tabular appendix and providing a brief comment in the report it makes it easy to identify each performance marker. The peer reviewer particularly liked the inclusion of compliments received throughout the text which was a nice touch, demonstrating connections with the users of the service. Suggestions to strengthen next year's Planning Performance Framework report included using fewer, but more detailed case studies and incorporating within the text of the case study of how it is relevant to the Performance Markers. A copy of the peer review is contained in Appendix 3.

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 There are no risk issues.

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.

Peter Hissett
Strategic Lead - Regulatory
Date: 15th January 2018

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Email: pamela.clifford@west-dunbarton.gov.uk

Appendices: Appendix 1: Planning Performance Framework 2016-17
Appendix 2: Performance Markers Report 2016-17
Appendix 3: Peer Review September 2017

Background Papers: None

Wards Affected: All

WEST DUNBARTONSHIRE Planning and Performance Framework

Planning and Building Standards Service



July 2017

Foreword

This is the sixth reporting year of the Planning Performance Framework which outlines our performance and showcases our achievements and improvements in 2016-17. It also outlines our service improvements for 2017-18.

Last year's Planning Performance Framework was peer reviewed by Glasgow City Council who are part of our Solace Benchmarking Group. This exercise was very useful with good feedback being received. This has helped to shape the format and content of this year's Planning Performance Framework.

Their feedback advised;

"There is a clear format with a number and range of suitable Case Studies".

Last year Planning and Building Standards were moved to sit under the Strategic Lead for Regulatory. This has resulted in stronger links with Legal Services, Environmental Health and Committee Services; however we still work to maintain good links with our Regeneration colleagues. Planning and Building Standards has been identified as one of the services to be relocated to the new Dumbarton town centre office. This is

an exciting opportunity for the service to be in the heart of Council services and to work in a modern purpose built Council office with A listed façade. The new Council office is due to be opened on January 2018. It will be good to occupy a building which our service has had a major influence on its design.

As this is the sixth Planning Performance Framework I took the opportunity to revisit our first Planning Performance Framework back in September 2012. It was good to see how much progress has been made in taking forward a number of initiatives detailed in that first Planning Performance Framework such as the Developers Protocol.

Significant progress continues with our key regeneration sites with detailed permission being granted for the road infrastructure and public realm works and the new care home and day centre on the Queens Quay site. The new leisure centre opened in March. This replaces the former Playdrome leisure facility in Clydebank town centre. The new leisure facility has brought new life and activity to this part of the waterfront, and in terms of its design and layout maximises its waterfront location.

Dumbarton waterfront is also progressing with three out of the four sites having submitted detailed applications for development.

Progress of these key development sites has put increased pressure on the service as we try to support the development of these sites with the same resources as before. The Service has been successful this year in securing the funding for a part-time Planning Compliance Officer and the Strategic Lead of Regeneration has agreed to fund a Lead Planning Officer post for 2 years to deal principally with the regeneration sites. The Council have also set a budget to provide £75,000 for the next 3 years towards setting up a Design Panel to improve the quality of development in West Dunbartonshire led by the Planning Service.

This year I lost a key member of my team Alan Williamson the Team Leader in Forward Planning to a neighbouring authority. I have worked very closely with Alan for many years and he was a key contributor to previous years Planning Performance Framework. I thank him for all his work in West Dunbartonshire and I wish him well in his future career. He has been

replaced by Antony McGuinness who comes from East Ayrshire Council with extensive experience. Antony and his team has been able to produce a Main Issues Report in a very short time and he brings new ideas to the development plan process in West Dunbartonshire.

We were shortlisted in the 2016 Scottish Awards for Quality in Planning for the Elected member pre application Protocol & Procedures.

I hope you enjoy reading our achievements and our plans to improve the service further. I would welcome any feedback

Pamela Clifford

Pamela Clifford

Planning and Building Standards Manager

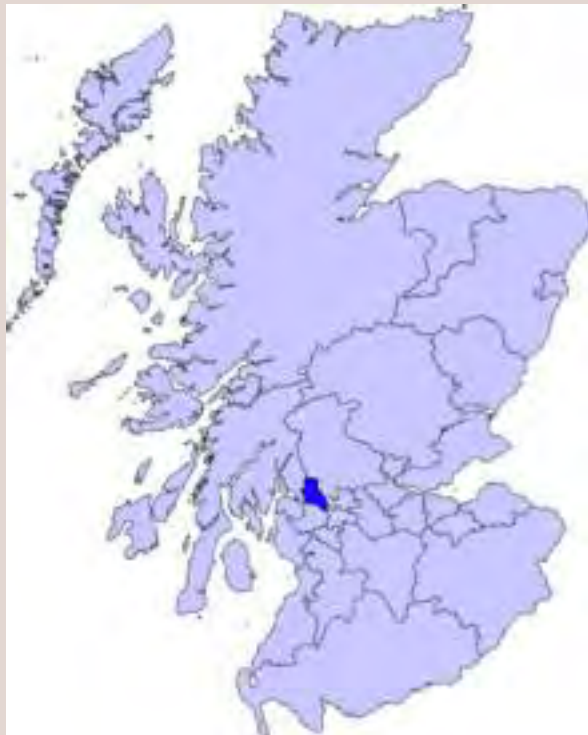
July 2017

Email:

pamela.clifford@west-dunbarton.gov.uk

Introduction

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 areas. The Planning Authority excludes parts of Balloch and the countryside to the east and west of Loch Lomond which forms part of Loch Lomond and the Trossachs National Park Planning authority area.



Our Vision

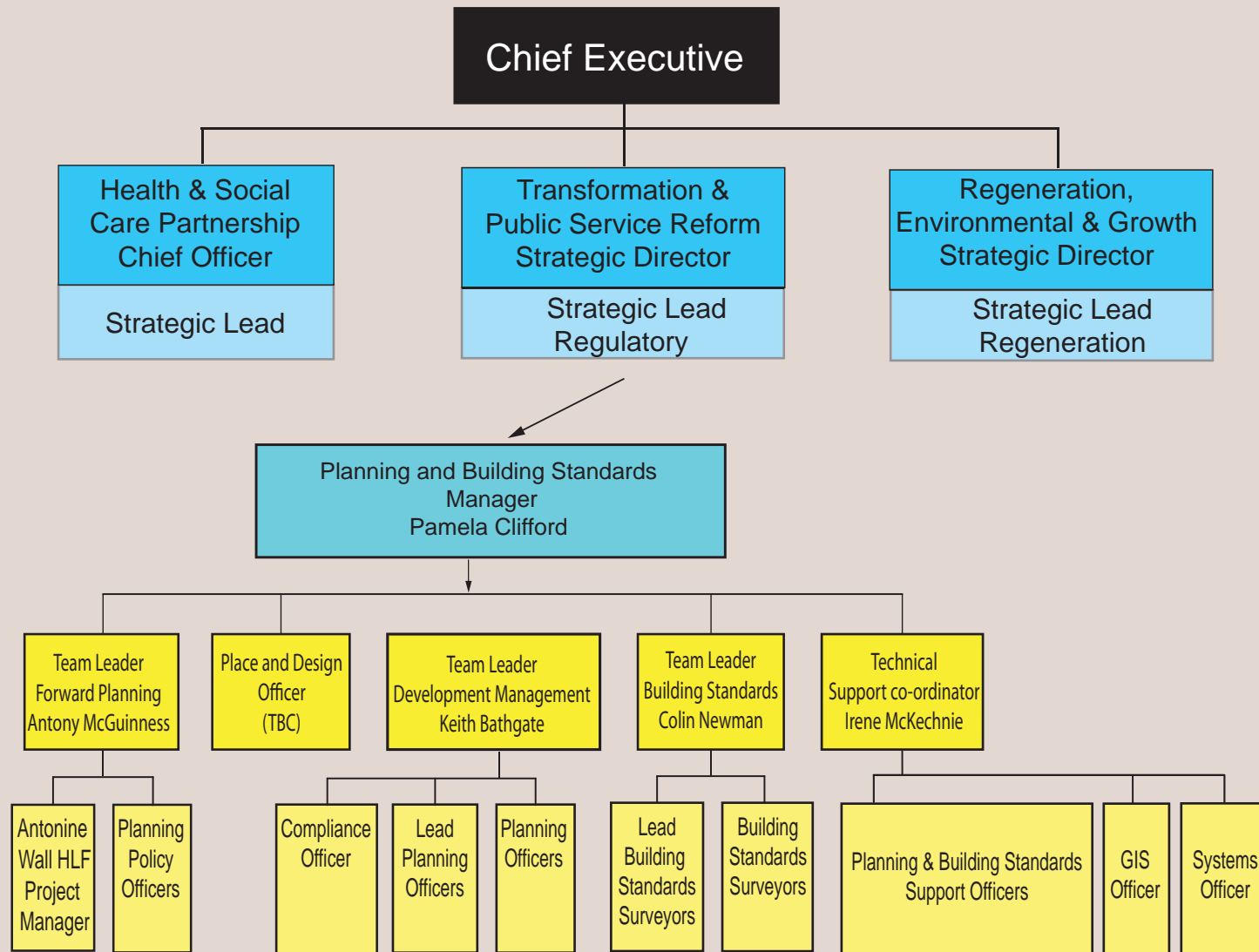
A prosperous West Dunbartonshire recognised as a dynamic area within a successful Scotland.

The vision set by the Council is from the Strategic Plan 2012-2017. It sets out the priorities for the Council in that period which we will work to progress and achieve.

- ☐ Improve economic growth and employability
- ☐ Improve life chances for children and young people
- ☐ Improve care for and promote independence of older people
- ☐ Improve local housing and environmentally sustainable infrastructure
- ☐ Improve wellbeing of communities and protect the welfare of vulnerable people

The Planning Service is identified as a lead service in delivering the first priority of economic growth and employability through the local development plan process and planning application process.

The Local Development Plan Proposed Plan 2016 has remained at proposed plan stage by the Council due to an issue with a housing development site in Clydebank. The Main Issues Report for Local Development Plan 2 is now out for consultation and this is detailed further in the report.



Planning Performance Framework

The Planning Performance Framework (PPF) is seen as a measure of continuous improvement. The general format of the Planning Performance Framework report is determined by the Template and Guidance Notes issued in February 2017. The Planning Performance Framework has been designed to be flexible and to evolve as experience grows.

The Scottish Government assess the Planning Performance Framework against a set of performance markers. These markers give an indication of good performance, good practice and help to identify priority areas for improvement action. The performance markers within the Performance Markers Report are rated green, amber or red. In order to demonstrate the importance of satisfying the 15 Performance markers the appropriate markers have been identified against evidence within the report. In addition a Performance markers checklist is contained in Appendix 1.

The Case Studies throughout the Report give examples of how good practice and quality development has been achieved and reflects a high quality planning service.



Part 1: Defining and measuring a high-quality planning service

Quality of outcomes

West Dunbartonshire Design Panel

There are a number of significant developments which will be taken forward in the next few years which will have a long term impact on the area. Good quality urban design is important to making successful places and well-designed buildings and places make the very best use of our resources, creating places that help people and communities flourish. The Council agreed on 24th February 2017 that £75,000 per year for the next 3 years would be invested in a West Dunbartonshire Design Forum to ensure that quality development is promoted. A Design Panel will be set up and the budget will be used to employ a Design and Place Officer. The Design Panel will be used as a way to promote the value of quality and sustainable design which adds to everyone's lives. It will allow people to get more involved in shaping the places they live in or allow them to improve the design of the buildings they will use. The Place and Design Officer is presently being recruited and the person will be responsible for setting up the Design Panel, assist in the

development of design policies, assist in the facilitation of charrettes and mini-charrettes, and the co-ordination of cross-disciplinary initiatives between Council departments and with other agencies as well as having a small budget for project work. It will contribute to early collaboration and is a further improvement to the pre-application service. Support has been given by Edinburgh City Council who have a long running and successful Design Panel and with Architecture and Design Scotland (ADS) and the Improvement Service.

Bowling Basin Arches, Bowling

Following on from a successful charrette which helped inform a masterplan for the Bowling Basin site, the Council continues to meet with Scottish Canals every two months to discuss progress. This has proven invaluable in progressing the phased nature of the development and to date has seen the restoration of railway arches either side of the canal and the upgrading of public realm space around the locks and viewpoints over the harbour and River Clyde. Scottish Canals have recently showcased their restoration work on the arches. Engagement with them continues

towards progressing other key elements of the masterplan which was agreed under the Planning Permission in Principle.



This consent includes work such as upgrading the listed Swing Bridge and providing a linear park linkage from Bowling Basin into the existing national cycle route within Bowling village, as well as, investigating innovative ways of developing the housing element of the masterplan. The development has recently been shortlisted in the Place category of the 2017 Scottish Awards for Quality in Planning.

Residential Development at Kippen Dairy, Alexandria

The former Kippen Dairy site occupies a prominent location within Alexandria town centre and until the recent residential development was completed, it had been vacant for a considerable period of time. Development on this site has been guided by the Alexandria Town Centre Masterplan and the Local Development Plan “Our Changing Places”. The redevelopment of this site is significant as it meets the objectives of the Council and the Scottish Government within one development. It provides high quality sustainable affordable housing in a town centre location by bringing residents back into the town centre and this in turn will improve the future sustainability of the town centre. It is an example of a new residential development which integrates with the scale of surrounding buildings, the general streetscape within the town centre and recreates the original street pattern at this location. The design and location of the buildings were key considerations along with the creation of a new civic space which is a focal point of the development. The development which provides much

needed affordable housing was subject to detailed pre-application discussions as per the Protocol on Pre-application discussions. This new development has injected new life into the town centre and assisted with the ongoing regeneration of Alexandria town centre. The development has been shortlisted in the Place category of the 2017 Scottish Awards for Quality in Planning.-(Performance marker3)



McPherson Ltd Heavy Goods Vehicle Operating Centre, Vale of Leven Industrial Estate

The Chivas plant at Kilmalid is a major employer in the West Dunbartonshire area and McPhersons Ltd is a large haulage firm which has a UK-wide contract with Chivas for the distribution of spirit. Currently, their vehicles are accommodated within the grounds of the bottling plant but due to an impending expansion of the Kilmalid plant, this will no longer be possible. Consequently, new facilities were required with the criteria being that they are in close proximity to the bottling plant. An undeveloped area of the Vale of Leven Industrial Estate was identified however much of the site is located within the functional floodplain of the River Leven. Within such areas there is usually a presumption against development but the development has been subject to extensive pre application discussions with SEPA and the Council's own Roads Service. It was very important to the Council that this investment remained in the Vale of Leven Industrial Estate. Following much discussion it was

accepted that the new workshop building could be located on the higher part of the site (which is outwith the floodplain) whilst the formation of the lorry parking would be sited within the functional floodplain provided there is no landraising within this area. This outcome allowed the development to be delivered and the approach and mitigation measures were proportionate and reasonable to the constraints of the site.

The early discussions with SEPA prior to submission of the planning application also reduced the timescales to determine the application. (Performance marker 3)

Health Quarter Queens Quay Clydebank

The Planning in Principle approval for the Queens Quay site included a Design Framework Plan which was detailed in PPF 2016 and a design principles document which would guide the future development of the site. Other than the previous development of the easternmost corner of the old shipyard (West College Scotland and the new leisure centre), the care home and day care centre would be the first new building on Queens Quay and due to its central position it needs to set a high standard of design by which future developments will be measured. To this end there were extensive pre-application discussions with the applicant to achieve a quality build on the site, as well as, meeting the users requirements. These discussions centred around ensuring an appropriate presence and mass fronting the new road; respecting the new street pattern; using good quality build materials; and integrating quality landscaping with the wider Accommodating a care home at this location has not been without design challenges; as such a building does not lend itself to either the massing or the street

layout which were originally envisaged for this part of the Queens Quay site. Neighbouring development is expected to feature a higher density of development, such as a three storey health centre and residential flats around the fitting-out basin and Titan Boulevard which will be in excess of the height proposed for the care home and day centre. A design solution therefore was sought to achieve a similar massing and height presence. This was achieved by designing a two storey building which has generous floor-to-ceiling height and orientates the mono-pitch roof so that the highest point faces towards the principal elevations. The resulting design has led to a much more bespoke building which will sit more comfortably within this higher density part of Queens Quay. Also, to ensure a high quality finish there has been early discussion on the external materials proposed for the building which included visiting other sites where similar materials were used.

Clydebank Care Home and Day Centre



Quality of service and engagement

Dumbarton Waterfront Path Planning Guidance

As detailed in Planning Performance Framework 2016 one of the key actions coming out of the Dumbarton Rock and Castle Charrette was the creation of a new waterfront path linking the Rock and Castle with the town centre. To support this, the Council has allocated resources towards the early delivery of the path and commissioned engineering consultants to design and cost the Dumbarton Waterfront Path. The study sets out the Council's requirements for the route of the path and the materials to be used in the path's construction and the surrounding public realm. Following discussion with developers/landowners regarding the waterfront path, it was appropriate that planning guidance be produced to ensure that the path is delivered in a comprehensive manner, as quickly as possible and to the specification set out in the study report. From the developers/landowners perspective, the guidance

provides details of how the Council intend to deliver the path, the costs of the path per site and the developers/landowners and Council's contribution to the costs of the path. Following consultation the Planning Guidance was agreed in February 2017 allowing the planning permission for the waterfront path to be approved by the March Planning Committee. The guidance provides certainty for future planning applications along the waterfront. (Performance marker 11)

"The Developer Contributions guidance has been extremely beneficial for the project, ensuring that there are standards and guidelines that developers must adhere to. This has enabled the Economic Development Team to progress with confidence to the next stage of discussions with developers regarding the delivery of the works. In summary – the role of Planning leading and overseeing this stage of the process has been invaluable".

Marnie Ritchie Regeneration Co-ordinator

Clydebank Community Sports Hub

This is the first community sports hub for the West Dunbartonshire area and involves significant investment for the Whitecrook area and the wider area. It involves the redevelopment of sports pitches, provision of new sports pitches and a new sports facility building located in an established residential area. It was subject to the elected member pre-application meeting in February 2016 and was reported in PPF 2016. The application was submitted shortly after the elected member pre-application event. The proposal would provide enlarged and improved facilities, which is likely to intensify the use of the site by sports clubs, both in terms of the number of clubs using the site and the numbers of people attending. Concerns were expressed from local residents that the intensification of use of the site could exacerbate existing issues of noise, disturbance and traffic/parking pressures affecting houses bordering the site. Following the elected member briefing and pre application consultation events proposals were developed to provide a drop-off point at Cochno Street away from the site and an overprovision of 30 spaces

within the site to prevent on-street parking when there are spectator events at the site. This would also help to address the current parking problems that exist and to ensure that on-street parking spaces are kept for residents only. Conditions were also used to reduce the impact of the proposed uses on the amenity of local residents such as requiring a management plan to be prepared regarding how functions and events within the building are to be managed. The significant pre application consultation has allowed an early favourable determination of the planning application within 4 months of submission. (Performance marker 3)

Processing Agreements

In the past year, three processing agreements were prepared – Queens Quay care home facility, the new Clyde crossing and Dumbarton FC new stadium facility. The Council continues to promote the use of processing agreements through the Protocol, website and pre-application discussions. Whilst processing agreements help manage the process and provide a commitment from both parties, some developers do not take up the offer, for instance, if the developer is satisfied that the development will be undertaken within an appropriate time period they see little benefit in having one. Applications which do not have a processing agreement can be determined in a timescale which is acceptable to the applicant as long as the process is carefully managed. (Performance marker 2)

Queens Quay, Clydebank

The Council continues to meet on a regular basis with the key developer of the site and it has focused on deploying significant resources to engage with the key developer and future developers of the sub parcels of land to ensure a high quality of development. This focus has led to the approval of the road infrastructure with high quality public realm and open spaces around the basin and along the waterfront, and a new care home and day centre which were required to be delivered in very tight timescales. There has also been significant engagement in pre-application discussions for a new health centre, residential proposals and a new energy centre (District Heating). The road infrastructure planning application ran in parallel with the Road Construction Consent process and involved collaborative working between the Planning Officers and the Road Engineers. There has also been strong collaborative working with Environmental Health to ensure that the ground contamination and ground water conditions of the site are being addressed efficiently and effectively. (Performance marker 12).

The new Clydebank leisure centre on the waterfront opened in March 2017 and is a building of distinctive design, with a functional and angular style which makes use of contemporary finishing materials. This design fits in with the adjacent college, Aurora House and the Titan Enterprise and sets the standard for other developments.

The orientation of the building has allowed the interior to make the most of the views towards the River Clyde, with the fitness suite benefiting from extensive glazing on this corner. Whilst the swimming pool also featured large windows, they use darkened glass to provide privacy from the street.



Kirktonhill Conservation Area Appraisal

The Kirktonhill Conservation Area in Dumbarton was designated in 1984 and it is our largest conservation area and is an area where significant development has occurred since its designation over 30 years ago. The Scottish Civic Trust was commissioned by the Council in January 2016 to undertake an appraisal of the Kirktonhill Conservation Area. The appraisal recommended the inclusion of Levensgrove Park and the removal of Helenslee Crescent and Helenslee Road from the Conservation Area. The appraisal was made available on the Council's website and leaflets sent to all properties within the conservation area. Also a drop-in information session was held in a local Church hall. The exhibition was attended by approximately 20 local residents and twelve written responses to the consultation were received. All of the comments received from the Helenslee Road residents were opposed to the removal of Helenslee Road as the Conservation area status was regarded as a positive attribute that protects the street from inappropriate

development and helps maintain the architectural historic character of the area. The Council agreed with local residents that the street forms an important part of the setting of the conservation area and that whilst the houses are of a more modern design and layout, the area does have a role to play in contributing to the character of the conservation area giving grounds to maintain stricter management of the type of development that can happen there. For these reasons the southern part of Helenslee Road remained within the conservation area.

A Conservation Area Appraisal is a useful

tool and we are now undertaking Conservation Area Appraisals for the other four Conservation Areas in West Dunbartonshire. The Kirktonhill Conservation Appraisal is planning guidance and is a material consideration in the determination of future planning applications affecting the conservation area. Where appropriate, the proposals for enhancement from the Conservation Area Appraisals will be included in Local Development Plan 2 and its Action Programme to ensure that the enhancement measures are taken forward and delivered. (Performance marker 11)



Clydebank Business Park planning guidance

Over recent years the Council has received increased interest for alternative uses within existing industrial and business areas, particularly Clydebank Business Park. Proposals for alternative uses have included nurseries, soft play and gymnasiums. These proposals have raised issues about whether these uses would be suitable within a business park, in terms of their impact on existing uses and on the availability of industrial and business premises. In response to this, planning guidance was prepared to offer additional advice when considering proposals for non-industrial/business uses within Clydebank Business Park. In preparing the guidance, a survey among existing businesses was undertaken to establish their attitudes towards alternative uses in the Business Park. The Council also undertook an assessment of the number and size of units within the Business Park and an accessibility analysis to identify areas of the Business Park within reasonable walking distance of Singer train station and the nearest bus stops on Kilbowie Road.

A benchmarking exercise with other local

authorities was undertaken on how they approached the same issue. The Clydebank Business Park planning guidance was approved by the Council in February 2017. It provides guidance on how the existing Local Development Plan (Proposed Plan) 2016 policy should be applied when assessing alternative uses within Clydebank Business Park, including clarification on what types of uses may be offered increased flexibility and what area of the Business Park may be considered appropriate. The guidance has already been used to assist in the decision making of recent applications for change of use within the Business Park and will continue to assist the Council in determining applications and provide greater certainty to potential applicants. (Performance marker 11)



Governance

Council Governance

Planning Committee – continues to meet on a monthly basis with the exception of July. Following the local elections Planning Committees are now held the first Wednesday of the month instead of the fourth Wednesday of the month. In 2016/17 31 applications were determined by Planning Committee of which 13 applications involved a hearing. A total of 17 site visits took place for applications subject to objection or if the application is of local significance. The Committee considered 29 reports on matters such as the Local Development Plan and Planning Guidance, the outcome of appeals, Review of the Planning System, High Hedges and the Antonine Wall. Two planning applications for housing developments were presented to the full Council as they were considered a significant departure from the adopted plan.

Corporate working across services – Monthly and bi-monthly meetings continue to take place with the Roads Service and Regeneration and Asset Management

colleagues along with more frequent catch-ups on specific matters. The Planning Manager has a monthly catch up with the Strategic Lead for Regeneration to ensure that both planning and regeneration priorities are taken forward. The Planning Manager also attends on a regular basis the Council's Infrastructure and Regeneration Committee to provide input into regeneration initiatives and development proposals. Other Planning officers meet colleagues from Community Planning and Housing Services on a regular basis to progress initiatives and proposals.

Major Application Meetings – The fortnightly meetings between the Planning Manager and senior Planning Policy and Development Management staff continues to be a very valuable way to discuss the progress of major planning applications or locally significant applications. Our regeneration colleagues have also attended a number of meetings either to be updated or to provide information regarding specific applications or developments. These meetings allow issues to be identified at an early stage and actions and timescales can be agreed.

Exxon Project Board - Planning continues to be represented on the Project Board and gives advice and support as progress is made towards developing a masterplan for the site. Discussions with statutory consultees continue to inform that process and a Pre-Application Notice (PAN) has been submitted, with a community consultation event being undertaken in May 2017. The support will continue in terms of formulating the masterplan, achieving all necessary consents for infrastructure and ensuring key stakeholders and the community are engaged. The Board has been widened out to include discussion on the Renfrew Riverside/Clyde Waterfront City Deal project: the new Clyde Crossing which has significant implications for the West Dunbartonshire area.

Annual Review of Quarries and Landfill sites - This report is presented to the Planning Committee on annual basis usually the August/September Committee following the annual monitoring of the 2 quarries and 2 landfill sites within the Council area. It provides an update of the progress of works on site and highlights any issues which require to be addressed and the future operations on site.

Elected Member Pre-Application Meetings-Dumbarton Waterfront

The procedures and protocol for elected member involvement are now firmly embedded in the pre-application stage and this year the procedures and protocol were shortlisted for the Scottish Awards for Quality in Planning 2016. All applicants of major and significant/ controversial local development are made aware of the process and protocol and are invited to engage at this early stage. The applicants of retail development on Dumbarton waterfront, which includes a Lidl and applicants for the Waterfront Walk and Cycleway path, presented their proposals to elected members at a meeting in October. Both proposals will change the character of this area and it was very important to get elected members comments at an early stage so developers could take these comments onboard. All elected members were invited, including those who do not sit on the Planning Committee in order that they could feed their comments into the proposals. (Performance marker 3)

“On behalf of Lidl, the following comments are offered in support of the pre-application hearing with Elected Members initiative. In my town planning consultancy experience, this is a first for Scotland and I endorse the approach.

It offers an open, transparent early opportunity for the applicant to present outline details, and for members (representing their community) to hear first hand about the plans and to convey these facts to their constituents.

We felt it was a fair and reasonable set up, i.e. the forum style was not intimidating and indeed provided a fairly relaxed, informal way of introducing the plans. It also gave both the applicant and members an opportunity to reflect at the time later when the case came to committee and so familiarity was in my view, improved, and thus made for a conversation rather than an interrogation at the planning committee stage.

We also felt the balance of format of the procedure, i.e. applicant had a generous time on the floor, able to present without limit to what they wanted to present, before any views were formed. This made for a very open format and I feel it encouraged members to open up without prejudice or influence from concerned residents or objectors.”

Neil Gray Partner Town Planning Radley LLP.



eDevelopment.scot

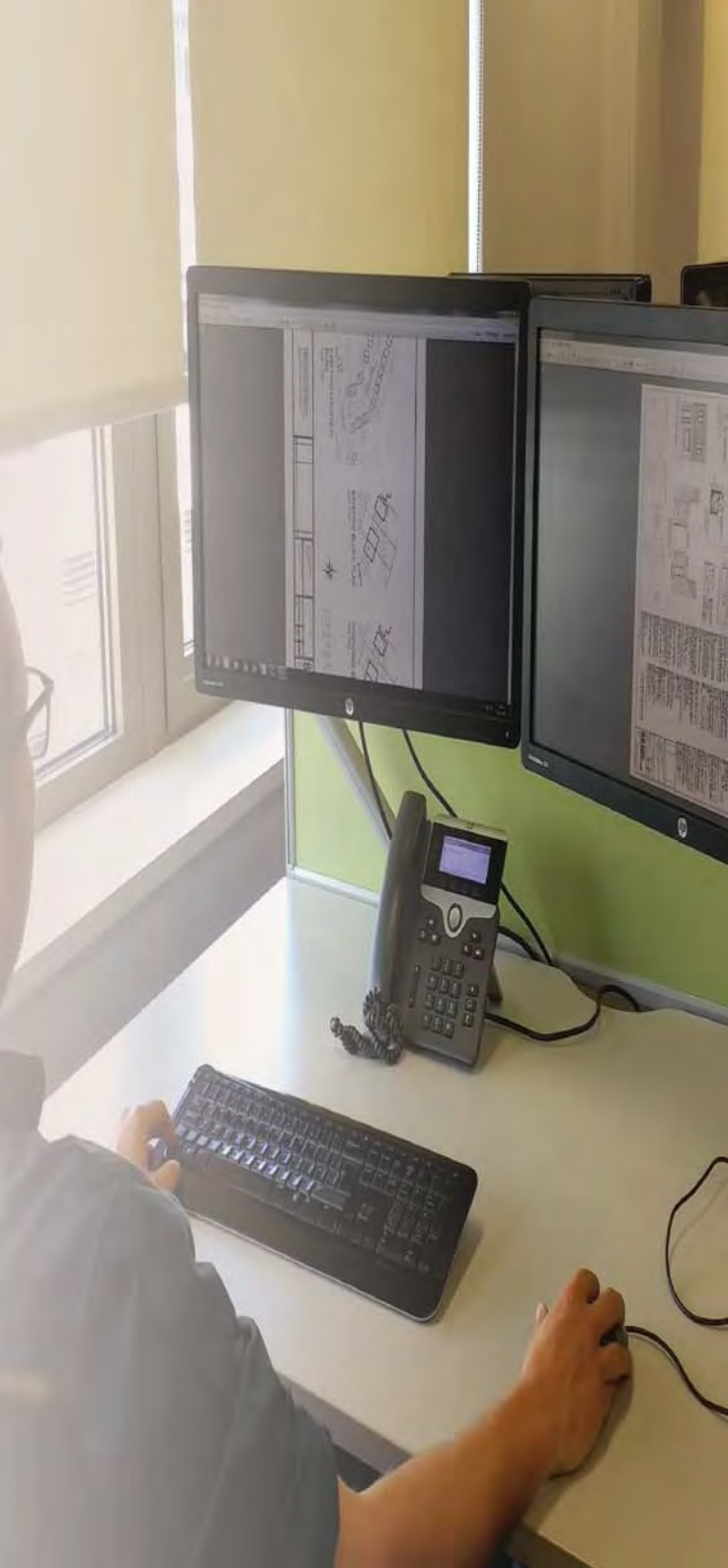
This provides an integrated service for both planning applications and building warrants with the building warrant part of the portal being launched in August 2016. The use of the portal for the submission of planning applications is now an essential part of the planning process with 73% of planning applications submitted by the portal in 2016/17. To support continuous improvement regular updates on Uniform System and CIVICA Document Management System (DMS) are undertaken with 6 weekly meetings with the ICT Business Partner.

The service has invested in new laptops and tablets for officers to assess their applications in house and on the field. The introduction of these new devices has allowed further agile/mobile working.

An archive project started in 2015/16 involved scanning over 9000 planning applications going back to 1991. These are now available in digital format and linked into the document management system.

This year we have started to review our existing eplanning systems and processes.

The Technical Support team has been working closely with the Webmaster to improve our website presence, accessibility and usability to make the online journey easier for residents, businesses and officers. For example additional search options have been added to the online planning registers.



Financial Management

The service budget continues to be monitored on a monthly basis by the Manager and the Service accountant. With the move to Regulatory Services there is a new Service accountant and a closer relationship has been developed. Work has commenced on reviewing the relationship between planning application fee income and the costs of the service.

The Team Leader in Forward Planning and the service accountant have also been developing a more robust system for developer contributions received through the Green Network Guidance and the outcome of this will be reported to an autumn Planning Committee.

Planning fee income for 2016/17 was £247,000. The revenue budget continues to be heavily weighted towards employee costs and related items. The main payments to other agencies and bodies are the Strategic Development Planning Authority, Ordnance Survey and the Archaeological Service.

Green Network Guidance

The introduction of the Green Network Guidance in 2015 has made it more straightforward for developers to understand the requirements of the Council with regard to open space provision. The main benefits are twofold in that the developer has to either ensure that there is adequate open space provision within their development site or make a payment to contribute towards the improvement or provision of open space elsewhere. In the last year, contributions totalled £141,109 to the Council. The guidance has raised the profile of the green network and highlights the important contribution that the green network makes to the amenity of the urban environment.

An additional benefit of the Green Network Guidance is that it has contributed to a reduction in demand for legal agreements. When applications are being processed, the applicant is advised if a contribution is required as early in the process as possible and given the opportunity to make an 'upfront' payment prior to the determination of the application, or enter into a legal agreement to ensure payment is made at an agreed future date.

Identifying the requirements early in the process allows the applicant to budget accordingly. In the vast majority of cases, the applicant prefers to make the payment without entering into a legal agreement, saving both time and money. (Performance marker 4)



Community Council Training

Community Councils are an important part of the planning process. Recently there has been a number of new Community Councils and new office bearers in existing Community Councils. They want to engage in the planning process however their knowledge of planning matters was very limited.

Following discussion with the Community Council Liaison Officer and Community Planning Manager a joint training event between Planning Services and Community Planning was held on Saturday 25th February 2017 in Clydebank Town Hall. The event was run by Planning Aid Scotland (PAS) and it was attended by over 15 people from various Community Councils. Sessions were held on the Community Councils Role in Development Planning and Development Management and Workshops were held on how to be an effective Community Council. The event concluded with a session on the next steps - building on the success of the day and the future training requirements of the Community Councils. The event was well received by both the Community Councillors and the volunteers from PAS.

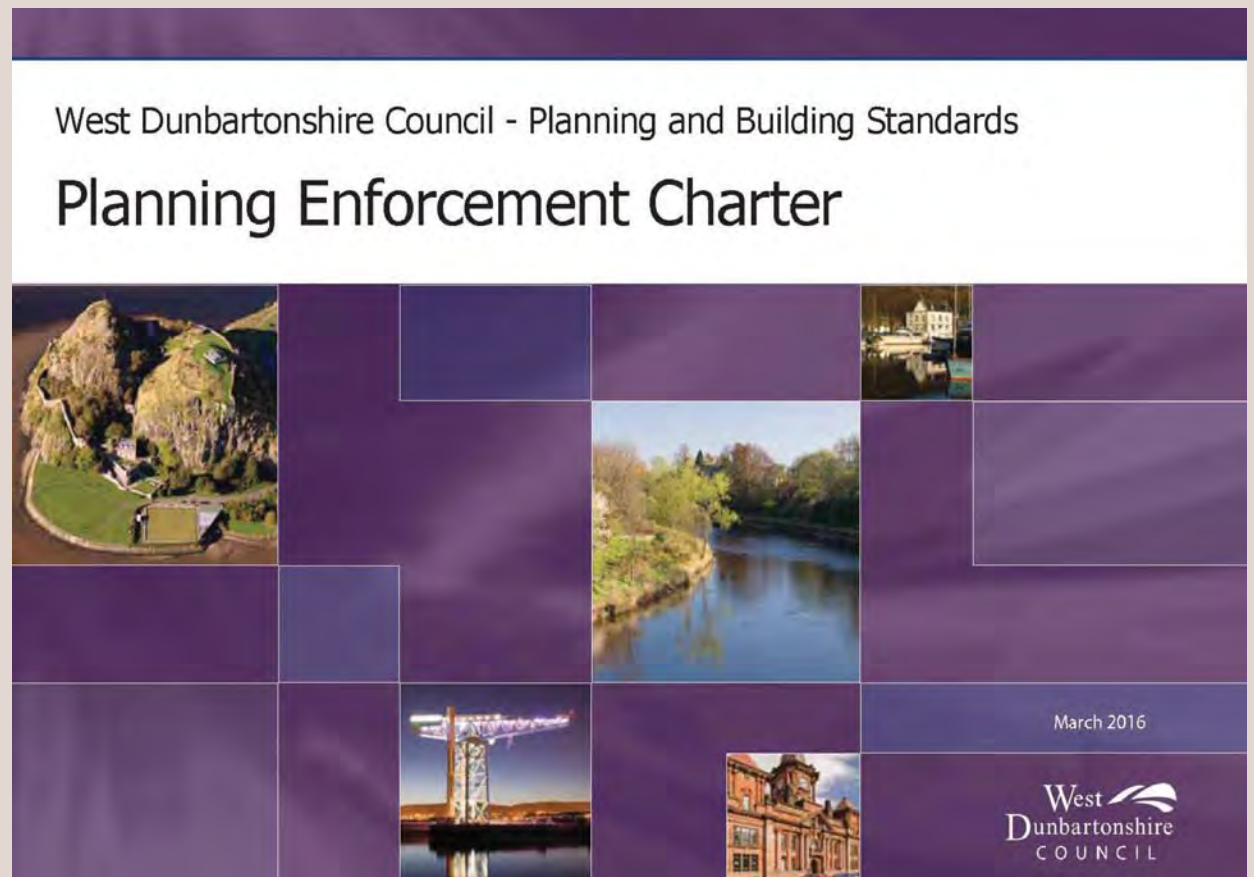
"Thanks again for organising the training on Saturday which I found really interesting and informative" Jan Shields

"Thanks so much for these, Kate. I heard that Saturday was an exceptional day. Someone who was there told me it was the best training they had attended." Linda Spiers

"The Community Councillors I spoke to on Saturday were so positive about the session and the opportunity to come together for development, it's a positive step forward. I think there's a real opportunity to build on this and we have plans for a few more sessions while there's such positive chat about development."

Amanda Coulthard Community Planning Manager

Planning Compliance Officer, in to undertake the investigation of enforcement complaints and the pro-active monitoring of development sites and mineral and waste sites, as well as related activities. Presently the post has been advertised and it is hoped that the person will be in post by autumn 2017. This will allow greater priority to be given to planning enforcement which is an important and significant part of the planning system, whilst simultaneously freeing up staffing resources to further improve application performance. It will allow the Council to be more proactive regarding enforcement and provide a review of the enforcement processes and service including the Enforcement Charter.



Local Development Plan 2: Main Issues Report

The Development Plan Scheme and Participation Statement agreed in August 2016 included a detailed project plan for preparation of the Main Issues Report which was scheduled to be taken to the April Planning Committee. The Main Issues Report focuses on three main themes - Delivering our Changing Places, Strengthening Our Communities and Economy and Climate Change and Infrastructure. Within these themes, there are 18 main issues which are aimed at delivering development on the ground, creating new and strengthening existing places and contributing to the establishment of green and sustainable infrastructure. The issues have emerged from a review of the policies and proposals of the Proposed Plan (2016) and a series of consultation meetings, including all active Community Councils, all Key Agencies (Scottish Water, SEPA etc), Elected Members, key developers and landowners and other organisations, as well as, internal consultations with other Council departments and officers.

The Report itself has been written and designed to be easy to read and to inform residents, stakeholders and developers of the progress that has been made on our key regeneration sites and what the Council's preferred options are to take development/sites forward. The Main Issues Report is presented in a less formal way and is presented in a story-book style with the use of a high number of visuals to encourage engagement in the Main Issues Report stage.

The Main Issues Report met the timescales set out in the Development Plan Scheme and Participation Statement and was approved by Planning Committee on 26th April 2017 with consultation taking place between June and September 2017 for a period of 12 weeks. A newsletter was circulated in advance of the consultation, pre-notifying all interested parties of the forthcoming consultation on the Main Issues Report.



Antonine Wall Heritage Lottery Fund Project

The Antonine Wall is one of only 6 UNESCO World Heritage Sites in Scotland and is one of West Dunbartonshire's most valuable heritage assets and runs from Old Kilpartick to Bo'ness in the Falkirk Council area passing through the Council areas of Glasgow, East Dunbartonshire and North Lanarkshire. These local authorities in partnership with Historic Environment Scotland have agreed a Management Plan for the long term vision of the Wall. West Dunbartonshire Council has agreed to be lead authority and guided by the Management Plan, made a Stage 1 bid for Heritage Lottery Funding which is the Development Phase funding. This involves the employment of staff and consultants to further develop the project ideas ahead of submitting a detailed Stage 2 bid for the Delivery funding which will run from 2018/19 to 2020/21. The Stage 1 funding has been agreed and a Project Manager has been recruited and she will start her new duties in August 2017. In total, the project will cost approximately £1.7 million over a four year period and is an example of partner organisations working collaboratively for

the long-term development of a national heritage feature.



Culture of continuous improvement

Planning Review

The Planning and Building Standards Service has actively engaged in the Planning Review. Due to the importance and implications of some of the proposals of the Planning Review a workshop event was arranged with colleagues in Regeneration and Community Planning to discuss the recommendations of the Planning Review and what the Council's response should be.

The results and feedback from the workshop formed the substantive basis for the response to the Review. The response was formally approved by Planning Committee on 29 March 2017 and submitted to the Scottish Government. Planning officers also attended events held by the Scottish Government, Heads of Planning and RTPi regarding the Planning Review proposals and contributed to responses from the Glasgow and Clyde Valley Strategic Development Plan Team, Glasgow City Region-City Deal and SOLACE.

Collaborative working

Clydeplan: Proposed Plan

The Council continues to work collaboratively with the Clydeplan team by contributing to the Housing Need and Demand Survey; providing information for the Housing Supply Target; providing information on business and industrial and retail figures and other data and information. During the examination into the Proposed Plan and Further Information Requests, the Council supported and assisted officers from the Clydeplan team. Officers continue to participate in the Steering Group, Heads of Policy Group and Topics groups and two elected members attend the Clydeplan Committee with one of our elected members now chair of the Committee.

Glasgow and Clyde Valley Green Network Partnership

The Council continues to be a partner with the other 7 Glasgow and Clyde Valley authorities, the Forestry Commission, SNH, SEPA, Scottish Enterprise and the Glasgow Centre for Population Health.

The Glasgow and Clyde Valley Green

Network are currently assisting the Forward Planning team with a review of the existing green infrastructure policies within the Local Development Plan (Proposed Plan) 2016 and Our Green Network Planning Guidance. This work is to ensure that green infrastructure is strong throughout Local Development Plan 2 and is integrated into how places are developed from the start, as well as, ensuring that green infrastructure is protected and maintained.

In addition to this work, the Council's Forward Planning and Greenspace sections are revising the Our Green Network Planning Guidance to ensure that developer contributions are used for green infrastructure projects which make a difference to the area and communities that use them. This work is being progressed as part of the review of Local Development Plan 2 and will help to strengthen the delivery of place and the Central Scotland Green Network in West Dunbartonshire going forward.

West of Scotland Archaeology Service

The Council continues to be a partner of the West of Scotland Archaeological Service. This shared service maintains the Historic

Environment Record and offers quality Development Management advice in respect of archaeological resources to 11 planning authorities. Work has commenced this year on remodelling the service to make it more cost effective and to meet the needs of the partner Councils.

Glasgow City Region-City Deal

As well as progressing the West Dunbartonshire City Deal project, Planning has committed to a Steering Group chaired by Renfrewshire Council regarding the Renfrew Riverside/Clyde Waterfront City Deal project which includes a new bridge crossing over the River Clyde. The project is a complex one straddling three local authority boundaries and the Steering Group meets on a monthly basis to discuss the processes involved. A processing agreement has been prepared for all local authorities to ensure the key milestones of the project are met. Early engagement has proven to be important to ensure that the likely significant traffic and economic impacts on the Clydebanks area are considered as part of the forthcoming planning submission.

The Planning Manager is also part of the Glasgow City Region: Land use Portfolio

Group with other Council Managers being part of other Portfolio Groups.

People Management

All staff have a Performance and Development Plan (PDP) for 2016/17. However for 2017/18 the Council has replaced the Performance and Development Plans with “Be the Best Conversations” whereby aims and objectives are reviewed throughout the year. It focuses on regular one to ones and is more personal, individual and flexible rather than focusing on year beginning and end to take forward personal development plans.

External training events attended by Planning and support staff included the annual networking event in February for Local Design Panels by Architecture and Design Scotland (ADS), Streamling Development Management, IDOX Template training. Two officers also attended the Place Standard Tool workshop by the Improvement Service and Place Standards and Community Planning hosted by the Scottish Government.

HOPS events were frequently attended including the annual conference, the Development Management and Development Plan Sub-groups.

The Planning Manager is a member of the Performance and Practice Sub Committee and she worked with the Improvement Service updating the elected member training document in time for the local elections.

One of the Support Officers is also attending day release for a HNC qualification in Construction Management.

Our Benchmarking Partners

A good example of working collaboratively in a cost effective way is the West of Scotland Planning Benchmarking Group comprising of East Dunbartonshire, East Renfrewshire, Inverclyde, North Ayrshire, Renfrewshire and West Dunbartonshire. It continues to meet every 4 months to share best practice and to benchmark on specific planning issues. It also allows for legislative interpretation and practical issues to be shared. The meetings are minuted with the host council, chairperson and minute secretary rotating around the councils. The range of topics discussed at the meetings included the use of Designing Streets, the national review of the planning system, the authorities' Planning Performance Frameworks, the content of Schemes of delegation, use class of Uber taxi offices. Appendix 1 includes the full list of topics discussed at the meeting in 2016/17. This year work has progressed with the setting up a training event in each of the Council's areas. This event will be available to all officers in the specific councils. The first events will take place in Clydebank and Saltcoats Town Halls.

The Council also participates in the national (SOLACE) benchmarking group (including Glasgow City, Edinburgh, Dundee City, Aberdeen, Falkirk, North Lanarkshire and East and West Dunbartonshire Councils) which is held twice a year and is primarily used to discuss the Planning Performance Framework submissions together with general planning and enforcement issues.

The peer review of this Council's Planning Performance Framework for 2015/16 was carried out by Glasgow City Council and the suggestions for strengthening the Planning Performance Framework for the coming year were included in the Improvement Plan. The suggestions included identifying the Councils key priorities and the strategic context, explain the performance markers and making it easier to locate the Planning Performance Framework document on the website. (Performance marker 13)

Part 2: Supporting evidence

Quality of outcome

Protocol on pre application advice (Protocol 1) http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf

Protocol on Liaison meetings (Protocol 2) http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf

Committee reports <http://www.west-dunbarton.gov.uk/council/councillors-and-committees/minutes-agendas-and-reports/>

Green Network Guidance <http://www.west-dunbarton.gov.uk/media/4312636/our-green-network-local-development-plan-proposed-plan-planning-guidance-november-2015.pdf>

Quality of service and engagement

Dumbarton Waterfront Path Planning Guidance <http://www.west-dunbarton.gov.uk/media/4312634/dumbarton-waterfront-planning-guidance.pdf>

Protocol on Processing Agreement (Protocol 4) http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf

Kirktonhill Conservation Area Appraisal <http://www.west-dunbarton.gov.uk/media/4311740/kirktonhill-caa-final-with-addendum.pdf>

Clydebank Business Park Planning http://www.west-dunbarton.gov.uk/media/4312673/planning_guidance_for_alternative_uses_in_clydebank_business_park_final_may_17_with_cover.pdf

Governance

Elected members pre application procedures (Protocol 3)

http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf

Local Development Plan 2. Main Issues Report

<http://www.west-dunbarton.gov.uk/media/4312826/main-issues-report.pdf>

Committee reports <http://www.west-dunbarton.gov.uk/council/councillors-and-committees/minutes-agendas-and-reports/>

Planning Enforcement Charter <http://www.west-dunbarton.gov.uk/media/4310934/planning-enforcement-charter-2016-appendix.pdf>

Culture of continuous improvement

West of Scotland Archaeology Service <http://www.wosas.net/>
Appendix 1 Topics discussed at Benchmarking Group 2016/17

Committee reports <http://www.west-dunbarton.gov.uk/council/councillors-and-committees/minutes-agendas-and-reports/>

Service Improvements 2016/17 and 2017/18

Part 3: Service Improvements 2017-18

In the coming year we will:

- ☐ Undertake training on the Place Standard Tool to Planning Officers and Community Planning Partners;
- ☐ Deliver workshops to communities on the Place Standard Tool;
- ☐ Investigate greater integration of Community Planning and Forward Planning using place as the focal point;
- ☐ Consult and implement Conservation Area Appraisals for High Dalmuir, Clydebank; Knoxland Square, Dumbarton; and Lusset Road and Mount Pleasant Drive, Old Kilpatrick ;
- ☐ Consider designating Dumbarton Town Centre as a Conservation Area;
- ☐ Review the “Our Green Network Planning Guidance” in line with the recent work carried out regarding developer contributions to the Green Network;
- ☐ Review and streamline eplanning workflow and systems and provide necessary training;
- ☐ Review GGP and investigate other mapping systems;
- ☐ Implement new Committee report format;
- ☐ Hold an annual Planning and Building Standards Forum;
- ☐ Review enforcement processes and procedures;
- ☐ Set up a Design Forum;
- ☐ Hold Design Panel Training event for all relevant Council officers;
- ☐ Review Environmental Health Protocol;
- ☐ Publish a Planning and Building Standards newsletter;
- ☐ Hold ‘Be the Best’ Conversations

Delivery of our Service Improvement Actions in 2016-17

Committed improvements and actions	Complete?
Establish a Design Forum <i>A Place and Design Officer is to be recruited who will have responsibility to establish the Design Forum</i>	Partial
Identify and implement training requirements of Community Councils <i>This has been done with a very successful training event held in February 2017.</i>	Yes
Hold an annual Service Development Day <i>This did not take place due to other priorities but a development day has been organised for all Council officers who may be involved in the Design Panel.</i>	No
Implement new Committee report format <i>Work has commenced on this but it was not implemented due to other priorities</i>	Partial
Hold an annual Planning and Building Standards Forum <i>This was not achieved due to other priorities</i>	No
Benchmark with other authorities on processes, best practice and cost <i>The Benchmarking Group continues to meet every 4 months to share best practice and to benchmark on specific planning issues.</i>	Yes
Review the Environmental Health Protocol <i>This has commenced however the review is being widened to include the increased service demands placed on Environmental Health and how this is to be addressed.</i>	Partial
Review our systems performance and website <i>This has taken place with actions implemented and the review is ongoing.</i>	Yes

Promote and implement a Protocol on Legal Agreements <i>We have worked closer with Legal Services in reducing the number of legal agreements required and when required that they are issued more quickly.</i>	Partial
Review of the Enforcement Service <i>This has taken place and as a result a part time Planning Compliance Officer has been secured. A more full review of the enforcement service will take place once the Compliance Officer is in post.</i>	Yes
Consult and Implement Conservation Area Appraisal for Kirktonhill Conservation Area and consider the Appraisals for Conservation Areas <i>This has taken place and is detailed in PPF 2017.</i>	Yes
Review and undertake individual PDP's and training implementation programme. <i>This has been achieved with staff attending training events as per their PDP needs.</i>	Yes
Publish a Planning and Building Standards newsletter <i>This was not achieved due to other priorities and workload however, it will be addressed in 2017-18.</i>	No
Establish system for recording and monitoring developer contributions <i>This has been progressed and a more robust method for recording and monitoring has been developed and will be reported to Planning Committee.</i>	Yes

Part 4: National Headline Indicators (NHIs)

Key outcomes	2016-17	2015-16
Development Planning: <ul style="list-style-type: none"> • age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i> • Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme? • Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? 	7 years 0 months N N	6 years 0 months N Proposed Plan 2016 was not adopted see last years PPF for explanation
<ul style="list-style-type: none"> • Were development plan scheme engagement/consultation commitments met during the year? 	Y	Y
Effective Land Supply and Delivery of Outputs[1] <ul style="list-style-type: none"> • Established housing land supply • 5-year effective housing land supply • 5-year housing supply target • 5-year effective housing land supply (<i>to one decimal place</i>) • Housing approvals • Housing completions over the last 5 years • Marketable employment land supply • Employment land take-up during reporting year 	5,772 units 1,753 units 1,150 units 7.6 years 469 units 1,060 units 30.84 ha 6.28ha	5,869 units 1,731 units 1,600 units 5.4 years 309 units 1,206 units 35.05 ha 0 ha

Development Management Project Planning <ul style="list-style-type: none"> • Percentage and number of applications subject to pre-application advice • Percentage and number of major applications subject to processing agreement 	43.30% 14.3% (1)	49.80% 0% (0)
Decision-making <ul style="list-style-type: none"> • Application approval rate • Delegation rate 	97.90% 91.50%	96.60% 90.00%
Validation <ul style="list-style-type: none"> • Percentage of applications valid upon receipt 	56%	n/a
Decision-making timescales Average number of weeks to decision: <ul style="list-style-type: none"> • Major developments • Local developments (non-householder) • Householder developments 	23.4 10 6.8	24.6 10.7 7.3
Legacy Cases <ul style="list-style-type: none"> • Number cleared during reporting period • Number remaining 	2 8	2 7
Enforcement <ul style="list-style-type: none"> • time since enforcement charter published / reviewed <i>Requirement: review every 2 years</i> 	12 months	0 months

Context

As detailed in the 2015/16 Planning Performance Framework, the Planning Committee took a final decision in April 2016 to decline a recommendation of the Examination Report and therefore not to adopt the Local Development Plan (Proposed Plan) 2016 and instructed that preparation of the next Local Development Plan should commence.

The preparation of Local Development Plan 2 has been moving forward with the Main Issues Report currently out for consultation until 22nd September 2017 with the Proposed Plan scheduled for being published for representations in Summer 2018. Local Development Plan 2 is scheduled for adoption in August/ September 2019, all within a 5 year period. As a result, the engagement and consultation commitments, as detailed in the 2016 Development Plan Scheme in relation to all pre-MIR stages, have been met for 2016/17.

Housing figures are based on the finalised 2016 Housing Land Audit (base dated 31/3/2016). Comparison figures are from the finalised 2015 Housing Land Audit (base date 31/3/2015). Housing approvals are for the year ending 31 March 2017 and include all housing approvals on sites of 4 or more units, including changes of house types, permissions in principle and in detail. Housing completions are for the 5 year period ending 31 March 2017. Employment land figures are based on the 2017 industrial and business land monitoring (base date 31/3/ 2017).

Part 5: Official Statistics

A: Decision-making timescales (based on 'all applications' timescales)

Category	Number / %	Average timescale	
	2016-2017	2016-2017	2015-2016
Major developments	6	23.4	24.6
Local developments (non-householder)	87	10	10.7
Local: less than 2 months	66.70%	6.8	6.9
Local: more than 2 months	33.30%	16.5	15.4
Householder developments	107	6.8	7.3
Local: less than 2 months	93.50%	6.5	6.2
Local: more than 2 months	6.50%	11.3	11.9
Housing developments			
Major	3	24	50
Local housing developments	23	12.8	13.9
Local: less than 2 months	60.90%	7.3	6.8
Local: more than 2 months	39.10%	21.3	18.9
Business and industry	17	8.5	
Major	0	n/a	n/a
Local business and industry	17	8.5	10.2
Local: less than 2 months	64.70%	6.4	6.9
Local: more than 2 months	35.30%	12.2	15.2
EIA developments	2	26.6	n/a
Other consents	46	7.8	7.5
Planning/legal agreements			
• Major: average time	1	23.7	50
• Local: average time	1	55.6	n/a
Local reviews	0	n/a	9.2

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2016-17		2015-2016	
		No.	%	No.	%
Local reviews	0	0	n/a	1 (of 1)	100%
Appeals to Scottish Ministers	4	1	25.00%	1 (of 3)	33.30%

C: Enforcement activity

	2016-17	2015-16
Complaints lodged	64	68
Cases taken up	62	68
Breaches identified	41	45
Cases resolved	25	27
Notices served	2	4
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

Context

There was a slight reduction by just over one week in the average number of weeks to decision for major applications and it is still well below the national average. Applications subject to pre application advice, there was a slight reduction in the take-up although all 6 major applications were subject to pre application advice. Two major applications had a particular impact on the timescales - one of the applications took 239 days to determination - a major housing development which was delayed by the late emergence of ground gassing problems resulting in protracted technical discussions concerning information requirements and remediation. The other was a new major waste facility at Rothesay Dock. Both developments required complex issues to be resolved however they are important to the regeneration of the area. Two of the major developments took 117 and 107 days to determination, one was a housing development and the other was Clydebank Community Sports Hub which was subject to extensive pre application and the pre application elected members event.

One application determined in this period was the subject of a processing agreement, although 3 other processing agreements were prepared this year and this is further detailed in the report.

The average number of weeks for local development and household developments showed improvement. Both the approval rate and delegation rate also improved this year. Legacy cases showed a slight increase by one application with 2 other cases cleared in the period including a local housing development which was delayed by a change of applicant (resulting in numerous amendments and extremely protracted Section 75 negotiations).

The Enforcement Charter is still up to date and relevant, although it will be reviewed when the new Planning Compliance Officer is in post. The number of enforcement cases is fairly similar to the previous year. There were no local reviews this year and a low number of appeals to the Scottish Ministers. This reflects high percentage of applications that are approved.

Part 6: Workforce Information

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Head of Planning Service[5]				1

		DM	DP	Enforce- ment	Other
Managers/Team Leaders[6]	No. Posts	1	1		0.5
	Vacant				
Main grade posts	No. Posts	4	2.5		
	Vacant				
Technician	No. Posts	0.5	1		
	Vacant				
Office Support/Clerical	No. Posts	3.5	0.5		
	Vacant				
TOTAL		9	5		0.5

Staff Age Profile	Number
Under 30	2.5
30-39	4
40-49	6
50 and over	3

Committee & Site Visits [7]	Number per year
Full council meetings	9
Planning committees	11
Area committees (where relevant)	N/A
Committee site visits	17
LRB	0
LRB site visits	0

Appendix 3 – Performance Markers

PROMOTING THE PLAN-LED SYSTEM

Performance Marker	Evidence
1 Decision making: authorities demonstrating continuous evidence of reducing average timescales for all development types	The average timescale for major development is 23.4 weeks (Scottish average of 37 weeks); local (non householder) development is 10 weeks (Scottish average of 11 weeks) and householder development is 6.8 weeks (Scottish average of 7.3 weeks). Source http://www.gov.scot/Topics/Statistics/Browse/Planning/Publications/planaapps2016annual
2 Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications and availability publicised on planning authority website	Protocol on Processing Agreement http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf Processing agreements offered to all applicants of major development and important local development. One application deferred with a processing agreement. One processing agreement signed this year. Case Study on Queens Quay and feedback from the developer on the process.
3 Early collaboration with applicants and consultees on planning applications: <ul style="list-style-type: none"> - availability and promotion of pre-application discussions for all prospective applications - clear and proportionate requests for supporting information 	Protocol on Pre application advice http://www.west-dunbarton.gov.uk/media/4313073/facilitating_appropriate_development_inc_protocols_3-4.pdf Case Studies Kippen Dairy Alexandria, Queens Quay and Care Home facility Clydebank. McPherson Ltd Vale of Leven, Clydebank Community Sports Hub, Dumbarton Waterfront Path Planning Guidance, Clydebank Business Park Planning Guidance, Elected Members Pre-Application Meetings: Dumbarton Waterfront.
4 Legal agreements: conclude (or reconsider) applications within 6 months of 'resolving to grant' * <i>* this will require production of supporting guidance, following wider stakeholder input</i>	Two legal agreements last year which took 24.2 weeks to conclude due to applicants failing to progress the legal agreement. See Part 5 Official Statistics Case Study : Green Network Guidance.
5 Enforcement charter updated / re-published	Case Study : Enforcement addressing new Planning Compliance Officer post
6 Continuous improvement: <ul style="list-style-type: none"> - show progress/improvement in relation to PPF National Headline Indicators - progress ambitious and relevant service improvement commitments identified through PPF report 	Case Study : Local Development Plan 2 : Main Issues Report Case Study' Most development land statistics broadly stable. Increase in housing approvals. Decision making timescales reduced and continue to below the Scottish average. Enforcement Charter up to date-case study Good progress made on last years service commitments Good feedback from developers/service users.

SIMPLIFYING AND STREAMLINING

Performance Marker	Evidence
7 LDP (or LP) less than 5 years since adoption	Seven years since Local Plan adoption. Main Issues Report case study for further information - making good progress on Local Development Plan 2.
8 Development plan scheme demonstrates next LDP: - on course for adoption within 5-year cycle - project planned and expected to be delivered to planned timescale	Most recent Development Plan Scheme http://www.west-dunbarton.gov.uk/media/4311226/development-plan-scheme-and-participation-statement-2016.pdf relates to Development Plan Scheme for Local Development Plan being taken to September 2017 Planning Committee (now Planning Committees beginning of the month instead of end of the month).
9 Elected members engaged early (pre-MIR) in development plan preparation	Pre-MIR Elected Member Ward meetings and workshops into the Main Issues Report. Case Study : Local Development Plan 2 : Main Issues Report.
10 Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	Wide range of stakeholder engagement pre-MIR (Scottish Water, SEPA, SNH etc) Case Study : Local Development Plan 2 : Main Issues Report.
11 Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to support applications	Guidance has recently been prepared on: Dumbarton Waterfront Path Planning guidance http://www.west-dunbarton.gov.uk/media/4312634/dumbarton-waterfront-planning-guidance.pdf Kirktonhill Conservation Area Appraisal http://www.west-dunbarton.gov.uk/media/4311740/kirktonhill-caa-final-with-addendum.pdf Clydebank Business Park Planning Guidance http://www.west-dunbarton.gov.uk/media/4312673/planning_guidance_for_alternative_uses_in_clydebank_business_park_final_may_17_with_cover.pdf

SIMPLIFYING AND STREAMLINING

Performance Marker	Evidence
12 Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)	<p>Case Study : Protocols on pre application advice, processing agreements and elected member involvement in pre application discussions http://www.west-dunbarton.gov.uk/media/4311226/development-plan-scheme-and-participation-statement-2016.pdf</p> <p>Case studies : eDevelopment.scotland, Major Application meetings, corporate working across services, West of Scotland Archaeology Service, Exxon Project Board, Financial Management, Community Council Training, Clydeplan, Glasgow City Region: City Deal, Glasgow and Clyde Valley Green Network Partnership and Queen Quay realigning planning</p>
13 Sharing good practice, skills and knowledge between authorities	Case Study evidence – West of Scotland Benchmarking Group, Solace Benchmarking Group and Planning Review, Antonine Wall Heritage Lottery Fund Project.

DELIVERING DEVELOPMENT

Performance Marker	Evidence
14 Stalled sites/legacy cases: conclusion/withdrawal of planning applications more than one year old	Progress being made to clear legacy cases. All applicants have been contacted with 2 cases cleared during the year.
15 Developer contributions: clear expectations - set out in development plan (and/or emerging plan,) and - in pre-application discussions	Main contributions expected are towards the green network. See case study and https://www.west-dunbarton.gov.uk/media/4309581/our-green-network-supplementary-guidance.pdf

CONTACT DETAILS

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Council Offices
Aurora House
3 Aurora Avenue
Clydebank G81 1BF
Telephone: 0141 951 7948
Email: ldp@west-dunbarton.gov.uk

OTHER FORMATS

This document can be made available on request in alternative formats such as large print, Braille, audio tape or computer disc as well as in five community languages.

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعة الكبيرة وبطريقة سمعية عند الطلب.

Minister for Local Government and Housing
Kevin Stewart MSP



Scottish Government
Riaghaltas na h-Alba
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Ms Joyce White
Chief Executive
West Dunbartonshire Council

21 December 2017

Dear Ms White

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2016/17

Please find attached feedback on your planning performance framework report for the period April 2016 to March 2017.

You will be aware that we recently introduced the Planning Bill to the Scottish Parliament. The Bill aims to support effective performance across a range of planning functions. It includes specific provisions to strengthen and improve performance monitoring; to appoint a national performance co-ordinator to provide advice and recommendations; and powers to conduct assessments and if necessary require improvements to be made. This structured approach is essential to improving the reputation of the system across the country. It aims to provide better support to authorities, whilst recognising that other factors and stakeholders, impact on your performance.

I appreciate that resourcing is a critical issue for you, and the Bill includes provisions for discretionary charging to allow greater local flexibility. Following the Bill, we will consult on revising the fee regime to better reflect the developments which are being brought forward.

We will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland as the Bill progresses through the Parliamentary process. I would like to take this opportunity to encourage you all to actively engage - this is a fantastic opportunity to make our system work better to enable planners to deliver the high-quality development our communities need, and it is important that voices from all viewpoints are heard. You can monitor the progress of the Bill on the Parliament website at: www.parliament.scot/parliamentarybusiness/Bills/106768.aspx

Kind Regards

KEVIN STEWART

CC: Pamela Clifford, Manager of Planning

PERFORMANCE MARKERS REPORT 2016/17

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]	Green	<p>Major Applications Your timescales of 23.4 weeks have improved since the previous year and are faster than the Scottish average of 37.1 weeks. RAG = Green</p> <p>Local Non-Householder Applications Your timescales of 10 weeks have improved since the previous year and are faster than the Scottish average of 11.1 weeks. RAG = Green</p> <p>Householder Applications Your timescales of 6.6 weeks have improved since the previous year and are faster than the Scottish average of 7.3 weeks. RAG = Green</p> <p>Overall RAG = Green</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>You have a protocol in place promoting the use of processing agreements as well as offering them to prospective applicants in pre-application discussions. RAG = Green</p> <p>You also promote their use on your website. RAG = Green</p> <p>Overall RAG = Green</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 	Amber	<p>You have a protocol in place for pre-application discussions. You have provided a good example of the outcome from good pre-application discussions and how issues were resolved to ensure an acceptable application was brought forward. You also include elected members in pre-application discussions. RAG = Green</p> <p>Unfortunately it is not clear how you ensure requests for supporting information are clear or proportionate. RAG = Red</p> <p>Overall RAG = Amber</p>

4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Amber	You dealt with one local application with a legal agreement attached. The timescale was 55.6 weeks, which is above the national average and longer than 6 weeks. Green Network Guidance has reduced the need for legal agreements in many cases as applicants just make the payment rather than being required to sign up to a legal agreement.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 1 year old at the end of the reporting period.
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	Your LDP is out of date and will not be replaced for a few more years. You have reduced timescales for dealing with major and local applications. RAG = Amber You have completed half of your improvement commitments with the remaining underway. You have identified a good range of commitments to take forward this year. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Red	Your LDP was 7 years old at the end of the reporting period. It is noted that you have abandoned the replacement and commenced preparation of a new plan.
8	Development plan scheme – next 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 	Amber	As noted above you have abandoned your replacement plan and commenced preparation of a new plan. You are currently consulting on your MIR. RAG = Red You have included your LDP project plan within your participations statement and the timescales for publishing your MIR were met. RAG = Green Overall RAG = Amber
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	Green	You have stated that you have engaged with elected members in the preparation of your MIR through workshops and ward meetings.
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>	Green	You have engaged with a wide range of stakeholders in the preparation of your MIR, for example, community councils, key agencies, applicants, developers, land owners and internal stakeholders.
11	Regular and proportionate policy advice produced on information required to support applications.	Green	You have provided a range of guidance to help guide applicants in bringing forward development on the waterfront path network which includes costs and design. You have reviewed conservation areas and made changes to the areas they cover and provided guidance on the types of uses which can be accommodated within the Clydebank Business Park.
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	You have provided good examples of how you work with other departments within the council to ensure a coordinated approach to development. You have worked to align road infrastructure planning and road construction consent. You also work with Environmental Health on ground contamination and ground water quality and have regular meetings with infrastructure and regeneration colleagues.

13	Sharing good practice, skills and knowledge between authorities	Green	You have sought advice from Edinburgh to assist in establishing your Design Panel. You have also lead on the work for preserving the Antoinine Wall. Alongside this you work with CLydeplan, WOSAS, City Deal and with your benchmarking families.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have removed 2 legacy cases from the system with 8 remaining. We note that you have contacted all applicants to seek an update on whether they intend to progress the application. It is also noted that you have reduced your reliance on legal agreements which should assist in reducing the number of cases which reach legacy status.
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>Contributions to the green network are set out in 'Our green network' supplementary guidance. You demonstrate how the developer contributions guidance has been beneficial in the regeneration of Dumbarton waterfront path.</p> <p>RAG = Green</p> <p>You indicate that applicants are advised of contributions as early in the process as possible, but do not indicate that this is pre-application.</p> <p>RAG = Green</p> <p>Overall RAG = Green</p>

WEST DUNBARTONSHIRE COUNCIL
Performance against Key Markers

Marker		2012-13	2013-14	2014-15	2015-16	2016-17
1	Decision making timescales					
2	Processing agreements					
3	Early collaboration					
4	Legal agreements					
5	Enforcement charter					
6	Continuous improvement					
7	Local development plan					
8	Development plan scheme					
9	Elected members engaged early (pre-MIR)	N/A	N/A	N/A	N/A	
10	Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A	N/A	
11	Regular and proportionate advice to support applications					
12	Corporate working across services					
13	Sharing good practice, skills and knowledge					
14	Stalled sites/legacy cases					
15	Developer contributions					

Overall Markings (total numbers for red, amber and green)

2012-13	1	6	6
2013-14	1	2	10
2014-15	2	2	9
2015-16	1	5	7
2016-17	1	4	10

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	2016-17 Scottish Average
Major Development	19.2	32.4	19.8	24.6	23.4	37.1
Local (Non-Householder) Development	12.3	15.2	10.5	10.7	10.0	11.1
Householder Development	7.3	7.5	6.8	7.3	6.8	7.3

PPF6 Peer Review Template - 2017

Please comment on your partners PPF report. The aim of this exercise is to create a snapshot of good practice across Scotland and collect information to allow us to update future PPF guidance.

PPF	West Dunbartonshire Council
Reviewing Authority	North Lanarkshire Council
Reviewing Staff Member	Les Stevenson/Lorna Bowden

Learning Points

What are the positives to be shared?
<ul style="list-style-type: none"> • Overall, the layout and style of the report made it a nice, straightforward document to read • Setting out Council's Vision at the beginning – that allows the reader to understand the priorities for the service right at the start • Good, clear presentation of the future service improvements, well set out and easy to read • Clear explanation in Appendix 3 of Performance Markers – as well as being included in the case studies, by identifying them in the tabular appendix and providing a brief comment the report makes it easy to identify each performance marker • The inclusion of compliments received throughout the text was a nice touch, demonstrating connections with the users of the service
Suggestions for strengthening the next PPF?
<ul style="list-style-type: none"> • Perhaps fewer, but more detailed case studies – there is scope to expand on some more background or detail in relation to the case studies noted • While the case studies did identify the relevant Performance Markers, that was done in plain text, in brackets at the end of the case study; perhaps highlight that in some way, and identify the markers by name rather than just by number
Please identify a case study from the PPF report which illustrates best practice of potential interest to other planning services.
<ul style="list-style-type: none"> • Sports Hub • Business Park Advice

Is the PPF clear?
Yes, well set out in a user friendly manner, and written in plain English
Is the PPF shared with stakeholders (please state who and methods used):
Placed on website

Issues for 2018 (PPF7)

Comments on the 2017 programme for preparing the PPF
None
Which performance marker do you found most useful and why? Are there any changes you would make to this performance marker.
Continuous Improvement – this is what we should be seeking to achieve
Which performance marker do you found least useful and why? Are there any changes you would make to this performance marker.
Decision Making Timescales – while timescales are important, they are often taken as the prime marker of performance, to the detriment of issues that are much more important such as quality of outcome
Any other comments
None

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Planning Committee: 31 January 2018

Subject: Planning (Scotland) Bill – Call for Evidence

1. Purpose

- 1.1** To seek approval of the Council's response to the Scottish Government's Local Government and Communities Committee Call for Evidence in relation to the Planning (Scotland) Bill.

2. Recommendation

- 2.1** It is recommended that Committee approves the response to the Call for Evidence from the Local Government and Communities Committee as set out in Appendix 2.

3. Background

- 3.1** The Planning (Scotland) Bill was formally launched by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP, on 4 December 2017. This Council formally responded to the Consultation on the Future of the Scottish Planning System: Places, People and Planning on March 2017 prior to the Planning Bill.
- 3.2** The Planning Bill is currently within its Stage 1 scrutiny period, which is being overseen by the Local Government and Communities Committee, as the lead Committee. On 15 December, the Committee, as part of the scrutiny process, launched a call for evidence in relation to the provisions of the Bill. The deadline for responses to the call for evidence is 02 February 2018.

4. The Planning (Scotland) Bill

- 4.1** The Planning (Scotland) Bill proposes to make a number of significant changes to the Town and Country Planning (Scotland) Act 1997 (as amended). Appendix 1 summarises the changes that are proposed to the 1997 Act (as amended) in terms of the Planning (Scotland) Bill. The main proposed changes are summarised below:
- Strategic Development Plans to be removed in their entirety;
 - As part of the revision of the National Planning Framework, there is a new direction that may be enacted requiring a planning authority or two or more authorities to provide information on the principal physical, economic, social and environmental characteristics of the area;

- The National Planning Framework has been included as part of the Statutory Development Plan. Scottish Planning Policy will now form part of the National Planning Framework;
- Local Development Plan: Main Issues Report and Monitoring Statements have been removed;
- Local Development Plans will now cover a 10 year period with the opportunity for review within that period should certain triggers occur;
- The introduction of a Gateway Check and Evidence Report as the first stage of the new Local Development Plan preparation process;
- The requirement for the Local Development Plan to take into account the Local Outcome Improvement Plan for the area;
- The removal of Statutory Supplementary Guidance as part of the Local Development Plan;
- The introduction of Local Place Plans;
- The widening of the role of Key Agencies to include the private sector and private infrastructure providers;
- New powers have been introduced to designate Simplified Planning Zones and the scope of these powers have been widened;
- Introduction of an Infrastructure Levy;
- Introduction of training for Members serving on the Planning Committee with the possibility of an examination being required at the end of the training;
- Requirement of a condition setting the duration of planning permission;
- Changes to the Schemes of Delegation in relation to display of advertisements, certificates of lawful use or development and prior approval under a development order (relating to certain permitted development rights)
- Increases in the level of fines for significant breaches of planning control;
- Introduction of discretionary charging for service provision;
- Appointment of a national planning performance co-ordinator.

The Local Government and Communities Committee: Call for Evidence

- 4.2** The Call for Evidence seeks a response from the Council on 12 separate questions relating to the provisions of the Planning (Scotland) Bill. The proposed response to the Call for Evidence are detailed in Appendix 2. The main concerns/comments raised in the response are summarised below:
- The Planning Bill does not contain a section on Regional Partnerships and their responsibilities in relation to Regional Strategic Planning and Infrastructure delivery
 - There is no requirement for Local Outcome Improvement Plans to take into account the provisions of the Local Development Plan or provide a spatial planning context for the area;
 - The provisions for the assessment on the Evidence Report does not specify that once the content of the Evidence Report has been agreed i.e. the number of houses required within the area, that this cannot be re-challenged at a potential examination into the Local Development Plan;
 - The introduction of Local Place Plans, which requires the Local Place Plan to take into account the Local Development Plan and vice versa, but does not require the Local Place Plan to accord with the spatial strategy of the Local Development Plan. The provisions of the Bill also do not limit the Local Place Plans to planning related matters. Also local communities will require financial and technical support to undertake Local Place Plans.
 - Increasing the level of fines in terms of breaches of planning control is welcomed but it must be combined with a better resourced enforcement service to ensure that it is effective in maintaining public confidence in planning and deterring the more serious breaches of planning. The introduction of new powers to register a charging order is also supported.
 - The Infrastructure Levy and its implementation may be a barrier to development in West Dunbartonshire; however, conversely not utilising the levy may result in other authorities pooling the levy together to increase infrastructure within their areas, thus attracting development, potentially to the detriment of areas such as West Dunbartonshire;
 - Discretionary charging is supported however there are financial costs to the Council in administering them and the diversion of part of any overall increase in fees toward the Scottish Ministers will reduce what the Council actually receives;
 - The Planning Performance Framework presently submitted on a voluntary basis to be put on a more formalised structure. However planning should primarily be assessed on place making and that whilst good performance should be encouraged, timescales are not the sole measuring tool that should be applied to determine if the planning system is succeeding. The

appointment of an independent assessor should be sufficiently experienced and independent to be effective to all parties.

5. People Implications

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

6. Financial Implications

- 6.1** Whilst there may be savings associated with the new Planning Bill, there will be financial costs associated with the implementation of the new Planning Bill but these will be dependent on the provisions of the final Planning Bill and secondary legislation.

7. Risk Analysis

- 7.1** It was not considered necessary to carry out a risk assessment on the matters covered by this report.

8. Equalities Impact Assessment (EIA)

- 8.1** It was not considered necessary to carry out an Equalities Impact Assessment on the matters covered by this report.

9 Strategic Environmental Assessment

- 9.1** A strategic environmental assessment is not required.

10. Consultation

- 10.1** Finance and Legal Services have been consulted on the responses to the Call for Evidence.

11. Strategic Assessment

- 11.1** The Planning (Scotland) Bill covers a wide range of topics and is considered to contribute to all of the Council's strategic priorities.

Peter Hessett
Strategic Lead - Regulatory
Date: 15th January 2018

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Appendices: Appendix 1 – Planning (Scotland) Bill: Summary
Appendix 2 – Local Government and Communities
Committee Response to the Call for Evidence

Background Papers None.

Wards Affected: None.

Appendix 1: Planning (Scotland) Bill – Summary of Changes

Section of the Bill	Additions	What has been repelled
Development Planning Section 1	<p>National Planning Framework: The Scottish Ministers may direct a planning authority or two or more planning authorities, when preparing or revising the NPF, to provide information on the matters specified in the Bill; for example, to provide information on the principal physical, economic, social and environmental characteristics of the area.</p> <p>Where the Scottish Ministers make a direction to two or more planning authorities – they are to co-operate with one another</p> <p>SPP will form part of the NPF.</p>	
Section 2 – SDP's		SDP's in their entirety have been repealed.
Section 3 – LDP's	<p>LDP timeframe is extended to 10 years instead of the current five year lifespan.</p> <p>New requirement has been added to take into account the Local Outcome Improvement plan for the area.</p> <p>Requirement to prepare an evidence report, based matters set out in the Bill and to have that assessed by a Scottish Minister appointed person before the draft plan which is still called the 'proposed plan'. This is the 'gatecheck' of the plan. Existing examination arrangements prior to adoption are to be maintained.</p> <p>Gatecheck will focus on gaining agreement for the amount of housing land required, scoping of the SEA and the capacity of the infrastructure within the area to accommodate future development.</p> <p>The plan will only be allowed to progress when the evidence report</p>	<p>Vision statements for LDP's outwith SDP areas have been repealed.</p> <p>Main Issues Reports have been repealed</p>

	has been approved.	
Section 4: Supplementary Guidance	Scope for non-statutory guidance or advice to be a material consideration in the determining of planning applications will still be allowed.	Current provisions for statutory supplementary guidance which forms part of the LDP will be repealed.
Section 5: Key agencies	Further scope has been added within the bill to provide further definition of the key agencies can be widened through regulations to include, for example, the private sector and private infrastructure providers.	
Section 6: Delivery programmes	Action programmes will become delivery programmes. Provision has been made to for the chief executive and full council to sign off the delivery programme. The bill specifically states that it is the head of the planning authority's paid service (designated under section 4 of the Local Government and Housing Act 1989) to prepare the proposed delivery programme.	
Section 7: Amendment of the NPF and LDP	<p>The NPF is to be for a ten year period and the Bill provides provision for the NPF to be amended within this period. Full review is every 10 years.</p> <p>The LDP can be amended within the time period of the full reviews. A full review is required every 10 years. Amendments will only be in limited circumstances i.e. shortfall in housing land or significant change in the socio-economic context of the development plan area.</p>	
Section 8: Development Plan	<p>The bill amends the meaning of the statutory development plan to include the NPF and the development plan. If there is any incompatibility between the two, the most recent document will take precedence.</p> <p>SPP will form part of NPF.</p>	
Section 9: Local Place Plans	The Bill introduces a new right for communities to produce plans for their places with scope for these to become part of the development plan. Local place plans are required	

	<p>to support the LDP not undermine it with provisions being designed to avoid reducing the capacity and willingness of the communities to play a part in designing the LDP itself.</p> <p>The process of preparing a local place plan is to be defined by the capacity and preferences of the communities themselves rather than introducing a fixed procedure. The approach seeks to minimise the process and complexity and avoids creating an additional tier of development planes. It also avoids assigning the task to a particular group i.e. a community council.</p> <p>On completion of the Local Place Plan, the community can submit it to the Council and will have to give it due regard when preparing its LDP, either through an amendment or to inform a future review of the plan.</p> <p>Where the local place plan leads to amendments of the LDP, the LDP will be subject to the same procedure as other elements within the Bill where it is viewed as a significant change by Scottish Ministers. This could include an independent examination of the amended LDP in this regard.</p>	
Section 10: Simplified Development Zones	<p>New powers are introduced to designate simplified development zones, which although similar to SPZ's, improve upon the existing provisions i.e. by including wider consents beyond planning permission and could also support business development and town centre renewal or alternative approaches to housing delivery i.e, self build or custom housing. Provisions have also been made to allow simplified development zones within conservation areas.</p> <p>A further review of the planning fees will seek to introduce discretionary</p>	

	charging to recoup the costs of preparing these schemes.	
Section 11: Bar on new SPZ's	This section prohibits any new SPZ's from being prepared under existing SPZ powers.	
Development Management		
Section 12: pre-application consultations	This section makes some changes to pre-application consultation. The changes require a valid application must be submitted within 18 months of the proposal of application notice to which it relates; The bill also provides provisions for the content of the PAC report to be specified in regulations; and the Bill will give regulations the scope to clarify the circumstances in which a PAC is not required.	
Section 13: regulations about procedure for certain applications	The Bill allows Scottish Ministers through regulations or a development order to make special provision for the procedure to be followed in regard to Section 42 applications.	
Section 14: removal of requirements to recover costs before determining an application	Costs must be included in the calculation of future planning application fee levels	Section 34(4)(c) of the 1997 Act is repealed which removes the ability to charge for publication of public notices in local newspapers.
Section 15: delegation of development decisions		Section 56 (6A) of the Local Government Act 1973 and Section 14(2) of the 2006 Act are repealed, which removes the requirements of certain planning application decisions to be made by full Council after pre-determination hearings by committees.
Section 16: Schemes of Delegation	The Bill will add further types of application to the scope of Section 43A schemes of delegation, for officer decision and subject to local review where appropriate. These application types are display of advertisements, certificates of lawful use or development and prior approval under a development order (relating to certain permitted development rights)	

	<p>The Bill also gives applicants a choice where they have not received a timeous decision on both their delegated planning application and on their subsequent local review by instead of automatic appeal to the Scottish Minister; they could choose to wait longer for a decision by the local review body.</p> <p>To encourage consistency in handling small-scale applications and for greater subsidiarity in decision-making, guidance will be issued by Ministers on schemes of delegation with the Bill requiring planning authorities to have regard to that guidance. The Bill will also enable Ministers, through regulations, to require, where necessary, a planning authority to modify its scheme of delegation before adopting it.</p>	
Section 17: Duration of Planning Permission	<p>This section of the Bill will require a condition to be attached to set the duration of planning permission (section 58 of the 1997 Act) as a default three years from the date of permission, and of a PPP (section 59) as a default of five years. Development is required to commence in those timescales or it will lapse.</p> <p>Using a condition will allow applicants to make transparent applications under Section 42 for a new permission with a different condition on the duration which in effect will extend the permission. The Bill will also enable a different duration period (whether longer or shorter) than the default 3 or 5 years, to be set by a condition on the planning permission. This is to reduce the number of Section 42 applications.</p> <p>The Bill also ensures that planning authorities will have the flexibility to use conditions on a permission to set time periods for approving details as</p>	<p>The Bill removes the default framework for time-periods for making approval of matters specified in conditions applications.</p>

	appropriate to the particular development proposal.	
Section 18: completion notices	The Bill makes some changes to completion notices with the purpose of simplifying the process by removing the need for unopposed completion notices requiring to be referred to the Ministers for confirmation, or where notices are opposed, to give Ministers greater management control of the process for gathering any information before deciding whether or not to confirm the notice.	
Section 19: Planning obligation – financial agreements	This part of the Bill makes changes to Section 75 of the 1997 Act in terms of wording and specifics of what a planning obligation relates to and the ability to impose a restriction or requirements either permanently or during a specific period within the Section 75 agreement.	Subsection (3) paragraph b is repelled.
Section 20: Planning obligations – modifications or discharge	The Bill widens the scope of decision-making options in relation to application for the modification or discharge of a planning obligation which enables an application to be granted in part or subject to amendments.	
Section 21 – Fees for planning applications etc	The Bill makes several changes to Section 252 of the 97 Act to broaden these regulations-making powers to ensure required flexibility is available i.e. enabling some discretionary charging for service provision, under which planning authorities may choose, in some circumstances, to reduce or waive fees. It will also enable fees to be charged to the Scottish Ministers in respect of their functions within the planning system.	
Section 22 – Fines: increases and duty of cost in determining amount	The Bill amends the level of fines set out in the 97 Act by increasing the maximum level of fines to £50,000 and includes requirements for the Courts, in setting the amount of the fine, to have regard to any financial benefit the convicted person accrued as a result of the breach of	

	planning control for some offences where the requirement was not already in place.	
Section 23 – Liability for expenses under enforcement notice	The Bill amends Section 135 of the 97 Act by introducing new powers enabling a planning authority to register a charging order in the Lan Register of Scotland or to record such notice in the Register of Sasines as appropriate, requiring payment to be made to secure discharge of the order on a property.	
Section 24 and 25: Training for taking Planning Decisions	<p>The Bill through Section 24 will enable regulations to set out the training requirements and to specify a requirement for attendance and/or completion of an examination by members of planning authorities before they may be involved in making planning decisions within their authority.</p> <p>Section 25 allows for arrangements which could ensure continuity of the planning service, where, due to members not having completed training, an authority is unable to complete its decision-making responsibilities. This could mean that the Ministers issue a direction enabling themselves or another planning authority to make a planning decision on for example WDC's behalf.</p>	
Section 26: Performance of Planning Authorities	<p>The Bill and subsequent secondary legislation will be supported through a range of actions to embrace different working practices, develop the skills of those that deliver planning services and direct resources to where they have the most positive impact.</p> <p>The Bill introduces broad measures as follows:</p> <ul style="list-style-type: none"> • Statutory requirement to produce annual performance reports; • Appointment of a national planning performance co- 	

	<p>ordinator; and</p> <ul style="list-style-type: none"> • Powers to conduct assessment of planning authority's performance and to pursue improvements. 	
Infrastructure Levy		
Section 27: Power to provide for Levy	<p>The Bill enables the introduction of an infrastructure levy once its development is completed, through a power to establish the detailed provisions in regulations. Section 27 also includes clarity that it will be payable to a local authority relating to developments within its area or to fund, or contribute to infrastructure projects. The levy is to be collected and spent locally with the potential for authorities to pool resources for joint-funding of regional-level projects.</p> <p>Schedule 1 of the Bill sets out what is intended to be within the core structure of the levy model. Regulations are expected to define the what the structure of the levy will include, clarify how it will be calculated, who will be liable to pay and in what circumstances, options for local exemptions and discounts, method of collection and dealing with late or non-payment, ability to appeal a levy decision, aggregating and spending levy income, and dealing with consequential impacts of the levy on other aspects of legislation.</p>	
Section 28: Guidance	<p>The Bill states that Ministers may issues Guidance on how to discharge the infrastructure levy functions within Section 27 of the Bill and how the levy money should be spent. Guidance may be addressed to one authority, more than one authority or all authorities.</p>	
Section 29: Interpretation of Part and Schedule	<p>The Bill includes a definition of infrastructure for the purposes of clarifying what may or may not be funded through the levy:</p>	

	<p>Infrastructure includes:</p> <ul style="list-style-type: none"> (i) Communications, transport, drainage, sewerage and flood-defence systems; (ii) Systems for the supply of water and energy; (iii) Educational and medical facilities; and (iv) Facilities and other places for recreation. 	
Section 30: Power to change meaning of 'infrastructure'	The Bill allows the Scottish Ministers, through regulations, to modify the above definition to ensure that it is relevant in the future.	

Appendix 2: Response to the Call for Evidence

The Council's responses to the questions set by the Local Government and Communities Committee are set out below:

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

The provisions of the Bill are a step in the right direction. In principle, the Bill should achieve its aim of delivering appropriate development whilst balancing the views of communities and the protection of the built and natural environment. However, this is dependent on secondary legislation and guidance providing more details on the actual requirements of the new Planning Bill, as there is little detail of how many of the aspects of the new Bill work in practice.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

Expanding the range of powers available to Councils could help to unlock many of the problems associated with delivering house building. However, there still has to be recognition that meeting housing targets and developing land allocated for housing within the Local Development Plan is not just the sole responsibility of the Planning Authority as there are many different drivers influencing housing delivery: economy, market, behavioural, societal, fiscal, policy, land ownership interests, the role of the housebuilders and community interests.

Infrastructure plays a crucial role in the ability of housing developments to be delivered, however the Planning Bill does not take into account that many of the issues in the deliverability of housing rests with the house builders themselves: the ability to finance an development; the attractiveness of an area for development and the ability of the construction industry to build an increased rate of housing units. The land use response is only one of the issues. Therefore, although the Bill gives more tools to Local Authorities to help deliver land, there is also a responsibility by housebuilders to deliver higher levels of house building.

The Bill therefore should provide a mechanism to ensure that the housebuilders and other parties involved in the deliverability of increased housebuilding are more open and realistic about the amount of land required and the number of units that can be delivered within a ten year Local Development Plan period. It is suggested this could be accomplished through a duty, contained within the Bill, requiring Homes for Scotland to co-operate with Local Authorities to derive a scale of programming for their areas which is a more realistic reflection of what is likely to be built in the next 10 years, taking into account past rates of completions on sites, developers overall local portfolio, the amount of development active in an area.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

The Planning Bill does not provide specific provisions to create a sufficiently robust planning system at the Regional level. Without a specific provision within the Planning (Scotland) Bill there will be no duty or requirement for local authorities to provide a Regional Plan of the area or to contribute and deliver regional planning and infrastructure provision.

Therefore, the Council is of the view that the Planning Bill will require to be altered to either contain a section in relation to Regional Planning and Infrastructure delivery or to specify that Secondary legislation will provide further legislative provision on the role and duty of Regional Partnerships in relation regional planning and infrastructure delivery.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

The simplification of the Local Development Plan process is welcomed as is the move towards a 10 year Plan period. The preparation of the Evidence Report is also recognised as a worthwhile process if it leads to upfront and early agreement, for example, of housing numbers and the amount of housing land required at the outset of the LDP process. Nevertheless, the Council would like to see a direction within the Bill that once the Appointed Person has agreed the Evidence Report, including the amount of housing required for the LDP area then this cannot be re-challenged at any examination of the Proposed Plan. This would help to give certainty at the outset of the process and enable infrastructure providers to be able to ensure that development can therefore be delivered.

The alignment of the Local Outcome Improvement Plan and the Local Development Plan is also to be welcomed; however, there is no reciprocal arrangement for the Local Outcome Improvement Plan to reflect the provisions of the Local Development Plan. Unless the Planning Bill requires this, there will be an imbalance as Local Outcome Improvement Plans usually do not look at spatial planning. Therefore, to ensure that there is equilibrium between the two Plans, the Planning Bill requires to be amended to ensure that the Local Outcome Improvement Plan is also required to give due consideration to the Local Development Plan in its preparation and that the Local Outcome Improvement Plan should also set a spatial planning context for the area.

The aims of the Bill to create plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities is supported in principle, however further detail on how the system will work in practice i.e. through Secondary Legislation and Guidance, is required. Therefore it is difficult to fully answer the Committee's question in detail.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

This Council has no recent experience of Simplified Development Zones (previously Simplified Planning Zones) however where they have been used in other Council areas the need to enable development whilst protecting community and environmental interests has, it is understood largely been achieved. Without the benefit of further detail in terms of the Planning Bill on how the system will work in practice, it is difficult to answer the Committee's question in detail. The Council assumes that secondary legislation will provide further detail in this respect. The Council also welcomes the introduction of discretionary charging to recoup costs of preparing these schemes which can be expensive to prepare and administer.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

The introduction of Local Place Plans will offer more avenues for community involvement in the Planning System. Also by introducing a requirement for Local Development Plans to have due regard to Local Place Plans, it will give communities another avenue to influence the Local Development Plan. The issue is whether there will be an interest from some local communities and how the local communities get the necessary skills to produce the Local Place Plans.

The Planning Bill does not require the Local Place Plan to accord with the strategy for the Local Development Plan but to only have due regard to it. This could lead to future problems where a community, for instance, could completely disregard the spatial strategy of the Local Development Plan and then submit their own Local Place Plan to the Council which is fundamental in conflict with the Local Development Plan. If this results in the Council deciding not to reflect the Local Place Plan, i.e. during a review, due to its non-compliance with the Local Development Plan spatial strategy then this could affect the relationship between the Council and the communities and could provide a negative experience of the new process. The Bill also does not specify what Local Place Plans can include or focus on.

Therefore, to avoid this, the Council is of the view that the Planning Bill requires to be altered to ensure that before the Local Place Plan is submitted to the Council that it accords with the spatial strategy of the Local Development Plan. The Planning Bill should also specify that Local Place Plans should only relate to planning matters otherwise there is likely to be a duplication with Locality Plans for the area, and there is a risk that they may be dominated by non-planning matters which results in another version of Locality Plans.

The Planning Bill also does not provide any procedure or provisions on how Local Place Plans are to be treated within the Delivery Programme of the Local Development Plan. The Council requests that the Committee alters the Bill to address this issue, which could be through Secondary legislation and/or guidance.

The Council is not convinced that there is adequate financial or technical support provided within the Planning Bill that would enable communities to prepare Local Place Plans. Communities within certain areas may not have the technical expertise or finances to prepare a Local Place Plan even if they wish to do so without help. While the idea of a Local Place Plan is to be supported, financial and technical support should be available to support communities which have not produced this type of plan in the past. There should be greater integration between Local Place Plans and Locality Planning with Local Place Plans being the spatial aspect of Locality Plans.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

In theory, increasing the level of fines applicable when a breach of planning control is established is to be welcomed, as is any increase in the ability of the Council to recover expenses where applicable. Consequently, the increased fines may act as a deterrent and discourage some of the more serious breaches of planning control. However, in order to be effective it will be necessary for enforcement to be sufficiently resourced. If there are insufficient resources then the level of fines may be irrelevant to a degree, if Council's cannot effectively resource breaches of planning control. The requirement for Courts in setting the amount of the fine to have regard to any financial benefit the convicted person accrues is welcomed, however often the Procurator Fiscal is not interested in breaches in planning control and the case does not progress beyond the first stage and the Council have to remedy the breach through direct action. The strengthening of powers to register a charging order in the Land Register or Register of Sasines is fully supported.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

It is considered that the Infrastructure Levy is only applicable within areas where there is significant demand for development and, in that instance; the infrastructure levy may be a good way of securing investment in new infrastructure within these areas. In areas like West Dunbartonshire the application of the infrastructure levy would act as a barrier to development. The Council is also concerned that more prosperous Councils could pool resources together to deliver infrastructure in order to attract development to their area to

the detriment of smaller and more disadvantaged areas, which could be left behind in infrastructure terms if they also do not apply the levy.

The Planning Bill therefore requires to rethink the approach to the Infrastructure Levy and the Council is of the view that the Regional Partnership level is the correct level for the governance and distribution of the infrastructure levy and its benefits so that infrastructure investment can spread throughout the regional area.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

The Council supports the provisions of the Planning Bill in this respect and is of the view that elected members serving on the Planning Committee or involved in planning decisions should require to be trained appropriately so they are kept up to date of new legislation and practices and they are aware of the consequences of their decisions and actions.

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

The annual Planning Performance Framework currently produced voluntarily by Planning Authorities is a good report of how a Planning Authority is performing and helps to showcase achievements and improvements made during the previous year. Presently, the majority of Planning Authorities make their reports publicly and put them to their respective Council Committee. The Planning Performance Framework, Benchmarking and Peer Reviews has encouraged and increase dialogue between authorities and improve the sharing of good practice. The changes being proposed of putting the current arrangements on a more formalised structure is sensible.

The appointment of a national planning performance co-ordinator and having an expert on hand will assist authorities who have performance issues. The person will require being sufficiently experienced and independent in order to be effective. However, it must not be overlooked that planning should primarily be assessed on place making and achieving quality development on the ground and that whilst good performance should be encouraged, timescales are not the sole measuring tool that should be applied to determine if the planning system is succeeding.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high-performing planning system the Scottish Government wants? If not, what needs to change?

The Council is of the view that these changes are not likely to have a significant impact on the resourcing of planning authorities. Whilst the introduction of discretionary charging is supported, there is concern that the discretionary element of fees will inevitably result in calls for reduced/waived fees in all manner of situations, which will undermine any benefit from increasing fee levels generally. Making provision for fees to be charged to the Scottish Ministers in terms of their planning system is not agreeable and this Council believes that this should be funded by central government.

A surcharge on retrospective applications is welcome as it will encourage compliance and contribute towards enforcement costs, although it may result in greater difficulty in getting errant developers to submit retrospective applications.

12. Are there any other comments you would like to make about the Bill?

The Council has no further comments to make on the Bill

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Planning Committee: 31 January 2018

Subject: **Planning Appeal Decision: Erection of 2½ storey dwellinghouse and installation of associated driveway (without complying with conditions 3 and 9 of Permission DC14/096 requiring landscaping works and the upgrading of road to adoptable standard), at Land Adjacent to Stirling Road, Glenpath, Dumbarton (DC17/205)**

1. Purpose

1.1 To inform the Committee of the outcome of a planning appeal.

2. Recommendations

2.1 That the Committee notes the outcome of this appeal.

3. Background

3.1 Planning permission DC14/096 for the erection of a 2½ storey detached house was granted by the Planning Committee in September 2013, subject to various conditions including the following:

3. *No trees or shrubs shall be felled or removed from the site until such time as a detailed tree survey and proposed landscaping scheme have been submitted to and approved by the Planning Authority. These shall detail the position of all significant trees and clearly identify those which are to be felled and those for retention. The tree retention and landscaping proposals shall ensure the retention and where necessary enhancement of screening along the Stirling Road and Glenpath boundaries of the site. The landscaping and tree retention shall thereafter be implemented as approved, with new planting taking place not later than the next appropriate planting season after the occupation of the house. The scheme shall also include details of the maintenance arrangements, which shall retain the boundary screen planting in perpetuity, and the landscaping shall thereafter be maintained in accordance with these details.*

9. *The dwelling shall not be occupied until such time as the section of Glenpath between the site access and the junction with Barnhill Road (as marked on the approved plan) has been upgraded to the standard required by the Council's adopted Roads Development Guideline (or such other standard as might first be approved in writing by the Planning Authority). Details of the works to be carried out shall be submitted to and approved by the Planning Authority prior to any works on site and implemented as approved.*

3.2 Application DC17/205 sought permission under Section 42 of the Town and Country Planning (Scotland) Act 1997 to carry out the development without complying with these conditions. The application was intended to relate to both conditions 3 and 9, although the reference to condition 3 was not immediately clear in the application documents. As the Council did not determine the application within the statutory two-month period the appellant exercised his right to pursue a “non-determination” appeal to the Scottish Ministers.

3.3 A report on the application was subsequently considered by the Planning Committee on 14 November 2017, which discussed condition 9 but not condition 3. The Committee considered that condition 9 was necessary, and it recommended that the appeal should be refused as the applicant has failed to demonstrate that an appropriate means of access to the site can be provided in accordance with the adopted National Roads Development Guide. This view was put forward in the Council’s appeal statement. Following written representations, the appeal has now been determined by a Reporter appointed by the Scottish Ministers.

4. Main Issues

4.1 The appellant had argued that condition 3 was not reasonable because it required landscaping works on land which is outwith the application site boundary (but owned by the appellant). However, the Reporter considered that it was both reasonable and necessary to ensure that an appropriate area of tree and shrub cover is maintained on the land around the application site, and he declined to remove or vary the condition.

4.2 In terms of condition 9, the appellant had argued that the requirement to upgrade the relevant section of Glenpath to an adoptable standard was unduly onerous and that it was unachievable due to legal and ownership constraints. However, the Reporter agreed with the Council’s position that the upgrading of Glenpath is necessary and that the condition is both legal and necessary. He did however consider that the wording of the condition should be changed to make clear that the appellant is not required to upgrade the section of Glenpath which is already adopted, and to refer to the current SCOTS National Roads Development Guide rather than the previous standards which have since been superseded.

4.3 Accordingly, the Reporter allowed the appeal in part, and granted planning permission subject to the same conditions as the previous permission DC14/096, with the exception that the wording of condition 9 was amended as follows:

9. *The dwelling shall not be occupied until such time as the section of Glenpath between the vehicular access to the site and the adopted section of Glenpath has been upgraded to the standard required by the SCOTS National Roads Development Guide (or such other standard as might first be approved in writing by the Planning Authority). Details*

of the works to be carried out shall be submitted to and approved in writing by the Planning Authority prior to any works on site and implemented as approved.

5. People Implications

5.1 There are no people implications.

6. Financial Implications

6.1 The appeal was not subject to any claims for costs.

7. Risk Analysis

7.1 No risks have been identified.

8. Equalities Impact Assessment (EqIA)

8.1 An EqIA is not required.

9. Consultation

9.1 No consultation is required.

10. Strategic Assessment

10.1 There are no strategic issues.

Peter Hessett
Strategic Lead Regulatory
Date: 15th January 2018

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Appendices:	None.
Background Papers:	1. Appeal decision DC17/205
Wards Affected:	Ward 3 (Dumbarton)