

# Glasgow City Council

## PLANNING FACTSHEET

### THE DEVELOPMENT MANAGEMENT PROCESS

#### ADVICE ON THE PROCEDURES INVOLVED IN THE PLANNING APPLICATION PROCESS

This Factsheet outlines the procedures involved when consideration is being given to submission of a planning application to the Council and what happens when it has been submitted. Please note that this does not replace or supersede any requirements detailed in planning legislation.

#### BEFORE SUBMISSION OF THE APPLICATION

1. Determine whether the development you are thinking of submitting an application for is for a **National, Major** or **Local** development - different scales of development have to go through different procedures. National developments are included in the National Planning Framework (NPF2) which can be viewed on the Scottish Government website. Major developments are detailed in Appendix 1 to this report. If you are uncertain, you may write to the Council at the address shown at the end of this Planning Factsheet for confirmation on which category of development you are considering submitting. This is known as a Request for a Screening Opinion. The Council has 21 days to let you know whether it has enough information to decide which category of development you are proposing, or, if it has enough information, to confirm in which category your proposed development falls. Note that these categories only apply to applications for planning permission - other application types e.g. applications for Listed Building Consent, or Express Consent, etc - are not included in the "Hierarchy" of developments.
2. If the scale of your development is National or Major, at least 12 weeks before you submit the planning application for it, you must serve a **Proposal of Application Notice (PAN)** on the Council. In addition, you must undertake **Pre-application Consultation (PAC)** with the community. There's no requirement to undertake formal Pre-application consultation for Local developments, but determining community views on a proposed development at an early stage is often a good idea. If you undertake PAC for a Local development, you don't have to submit a PAN or wait 12 weeks before submitting the application.

## YOUR SUBMISSION

3. Once any necessary interval has elapsed, you can submit your application. If your application is for a National or Major development, you also need to submit a **Design and Access statement**. Certain Local developments in particularly sensitive areas (including conservation areas or within the curtilage of a category A listed building - there are more, but these are the most likely in Glasgow) also require a **Design Statement**. If your development is for an antenna employed in an electronic communications network, you need to submit an **ICNIRP certificate** with the normal documentation and fees.

## WHAT WILL THE COUNCIL DO WITH MY APPLICATION?

4. Although most applications, at present, come in as hard copies, similar processes are pursued with any online submissions that are made. The first thing the Council will do is to enter basic details of the application on its computerised development management system and give it a reference number and generate a receipt for any fee that you've paid.
5. If it doesn't have these already, the Council will make electronic copies of the documents and plans so that the application can be displayed on the Council's website. The facility of being able to view applications on the internet isn't available just yet, but should be soon. In the meantime, the application will be available for inspection by anyone who wishes to see it at Reception in the DRS office. Please note that the Council will be responsible for neighbour notification from 3<sup>rd</sup> August 2009 so you don't have to do this any more. The Council might have to obtain a fee from you for publishing a notice in the press if there are no buildings on land that requires to be neighbour notified near your site.
6. Your application will be passed to a designated development management officer - your **case officer** - who will check it to make sure that you've submitted everything, including any fees that might be payable. If everything is in order, your application will be registered as "**Valid**" and processing will be started. You'll be sent a letter stating the Valid Date and other details, including who's dealing with your application and how to go about making an appeal if you haven't received a decision from the Council within the statutory period. For National and Major developments, this is four months. Applications where an Environmental Assessment is required also have a four month statutory period for determination. For Local developments, the Council has two months to issue its decision. Planning legislation allows the two and four month periods to be departed from by mutual agreement in certain circumstances. If you haven't received a decision from the Council about your application with two or four months, or any longer period agreed, whichever is appropriate, you have the

right to appeal to Scottish Ministers. It's generally better to check with your case officer about the delay before making an appeal.

7. If there's something missing from your application when it's checked by your case officer, it will be declared "**Invalid**" and you'll receive a letter detailing what else you need to do or provide to make it valid. If you don't provide all that's required, you'll get one reminder. If everything still hasn't been received within the timescale specified in the reminder letter, your application will be withdrawn and no further work will be done on it. You'll receive a letter to that effect. The Council will keep your documents for the record. Any fees paid will be refunded by the Council.
8. For valid applications, your case officer will organise any **publicity** (including neighbour notification, press notice, site notice and notification to councillors and community councils) that requires to be given to your application, and consult anyone needed in order to obtain their comments on your application. Your case officer is responsible for visiting the application site and to take into account the views of any consultees, and those of anyone else arising from the publicity given to the application, before coming to his view on the acceptability or otherwise of your proposal. (A separate Planning Factsheet "**Have Your Say**" is available and gives advice to anyone who wants to make representations on an application.)
9. Decisions on applications require to be made in accordance with the Development Plan (the Structure Plan and the City Plan) unless material consideration indicate otherwise. The case officer will consider all relevant factors and write a report on the application. For small scale developments, you might well not be contacted by your case officer before he prepares his report. For larger scale developments, it is likely that you will be contacted by your case officer to discuss the proposals. If these discussion lead to a material change in the proposals, you probably will be advised to withdraw the application and submit a fresh one so there's no confusion in the mind of the wider community about what's being proposed and everything is clear and above board.
10. Most applications are dealt with under the terms of a **scheme of delegation**. For such applications, the case officer will write a brief report with a recommendation on your proposals and pass it to an "**Appointed Officer**" who has been authorised by the Council to determine the application on its behalf. Once the case officer's recommendation has been agreed, the Appointed Officer will sign the **Decision Notice** and it will be posted to your agent, or to you if there is no agent. Second class post is the norm.
11. If your application needs to be reported to **Committee** for decision, a fuller report will be written by the case officer with a recommendation to Committee.

12. For National and Major developments which are **significantly contrary to the Development Plan**, the Council will offer you the opportunity of a **Pre-determination Hearing** to help Committee's consideration of your proposals. The Chief Executive will contact you with the arrangements. These applications also have to go to the full Council for decision before the Decision Notice can be issued.
13. Both the case officer's report and the Committee report will be made available for public inspection and will form the **Report of Handling** for any further examination of the way the application was processed.

### **WHAT CAN I DO IF I DON'T LIKE THE DECISION?**

14. If you are unhappy with the decision, e.g. it might have been **refused or granted subject to conditions** that you aren't prepared to accept, there are a number of courses of action available to you. The best is always to discuss the decision with the case officer to see if any changes can be made to the proposals that might result in a recommendation that would suit you and satisfy the Council. If this happens, you can then make a fresh application and the whole process starts again. If you make a fresh application within a year, for the same proposal on the same site, you won't be charged another fee for processing the application although other fees may be payable e.g. for any press notice that might still be required.
15. If you're **not the applicant** e.g. you might be an objector to the proposals, and are unhappy with the decision, the only recourse currently available is to request a judicial review at the Court of Session - there are no **Third Party Rights of Appeal** against a decision of the Council.
16. Irrespective of whether you are an applicant or someone who's made representations on the proposed development, if you think the Council hasn't processed the application in accordance with the requirements of the legislation, you might wish to consider contacting the Scottish Public Services Ombudsman to complain about maladministration. You should always contact the Council beforehand though to alert them to the possibility that something's awry as, in some cases, the decision may be nullified.
17. If you're an applicant, and don't want to amend your proposals, the Decision Notice you receive will detail how to **appeal** against or **request a review** of the decision. You should follow the guidance contained in the decision letter, particularly with regard to the timescale for doing so.
18. Once an appeal to Scottish Ministers has been made, the matter is in the hands of a Reporter appointed by Scottish Ministers and you can receive further advice on what's required from the DPEA on the internet.

19. Requests for a **review** of the decision can be made where an application for a local development has been determined by an Appointed Officer. The grounds for your request for review and the Report of Handling will be the main matters considered in the review process. The Chief Executive Department will be responsible for administering the review.
20. The outcome of any appeal or review will be communicated to you after the end of the appeal or review process, but this might take a few weeks.
21. Once you've obtained planning permission, and you want to implement the consent by starting building works or using a property for the authorised use, you must serve a **Notification of Initiation of Development (NID)** on the Council. You should address it to DRS. You must do this before work commences otherwise enforcement action may be taken.
22. If you are implementing planning permission for a National, a Major or a Local development which has been advertised as a "Bad Neighbour" development, you must also display a **site notice during construction works**. Again, failure to do so may result in enforcement action against you.
23. Before you start work, you should ensure you have all the **other consents** that might be required. These might include the permission of the owner of the land or property, a Building Warrant, Section 59 Consent from Land and Environmental Services etc.
24. When you've finished building works, you must send a **Notification of Completion Notice** on the Council. In some cases e.g. where conditions are attached requiring certain matters to be fulfilled on a phased development, failure to serve such a notice is enforceable.

#### **KEY CONTACT**

- **DEVELOPMENT AND REGENERATION SERVICES**  
**229 George Street**  
**Glasgow**  
**G1 1QU**

## APPENDIX 1 : MAJOR DEVELOPMENTS IN THE PLANNING HIERARCHY

<i>Description of Development</i>	<i>Threshold or Criterion</i>
<p>1 Schedule 1 Development</p> <p>Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).</p>	<p>All development.</p>
<p>2 Housing</p> <p>Construction of buildings, structures or erections for use as residential accommodation.</p>	<p>a The development comprises 50 or more dwellings; or</p> <p>b The area of the site is or exceeds 2 hectares.</p>
<p>3 Business and General Industry, Storage and Distribution</p> <p>Construction of a building, structure or other erection for use for any of the following purposes:-</p> <p>a As an office;</p> <p>b For research and development of products or processes;</p> <p>c For any industrial process; or</p> <p>d For use for storage or as a distribution centre.</p>	<p>a The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or</p> <p>b The area of the site is or exceeds 2 hectares.</p>
<p>4 Electricity Generation</p> <p>Construction of an electricity generating station.</p>	<p>The capacity of the generating station is or exceeds 20 megawatts.</p>
<p>5 Waste Management Facilities</p> <p>Construction of facilities for use for the purpose of waste management or disposal.</p>	<p>The capacity of the facility is or exceeds 25,000 tonnes per annum.</p> <p>In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.</p>
<p>6 Transport and Infrastructure Projects</p> <p>Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines.</p>	<p>The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.</p>
<p>7 Fish Farming</p> <p>The placing or assembly of equipment for the purpose of fish farming within the meaning of Section 26(6) of the Act.</p>	<p>The surface area of water covered is or exceeds 2 hectares.</p>
<p>8 Minerals</p> <p>Extraction of minerals.</p>	<p>The area of the site is or exceeds 2 hectares.</p>
<p>9 Other Development</p> <p>Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above.</p>	<p>a The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or</p> <p>b The area of the site is or exceeds 2 hectares.</p>