



THE DEVELOPMENT MANAGEMENT SERVICE

A User's Guide

Revised March 2015



The Development Management Service

Responsibility for administering the Council's duties under the Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc (Scotland) Act 2008 and related legislation rests with the City Development Department, based at Dundee House, North Lindsay Street, Dundee.

The Development Management Service includes:

- Processing applications for planning permission, advertisement consent, hazardous substances consent, listed building and conservation area consent, and certificates of lawfulness;
- Administering requests for non-material amendments to planning permissions etc previously granted;
- Advising on the need for all types of planning and related applications;
- Negotiating improvements in the quality of submissions;
- Planning appeals and inquiries;
- Tree preservation orders and tree works in conservation areas;
- Enforcement of planning control;
- High Hedge applications;
- Conservation and listed building advice.

Please consult the Councils [Development Management Charter](#) and [Enforcement Charter](#) for an outline of our service standards.

This document provides a brief introduction to the procedures involved in processing planning applications and explains how further information and advice may be obtained from the Council.

The Development Process

Planning permission is required for the erection of most buildings or structures, for engineering operations and for material changes of use of land and buildings.

Planning permission, however, may not be needed for many minor developments, such as a small extension to a house. The rules are complicated and it is always best to check with the Development Management Team or a qualified Planning Consultant at the outset before appointing an architect or arranging funding. In most cases, plans and other project details are required before we can make an assessment as to whether planning permission and other consents are necessary; and if an application is needed whether the proposals are likely to be acceptable in terms of the development plan and other planning matters which the Council would have to take into account.

Every year the Council receives approximately 800 planning and listed building applications. Fees are payable for most applications and this generates an income annually which helps to cover the costs of running the service. The levels of these fees are set nationally by the Government and cannot be varied by the Council.

Applications can range from extensions to people's homes, to the restoration of Dundee's finest buildings; from housing schemes to office buildings; and from shop signs and shop fronts to major redevelopments, such as at the Waterfront or in connection with the expansion of our Universities.

Developments and redevelopments of land and property result in many millions of pounds worth of investment in the City each year, leading to the retention and creation of jobs, mainly in the service and construction sectors.

The management of development through the processing of planning applications provides a legal foundation for maintaining improving standards in the City's built environment. The Council positively responds to the need for the development management service to 'add value' to the development process by promoting improvements to submitted projects. In particular innovative design and architecture is promoted in line with Scottish Government policy and guidance.

Modernising Planning and Delivering Planning Reform

The Scottish Government has introduced measures through new legislation to ensure that the planning process is efficient, inclusive and is fit for purpose. The over-riding objective is to promote sustainability as well as contributing to the primary purpose of supporting increased sustainable economic growth.

The Planning Hierarchy

At the cornerstone of the Scottish Government's approach to modernising the way planning applications are submitted and determined is the Planning Hierarchy. The objective is that there should be increased focus of public engagement and scrutiny by Councils on the more complex applications whilst at the same time, processes in relation to the remainder are streamlined and speeded up.

There are three elements to the Hierarchy:

- "National" Developments;
- "Major" Developments; and
- "Local" Developments.

Information on which proposals fall into each of the classes can be found on [the Scottish Government website](#).

Statutory Pre-Application Consultation

For "national" and "major" classes of application special procedures by the applicant must be followed before the application is submitted. This involves the submission of a Pre-Application Consultation Notice to the Council and the relevant Community Council at least 12 weeks prior to the application being submitted; the undertaking of at least one community consultation event; and the submission of a report with any application which follows, outlining what public consultation has taken place.

Pre-application Discussions

The Development Management Team is happy to advise on the likely acceptability or otherwise of your proposals. We strongly encourage potential applicants or their professional advisers to discuss their project with a planning officer from the Development Management Team before an application is submitted and in respect of “national” and “major” classes of development several months before an application is submitted.

This helps not only to ensure that the procedures are understood, This helps not only to ensure that the procedures are understood but also that applicants are aware of the level of information needed to support their application as well as any contributions that will be required should permission be granted.

Information on Developer Contributions is available on the Council's website as supplementary guidance to the Dundee Local Development Plan.

Pre-application discussions, but can also result in improvements to the detail of the a project through informed discussion and negotiation. It will also ensure that statutory requirements for large developments are in place.

To engage in pre-application discussions which is a free service provided by the Council contact with Development Management Team should be made by email to development.management@dundee.gov.uk or by telephone on 01382 433105

The Council's website contains information on the need for [planning permission and other consents](#) which can be used as a general guide only and these should not be used as an authoritative interpretation of the legislation.

Planning Application Submissions

Most planning and related applications are now submitted through the [Scottish Governments eplanning portal](#) and we strongly encourage this method for submitting applications. This portal contains Guidance Notes which you should read carefully before submitting your application. Staff are happy to advise you on anything you do not understand.

On receipt, every application is checked thoroughly to make sure that all the legal requirements have been met. Additional information may be requested before an application can be formally validated and any further essential information which can be identified at this time. Your application will be formally acknowledged at this time.

A suitably experienced case officer is assigned to each application and may contact you to discuss your proposals, to arrange a site visit or to request any necessary additional information or drawings. Do not hesitate to contact the Case Officer if you have any queries about the progress of the application or if you wish to change the proposals in any way, however small. Early contact can significantly reduce the risk of problems later on.

PLEASE RESPOND AS QUICKLY AS POSSIBLE TO REQUESTS FOR FURTHER INFORMATION IN ORDER THAT THE COUNCIL CAN TAKE FORWARD THE DETERMINATION OF YOUR APPLICATION.

The Council may issue a formal Direction in this respect. If you do not respond timeously to such formal requests your application may be returned to you indicating that it is invalid and cannot be determined. A letter of acknowledgement is issued when an application is valid.

Owner Notification

It is a requirement when you make your application to formally declare what the land ownership situation is in respect of the application site. Application Forms and Guidance Notes provide further information.

Neighbour Notification

The Council will undertake the notification of your neighbours. For non householder applications, if the Council are unable to serve notice because the neighbouring land has no premises to which a notice could be sent it has to publish an advertisement in a local newspaper.

If we do this the legislation says we must charge the applicant for this procedure. The Council has decided that this charge will be £100.

Please note that these Neighbour Notification procedures take place after your application has been acknowledged as valid but we hope to keep the delay to a minimum.

Objections and Representations

Anyone can comment on or object to any planning application. This should normally be done on line within the time period specified in any press advertisement or in the notice served on neighbours by the applicant. Objections or representations may also be made in writing.

For further information on how to make representations please consult the booklet [Public Participation and Applications for Planning Permission](#).

Timescales for Decisions

The time taken to reach a decision on a planning or related application very much depends on a number of factors, including:

- How accurate and complete the application is when it is received;
- The accuracy with which the owner and neighbour notification has been undertaken;
- The scale and complexity of the project;
- The time it takes for any additional information to be provided, and the accuracy and comprehensiveness of that information;
- Whether a public advertisement is needed;
- The time needed to complete consultations with internal departments and outside organisations;
- Whether a Committee decision is required;
- Whether the applicant wishes changes to be made to the proposals whilst the application is being processed;
- The timescale for the receipt of amending plans following negotiations with the Council;
- Whether applications are referred to or called in by the Scottish Government departments or agencies.

Although the Planning Act requires Councils to make decisions on planning applications within two months of receiving them (and four months for major developments) these are challenging timetables for most Councils to meet, for the reasons outlined above. However, the City Council is able to make decisions within eight weeks on around 90% of all the routine householder-type applications it receives. In respect of major, complex applications the Council may wish to enter into Processing Agreements with developers to ensure that the timescales for requiring and publishing information is agreed and that there is an understanding as to when a final decision is anticipated.

It is normal practice for the case officer and applicant or their agent to maintain close contact during the processing of an application and to discuss progress and the likely timescale for a decision.

Statutory Advertisements

Some special categories of application, for example, those relating to listed buildings or those where there is a departure from development plan policies have to be formally advertised. These statutory advertisements appear in the classified advertisements section of the Dundee “Evening Telegraph”. The time period for objections is specified in the notice and will be 21 days.

To allow for the above public participation most types of application cannot be decided before at least 21 days have passed from the submission of a legally complete application or from the date of the publication of the advertisement or from the date on which neighbours were notified.

The Weekly List

When completed applications are received, the details are set out in a [Weekly List](#) of new planning applications published every Friday and displayed on the Council’s website. In addition, as soon as an application is validly received, the details including plans are also available through the [Public Access](#) application search facility, again available from the City Development Department’s website. Statutory consultations with Community Councils are undertaken using the online version of the Weekly List.

THE WEEKLY LIST IS PUBLISHED ON THE STRICT UNDERSTANDING THAT THE INFORMATION IT CONTAINS IS USED SOLELY FOR PURPOSES RELATED TO THE COUNCIL’S ROLE AS LOCAL PLANNING AUTHORITY AND MAY NOT BE COPIED, USED OR SOLD FOR ANY OTHER PURPOSE.

The Public Register

All Councils must maintain a public register of all planning applications outstanding and decided providing details as to how representations may be made. Councils may hold this information electronically on their websites and this is how Dundee City Council has decided to make its [Public Register](#) available. You will be able to interrogate this database to:

- View application forms and plans;
- Find out which applications have been decided and which have not;
- View decision notices and review appeals information;
- Make an online objection or representation.

How Decisions are Made

A written report is prepared by an appropriately experienced case officer for every planning application determined. Consultations and, if necessary, negotiations are undertaken and the application site and its surroundings are always visited. The report contains details about the proposals, the relevant planning policies, the number and nature of objections if any, the results of consultations, a reasoned argument based on the provisions of the development plan and material planning considerations, a decision/recommendation and the reason for that decision/recommendation.

The vast majority of decisions on planning applications will be made by officers as opposed to elected members in Committee. The Council's Schemes of Delegation [Mandatory](#) and [Supplementary](#) provide full details. In accordance with the Schemes of Delegation there are categories of application which must go before Committee for a decision.

Reviews and Appeals

Applications which have been decided by officers on behalf of the Council can be REVIEWED by a small Committee of Councillors locally. This Committee, known as the [Local Review Body](#), can decide how it wishes a review to be undertaken and must issue a final decision notice either supporting the officer's decision or reaching a different decision. All the Local Review Body's deliberations are in public.

All "national" and "major" scale applications and those not decided by officers under the Scheme of Delegation approved by Scottish Ministers will continue to be appealed to Scottish Ministers as previously.

Further details about the Revised Scheme of Delegation and in general about how decisions on planning applications are made is also contained in the booklet "[Public Participation and Applications for Planning Permission](#)".

It is particularly important that this webpage is visited before objections and representations are submitted.

Building Warrants

Even if your project does not need planning permission, it may need a Building Warrant. These separate permissions relate to the constructional detail and safety of buildings, rather than their location or appearance. Always check with our Building Standards Team on the need for a Building Warrant before beginning any works. The safety of yourself, your family, and your neighbours may depend on it.

Licensing and Other Consents

These permissions again are distinct from planning permission and different approvals may be necessary from the Council. You are advised to discuss these requirements with your solicitor or with the appropriate department of the Council.

Data Protection Act 1998: Your Personal Data

Dundee City Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

The personal data you provide in making an application under the Planning Acts and related legislation will be used for the following purposes:-

- To enable the Council to undertake its statutory planning responsibilities under the above legislation.

Your data may be disclosed to the following parties in connection with the aforesaid purposes:-

Parts I and II of the Statutory Planning Register - The entire application in electronic or paper form will be made available to all members of the public in order that

- officers and Members of the Council can discharge their statutory responsibilities
- consultees and the general public may provide an input to the planning process

The Council's Website - Personal data contained within the application form will not be uploaded to the Council's website.

Dundee City Council is the registered data controller.

Information on the Data Protection Act and the Council's Data Protection Policy (including who to contact in connection with these matters) can be found on the [Council's website](#).

Further Information

Before proceeding with any development or change of use of any building, you are strongly advised to seek professional advice from an independent professional agent, such as a planning consultant, architect or solicitor. The Council can also offer guidance. Remember, other permissions such as Building Warrant, licence or other consents may also be required.

The Development Management Service is a service provided by the City Development Department and is located at:

Floor 6, Dundee House

50 North Lindsay Street, Dundee DD1 1LS

Telephone: 01382 433105,

Web Site: www.dundeeccity.gov.uk/citydevelopment/planningdiv

All callers please report to Main Reception, Dundee House
Normal opening hours are

8.30am - 5.00pm Monday, Tuesday, Thursday, Friday,
9.30am – 5.00pm Wednesday.

All general enquiries relating to the Development Management function should be addressed to:

The Development Management Team at the above address.

Telephone: 01382 433105

email: development.management@dundeeccity.gov.uk

The Development Management Team is happy to help with your queries.

THE INFORMATION AND ADVICE CONTAINED IN THIS GUIDE SHOULD NOT BE TAKEN TO BE AN AUTHORITY INTERPRETATION OF THE LAW. IF IN DOUBT, INDEPENDENT PROFESSIONAL ADVICE SHOULD BE OBTAINED.

Contacts

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Duty Planning Officer 01382 433105

Development Management Team

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