

# Application For Non Householder Development

## Guidance Notes

### Town and Country Planning (Scotland) Acts and Subordinate Legislation

The Application for Full Planning Permission Form allows you to apply for most types of planning permission. This form is to be submitted as part of your proposal. These guidance notes provide clarification and further information to help you complete the form.

#### When To Use This Form

1. This form should be used for making an application for most types of planning permission - except Householder development as there is a separate form for this. Please use this form for the following:
  - Full Planning Permission;
  - Planning Permission in Principle;
  - Approval of Matters Specified in Conditions;
  - Further Applications to Extend the Expiry Date of an Existing Planning Permission;
  - Further Applications to Develop without Compliance with Previous Conditions;
  - Renewal of Temporary Permission.
2. Planning permission is required if you wish to undertake 'development'. The definition of development includes  
"the carrying out of building, mining, engineering or other operations, in, on, over or under land or the making of any material change in the use of any buildings or other land, or the operation of a marine fish farm..."
3. Building operations which require planning permission can include:
  - Rebuilding
  - Structural alterations of or additions to buildings
  - Other operations normally undertaken by a person carrying on business as a builder
  - Demolition of buildings in certain limited circumstances
  - Excavation.
4. Building operations which are not 'development' and do not require planning permission can include building works for the maintenance, improvement or other alteration of any building affecting only the interior of the building or not materially affecting the external appearance of the building. (This does not apply to Listed Buildings which are afforded special protection.) Planning permission is required in some circumstances where there is a proposed change of use of buildings or other land. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) (the "UCO") groups certain types of uses together into several classes. Any change from one class to another will usually require planning permission. Changes not covered by the classes in the UCO or where a use is specifically excluded from the freedoms in the UCO will also require planning permission where the change of use is material.
5. We have a specific form for mineral workings. This can also be used if the quarry or mine is already established, is dormant or inactive, and you want to apply to the planning authority to determine what conditions are to apply to workings on the site. It is not appropriate to submit an application for planning permission in principle for mineral workings.
6. In certain circumstances, works which are development may not require planning permission. This includes:
  - Development which is permitted through secondary legislation (such as minor house extensions, some fences and gates, etc.)
  - Where the intended use is incidental to certain existing uses
  - Certain uses and development for agriculture or forestry.

7. If you have any queries about whether your proposal requires planning permission it is recommended that you seek advice from your planning authority.
8. If your proposal involves changes to existing footways or roads, special procedures are involved. Extinguishment of a footpath or bridleway can only be achieved where it can be shown that there is no longer a need for the way. In deciding this, an authority must take into account how the route is likely to be used by the public before extinguishment and the effect of the extinguishment on the land over which the route passes.

### **Pre-application Guidance**

9. If you have any queries about whether or not your proposal needs planning permission you should seek guidance from your planning authority. Your planning authority also has policies and guidance which may be relevant to your proposal. You should check the relevant Local Plan and supplementary planning guidance through the planning authority's website.
10. It is often helpful to discuss your proposal before you send in your application and to seek pre-application advice. We have a Duty Officer available during normal office hours if you need basic advice, but It might be best to have such discussions with an officer from the appropriate area team who may be more conversant with the site and its local issues. If you do have such discussions you should note the details and attach these to the application form.

### **Plans Required**

11. You will need to submit a location plan. It is recommended that this is at a scale of 1:1250 or 1:2500 (or larger), showing at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. It would greatly assist us in the validation and processing of your application if you could provide a checkable list of neighbours and a plan showing the location of owners/occupiers of neighbouring land. Recent changes to planning legislation mean that if there are no buildings on neighbouring land to which a notice can be sent, we have to place a notice in the local press intimating that an application has been submitted. We then cannot determine the application until the cost of placing the notice has been met by the applicant. With your assistance, we may be able to help you avoid this additional cost.
12. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development - for example, land required for access to the site from a public road, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by or in the control of the applicant, close to or adjoining the application site.
13. In addition, you should provide adequate drawings - plans, elevations, cross sections - to illustrate your proposals clearly. The submission of photographs and photomontages may be helpful, but these cannot be a substitute for annotated drawings with clear dimensions. Where you are providing details of alterations to an existing building, you should show all new work in colour so that it is clear to the planning authority exactly what your proposals are. The following will usually be required for proposed building works.
  - All elevations of new buildings or, if alterations to existing buildings are proposed, existing and proposed elevations.
  - Floor plans - showing all floors for new build, or if alterations to existing buildings are proposed, existing and proposed floor plans.
  - Cross sections - showing existing and proposed ground levels.
  - Block plan or layout plan - showing the position of the existing and proposed buildings in relation to the site as a whole. If any buildings are to be demolished they should be clearly identified on this plan. It may be useful to note site levels on this plan too.
  - Roof plans - for new-build showing ridge and slopes and any relationship to existing buildings.
  - Master Plan/Framework Plan - required for larger developments, often even with applications for planning permission in principle. This should show the proposed framework of future development and the infrastructure to be provided, and may also indicate phasing.

- Landscape plan - most commonly this will be a planting plan showing details of species and numbers of trees and shrubs to be planted, and the proposed materials for boundary treatments. Depending on the scale of the development, however, this may include a landscape structure for the site (areas of planting and connections through a site etc).

All plans should be to a recognised metric scale (i.e. 1:50, 1:100, 1:500) and any numeric dimensions given in metres. Each plan should include a scale bar and should identify the paper size the plan is printed on (e.g. A0, A1, A2,..)

14. On your plans you will need to describe the materials and colours you wish to use for external finishes to walls, roofs, lighting, etc. If you know the trade names and B.S. reference for these, please include them. You should try to use materials which take account of local context.
15. Proposals for conversion of buildings or extensive alterations may need to be accompanied by a structural survey. This will be particularly important where buildings are in the countryside - for example for steading conversions etc. The survey and submitted plans should also specify the extent of demolition and new build.
16. For finishes to vehicle accesses, hardstandings and parking areas, please consider using porous surfaces or other materials which will reduce surface water run-off and comply with Sustainable Drainage guidance.
17. You may provide additional information in a design statement or supporting statement as well as on your drawings/plans. Planning authorities have powers under the Development Management Procedure Regulations to require additional information for applications for Planning Permission in Principle as well as Full applications.

#### **Other Information Required - Design or Design And Access Statements**

18. Where an application has been the subject of a Proposal of Application Notice, it is a requirement that a pre-application report be submitted.
19. All applicants, together with developers, architects, designers and agents, should consider design as an integral part of the development process. Ministers recognise the need to deliver inclusive environments that can be used by everyone, regardless of age, gender or disability. In addition to their duties as public bodies under disability discrimination legislation, the Scottish Ministers and planning authorities must perform their functions under the 1997 Act in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements. Planning's important role in the delivery of inclusive environments is emphasised in the policy statement *Designing Places* and related advice in the design series of Planning Advice Notes.
20. Certain applications for planning permission are required to be accompanied by a statement explaining:
  - the design principles and concepts that have been applied; and
  - how issues relating to access for disabled people to the development have been dealt with.

The main aim of the statement is to inform the planning decision-making process. Statements should ensure development proposals are based on a carefully considered design process and where required, a sustainable approach to access. They should allow the applicant to explain and justify their proposals and help all those assessing the application (including elected members and communities) to understand the design rationale that underpins them.

21. Applications requiring design or design and access statements are:
  - All applications for planning permission for national and for major developments
  - Applications for planning permission for local development within :
    - (a) a World Heritage Site;
    - (b) a conservation area;
    - (c) a historic garden or designed landscape;
    - (d) a National Scenic Area;

- (e) the site of a scheduled monument; or
  - (f) the curtilage of a category A listed building.
- (unless the development comprises the alteration or extension of an existing building).

A design and access statement or design statement is **not** required for the following categories:

- (a) an application for planning permission for development of land without complying with conditions subject to which a previous planning permission was granted
- (b) an application for planning permission for—
  - (i) engineering or mining operations;
  - (ii) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
  - (iii) a material change in the use of land or buildings, or
- (c) an application for planning permission in principle.

Applications for planning permission in principle do not need to be accompanied by a statement. In these circumstances, it will be for planning authorities to consider what, if any additional information is required to enable them to consider the application and to request further information.

In preparing any statement, applicants and their agents, developers, architects, designers and planning authorities should consider where appropriate the advice contained in Planning Advice Note 68: Design Statements.

A design and access statement is a document containing both a design statement and written statement about how issues relating to access to the development for disabled people have been dealt with. The statement must explain the policy or approach adopted as to access and how:

- (i) policies relating to such access in the development plan have been taken into account; and
- (ii) any specific issues which might affect access to the development for disabled people have been addressed. This should explain how the applicant's policy / approach adopted in relation to access fits into the design process.

The statement should also reflect on any development plan policies relating to access issues. It must: state what, if any, consultation has been undertaken on issues relating to access to the development for disabled people and what account has been taken of the outcome of any such consultation. There is no statutory requirement to undertake formal consultation as a part of the preparation of the statement. Where consultation has been undertaken, this must be included in the statement with an indication of how this has influenced the final proposal. The statement should indicate with whom consultation was undertaken – e.g. community groups, user groups or statutory consultees.

## **Environmental Statements (EIA)**

22. The Environmental Impact Assessment (Scotland) Regulations 1999 along with the associated circular and the Planning Advice Note set out the circumstances when an EIA will be required. You may seek a screening opinion from the planning authority to determine this question. If an EIA is required, a further opinion may be sought from the planning authority with regard to the scope of the assessment required. You will need to provide information about your site and the scale of proposals you are intending. This is termed a “scoping opinion”. Even if an EIA is not required, it can often be useful to provide with your application a statement setting out the likely impacts on the local environment and how your proposals will address these.

## **Other Information Required - Transport Assessments (TA) And Travel Plans**

23. Most new developments and changes of use will have some implications for traffic and transport implication. It is important for planning applications to identify the likely transport impacts of development proposals to ensure that these are addressed as early as possible in the planning process. Scottish Planning Policy 17 - Planning for Transport (SPP17) encourages you to provide a Transport Assessment to address questions of traffic generation, car parking needs and travel plans. For instance, there are now maximum parking standards for different types of development and a TA will be able to assess your proposed parking arrangements in comparison with the

relevant maximum parking standard. The underlying aim is that there should be no net detriment to the transport network arising from your proposals. Travel Plans may be sought, and would be negotiated with you, in order that they may be adequately implemented and enforced. The Transport Assessment should include details of a proposed Travel Plan as part of the application, and include proposals for monitoring the Travel Plan and adjusting it where necessary in the light of outcomes. The existence of a Travel Plan does not, however, remove the requirement to consider planning applications against the development plan and other material considerations.

### **Water And Drainage Issues**

24. Even if your application is for Planning Permission in Principle, the planning authority must be satisfied that your intended drainage arrangements will work satisfactorily. A drainage assessment may be required. This is a statement of the drainage issues relevant to a proposal and the suitable means of providing drainage. The amount of detail in the assessment should be proportionate to the issues. As appropriate it may include existing drainage systems and problems, infiltration, groundwater, surface water flow, foul and storm water disposal, SUDs and drainage related flooding issues. It may also be called a Drainage Impact Assessment. See also PAN 61 paragraphs 23 - 24.

More guidance can be found in The Water Environment (Controlled Activities) (Scotland) Regulations 2005 administered by The Scottish Environment Protection Agency (SEPA)

### **Flood Risk Issues**

25. Pre-application discussions will help identify whether flooding is an issue. If it is, developers should commission a flood risk assessment and/or a drainage assessment. This will clarify the situation and may prevent abortive expenditure. If the assessment shows that development is compatible with flooding policy it should also advise on prevention and alleviation measures if they are required. Planning authorities have powers to require additional information and evidence, including flood risk assessments, for applications for planning permission in principle as well as full applications.
26. A flood risk assessment is an assessment carried out to predict and assess the probability of flooding for a particular site or area and recommend mitigation measures including maintenance. This is likely to be needed if your proposed site is within an area which has flooded in the past.

### **Contaminated Land Assessments**

27. Planning authorities must consider the type and degree of contamination in assessing proposals. The need to provide an adequate assessment of land contamination is outlined in Planning Advice Note (PAN) 33.
28. The planning authority may therefore ask for information about 'contamination'. Land affected by contamination includes all cases where the actual or suspected presence of substances in, on or under the land may cause risks to people, property, human activities or the environment. Certain forms of new development are potentially more vulnerable to ground contamination than others. Sensitive uses include housing with gardens, schools, nurseries or allotments and consideration should be given to whether the use could be particularly vulnerable to the presence of any contamination.

### **Natural Heritage, Trees, Wildlife And Biodiversity**

29. Planning authorities have a certain duty to protect trees and wildlife habitats and if you think your site may have value as a woodland or wildlife resource, you should alert the authority to this in the Additional Information section of your application form. There are special designations such as Sites of Special Scientific Interest (SSSIs) and Special Protection Areas (SPAs) where proposals have to be carefully assessed for potential impacts on wildlife habitats. The Local Plan is likely to include information on such special designations and so if you are in any doubt, please consult the most up-to-date Local Plan for your area.

## **Built Heritage, Conservation Areas And Listed Buildings**

30. Planning authorities also have a duty to protect the historic environment. There are a number of protection measures and designations throughout Scotland –
- listed buildings,
  - conservation areas,
  - Designed Landscapes,
  - Scheduled Monuments and
  - World Heritage Sites.

If your proposals affect the historic built environment you will need to provide sufficient information with your application to explain the potential impacts and how the historical context has influenced your designs. You may also need to obtain Listed Building Consent or Conservation Area Consent. These consent processes are separate but linked to the planning application process and the forms can be cross referenced.

Scheduled Monuments however have a separate consent process which is not linked in the same way. More information is available from Historic Scotland.

31. The most common forms of protection are statutorily listed buildings and conservation areas. SPP23 - Planning and the Historic Environment - encourages prospective developers to seek early discussion with planning authorities on development proposals affecting the historic environment. The Local Plan is likely to include information on such special designations and also areas of archaeological significance and so if you are in any doubt, please consult the most up-to-date Local Plan for your area. It will provide information not just about where these areas are designated, but also about the type of information required to accompany an application, and also about the type of development proposals which may and may not be acceptable. For instance, it should be borne in mind that planning authorities have a statutory duty to preserve and enhance the character of conservation areas, and they have to consider carefully whether or not proposals are of a high enough quality in terms of construction and design to ensure that no damage to such areas will be caused. Particular consideration has to be given to the local context and Conservation Area Character Appraisals (prepared by planning authorities) can be helpful sources of information. Design statements and other supporting information are usually essential for applications affecting the built heritage.

## **Other Sustainability Issues**

32. Achieving a Low Carbon Future' sets out the Scottish Executive's policy on energy efficiency and micro-generation. SPP6 identifies a key role of the planning system to move towards low and zero carbon developments through the use of energy efficiency and the adoption of renewable energy technologies. Applicants should refer to paragraphs 33 - 37 of SPP6 in particular.
33. To help planners assess the energy efficiency of new proposals, information should be provided on both design considerations and specific technical aspects of the proposal which are intended to deliver energy efficiency. Applicants should also consider which renewable energy technologies might be appropriate for the development and should demonstrate to the planning authority that all appropriate technologies have been considered.
34. The Carbon Trust provides excellent guidance on reducing energy requirements of development and provides links to wider sources of information.

## **Noise Assessments**

35. The planning authority may be interested in the noise levels generated by a proposed development once it is in place and operational. They have to consider if additional noise may impact on adjacent properties, particularly if these are houses or flats. If your proposals involve activities and processes which may be noisy, particularly if they are classed as "bad neighbour" developments, or if the end products including plant, ventilation or air conditioning may generate noise, you may be asked for more detail. You may wish to check this in advance of submitting a proposal and if appropriate provide a noise assessment in support of your application. Such an assessment should aim to demonstrate to the authority that you have considered the question of noise

generation carefully and addressed it in your proposals. Of particular interest will be the details of any mining operations, industrial processes, business or other activities that you propose, including the type and location of significant machinery, internal and external to the building.

**Unless clearly marked as “Confidential, not for Public View”, all material submitted in support of an application will be made available for public inspection both in the planning register and in our online planning pages.**

### **Land Ownership Certificate**

36. You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. But, if you do not own the land to which the application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land. For the purpose of making a planning application, a person is regarded as the owner if, 21 days before the date of the planning application, they are the owner, or are the tenant under a Lease which still has 7 years to run. You must complete the appropriate Certificate of Ownership for your application to be validated by the planning authority.
37. Please note that if you are applying for permission for mineral extraction, you have to complete a different set of certificates, and you must publicise your proposal in the local press and in a notice displayed on the land.
38. Recorded Delivery is the preferred method of sending out notices since the receipt provides proof of delivery in the event of a dispute. First class post or hand delivery is also acceptable.

### **What does the Planning Authority take into account in making a decision?**

39. The Council must make an assessment of your proposals in relation to relevant planning policies and guidelines. We may grant planning permission - either with or without conditions attached - or if it is considered that the proposals are unacceptable we may refuse consent. In either case we must provide reasons for the refusal or imposition of conditions.
40. You should check the planning policies which are relevant to your proposals on our website (<http://www.falkirk.gov.uk>). You may also wish to discuss your proposal before you submit your application by seeking pre-application advice. We welcome the opportunity to discuss proposals prior to an application being made. The Development Management Duty Officer can give general advice on the making of an application, but where a proposal is site specific, it is best to make an appointment to see a Planning Officer from the appropriate area team.

In all cases, initial contact should be made through the Duty Officer by calling 01324 504748.

### **Notices Required in Some Cases after the Grant of Planning Permission**

41. Notices of Initiation and Completion of Development are a new requirement for all proposals receiving planning permission under the Development Management Regulations. These have been introduced in order that Councils are made aware that development is underway and in due course completed. The Council will refer to these requirements in conditions in order that the statutory requirements can themselves be enforced.

Templates for use by applicants will be issued with all planning approvals, and these will be made available online.

42. The requirement for the display of Site Notices during development has been introduced to raise awareness of the detail of a permission and in particular draw attention to the conditions which apply in respect of a sensitive development.

For all “national” and “major” developments, and for developments which were advertised as “bad neighbour”, such a notice has to be posted on or in the vicinity of the site until the development is completed. A template for the notice is set out in Schedule 7 of the Development Management

Procedure Regulations. The Council intends to make a copy of this template available on its Website. The notice will provide information as to how and where the conditions attached to the permission can be inspected.

#### **What happens if Consent is Refused or if the Conditions of the Consent are to be Contested?**

43. If an applicant is aggrieved by the decision on an application, or wishes to contest any or all conditions attached to a planning permission, the right of appeal is available. Recently introduced Regulations determine how such an appeal is heard. In the case of "local" applications or applications determined under the Council's approved Scheme of Delegation, appeals are made to the Council's Local Review Body (LRB).
44. On applications which are determined outwith the scheme of delegation, or which are determined either by Full Council or the Planning Committee, the appeal will be made to the Scottish Ministers. Consequently, appeals relating to all "national" and "major" applications will heard in the same way.

The changes to the planning appeal system include the removal of the automatic right to appear before and be heard by a person appointed by Scottish Ministers; a restriction on the introduction of new material in the appeal process; and confirmation that it will not be possible to vary a proposal once an appeal has been made.

If you have any further queries, please do not hesitate to contact us. It is always better to discuss possible issues prior to submitting your application. Our Development Management Duty Officer will be able to assist in matters of a general nature. . The telephone number is 01324 504748. More detailed advice, or discussions on matters which are site specific, may need to be referred to an officer from the appropriate area team. In such cases, an appointment will be required.