

# **PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

## **DEVELOPMENT CONTROL CUSTOMER CHARTER AND SERVICE STANDARDS**



**Revised March 2009**

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**This Charter was adopted by the  
Planning & Economic Development Committee  
of Derbyshire Dales District Council on 25th July 2001**

**(Minute no: 151/01)**

## INTRODUCTION

At Derbyshire Dales District Council we are committed to providing high quality services which give Best Value, in order to maintain and enhance the environment and quality of life for all residents and businesses.

The development control service assists in the delivery of this commitment through protecting and enhancing our towns, villages and countryside, enhancing business, employment and social opportunities across the Derbyshire Dales, whilst also seeking to conserve and enhance the high quality environment in which we live and work. We are committed to providing an environment accessible to everyone.

This Charter aims to assist you in understanding the development control process. It establishes the framework for the delivery of the service and outlines our service commitments to you, our customers. These service commitments have been formulated in accordance with our Mission Statement:-

***Through the provision of an efficient, professional and responsive service, we aim to protect and enhance the quality of the District's built and natural environment whilst balancing the needs of current and future generations.***

Customer care is important for the Council. We encourage and welcome suggestions about how Council services can be further improved for the benefit of applicants and the community alike. We continually monitor our progress against performance criteria and aim to improve the services and standards we deliver.

We hope you will find this Charter both useful and informative.

Paul Wilson  
Head of Planning Services  
Derbyshire Dales District Council

## THE DEVELOPMENT CONTROL SERVICE

Planning is the positive means of enhancing and protecting our environment whilst at the same time allowing the development necessary for our economic and social well-being to take place in an appropriate way. Most people become involved in planning through the development control process, either as an applicant for planning permission or as someone affected by a development which is proposed or has taken place. It is important that customers of this service understand what they can expect from it if they are to appreciate its value to their local community.

Development Control is essentially a process which regulates the development and use of land in the public interest. It is a process governed by law and can be complex. It involves:-

- Consideration of planning applications;
- Monitoring of development as it takes place;
- Enforcement action where breaches of control have taken place;
- Provision of information and advice about the system generally and individual proposals specifically.

The community at large benefits from development control. The objective of the service is to ensure that changes to our physical surroundings – buildings and land – are right for their purpose and location. A framework for development is set out in Government guidance, the approved Derby and Derbyshire Joint Structure Plan and the adopted Derbyshire Dales Local Plan. These are supplemented by non-statutory policies and guidance approved by the Council.

Planning applications are considered against this framework, in particular the approved Structure Plan and the adopted Local Plan. Other material considerations must also be taken into account. Decisions on planning applications are, in most cases, made by either the Central or Southern Planning Committees, or by Officers with delegated responsibility.

The development control service strives to be efficient and to provide early decisions but it is also concerned with achieving quality decisions which secure high quality development. The Derbyshire Dales contains over 1000 listed buildings and over 30 conservation areas. This recognition of the high quality environment in which we live and work poses additional considerations which can result in applications taking a little longer to process.

Our aim, therefore, is to make the best decision about each application, which in some cases may not necessarily be the quickest. This means taking into account the impact of a proposal upon the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effect a development may have on neighbours and other people living nearby.

Applicants, neighbours and the public generally are all customers of the development control service. Many have little or no experience of how the system works. This Charter sets out what we do and details the standard of service which you can expect when dealing with us whether as an applicant, a person seeking advice, a consultee on a proposal, or as an individual or community group wishing to object to or support a specific application.

We aim to provide a professional service which is courteous, efficient and consistent. We also aim to produce decisions that reflect both quality and speed.

## **PRE-APPLICATION ADVICE**

The Council encourages applicants to seek advice about their proposals before an application is made. Through these discussions it is possible to resolve any obvious problems and to encourage high quality applications. This ensures that applications, once submitted, can be dealt with effectively and efficiently.

The advice needs to be accurate and objective. On request, and where possible from the details provided, advice will be given about the policies likely to be used in the consideration of any future application. Confidentiality within the Council will be respected at this pre-application stage. However, such advice is given without prejudice to the formal consideration of an application since other information may arise from consultations, representations or more detailed proposals which may result in a different view being taken.

### **Planning Services – Help and Advice**

General information and advice on planning applications is available during office hours from the Planning Services Reception, Town Hall, Matlock. An Officer will be available during office hours (9.00 a.m. - 1.30 p.m. Monday - Friday) to provide general information and advice either on the telephone and in person. It will, however, be helpful, particularly in the case of a specific proposal, to make an appointment and to submit draft proposals to the Planning Services Section a few days before the meeting to ensure that enquiries can be dealt with more promptly and effectively.

In addition to the Planning Services Reception, the Council provides planning and conservation advice through its Ashbourne surgery which is held at the Compton Offices every Thursday. A conservation surgery is held between 9.30 a.m. - 12.30 p.m. and a development control surgery is held between 2.00 p.m. - 5.00 p.m.

### **SERVICE STANDARDS**

#### **Dealing with general enquiries, we will.....**

- Have a Planning Officer available Monday to Friday from 9.00 a.m. to 1.30 p.m. to deal with enquiries either in person or on the telephone.
- Respond to enquiries at the Planning Services Reception within 2 minutes where an appointment has been made and, otherwise, within 5 minutes.
- Respond to telephone calls within 30 seconds. If no-one is available to deal with your call immediately, we will return your call within one working day.
- Respond to written enquiries within 10 working days.

## **Complex Proposals**

The Council particularly encourages applicants to seek advice on major or more complicated proposals before an application is made. Such advice cannot be given by telephone. This advice helps applicants to take account of:-

- policies contained in the Structure and Local Plans;
- other relevant policies and guidance;
- the range and details of information which will be required;
- where other consents may be required, directly related to the planning process, e.g. listed building consent, conservation area consent.

Where a major proposal is being prepared, the applicant is encouraged to first request advice in writing, enclosing draft plans where appropriate. The submission of sketch plans will allow for more focused consideration of the issues.

Depending on the complexity of the proposals a reply will be given in writing or a meeting arranged. Arrangements for a meeting will be made by the Planning Officer of the appropriate Development Control Team. Reasons will be given for any refusal to hold a meeting.

It may be appropriate for Officers or consultees representing a variety of different specialisms to be approached at this stage for advice or participation in a pre-application advice meeting. It is our aim to provide, where possible a co-ordinated approach to development proposals within the Council and with key consultee organisations.

In the case of proposals which raise complex issues such as highways infrastructure, retail or environmental impact assessments or matters affecting large sites or listed buildings, it will nearly always be beneficial to have a meeting.

If a meeting is held, a note will be taken of the advice given and the recommendation for action. A copy will be sent to the potential applicant or their agent. In some cases, the applicant may wish to make their own note of the meeting. This will be recognised as a record of the meeting only if formally agreed by the Planning Officer concerned.

It is recognised that, at this stage, some proposals will need to be treated confidentially. Procedures have been introduced to respect this confidentiality, if requested.

### **SERVICE STANDARDS**

#### **Dealing with pre-application advice, we will.....**

- Acknowledge written requests for pre-application advice within five working days of receipt.
- Convene a meeting as soon as possible after the receipt of relevant draft proposals.
- Arrange for a meeting of relevant specialists to be convened at the earliest possible opportunity to provide pre-application advice on complex proposals.
- Provide written confirmation of the advice provided at a pre-application meeting within 10 working days of the meeting.

## **Time-Bound Planning Advice**

It is recognised that, in certain cases, pre-application advice will be needed more quickly, e.g. where sites are being marketed or are the subject of auction. Whilst the Planning Services Section will endeavour to ensure that advice is given in sufficient time wherever possible, it cannot guarantee that advice will be given at short notice.

Every opportunity should be taken to ensure that sufficient time is available for informed discussion and comments on any proposal during the pre-application stage.

## **SUBMITTING A PLANNING APPLICATION**

It is the applicant's responsibility to make sure that the application is submitted correctly. When filling in the application forms, the applicant should carefully follow the advice given in the guidance note accompanying the application. It should be noted that simple errors such as the omission of a signature or date will prevent the registration of an application.

Some applicants may prefer to use their own professional adviser or agent. In these cases, the Council will deal with the agent rather than the applicant in all discussions and negotiations.

Help and advice in submitting an application will be available if needed from the Planning Services Reception. We can advise you of the appropriate fee to be paid and any procedural details relating to the accurate submission of an application.

Each application will be checked to ensure that the procedural requirements have been satisfied. If valid, the application will be registered and a receipt will be forwarded within 7 working days. Where an application is invalid or deficient in any respect, the applicant/agent will be notified of the deficiencies either by telephone or in writing within 4 working days. Incomplete applications will not be validated. It is, therefore, in the interests of the applicant to respond quickly with the necessary information.

If an application is valid, the applicant/agent will be notified of the name and telephone number of the Case Officer dealing with the application.

If the application is for a proposal which is permitted development or for which planning permission is not otherwise required, it will be returned to the applicant/agent and the fee will be refunded.

### **SERVICE STANDARDS**

#### **Dealing with planning applications, we will.....**

- Register planning applications and acknowledge them within 7 working days of receipt or, where they are deficient in any respect, contact the applicant or agent to rectify the deficiency within 4 working days.
- Provide contact details of the case officer dealing with the application including direct dial telephone numbers.

## **PROCESSING A PLANNING APPLICATION**

The Case Officer is responsible for the processing of the application and will, within 21 days of registration, visit the application site. Where the site visit does not require access to property, the applicant will not normally be notified of the visit.

The Council is required to consult various organisations on certain types of planning applications and others have a statutory right to be consulted. In other cases, the Council will seek the views of consultees who, in our opinion may assist in the determination of an application. Those people notified about a specific planning application will be advised how they can make comments upon it and will be allowed 21 days from the date of the notification in which to do so.

Where, on detailed consideration, it is found that certain information is missing or the proposal needs further clarification, the applicant will be notified in writing of the requirements and the reasons for them within 21 days of the registration of the application. It is in the applicant's interest to provide additional information as quickly as possible because the Council will be unable to make a decision until this information is received. A time limit for the submission of necessary information will be given and the implications of non-receipt will be explained. If the need for further information arises, (e.g. as a result of consultations or third party comments), while the application is being dealt with the applicant will be notified immediately of that need. The Council will only request additional information necessary for the determination of the application concerned.

The Council has a statutory period of 8 weeks in which to determine an application. If the proposal is unacceptable as submitted but minor amendments could be made to overcome its deficiencies, suggestions will be made to the applicant. Negotiations will be pursued to seek improvements or amendments if these can be concluded (including the receipt of satisfactory amended plans or details) without the need to re-advertise the application, to enable a decision to be made within the 8 week statutory period.

The Council will not entertain a process of continuing amendments which delays decision making beyond an agreed time period. We will not automatically agree to requests from applicants for the continuation of applications.

Applicants will be informed, on request, about the progress of applications and we encourage regular contact with Case Officers. If the application cannot be dealt with within the 8 week period, notification will be forwarded to the applicant.

### **SERVICE STANDARDS**

#### **In processing planning applications, we will.....**

- Ensure that sites are visited by the Case Officer within 21 working days of registration.
- Allow 21 days from the date of notification for consultees to respond to applications.
- Notify of the need for further information within 21 days of registration.
- Advise applicants/agents if an application cannot be dealt with within the statutory 8 week period.

## KEEPING THE COMMUNITY INFORMED

There are various ways in which the wider community is kept informed about planning applications which have been submitted. A statutory planning register is maintained which lists all current planning applications and past decisions. The register is available for inspection by the public during normal office hours. Copies of valid applications and decisions will be placed on the register within 10 working days of receipt.

Within 10 working days of the registration of each application, the Council will notify in writing immediate neighbours and a notice will be placed near the application site. Each week a list of significant applications (excluding minor domestic applications) received during the preceding week is published in the local press for public information and circulated to all Elected Members of the Council. Applications in the central area are advertised in the Matlock Mercury and applications in the southern area are advertised in the Ashbourne News Telegraph. Applications in the Parishes of Doveridge, Somersal Herbert and Sudbury will additionally be advertised in the Uttoxeter Advertiser. The same weekly list of planning applications is also displayed at information offices in Matlock, Wirksworth and Ashbourne. The weekly list can also be made available to members of the public or businesses on request on an annual cost.

Any organisation or individual can view the Weekly List of applications on the Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk).

Any member of the public who requires assistance in understanding proposals and plans submitted, and the relevant planning policies, can obtain advice from the Planning Services Reception. Any person who submits an individual representation or organises a petition will receive an acknowledgement of their letter within 5 working days. Representations submitted cannot be treated as confidential information and will be placed on the application file for public inspection. Planning application files, and any report to the Planning Committee, will be available for inspection by the public 5 clear working days before the meeting.

### SERVICE STANDARDS

#### In keeping the community informed, we will.....

- Maintain a register of all planning applications and decisions which is available for public inspection during normal office hours.
- Notify immediate neighbours and post a notice on site within 10 working days of registration.
- Publish a notice in the local press describing the application within 10 working days of receipt.
- Have a copy of the application and any supporting documentation available for inspection at all times during normal office hours.
- Provide assistance to any person wishing to comment on a planning application through the Planning Services Reception during normal office hours.
- Acknowledge all letters of representation within 5 working days of receipt.

## DEALING WITH REPRESENTATIONS

Representations can be made by any individual or organisation on any planning application. For the representation to be “material” it must comprise legitimate planning considerations if they are to be influential in the decision making process. The level of public support or opposition is not, in itself, a basis for decision making. Valid planning considerations include matters like the effect on traffic or parking, the appearance of the proposal, overlooking or disturbance, loss of light or privacy, impact on the local environment and whether the proposed use is appropriate. We cannot take into account matters like the loss of property value, disruption or loss of views, personal disputes between neighbours, matters covered by leases or covenants or competition between different operators. For further information on valid planning considerations, please contact the Development Control Section.

Representations must be made in writing, should be signed and dated, and should clearly state the grounds on which the representation is made. Representations cannot be treated as confidential, as they form part of the background papers on which the decision is based. Anonymous representations will not be considered. Pre-printed form letters of representation will be accepted for consideration provided they are individually signed and dated.

Representations may be submitted in the form of petitions and will be considered. However acknowledgement and notification will only be made to the first name on the petition or the organiser if this is known.

### **Racist Representations**

In line with the Council’s adopted policies on equal opportunities and advice from the Royal Town Planning Institute, the Planning Service Section operates a specific procedure for handling representations which include racist comments. While these are a rare occurrence, they do raise issues of concern for the Council. As such, the procedure followed is:-

- letters containing racist representation will not be considered, and the writer will be advised of the Council’s concerns and asked to amend their representation, or it will be withdrawn.

### **SERVICE STANDARDS**

#### **In dealing with representations, we will.....**

- Provide assistance to any person wishing to comment on a planning application through the Planning Services Reception during normal office hours.
- Not consider letters containing racist representation.

## MAKING THE DECISION

The Council will make a decision on a planning application by one of two different methods.

A significant proportion of applications which attract no objections from statutory consultees, and with the prior agreement of elected Ward Members, are decided through the Council's Scheme of Delegation. Under this Scheme, a Senior Officer will act on behalf of the Council in accordance with clearly stated and published guidelines. This brings efficiency and effectiveness to the decision making process. Details of the delegation scheme for planning applications can be made available on request.

Planning applications which are to be considered by the Planning Committee will include those involving complex proposals, which are potentially controversial, which have attracted objections from statutory consultees or which conflict with the adopted planning policies of the Council.

Dates for the meetings of the Planning Committees and items on the agenda can be obtained from the Committee Administrator within the Council's Committee Services Section. The Committee meetings are held during the evening and are public meetings. The Council operates a public participation scheme whereby any person may address the Committee providing that they have notified the Committee Administrator in advance of the meeting. Details of this scheme are available on request.

Once a final decision has been made on a planning application we will aim to issue a decision notice within 2 working days. Any conditions attached to a permission, reasons for refusal and/or any additional information or advice will be set out clearly and the reasons for them explained. The notice will also explain the applicant's right of appeal against a decision to refuse planning permission or against conditions attached to a permission.

Where a decision has been made to refuse an application, changes or alternatives will be suggested, on request, if it is felt that these could lead to a favourable decision on a revised application.

Some decisions may not be made until the applicant and other relevant parties have entered into a planning obligation, e.g. a legal agreement. If an obligation is believed to be required, an applicant will be told at the earliest opportunity so that negotiations over the form and content of the agreement can be conducted concurrently with the processing of the application.

### **SERVICE STANDARDS**

#### **In making a decision, we will.....**

- Provide an opportunity for public participation on any application to be presented to a Planning Sub-Committee meeting.
- Aim to issue a decision notice within 2 working days of the decision, except where the decision involves the completion of a legal agreement.
- Explain an applicants rights of appeal against a decision to refuse planning permission or against conditions attached to a permission.

## **COMPLAINTS AND PERFORMANCE**

The Council hopes that you will be satisfied with the Development Control Service which we provide. If you have any suggestions, concerns or difficulties we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

We will consider all complaints made about the way in which a planning application or letter of representation has been dealt with. Disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations there is a separate procedure for an applicant to appeal against such decisions.

Initial contact should be made with the Case Officer who dealt with the application. If you are still dissatisfied, the Head of Planning Services will investigate the matter further.

Written complaints will be acknowledged and will be fully and promptly investigated. The complainant will be given a written response explaining the outcome of the investigation and any action which the Council proposes to take. If no action is proposed, the reasons will be explained.

If you are not happy with the initial response, you can complete a Complaints Form (available from all Council public offices and buildings) and return it to the Council's Head of Democratic Services.

If you are still not satisfied with the way in which the complaint has been handled you can seek the advice and help of your Ward Councillor or the Chief Executive of the District Council. If you feel that the Council has not followed the correct procedures you can ask the Local Government Ombudsman to investigate the matter. Forms are available from the Planning Services Reception, alternatively you may write to :-

Local Government Ombudsman,  
Beverley House,  
17 Shipton Road,  
York.  
YO30 5FZ.

Telephone: 01904 663200  
Facsimile : 01904 663269

The Council will publish an annual review of its performance on development control. This will comprise a combination of any statutory indicators required by the Government and our own local performance indicators. Monitoring processes will assess all complaints and suggestions made and discuss any relevant issues with customer Focus Groups. The Focus Groups are made up of customers of the planning service.

Any comments received will be used to consider appropriate service improvements. If performance has fallen below established levels and targets, it will identify and detail the reasons for doing so and describe the measures it proposes to adopt to improve its performance. If justified by special circumstances, it will revise its targets. Complaints and the action taken upon them will also be identified.

## PLANNING SERVICES CONTACTS

The Planning Services Section is located at the Town Hall, Bank Road, Matlock. The Offices are open Monday to Friday 9.00 a.m. – 5.00 p.m.


The Planning Services Reception is able to deal with general enquiries, including requests for application forms. Detailed enquiries and appointments should be made by contacting individual officers within the Planning Services Section.

Detailed information is also available on the Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk).

### Overall Service Management


Paul Wilson

Head of Planning Services

 01629 761325

 [planning@derbyshiredales.gov.uk](mailto:planning@derbyshiredales.gov.uk)

### Planning Services Reception

 01629 761336


**Fax** 01629 761163

### Development Control

For information concerning planning applications, the need for permission, how to comment on planning applications or information regarding planning decisions.

Jon Bradbury

Development Control Manager


 01629 761331

### Planning Policy & Environment

For information on planning policy, landscape design, conservation areas, listed buildings, historic building grant schemes, conservation area grant schemes, arboriculture and countryside management services.

Mike Hase

Planning Policy Manager


 01629 761251

### Planning Services Support

Requests for Ordnance Survey plans, application forms, decision notices, land charge search enquiries.

Georgina Grindell

Central Administration Officer

 01629 761322