

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 19 APRIL 2010**

**REPORT ON: DEVELOPMENT MANAGEMENT CHARTER**

**REPORT BY: DIRECTOR OF CITY DEVELOPMENT**

**REPORT NO: 196-2010**

## **1 PURPOSE OF REPORT**

- 1.1 To seek the agreement of the committee to the terms of the revised and updated Development Management Charter referred to in this report and provided at Appendix 1 and to publicise the Charter via the Council's website, public libraries and at Tayside House Reception.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee:
- a Approves the terms of the Development Management Charter 2010; and
  - b Remits the Director of City Development to publicise the Charter via the Council's website, public libraries and at the reception area of Tayside House.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 Limited printing of the document will be involved and such expenditure can be contained within the City Development Department's current revenue budget. There are no other financial implications identified.

## **4 BACKGROUND**

- 4.1 Reference is made to Article III of the Minutes of the development Quality Committee of 31 October 2005 (Report 592-2005 refers) wherein the Committee agree to the terms of its first Development Quality Charter. The Charter was subsequently publicised and has guided standards of service delivery since then.
- 4.2 Reference is also made to the terms of the City Development Department's Service Plan 2007-2011 wherein (page 22) a commitment was given to review the Charter prior to 2010 in order that the implications of the new Planning Act are incorporated.
- 4.3 A position has now been reached where, after 8 months of operation, the implications of the new development management regulations can fully inform the proposed revised Charter which is set out in Appendix 1.
- 4.4 The structure and broad terms of the Charter remain largely unaltered although the detailing has been amended to respect the new legislation and amended performance standards which, in due course, will be reflected in the forthcoming revised Departmental Service Plan.
- 4.5 Members will note that it is proposed to name the Charter the "Development Management Charter" to reflect the rebranding of "development control" in the new legislation.

**5 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

**6 CONSULTATIONS**

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

**7 BACKGROUND PAPERS**

- 7.1 Article III of the Minutes of the Development Quality Committee of 31 October 2005.
- 7.2 Report 592-2005 considered by the Development Quality Committee on 31 October 2005.
- 7.3 Development Quality Charter 2005.
- 7.4 City Development Department service Plan 2007-2011.

Mike Galloway  
Director of City Development

Ian Mudie  
Head of Planning

MPG/IAR/KM

19 March 2010

Dundee City Council  
Tayside House  
Dundee

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**Foreword**

The citizens of Dundee should be justly proud of their city. We have an enviable reputation in science, new technology learning and culture. We encourage innovative modern architecture whilst respecting the need to protect and enhance our built and natural heritage.

Creating an exciting city that is full of vitality and diversity is only achievable through careful planning with the involvement of the business community and Dundee citizens. The Development Management Service is sharply focused not only in helping to maintain and improve standards in the build environment, but to do so in a way which is helpful to all those who use our service.

The first Development Quality Charter was published in 2005 and was prepared to advise our stakeholders and our customers of the level and quality of service they may expect. This document has now been significantly updated and revised to reflect changes which have taken place in the planning world.

I trust that you will find the Charter informative. If you have views on any aspect of the Development Management Service, please advise the Council as our aim is to continuously monitor and improve the service we provide to our customers.

Bailie Rod Wallace  
Convener  
Development Quality Committee  
April 2010

## **CUSTOMER SERVICE**

The Development Management Service is presently based at Tayside House, Crichton Street, Dundee although, together with other Council services, should move to our new headquarters, Dundee House at North Lindsay Street, behind the Overgate Centre in April 2011.

The Council's Customer Contact Centre on Floor 2 Tayside House provides a convenient gateway to a range of Council services, including planning.

Customer service staff are available to advise on how the planning service in general may be able to help and in particular how planning officers can guide customers through the process of submitting a planning application, the procedures which then follow and the factors which the Council will consider in deciding an application.

At or via the Customer Contact Centre the Council will:

- 1 Provide help with selecting and providing the right kind of form and guidance notes compatible with the kind of application you may wish to make.
- 2 Accept planning submission for subsequent checking and acknowledgement by the Development Management service.
- 3 Make Planning Officers available during normal office hours Monday to Friday to provide information and advice. If requested, we will visit disabled applicants or carers in their own homes to discuss their development ideas or submitted planning applications.
- 4 Advise you if you need planning permission and discuss with you or your representative the planning issues relevant to your proposal.
- 5 Advise you on where you can obtain information or other kinds of permission which may be necessary.

## **PRE APPLICATION PLANNING ADVICE**

The Council strongly encourages those who are considering any built development or change of use of a property to seek independent professional planning advice from an architect or planning consultant. The Council's Development Management Team is responsible for administering the legislation which governs the making and determination of planning applications. Details of the service provided are available from the Customer Contact Centre, local libraries in the booklet entitled *The Development Quality Service - A Users Guide* which may also be accessed online at

[http://www.dundee.gov.uk/dundee/uploaded\\_publications/publication\\_.pdf](http://www.dundee.gov.uk/dundee/uploaded_publications/publication_.pdf)

The Council provides free and independent professional planning advice in respect of the above services and strongly encourages customers to make use of this service early in the planning of their proposals.

Contact details are provided elsewhere in this Charter.

The Development Management Service will:

- 1 Acknowledge by letter, within 5 working days, the receipt of any written request for pre-planning application advice, which could not be provided immediately. A full written response will be given to you normally within 14 working days subject to the receipt of the required basic information.
- 2 Deal with any telephone enquiries for pre-planning application advice promptly or, where this is not possible because more information is required, within a mutually agreed timescale.

### **Submitting Your Planning Application**

As outlined above it is strongly recommended that either yourself or the person you have appointed to act on your behalf obtains advice from our Development Management Team before an application is submitted. Time spent doing this at that stage can save time (and money) later.

Planning applications may be submitted using forms and guidance notes available from our Customer Contact Centre or from the Council's website or online via Scotland's national planning portal at <http://eplanning.scotland.gov.uk>. Comprehensive details are available in the booklet *The Development Quality Service - A User's Guide* referred to above.

When your planning application has been received, the Development Management Service will:

- 1 Examine, register and acknowledge your application in writing within 5 working days of it being received in complete and valid form.
- 2 Notify you in writing within 5 working days if your application is incomplete or invalid, with an explanation of how this deficiency can be corrected.
- 3 Return incomplete planning applications within a reasonable period of time when basic essential information, which has been requested, has not been provided.
- 4 Undertake, where this is necessary, to notify your neighbours or your application within 5 working days of receipt of your valid application and where a statutory newspaper advertisement is needed to make arrangements for this as soon as possible.

### **Processing Your Planning Application**

- 1 Once your planning application has been submitted and registered as valid, the Development Management Service will:
- 2 Appoint a suitably experienced case officer to process your application through to a decision.
- 3 Ensure your application is fully assessed and that a site visit is arranged prior to a written and publicly available report on the application being prepared. The report will give a clear explanation of the planning issues involved and will give reasons for the decision which, depending on the complexity of the case, may be either made by the Appointed Officer or by Councillors at Committee.

- 4 Be available to discuss the project with you throughout and to advise when a decision is likely and to discuss with you changes to the proposal which you may wish to consider and which are considered to improve or enhance your proposals.
- 5 Endeavour to determine:
  - i at least 80% of all householder planning applications within 2 months of their receipt in a valid form;
  - ii at least 80% of all non major applications within 3 months of receipt of a valid application;
  - iii at least 60% of major applications within 4 months of receipt of a valid application

Timescales may extend beyond these periods if:

  - Additional plans or information are required and particularly if receipt of these is delays.
  - Revisions to proposals are proposed (please note that for legal reasons significant changes may require the submission of an entirely new application).
  - Negotiations are necessary.
  - Special legal procedures are applicable to the planning applications.
  - Applications require to be determined by Committee rather than under powers delegated to the Director of City Development.
  - The applicant fails to pay a recoverable charge in respect of statutory newspaper advertising undertaken by the Council.
- 5 For major applications seek to enter into Processing Agreements or similar arrangements which establish mutually agreed timescales for the provision and assessment of information and for decision making.
- 6 Return unprocessed, invalid applications, and valid applications which cannot be determined due to delays occurring when requested information is not timeously supplied by the applicant or their agent.

### **Keeping Everybody Informed**

The way in which planning services are delivered has now changed. New planning legislation introduced in 2009, together with the wider availability of online facilities and advice, now means that the Development Management Service is even more open and customer focused.

Accordingly, the Development Management Service will:

- 1 On request, be happy to keep applicants or their agents and those who have made representations informed about the progress of a particular planning application.

- 2 Maintain a free and accessible Planning Register of all applications yet to be decided and decisions where the process has been completed.
- 3 Publish each week on the Council's website and at public libraries, a list of new planning applications received.
- 4 Consult Community Councils, statutory bodies and, where appropriate, local societies and voluntary organisations on applications in which they may have a statutory or community interest.
- 5 Arrange for all advertisements required by Regulations to appear in the Dundee Evening Telegraph as soon as possible after the receipt of a valid application.
- 6 On request, provide information in other languages and arrange assistance for blind or partially sighted customers who require access to planning information.

### **Objections/Representations**

Anyone can object to or make representations on any planning application. However, objections and representations must be made on valid planning grounds and must be made within laid down timescales. The guidance leaflet "Public Participation and Applications for Planning Permission" is available at the Customer Contact Centre, at public libraries or online and explains how objections or representations on a planning application can be made. This document may be found on the Council's Website at

[http://www.dundeecity.gov.uk/dundeecity/uploaded\\_publications/publication\\_833.pdf](http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_833.pdf)

In dealing with valid objections/representations the Development Management Service will:

- 1 Provide guidance to those wishing to comment on planning applications and assist in their understanding of planning issues which may affect the determination of an application.
- 2 Acknowledge letter of objection and representation from members of the public within 3 working days of receipt.
- 3 Copy and send all letters of objection and representation to the appropriate Ward Councillor within 5 days of receipt.
- 4 Acknowledge comments on new planning applications submitted online within 3 working days of receipt.

### **Deciding Your Planning Application**

A decision on your planning application is made by one of two methods - using powers delegated to the Director of City Development; or by the Development Quality Committee.

The guidance leaflet "Public Participation and Applications for Planning Permission" explains the decision make process in greater detail.

When a decision has been made on your planning application the Development Quality Service will:

- 1 Normally issue the decision notice within 2 working days of the decision being taken.
- 2 Explain your right of Review or Appeal against a decision to refuse planning permission or against the imposition of a condition or conditions.
- 3 Notify individual objectors of the decision on the application within 10 working days of the Decision Notice being issued.
- 4 Update the statutory Planning Register with details of all new decisions within 5 days.

### **Monitoring & Enforcing Development**

It is important that all developments which require planning permission obtain permission before any development starts on site. In addition, all approved developments should be carried out in accordance with the permissions granted and with any conditions imposed. The City Council has a duty to investigate breaches of planning control and has powers under planning legislation to remedy breaches of planning permission.

The booklet "The Enforcement Charter: A Guide to Enforcing Planning Controls" explaining enforcement procedures in greater detail is available at the Customer Contact Centre, at public libraries or online at

[http://www.dundee.gov.uk/dundee/uploaded\\_publications/publication\\_791.pdf](http://www.dundee.gov.uk/dundee/uploaded_publications/publication_791.pdf)

Where an alleged breach of planning control is reported or suspected, the Development Management Service will:

- 1 Acknowledge valid written complaints (letter and Email) in writing within 10 working days of receipt.
- 2 Visit the site of each complaint and undertake further research to establish whether or not the activity or building work is considered to be unauthorised.
- 3 Where possible contact the owner/occupier or the property concerned within 10 working days to discuss breaches of planning legislation.
- 4 Inform the complainant of the course of action which the Planning Service intends to take regarding the complaint within 5 working days of a decision.

### **Performance Monitoring & Continuous Improvement**

Our Development Management processes and procedures will be regularly reviewed and local performance standards, in addition to those established by Scottish Ministers and the Accounts Commission, will be identified.

Comments and suggestions from customers are very important to us to show how well we are performing and where we can still improve.

To monitor and review our performance the Development Management Service will:



- 1 Annually report performance against agreed standards to the Development Quality Committee and publish the results on the Council's Website.
- 2 Undertake regular Customer Satisfaction Surveys, report the results to the Development Quality Committee and publish this information on the Council's Website.
- 3 Periodically review and update the Development Management Service procedures to ensure efficiency and effectiveness of the service is maintained and if possible improved.

### **Customer Satisfaction**

The Development Management Service is committed to providing the highest standards of service for the citizens of Dundee. However, we do not always get things right first time. Where we do receive a complaint relating to the way we have delivered our service (as opposed to a decision we have reached on an application) we will be thorough and prompt in dealing with it.

If you have a complaint, it is most effectively dealt with by firstly discussing and if possible resolving your concern with the officer concerned or with the Acting Team Leader (see contact details below). If a resolution does not result, you may write to the Director of City Development, Floor 15, Tayside House, 28 Crichton Street, Dundee, DD1 3RB on a more formal basis. If the Director's formal response fails to resolve the complaint the Council's corporate complaints procedure is available. Further details are available on the Council's website at:

[http://www.dundee.gov.uk/dundeecity/uploaded\\_publications/publication\\_1173.pdf](http://www.dundee.gov.uk/dundeecity/uploaded_publications/publication_1173.pdf)

On line complaints may be made by following the link below:

[https://www.dundee.gov.uk/forms/dcc\\_complaint.php](https://www.dundee.gov.uk/forms/dcc_complaint.php)

When you write to us with a complaint about how we are delivering the Development Management Service we will

- 1 Explain the complaint procedures which will be followed.
- 2 Acknowledge written complaints in writing within 5 working days advising as to how the complaint will be dealt with and the likely timescales involved.
- 3 Fully investigate all complaints and give a written response recording the outcome of the investigation and any action the Council proposes to take to ensure an improved service.

### **Customer Conduct**

The Development Management Service supports the highest standards of customer care. However, the Council will not tolerate instances of verbal or physical abuse of its officers or Members. The Council will record such incidents and may report the most serious incidents to the police.

Conversely, it is expected that all those involved in delivering the Development Management Service will treat its customers with kindness and respect.

### **How to Contact Us**

The Customer Contact Centre, Floor 2 Tayside House, 28 Crichton Street, Dundee is open for enquiries by personal callers during the following hours: Monday to Friday 0830-1700, except for public holidays and on other days when the Council's services are unavailable. No appointment is necessary although it is better to make contact with the Duty Planning Officer by telephone in advance if you consider that a meeting is necessary or if professional planning advice is needed. The contact telephone number for this service is:

### **01382 433105**

If you have made a planning application and wish to discuss it with the officer assigned to the application, contact details will be provided on correspondence you or your agent will have received from the City Development Department.

The Development Management Charter is our commitment to you in providing a more effective and efficient service with clearly defined standards of customer care.

Where we fail in our commitment to you we wish to hear from you so that our service can be continually improved.

If you wish to write to us concerning this Charter or the services we provide, we can be contacted at the following address:

Charlie Walker - Acting Team Leader  
The Development Management Service  
City Development Department  
Dundee City Council  
Floor 15, Tayside House  
28 Crichton Street  
Dundee DD1 3RB

Alternatively you can email, telephone or fax us using the following contact details:

**Email:** [charles.walker@dundeecity.gov.uk](mailto:charles.walker@dundeecity.gov.uk)

**Telephone:** 01382 433378

**Fax:** 01382 433013

### **Further Information**

Further information on all City Development Department services can be found online at the following web page:

<http://www.dundeecity.gov.uk/citydevelopment/>

Bengali  
Chinese  
Punjabi  
Urdu

**Translation & Interpretation Service**

If you have difficulties understanding English, please contact the address below:

Dundee Translation and Interpretation Service  
Dundee City Council  
Central Library  
Wellgate Centre  
Dundee  
DD1 1DB

Tel: 01382 434910