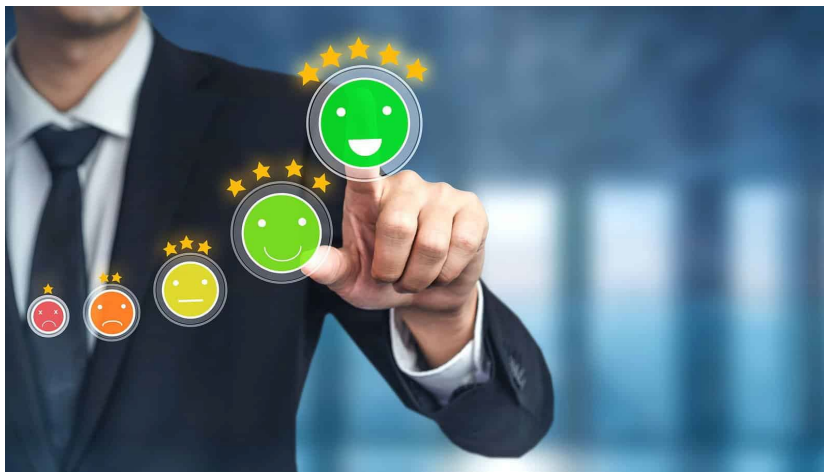


# Durham County Council

## Development Management Customer Charter

November 2024



## Background

This Charter explains the services that the Development Management (DM) Team of Durham County Council provides and sets out the standards that customers can expect to receive in accessing these services. It provides further details as to where more detailed information can be found on how these services operate. It also provides the key contact points for customers looking to engage with the service.

The service operates through three different teams. Two of the teams, the Area Development Management Team and Planning Enforcement Team are area based. Whilst the Strategic Development Team deals with major developments proposals across the County including minerals and waste schemes, with a separate compliance and monitoring function.

The teams provide 3 main types of service; all centred-on issues related to the development of land and the application of town planning legislation. They are:

- Providing advice on the requirement and also the likelihood of gaining planning permission and other related consents for proposals.
- Dealing with statutory applications for planning permission and other related consents.
- Ensuring compliance with planning legislation and the taking of enforcement action where required.

## Core Service Values

The DM Service provides a regulatory service, as a result it is required to make decisions that are based on statutory legislation. Many planning decisions are not controversial but on occasion, decisions are not supported by all. Consequently, the service makes decisions that are controversial and, in some instances very unpopular with large numbers of people.

The Service operates with a high level of transparency, with much of the work it undertakes being subject to open and full public consultation. Quite often people engaging with the service do so for the first time and with no prior knowledge of how planning operates.

As a result of this background, it is important that the Service operates in a manner that is as open and helpful as possible. To ensure we deliver in this area, and to allow us to develop the highest possible standards of service, we will aim to meet the following core service values to guide all areas of our daily service delivery:

- To deal with matters quickly without unnecessary delays.

- To deal with matters in a straightforward and jargon free manner, in particular when dealing with members of the public who may not be familiar with the planning system.
- To deal with people in a personable and openly approachable manner.
- To interpret regulations in a pragmatic and problem-solving manner, seeking to apply a common sense and 'can do' attitude.
- To take pride in our performance achievements, putting quality of performance at the heart of service delivery.
- Being open to challenge in our work. This involves being able to openly and freely explain why we have made decisions.

To ensure that we are delivering our service to meet these core service values we will aim to:

- Ensure that customers can access planning officers for advice in person, between the hours of 9am and 5pm by appointment.
- Ensure that all telephone messages are either returned the same day, or if not possible, within 2 working days by a relevant Officer.
- Ensure that email messages are responded to within 10 working days, either providing a substantive response or a setting out a timeframe for a more detailed response.
- Set ourselves challenging, top quartile performance standards, designed to ensure the customer receives the very best level of service possible with the resources available.
- Follow rigorous processes, in accordance with statutory requirements, to ensure that the Service is successful in Judicial Review cases and cases referred to the Local Government Ombudsman.
- Regularly review procedures to ensure a consistent manner of working is adopted throughout the service.
- Ensure that ways of working are constantly reviewed to ensure they are fit for purpose, particularly in terms of customer experience, driving value for money and delivering a proportionate approach to our work.

These statements set out our core service values to underpin service delivery. The following sections set out in more detail the key individual aspects of the Service and the detailed level of service that the customer can expect to receive.

## Pre-Application Advice

Key Aim:

*'To provide customers with timely and pragmatic pre application planning advice; that once provided is adhered to by Officers.'*

To deliver this aim we will ensure all pre-application advice is provided in a clear, written format and encompasses advice covering all the relevant issues that any future application would likely raise. This is a chargeable service, details of our fee schedule is available at the following link :- <https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

For householder developments, the service includes the ability to submit one round of amended plans for consideration within 2 months from the receipt of our initial response to address identified issues. Thereafter a subsequent pre application enquiry will be required which will be chargeable. Whilst officers will be happy to discuss a response over the phone, ordinarily a meeting will not be offered.

For all other pre application enquires, where appropriate and requested, a follow up meeting to discuss the content of the response will ordinarily be offered. This service includes the ability to submit one round of amended plans / additional information for consideration within 2 months from the receipt of our initial response. Any subsequent meetings/presentation of additional information/amendments after this will require the submission of an additional enquiry, or the entering into a Planning Performance Agreement (PPA). This is a discretionary and chargeable service as detailed at the following link :- <https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

Whilst we will provide general design advice to our non-householder pre application responses, this will not be extensive, we do however offer an Enhanced Design Review Service. This in addition to written feedback, provides applicants with a visual urban design-based guidance note setting out how specific aspects of the development could be improved and how elements of a scheme could be amended in order to achieve acceptable (amber or green) Building for Life scores. A follow-up workshop session is also offered as part of this process to allow for a discussion and resolution of the issues identified in the guidance note. Further information and the charging schedule for this service can be found at the following link :- <https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

### Performance

We aim to provide pre advice in accordance with the following targets:

- 90% of householder enquiries responded to inside 21 days.
- 90% of full advice requests responded to inside 42 days.
- 90% of strategic development projects within bespoke agreed timescales.

## Dealing with Planning Applications

Key Aim:

*“To deliver timely and pragmatic decision making, in an open and transparent manner to facilitate high quality design and sustainable development.”*

To deliver this we will aim to:

- Register and initiate consultations on all non-major valid planning application within 5 and major applications within 10 working days. The Council’s validation checklist is available at <https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>
- Determine planning applications in line with standards that will ensure we are one of the top quartile performing authorities in the Country. This means looking to do more than meet the national minimum performance standards prescribed by Government. We have set ourselves local stretch targets of:
  - 90% of major proposals inside 13 weeks
  - 90% of minor proposals inside 8 weeks
  - 95% of other applications inside 8 weeks
  - 90% of mineral and waste applications inside 13 weeks
  - 95% of householder applications inside 8 weeks
  - 80% of conditional discharges inside 8 weeks
- Be successful in at least 70% of planning appeals made against our decisions to refuse planning or other related applications.
- We will deal with 80% of condition discharge applications inside the statutory 8-week period. However, recognising many such discharge applications are straightforward and can be made much quicker than this we will deal with 75% in 6 weeks.

### Consultations

In determining planning applications (and other relevant applications and notifications) the Planning Authority is required to undertake a range of consultations with external and internal consultees, and with members of the public. The requirements for such consultations are set out in relevant Statutory Instruments, legislation, Government guidance, further information can be found at

<https://www.gov.uk/guidance/determining-a-planning-application>

In relation to public consultations, this will usually be undertaken through individual notification letters to the owners/occupiers of residential or commercial properties neighbouring an application site. The letters will inform the neighbours what is proposed in the application, how they can access the plans on the council’s Public

Access portal and the closing date by which we must receive any comments. Ordinarily comments and/or objections will not be acknowledged, but considerations material to the application will be addressed during the determination of the application.

As a general rule we will notify the occupiers of affected built properties directly adjoining a site however, the number of properties notified will depend upon the type of development proposed and the location of the application site. Further publicity will be undertaken in the form of site and press notices depending upon the scale and nature of the development.

In recognition that planning matters can be highly controversial and, in many cases, engage large parts of a community, the Service recognises that often public meetings may be appropriate to explain such matters direct. Such meetings will normally only be held at the request of a local Councillor. Where the meeting request is to explain a planning application, the preference will be to hold events early in the determination process and through the holding of a meeting to detail the proposals, where appropriate these meetings may be held virtually. All meetings must be agreed by senior Service management.

The Service fully accepts the need to meet with members of the public to explain and discuss matters. However, face to face meetings are not always essential and are resource intensive and often take some time to arrange with the Council operating a hybrid method of working. As such the preference for meetings (where matters cannot be adequately discussed through telephone call) will be virtual.

To ensure that all customers who make representations on a planning application are kept fully informed we will:

- Ensure that neighbour consultation letters include the contact details of the Case Officer, to enable people to engage directly with the relevant Officer.
- Ensure that in the event of a significant material amendment being made to an application, which could impact on a consultee or a third party, that a further opportunity for comment is offered, normally through a 14-day consultation process.
- Advise all those who have made representations on an application that is to be determined at planning committee of the date and time, and location of the committee meeting and how they can address the committee.
- Ensure members of the public attending a planning committee and that are registered to speak, are met on arrival by a member of staff who will explain the procedures to be followed.
- In the event of appeals against a decision being determined through either the local hearing or public inquiry route we will write to those people who made comments on the original application to advise of the time and date of the appeal. We will also ensure, wherever possible, that local hearings and public

inquiries relating to significant large-scale proposals, are held in a location convenient to the proposed development site.

## **Decision Making**

Decisions on planning applications are made in one of two ways:-

- Delegated to the Head of Planning and Housing (or any other officers as set out in a scheme of sub-delegation) on behalf of the Council.
- At Planning Committee (broken down into 3 geographic area (North, Southwest and Central and East) along with a Strategic Planning Committee (the County Planning Committee).

The Councils Scheme of Delegation and a breakdown of the scope of the planning committees can be viewed at <https://www.durham.gov.uk/constitution>

In line with National Planning Policy Guidance, we strongly encourage pre application engagement through our pre application advice service. This helps provide certainty for applicants and enables the Authority to effectively use its resources. Where pre application advice has not been sought, or where our advice has not been substantially followed, it will be our intention to progress to a determination of an application within statutory timescales leading to a refusal. This is unless the matters of concern can be addressed through a small amendment, which may necessitate a short extension of time for determination. Protracted discussions on the merits of a scheme during assessment of the application will not ordinarily be undertaken.

Where it is identified that a development proposal is acceptable in principle following pre application advice, but there remain matters of detail or technical matters to resolve. We will consider working through issues during an application subject to entering into a Planning Performance Agreement (PPA). Further information and our charging schedule for entering into a PPA can be found at

<https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

In relation to conditional discharges, it is our intention to progress to a determination of such applications within statutory timescales. Ordinarily extension of times will only be agreed for short periods to resolve minor technical matters, otherwise applications will be determined on the submitted information leading to a refusal. Where multiple conditional discharges and there remain outstanding matters on some conditions, a split decision may be reached.

In order to achieve the above aims, case officers will set realistic timeframes for the submission of amended plans / additional info. Service users will be expected to adhere to these timescales, or the application may be determined based on the information submitted on hand.



## Enforcement

The Planning Service has a separate Enforcement Service Plan which is available at:-  
[Planning Services Enforcement Plan \(durham.gov.uk\)](#)

## Service Users Expectations

As above set out above, while many planning decisions are not controversial, on occasion decisions are not supported by all. While we will explain and robustly set out our decision-making process, and welcome healthy debate, the Council operates a zero-tolerance approach to abuse. We therefore expect that services users engage in an appropriate manner to maintain mutual respect. Any incident where an employee is abused, threatened or assaulted in circumstances relating to their work is unacceptable and will not be tolerated.

Where abusive behaviour has occurred, action will be taken by the Council to stop or prevent the unacceptable behaviour as set out in our Zero Tolerance to Abuse Policy viewable using the following link - [Zero-Tolerance Approach to Abuse Policy](#)

## Further Information

If you require further information on the Council's Development Management function, please visit <https://www.durham.gov.uk/article/3276/Planning-applications-and-advice>.

Alternatively, please use contact [planning@durham.gov.uk](mailto:planning@durham.gov.uk) Or 03000 262 830