



Development Control Service Charter

Introduction

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

This Service Charter provides an outline of the procedures and practices adopted by Elmbridge Borough Council to discharge its development control functions and responsibilities. It was originally based on a Model Charter prepared by the National Planning Forum with suitable amendments to reflect local circumstances.

As indicated within the Service Charter, a wide range of guidance leaflets is available from the Town Planning Division to assist anyone wishing to submit a planning application or seeking guidance on planning issues.

Periodically the Council will review this Service Charter to ensure that it remains up-to-date and an accurate summary of the Council's development control service.

Service and quality

Development control is a process which regulates the development and use of land. It involves the consideration of planning applications, the monitoring of development as it takes place, enforcement action where breaches of control have occurred, and the provision of information and advice about the system generally and individual proposals specifically. It is a process governed by the law, and can be complex.

Development control is also a service to local communities. Its objective 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, and in more detail



in local policies and advice contained in the Council's Local Plan. This is gradually being replaced by the new Local Development Framework. Planning applications are considered against this framework and will normally be decided in accordance with its requirements.

The aim is to make the best and quickest decision in accordance with those local policies. This means taking into account a proposal's impact 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 might 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. They must be treated positively, courteously and equally. This Charter sets out how the service will be delivered in Elmbridge. It defines the service and the standards to be met.

Some planning applications raise complicated issues. Some concern the specialist areas of minerals and waste disposal, or require assessments of their environmental impact. By their very nature such applications will take longer to deal with and be subject to some variations in procedure.

As with the Charter itself, all letters and documents relating to development control will be written in plain language. The service will take into account the needs of ethnic and minority groups.

Pre-application advice and Information

There are considerable advantages in seeking pre-application advice. The Council aims to deal with applications quickly and does not, as a rule, seek amendments on applications that are 'live'. The Council's Local Plan and Local Development Framework are published on

the Council's website www.elmbridge.gov.uk. You are requested to ensure your proposal takes proper account of these plans before making an application and that all problems are resolved where possible. If you wish to submit your proposal informally in writing to this office beforehand, a case officer will be allocated and will be pleased to give advice. A response will normally be made within 10 working days depending on the complexity of the proposals. For simpler queries, usually in respect of householder proposals, a duty officer is available at the Civic Centre between 10 am and 4 pm.

The advice given will be accurate and objective, but will be without prejudice to the formal consideration of an application. Information will be given about relevant planning policies and previous decisions, and about the Council's requirements in relation to such factors as design and servicing standards.

The Council has adopted a formal system of providing pre-application advice given about the merits of an application to ensure a high degree of transparency and consistency, however, the Council charges a fee for all such advice except in the case of householder proposals.

Advice notes are available from the Town Planning Division and the Council's website, on how to make a planning application and on the Council's requirements for common kinds of development. These include how an application is submitted and considered, how the decision is made and the rights of access to information and documentation and the standards of development quality the Council expects. As well as the Local Plan and Local Development Framework there are general leaflets on the development control system and information about Council procedure and Committee dates and membership. If requested advice will also be given, where known, on the other approvals or consents which may be necessary, or on the steps which may need to be taken.

Submitting a planning application

It is the applicant's responsibility to make sure that the application is submitted correctly. However, if needed, help or advice will be available for completing the application form and in providing private householders and individuals with Ordnance Survey site plans. The applicant will be told what fee is payable.

Each valid application will be registered and its receipt acknowledged within 3 working days. The rights of the applicant will be explained.

If the application is incomplete or invalid, the applicant will normally be notified within two working days with an explanation of why the application is invalid and how this deficiency can be corrected. If the application is for a proposal which is permitted development, or for which planning permission is not otherwise required, it will be returned within 20 working days and the fee refunded.

Some applicants may prefer to use their own professional adviser or agent. In such cases discussions and negotiations about the application will take place directly with the adviser.

Dealing with a planning application

The case officer dealing with the application will be identified, and his/her responsibilities defined. The case officer will, where necessary, make an early visit to the site. If access is required a suitable appointment will be made where necessary.

At this stage the details of the application, including the drawings, will be published on the Council's website. This also enables an applicant to track the progress of an application through the various stages of consideration. The case officer will, on request, be able to provide more information.

Normally the application will be determined on the basis of the plans and information submitted. If the need for further information arises while the application is being dealt with the applicant will be notified immediately of that need and the reason for it. Revised plans can only normally be accepted where the changes are minor and do not result in the need for additional publicity. If the latter situation arises the application should be withdrawn and a fresh application submitted as a 'free go' under the fees regulations.

Notifying the public

The Statutory Register lists all current planning applications and past decisions. It is available for inspection by the public during office hours. Copies of applications and of decisions made will be placed in the Register within 3 working days of receipt or of date made respectively. Details of present planning applications, together with past applications dating back to 1988, are also available on the Council's website.

The Council has publicised its notification and publicity policy, and how it relates to neighbours and to interest, amenity and residents' groups. It explains the rights of people to be informed about applications, how they can obtain information, and how comments will be treated. An officer will be available during office hours to provide information and advice although it is always advisable to seek an appointment beforehand. Information about planning applications is provided weekly and publicised.

Those people notified about a specific planning application are advised how they can make comments upon it, and are allowed 21 days in which to do so. If exceptional material amendments are made to the application, neighbours will be re-notified and allowed a further 14 days for further comment.

All comments received will be considered before a decision on an application is reached. If the decision is made by an

Area Planning Sub-Committee or the Planning Committee, Members will be told about the comments, and their relevance to the application will be explained.

All those making individual representations and organizers of petitions will be informed of the decision on the application within 5 working days of issue of the formal decision notice. Information about the application and the decision is publicly accessible.

Public speaking

Where an application has attracted 10 or more written objections from separate households up to 14 days before the Area Planning Sub-Committee's meeting, or a petition signed by more than 50 signatories, one of the signatories may address the Sub-Committee. Where an objector speaks on an application, the applicant or agent will also be given the opportunity to address the Sub-Committee. Further details on this procedure, including how to register your wish to speak, are set out in a separate leaflet available from the Town Planning Division.

Making the decision

The Council will aim to deal with each application within the national targets of 60% of 'major' applications within 13 weeks, 65% of 'minor' applications within 8 weeks and 80% of 'other' applications within 8 weeks. For residential schemes a 'major' application is one proposing 10 or more properties, a 'minor' application 1-9 properties and 'other' applications cover domestic extensions, advertisements and minor changes of use, etc.

The final decision is in the form of a decision notice issued to the applicant or agent. 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.

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

Where a decision has been made to refuse an application, changes or alternatives will be suggested, on request, where it is felt these might lead to a favourable decision on a revised application. However, this will be without prejudice to the formal consideration of such a revised application. The applicant's right of appeal against the Council's decision will be explained.

Monitoring development

Once full planning permission has been given, the applicant may need to submit for approval by the Council any details of the development which have not been agreed beforehand. These details will be described in conditions attached to the permission, and approval must be sought before development can take place. In the case of straightforward matters, such as materials to be used, a decision will be issued, or a request for further information will be made, within 10 working days of receipt. In the case of more complex matters, such as landscaping schemes, a decision will normally be issued within 20 working days.

Development must be carried out in accordance with the approved plans and conditions. It is important that the Council's requirements are met and the permission is correctly implemented. It is the applicant's responsibility to let the Council know if amendments to the approved development are necessary. The approval of any amendments can only be agreed if they are genuinely minor and do not materially alter the nature of the scheme. Otherwise a fresh application is required.

Enforcing the planning law and Regulations

The Council's policy on enforcement has been agreed and publicised. It explains the Council's enforcement procedures and practice.

When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and other information sought to establish the facts. Where a breach of planning control is established the person responsible for the breach will be informed of what is wrong and what action should be taken to correct it. A time limit will be given and the consequences of not taking the appropriate action will be explained.

Complaints about alleged breaches of planning control will be treated confidentially within the Council so far as is practicable. They will be acknowledged within 5 working days. The complainant will be notified in writing within 15 working days of receipt of the complaint of how the Council intends to pursue the matter. The complainant will be further notified in writing of the decision to take enforcement action, within 10 working days of that decision being made. If the Council decides not to take action the reasons will be explained.

Complaints and performance

The Council has publicised its complaints procedures and details are available from the Town Planning Division. All complaints about the way in which development control matters have been handled will be acknowledged within 5 working days. All complaints will be fully and promptly investigated by a senior officer, and the complainant will be given a written response recording the outcome of the investigation and any action the Council proposes to take. If no action is proposed the reasons will be explained. If the complainant remains dissatisfied with the way in which the Council has handled the matter, the procedures for making a

complaint to the Commission for Local Administration (the Local Ombudsman) will be explained.

The Council publishes its development control performance monthly against the national targets, together with a range of other performance indicators, which are on display in the Town Planning Division.

If performance has fallen below its established service levels and targets the Council will identify and detail the reasons for doing so, and describe the measures it proposes to adopt to ensure targets are met. Complaints and the action taken upon them will also be identified and customer satisfaction assessed. If justified by local circumstances, it will examine its policies, practices and targets.

Originally adopted by the Council in 1993 and amended following the 'Best Value' review of Development Control in 2001.

Further guidance

This leaflet is one of a range of leaflets that give guidance on the Council's town planning policies and procedures, which are available from the Town Planning Division. We would welcome your comments on this and any other of our leaflets, so as to help us to ensure that they meet the needs of the various users of our services.

Further information can be obtained by telephoning the Town Planning Division on 01372 474474 or visiting the Town Planning reception at the Civic Centre during normal office hours.

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