

## **Planning Charter**

### **The purpose of the Planning Charter**

Planning Services is a key, statutory function within Carlisle City Council and it is considered vital that its various customers clearly understand what they can expect from the Service. The Council has therefore prepared this Charter, which sets out how the Service will be delivered and defines the standards to be met.

This Charter describes how the Council deals with:

- Planning policy preparation;
- planning and listed building and conservation area consent applications;
- provides information on planning enforcement;
- the Council's complaints procedures; and
- the standards customers can expect.

The Council is committed to providing a Planning Service that:

- Meets the needs of the people it serves.
- Operates within statutory guidelines.
- Has a system for decision-making that is open and transparent.
- Provides the local community with appropriate opportunities for influencing planning policy, for commenting on applications and for ensuring the quality of decisions.
- Works with partners and stakeholders for the benefit of the community.

## Charter Standards

Planning Services have a team of courteous and experienced staff who will be happy to offer advice and assistance with any enquiries you may have, either in person, by phone, letter or by e-mail.

When a you contact us either in writing or by e-mail we will:

- Give you the name and direct dial telephone number of the staff dealing with your enquiry;
- Provide you with a full reply with as much information as possible;
- Aim to deal with general correspondence within 10 working days of receipt;
- When you contact us by telephone, we will give our name and Section when answering the telephone;
- We will try to deal with your telephone enquiry at the time or pass you to staff who can;
- If the person you need to speak to is not available, you can choose to speak to someone else who can help; or
- Leave a message we will get back to you within 1 working day.

You can expect us to:

- Be courteous and professional at all times;
- Give you as much information and immediate advice as possible;
- Observe privacy and confidentiality, when appropriate;
- Monitor and evaluate our performance;
- Give you a quality service at all times; and
- Endeavour to provide clean, accessible public offices that ensure privacy, comply with occupational and safety standards, facilitate access for disabled people and people with additional support needs

When dealing with specific service standards, we will endeavour to:

<p align="center"><b>What Customers Can Expect</b> <b>Government Targets</b></p>	<p align="center"><b>Targets</b></p>
<ul style="list-style-type: none"> <li>• With respect to planning applications, we will determine:               <ul style="list-style-type: none"> <li>-60% of “Major” applications within 13 weeks</li> <li>-65% of “Minor” applications within 8 weeks</li> <li>-80% of “Other” applications within 8 weeks</li> </ul> </li> </ul>	<p align="center">60%</p> <p align="center">75%</p> <p align="center">87%</p>
<ul style="list-style-type: none"> <li>• With respect to inquiries and applications for work to trees and hedgerows, we will:               <ul style="list-style-type: none"> <li>-Consider 100% of such inquiries or applications in respect of trees covered by tree preservation orders within eight weeks</li> </ul> </li> <li>▪ Consider 100% of such inquiries or applications in respect of trees within a conservation area within six weeks</li> </ul>	<p align="center">100%</p> <p align="center">100%</p>
<ul style="list-style-type: none"> <li>• Consider 100% of applications to remove a hedgerow under the hedgerow regulations within six weeks</li> <li>• Resolve disputes over high hedges within 12 weeks (this is guidance only at the moment, due to the newness of the regulations)</li> </ul>	<p align="center">100%</p> <p align="center">100%</p>

- Provide a response to listed building applications within the same time periods.
- Provide a response to any planning enforcement complaints within 10 working days (check Enforcement Policy).
- Acknowledge representation including objections to planning applications by return.
- Have staff available who can deal with your enquiry.
- Explain how and why a decision was reached.

- Planning Development staff are available during office hours (8.45am - 4.45pm) Monday to Thursday, (8.45am - 4.00pm on Friday) to provide general information and advice. The advice given will be objective and as helpful as possible without prejudice to the formal consideration of an Application by the Council. If you wish to discuss an issue with a specific member of staff it is advisable to arrange an appointment prior to visiting the office. Pre-application discussions are encouraged, however it is recommended that indicative proposals be submitted prior to any meeting, as this will enable the staff concerned to contribute more knowledgeably to any proposal.

The Development Control and Local Plans and Conservation Sections of the Planning and Housing Services Business Unit provide the Planning functions of the City Council.

## **Planning Policies**

The Council has a duty to the local community to take the lead in ensuring that the local physical environment is shaped in a way that best meets the community's – sometimes, competing - needs. It has a statutory responsibility for the planning framework in Carlisle and is committed to providing a positive basis for considering future development.

The Local Plan, adopted in September 1997, is specific to Carlisle and looks ahead to 2006, and is consistent with national planning policy, Regional Planning Guidance for the North West (RPG13) and the Cumbria & Lake District Joint Structure Plan. In June 2004 the Council published the Deposit version of the Carlisle District Local Plan 2001 to 2016. In August 2005 after considering the representations of support and objections to the Draft local plan a Re-Deposit version was published. This Plan will be taken through the Local Plan Inquiry process and will be adopted by the Council as the Statutory Local Plan for the District.

The Council has a duty to determine all planning applications under Section 38(6) of the Planning & Compulsory Purchase Act 2004 to determine all applications in accordance with the development plan unless material planning considerations indicate otherwise. For this reason it is essential that the Local Plan for Carlisle, and any Supplementary Planning Guidance is clear, concise, up to date and accurately reflects the needs of the community.

Central Government has introduced the Local Development Framework that will replace the current District Local Plan. The Local Development Framework (LDF) includes several new features including a Local Development Scheme (LDS), Core Strategy, Action Area Plans and Supplementary Planning Documents (SPDs) (collectively referred to as Local Development Documents) Statement of Community Involvement (SCI) not only for the plan making process but for consultations on major planning applications. The Council is committed to this framework, which will include a review of the Local Development Framework every three years. ,

The Council will publish in January each year an annual report, which will monitor progress on the implementation of the LDF, including a review of significant planning policy issues relating to the Local Plan and a programme of proposed Supplementary Planning Guidance.

The Local Plans and Conservation Section is also responsible for other functions include the monitoring of development when it takes place and the provision of general advice and information about a wide range of planning matters including that relating to trees, high hedges, conservation areas and listed buildings.

The Council is committed to the electronic delivery of the planning service and The Council's website contains details of the current Planning Policy set out in the Local Plan and includes an interactive proposals map that allows users to identify a property or area on the proposals map and link directly to the relevant policies for the area. Also included are other Supplementary Planning Documents, which provide guidance and information on the District.

## **Development Control**

Development Control is part of a wider planning process, which includes several functions connected with the regulation of development, and use of, land and buildings. It principally considers planning applications and any resultant appeals, but, also listed building consent applications, conservation area consent applications and enforcement action where breaches of control have occurred. Many people become involved in planning through the Development Control process, either as applicant for planning permission or as someone affected by a development that is proposed or has taken place.

## **Planning Applications**

There is a general presumption within planning law that planning applications should be approved unless they adversely affect matters of acknowledged importance. The Council has to have regard to this, as well as Section 38(6) of the Planning & Compulsory Purchase Act 2004 that requires applications to be determined in accordance with the development plans unless material planning considerations indicate otherwise.

In relation to individual applications, the Council aims to make the best decision on the proposal having regard to Section 38(6) and its impact on the environment and on the economic and social well being of the community as a whole. It is important that the right decisions are taken having regard to all the relevant policies and material considerations and therefore the decision will not necessarily be made quickly.

The Government has set targets for the determination of planning applications based on the type of application. These are 'major', 'minor' and 'other' applications and the Government's targets are:

- 60% of all 'major' applications are determined in 13 weeks;
- 65 of 'minor' applications are determined in 8 weeks; and
- 80 of 'other' applications are determined in 8 weeks.

In all cases where an application has been refused, or conditions imposed which the applicant does not consider acceptable, a right exists to appeal against the decision to the Planning Inspectorate). Legislation provides for this right of appeal to exist for the applicant only and it does not extend to local residents or other parties who may be aggrieved about the decision.

In view of the complex nature of some planning applications and enforcement matters there will be cases when the levels of service defined within the Charter cannot be achieved. However, it is the Council's aim to strive to achieve these service levels and Senior Management Team and Council Members will consider any major shortfall within regular reviews of the performance of Planning Services. In order to consider large and complicated applications the Council has introduced the 'Development Team' approach which brings together all relevant consultees (including the Environment Agency, Highway Authority, Police and other relevant Council Business Units) to consider applications at an early stage to consider all the relevant issues and avoid delays in the process.

The Council has set out to organise the way in which planning applications are processed so that a proper balance is achieved between meeting the performance requirements of Central Government and ensuring proper consideration in respect of our commitments to the local community. The Council is committed to ensuring that the rights and needs of the local community are properly considered when determining planning applications.

The Government expects 90% of decisions on planning applications to be delegated to officers and the Council have amended the Scheme of Delegation to try and achieve that level. The Council recognises that many applications are of an uncomplicated nature and that responsibility for making decisions about these can reasonably be delegated to suitably experienced and qualified professional planning officers. However, the Council is aware that any form of delegation can give rise to concern about the quality of the decisions made and is committed to establishing suitable safeguards to ensure that all decisions are made in an open and transparent way.

To ensure this happens the Team Leaders of the two development control teams inspect all applications that may be determined under delegated powers to ensure consistency and that the appropriate consultations have taken place. In addition the Development Control Committee will determine any application that has received four or more objections as well as other significant planning applications with fewer objections. Furthermore, the Ward Councillor may request that an application be referred to Development Control Committee.

The Council has also introduced the 'Right to Speak' at the Development Control Committee, which allows objectors to outline their objections directly to the Development Control Committee and allows the applicant to respond. If an objector exercises their 'Right to Speak' the application is referred to the Development Control Committee. The neighbour notification letter explains the process and a leaflet explaining the procedure is available on line on the Council's website and on request to the case officer.

A copy of the Committee report will be sent to any objector who has registered the 'Right to Speak' and the applicant or agent on the Friday preceding the Development Control Committee.

### **Advice, information and consultation**

Past experience has shown that many problems encountered in the process of determining applications can be avoided if proper steps are taken prior to the submission of an application.

The Council is committed to providing the best possible pre-application service and will encourage developers and applicants to enter into pre-application discussions with the Council, the local community and any relevant stakeholder groups at the earliest opportunity. This encourages good quality applications and ensures they can be dealt with as efficiently as possible.

All letters making representations on planning applications are acknowledged on the day of receipt. It is the aim that all other letters are responded to within 10 working days of receipt although letters raising complex issues may take longer. Simple queries are answered by telephone. Where an answer cannot be given immediately, telephone calls are returned within 1 working day.

The Council is committed to the electronic delivery of the planning service and planning applications can be submitted online through the Planning Portal website. The following information on planning applications is available at both the customer inquiry centre and on the Council's website.

- Lists of applications received.
- Copies of current applications.
- Copies of Committee Reports.
- Copies of all decision notices.
- A register of enforcement and related notices.
- Case files on specific properties (2 days notice required at the Customer Contact Centre)?

## **Publicity for planning applications**

The Council is required to publicise the receipt of planning applications and this can be done in one of three ways:

- Notice in the local press;
- Site Notice; or
- Direct neighbour notification.

It is normal practice in residential areas to notify neighbours directly and notification letters will be sent out as soon as an application is validated as complete and are invited to make comments with 21 days. If amendments are made to an application, neighbours will be re-notified and allowed a further 14 days for comment. Letters of comment are acknowledged by return of post.

Current applications can be viewed on the Council's website and at the enquiry desk within the Customer Contact Centre. An officer will be available at the Customer Contact Centre to discuss concerns and give advice.

A named case officer is assigned to all planning applications including major applications even where the Development Team is involved. The applicant and any neighbours and consultees will also be informed of the case officer. If anyone would like to discuss a particular application, the case officer dealing with the application will be happy to do so. It is usually best to make an appointment, although staff will do their best to assist at all times.

The case officer is responsible for considering all stages of an application although will be able to seek advice and guidance from more senior officers. This includes pre-application discussions, work involved in processing the application and making appropriate recommendations to the Development Control Committee (where required). Officers will be normally selected on the basis of their expertise and experience to best fit the application. This will, however, be subject to fair workloads, service efficiency and the need to ensure staff development.

Anyone making a representation on a planning application including statutory consultees will be notified of the decision together with the reasons for the decision.

All planning applications will, on receipt, be checked to ensure all the relevant information required has been submitted with the application. (The Council will supply with the application forms detailed notes on the information that is required for the consideration of applications) If a planning application is complete, Planning Services will:

- Register it, if complete;
- Acknowledge the application and inform the applicant or agent the name of the planning officer who will handle the application;
- Send out the necessary notification letters to neighbours or site notices and consult with statutory and other relevant consultees.

Between the date of registration and the determination of an application, the case officer will be able to advise on progress.

If the application is to be decided by a Committee, the applicant will be advised of the date of the meeting and informed of their right to speak at the Committee meeting.

After a decision has been made, the applicant will be notified within 3 days. Any conditions attached to the permission, and any additional information or advice, are set out clearly and the reason for the decision is explained. Similarly, if the Council decides to refuse planning permission, the decision notice will contain the reasons for the refusal. The applicant's right of appeal against the refusal will be explained. Planning officers will also advise on any changes or alternatives to the proposals that could result in an approval of a revised application.

## **Working with Parish Councils**

The Council is committed to developing relationships with Parish Councils and other 'stakeholder groups' within the wider community in a way that will help them to be involved in this part of the planning process and to maximise the Council's ability to monitor both authorised and unauthorised development. It does this by:

- Consulting Parish Councils on all applications in their area
- Consulting Parish Councils on applications in neighbouring areas that may be close to their Parish boundary
- Informing Parish Councils of the application decision and any conditions or legal agreement and sending them copies of relevant decision notes and legal agreements
- Informing Parish Councils of why decisions were made at variance from their recommendations

## **Enforcement**

The Council has a statutory duty to ensure that development is built in accordance with the plans that are approved, including complying with any conditions or legal agreements. Equally, the Council has powers to take action against any development that does not have planning permission or listed building consent. However, it will exercise these powers on the basis of the extent of demonstrable harm caused by any alleged breach of planning control.

A separate Policy on Enforcement is available on the Council's website and can be obtained from the Planning & Housing Business Unit or the Customer Contact Centre.

## **Resources**

The Council will undertake annual reviews of the resources required to carry out the work involved in adhering to the commitments within this Charter. It recognises the importance of maintaining a high level of expertise and skill of planning staff, and will utilise the appraisal system for assessing awareness and training needs, and will undertake to provide resources to achieve this.

The Council will ensure that councillors involved in planning have an awareness and understanding of the planning policy framework and their legal responsibilities of being members of the Development Control Committee. Regular training on planning matters will be provided.

## **Monitoring Development**

Permission is given for the development detailed in the application and if the development is not in accordance with those details the development will not have planning permission and enforcement action may be necessary. It is therefore very important that any proposed changes are discussed with the case officer and it may be necessary to submit a new application to rectify the position.

Planning permission is often conditional and a list of conditions will be attached to the Notice. Some of these conditions may require the applicant to submit further information to discharge the conditions prior to commencement of development. If this further information is not submitted it may invalidate the permission. It is therefore very important for the applicant to read the conditions very carefully and if unsure discuss with the case officer.

### **Asking for an appointment:**

If you wish to meet a member of staff to discuss any aspect of the Service please contact 01228 817000 to arrange a mutually convenient appointment.

### **Identification of Staff:**

All Council staff are issued with identification cards and badges, which they are expected to display prominently. The badges give the name, position and Department of the holder and the identification cards also include a photograph.

If Council staff are calling at your home or place of business, you should ask to see their identity card so you can satisfy yourself that they represent the Council. The details on the identification card can be verified by contacting the telephone number printed on the identification card.

### **Treating Everyone Fairly:**

Planning Services is committed to promoting equal opportunities for the community it serves.

What you can do to help:

- Keep us informed of any changes in your personal circumstances that may affect any service that we provide to you.
- Attend any appointment on time, or let us know if you cannot do so.
- Behave in a considerate and polite way so we can give you and other customers the standard of service you would expect.
- Provide the information we ask for when we ask for it. This will help speed up the process.
- Read information sent to you carefully and follow any instructions given.
- Ensure that you read all information that we provide for you, it is to your benefit.
- Please be patient as there will be times when we are exceptionally busy. We will however, make every effort to keep waiting times to a minimum.

**If you are not satisfied:**

If you are unhappy with any aspect of our service, please contact us and we will try to resolve any problems quickly, and explain what we have done and why.

The Council does have a Corporate Complaints procedure if you are not satisfied with the initial response from the case officer. The leaflet and form for making a Corporate Complaint can be obtained on the Council's website and from the Customer Contact Centre.

If you remain unsatisfied you can then complain to the Local Government Ombudsman.

**Format**

This charter is available in different formats e.g. large print, audio, braille or language on request.