

Development Control Customer Charter



Planning Services
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Development Control Customer Charter

Development Control Aims

The purpose of the Development Control Service is to improve and protect Solihull's physical environment and economy. The main aims of the service are summarised below:

- To help implement the policies and proposals contained within the Unitary Development Plan for Solihull
- To ensure, through negotiation, appropriate development of a high quality
- To ensure that development has regard to the protection and enhancement of the environment, with particular regard to Conservation Areas, listed buildings and Tree Preservation Orders
- To provide an efficient, effective and high quality service to all customers, making the best use of available resources and to inspire customer confidence at all levels of the service
- To determine planning and advertisement applications, undertake planning enforcement and monitor development consistently with national and local policies
- To make the work of the Development Control service understandable and responsive to its customers
- To ensure that staff are effectively managed and motivated and fully developed according to their capabilities, aspirations and within available resources, through training to meets the aims and objectives listed above

If you want Information and Advice

We welcome discussions with the applicant or agent before an application is made to encourage quality applications and to ensure that they can be dealt with as efficiently as possible. The office is open at the following times:

Monday, Tuesday and Thursday 9am to 5.30pm

Wednesday 10am to 5.30pm

Friday 9am to 4.30pm

We will make requested planning application files available for inspection as soon as possible and normally no later than 24 hours from a request being received.

All letters received by the Development Control team will be acknowledged within three working days, this includes letters commenting on planning proposals or letters raising queries. Sometimes, due to the complexity of the enquiry or the need to await a consultation response, it may take longer to reply and you will be advised of when a response can be expected in the acknowledgement letter.

We aim to answer telephones within five rings. If we can't deal with your enquiry immediately, we will return your call as soon as possible, at the latest by the next working day.

Pre- Application Discussions

As said earlier, we welcome pre-application discussions. If a pre-application discussion is about a proposal for a large or complex major development, we will bring together a number of relevant officers from other sections or departments of the Council, to seek their views. This will ensure that all the key issues can be identified at the outset and enable any advice given at this stage to be incorporated into a formally submitted planning application. The aim is also to avoid any unnecessary delay.

However we will reject requests for pre-application discussions or advice where a prospective developer has ignored advice previously given on the same site.

Where a developer fails to incorporate advice given at the pre- application stage into a formal planning proposal, the Council will normally be recommended to refuse planning permission without further negotiation.

Any advice given will be accurate and objective but will be without prejudice to the formal consideration of an application.

From time to time information may come to light after advice has been given that warrants a change of stance towards a particular development proposal. It may also be necessary to revise advice following guidance subsequently received from a more senior officer. However we will seek to minimise the

number of such instances and in all cases will inform the recipients of the advice as soon as possible.

Information will be given about relevant national and local planning policies and their status; previous relevant decisions and the Council's requirements in relation to factors such as car parking and design standards. Advice will be given, where known, of any other approval or consents that may be necessary.

Copies of the Council's policies on common types of development and other relevant documents will be made available free of charge as will general leaflets on the Development Control system, Council procedures and dates of forthcoming Planning Committee meetings. These notes are also available on the Council's web site.

Whilst the above common points apply to all our customers, particular regard will be given to the need for flexibility and understanding when dealing with people or groups with special needs, including those of the physically disabled, and ethnic minorities. Development Control publications are available in large print or in languages other than English, on request.

Submitting a Planning application

It is the applicant's responsibility to ensure that the application is submitted correctly with, for example, the correct fee and sufficient details to enable it to be determined. However, if needed, advice or help will be available for completing the application form and providing private householders and other individuals with ordnance survey site plans. A charge will be made to cover the cost of this service in line with a scale of fees set by the Ordnance Survey and the Council's own administrative and photocopying charges.

The applicant or agent will be told what application fee is payable and on what basis the fee is calculated.

Each application will be checked, registered and its receipt acknowledged within three working days. The acknowledgement letter will inform the applicant of the date of receipt of the application, the expiration of the eight week period within which an appeal may be lodged if a decision has not been made and the name and direct dial telephone number of the case officer dealing with the application.

If a submitted application is incomplete or invalid, the applicant or agent will be notified and an explanation given as to how this can be corrected, within five working days.

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

Dealing with an Application

The case officer dealing with the application will try to visit the site within ten working days of receipt of the application. If access is required, a suitable appointment will be made.

Where, following a site visit, it is apparent that certain information is missing from an application or where an amendment would result in an improved scheme, the applicant will be advised of this by telephone or in writing and given ten working days to submit the required details. The implications of not supplying the missing information will also be explained. Where revised details are submitted, more time may be needed to consider the amendments before a decision is made.

Similarly, where a proposal does not meet the requirements of Council policy but can be easily amended to do so, such amendments will be invited if it would not prejudice meeting our Best Value Performance Targets on dealing with planning applications. However if the amendment required is beyond a minor change to the original proposal and requires a complete redesign of the scheme only limited negotiations will be held. In these cases the applicant will be invited to withdraw the application and take advantage of pre- application discussions on an alternative scheme with a planning officer.

Notifying the Public and Consultations

The statutory register which lists all current planning application and past decisions will be indexed and available for inspection within three working days of those applications being determined valid. Copies of decisions made will be available for inspection within two working days of the decisions being taken.

The Council will compile a weekly list of all applications received and decisions made and make this available on the Council's web site.

Copies of the submitted applications including forms, plans and any supporting information will be supplied on receipt of a fee to cover the cost of photocopying. Any plans copied will be for the private use of the recipient only and will bear a copyright stamp. Copies of decision notices will also be supplied at a fee. A list of current charges is available on request.

The Council will notify in writing the occupants of premises directly adjoining an application site in accordance with the adopted Neighbour Notification Procedure. Further information is available in our Publicity Policy, please contact Development Control on 0121 704 6373 to request a copy.

Notification letters will always provide the following information:

- The site address
- The proposed development
- When and where the application can be viewed

- A contact name and direct dial telephone number for further enquiries
- The time limit for the receipt of written comments (a minimum of 21 days from the date of the letter, sometimes less in the case of a proposal to amend an ongoing application)

Where it is not apparent where the owner or occupant of any adjoining land lives, the Council will erect a notice at the site advertising receipt of the application and where it may be viewed. A site notice will also be erected where the Council considers that the planning application may be of wider concern to more than just the immediate neighbours, as well as for applications in Conservation Areas or relating to the alteration or setting of a listed building.

In some cases, the Council must consult other specified authorities or agencies to gain their views on a development proposal. These consultees will be given a 21-day period to comment on the application in writing. The Council will give due consideration to all consultee responses received within this period.

The Council will consult its Conservation Advisory Committee (CAC) on all planning applications which might significantly affect the character of a Conservation Area whether within a designated area or outside it but part of its setting. Applications which affect important archaeological remains will also be put to CAC for its views.

All written comments made on an application will be considered before a decision is made. If an objection raising planning matters is received, the application and objection will be determined by the Head of Planning Services in liaison with the Chairman of the Planning Committee or by the Planning Sub Committee. Complex cases or those that result in five or more neighbour objection letters, are normally considered by the Planning Sub Committee. All other applications will be dealt with by the Head of Planning Services under the Council's Scheme of Delegation. Further information on how we deal with your application is available by contacting Development Control on 0121 704 6373.

Where an application is to be reported to the Planning Sub Committee, those who have made written comments will be informed in writing of the date of the relevant Planning Sub-Committee meeting and will be invited to attend the meeting. They will be allowed to make a verbal presentation to the Committee Members, for no more than three minutes provided they inform the Council of their desire to do so by no later than noon on the day before the meeting. Please note that a maximum of three minutes public speaking is allowed for each application and not three minutes for each person wishing to address the Planning Sub Committee. Therefore where a proposal is of particular interest to a group of people, it may be preferable to elect a spokesperson to represent all the objectors. Further information on Speaking at Committee is available by Contacting Development Control on 0121 704 6373.

The Council will publicise on its web site the dates of the Planning Sub-Committee in order to give its customers the opportunity to attend.

Those making individual comments on an application will be informed of the decision made within one working day of the issue of the decision notice.

Making the Decision

The Council will strive to achieve the government targets to determine planning application in the following time scales:

- 60% of major applications within 13 weeks
- 65% of minor applications within 8 weeks
- 80% of other applications within 8 weeks

Once the decision has been made on the application the decision notice will be sent to the applicant on the same or following day. Any conditions attached to permission will be set out clearly and reasons for approval or refusal of planning permission will be explained.

Some decisions may not be made until the applicant or other relevant parties have entered into a planning legal agreement. Where a legal agreement is required, the applicant will be informed at the earliest opportunity so that negotiations and the form and content of the agreement can be progressed alongside the planning application process. The cost of the legal and administrative work involved in the preparation of such an agreement is payable by the applicant.

Where an application is refused planning permission, details of the applicant's rights of appeal will be given with the decision. The applicant will however be encouraged to discuss the refusal with the Council in order to establish whether a revised application would be likely to lead to a favourable decision.

In all cases decisions on planning applications will be based on the planning merits of the case in terms of Development Plan policy, national guidance and other material considerations. Applications will only be refused where there are valid and sustainable planning grounds for doing so.

Monitoring Development

Once planning permission has been granted, the applicant may be required to submit further details, in accordance with a planning condition. In the case of straightforward matters a decision will be issued within 15 working days. In the case of more complex matters, it may be necessary to seek the views of other consultees, where this is the case, receipt of the details will be acknowledged and a full response given as soon as possible.

Development must be carried out in accordance with the approved plans. If amendments are submitted a decision will be given within 15 working days as to whether a further application is required or whether the matter may be treated as a minor amendment to the existing approval. If it is considered that the proposed amendment will affect neighbours, normally, the matter cannot be dealt with as a minor amendment and the submission of a fresh application will be required.

The Council will monitor selected developments to assist compliance with planning conditions and the approved plans.

The receipt of written complaints about unauthorised development will be acknowledged within 3 working days. A visit to the site or premises to establish the facts will also be made within ten working days of an alleged breach of planning control being reported.

Where a breach of planning control is established, the person responsible for the breach will be informed in writing what action needs to be taken to correct it. A time limit will be given and the consequence of not taking the appropriate action will be explained. The complainant will be notified within 15 working days, of the findings arising from the officer site visit, explaining what action the authority propose to take, or why no formal enforcement action is needed.

Where the breach of planning control means that enforcement action is a possibility, the matter will be reported to the earliest possible Planning Sub Committee. Where there is a significant breach of a planning condition or further information is required a Breach of Condition Notice or Planning Contravention Notice respectively will be served using powers delegated to officers. The complainant will be informed in writing within ten working days of a decision being made by the Authority to take formal enforcement action.

Complainants will be notified in writing of progress in respect of an enforcement investigation within ten working days if enforcement action is authorised by the Council. If the Council subsequently decides to take no action, the reason will be explained. Further information is available on request, please contact Development Control and ask for a copy of our Enforcement Policy on 0121 704 6785.

Planning Appeals

Where appeals are lodged and these are to be dealt with by a hearing or Public Inquiry, the Council will, where appropriate and before a hearing date, discuss with the appellants amendments which might lead to an acceptable proposal.

The Council will in all cases request that appeals are dealt with under the written representation procedure unless this is deemed contrary to the interests of the public or the Council.

The Council will submit documents to the Planning Inspectorate including appeal statements and other information in accordance with statutory requirements and time scales.

The receipt of appeals and the eventual outcome will be reported to the Planning Committee, together with details of any costs awarded in favour of or against the Council.

Trees

All applications to carry out tree surgery work to trees covered by a Tree Preservation Order will be determined within eight weeks of receipt.

All applications to carry out tree surgery work to trees within a Conservation Area will be determined within six weeks of receipt.

All complaints regarding the unauthorised cutting or felling of trees will result in a visit being made to investigate and a response to written complaints within 15 working days.

Complaints and Performance

All written complaints about the way in which development control matters have been handled will be dealt with under the Council's Complaints Procedure, full details of which can be found on the Council's web site. All written complaints will be acknowledged within five working days and fully investigated so that a response will be given within 15 working days. The response will record the findings and outcome together with any action that the Council proposes to take. If no action is proposed the reason will be explained.

If the complainant remains dissatisfied about the way in which the Council has handled the matter, the procedures for making a complaint to the Local Government Ombudsman and the terms of his jurisdiction will be explained.

The Council will publish an annual review of its development control performance. If performance falls significantly below established service levels and targets in this Charter the reasons for this will be explained and measures proposed to ensure that the targets can be met.

Reviews of customer satisfaction with the development control service will be carried out and the Council will consider whether the quality of development achieved matches its expectations and in the light of this, if existing policies, practices or targets should be revised.

Targets Summary Sheet (all targets commence from date of receipt)

Service	Target
<p>1. Pre- application Discussions: Asking for advice</p> <ul style="list-style-type: none"> • Telephone enquiries • Acknowledgement of letters • Response to letters • Viewing a file • Telephone response rate 	<p>Within 1 working day Within 3 working days Within 10 or 20 working days Within 1 working day Within 5 rings</p>
<p>2. Submitting a Planning Application</p> <ul style="list-style-type: none"> • Checking, registration and issue of receipt • Letter to applicant/agent on non-valid applications and informing of action required. 	<p>Within 3 working days Within 5 working days</p>
<p>3. Dealing with an Application</p> <ul style="list-style-type: none"> • Officer site visit 	<p>Within 10 working days</p>
<p>4. Notifying the public and consultations</p> <ul style="list-style-type: none"> • Copies of valid applications available for inspection (Planning Register) • Copies of decision notices available • Planning application files available for inspection following request 	<p>Within 3 working days Within 2 working days Within 1 working day</p>
<p>5. Making the decision</p> <ul style="list-style-type: none"> • Determining major applications • Determining major applications • Determining householder and other applications • Forwarding decision notice to applicant • Site visit by Planning Sub Committee on deferred items • Neighbours who have made comments advised of application outcome 	<p>60% within 13 weeks 65% within 8 weeks 80% within 8 weeks Within 1 working day Within 15 working days Within 1 working day</p>

Continued..

Service	Target
<p>6. Monitoring/Enforcement</p> <ul style="list-style-type: none"> • Decision relating to the discharge of a planning condition. (non complex cases) • Decision on proposed amendments to an application • Acknowledgement of written enforcement complaint • Initial Enforcement site visit • Notification to complainant about progress/action to be taken or why no formal action is needed • Notification to complainant about decision to take formal enforcement action 	<p>Within 15 working days</p> <p>Within 15 working days</p> <p>Within 3 working days</p> <p>Within 10 working days</p> <p>Within 15 working days</p> <p>Within 10 working days</p>
<p>7. Trees</p> <ul style="list-style-type: none"> • Determination of applications for tree surgery to trees covered by a Tree Preservation Order • Applications for tree surgery to trees in a Conservation Area • Reported unauthorised tree work- response letter 	<p>Within 8 weeks</p> <p>Within 6 weeks</p> <p>Within 15 working days</p>
<p>8. Complaints and Performance</p> <ul style="list-style-type: none"> • Written acknowledgement of complaint • Response to complaint 	<p>Within 5 working days</p> <p>Within 15 working days</p>

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