



INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Public

Date of Meeting: 9 March 2006

Title: PLANNING SERVICES BEST VALUE REVIEW

Report of: Head of Planning Services

Report reference: DS.08.06

Summary:

This report and appendices gives the committee the final scheduled quarterly update on the Best Value Review Improvement/Action Plan.

Recommendations:

- That Members comment on the contents of this report and appendices
- That Members agree that points D3 (page 11) and E2 (Page 13) of the BVR Improvement Plan are completed
- That Members accept that points C1 (Page 10) and D2 (Page 11) will be concluded within the next financial year
- That Members agree to sign-off of the Improvement Plan on the understanding that subsequent improvement activity (see conclusions) will be reported as part of the Performance Management reporting system

Contact Officer: Martin Daley/Chris Hardman

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Infrastructure Overview and Scrutiny Report P.43/04

1.0 INTRODUCTION

- 1.1 Members received report P.49/04 on the Best Value Review of Planning Services on 21 October 2004. It was agreed that members of the Improvement Plan Monitoring Group would make regular quarterly updates to subsequent Infrastructure O&S Committee meetings.
- 1.2 These reports and supporting evidence of improvement activity have been presented to committee, who have systematically signed off the various tasks contained within the improvement plan. This report covers the last three outstanding items on the plan, which is attached as Appendix 1 for reference.

2.0 PROGRESS OF ACTIVITY WITHIN BVR IMPROVEMENT PLAN

2.1 THEME B – Assuring the quality of development

- E2 – The Enforcement Strategy has been reviewed and is attached as Appendix 2

2.2 THEME C – Enhancing Customer Care

- C1 – Work has been done on the analysis of S106 agreement but further discussions with other users is continuing during the design stage of the database that will be used indefinitely
- D2 – This will be done once the Customer Contact Centre is fully established. As part of the CCC exit questioners will interview customers after their interview. This type of questioning will apply to all services within the authority
- D3 – The proposed Planning Charter is attached as Appendix 3. This document has been developed after benchmarking with other authorities - recommended as examples of best practice by the Planning Advisory Service and the Public Sector Benchmarking Service. The charter is presented to committee in draft form to allow Members full sight and input into the document prior to publication. Production costs have been budgeted for and will be funded by money already in the 2005/06 Best Value budget. Two hundred hard copies will be produced with each councillor receiving their own personal copy. The document will also be published on the authority's website

3.0 CONCLUSIONS

- 3.1 Further progress has been made since the last presentation to committee. Pending the Infrastructure O&S Members' agreement, the improvement planning activity is now complete, within the scheduled timeframe of the financial year 2005/06, although – as noted by committee previously - much of the analysis, consultation and reviewing activity contained within the Improvement Plan, will continue indefinitely.
- 3.3 Although the Best Value Review and subsequent Improvement Plan have been a success, the question of skilled resource within Planning Services remains a concern. An example of the strain officers are under is illustrated by the ODPM/Treasury recommendation that this authority should have 9½ case officers in Development Control, excluding the manager (based on 1400 applications in 2005). Carlisle has seven and a half officers *including* the manager. There is a real fear that further strain will be put on resources as the council has recently been declared a Standards Authority and will be open to further scrutiny.
- 3.4 As stated earlier in this report, Planning Services will monitor performance with support from the Policy & Performance Team – as part of the authority's Performance Management Framework, with updates being presented to committee through the normal quarterly reporting cycle.

4.0 RECOMMENDATIONS

- That Members comment on the contents of this report and appendices
- That Members agree that points D3 (page 11) and E2 (Page 13) of the BVR Improvement Plan are completed
- That Members accept that points C1 (Page 10) and D2 (Page 11) will be concluded within the next financial year
- That Members agree to sign-off of the Improvement Plan on the understanding that subsequent improvement activity (see conclusions) will be reported as part of the Performance Management reporting system

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Action/Improvement Plan – March 2006

Planning Services Best Value Review

Action/Improvement Plan – March 2006

BACKGROUND

The Planning Services Best Value Review was part of the Council's Programme of Performance Reviews 2002-2005. The review itself was carried out between December 2002 and June 2004. The Infrastructure Overview & Scrutiny Committee approved the completion of the review - pending implementation of the improvement plan - at their meeting on 21 October 2004.

A monitoring group has been set up to check progress of implementation. Regular updates will also be presented to the Infrastructure O&S Committee until the plan has been fully implemented.

BALANCED SCORECARD

This plan will improve all aspects of Planning Services. With this in mind, a balanced scorecard has been added to the plan to demonstrate that different perspectives have been considered when conducting the Best Value Review and developing this subsequent improvement plan.

The balanced scorecard follows the accepted format of analysing the organisation from four perspectives. Some of the activities contained within the plan, and the associated measures and performance indicators, impact on more than one of these perspectives.

Customer Perspective
Internal Perspective
External Perspective
Employee & Financial Perspective

KEY TO ACTIONS

- ✓ Action completed
- ✗ Action not completed by due date. Remedial action to be taken to ensure implementation
- *Action not completed. No further action pending due to change in legislation or Council policy

Planning Services Best Value Review

FINDING: A The need to Ensure direct links between the Development Plan and Corporate Activity

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 2: Review of the Carlisle and District Local Plan

Link to Corporate Priority: *Ensure Carlisle is a safe and attractive place where people are included and feel they belong.
Develop a sustainable economy.
Improve local housing, health and well being.
Provide sound Council Management.*

Key Challenge 3: Responding to change to legislation

Link to Corporate Priority: *Provide sound Council Management*

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
A1 City Vision - Review City Vision themes and Learning City themes against Local / Development Plans	To demonstrate clear links between community strategy and Local / Development / Business Plans by March 2005	City Vision and LSP Joint Strategy themes reflected in the work carried out by Planning Services	Chris Hardman - Local Plans with support from Martin Daley - Strategic and Performance Services	Agreement from monitoring group and O&S Committee that the key themes are reflected in all documents – June 2005 (Awaiting the production of Action Plan to accompany the Joint Community Strategy - July 2004)	Action completed and agreed at Committee – Report reference: P.13/05
A2 Local Strategic Partnership – Review themes in the 'A Vision for the Future' joint strategy document					Action completed and agreed at Committee – Report reference: P.13/05
A3 Support Corporate Priorities	To demonstrate clear links between the Corporate Plan and Local / Development / Business Plans by April 2005	Themes and content of the Corporate Plan are reflected in the work carried out by Planning Services	Chris Hardman -Local Plans with support from Martin Daley - Strategic and Performance Services		Action completed and agreed at Committee – Report reference: P.13/05

Planning Services Best Value Review

FINDING: B The need to increase understanding of the Planning Service

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 4: Developing E-government, including the submission of plans electronically through the Planning Portal and Submit-a-Plan and the development of GIS and LLPG to meet E-government

Link to Corporate Priority: Provide sound Council Management

Key Challenge 8: Raising the profile of Planning within the Authority

Link to Corporate Priority: Provide sound Council Management

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
B1 Engage with less vocal or obvious groups in the planning process (i.e. small businesses and voluntary organisations)	To develop relationships/partnerships with small businesses and other associated organisations	Broader range of views from across the community	Chris Hardman from Planning Service	Random check of planning applications for such groups, followed by pro-active follow-up call and subsequent improvement to such applications if required	Action completed and agreed at Committee – Report reference: P.42/05

Planning Services Best Value Review

<p>B2 Ensure those affected by developments fully understand the amendments made during the application stage</p>	<p>Contact those affected by applications with amended plans to assess their understanding and how improvements could be made.</p>	<p>Improved understanding by applicants and others of the process</p>	<p>Alan Taylor from Development Control</p>	<p>Reduction in the number of complaints and objections</p>	<p>Officers have improved the validation process for planning applications which should help to improve the quality and legibility of plans. Further checks on the quality/legibility will be undertaken. Agreed that this will continue post sign-off of the improvement plan report P.42/05</p>
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Planning Services Best Value Review

FINDING: C The need to ensure community needs are met

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 2: Review of the Carlisle and District Local Plan

Link to Corporate Priority: *Ensure Carlisle is a safe and attractive place where people are included and feel they belong*
Develop a sustainable economy
Improve local housing, health and well being
Provide sound Council Management

Key Challenge 3: Responding to change to legislation

Link to Corporate Priority: *Provide sound Council Management*

Key Challenge 4: Developing E-government including the submission of plans electronically through the Planning Portal and Submit-a-Plan and the development of GIS and LLPG to meet E-government

Link to Corporate Priority: *Provide sound Council Management*

Key Challenge 5: Securing greater resources through increased fee income and the Planning Delivery Grant

Link to Corporate Priority: *Provide sound Council Management*

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
C Planning Obligations to give greater community benefit					

Planning Services Best Value Review

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
C1 Analyse sample of applications with S106 agreements and trace to where needs are identified	<i>Supplementary planning Document on planning obligations to be produced</i>	Greater recognition of the community's needs	Angus Hutchinson/Anthea Jones and Chris Hardman with support from Fiona Kenmare from Development Control and Local Plans		Examination of S106 agreements information retained by legal services revealed the need for further monitoring to be undertaken. This will be taken up by the Service's monitoring officer in the forthcoming financial year to establish the database and the monitoring will continue indefinitely
C2 Review planning policies, including obligations procedures for Members and Officers	Targets subsumed by OPDM planning obligations document produced in July 2005	Better guidance given to Planning users Development of better two-way consultation and progress with applicants, both during and after applications Greater understanding by Officers and Members about responsibilities More efficient use of Officer/Member time Improve partnership working	Angus Hutchinson/Anthea Jones from Development Control, and Chris Hardman from Local Plans and Members with support from Mark Lambert from Legal and Democratic Services	General satisfaction amongst customers and reduced number of general enquiries about Planning Services Improved Member understanding and satisfaction with services	Planning policies still under review through the Local Plan process (ODPM produced new Circular 05/05 on planning obligations in July 2005) This will not be completed until 2007 In addition a separate Supplementary Planning Document on Planning Obligations is to be produced once the Local Plan policy is adopted. Agreed that this will continue post sign-off of the improvement plan report P.42/05

Planning Services Best Value Review

FINDING: D The need to meet customer expectations

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 5: Securing greater resources through increased fee income and the Planning Delivery Grant

Link to Corporate Priority: Provide sound Council Management

Key Challenge 6: Competition and new charging structures for Building Control

Link to Corporate Priority: Provide sound Council Management

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
D1 Seek customer feedback on their experience of the process by comparing results from BVPI Planning Questionnaire	Increase the ratio of positive comments to negative comments in surveys Introduce a regular survey process for all sections of the planning service on a rolling basis	Streamlining process without reducing quality of service to the customer	Survey lead is Barbara Percival from Development Control with support from Lynne Wild of Strategic and Performance Services	Results from annual Planning Service Questionnaire	Action completed and agreed at Committee – Report reference: P.42/05
D2 Question customers after interview concerning officer availability and planning related literature	Part of exit interviews from new Customer Contact Centre if established	Greater efficiency when dealing with customers' needs	All members of Planning Services	Customer feedback	Can only be established once CCC is properly re-established with exit surveys as part of corporate customer feedback
D3 Ensure clear information is available for customers and planning staff on the expectations and standards for service	Produce customer charter (low priority)	Understanding from both parties of roles, responsibilities and expectation levels	Non planning personnel (Martin Daley SPS to be confirmed)	Confirm with Action Plan Monitoring Group	Customer charter is attached in draft format to the report DS.08/06

Planning Services Best Value Review

Action:	Targets (including timescales):	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
D4 Develop questionnaires to be used by all three sections within the service	A generic questionnaire produced by September 2005	A consistent, systematic approach to consultation with all external customers using the service	Management Team within Planning Services with support from Strategic & Performance Services	Approved by Monitoring Group and endorsed by O&S Committee	Action completed and agreed at Committee – Report reference: P.13/05

Planning Services Best Value Review

FINDING E: The need to ensure a High Quality of Development is achieved

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 1: Responding to the increased workload (number of applications) in both Development and Building Control to maintain and improve performance

Link to Corporate Priority: Provide sound Council Management

Action:	Targets:	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
E1 Develop new indicators (if necessary) that directly relate to sustainability, and strategic environmental and quality of life assessments	March 2005	Sustainability Appraisal of Local Plan	Named Officer from Local Plans with support from Vivienne Coleman and Martin Daley of Strategic and Performance Services		No longer reviewed by the BVR monitoring group. Agreed by Committee – Report reference P.36/05
E2 Review Enforcement Strategy		Tightening of procedures leading to prioritisation of caseloads	Alan Taylor and Chris Hardman from Development Control and Local Plans respectively		Enforcement Strategy has been reviewed and is appended to the report DS.08/06
E3 Post development assessments	New procedures to undertake assessments of quality and impact of new development (Low priority)		This will be developed further with assistance from the Council's forthcoming Urban Designer appointment.		Proposal that post development assessments are carried out with site visits

Planning Services Best Value Review

FINDING F - To ensure that all planning staff are informed of planning service activity

The actions under this finding link to all of the Key Challenges contained within the Business Plan:

Action:	Targets:	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
F1 Sharing of the results of the development plan	Information to be passed to members of each team through normal comms channels (i.e. team meeting/TIR)	Developing of stronger links between internal services	Chris Hardman from Local Plans	Confirmation of info share to Action Plan Monitoring Group	<i>Plan still under review.</i> Will not be possible until 2007. Agreed that this will continue post sign-off of the improvement plan report P.42/05
F2 Streamline the decision-making process	To be decided by management team and portfolio holder and communicated to staff by March 2005	<ul style="list-style-type: none"> - Clear reasons and understanding for decisions noted - Clear understanding of delegation in Development Control and Building Control - Stronger relationship between Officers and Members 	Management Team and Portfolio Holder	Agreement communicated with Action Plan Monitoring Group and Overview and Scrutiny	Action completed and agreed at Committee – Report reference: P.42/05
F3 Develop web based services	Complete review and prepare findings by April 2005	Equipment available is fit for purpose Improvement of accessibility Increased number of people using the web and reduction in number of 'hard' enquiries	Irene Maleney (information champion) from Development Control with support from Customer & Information Services and Strategic and Performance Services	Present findings to Action Plan Monitoring Group	Action completed and agreed at Committee – Report reference: P.13/05

Planning Services Best Value Review

FINDING G: A need to reinforce Management Systems to Assure Quality

The actions under this finding link to the following Key Challenges contained within the Business Plan:

Key Challenge 8: Raising the profile of Planning within the Authority

Link to Corporate Priority: Provide sound Council Management

Action:	Targets:	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
G1 Strengthen the links with other Business Units	<i>Survey of other Business Units</i>	Consistent, corporate approach to service provision	NAME from Local Plans with support from Strategic and Performance Services	Business Plan monitoring reports	No longer reviewed by the BVR monitoring group. Agreed by Committee – Report reference P.36/05
G2 Improve Business Planning process	Develop stronger cross-authority and intra-service reporting systems by end September 2004 and end January 2005 respectively	Clear links demonstrated between Action Plan, Business Plan and Corporate Priorities	Planning Services with support from Strategic and Performance Services and CMT	Endorsement of systems from Overview and Scrutiny Committees	No longer reviewed by the BVR monitoring group. Agreed by Committee – Report reference P.36/05
G3 Review the use of external resource (i.e. consultant services)		Possible reduction of workload for current staff			Action completed and agreed at Committee – Report reference: P.13/05

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Action:	Targets:	Outcomes:	Lead & support required:	Measures (of outcomes):	Progress:
G4 Establish links with customer contact centre	Develop Service Level Agreement by April 2005	Maximum efficient use of resource	Management Team from Planning Services	Report to Action Plan Monitoring Group	G4 - Action completed and agreed at Committee – Report reference: P.42/05
G5 Review flexible working policy	- Identify individual staff needs by January 2005				G5 – is this now tied up in Pay and Workforce Strategy
G6 Review working practices within Planning Services, including the allocation of workloads	- Refer to corporate policy being piloted in Revenues & Benefits				G6 – allocation of workloads is still an issue compared to national indicator.

Planning Services Best Value Review

BALANCED SCORECARD

Customer			Internal Process		
Action	Measures	Linked to PI	Action	Measures	Linked to PI
B1 Engage with less vocal groups B2 Ensure understanding during application stage C1 Analyse S106 agreements D1 Compare feedback with BVPI Planning questionnaire D2 Questioning customers D3 Ensure clear information is available F3 Develop web based services	<ul style="list-style-type: none"> - Reduction in the number of complaints and objections - Results from BVPI Planning questionnaire - Customer feedback 	BV106 - % new homes built on previously developed land BV109 a, b, c – Applications BV111 – Customer satisfaction rate BV179 – Planning searches BV204 – % of appeals BV205 – Quality of Service checklist	C2 Review planning policies E1 Develop new indicators G1 Strengthen links with other Business Units G2 Improve Business Planning process G4 Establish links with Customer Contact Centre	<ul style="list-style-type: none"> - General satisfaction throughout council with Business Monitoring Reports - Development of closer links with other business units - Greater understanding by officers and Members of Planning function 	LP95 - Answered telephone calls LP306 - PIs reported on time
External Perspective (including legislation & partnership working)			Employee & Financial Perspective		
Action	Measures	Linked to PI	Action	Measure	Linked to PI
A1 & A2 Review City Vision and Joint Strategy themes against Local/Development Plans A3 Support Corporate Priorities E2 Review Enforcement Strategy E3 Post development assessments	<ul style="list-style-type: none"> - Demonstrable links between all strategies and plans 	BV200 – Development Plan BV8 – Invoices paid on time	F1 Sharing of the results of the development plan F2 Streamline the decision-making process G3 Review the use of external resource (i.e. consultant services) G5 Review flexible working policy G6 Review working practices within Planning Services	<ul style="list-style-type: none"> - Improved Employee Relations and staff morale - Efficient use of available resource 	BV12 Sickness absence

PLANNING ENFORCEMENT POLICY & GOOD PRACTICE GUIDE

CARLISLE CITY COUNCIL

PLANNING ENFORCEMENT POLICY & GOOD PRACTICE GUIDE

1.0 Introduction

1.1 This policy statement encompasses the principles, which will underpin the Council's approach to planning enforcement. The aim of this Policy is to:

- Achieve a consistent and fair approach to enforcement matters.
- Give clarity to the public as to how the Council will respond to their concerns.
- Assist in the smooth running of the service.
- Provide value for money and make best use of existing resources.

2.0 Policy Statement

- 2.1 The purpose of this guide is to identify and encourage best practice in the Enforcement of unauthorised development or a breach of planning control, which is causing harm to the amenity of the area, or which compromises policies designed to ensure the protection of trees and hedgerows. The main principle is that the Council will endeavour to provide a fair and consistent enforcement service to protect the environment of the District and the amenity of its citizens.
- 2.2 The Council is also governed by the applicable statutory provisions contained in the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999, the Hedgerow Regulations 1997, the Anti-Social Behaviour Act 2003 and how the Law Courts has interpreted these provisions (Case Law).
- 2.3 In exercising its enforcement functions, the Council has regard to relevant Government Planning advice, including Circular 10/97 'Enforcing Planning Control' and Planning Policy Guidance Note 18 'Enforcing Planning Control' both of which provide detailed guidance on how to deal with breaches of planning control.
- 2.4 The Council also applies the planning policies contained within the Development Plan, which currently comprises the Carlisle District Local Plan, Cumbria and Lake District Joint Structure Plan and Regional Planning Guidance.

3.0 General Guidance

3.1 PG 18: Enforcing Planning Control

- a. Local Planning Authorities (LPA's) have a general discretion to take enforcement action, when they regard it as expedient ;
- b. LPA's have the responsibility to take whatever enforcement action that may be necessary, in the public interest;
- c. In considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest;
- d. Enforcement action should be commensurate with the breach of planning control to which it relates;
- e. It is not an offence to undertake development without first obtaining planning permission; and
- f. Whilst it is clearly unsatisfactory for anyone to carry out development without first obtaining planning permission an enforcement notice should not normally be issued solely to 'regularise' development which is acceptable on its planning merits. In such situations LPA's should seek to persuade the developer to seek permission for it, if permission is required.

3.2 Having taken the above guidance into consideration and if considered necessary, formal action will be taken in the following ways:

Minor Breaches

- a. Request for submission of an application.
- b. Negotiation with applicants/agents.

More Serious Breaches

1. Requisition for Information (Section 330 Notice) – to seek information as to ownership of or persons having an interest in premises or land
 2. Review of specific issues, resulting in appropriate action from the following options
- 2a. Planning Contravention Notice – to be served whenever the Local Planning Authority suspect that a breach of planning control has occurred

- 2b. Breach of Condition Notice – to be served whenever the Local Planning Authority suspect that a condition attached to a planning consent has been breached.
- 2c. Enforcement Notice – to be served where the Local Planning Authority are satisfied that there has been a breach of planning control and it is expedient to issue a notice having regard to the provisions of the Development Plan and to any other material considerations.
- 2d. Stop Notice – to be served where the Local Planning Authority consider it expedient that any relevant activity should cease before the expiry of the compliance period with an Enforcement Notice
- 2e. Injunction – where the Local Planning Authority consider it expedient for any actual or apprehended breach of planning control to be restrained by an injunction, they may apply to the High Court or County Court for an injunction to restrain that breach.
- 2f. Disamenity Notice (Section 215 Notice) – where it appears to the Local Planning Authority that the amenity of a part of their area is adversely affected by the condition of the land and building.
- 2g. Cumbria Act 1982 – to enable the Local Planning Authority to seek removal of unauthorised advertisements within Conservation Areas or Areas of Special Control.
- 2h. Legal Action in the Magistrates Courts to secure removal of unauthorised advertisements, which are not located in Areas of Special Control for Advertisements.
- 2i. Completion Notice to be served where the Local Planning Authority are of the opinion that a development that has been commenced will not be completed within a reasonable time period.
- 2j. Remedial Notice – to be served regarding any action which may be required to be taken by or on behalf of the Council pursuant to its duties and responsibilities under Part 8 of the Anti-Social Behaviour Act 2003.
- 2k. Decision Letter – where the Local Planning Authority has made investigations regarding Tree Preservation Orders.

- 3.3 Failure to comply with the terms of a Statutory Notice that may be served can result in the Council taking further legal action through the Magistrates/County Courts.

4.0 Enforcement Procedures

- 4.1 Enforcement Action can be a long and involved process requiring a lot of staff time. Consequently it is necessary to prioritise cases to ensure that vigorous action is taken against the most damaging breaches of control; consequently, less urgent matters are dealt with as resources allow.
- 4.2 All complaints will be treated as confidential. Successful enforcement action may, however, depend on information from complainants, for example, where formal legal proceedings are initiated and it may be necessary to rely on information provided. In such circumstances complainants would first be contacted to confirm that they wish their evidence to be used before their identity is revealed.
- 4.3 Anonymous complaints will not be pursued unless there is a clear or unacceptable breach of planning control involved which is likely to result in serious harm to people or the environment. Complainants, who wish to remain anonymous for fear of reprisal, can approach their Local Councillor and ask them to take up the complaint on their behalf.
- 4.4 All complaints, written or verbal, will be acknowledged within 3 working days.
- 4.5 A full investigation of the current facts and planning history will be carried out. A visit to the site to establish whether a breach has occurred will take place within 5 working days, wherever possible.
- 4.6 In line with Council Policy all letters will be fully responded to within 10 working days wherever possible, depending on the nature of the complaint. If a more detailed investigation is required a holding letter will be sent to the complainant within that 10 day period.
- 4.7 Where no breach is found the complainant will be notified of the reasons in writing. This, in many cases, will involve a consultation with the Head of Legal and Democratic Services.
- 4.8 If a breach is found the occupier and where applicable the owner of the property/land will be advised in writing. If appropriate, attempts will be made to negotiate with owners/occupiers to resolve the breach of control prior to any action being taken. Invitations will be made to submit a planning application where any harm being caused can be controlled by appropriate conditions.

- 4.9 Where formal action is necessary, statutory notices will be served with reasonable and appropriate timescales for compliance, together with an accompanying letter and/or guidance note, which will explain the consequences of non-compliance.
- 4.10 The Council will pursue any failure to comply with statutory notices.
- 4.11 The Council will where appropriate apply to the Magistrates Court for warrants for entry to inspect premises and to seek injunctions to stop unlawful activity/use.

5.0 Case Priority Assessment List

5.1 Level 1 (High)

- a. Unauthorised alterations to or demolition of Listed Buildings.
- b. Unauthorised works to hedgerows and trees covered by Tree Preservation Orders, or in Conservation Areas and where hedgerow/trees are likely to be lost.
- c. Unauthorised development, which causes demonstrable harm in the locality.
- d. Breaches of planning conditions, which result in demonstrable harm or loss of amenity.
- e. Works to buildings in Conservation Areas, which would cause demonstrable damage.
- f. Breaches of planning control or conditions, which cause demonstrable harm to AONB or Landscapes of County Importance.
- g. Breaches of planning control or conditions, which cause demonstrable harm to the amenities of neighbouring properties, or have an unacceptable environmental impact or have a clear conflict with the Carlisle District Local Plan.

5.2 Level 2 (Medium)

- a. Unauthorised advertisements in Conservation Areas.
- b. Unauthorised advertisements affecting highway safety, such as advertisements on trailers.
- c. Sites requiring service of Section 215 Disamenity Notices.
- d. Monitoring of planning conditions – it is considered impracticable to check compliance with all conditions. However, the Council will aim to check compliance with all significant applications where conditions require information prior to commencement, together with applications with high levels of public interest or sensitive locations. Other applications will be monitored.

5.3 Level 3 (Low)

- a. Flyposting, and other advertisements such as banners
- b. Technical breaches of planning control where there is no serious harm to amenity.
- c. Minor works involving boundary walls, fences, sheds and satellite dishes except those affecting conservation areas or listed buildings.
- d. Temporary breaches of control which will be resolved without recourse to formal action.

6.0 Concluding Remarks

- 6.1 Enforcement of planning permissions and guidance is often a matter of discretion and judgement. Not all decisions will be clear cut and some customers of the service may not agree with the Council's course of action. In some instances the enforcement of planning matters is used as a justification by a few members of the public for complaining about the actions of neighbours. In these circumstances where resolution is not possible through planning enforcement, it maybe more relevant to involve other Council departments (for example, where noise nuisance is concerned), the police or other agencies.

7.0 Principal Legislation with Enforcement Provisions

- The Town and Country Planning Act 1990.
- The Planning Compensation Act 1991.
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town and Country Planning (Control of Advertisements) Regulations 1992.
- Town and Country Planning (General Permitted Development) Order 1995.
- Town and Country Planning (Use Classes) Order 1987.
- Local Government (Miscellaneous Provisions) Act 1982
- Caravan Sites and Control of Development Act 1960.
- Town and Country Planning (Trees) Regulations 1999.
- Cumbria Act 1982.
- Circular 10/97 – The Enforcement of Planning Control
- PPG 18 'Enforcing Planning Control'.
- Part 8 of the Anti-social Behaviour Act 2003.
- The Hedgerow Regulations 1997.

7.1 Related Legislation

- Human Rights Act 1998.
- Data Protection Act 1998.
- Police and Criminal Evidence Act (PACE) 1984.
- Regulation of Investigatory Powers Act (RIPA) 2000.
- Freedom of Information Act 2005.

Adopted by Council ????????????? 2006

DRAFT - Planning Charter

DRAFT - Planning Charter

26 January 2006

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

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 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 54A of the Town & Country Planning Act 1990 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 Sections 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, conservation area consent applications and enforcement action where breaches of control have occurred. Most 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 54A of the Town & Country Planning Act 1990 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 54A 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 the appropriate consultations have taken place. In addition the Development Control Committee as well as other significant planning applications will determine any application that has received four or more objections.

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.

If officers using make the decision delegated powers and this conflicts with views of residents, those residents will be written to explaining why the decision was taken. (Need to check)

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.

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 aim to:

- 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
- 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

- 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:

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

- Determine your planning application within the Government's targets for the different types of application.
- 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.

- **Need to refer to the performance report and insert that table.**

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.