



DEVELOPMENT CONTROL CHARTER

INTRODUCTION

Development Control is the process which regulates the development and use of land. This involves the consideration of planning applications and appeals, the monitoring of building work as it occurs, enforcement action where breaches of control have occurred and also the provision of advice and information about the system generally and individual proposals specifically.

The purpose of this leaflet is to explain the contents of the City Council's Development Control Plan, which sets out how this service will be delivered both at officer and member level and defines the service and the standards to be met.

The aim of the City Council is to make the best decision about each planning application, which may not necessarily be the quickest. This requires taking into account the proposal's impact upon the environment and on the interests of the community and may also mean balancing the needs of the applicant against the effect the development may have on local residents.

Applicants, neighbours and the public generally are all customers of the Planning and Building Control Service and must be treated positively, courteously and equally.

Because certain types of planning applications or enforcement matters raise complicated issues there may be cases where the defined targets cannot be achieved. Nevertheless, it is the Council's aim to achieve these standards and meet the targets specified and these will be reviewed annually.

Further comments, views or complaints in relation to the development control service or the Development Control Plan should be submitted to the Development Control Team Leader whose address can be found on the back page.

PRE-APPLICATION GUIDANCE

Prior to submission, discussion on the form and content of an application will be welcomed. Assistance and advice will be given to guide and encourage development to appropriate locations, and to produce an acceptable form of development. Officers will be available during normal office hours to provide general advice. In the case of specific proposals, an appointment should be made to ensure a more detailed response. A plan or details of the proposed development should be produced at this stage.

There is now the facility to find out whether planning permission is required by accessing the Planning Wizard on the Council's website (liverpool.gov.uk)

If advice is sought by letter, a response will normally be given within 10 working days. Any telephone enquiries will be returned within 48 hours, although enquirers may be asked to submit their request in writing.

The advice given will be accurate and objective, but without prejudice to the consideration of a formal application, which entails both consultation and further detailed consideration. At the pre-application stage, confidentiality will be respected in relation to development proposals.

Development Control policies and guidelines will be made available to prospective applicants. Other relevant policies or constraints will also be discussed. Advice notes on how to make an application and the procedure for dealing with it are available on request. Information will be given about Council procedures, relevant Committee dates and membership of these Committees. Where known information on other approvals or consents which may be required will also be given.

SUBMISSION OF APPLICATION AND INITIAL PROCESSING

Help and advice will be made available for completing the application form and in providing private householders and others with an Ordnance Survey site plan for an additional fee. Information on the fees applicable to particular applications will be provided. Each valid application will be registered and its receipt acknowledged within two working days, the rights of the applicant will be explained, and a target date for a decision will be specified, together with the implications of this date. At this stage the applicant/agent will be requested to state in writing if they wish to be notified of the date when their application is to be considered by the Planning Committee, if the application cannot be determined by the Planning Manager under delegated powers.

If an application is invalid, the applicant or agent will be notified within 5 working days with advice on how the deficiency can be corrected. If no reply is received a reminder will be sent after a further 10 days, and the application will be returned if no reply is received after a further 5 working days.

All applications are available to view on the Planning Explorer on the Council's website (liverpool.gov.uk)

APPLICATION CONSIDERATION AND CONSULTATIONS

Within three working days of a valid application being registered, the initial consultations will be carried out and the application passed to the Case Officer.

The case Officer will make an initial site visit within 10 working days of receiving the application. Any further consultation required as a result of the visit will be initiated within 5 working days.

If the submitted information is inadequate or additional information is required, this will be requested within 15 working days of receipt of the application by the Case Officer. A time limit and the implications for non-receipt of the information will be given. If the need for further information is identified during the course of the application, this will be notified to the applicant or agent as soon as possible. When it is considered that negotiations/amendments to applications could result in an acceptable scheme, these will be pursued.

Copies of valid applications will be placed within the statutory register within 3 working days of receipt and are available to view until a decision has been made at Millennium House, 60 Victoria Street, Liverpool L1 6JP.

Neighbour notification/advertising will be in accordance with statutory requirements, but extended to comply with the Council's Code of Practice on notifications. Consultation letters will contain information including; how and where to inspect plans, the process of decision making, the procedures for being notified of the relevant Planning Committee and information on access to observations received.

On initial neighbour notifications, 21 days will be given for responses. Where material amendments are made to plans previously notified, re-notification will take place and an additional 7 to 14 days will be given for responses. This procedure will not occur if an objector's concerns have been addressed by amendments to the application.

Acknowledgement of all written representations from members of the public will be sent within 2 working days of receipt. In the case of petitions the acknowledgement will be sent to the person/organisation that submitted it, or to the first name on the petition.

MAKING THE DECISIONS ON PLANNING APPLICATIONS

Copies of the Council's scheme of delegation are available on request.

Recommendations on application delegated to the Planning and Building Control Manager will be made on expiry of the consultation period, unless additional information or amendments are required, and the decision notice will be issued within 3 working days of an application being determined.

Following the assessment of an application not delegated to the Planning and Building Control Manager a recommendation will be made to the first available Planning Committee.

Where notification of the Planning Committee date is requested, this will be given at least 4 days prior to the Committee meeting, but normally at least 7 days prior to the meeting. Details concerning the availability of recommendations and procedures for addressing the Committee will be included within the notification letter.

At the Committee an applicant/agent and interested parties will be allowed to address the meeting for up to a maximum of 5 minutes. If there are a number of interested parties, the Chair may request that contributions be restricted to a nominated spokesperson. Questions may be asked by members of the Committee and following the discussion formal consideration of the application will take place.

Decision on applications made by the Committee will be based on the planning merits of the case and the Council will:-

- adhere to planning guidelines when determining applications
- ensure only relevant matters are taken into account in determining the application
- consider the possibility of costs being awarded against the Council when reaching decisions

Applications will only be rejected where there are valid and sustainable planning grounds for refusal. The guidelines adopted by the Council for the determination of planning applications are outlined at the end of this leaflet.

The Council's target is to process at least 68% of all major applications within 13 weeks and 75.5% of all minor applications within 8 weeks and 87.5% of all other applications within 8 weeks.

In respect of the items considered by the Planning Committee, decision notices will be issued within 2 working days, unless the Committee decision requires ratification by the Secretary of State or a legal agreement is required.

If a legal agreement is required, the applicant will be advised of this during the course of the application, or within 4 working days of the meeting of the Planning Committee or Council, and the Council's Legal Services Department will also be notified within the same timescale.

Where the applications require referral to the Secretary of State for the Environment this will be done within 5 working days of consideration by the Planning Committee

Anyone who requests to be notified of the decision on an application will be done so within 5 working days of the date of the decision.

Where the City Council refuse an application, amendments will be suggested where it is considered that these may lead to a favourable decision. The applicant's right of appeal will be explained.

Following the determination of an application, a copy of the decision notice will be placed within the Statutory register within 3 working days.

PLANNING APPEALS

Where appeals are lodged and are to be dealt with by an informal hearing or a local inquiry, discussions will take place where it is considered that these could lead to an acceptable proposal.

The Council will deal with appeals wherever possible by written representation procedure unless this is contrary to the Council's or the public interest.

The submission of documents to the Department of the Environment or appellant will be in accordance with statutory requirements and in accordance with agreed internal procedures.

The Council's target is that not less than 66% of appeals should be dismissed.

MAKING THE DECISIONS ON PLANNING APPLICATIONS

Where planning permission has been granted, conditions may have been imposed requiring approval of certain details by the Council. In the case of straightforward matters (eg materials to be used) decision will normally be issued (or a request for further information made) within 10 working days of receipt. In the case of more complex matters a decision will normally be issued within 20 working days.

If amendments to approved plans are submitted, these will be dealt with promptly but may require neighbour notification or consideration by the Planning Committee.

Whilst it is the applicant's responsibility to ensure the permission is implemented in accordance with the approved plans, selective checking of sites, together with checking of compliance of planning conditions will be carried out.

The receipt of any written complaint regarding unauthorised development will be acknowledged within 5 working days and investigation of the alleged breach, together with a site visit will be carried out within 10 working days of receipt of the complaint.

Where enforcement action is considered justified, the matter will be reported to the Development Control Sub-Committee. Where there is a clear breach of planning condition, or additional information is required, a Breach of Condition Notice or Planning Contravention Notice will be served under delegated powers.

Complainants will be notified in writing of progress made on a complaint and will be notified in writing within 10 working days if enforcement is authorised by the Council. If no action is to be taken the reason will be explained.

COMPLAINTS RELATING TO DEVELOPMENT CONTROL

All complaints regarding the way development control matters have been handled will be dealt with in accordance with Liverpool City Council's 'Have Your Say' procedure for dealing with all compliments, comments or complaints ie.

- **Step one** - deal with your complaint within two weeks.
- **Step two** - carry out a full and fair investigation by a senior officer within a further month if things are not resolved
- **Step three** - arrange for a senior officer from a different service to review your case within a further month if you remain unhappy.

If the complainant remains dissatisfied with the way in which a matter has been handled, the procedures for making a complaint to the Commission for Local Administration (the Local Ombudsman) will be explained.

FURTHER ADVICE

Any comments, views or complaints in relation to Development Control should be made to:

Liverpool City Council, Planning and Building Control, Development Control
Municipal Buildings, Dale Street, Liverpool L1 6DH
Telephone: 0151 233 3021 Email: planningandbuildingcontrol@liverpool.gov.uk

ACCESS TO MILLENNIUM HOUSE

To view current planning applications you can visit our reception at Millennium House:
60 Victoria Street, Liverpool L1 6JP from 8.00am to 6.00pm Monday to Friday

and **to seek general planning advice** from 8.30am to 4.45pm Monday to Thursday and 8.30am to 4.15pm on Friday

Annex: Council Guidelines for Determining Planning Applications

In determining all types of applications submitted pursuant to the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council will:-

- (i) Take fully into account National Planning Guidance as outlined in the relevant Circulars or Planning Policy Guidance Notes together with any relevant judicial authority.
- (ii) In accordance with Section 54a of the Town and Country Planning Act 1990, consider fully the relevance of the Development Plan to each application – this will largely be the Merseyside Structure Plan as it approaches adoption. In particular, regard should be given to the series of Supplementary Planning Guidance Notes which form part of the Unitary Development Plan which give detailed development control guidance on a number of issues. These guidance notes currently cover the following subject areas:
 - SPG1 House Extensions
 - SPG2 Sheltered Housing
 - SPG3 Residential Care Homes
 - SPG4 Day Nurseries
 - SPG5 Access for All
 - SPG6 Trees and Development
 - SPG7 Conversions to Flats and Bedsits
 - SPG8 Car and Cycle Parking Standards
 - SPG9 Shopfronts
 - SPG10 New Residential Development
 - SPG11 Bed and Breakfast Hostel Accommodation
 - SPG12 Pavement Café Guidelines
- (iii) Consider any other ‘material planning consideration’, but only in exceptional circumstances should the personal circumstances of an applicant outweigh other planning considerations. Where this is the case, specific reasons should be given for making an exception.
- (iv) Consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by the National Rivers Authority, English Heritage or the Health and Safety Executive.
- (v) Take into account the view of local residents when determining a planning application, but recognises that such opposition cannot be a reason in itself for refusing planning permission unless founded on valid planning reasons, which are supported by substantial evidence (Circular 8/93 – Annex 3 Paragraph 15)
- (vi) Take into account earlier Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (vii) Not prevent, inhibit or delay development which could reasonably be permitted.
- (viii) In relation to planning conditions, avoid the imposition of conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.
- (ix) In all cases where an officer recommendation is not accepted, ensure that the reasons for making such a decision are clear and convincing, and that these are fully minuted and can be supported by planning evidence.

ABOUT YOU

Liverpool City Council has a policy of good equal opportunities for all. This means that we are committed to providing an equally high standard of service to all applicants whatever their ethnic background, gender or disability status. We want to make sure that this policy is working when people apply for planning permission. Please take some time to complete this form and post or email it to the address above.

To which of the following ethnic groups do you belong?

'Ethnic Group' refers to people with the same cultural background and national identity. It does not always mean where you were born. **Please tick one box.**

Black or Black British

- Black British
- Caribbean
- African
- Any other African
- Nigerian
- Somali
- Any other Black background

Chinese or other ethnic group

- Yemeni
- Chinese
- Gypsy
- Traveller *
- Other (give details)

White

- White British
- White Irish
- Any other white background

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background

Asian or Asian British

- Asian British
- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

- No ethnicity - Please tick this box only if you are a large organisation or company and do not have a clear ethnic identity

If you do not fit into any of the above, please write your ethnic group here:

* Travellers are defined as a specific ethnic group who may also belong to a variety of racial backgrounds. For this reason, if you consider yourself to be a traveller, you may also tick another category which indicates your racial background.

Are you:

- The Applicant The Agent

Gender:

- Male (1) Female (2)

Are you a disabled person?

Age:

Yes	No	16-24	25-34	35-44	45-54
		55-64	65-74	75+	

Have you experienced any difficulties or issues when using the Planning service?

- Yes No

If yes, please explain