

Planning & Building Standards

CUSTOMER SERVICE CHARTER

DRAFT FOR CONSULTATION

Delivering a Customer 1st Service



Councillor Ian Perry
Convener of the Planning Committee



Councillor Denis Dixon
Vice-Convener of the Planning Committee

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What this Charter does

This Charter explains what the Council's Planning and Building Standards service does and what its customers can expect from us. It begins by setting out **what you can expect from us** when contacting the service and then more specific standards linked to our three main responsibilities which are:

Planning

- To prepare a [policy framework](#) that sets out how land should be developed and our natural and built places protected;
- To consider and make decisions on applications for [planning permission](#), listed building consent and other types of application and investigate breaches of planning control to ensure the development of our City is properly managed; and

Building Standards

- To consider and make decisions on building warrant applications, completion certificates and property inspections to secure the health, safety, welfare and convenience of users and achieve sustainable development.

What you can expect from us

If you contact us by telephone:

- Council staff will answer within 5 rings
- We will help you with your query on the spot if we can
- Officers will return your call within one working day of their return
- We will direct you to further information online, including online enquiry forms

If you email us:

- We will respond to your first contact within 2 working days or tell you if we need longer
- We will ensure our response is free from jargon and easy to understand
- We will direct you to further information online, including online enquiry forms

If you leave us a comment on Twitter or the Planning Blog:

- We will respond within 2 working days if needed
- Consider whether we need to make service improvements to address concerns
- We will direct you to further information online.

If you write to us:

- will respond to you within 10 working days or tell you if we need longer
- ensure our response is free from jargon and easy to understand
- direct you to further information online, including online enquiry forms
- translate information into large print, other languages or Braille if needed.

If you visit us:

- one of our staff will give you information that meets your needs or direct you to where you can find it online, including online help and enquiry forms
- see you within five minutes of your appointment time
- have friendly public offices, with clean and tidy waiting areas.

SESplan

The Strategic Development Planning Authority for Edinburgh and South East Scotland



Policy Framework

What the Planning System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at www.gov.scot/planning

Scottish Government legislation requires that all Councils prepare a document setting out principles for where development of land will be allowed and where buildings and green spaces will be protected. These are called **Development Plans**. In Edinburgh, the Scottish Government requires that this Development Plan be made up of two documents: the Strategic Development Plan and the Local Development Plan.

The Strategic Development Plan for Edinburgh and South East Scotland sets out broad principles for the future use of land over a 20 year period on matters that cross Council boundaries. This includes key topics such as how many new houses are required, how they should be spread across the area and whether green belt land should remain as green belt. This document is not prepared by City of Edinburgh Council but by a partnership of the six Councils in the area called SESplan. It must accord with the Government's Scottish Planning Policy.

The Strategic Development Plan - what you can expect from us

The Strategic Development Plan is prepared, and consulted upon, by SESplan (see above). We will advise you to contact them directly if we cannot answer your questions about it.

Further information is available at www.sesplan.gov.uk

The Local Development Plan for Edinburgh contains detailed policies and proposals that must follow the principles set out in the Strategic Development Plan. The document sets out policies and proposals for the future use of land and the protection of the natural and built environment over a 10 year period. This includes key topics such as identifying sites for housing to meet the requirements set out in the Strategic Development Plan discussed above. Preparation of the document begins with the main consultation stage where the Council produce a **Main Issues Report** presenting options, and asking for your input on how they meet the requirements that have already been set by both Scottish Government policy and the Strategic Development Plan.

The Planning and Building Standards Service can also prepare more detailed guidance, for example on design, which forms part of the Local Development Plan but is prepared at a later time. This is called Supplementary Guidance and must meet Scottish Government requirements on preparation, participation and adoption.

The Local Development Plan - what you can expect from us

The programme for preparing the Edinburgh Local Development Plan and details of all opportunities to comment on it can be found in a document called the Development Plan Scheme at www.edinburgh.gov.uk/localdevelopmentplan.

We will update this document annually.

We will use a range of ways of making sure there are opportunities to comment on future plans including using the Council's Consultation Hub, drop in sessions, interactive website information and workshops. We are led by what communities find most informative.

Application form

Please make sure you have read all the notes carefully before you start to fill in the application form. This application form can either be completed by hand or electronically - it is available on the Planning homepage at www.edinburgh.gov.uk/planning. Please complete all the sections. The deadline for submitting applications is 27 August 2008. An acknowledgement letter will be sent to the person who has completed this form.

1 Please provide a name and contact details of the lead organisation responsible for this work.

Name: _____
 Job title: _____
 Organisation: _____
 Address: _____
 Telephone: _____
 Fax: _____
 Email: _____

2 If this is a joint application, please list the other partners who had a key role. You should also inform your partners that you are nominating the project for an award.

1: _____ 2: _____
 3: _____ 4: _____
 5: _____ 6: _____

3 Tick one nomination category

Development Plans Development Management
 Development on the Ground Community Involvement

4 Title of entry: _____

5 Please complete the form on the following pages by providing a brief summary of the piece of work you have entered. You must also conclude with a key reason as to why you think this work merits an Award. Only the two A4 pages specified here can be used and your text must fit within the boxes. The font size should be no less than 12pt.

The judging criteria are set out below. Please tick only the key criteria relevant to your entry:

Professional knowledge Innovation Management Residential development
 Partnership Community Interest Regeneration Customer satisfaction

YOU MUST DESCRIBE HOW THE PROJECT RELATES TO THE CRITERIA WHEN YOU HAVE TICKED.

As stated above, the “Development Plan” for the city consists of the Strategic Development Plan and the Local Development Plan. Planning applications must be decided in line with the content of the Development Plan unless there are important planning reasons for an alternative decision.

Planning Applications

This charter explains what you can expect to happen when you want to make an application for planning permission or other planning consents and when you want to comment on someone else’s application. It then explains what happens when making a decision on a planning application.

All planning applications are grouped in terms of size and importance of the type of development that is being proposed. National developments are proposed by Scottish Government, are of Scotland-wide significance, and are the top tier in the hierarchy. An example is the new Forth Crossing. Below national developments are major developments which are of a size and scale to be considered of major importance. Examples might be a new shopping centre, a business park or a large scale housing development. All development proposals which are not national or major are classed as local developments. Examples are house extensions, small scale housing development of less than 50 houses and changes to the use of a property.

Anyone proposing a national or major development must carry out pre-application consultation with the local community to allow them to be better informed and to have an opportunity to contribute their views to the developer prior to the submission of a planning application. Developers must submit a Proposal of Application Notice with details of consultation at least 12 weeks before they want to submit a planning application.

Further information is available on our major applications web page. [major applications web page](#)

Pre-Application Consultation - what you can expect from us

We will assess Proposal of Application Notices in accordance with the *Edinburgh Planning Concordat*, a document that sets out how the Council, communities and developers should work together on major developments.

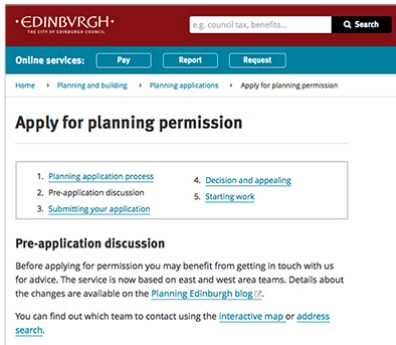
We will expect developers to carry out more than the minimum consultation for more complex and contentious cases and we will encourage developers to set up websites to allow communities to access information and make comment more easily.

Making an application for planning permission, and all types of applications, is quicker when done online and it helps to avoid many of the reasons for applications not being valid on receipt.

- Online applications are submitted via the Scottish Government E-planning website at www.eplanning.scotland.gov.uk
- Should you wish to submit your application on paper, all types of form can be downloaded from the E-Planning website.

As well as applications for planning permission, there are many other types of application depending on what it is you are proposing. Further information is available in the Council’s guide to [Validation of Applications](#).

If you are unsure what type of application to apply for, visit our webpage on [Permissions for Development](#).



If you are unsure whether you need planning permission or other consents, read our [online information](#) and you can then decide whether to make an application.

The completion and submission of planning application forms, and all other types of application, can be submitted by applicants themselves or using a professional agent, such as an architect.

Making an application for planning permission – what you can expect from us

Within 4 working days, we will check your application and advise you of any problems. It is the responsibility of the applicant to ensure that their application is submitted correctly. Further information on the process and what should be submitted is available in the Council's guide to *Validation of Applications*

Within 10 working days of a valid application being received, we will send you an acknowledgement letter and inform you of the planning officer who will be dealing with it and the timescale for making a decision.

If a professional agent is used to submit a planning application, we will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.

Within 15 working days of a valid application being received, we will carry out neighbour notification and consult on the application, where it applies. Notification involves sending a letter to all postal properties within 20 metres of the application site giving details of the proposal and highlighting that comments must be made to the planning service within 21 days from the date of the notification letter. Some applications are also advertised in the Evening News and a site notice is put up nearby.

Within 20 working days of a valid application being received, we will visit the site and inform the agent if any changes are required **within the next 5 working**

days unless it relates to a major application or a particularly complex issue, which may take longer.

Applicants can make changes to their scheme during the course of the application. If these are significant, we will ask for a new application. We will only arrange for neighbours to be re-notified if the changes raise new planning matters. Applications can be tracked on the *Planning and Building Standards Portal* for any amendments.

Planning Performance Targets

90% of approved major developments within the year to show added value quality improvements

90% of householder applications determined within 2 months

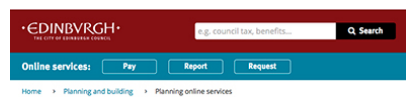
75% of non-householder applications determined within 2 months

75% of listed building consent applications determined within 2 months

Commenting on someone else's planning application

If you wish to look at a planning application or decision, or on an application, you can do so via the *Planning and Building Standards Portal*. Your comments cannot be treated as confidential for a number of reasons:

- if the application is refused, the applicant needs to know about objections if deciding to appeal;
- the closeness of an objector to the application site may be an important factor in the decision
- comments on an application are part of the background papers and have to be available under Freedom of Information and Environmental Information Acts.



Only comments relevant to planning issues can be considered as part of the assessment of the planning application. Relevant planning issues include:

- traffic and parking - appearance of the area - impact on a conservation area - setting or character of a listed building - loss of significant landscape features - noise and disturbance - effect of cooking odours - loss of sunlight or daylight – overshadowing - privacy.

We cannot consider comments on non relevant planning issues, such as:

- loss of private view - effect of the development on property values - building regulation matters.

Racist remarks may be forwarded to Police Scotland.

Our guide to [Commenting on Planning Proposals](#) outlines how to ensure you make a valid comment.

Comments must be received within 21 days of the date of registration, neighbour notification letter, or advertisement in the press, whichever is later. Extra time is given for public holidays and if the application has an Environmental Impact Assessment.

Commenting on someone else's planning application what you can expect from us

You will have the opportunity to receive an automatic email acknowledgement when commenting online using the Planning and Building Standards Online Service.

We will send you a letter acknowledging receipt if you comment by letter.

We will consider all comments on applications provided they are submitted on time and the comments are relevant to planning issues. We will only consider late comments if they raise important planning matters that were not previously considered.

We will make your comments known to the agent but we will not make your personal details available at that time.

We will only re-notify you of changes to the application if they raise new planning issues: changes can be tracked on the *Planning and Building Standards Portal*.

We are unable to discuss the merits or demerits of a case with objectors or other third parties when an application is being considered as this may affect the objective assessment of the proposal.

We will inform you of the decision on the planning application in line with the timescale below.

We will make all comments publicly available online but we will redact personal information such as email addresses, phone numbers and signatures. Comments will be taken offline 6 months after the decision is issued.

We will deal with requests for comments to be taken offline before 6 months as sympathetically as possible.

Making a decision on a planning application

Once the application, including the responses from consultees, and public comments has been assessed by the planning officer, a report of handling is prepared. Decisions on planning applications are taken in one of two ways. In some cases, the decision can be made by planning officers and is referred to as a "delegated decision". Delegated decisions make up the vast majority of all decisions and enable quicker decisions on simpler cases. They are usually the less contentious, smaller applications,



but can include cases with objections or which are being recommended for refusal.

In other cases the planning officer makes a recommendation to the Development Management Sub-Committee or a full Council meeting in some circumstances and the decision is then taken by the City's councillors.

Making a decision on a planning application – what can you expect from us

We will notify you or your agent within 4 working days of the decision being made.

We will notify all those who have made comments on the application within 4 working days of the decision being made.

We will place a copy of the decision notice and the report of handling on Planning and Building Standards Online Services

If a scheme needs to be changed after the decision, we will assess the proposals to see if they raise any new planning issues which might change the substance of the consent. If so, we will ask for a new planning application. If the changes do not raise any new planning issues which change the substance of the consent, we will vary the consent; neighbours and other interested parties will not be notified of these changes but they can be tracked on *Planning and Building Standards Online Services*.

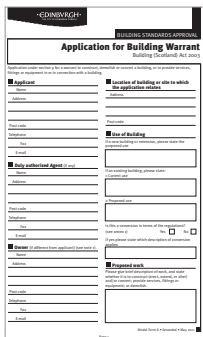
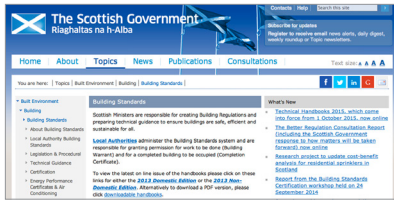
Planning permission lasts for 3 years although we can make a Direction for it to be longer or shorter.

If an applicant is unhappy about a delegated decision taken on a local development, or the application has taken longer than the legal time limit, they can request a review by the *Planning Local Review Body*.

In cases that cannot be decided by a Local Review Body, the applicant has the right to appeal to Scottish Ministers.

Further information is available at www.eplanning.scotland.gov.uk

There is no 3rd party right of appeal in Scotland. This means that if anyone commenting on an application is unhappy about the decision, they cannot ask for a review and they cannot appeal to Scottish Ministers. We will direct any aggrieved parties to our Report of Handling which explains the reasons for our decision. We are unable to respond if you think the decision was wrong. However, you can complain if you thought our processes or procedures were wrong (see below) in coming to the decision.



Building Warrants

What the Building Standards System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at

www.gov.scot/buildingstandards.

There is a separate *National Customer Charter*.

You should be aware that to carry out work which requires a Building Warrant, without first having obtained this type of approval, is an offence in terms of Section 8(2) of the Building (Scotland) Act 2003.

Making a Building Warrant Application

Before you carry out any building work to your building, you should check if you need a *building warrant*. Most work needs a building warrant which you must get before starting work otherwise there will be legal complications if you want to sell your property.

If your work is going to cost less than £70,000, you can apply for a building warrant online. You will need to register in order to submit an application including plans. This is free and only takes a couple of minutes. Applications for work costing more than £70,000 must be submitted by post or delivered in person to the Department.

You can download our guidance on making a Building Warrant application, along with our Building Warrant fees list showing how much your application will cost.

Making a Building Warrant Application – what you can expect from us

Within 4 working days, we will check your application and advise you of any problems after this check. Alternatively, we will let you know your application is valid and is being progressed.

Building Standards Performance Targets

90% of first reports on building warrant applications, telling you if you need to make changes to your proposals to comply with current building regulations to be issued within 20 working days

Making a Decision on a Building Warrant Application

The City of Edinburgh Council will grant a building warrant if they are satisfied that the building will be constructed in accordance with the building operations regulations and the building standards regulations. A warrant for demolition will be granted if the requirements of the building operations regulations will be met.

Making a Decision on a Building Warrant – what you can expect from us

We will seek to minimise the overall average time taken to grant a building warrant measured from the date of lodging to the date of granting the warrant.



Building Standards

NATIONAL CUSTOMER CHARTER



Building Standards Performance Targets

80% of building warrants, if the drawings are altered to the Council's satisfaction, to be issued within 10 working days

90% of requests for a completion certificate to be responded to within 5 working days

90% of requests for a site inspection in relation to a completion certificate to be responded to within 5 working days



Seeking Advice

The Council is committed to giving advice on a range of planning and building warrant proposals.

Seeking Advice – what you can expect from us

If you have a general enquiry about a planning or building warrant matter, we will ask you to complete an online form so we can get more details of what you require. As part of this process, we will advise you to where you can find the information online.

If you are seeking advice on a particular proposal, we will ask you to complete a pre-application advice form so that we can ensure we have all the information we need to be able to give advice. As part of this process, we will advise you to where you can find information online.

We will then send the enquiry to the team for the area.

We aim to respond within 10 working days.

Where the enquiry relates to small scale proposals, we will generally not give direct advice but we will tell you where you can find advice online.

We will arrange a more formal response for more complex proposals.

Requests for meetings will be handled by team managers and these will be decided based on the complexity and/or size of the proposals.

Professional agents will normally be advised to do their own assessment and make the appropriate applications.

Works where there is no Record of Permission

We understand that sometimes work is carried out and there is no record of permission. This is called retrospective works. This can be particularly frustrating when you are trying to sell your house.

In relation to Planning:

If the works were done more than 4 years ago to your house, they are then legal under planning law but if you need a formal letter to confirm this, you will need to apply for a *certificate of lawfulness*. Other types of development such as a change of use, other than to a house, have a longer period (10years) before they become legal.

It may be that the works did not need planning permission but again you need to apply for a certificate of lawfulness if you want legal confirmation.

If you have a listed building and have done work to it without consent or confirmation that you do not need consent, you should read our guidance note on *Selling Your Home* or apply for listed building consent if this is insufficient. We do not issue letters of comfort.

You can check online whether work has consent using our [online services](#) or [historic planning records](#)

Finally, if you are concerned that work has been carried out without permission, please fill in an *enforcement breach form* so we can investigate. *You can find out more about Enforcement standards in our [Enforcement Charter](#).*



In relation to Building Standards

If you do not have a building warrant or a certificate of completion, there are various ways you can get this sorted. See our service standards below.

Retrospective works – what you can expect from us

In all cases, the target response time is 10 working days.

We will direct you to our online systems if you want to check whether work has permission.

We will direct you to our *enforcement breach form* if you think work has been carried out without either Planning or Building Warrant consent.

In relation to Planning

We will advise you to apply for a *certificate of lawfulness* if you need a legal decision on whether planning permission is needed.

We will direct you to our guidance on *Selling Your Home* if work has been done to your listed building without consent. Alternatively you can apply for *listed building consent* as we do not issue letters of comfort.

In relation to Building Standards

We will ask you to apply for a *property inspection* if the work is of a minor non-structural nature and was carried out before 1st May 2005 and you do not have a building warrant for the works. There is a charge for this.

We will ask you to submit a *Completion Certificate Where No Warrant Was Obtained* if the work was carried out on or after 1st May 2005, together with plans and the relevant fee.

We will ask you to apply retrospectively using our *confirmation of completion service* if you have a building warrant but do not have a completion certificate.

Information Requests

The Planning and Building Standards Service holds a great deal of information. Some has to be kept in perpetuity, but other information is only kept in accordance with a records retention schedule. Under the Public Records (Scotland) Act 2011 the Council is obliged to keep schedules of what records we keep and for how long we keep them. You can check if we've already published the information that you want on our [Access to Information webpage](#).

Anyone has a right to request information from a public authority. Many planning applications and certain data relating to building warrants are available online on our [Public Access](#) system and you may find the information you want there.

If you cannot find the information you want online, you can make an Environmental Information Request (EIR). Please ask us in writing using the [online form](#) on our website or by email or post. EIR requests are dealt with centrally within the Council and Planning and Building Standards will send any information requests to that unit for processing.

Information Requests – what you can expect from us

We will hold information in accordance with our records retention schedule.

We will make information available online in accordance with the *Council's publication scheme*.

We will send any environmental information requests to the FOI team for processing and you will receive a response within 20 working days.

Complaints

We will consider all complaints made about the way in which your planning application, building warrant, enquiry or comment was dealt with. However, disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations there is a separate procedure for an applicant to appeal against such decisions. As such we will not discuss the merits or de-merits of a decision and we will direct you to the Report of Handling which sets out the reasons for the decision.

The quickest way to sort things out is to talk to the officer concerned. However, if this does not work our formal complaints procedure has two stages:

- frontline resolution
- investigation

Frontline resolution

We will respond to your complaint within five working days. We aim to resolve your concerns within this timescale. If we need more time, we'll let you know. If you are not satisfied with our response you can ask us to review your complaint.

Investigation

We will appoint a senior Council officer to review your complaint. We will tell you who the Council officer is and respond within 20 working days. If your complaint is complex, we may be unable to resolve your concerns within this timescale. Instead we'll contact you to agree a different date.

If you are still not satisfied, you can then contact the Scottish Public Services Ombudsman (SPSO)

Complaints – what you can expect from us

If you make a complaint:

We will aim to resolve it on the spot

We will respond to you within five working days if we can't resolve it straight away

We will investigate your complaint if you are still not satisfied, and give you a final response within 20 working days unless we need longer.

Data Protection

When handling personal data the Council must do so fairly and lawfully in accordance with the Data Protection Act. There is a requirement for us to provide public information on how planning decisions were taken. If you are thinking of lodging a planning application, or commenting on a planning application, but do not wish your contact details to be placed in the public domain then you should consider asking your architect, or a solicitor, to lodge the application or representations on your behalf. Their contact details would then be shown in place of yours.

Personal signatures, e-mail addresses and telephone details will be removed from our online records. Where appropriate other "sensitive" personal information within documents will also be removed prior to publication online. However, all other information relating to a planning application may be publicly available. In relation to Building Standards only those people with a defined interest are able to have copies of Building Warrant approved plans.





If you are unhappy that information about you is published in connection with a planning application please contact the Council at planning@edinburgh.gov.uk and, depending on the nature of your concern, we will consider what we can do about the matter.

Data Protection – what you can expect from us

We will comply with the Data Protection Act when we publish information.

We will redact any personal email addresses, phone numbers, signatures and other personal information from our online records

We will consider whether we can remove information from our website if you are not happy about its publication.

Contact Us

Phone the Council on 0131 200 2000

Planning Enquiries

planning@edinburgh.gov.uk

Building Standards Enquiries

buildingwarrant.applications@edinburgh.gov.uk



HAPPY TO TRANSLATE

আনন্দের সঙ্গে অনুবাদ করব

ترجمہ کرنے کا خیر

بیسعدنا توفیر الترجمة

MOŻEMY PRZETŁUMACZYĆ

很樂意翻譯