Planning Post Decision Guidance

A guide for anyone who has had a decision made on an application by the Council or anyone with an interest in an application.

This guide explains what needs to be done now a decision has been made whether it is an approval or a refusal (contact details are provided on the inside back page).

An application has been approved

If the application has been approved, work must be carried out exactly as shown on the approved plans and in accordance with any conditions attached to the decision notice. Normally, work must start within 3 years or the approval will lapse.

If you are aggrieved by the conditions attached to the approval, you can appeal to the Planning Inspectorate.

You want to change the approved plans

If you want to make any changes to the plans that have been approved, you must make an application using the correct application form along with a fee. There are two sorts of amendments.

- 1. Minor Material Amendment.
- 2. Non Material Amendment.

Once we have considered your application we will then write to you to say whether the changes are acceptable.

Further information is available at the Planning Portal.

An application has been refused

If an application has been refused, we will tell you why. An appointment can be made with us to discuss whether a different proposal might be acceptable. The applicant has the right to appeal against the decision, but there is no third party right of appeal.

You want to appeal against a decision

If you are aggrieved by the decision of your Local Planning Authority to refuse permission, then you (or your agent on your behalf) can submit an appeal to the Planning Inspectorate in Bristol. This must be done within:

- 1. 12 weeks for Householder Applications.
- 2. 8 weeks for Advertisement Consent.
- 3. 6 months for all other applications.

This can be done online using the appeals area of the Planning Portal or by using a form produced by the Planning Inspectorate.

It is not advisable to start work before you have all the permissions you need. If the work is not acceptable, you could be asked to put it right at your own expense and/or be fined. You might not just need planning permission.

Please read on



Are you displaying an advertisement?

The display of a sign or advertisement may require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. If you display a sign or advertisement in contravention of the regulations you may be liable to prosecution. Should a sign overhang the public highway you will also require a further licence from the Highways Department of the Local Authority.

Is your consent for a change of use?

The planning consent may relate only to a change of use of the premises. If, subsequently, external alterations or a replacement shop front are proposed, a further planning application may be required.

Will the development include the closure or diversion of a footpath or bridleway?

Section 257 of the Town and Country Planning Act 1990 gives local planning authorities the power to make orders to extinguish or divert footpaths, bridleways or restricted byways where it is necessary to enable development for which planning permission has been granted or development by a government department, to be carried out. Orders pursuant to the above Act must be made and confirmed prior to work commencing on site.

Further information can be obtained by contacting Planning Direct or alternatively a guidance note called 'Roads and Footpaths' is available at the Council's Website.

Will the development include the closure of part of a public road or highway?

Under Section 247 of the Town and Country Planning Act 1990, the Secretary of State may, by order, authorise the stopping up or diversion of any highway, if satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under Part III of the above Act, or to be carried out by a government department. Orders pursuant to the above Act must be made and confirmed prior to work commencing on site.

Further information can be obtained by contacting The Government Office for the North East. Alternatively a guidance note called 'Roads and Footpaths' is available at the Council's Website.

Do you require an Alcohol and Entertainment Licence?

If the application involves premises which require the above licence it may be advantageous to contact the Licencing Section of Regulatory Services.

Does your planning consent have conditions attached?

Failure to comply with conditions attached to your application may result in a breach of planning control and could lead to enforcement action. This also may result in the development being classed as unlawful.

It is in your best interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred in the future.

If your application has conditions attached that need discharging by the Council i.e further details need submitting before commencing, you now have to submit a formal application using either the national form called 'Application for approval of details reserved by a condition', or a letter can be sent containing the conditions and details to be discharged. The appropriate fee must accompany the request and any requests without the correct fee will have to be returned. The fee is £25 for discharging one or more conditions on a Householder Application and £85 for discharging one or more conditions on all other applications. Each request to discharge conditions attracts a fee regardless of the number of conditions, and so it is cost effective to request the discharge of all planning conditions in one go.

The Council will aim to respond within 12 weeks unless further evidence or consultations are required, in which case a longer timescale will be appropriate. If the Council fails to respond within 12 weeks the fee will be refunded.

Listed Building Consents and Conservation Area Consents do not form part of this process and no fee will be charged for discharging conditions on these types of applications.

Is your property a Listed Building or in a Conservation Area?

A significant number of buildings in the city are statutorily or locally listed. If statutorily listed, then Listed Building Consent may be required prior to the commencement of any internal or external alterations, including the demolition of part of the building or buildings in the curtilage. Conservation Area Consent may be required for the demolition of all or part of an unlisted building located within a conservation area. Statutory requirements are contained in the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990. Further information can be obtained by contacting Planning Direct or on the Council's website.



Are the premises open to the public or do you employ people with a disability?

It will be necessary for you to make appropriate access provision to enable people with disabilities to use the premises. Statutory requirements are contained in the Disability Discrimination Act 1995 and in the Town and Country Planning Act 1990, and government guidance is given in Planning Policy Guidance PPS1 (HMSO). Furthermore, the Building Regulations 1991 (Part M) may require disabled access to be provided. Further information can be obtained by contacting Planning Direct or Building Consultancy.

Do I need Building Regulations Approval?

Having gained planning permission you may need approval under Building Regulations. The Building Regulations set construction standards for all types of buildings. They cover all aspects of construction including, foundations, drains, damp-proofing, overall stability of the building and any internal alterations, insulation, ventilation, fire protection and fire escape. They also make sure there is adequate access and facilities for all people including those with a disability.

Building Regulations approval is the way the Council check that a building meets health and safety standards, in order to protect the people who use it. Even if you have planning permission you may still need Building Regulations approval, and vice versa. Each consent stands alone and is controlled by separate legislation.

How do I apply for Building Regulations Approval?

There are two ways:

- 1. The full plans route this is the most popular route and one that we would recommend.
- 2. The building notice route.

IMPORTANT - Where Severn Trent Water Limited have identified the presence of a sewer within 3 metres of the proposed work, a Building Notice is not acceptable. Full detailed plans will need to be submitted. Please contact Building Consultancy for further guidance.

Are any buildings being demolished?

If the development involves the demolition of existing buildings, you will need to ensure that you comply with the requirements of Section 80 of the Building Act 1984. This requires advance notification of the specification and extent of the works (depending upon the size of the building being demolished). Please contact Building Consultancy's Surveying Services for further guidance or alternatively the Section 80 form is available at the Council's website.

Are you connecting to the public sewerage system?

If the development proposal requires you to connect to the public sewerage system you must contact Severn Trent Water (STW) at your earliest opportunity.

This will enable STW to commence liaison work to ensure that the connections are provided to meet construction programmes and that all requirements of the Water Industry Act 1991 and New Roads and Street Works Act 1994 are fully complied with. If this work is required as a matter of urgency in traffic sensitive areas this may incur additional constructional costs.

It is inadvisable to commence site drainage design or construction before the connection to the main sewer is agreed and completed.

Are you building over or close to a public sewer?

If the development proposal is building over or close to a public sewer you must refer it to Severn Trent Water who may seek to impose conditions relating to surveying the sewer, its protection and improvement on its location.

If you need to know where these sewers are please contact Building Consultancy for further guidance.

The Party Wall Act

The Party Wall Act 1996 came into force on 1 July 1997. It affects anyone who proposes to carry out work on or close to their boundary. Anyone intending to carry out building work must find out whether that work falls within the scope of the Act. For example, work on an existing shared wall, new building on the boundary of a neighbouring property or excavation near an adjoining building. A Party Wall Act Notice will need to be served on all those defined by the Act as adjoining owners. The Party Wall Act is a civil matter **NOT** Council related. Advice can be obtained from the Citizens Advice Bureau, a solicitor or a legal advisor. If you are the agent for an application it is your responsibility to ensure that this information is given to your client.

For a copy of the Party Wall Act please contact The Stationery Office. Further information is also available from the Department for Communities and Local Government's website



Have you considered the effect on local residents and road users?

The Highways Act 1980 and New Roads and Street Works Act 1991 contain various clauses, which allow the Council (as Highway Authority) to closely control activities on the highway. The Council is particularly concerned about the nuisance that development being carried out adjacent to the highway can cause to local residents, the travelling public and road users in general.

If the development will affect the adjacent highway in any way, you must seek written authority from the Council's Chief Highway Officer before engaging in any activity, which might constitute nuisance or impinge on highway users.

Activities which might constitute an offence unless authorised in advance by the Council's Chief Highway Officer by means of a permit or licence, include:

- Development which causes a nuisance to highway users.
- Driving over footways and verges.
- Placing materials, rubbish, plant and equipment on the carriageway, verge or footway.
- Placing skips on the highway.
- Placing marks or signs on the public highway.
- Setting up hoardings or scaffolding on the public footway, verge or carriageway.
- Carrying out excavations within the public highway.
- Placement of wire, rope, hosepipe or airline etc across the highway.
- Placement of a crane or hoist, including 'cherry pickers', on the highway.
- Placement of apparatus under the highway.
- No footway crossings or bell mouths may be constructed over a footway that forms part of the public highway without the prior issue of a bell mouth agreement by the Council's Chief Highway Officer.
- The construction of buildings or structures which overhang the public highway.
- The planting of privately owned vegetation within the public highway.
- If Severn Trent Water agree for a drainage connection to be made within the public highway by a private contractor, then a license under Section 50 of the New Roads and Street Works Act is required.
- Closure of any part of the public highway.

Activities that constitute an offence AT ALL TIMES which will not be permitted in any situation:

- Mixing mortars etc. directly on the footway, verge or carriageway.
- Trafficking mud onto the carriageway, verge or footway.
- Allowing soil or refuse to fall or be washed on to the public highway.
- Allowing gates to open on to the public highway.
- Erecting barbed wire to fence lines, walls, etc. such that it causes a nuisance.
- Not fencing off land adjoining a public highway where the state of land is dangerous to highway users.
- Down pipes, gutters or channels must not discharge water onto, over or under the public highway.
- Excavating in the highway without consent, or without the correct signing, lighting and guarding if consent is granted.
- Excavating in the highway without giving the specified notice period required under the New Roads and Street Works Act 1991.
- Alterations to the footway to accommodate new threshold levels.

The Council's Chief Highway Officer will be able to give you further guidance on timescales and the necessary requirements. Contact details are shown at the end of this leaflet.



Do you comply with Health and Safety Regulations?

If the development is for offices, shops, restaurants, cafes or hot food take aways as well as development requiring the treatment and extraction of fumes or would involve any sort of industrial process it is your responsibility to comply with the Health and Safety at Work Act 1974.

Further information can be obtained from the Council's Regulatory Services Department

Will the development involve the preparation or sale of food?

The Council's Regulatory Services Department require all food businesses to comply with the following:

- Types of food, produced or handled, and the amount of equipment needed must be considered. Sufficient space must be provided and the layout suitably designed to ensure the safe handling of food. Food preparation areas should be on the same level as serving/dispatch areas unless suitable lifts or hoists are provided.
- It must be registered with the Regulatory Services
 Department under EC Regulation 882/2004. Registration is
 free and cannot be refused. Forms are available from the
 Food Safety Team.
- It must comply with the requirements of the Food Safety Act, the Health and Safety Act 1974, Environmental Protection Act 1990, and regulations made under these Acts. Compliance with EC regulation 852/2004 and, where necessary EC regulation 853/2004, is also required.
- Adequate arrangements must be made for the storage and disposal of waste. The company that removes waste must be registered as a Waste Carrier with the Council. Written details of the type of waste, amount produced and details of the company removing waste must be kept for a period of two years.
- Adequate space must be provided for the storage of waste to ensure that it is kept separate from preparation areas and will not give rise to odour or pest nuisance.
- Extraction details must also be approved by the Council.
- Suitably sealed and fireproof exhaust ducting must be installed from the outlet of the cooking equipment to an extractor fan and then to a suitable point of discharge to atmosphere. Discharge must be at a height of not less than 1m above ridge level of the building, having due regard to the position and height of adjoining buildings. The fan should be of an appropriate size and type and precautions shall be taken to prevent a noise nuisance to include acoustic housing and silencing. Air extraction must be at a rate appropriate for the proposed range.
- Ventilation should include an adequate number of points of access to facilitate dismantling and/or thorough cleaning.

 If tables and chairs are to be provided for customer use, then sanitary accommodation for customers must be provided under the Local Government (Miscellaneous Provisions) Act 1976 and in accordance with British Standards 6465:1994.

Food Safety packs are available from the Council's Health and Safety Team.

Will construction and demolition works create noise and dust?

Construction and demolition activities can generate emissions of noise and dust. Adhering to simple rules will help to reduce local air pollution and complaints and avoid possible legal action by the Council. The Council's Environmental Protection Unit have produced a leaflet called 'Advice to Building Contractors on Noise and Dust from construction and demolition works'. Copies are available by contacting the Environmental Protection Unit.

Some helpful do's in relation to noise and dust control:

- Consult the Council prior to commencing any work.
- Advise local residents in writing that work is to take place and when.
- Adhere to the following hours of operation for works audible at the site boundary:
 - Monday to Friday 8am to 6pm.
 - Saturday 8am to 1pm.
 - Sunday and Bank Holidays No Work.
- Consult the Council for prior approval if you want to operate outside of these hours.
- Ensure you adhere to your duty of care with regard to waste disposal.
- Try to operate noisy equipment in the middle of the day only.
- Carry out piling operations using the quietest methods available.
- Keep noisy deliveries to the middle of the day especially skip and cement deliveries.
- Ensure materials are carefully loaded to avoid unnecessary noise and they should not be deliberately dropped.
- Locate noisy static plant away from residential properties.
- Ensure noisy plant is adequately insulated/screened.
- Ensure equipment is properly maintained.
- Ensure mobile crushers and screeners carry the appropriate permit under the Pollution Prevention and Control Regulations 2000.
- Screen noisy activities.
- Ensure asbestos is removed and disposed of safely by a licensed waste carrier.



Are there any trees on the application site?

The preservation of existing trees is an important amenity consideration and existing trees should be incorporated where practicable in any landscaping and tree planting scheme. Care should be taken to ensure site works do not impair the health or stability of existing trees. Also trees may be protected by a Tree Preservation Order. Works carried out on protected trees can incur a £20,000 fine as well as a criminal record through the magistrate's court. Further information can be obtained by contacting Planning Direct.

Contaminated Land

It is the responsibility of the person developing the land to ensure that it is suitable for its intended use. This includes ensuring that the presence of contamination does not pose an unacceptable risk to health or the environment.

When developing on land where contamination is known or suspected to be present, or for any development involving a sensitive end use, such as residential housing or school, an assessment will be required to determine the likelihood of the presence of contaminated land.

Further information can be obtained from the Councils Regulatory Services Contaminated Land Team, shown at the end of this leaflet or by viewing the following documents:

- Planning Policy Statement 23 Annex 2: Development on Land Affected by Contamination, available at: www.communities.gov.uk
- CLR 11: Model procedures for the Management of Land Contamination. Department of the Environment, Food and Rural Affairs and Environment Agency 2004 DEFRA available at: www.defra.gov.uk
- R & D Publication 66: Guidance for the Safe Development of Housing on Land Affected by Contamination prepared on behalf of NHBC, Environment Agency and the Chartered Institute of Environmental Health. For further information contact the NHBC and or the Environment Agency.
- C665: Assessing risks posed by hazardous ground gases to buildings, CIRIA 2007 available at: www.ciria.org.uk

Do bats use the development for shelter or protection?

Under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CroW) 2000, it is an offence to intentionally or recklessly damage or destroy, or obstruct/disturb any structure or place which a bat uses for shelter or protection. You will need to get any trees or buildings inspected to ensure bats are not present prior to work commencing.

If any proposed work is likely to destroy or disturb bats or their roosts, the appropriate Statutory Nature Conservation Organisation (Natural England) must be notified. This will allow them reasonable time to advise on whether proposed action should be carried out.

Further information can be obtained from The Bat Conservation
Trust

Do the nests of wild birds exist within the development site?

Under the Wildlife and Countryside Act 1981 (Section 1), it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or is being built. Trees and shrubs are likely to contain nesting birds between 1st March and 31st August.

Site Waste Management Plans (SWMP)

Since April 2008, a SWMP is required for all construction projects worth more than £300,000. For further information contact NetRegs.



Getting in touch

Planning Listed Building and Conservation Enquires

Telephone

All planning enquires - (0121) 303 1115

F-mail

Planning.enquiries@birmingham.gov.uk

Web

www.birmingham.gov.uk/planning www.birmingham.gov.uk/documentlibrary www.birmingham.gov.uk/buildingconservation

Fax

(0121) 303 4838

Textphone (Minicom)

(0121) 464 0938

Pos

Planning Management PO Box 28 Birmingham B1 1TU

Planning Management Service Complaints

E-mail

planningcustomerservice@birmingham.gov.uk

Building Consultancy Enquires

Telephone

(0121) 675 7006

E-mai

Building.consultancy@birmingham.gov.uk

Web

www.birmingham.gov.uk/buildingconsultancy

Fax

(0121) 464 8772

Textphone (Minicom)

(0121) 464 0938

Post

Building Consultancy Birmingham City Council PO Box 2062 1 Lancaster Circus Birmingham B4 7DY

Useful Contacts

Regulatory Services

Food Safety/Health and Safety Team

(0121) 303 4111

publichealth@birmingham.gov.uk www.birmingham.gov.uk/publichealth

Licensing Section

(0121) 303 9896 - General Licensing (Liquor, Gambling) (0121) 303 8442 - Hackney Carriage and Private Hire (0121) 303 9611 - Licensing Enforcement licensing@birmingham.gov.uk www.birmingham.gov.uk/licensing

Environmental Protection/Public Health

(0121) 303 6007 (0121) 303 9900 - Noise and Dust leaflet publichealth@birmingham.gov.uk www.birmingham.gov.uk/publichealth

Contaminated Land Team

(0121) 303 9956

contaminatedland@birmingham.gov.uk www.birmingham.gov.uk/contaminatedland

The Stationery Office

0870 600 5522

www.opsi.gov.uk

Department For Communities and Local Government

www.communities.gov.uk

Severn Trent Water

0800 707 6600

new.connections@severntrent.co.uk www.stwater.co.uk

Highways

(0121) 303 6642 - Works in the City centre

(0121) 303 7213 - Licenses

(0121) 303 7045 - Permits

www.birmingham.gov.uk/highways

Planning Inspectorate

(0117) 372 6372

enquiries@planning-inspectorate.gsi.gov.uk www.planningportal.gov.uk/pcs (For Appeal Submissions) www.planning-inspectorate.gov.uk

Government Office for the North East

(0191) 202 3641 or (0191) 202 3714 casework@gone.gsi.gov.uk

NetRegs Environment Agency

08708 506 506

www.netregs.gov.uk

NHBC or the Environment Agency

(For 66: Guidance for the Safe Development of Housing on Land Affected by Contamination)

www.nhbcbuilder.co.uk

www.environment-agency.gov.uk

The Bat Conservation Trust

0845 1300 228

www.bats.org.uk



اذا رغبت هذه المعلومات بالعربية ، بما في المنشورات المطبوعه بحروف كبيرة والسمعيه ، يرجى أن تطلب من شخص يتحدث اللغة الانكليزيه للاتصال بالرقم اعلاه ، نيابة عنك.

আপনি যদি এই তথ্য বাংলায়, বড় অক্ষরে এবং অডিও টেপে পেতে চান, তবে দয়া করে ইংরেজীতে কথা বলতে পারেন এমন কাউকে আপনার পক্ষ হয়ে উপরোক্ত নম্বরে ফোন করতে অন্তরোধ জানান।

如果你想要翻譯成中文的這份資料包括 大字體版或錄音版,請找一位會說英語的人士 代你打上述的電話號碼。

اگر این اطلاعات را به فارسی می خواهید، که شامل چاپ درشت و فرم صوتی می باشد، لطفاً از فردی که انگلیسی صحبت می کند بخواهید که از سوی شما با شماره تلفن بالا، تماس بگیرد.

Si vous souhaitez obtenir ces informations en français, notamment en gros caractères ou sur cassette audio, veuillez demander à une personne qui parle anglais d'appeler à votre place le numéro de téléphone indiqué ci-dessus.

મોટી છાપ અને ઑડિયો કસૅટના સમાવેશ સાથે, જો તમને આ માહિતી ગુજરાતી ભાષામાં જોઇએ, તો તમારા વતિ ઉપર જણાવેલ નંબર પર ફૉન કરવા માટે કૃપા કરી કોઇ અંગ્રેજી બોલનાર વ્યક્તિને વિનંતી કરો. نه گهر نه و زانیاریانه ت به کوردی و به چاپی گهوره و بیسته نی ویست، نه وا تکایه داوا له کهسنگ بکه که به نینگلیزی بتوانیت قسه بکات بق نهوه ندی بکات به رسان به و ثماره یه سهردوه.

Jeżeli chcieliby Państwo otrzymać załączone informacje w języku polskim, w tym także dużym drukiem lub na taśmie audio, należy poprosić osobę mówiącą po angielsku, by zadzwoniła w Państwa imieniu na podany powyżej numer telefonu.

ਜੇ ਤੁਸੀਂ ਇਹ ਜਾਣਕਾਰੀ ਪੰਜਾਬੀ ਵਿੱਚ, ਵੱਡੀ ਛਪਾਈ ਵਿੱਚ ਜਾਂ ਸੁਣਨ ਵਾਲੀ ਟੇਪ ਉੱਤੇ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅੰਗਰੇਜ਼ੀ ਬੋਲਣ ਵਾਲੇ ਇਨਸਾਨ ਨੂੰ ਕਹੋ ਕਿ ਉਹ ਤੁਹਾਡੇ ਵਾਸਤੇ ਉੱਪਰ ਦਿੱਤੇ ਟੈਲੀਫ਼ੋਨ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰਕੇ ਇਸ ਦੀ ਮੰਗ ਕਰੇ।

Hadaad akhbaartan ku doonaysid Soomaali, oo ay ku jiraan farta waaweyn iyo maqal, fadlan waydiiso qof Ingiriisida ku hadlaan inuu kuu waco nambarka xagga sare ku qoran.

اگرآپ میں معلومات اُردوز بان میں ، مع الفاظِ جلی اور آڈیو کی صورت میں حاصل کرنا چاہتے ہیں تو ہراہ کرم انگریز کی زبان ہولئے والے کی فردسے کئے کہوہ آپ کی جانب سے اُو پردیے گئے نمبر پڑیلیفون کریں ۔

Nếu quý vị muốn có thông tin này bằng tiếng Việt Nam, bao gồm cả chữ in lớn và băng ghi âm, xin nhờ người nói tiếng Anh thay mặt cho quý vị gọi vào số điện thoại ở trên đây.

For large print, Braille or audio please phone: (0121) 303 1115

If you have hearing difficulties, please call us via type talk on (0121) 464 0938 from Monday - Friday (9.00am - 5.00pm) or email us at: Planning.enquiries@birmingham.gov.uk

We aim to supply what you need within ten working days





