

Report for: Cabinet 12th March 2019

Report Title: Updated Local List of Validation Requirements for Planning Applications

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Contact No: Ext.4753

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

Describe the issue under consideration

- 1.1. The purpose of this report is to seek Cabinet agreement to undertake public consultation on the updated Local List of Validation Requirements for Planning Applications.
- 1.2. The Council, as the Local Planning Authority (LPA) should publish a bespoke list of the Council's information requirements to be submitted with planning (and related) applications if it wishes to request information over and above that set out in regulations. The list should be reviewed and updated every two years. The existing 2017 list is therefore required to be reviewed and updated.
- 1.3. It is therefore proposed to consult on the updated list for a period of six weeks. Cabinet approval is required for the updated list itself and to commence public consultation.

2. Cabinet Member Introduction

- 2.1. **An up-to-date local validation list is essential to ensure that all the necessary information is submitted with planning applications to enable the LPA to process them efficiently and consistently, and to be able to assess them against our local policies.**

3. Recommendations

- 3.1. That the Local List of Validation Requirements for Planning Applications attached as appendix 1 is consulted upon for a period of six weeks starting immediately following the call-in period after Cabinet.
 - 3.2. That Cabinet delegates to the Assistant Director-Planning, in consultation with the Lead Cabinet Member, authority to adopt the Local List of Validation Requirements
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with or without modifications following consideration of the public consultation responses.

4. Reasons for decision

- 4.1. An up-to-date local validation list is essential to ensure that all the necessary information is submitted with planning applications to enable the LPA to process them efficiently and consistently, and to be able to assess them against local policies.

5. Alternative options considered

- 5.1. No alternative options have been considered, as not updating the list would result in the Council failing to meet its obligations as required by statute.

6. Background information

- 6.1. The Government publishes a 'National List' of validation requirements, which covers basic information: (a) application form, (b) plans, (c) fee and (d) any locally required information. It is for each LPA to specify what it requires under (d).
- 6.2. The National Planning Policy Framework states that Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every 2 years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
- 6.3. The National Planning Practice Guidance advises that local planning authorities should consult on changes to their list of information requirements before they are finalised and published..
- 6.4. The updated list (attached) will be sent directly to stakeholders (i.e. those who engage with the LPA in a professional capacity, including developers, agents, councillors, local groups and associations). The consultation will also be published on the Council's website. A period of six weeks will be given for responses (mid-March to end of April).
- 6.5. The key changes, having regard to the NPPF and development plan, in the update are:
- New requirement for 3D modelling information with certain major applications.
 - Preference for applicants to submit electronically via the Planning Portal.
 - Clarification of technical requirements for block plans, elevations and sections and plans needed for outline applications.
 - Removing requirements for separate reports on bin storage, acoustics and accessibility documents – in favour of including within wider / Design & Access Statements.
 - Requirement to provide undertakings to cover Council's legal costs in preparation of S106 agreements.

- Updating of planning document references
- General streamlining / reducing 'jargon'.

6.6. Following consultation, all responses will be tabulated, considered and inform changes to the list. A report will be prepared for the Assistant Director-Planning, in consultation with the Lead Cabinet Member, for sign-off.

7. Key Risks

7.1. If the updated list is delayed for a significant period, or is not updated at all, the LPA could be challenged by applicants / developers in our information requests. This has the potential to delay the processing of planning applications or result in resources being used on appeals against non-validation.

8. Contribution to Strategic Outcomes

8.1. Having an up-to-date list will assist the LPA in dealing with planning applications in a timely manner and make clear the Council's information requirements to the development community. This assists with Borough Plan priorities 1 (housing), 3 (Place) and 5 (economy).

9. Statutory Officers comments

Legal

The Council may adopt local information requirements for planning applications and consents and this power is an executive function.

The proposed updated list of local information requirements will sit alongside national information requirements and must accord with section 62 of the Town and Country Planning Act 1990 and Part 3 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

In accordance with these statutory provisions and the National Planning Policy Framework (NPPF), local planning authorities should only request supporting information that is relevant, necessary and material to the application in question. The NPPF further advises that these should be kept to the minimum needed to make decisions.

Local planning authorities, in order to rely upon the list of local information requirements, must publish their list and review and republish it at least every 2 years. The National Planning Practice Guidance (NPPG) also advises that local planning authorities should, after reviewing existing local lists, consult on changes before they are finalised and published.

The process to adopt the revised list of local information requirements, as set out in this report, meets the relevant statutory requirements and complies with the NPPF and NPPG.

Equality

The council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and those people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty applies to the following protected characteristics: age disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

It is not expected that this decision will have any negative impacts on individuals or groups who share the nine protected characteristics.

Finance

No implications.

Procurement

No implications.

Use of Appendices

Appendix A – Local List of Validation Requirements for Planning Applications 2019 (Consultation version).