

Report for: Strategic Planning Committee 20 June 2023

Title: Proposed draft Local Validation List for consultation 2023

Report authorised by: Rob Krzyszowski, Assistant Director, Planning, Building Standards & Sustainability

Lead Officer: Robbie McNaugher, Head of Development Management & Enforcement

Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1 The purpose of this report is to seek the Committee's views on the proposed draft Local Validation List for planning applications.
- 1.2 The Council, as the Local Planning Authority (LPA) may publish a bespoke list of information requirements to be submitted with planning (and related) applications if it wishes to request information over and above that set out in legislation. The list must be reviewed and updated every two years. The existing July 2021 list is therefore now required to be reviewed and updated.
- 1.3 It is intended that the LPA will consult on the proposed draft List for a period of four weeks during June/July 2023. Consultation would be undertaken with all known planning agents and developers operating within the borough and placed on the Council website so that other interested parties can comment.
- 1.4 The proposed draft Local Validation List for consultation is set out in Appendix 1.

2. Recommendations

- 2.1 That Strategic Planning Committee:
 - 2.2 Considers and provides comment on the proposed draft Local Validation List for planning applications set out in Appendix 1
 - 2.3 Notes that a final draft version of the List will be published for consultation for four weeks during June/July 2023.
 - 2.4 Notes that the Assistant Director for Planning, Building Standards and Sustainability has delegated authority to approve the final List following consultation. This will include consideration of any consultation comments received and will be in consultation with the Cabinet Member for Housing Services, Private Renters and Planning.

3. Reasons for decision

- 3.1 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 against local policies.

4. Alternative options considered

- 4.1 Do nothing: the 2021 list would become obsolete in July 2023. The inability to seek full, and locally important information with planning applications would have significant implications in terms of the determination and assessment of planning applications and may result in the Council failing to meet its obligations e.g. environmental standards, housing-delivery, government targets, etc.
- 4.2 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.

5. Background information

- 5.1 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).
- 5.2 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.
- 5.3 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.
- 5.4 The proposed draft List (Appendix 1) will be sent directly to stakeholders (i.e. those who engage with the LPA, including developers, agents, councillors, local groups, societies and associations). The consultation will also be published on the Council's website and in the local press. A period of four weeks will be given for responses from June to July.
- 5.5 The key changes proposed since the adopted July 2021 version, having regard to the NPPF and current development plan, in the update are:
- **Following feedback from Councillors at previous Strategic Planning Committee discussions, further requirements on how plans are set out to enable direct comparison between existing and proposed plans**
 - **Requirements to set out neighbouring properties as context on proposed plans**

- **Removing the requirement for a hard copy of plans due to paperless working**
- **Requirements for Biodiversity Net Gain Metric Calculation (Applicable from November 2023) and Small Sites Metric Calculations (Applicable from April 2024) to reflect emerging legislation**
- **Requirements for a draft S106 agreement for minor developments to speed up the application process for securing car free and zero carbon obligations**
- **Requirements for water/waste water utilities assessment to reflect London Plan policy and latest practice**
- **Other minor amendments and updates**

5.6 Following consultation, all responses will be considered before the List is finalised.

6. Contribution to strategic outcomes

6.1 The updated List will support the Development Management service in supporting the Corporate Delivery Plan's focus on 'getting the basics right', 'responding to the climate emergency' and delivering 'homes for the future' and 'place and economy' objectives.

7. Statutory Officers comments

Legal

7.1 The Council may adopt local information requirements for planning applications and consents.

7.2 The proposed updated list of local information requirements will sit alongside the 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.

7.3 Information requested on the Council's local validation list must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

7.3 The process to be followed to review a list of local information requirements is set out in the National Planning Practice Guidance which requires consultation responses to be taken into account before a revised list is finalised and published on the Council's website.

7.4 The decision to approve local validation lists is not a decision that legislation specifies cannot be taken by the Council's executive nor, will it involve expenditure of £500,000 or result in substantial public interest or significant social, economic or environmental risk, and so is a decision that officers can take pursuant to the Council's Constitution, as a non-key decision.

Equalities

- 7.5 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
- 7.6 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.
- 7.7 It is not expected that this decision will have any negative impacts on individuals or groups who share the nine protected characteristics.

Finance

- 7.8 This report is for the recommendations as set out in para 2 of this report. There are no financial impacts for the Council.

8. Local Government (Access to Information) Act 1985

Planning Applications are on the Planning Register on the Council's website.

Use of Appendices

Appendix 1 – Proposed draft Local Validation List for consultation