

Subject: Proposed Changes to the Local Validation Lists

Report of: Section Manager

To: Head of Planning, Building Control and Licensing

Date: 25 September 2018

Recommendation:

That the Head of Planning, Building Control and Licensing:
Approves the Validation List of Planning Applications Requirements.

1. Background

- 1.1. The City Council as Local Planning Authority (LPA) must publish a local list of information requirements for submitted planning applications, in addition to the national mandatory information requirements specified in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is to provide clarity to applicants on what information should accompany their applications.
- 1.2. A report was approved by the Head of Planning, Building Control and Licensing earlier this year which sought approval to consult on a set of new validation requirements for the submission of planning applications.

2. Introduction

- 2.1. As a Local Planning Authority (LPA), a local list of information requirements for submitted planning applications, pursuant to paragraph 193 of the National Planning Policy Framework (NPPF) must be published. This is in addition to the national mandatory information requirements specified in the Town and Country Planning Development Management Procedure Order (DMPO). National guidance is also contained in Planning Practice Guidance:
 - <http://planningguidance.planningportal.co.uk/>
 - The information required to make a valid planning application to an LPA consists of:
 - Mandatory national information requirements;
 - Information provided on the standard application form;
 - Information to accompany the application as specified by the LPA on their local list of information requirements; and
 - The correct application fee.

3. National Requirements

- 3.1. Statutory national information requirements specify that a planning application is to be accompanied by a location plan; site plan; ownership certificate (and notice); agricultural land declaration; fee; a design and access statement (where relevant).

3.2. There are also specific requirements for outline planning applications and applications subject to environmental impact assessment.

4. Local Information Requirements

- 4.1. A LPA may request supporting information with a planning application. These requirements should be specified on a formally adopted local list, which must have been published on its website. The local list should be reviewed at least every two years.
- 4.2. The local list clarifies what information is required for applications of a specific type, scale or location. The National Planning Policy Framework (NPPF) states that a LPA's local list of information requirements for planning applications should be proportionate to the nature and scale of development proposals.
- 4.3. The NPPF encourages LPAs to request supporting information that is relevant, necessary and material to the application in question. Section 62(3) of the Town and Country Planning Act 1990 gives LPAs a broad power to require that applications for planning permission in their area may require such particulars as they think necessary and such evidence in support of anything in, or relating to, the application as they think necessary. Additionally, section 62(4) (A) of the Town and Country Planning Act 1990 and article 11(3) (c) of the DMPO require that information requested with a particular planning application must be:-

“reasonable having regard, in particular, to the nature and scale of the proposed development;

and

may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of a planning application.”

5. Validation lists

- 5.1. The LPA should identify the key drivers for each of the items on the list, such as statutory requirements, national, regional or local plan policies, or published guidance that explains how adopted policy should be implemented. In addition to requiring that the local list be proportionate to the nature and scale of development proposals, the NPPF requires that the LPA recognises the cost burden on the applicant of providing additional information.
- 5.2. In response to the eight week consultation on the draft lists the comments received can be summarised as follows:
- incorporation of exemplary sustainable surface water management features
 - United Utilities wishes to see additional requirements added to the validation checklist requiring a surface water management strategy and foul surface strategy for all developments.

- United Utilities request that the checklist includes the requirement for a Utilities Statement and that for any applications involving a basement car park that a surface water management strategy is required.
 - General comments welcoming viability assessments being made public and open to scrutiny. However, it is requested that viability assessments should take into account the length of time an owner has been in possession of a building and any deterioration that has occurred.
 - Information has been submitted in relation to new paragraph numbering in revised National Planning Policy Framework.
 - Comments received in relation to flood risk and highlighting the issue of sequential test especially relating to applications made relating to unallocated sites where evidence of the sequential test should be provided.
 - The construction management plan will not be available for issue at the planning submission stage of most applications as this needs to be prepared by the contractor who in most cases will not have been appointed until planning approval has been granted. This is the same for construction waste management.
 - It is requested that there is a typical template list of all items that will be required on all applications of small, medium or large scale residential applications.
 - It is questioned whether a Broadband Connectivity Statement is really necessary in the Regional Centre where there is ample opportunity to connect.
 - Blue and Green statement should be in bold
- 5.3. The above comments have been carefully considered and the necessary changes have been made to the validation lists. The lists have also been updated to take account of the 2018 changes to the NPPF.
- 5.4. The updated lists are included in Appendix A below.
- 5.5. It is requested that the Head of Planning, Building Control and Licensing formally adopts the updated validation lists.

Background Papers

Department for Communities and Local Government “Streamlining information requirements for planning applications” Consultation Paper, July 2012.1

Department for Communities and Local Government “National Planning Policy Framework” July 2018.

The Town and Country Planning (Development Management Procedure) Order 2015

Planning Practice Guidance (<http://planningguidance.planningportal.co.uk/>)