

<b>DECISION-MAKER:</b>	<b>PLANNING AND RIGHTS OF WAY PANEL</b>		
<b>SUBJECT:</b>	<b>REVIEW OF INFORMATION FOR THE VALIDATION OF PLANNING APPLICATIONS</b>		
<b>DATE OF DECISION:</b>	<b>19 NOVEMBER 2013</b>		
<b>REPORT OF:</b>	<b>PLANNING AND DEVELOPMENT MANAGER</b>		
<b><u>CONTACT DETAILS</u></b>			
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#### **STATEMENT OF CONFIDENTIALITY**

N/A

#### **BRIEF SUMMARY**

In June 2013, Central Government published its response to the consultation paper 'Streamlining the Planning Application Process'; the consultation ran from January – March 2013. The Government's response provides recommendations for Local Planning Authorities in order to improve the process for validating planning applications. The Town and Country Planning (Development Management Procedure) (England) Order (2010) has also been amended following the consultation which has simplified the requirements for when Design and Access Statements are needed to be submitted with a planning application.

This report outlines the proposed changes that will be made to the requirements for validating planning applications in response to the Government's response.

The purpose of the review is to simplify the planning application validation process in order to make the process less onerous on both the LPA and the applicant in order to quickly validate planning applications. This is very important as an effective planning system plays an important role in supporting growth by promoting and enabling the homes, jobs and facilities that communities need, and minimising uncertainty and delay for those proposing or affected by development.

The Council has also recently started to collect money towards infrastructure under the Community Infrastructure Levy. In order to determine CIL liability the Council require certain information to be submitted with a planning application. These additional requirements can be requested through the revised validation criteria.

The key changes to the proposed local requirements are set out in **Appendix 2**.

#### **RECOMMENDATIONS:**

- (i) To approve the draft Validation Checklists for public consultation. The checklists are attached as **Appendix 1**.

- (ii) To delegate authority to Planning and Development Manager to revise (where necessary) and adopt the validation criteria following the public consultation period.
- (iii) Update validation requirements and notify the Planning Portal.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. To comply with the requirement of Central Government to revise the validation criteria for planning applications in accordance with their response to the consultation 'Streamlining the Application Process' (June 2013) and the Development Management Procedure Order (2010) (as amended)

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. To continue using the existing validation checklists, excluding the requirement to provide Design and Access Statements for certain types of development and information requirements for outline planning applications as these requirements have been removed by the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). This option is not recommended as it would not be in accordance with Government recommendations and would leave the Local Planning Authority vulnerable to appeals made in respect to validation disputes.

## **DETAIL (Including consultation carried out)**

3. The Town and Country Planning (Development Management Procedure) Order (2010), the DMPO, sets out the steps Local Authorities must take when they receive, consider and determine planning applications and includes statutory information requirements for the validation of planning applications known as 'Mandatory National Information Requirements'.
4. The DMPO is supported by the National Planning Policy Framework 2012, the NPPF, which sets out policy requirements for information that should be submitted with certain types of application. The Town and Country Planning (General Permitted Development) Order (as amended) (1995), the GPDO, also sets out provisions that should be met by an applicant when undertaking permitted development particularly in relation to applications for prior notification.
5. Southampton City Council also currently has a list of additional requirements that it considers necessary for the validation of planning applications, known as 'Local Information Requirements' which is informed by national and local planning policy. The Local Information Requirements are currently split into two separate categories 'Local Requirements' and 'Southampton City Council Conditionally Required Documents' which is confusing for all users of our planning service. The National and Local Requirements together comprise a 'Validation Checklist'. A validation checklist is used to validate a planning application on its receipt. Different checklists exist for different types of development. The validation criteria that appears on a checklist varies between the type of application submitted, generally a major planning application will have to meet more validation criteria than a householder application in order for it to be validated.

6. At present if the LPA considers that on receipt of an application the validation requirements have not been met but information is required in order to assess the application it can decline to validate an application, thus not consider the application, until this information has been submitted. Whilst the National Requirements must be met in order for an application to be validated it is down to the discretion of the LPA to decide what it requests to be submitted from the Local Requirements (Local List).
7. DGLG 'Guidance on Information Requirements and Validation' 2010 sets out the following principles to guide the preparation and review of local lists: necessity, precision, proportionality, fitness for purpose and assistance. It is important that LPA's make proportionate requests for information, and should not use invalidation to prevent the start of the determination period where an applicant has taken reasonable steps to fulfil the information requirements set out on the Local List.
8. Southampton City Council currently has up 37 separate validation criteria on its checklists (dependent on the list). These most recent requirements have been in place March 2012. Due to the number of Local Requirements appearing on the validation checklists and the sub-division of the Local List into two categories it can be difficult for applicants to anticipate the information that is likely to be required to validate their application until it has been submitted and the LPA have subsequently contacted them to request this information. This leads to delays in the validation of the application for both the LPA and the applicant which is time consuming and can be burdensome for both parties. Additional costs can also be borne by the applicant when this information is requested by the LPA at validation stage but subsequently determined not to be required further along the application process. As such it is considered that the current Local Requirements on the validation checklists are not always necessary, proportionate, fit for purpose or offer assistance.
9. It is proposed that the Local Requirements to validate planning applications are reduced thereby removing a number of validation criteria that currently appear on the checklists and that the two different Local Requirements are consolidated into one which would be a lot clearer for applicants. The wording of some of the validation criteria has also been revised to make them clearer and validation criteria consolidated. The proposed changes are tabled in Appendix 2 which outlines criteria that have been added and removed from the Local Lists. The proposed changes will make the checklists shorter and more concise and hopefully allow the applicant from the outset to establish the information that is required to be submitted with the application, making the validation process more efficient and effective and removing costs to the applicant in preparing unnecessary information.
10. Due to the different types of application that can be made to the LPA, i.e. full planning, householder, listed building consent, advertisement consent there is a need for 20 different checklists. The checklists for the different types of checklist are as follows:

- (i) Householder application for planning permission for works or extension to dwelling.
- (ii) Householder application for planning permission for works or extension to dwelling and Listed Building Consent.
- (iii) Application for Listed Building Consent.
- (iv) Application for full planning permission.
- (v) Application for full planning permission and Listed Building Consent.
- (vi) Application for full planning permission and consent to display an advertisement.
- (vii) Application for consent to display an advertisement.
- (viii) Application for outline planning permission with all matters reserved.
- (ix) Application for outline planning permission with some matters reserved.
- (x) Application for reserved matters following outline approval.
- (xi) Application for a new planning permission to replace an extant planning permission (extension to time limit to implementation).
- (xii) Application for the removal or variation of condition following the grant of planning permission (Section 73 of The Town and Country Planning Act 1990).
- (xiii) Non-material amendment application.
- (xiv) Application for approval of details reserved by condition
- (xv) Application for a Lawful Development Certificate for a proposed use or development.
- (xvi) Application for a Lawful Development Certificate for an existing use or development.
- (xvii) Prior approval for the conversion of offices to a residential dwelling.
- xviii) Application for prior notification – proposed demolition.
- (xix) Prior approval for house extensions.
- (xx) Prior approval for proposed development in respect of permitted development electronic communications code operators.
- (xxi) Prior approval for proposed demolition.

11. The proposed checklists retain and amend the National Requirements set out within the DMPO. They also include additional requirements, as Local Requirements such as the submission of a Heritage Statement for all applications that could effect a heritage asset, flood risk information for development proposals within a Flood Zone as well as outlining best practice such as information that would be useful support and application for prior approval as outlined in the GPDO. Information appearing on the Local List should only be required when certain types of development proposals have been submitted. Whilst the revised checklists remove some of the existing Local Requirements at validation stage Planning Officers will still be able to request this information from the applicant during the application process if they consider that they are unable to make an informed decision on the application without it.

12. The National Requirements have also been revised so that they reflect when Design and Access Statements are now required for development, this requirement is less onerous than it was previously. The new requirement for the submission of a Design and Access Statement with an application is follows:
- (a) development which is a major development;
  - (b) where any part of the development is in a designated area, development consisting of –
    - (i) the provision of the provision of one or more dwellinghouses; or
    - (ii) the provision of a building or buildings where the floor space created by the development is 100 sq m or more.
13. The Local Requirements also include criteria for the submission of the Community Infrastructure Levy: Additional Information Requirement Form. This form is needed so that the LPA can issue a CIL Liability Notice for development shortly after planning permission has been issued which is required by the CIL Regulations (2010) (as amended) and in order to prevent unnecessary appeals against how the liability has been calculated. The CIL liability also needs to be taken into consideration when appraising the financial viability of developments (when a S106 is also required) and when considering the infrastructure benefits of development.
14. It is therefore recommended that the revised Validation Checklists set out in **Appendix 1** of this report are published for public consultation.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

15. The changes will be met thorough the existing budget of Planning and Sustainability.

### **Property/Other**

16. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

- 17.
- Planning and Compulsory Purchase Act (2004)
  - National Planning Policy Framework (2012)
  - DCLG: Streamlining the Planning Application Process Government Response June 2013
  - DCLG: Guidance on Information Requirements and Validation (2010)
  - The Town and Country Planning (Development Management Procedure) Order (as amended) (2010)
  - The Town and Country Planning (General Permitted Development) Order (as amended) (1995)
  - The Community Infrastructure Regulations (as amended) (2010)

**Other Legal Implications:**

18. None

**POLICY FRAMEWORK IMPLICATIONS**

19. None

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	City wide.
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Lists of validation requirements
2.	Table outlining new additional requirements for validation checklists and requirements that have been removed to Local Lists,

**Documents In Members' Rooms**

1.	None.
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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