

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	REVIEW OF 1APP REQUIREMENTS IN RESPECT OF THE VALIDATION OF PLANNING APPLICATIONS
DATE OF DECISION:	23 NOVEMBER 2010
REPORT OF:	PLANNING AND DEVELOPMENT MANAGER
STATEMENT OF CONFIDENTIALITY	
Not applicable	

BRIEF SUMMARY

The Government has required all local planning authorities (LPA's) to review their requirements in terms of the validation of new planning applications.

The purpose for such a review is tied to a move to the Development Management approach to securing new development to support sustainable economic growth. This is intended to offer developers greater certainty in terms of the information LPA's require to quickly validate and process planning applications, related to the aims and objectives of the Development Plan for their area, given the Government's commitment to a 'plan led' planning system in England.

The Government require the reviewed set of validation requirements to be in place/use by 31 December 2010. An 8 week consultation exercise is to be arranged on the reviewed validation criteria with agents who frequently use the planning service at Southampton and also the general public, as well as internal and external consultees.

Approval is sought to begin to validate new applications on the basis of the revised criteria from 1 January 2011. These are principally local, conditional criteria - albeit some national criteria have already been changed by the Government in respect of householder development, explained later in this report. It is important to update the information displayed on the Council's Planning web pages.

The results of the consultation exercise will be reported back to a future meeting of the Planning and Rights of Way Panel and where appropriate and relevant, further changes might also be recommended to the criteria.

RECOMMENDATIONS:

- (i) Give interim approval to the use of the revised validation criteria for the various types of 1App application form set out in **Appendix 1** to this report, in terms of the validation of all new planning applications received from 1 January 2011.
- (ii) To approve an 8 week consultation exercise with local agents and the public who use the Planning Service as well as internal and external consultees, to seek their opinion on the revised local validation criteria. To then report back to a future meeting of the Planning and Rights of Way Panel with any comments received, presenting an analysis of those comments and recommending further changes to the local validation criteria, where relevant and appropriate, for the Panel's further consideration.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To comply with a requirement of Central Government to revise validation criteria advertised to the public by 31 December 2010.

DETAIL (Including consultation carried out)

Introduction

- 2 The information required to make a valid planning application consists of:
 - mandatory national information requirements specified in the GDPO, including a design and access statement where one is required;
 - information provided on the standard application form; and
 - information to accompany the application as specified by the local planning authority on their local list of information requirements.
- 3 In March 2010 the Government published “Guidance on information requirements and validation”. This set out changes to national criteria for the validation of planning applications first set up in 2006 and charged local planning authorities (LPA’s) with a duty to revise their advertised information accordingly as well as review the local criteria used to validate planning applications. This is to be achieved by 31 December 2010. It is also important to remember that the coalition Government has abolished Regional Spatial Strategies (‘The South East Plan’ – May, 2009), which no longer forms part of the Development Plan for Southampton.
- 4 LPA’s are required to revise their list of local requirements and observe 5 tests when carrying out such a review, namely:-
 - Necessity
 - Precision
 - Proportionality
 - Fitness for purpose
 - Assistance
- 5 In reaching this new set of criteria, the Government have asked that those who use the Planning Service of LPA’s be consulted over an 8 week period for their views on such revisions. Where relevant and appropriate, comments received should then be used to effect further changes to the criteria.
- 6 The Government has maintained its commitment to a ‘plan led’ system and has stressed that criteria used to validate planning applications should be proportionate to the development sought and be clearly rooted in terms of the aims and objectives of Policies set out in the Development Plan for their area: in this case that comprises the Local Development Framework Core Strategy (January 2010) and the ‘saved’ policies of the City of Southampton Local Plan Review (March 2006), as well as any adopted Supplementary Planning Guidance/Document (SPG/D).
- 7 In terms of SPG/D, key SCC documents reviewed to assess the adequacy of our local requirements for validation include:-
 - Residential Design Guide (Sept, 2006)
 - Planning Obligations (2005)

- SPG on advertising hoardings
- Character appraisal sections only of all old Development Control briefs
- All Conservation Area appraisals/guidance

The City Centre Characterisation Study

- 8 A major change since approval of last list of local requirements has been the adoption of the Local Development Framework Core Strategy on 20.1.2010. This has altered certain policy 'triggers' in terms of sustainable development and the provision of affordable housing.
- 9 Following are also new types of application added to 1APP:-
- Extensions to the time limits for implementing existing planning permissions. Except in cases where there is a need to comply with a statutory requirement in connection with the submission of the application, or a relevant change in policy or other material considerations, which post-date the original application, the Government does not anticipate that any information additional to that which must be provided on the application form will be required in most circumstances;
 - Minor Material Amendments; and
 - Non-material amendments to existing planning permissions.
- 10 The recommendations of the Killian Pretty Review were designed to make the planning application process simple, more efficient and more effective for all users. This included such innovations as combining previous application forms. E.g. to apply for Planning Permission and Listed Building Consent, it is now possible to do so on one form. For those who submit electronically, the Government will allow LPA's to also issue the decision notice in the same way.
- 11 For each type of 1App form, national and local criteria were devised to enable certainty and quicker validation of planning applications, so as to secure a quicker service to the customer and thus hopefully quicker economic growth and certainty for investors in new development.
- 12 As part of the development Management approach to processing planning applications, it is advocated that applicants engage with the LPA (and their neighbours/community at large) prior to the submission of an application, where the LPA could make plain those validation criteria to help speed the validation and determination of the application when made and neighbours/community inform the design process.
- 13 Where an application is not accompanied by the information required by the local planning authority on its local list, the applicant should provide a short written justification with the application as to why it is not appropriate in the particular circumstances.
- 14 The Government 's targets for validation by LPA's from the date of receipt are advised as follows:-
- minor and small scale applications - 3-5 working days
 - Major applications - 10 working days.

Changes already made by the Government to national validation criteria

- 15 With applications to amend or remove conditions (S.73 of the Act) developers are to provide sufficient information to enable the local planning authority to identify the previous grant of planning permission and the associated condition(s). It might assist the local planning authority's consultation and determination procedures if they provide copies of the original drawings. Developers should clearly indicate the full extent of the proposed changes across the site. The LPA should ask developers to provide supporting information only in relation to the change(s) sought. In most cases it will be appropriate to submit a supplementary statement.
- 16 The 2010 Amendment of the GPD Procedure Order makes two main changes to the previous provisions for design and access statements. Firstly, it streamlines the manner in which applicants discuss the issue of 'context' in their submissions. Secondly, it expands the range of development that is exempt from the requirement to provide a design and access statement.
- 17 For small sites and simple schemes, the amount, layout, scale, landscaping and/or appearance of the scheme may be in a large part determined by its function, and access may only be required by the occupant or employee rather than the general public. A design and access statement may add little to planning officers' understanding of such a scheme, and it is therefore a disproportionate requirement for the applicant to provide one.
- 18 The Government have therefore extended the types of development that no longer require the submission of a design and access statement to include:-
- applications under section 73 of the 1990 Act should be exempt from the requirement to prepare a design and access statement,
- 19 and that the following types of development should be exempt as long as the scheme did not involve a listed building and was not in a World Heritage Site or conservation area:-
- 20
- development of existing flats;
 - non-domestic extensions up to 100 square metres of floorspace;
 - alterations which do not increase the floorspace of a building.
 - gates, walls, fences and other means of enclosure up to two metres high or their existing height, whichever is the greater, and not around a listed building (planning permission is not required for most enclosures of this size, unless they are adjacent to a highway or where permitted development rights do not apply);
 - on operational land, that is, land used by statutory undertakers, development consisting of buildings or structures up to 100 cubic metres in volume and 15 metres high;
 - the erection, alteration or replacement of plant or machinery up to 15 metres high (or the height of the existing plant or machinery, whichever is the greater).

Current local validation criteria used by Southampton City Council

- 21 A list of validation criteria currently used is set out in ***Appendix 1*** to this report. Alterations made to the requirement wording are italicised and emboldened to allow ease of reference. A brief explanation of the importance such information has to understanding and determining the planning applications they pertain to is given, with reference to relevant Development Plan Policies and SPG/D also referenced.
- 22 It is important to make a distinction between information required to validate versus the quality of such information. The Government wish to see applications validated quickly, but recognise LPA's wish to protect the character and appearance of their area and the way it functions, as expressed through its Development Plan policies. The quality of the submitted information provided by the applicant will of course have a bearing on how each application is determined and how the design solutions and/or use of land proposed meet the tests of Development Plan policies. Information that could ultimately lead to the refusal of the scheme, is not the test to allow validation.
- 23 Appendix 2, offers a matrix, setting local validation requirements in Appendix 1, against each type of 1App application form. One area of variance relates to cases where outline permission or approval of Reserved Matters is sought. With Outline applications, there are 5 headings (layout, scale, appearance, landscaping and access). The applicant is asked to select which they would wish the LPA to consider. So, for example if 'Landscaping' is not selected, but left to be a Reserved Matter, it would not be appropriate for a LPA to require the applicant to submit a hard and soft landscape design for the outline development proposals. In those cases, validating Officers will exercise their judgement and common sense in order to determine whether an application can be validated.

Consultation process

- 24 The Panel's approval is sought to begin an 8 week consultation process with those who frequently use the planning service, the general public, residents groups and internal/external consultees.
- 25 It is proposed to make an analysis of the responses received and to report those back to a future meeting of the Panel. Where relevant and appropriate, further changes to the validation criteria could be recommended for the Panel's further approval.
- 26 In the interim, approval is sought to use the revised local validation criteria set out in Section 3 above to validate new planning applications made after the date of this meeting.

Options for action by the Local Planning Authority

- 27 To adopt the revised local validation criteria for Development Management purposes and adjust these again where appropriate, following the public consultation exercise.

28 To not adopt such revised criteria and continue to use the existing local validation criteria.

Conclusion and preferred option recommended by Officers

29 It is recommended that the revised local validation criteria set out in Section 3 of this report be adopted for Development and adjust these again where appropriate, following the public consultation exercise.

30 It is clear from the Government’s publication “Guidance on information requirements and validation” (March 2010) that if such a review is not undertaken, those making planning applications will have the right to challenge LPA’s that refuse to validate applications and that effectively the Government could require that validation take place only using the national criteria. The mechanism of judicial review and appeals against non-determination still exist to challenge the decision of a LPA not to validate an application. The local criteria are important and help Southampton to retain its spatial character and local distinctiveness as a settlement.

RESOURCE IMPLICATIONS

Capital/Revenue

31 Within existing budget for the Planning and Sustainability Division.

Property/Other

32 None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

33 Planning and Compulsory Purchase Act 2004

Other Legal Implications:

34 None

POLICY FRAMEWORK IMPLICATIONS

35 None

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	List of local validation criteria, their importance/relevance and Development Plan and SPG/D basis.
2.	Matrix of 1App form types set against local validation criteria in Appendix 1

Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Papers

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.		Guidance on information requirements and validation (DCLG - March 2010)
2.		Development Management Policy Annex: Information requirements and validation for planning applications (March 2010)
3.		Change to the Town and Country Planning (General Permitted Development)(amendments)(England) Order 2010

Integrated Impact Assessment and Other Background documents available for inspection at: DCLG website

WARDS/COMMUNITIES AFFECTED:	All
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