CABINET

29 MARCH 2011

INFORMATION REQUIREMENTS AND VALIDATION FOR PLANNING APPLICATIONS

Portfolio Holder: Councillor Jane Chitty, Strategic Development and Economic

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Dave Harris, Development Manager

Summary

To update the local validation checklist for the submission of planning applications by carrying out a consultation exercise on the revisions. This information is to be submitted in conjunction with standard application forms, design and access statements and national mandatory requirements. It is in response to updated government guidance and aims to simplify the process and make it more responsive.

1. **Budget and Policy Framework**

1.1 The validation checklists support the procedures of the Development Management service and have no financial implications The matter falls within the policy and budget framework in the Council Plan and is therefore a matter for Cabinet.

2. **Background**

2.1 Since April 2008 the Development Management service has used validation checklists to assist in the processing of planning applications, as agreed at Cabinet on 1 April 2008 (decision no. 93/2008). This was in response to the introduction of standard application forms for planning permission made under the Town and Country Planning system; Circular 02/2008 Standard Application forms and Validation; and 'best practice' guide The Validation of Planning Applications: guidance for local planning authorities. Design and Access Statements had been introduced in 2006 to aid in the determination of planning applications and was accompanied by Circular 01/2006.

2.2   The 'Guidance on information requirements and validation' replaces Circular 02/2008 Standard Application forms and Validation, The Validation of Planning applications: guidance for local planning authorities and section 3 of Circular 01/2006 Design and Access Statements.

2.3   The new guidance provides clarification on the use of the standard application forms, the approach to take on validation, statutory national information requirements, local information requirements and design and access statements.

2.4   The guidance stresses the importance of taking a responsive approach to validation. It stresses the request for information to be proportional to the proposed development and its specific constraints. It advises on how to make this clear in guidance that is attached to the local validation checklists. It is in response to this that the Development Management service is seeking to review its' local validation checklists and guidance and consult relevant consultees and stakeholders.

2.5   Since the publication of the last validation checklists it has become apparent that it is necessary to update some parts of the checklists on an ongoing basis. This is because there has been, and will inevitably continue to be, changes to local and national policies and legislation. Other information changes regularly too, for example, website links and contact details.

2.6   Copies of the proposed checklists are included in appendix 1 to the report – these have been sent to Cabinet Members, Group Rooms and Chatham Contact Point Reception and on the Council's website via: http://democracy.medway.gov.uk/ieListMeetings.aspx?CommitteeId=115 . Further copies are available from the Cabinet Office on T: 01634 332509/332008 or E: democractic.services@medway.gov.uk

3.   Options

        Option 1

3.1   Do nothing by continuing to use existing validation checklists

3.1.1   **Advantages:** Applicants and agents are familiar with the current format. Current information requirements can be requested prior to validation of the application or if not apparent it is needed at this stage then once the application is valid.

3.1.2   **Disadvantages**: The current lists have not been updated in three years and the guidance does not make clear the responsive approach that Development Management takes to validating planning applications. This means that unnecessary information may be requested costing both the applicant and Council time and money.

Option 2

3.2   Adopt local checklists and allow regular updates to occur

3.2.1   **Advantages:** Will allow the Development Management service to require further information such as flood risk assessments and biodiversity statements for specific applications before applications are validated. This information can still be requested once the application is valid if it was not apparent that it was needed at the outset. This will enable planning officers to assess the applications fully and provide relevant information to internal and external consultees for their input. If this is requested at the initial validation process, in most cases, it will ensure that consultation only has to happen once and this will save time and money.

It is also important to ensure that this information can be corrected and updated as local and national policies change and legislation to ensure it remains an accurate document for the public to use.

This will assist in meeting team targets and targets set by the government.

3.2.2   **Disadvantages:** Validation process complex and time consuming for larger scale applications.

4.   Advice and analysis

4.1   Officers recommend that the local checklists be adopted (option 2). These will allow the Development Management service to require further information such as flood risk assessments and biodiversity statements for specific applications. Planning Officers will be able to fully assess the applications because they will be able to request the relevant level of information. This will also assist in meeting team targets and targets set by the government.

4.2   It will also give the LPA powers to refuse to process applications that do not have the correct information as laid out in the checklists.

4.3   A Diversity Impact Assessment screening form has been completed on the checklists (attached as appendix 2), as per the requirements of The *Race Relations (Amendment) Act 2000.* A full Diversity Impact Assessment does not have to be carried out and the documents comply with the requirements of the legislation.

5.   Risk management

5.1   There are no significant risks associated with this project.

6.   Consultation

6.1   A comprehensive consultation exercise with internal and external stakeholders was carried out between 17 January 2011 and 14 March 2011. The following were:
All Statutory Consultees
Parish Councils
Residents and Community Groups
Agents and Applicants
Development, Economy and Transport
Information posted on Medway Council's website
http://www.medway.gov.uk/environmentandplanning/planning/planning
applications/planningapplicationforms/validationchecklists.aspx

6.2   A range of comments has been received. Including 3 letters of support (1 with additional comments), 4 letters with an objection or request, 2 letters with no comment and internal consultee changes.

6.3   1 of the objections related to excluding the need for a Design and Access Statement for applications for change of use with building works. This requirement is set out in the Town and Country Planning (Development Management Procedure)(England) Order 2010 and is therefore a mandatory requirement that cannot be removed.

6.4   One of the objections asks that a tick list is included in the checklist, as with the previous checklists, and that they should be submitted with applications. When the first checklists were introduced it was found this could cause unnecessary delays for the applicant if this was the one they had submitted with their application. It is essential that the applicant complies with the checklist and the validation process checks this. Most applicants do not submit a checklist with applications at this time. It is therefore not considered a necessary addition and will save paper and printing if they are not required.

6.5   Another objection is from Kent County Constabulary requesting the inclusion of crime prevention issues within the Design and Access Statement. This has been reviewed and included.

6.6   Natural England support the inclusion of reference to designated sites and species. They have made some comments on detail and the checklists have been amended to include these.

6.7   Sport England have provided a copy of their own document on the level of information they require when consulted by local planning authorities. There has been no need to add anything further to the checklists as the requirements of the document has been covered under the scope of the existing requirements of the validation checklists.

6.8   Southern Water supported the inclusion of details relating to Foul and Surface Water assessments. These have been amended in the light of

other comments received and now only cover requirements detailed in national policy and not detail covered by other legislative acts, for example, the Building Act.

6.9   An external consultee has made some comments and objections. These have been reviewed and where possible incorporated. It has not been possible to remove the need for Heritage Statements (previously covered under Archaeological Assessment) from the Householder Checklists (V1, 2 &3) because there may in future be a site that has an identified archaeological remain, especially in Rochester, and this information would be required. There is also a requirement on the Householder Checklists for information relating to wind turbines and solar panels. The respondent notes that these are permitted development. In a lot of cases they might be but there are circumstances where they are not and it is therefore necessary to have this information to fully assess their impact. In addition, the respondent objects on the inclusion of "Where a proposal contains works that do not require planning permission, Development Management will assess that element of the application, with the rest of the proposal, if it is shown on the drawings. If the applicant does not want that element assessed then it must be removed from the drawings." on each checklists. There is case law to support this approach and it has therefore not been removed.

6.10   CBRE (Commercial Property Advisors) have made a number of comments on behalf of Land Securities. These have been reviewed and where possible incorporated. The Air Quality Assessment information has been noted but no modification is considered required.

6.11   There have been comments for changes have arisen from 2 internal consultees. These have come from the Design and Conservation Team relating to heritage, landscaping and tall buildings, and Integrated Transport. All these changes comply with national or local guidance, policy or legislation and it makes sense to include them at this stage. It has involved the introduction of some items and removal of others.

7.   Financial and legal implications

7.1   There are no financial implications. The legislation to support this process is already in place. Subject to the provisions of any development order, a local planning authority is entitled under s62 of the Town & Country Planning Act 1990 to require that an application for planning permission include such particulars as they think necessary and such evidence in support of the application as they think necessary.

7.2   The consultation has been carried on the advice of updated guidance.

8. Recommendation

8.1   The Cabinet is recommended to adopt the local validation checklists.

9. Suggested reasons for decision(s)

9.1.1   To ensure all information necessary for the Local Planning Authority to make a decision is provided.

9.2   To allow the validation checklists to be updated as required to ensure they continue to be accurate.

9.3   Local Checklists are adopted by LPAs nationwide to ensure a quicker, more predictable and efficient planning service for our customers and stakeholders.

Lead officer contact

Lisa Maryott – Senior Planning Administrator
01634 331102
lisa.maryott@medway.gov.uk

Background papers

Diversity Impact Assessment: Screening Form
Local Validation Checklists – examples of a Householder checklist and Full Planning application checklist.
Best Practice Guide – The Validation of Planning Applications

Diversity Impact Assessment: Screening Form

Directorate	Name of Function or Policy or Major Service Change
Regeneration, Community and Culture	Information requirements and validation for planning applications

Officer responsible for assessment	Date of assessment	New or existing?
	2 March 2011	New

Defining what is being assessed	
1. Briefly describe the purpose and objectives	To update the local validation checklist for the submission of planning applications by carrying out a consultation exercise on the revisions. This information is to be submitted in conjunction with standard application forms, design and access statements and national mandatory requirements. It is in response to updated government guidance and aims to simplify the process and make it more responsive.
2. Who is intended to benefit, and in what way?	Applicants and Agents submitting planning applications use the validation checklists, to assist them in providing the necessary information to process a planning application. All users of the planning service will benefit using the validation checklists as they have been prepared to ensure consistency and provide a quicker, more predictable and efficient Planning service. Applications can be properly assessed quicker and consultees have all the information they need to comment early in the application process
3. What outcomes are wanted?	To ensure that applications are valid upon receipt by providing applicants with an accurate guide. This will be done by providing clear information within the checklists and guidance so applicants can decide what types of information they need to submit and where to get further assistance.

4. What factors/forces could contribute/detract from the outcomes?	Contribute Approval to adopt local validation checklists Regular review and update of the information within the checklists and guidance. Promotion of the guidance via the website and DM staff.	Detract If these local checklists are not adopted applications will be validated with minimum information. This could have a detrimental impact on planning officers and the information available to Medway residents and consultees in the planning process. Inability to access the checklists and guidance.
5. Who are the main stakeholders?	Applicants Agents Statutory Bodies Medway Council Services Local residents Parish Councils	
6. Who implements this and who is responsible?	Dave Harris Service Manager Development Control/ Lisa Maryott, Senior Planning Administrator Officer are responsible for preparing these documents for adoption. Medway Council planning officers/Technical Assistants/Customer Contact Team are responsible for implementing these documents.	
Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to *racial/ethnic groups*?	~~YES~~ NO	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to racial/ethnic groups.
What evidence exists for this?		
8. Are there concerns that there <u>could</u> be a differential impact due to *disability*?	~~YES~~ NO	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development , set out by central government and legislation, and there are no concerns there could be a differential impact due to disability. In line with legislation, if an applicant applies for planning permission to improve access, safety, health or comfort for a disabled person a planning application fee is not payable.

What evidence exists for this?		
9. Are there concerns that there <u>could</u> be a differential impact due to *gender*?	~~YES~~	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to gender.
	NO	
What evidence exists for this?		
10. Are there concerns there <u>could</u> be a differential impact due to *sexual orientation*?	~~YES~~	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to sexual orientation.
	NO	
What evidence exists for this?		
11. Are there concerns there <u>could</u> be a have a differential impact due to *religion or belief*?	~~YES~~	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to religion or belief.
	NO	
What evidence exists for this?		
12. Are there concerns there <u>could</u> be a differential impact due to people's *age*?	~~YES~~	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to age.
	NO	
What evidence exists for this?		
13. Are there concerns that there <u>could</u> be a differential	~~YES~~	Local validation checklists relate to different types of applications depending

impact due to *being trans-gendered or transsexual*?	NO	on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns there could be a differential impact due to being transgendered or transsexual.
What evidence exists for this?		
14. Are there any *other* groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	~~YES~~ NO	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development , set out by central government and legislation, and there are no concerns about difficulty to access of the function.
What evidence exists for this?		
15. Are there concerns there <u>could</u> be a have a differential impact due to *multiple discriminations* (e.g. disability <u>and</u> age)?	~~YES~~ NO	Local validation checklists relate to different types of applications depending on the development. These are based on categories of development, set out by central government and legislation, and there are no concerns about difficulty to access of the function.
What evidence exists for this?		

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	~~YES~~ NO	Local Validation Checklists should benefit all users of the planning service. To assist in providing a fair and transparent service to all our customers.
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	~~YES~~ NO	No adverse impacts identified.
Recommendation to proceed to a full impact assessment?		
NO	The introduction of these validation checklists complies with the requirements of the legislation.	

Action plan to make Minor modifications		
Outcome	**Actions (with date of completion)**	**Officer responsible**

Planning ahead: Reminders for the next review	
Date of next review	
Areas to check at next review (e.g. new census information, new legislation due)	
Is there *another* group (e.g. new communities) that is relevant and ought to be considered next time?	

Signed (completing officer/service manager)	**Date**	
Signed (service manager/Assistant Director)	**Date**	

NB: Remember to list the evidence (i.e. documents and data sources) used