



Executive Committee

All Wards

1 July 2009

REVIEW AND PROPOSED AMENDMENT OF LOCAL VALIDATION CHECKLIST

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To improve the current version of the Local Validation Checklist and to clarify and publish additional guidance to support it.

To seek delegated authority for Officers to make minor amendments to the document over time as becomes necessary, either through changes to the planning system and its documentation/legislation or through a need for editing.

2. Recommendations

The Committee is asked to **RECOMMEND** that

- 1) **the revised checklist at Appendix 1 be adopted for use from 1 September 2009 in replacement of that currently in circulation; and**
- 2) **authority be delegated to Officers to make minor alterations to the document as set out in the proposed framework at Appendix 2.**

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 The cost of producing this document has been met from within existing budgets, as will any ongoing costs associated with any future review or editing.

Legal

- 3.2 The following legislation provides a procedural mechanism for the document to be adopted and implemented:
- 3.3 Section 42 of the Planning & Compulsory Purchase Act 2004
Town and Country Planning (General Development Procedure)
Order 1995

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- 3.4 Planning (Listed Buildings and Conservation Areas) Regulations 1990,
- 3.5 Town and Country Planning (General Development Procedure) (Amendment) Order 2008
- 3.6 Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2008

Policy

- 3.7 The proposed requirements are informed by local and national planning policies in order to be pertinent to their usage.

Risk

- 3.8 When the document was originally adopted in 2008, there was a concern that more appeals against the non-determination of applications may be submitted, however this was considered to be of minimal risk, and would normally be dealt with through the written representations process, at lower cost than a hearing or inquiry would incur. However, no such appeals have been received since the adoption of the checklist, so this risk is considered to have reduced further.

Sustainability / Environmental

- 3.9 These issues are covered within the proposed document, and therefore need no further consideration here.

Report

4. Background

- 4.1 The Local Validation Checklist is a list of items that will be required in support of an application in order that it can be registered, which is the first stage in considering and determining a planning application. These lists should be written, consulted on and adopted by Local Planning Authorities (LPAs) in order to improve the determination process by requiring that all the necessary items of information are submitted in order to ensure a proposed development complies

with the locally adopted planning policy framework. This should be available for all parties at the start of the application process.

- 4.2 The legislation that supports such lists states that where information is missing, LPAs are able to withhold registration until they are available, thus reducing delays during the consideration of applications. (This does not, however, preclude requests for further information during an application's life if it is considered to be necessary.)
- 4.3 The intention of local requirements is to ensure that supporting information is pertinent to the special circumstances within the Borough or a specifically defined area within the Borough (e.g. a Conservation Area), in order that the quality of submissions and supporting information improves, thus enabling clearer and better decision making to occur locally.
- 4.4 Therefore, the key areas of concern to Members and Officers are reflected in the proposed local requirements. These include issues such as the Council Priorities, climate change and green architecture, cycle and walking routes and sustainability. The sensitivity of some of the areas of the Borough, such as Green Belt and rural areas are also highlighted.
- 4.5 In compiling the list, an awareness of local circumstances and sensitivities should be balanced with the consideration of reasonableness in terms of the planning process, and particularly in terms of not attaching overly onerous requirements to development proposals that are very minor in their nature.
- 4.6 There are no legal requirements to consult on the content of the Checklist, however the Council did carry out a five week consultation on the original document, prior to its adoption. Further, a discussion with stakeholders approximately six months after its introduction, to discover any weaknesses or concerns with it resulted in a range of issues being raised that needed to be addressed in the review process.

- 4.7 Members are also reminded that there is a national list of documents that should be submitted in support of applications. In an attempt to simplify and clarify the process, these are also included in the proposed document in order to provide comprehensive advice under one cover.

5. **Key Issues**

- 5.1 Following the introduction of the checklist last summer, it became clear to Officers and planning agents that the list was not very user-friendly, in that it had little in the way of explanatory text or context, and lacked advice on what certain requirements should contain. For example, where a heritage statement is required, there are no guidelines on what the statement should address or include. It was elements such as this that were raised at the time, discussions with stakeholders (Planning and Building Control Focus Group), where it was suggested that the list should be better structured.

Clarification/format

- 5.2 The checklist document now proposed as a replacement is therefore longer, but aims to be in a clearer format and layout. It has an introductory section that explains how it should be used, and is laid out so that each section can be found more easily. Understanding which section an applicant should refer is also clearer, with an explanation of what each type of application is. Guidance is also provided at the back of the document on what should be included in supporting information documents such as a climate change statement or a heritage statement, to give applicants assistance when compiling applications. The national requirements are also included so that applicants and their agents have a full picture of what needs to be provided, not just the local information.

Content

- 5.3 In terms of the content of the checklist, little has changed in principle, except that where some of the original consultees responded late, their comments have also now been taken into account. However, the order of the list of requirements has

changed, so that the items are grouped together in a more logical sequence.

Additional information

- 5.4 The additional information provided relates partly to adding reference to the national checklist, partly to providing more explanatory text and mainly to the new guidance that can be found at the rear of the document.

Future changes

- 5.5 Such changes to presentation and minor alterations are proposed to be delegated to Officers to deal with in the future, however where more significant changes are required or proposed, these would still be reported to Members for endorsement.
- 5.6 Because the checklist requirements are designed to help applicants demonstrate that their applications comply with policy, it is possible that when policy changes, amendments will be required. In these cases Members will be informed of the necessary changes through an appropriate channel. For full details of the proposed delegated powers, see appendix two.

Publicity

- 5.7 Once Member adoption of the document has occurred, Officers intend to publicise its revision on the Council website, in order that maximum benefit can be obtained from the document.

6. Other Implications

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| Asset Management | - | No perceived implications |
| Community Safety | - | This is a material consideration in the planning process, so needs no separate consideration here as it has been taken into account in the compilation of the document |

- Human Resources - No perceived implications.
- Social Exclusion - This is a material consideration in the planning process, so needs no separate consideration here as it has been taken into account in the compilation of the document

7. Lessons Learnt

- 7.1 It is important to make guidance on planning matters as clear as possible.
- 7.2 Further simple changes required are also now proposed to be covered by delegated Officer authority in order to prevent any minor issues needing to be reported back to this Committee.

8. Background Papers

Report to Executive Committee meeting of 20 February 2008 seeking authority to consult on the draft Local Validation Checklist

Report to Executive Committee meeting of 2 April 2008 seeking adoption of proposed Local Validation Checklist

The validation of planning applications: Guidance for local planning authorities (CLG)

Circular 02/08 Standard Application Form & Validation

9. Consultation

There has been no consultation other than with relevant Borough Council Officers on the document proposed here, however stakeholders were consulted in Autumn 2008 at the Planning Focus Group and their concerns with the current document sought, and the revised document seeks to address these.

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10. Author of Report

The author of this report is Ailith Rutt (Development Control Manager), who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 - Proposed revised Local Validation Checklist

Appendix 2 - Proposed delegated authority for Officers to make minor changes to the adopted document