PLANNING
COMMITTEE   2ND APRIL 2012

ADOPTION OF LOCAL VALIDATION CHECKLIST

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	All wards
Ward Councillor(s) Consulted	No
Non-Key Decision	

1.   SUMMARY OF PROPOSALS

1.1   To consider the responses received to the draft Local Validation Checklist and whether there is a need to amend that document in the light of those comments. To then seek the adoption of that checklist for Development Management purposes.

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

2.1   **The Committee is asked to approve the following recommendations:-**

(1)   That the amended Local Validation Checklist at Appendix 2 be adopted for use from 1st May 2012; and

(2)   That delegated authority be granted to the Head of Planning and Regeneration to make minor amendments to the Local Validation Checklist in accordance with the wording and subject to the limitations set out in Appendix 3.

3.   KEY ISSUES

Financial Implications

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

Legal Implications

3.3   The following legislation provides a procedural mechanism for the document to be adopted and implemented:-

- Section 42 of the Planning and Compulsory Purchase Act 2004

- Town and Country Planning (Development Management Procedure) (England) Order 2010
- Planning (Listed Buildings and Conservation Areas) Regulations 1990,
- Town and Country Planning (General Development Procedure) (Amendment) Order 2008
- Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2008

Adopting the checklist will also bring the Council in line with good practice guidance.

Service / Operational Implications

Background

3.5   Validation is a term used to describe the first step that is taken when an application is received by the Council. It is essentially an administrative process to check whether the application is complete and includes all necessary plans and reports, fee, etc. This process must be complete before the application can be registered as valid.

3.6   A Local Validation Checklist (LVC) supports this initial process. It is a list of reports, drawings, surveys, etc., that may be needed to accompany an application for development; this could be a planning application or an application for listed building consent or similar works. The list is divided into two main sections; the national list which covers the basic requirements and the local list which includes the locally relevant requirements the Council suggests. The legislation associated with these lists states that where information is missing, Local Planning Authorities (LPA's) are able to withhold registration until this information is available thus reducing delays during the consideration of applications.

3.7   However the main aim of a LVC is to ensure that all necessary information is available at the outset of the consideration of the application with respect to the type of application and the location of the site with reference to any local designation, such as a Conservation Area. This improves the quality of submissions, thus enabling clearer decision making to occur and one which complies with the locally adopted planning policy framework. This approach also provides greater certainty to the applicant with respect of submission requirements and seeks to minimise the need for additional information through out the life of the application.

3.8   Whilst it is important that the list reflects the sensitivity or various parts of the District such a Conservation Areas, or areas of Special Landscape designation this needs to be commensurate with the scale of the proposals so that overly onerous requirements are not required of proposals that are very minor in nature.

3.9   The list is formatted to provide advice to applicants and agents based upon the type of application they are submitting. For example, there is advice related to Householder Applications and additional advice in relation to applications for Listed Building Consent. This advice is broken down into the national requirements and then the locally relevant requirements below. The document includes a glossary of terms and places to find further helpful information.

Key Issues - The consultation

3.10   Members will recall that the LVC was presented to them, in its draft form and prior to the external consultation period. The consultation ran for eight weeks during which time local planning agents and developers who regularly submitted applications to Bromsgrove were contacted and asked to comment in the checklist. Statutory consultees such as Parish Councils and bodies such as English Heritage and British Waterways were also contacted and invited to comment. Internal consultation had taken place with departments within the Council prior to the publication of the draft. The checklist was also placed on the Council's website along with text encouraging interested parties to make comments.

3.11   A total of fifteen organisations made comments upon the list and these are summarised in Appendix 1. The response of the Council to these comments is also noted. In order to provide comprehensive advice to applicants where ever possible the suggestions made by consultees have been incorporated into the final document. The final document is included in its amended form as Appendix 2.

3.12   The Council will continue to review the effectiveness of the LVC and any required changes to presentation or 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.

3.13   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 3.

3.14   Once Member adoption of the document has occurred, Officers intend to publicise this fact on the Council website, in order that maximum benefit can be obtained from the document.

Operational implications

3.15   The adoption of a LVC may initially make validation a more time consuming process as officers become familiar with the contents and requirements of the

list. However applicants and agents will be provided with more detailed guidance and advice of what is required to make their submission complete as well as access to recommended websites and help pages to support them further. In addition in providing pre application advice officers will be able to highlight at this early stage the nature and detail of information required at application stage. As officers and local agents become more familiar with the requirements the number of applications returned due to lack of information should reduce.

3.16   A new back office procedure will be required in order to support the officers in the validation process. This could be a simple tick box form that would enable officers to identify, with reference to the relevant application type, the information that was missing.

3.17   Matters such as social exclusion and community safety are material considerations within the planning process that have been taken into account during the preparation of the LVC and therefore do not require any separate consideration here. This is also the case with respect to climate change, carbon implications and biodiversity. The checklist would therefore compliment existing policies.

Customer / Equalities and Diversity Implications

3.18   The adoption of the checklist would be publicised via the Council's website, at Householder Planning Service and during day to day customer contact. Other methods of communication could include in formatives on the bottom of officers e-mails and forums such as the Agents Focus group.

3.19   It is important that guidance on planning matters is clear and unambiguous. The LVC has been formatted in a way as to make the sections clearly identified and the additional information available under a separate section. It is aimed, as far is practical within the requirements of the Legislation, to be customer friendly and helpful.

4.   RISK MANAGEMENT

4.1   If an application is incomplete it is possible for the LPA to refuse to validate the application until that information is available. This means that the applicant can appeal against non-determination so introducing additional burdens onto officers with respect to time and resource.

4.2   However LVC are now common place around the country and agents expect them to be used during the validation process. The requirements included have been prepared in a proportionate and reasonable manner and this risk is seen as limited within the context and type of appeals already received by the authority. To decide not to publish a local list would mean the Council could only rely on the National Lists and as such the quality of submissions would be reduced and

additional time would be taken up during the application process requesting further information.

5.   **APPENDICES**

Appendix 1 - Summary of responses received
Appendix 2 - The Local Validation Checklist
Appendix 3 - Wording of proposed delegated authority to Head of Planning and Regeneration to make minor amendments to the Local Validation Checklist

6.   **BACKGROUND PAPERS**

Report to Planning Committee 15th August 2011 seeking authority to consult on draft list.

The Validation of Planning Applications; Guidance for LPA'S (CLG)

Guidance on information requirements and Validation March 2010 (CLG)

Development Management Policy Annex; Information Requirements and Validation for Planning Applications (CLG)

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