

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

26 July 2016

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LOCAL VALIDATION REQUIREMENTS LIST

Summary

This report provides a summary of the Council's obligations in respect of the validation of planning applications, together with associated submissions, and makes appropriate recommendations in accordance with national guidance.

1.1 Introduction

- 1.1.1 Validation of planning applications simply represents a decision by a local planning authority as to what information must be provided within an application prior to the determination as to whether to grant or refuse planning permission/listed building consent. A 'valid' application is not necessarily an acceptable application.
- 1.1.2 Since 6th April 2008, when mandatory standard planning application forms were introduced, national statutory requirements for validating applications have been in place. At the same time an option was introduced for local planning authorities to adopt a list of additional 'local' requirements as part of the process of validating applications. The Borough Council has not adopted such a list to date.
- 1.1.3 Current guidance on local validation requirements is set out in national Planning Practice Guidance (PPG) under the heading 'local information requirements' in the 'Making an application' section. It indicates that anything that is specified on a local list must be:
- reasonable having regard, in particular, to the nature and scale of the proposed development, and
 - about a matter which it is reasonable to think will be a material consideration in the determination of the application.

- 1.1.4 The key purpose of stipulating what documents a planning application must comprise is to ensure its validity. It is essential that local planning authorities have adequate information in order that a sound, timely and confident decision can be made. It also means that statutory consultees and other third parties can have a comprehensive understanding as to what is being sought by the application and what the impacts (both positive and negative) are likely to be. Furthermore, the stipulation of what is required in order to make a valid application is helpful for the applicant and their agent and reduces delays in the validation process.
- 1.1.5 National advice requires Councils to be proportionate in the amount of information required to make an application valid. It does not preclude the Council from subsequently seeking additional information at a later date. Whatever information is required to accompany a planning application should always be proportionate to the nature of the application.

1.2 Proposed local validation requirements

- 1.2.1 The adoption of a Local Validation Requirement List (LVRL) will enable the Council to require the provision of information, over and above the submission of application forms, certificates of ownership and plans, i.e. the National Validation Requirements (NVR), to support a planning application for the purposes of validation.
- 1.2.2 The LVRL has been drafted in accordance with national guidance and comprises a matrix setting out the validation requirement, which application they would be relevant to, details of the documentation required and the relevant policy/guidance. The LVRL is attached as Annex 1.
- 1.2.3 It is important to note that if a submitted application lacks the necessary information specified in the Council's LVRL the Council will be entitled to invalidate the application. However the Council it will still need to take a proportionate approach when validating, so that applications are not rendered invalid by the omission of an item of information that would add little to the Council's understanding of the development proposal.
- 1.2.4 Pre-application discussion is strongly encouraged so that where possible the information sought by the Council at application stage is proportionate to the nature of the scheme. Should the applicant not agree with the Council's local validation requirement they will be encouraged to discuss it with the Council.
- 1.2.5 It is important to note that the quality of the information submitted has no bearing as to whether the application is a valid or not. Applicants are encouraged to submit information to a good standard, and the Council does have the ability to request clarification and further information during the determination process.
- 1.2.6 Equally, we would retain the right under the Town and Country Planning Acts to request any additional information required on a case by case basis, if it were deemed necessary. It should also be noted that the onus is on the applicant to

submit appropriate information with their application to enable officers to fully assess the impact of any development. In the event that any requested additional information needed to help demonstrate how an application meets the requirements of the development Plan is not provided, and then we are able to refuse planning permission on the basis of the inadequate information.

1.3 Consultation Process

- 1.3.1 The consultation has taken place over a 3 week period, ending on 21 July 2016. The Authority wrote to over 700 agents and placed a notice in the local press on 1 July 2016. In addition the LVRL has been displayed on the Council's website with explanatory text setting out details of what it is and inviting comments by 21 July 2016.
- 1.3.2 At the time of writing this report no comments have been received. Any late representations will be reported to the Transportation and Planning Advisory Board on 26 July 2016.

1.4 Legal Implications

- 1.4.1 The proposed consultation on the local validation requirements list for the validation of planning applications' is in accordance with the requirements set out in the Development Management Procedure Order 2010 (as amended).
- 1.4.2 A validation dispute process was introduced in 2013 together with the ability to appeal against non-validated applications after the normal determination period ends. At an appeal if the Inspector considered that the Authority had unreasonably concluded that further information was required in support of the application and unnecessarily delayed the decision an award of costs could be made. To date no appeals have been lodged on this basis but an adopted local list of requirements will support the Council's case in the event that any appeals are lodged in the future.

1.5 Financial and Value for Money Considerations

- 1.5.1 There are no direct financial implications of the proposed changes to the local information requirements. However, the adoption of a clear, proportionate list of requirements would likely increased the number of applications which are valid on receipt and would have an indirect financial benefit in relation to officer time and rework

1.6 Risk Assessment

- 1.6.1 The LVRL will provide clarity on what the application must submit in order to make an application valid. It will reduce the risk of non-valid notices submitted under Article 12 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 It is recommended to Cabinet to **APPROVE** the following proposals with effect from 14 September 2016

- 1) Adopt the Local Validation Requirement List as attached at **[Annex 1]**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

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