

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 76

Brighton & Hove City Council

Subject:	Planning Application Local Validation Requirements Consultation		
Date of Meeting:	23 December 2010		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Maria Boyle	Tel: 29-0435
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Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A validation requirement is the information which is needed to make a planning application valid so that it can be understood and assessed by everybody who gets involved in commenting on them. Government sets minimum requirements and has recommended that there should be local requirements which are related to local policy. After public consultation these were adopted by the City Council in 2008.
- 1.2 It is now intended to launch (7 January 2011) a substantial consultation on these local requirements. The purpose of this is to ensure that the requirements are clear, concise, necessary and easily understood.
- 1.3 Whilst the number of planning applications received has continued to rise this year, the Planning Team has succeeded in reducing the time taken to validate planning applications. This has been achieved through a helpful checklist approach and direct support for people applying for planning permission to assist them when completing forms. The consultation is intended to further improve the service the City Council offers.

2. RECOMMENDATIONS:

- 2.1 That the reviewed local validation requirements for the submission of planning applications be subject to a period of 8 weeks public consultation commencing on 7 January 2011.
- 2.2 That the results of the public consultation be reported back to the Environment Cabinet Member Meeting for decision.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Government introduced a new system of standard planning application forms (1 APP) with effect from 6 April 2008. Alongside this, the Government recommended that a list of local requirements for the validation of planning applications were adopted by all local authorities.

- 3.2 In response to this and to support the introduction of the 1APP forms, the Government introduced a national list of validation requirements i.e. the minimum information that is required so that a planning application can be registered, known as the 'national information requirements'
- 3.3 With effect from 6 April 2010 the Department for Communities and Local Government issued guidance on the list of local requirements and validation which replaced section 3 of Circular 01/2006 Design and Access Statements, all of Circular 02/2008 Standard Application Forms and Validation, and all of 'The Validation of Planning Applications: guidance for local planning authorities (CLG, 2007).
- 3.4 Under Section 5 (5.1) of the new guidance document the recommendation was made that Local authorities review and revise their local lists. These changes should be issued to the local community, including applicants and agents for consultation. Presentation of the Local list should be clear and concise and may be most clearly presented in the form of a Matrix of requirements. The consultation period should last no less than eight weeks.
- 3.5 Contrary to the national trend planning applications submitted to Brighton and Hove have risen. 1127 applications were registered for the first 2 quarters of 2009 compared to 1846 for the same period in 2010. An increase of 719 applications registered in this 6 month period.
- 3.6 The service has had some real success with the use of a checklist approach to provide clear reasons about why information is required and when.
- 3.7 Pro-active support and guidance is available to professional agents and the general public from the planning administration team. This takes the form of e-mail and direct telephone call contact which in turn speeds up communication. Where possible and when given permission by the applicant/agent the team will carry out minor amendments to plans and documents in order to progress an application.
- 3.8 The policy statement on the local list requirements sets out five principles to guide the preparation and review of local lists which are necessity, precision, proportionality, fitness for purpose and assistance. In short these mean that:
- Local list requirements should be based on national, regional or adopted local planning policy, or statutory requirements (other than the statutory national information requirements).
 - It should be clear that types of development require the provision of supporting information.
 - Wherever possible, planning authorities should set out the circumstances where a local list item will or and will not be required.
 - Applicants should be encouraged to be brief, whilst providing the planning authority with sufficient information to enable them to understand where the site is, what the development proposal is, and what the main impacts of the scheme would be for each element of the list, it should be clear where any further information or answers to queries can be obtained.

- 3.9 The list of local requirements help to ensure that the necessary information is received before the application is registered as valid.

4. PROPOSED CHANGES

- 4.1 The changes proposed will build on our successful checklist approach and include the technical areas of areas of Air Quality, Noise Impact, Transport Assessment.
- 4.2 The successful checklists for sustainable building design and bio-diversity have helped to aid understanding of the technical requirements.
- 4.3 The emphasis will be on making sure that we adapt the way we gather the information so that we only ask for it once. The opportunity will also be taken to review the current checklists and to ask what we can do better.

5. CONSULTATION

- 5.1 The consultations is intended to commence on 7 January 2011 and last for eight weeks. Local, regional and national organisations will be contacted electronically by the city council and invited to submit their views on the proposed review of the local list requirements

These will include:

Amenity groups
Environmental and wildlife groups and agencies
Community groups
Residents' associations
Planning Forum of professional agents and consultants
Libraries
Utility companies
Local councillors
Council officers
CAG

- 5.2 It is intended that details of the consultation will also be made available on the councils website <http://www.brighton-hove.gov.uk> The consultation should be advertised on the Planning News page.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The full cost of the consultation and revising the list of local requirements will be met from within existing revenue budgets

Finance Officer Consulted: Karen Brookshaw

Date: 15/11/10

Legal Implications:

- 6.2 Section 62(3) of the Town and Country Planning Act 1990 allows local planning authorities to require that applications for planning permission include such

details and evidence in support of the application as the planning authority considers necessary provided such requirements are not inconsistent with the relevant development order. The current development order is The Town and Country Planning (Development Management Procedure)(England) Order 2010 and the proposed new local list requirements are compatible with the provisions of this Order. Failure to submit the documentation required by the validation checklist will result in the application being found invalid.

- 6.3 There are no adverse human rights implications arising from the Report

Lawyer Consulted:

Hilary Woodward

Date: 15/11/10

Equalities Implications:

- 6.4 There are no equalities implications relating to this policy document that fall outside the normal service delivery for the department.

Sustainability Implications:

- 6.5 There are no sustainability implications relating to this policy document that fall outside the normal service delivery for the department.

Crime & Disorder Implications:

- 6.6 There are no crime & disorder implications relating to this policy document that fall outside the normal service delivery for the department.

Risk and Opportunity Management Implications:

- 6.7 There are no risk and opportunity management implications relating to this policy document that fall outside the normal service delivery for the department.

Corporate / Citywide Implications:

- 6.8 To be applied city wide.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 7.1 Guided by central government and best practice on how to carry out a review of the local validation requirements and the consultation process.

8. REASONS FOR REPORT RECOMMENDATIONS

- 8.1 Agreement that the reviewed local validation requirements can proceed to formal public consultation.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members Rooms

1. Guidance on information requirements and validation

Background Documents

None

