

**Report No.** London Borough of Bromley

**PART ONE - PUBLIC**

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**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 2<sup>nd</sup> November 2021

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

**Contact Officer:** Jake Hamilton, Head of Development Management  
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**Chief Officer:** Tim Horsman, Assistant Director (Planning and Building Control)

**Ward:** (All Wards);

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1. Reason for report

National Government Guidance requires Local Planning Authorities to undertake a regular review of their validation requirements for planning applications. It is necessary to ensure that the list remains fit for purpose in the context of changes to National Legislation and Development Plan Policies.

The document sets out the level of information required by the local planning authority to support a planning application. The document is intended to explain clearly what plans and documents are required as part of a planning application to ensure that the council can make transparent, well informed and robust decisions on planning applications in the public interest

The intention is to clearly define the minimum amount of information required for proper assessment of an application. Requirements are not intended to be onerous and information will only be requested when it is necessary to enable full and proper assessment of a proposal.

The document is divided into two sections:

1. National and standard requirements for all application types (including householder applications)
2. Technical supporting statements/documents required for more complex applications (could be requested for householder applications if required, this will be determined on a case by case basis)

National requirements are set by government and are consistent across all local planning authorities in England. These are set out on the Planning Portal. The local requirements must be prepared by each local planning authority and should be tailored to reflect the material planning considerations that are relevant for that area.

Planning legislation requires that the local planning authority must review its local list every two years. As part of that process the council is required to consult on a draft local list and then formally publish the document having taken any representations into consideration. A copy of the final local list must be made available on our website and the list must be subsequently reviewed every two years.

A formal six-week consultation period has been undertaken which ended on 24<sup>th</sup> September 2021. This comprised a consultation page on the Councils website. An email was sent to regular agents to advise them of the consultation, a notice was published in the local press and notification text added to the planning application validation letter during that time.

The consultation page is still available on the website so any comments received after publication of this agenda will be reported verbally to the committee.

Three representations were received which are summarised and addressed in the report below.

This report sets out the updated requirements and seeks Members' agreement to the updated document.

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## **2. RECOMMENDATION(S)**

**Formally adopt the revised Local List of Validation Requirements.**

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
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### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning and Renewal
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### Staff

N/A

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### Legal

1. Legal Requirement: Statutory Requirement: Article 11 of the Town and Country Planning (Development Management Procedure) Order 2015
  2. Call-in: Not Applicable:
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Users of planning service
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### Ward Councillor Views

1. Public consultation undertaken.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

On 21<sup>st</sup> June 2018 Members of the Development Control Committee agreed to adopt the Council's updated local list of validation requirements for planning applications. This list has been used since that time to ensure that planning applications are accompanied by all documentation necessary to ensure proper consideration, in addition to the basic documentation required by primary legislation.

The Legislation<sup>1</sup> requires the Local Planning Authority to review its local validation requirements every two years and also sets out the process that should be followed. However, it is open for a Local Planning Authority to review the requirements more frequently if necessary.

In the majority of cases agreement is easily reached with applicants regarding what is required to be submitted with an application, as officers use discretion to ask only for relevant documentation. The list predominantly provides guidance and help to those wishing to submit a planning application and explains why documents are required in certain circumstances. However, the legislation also provides a right of appeal where an applicant disputes the necessity of a document required by the Authority. If such an appeal is submitted, the local validation document will provide the basic justification as to why the document was requested to help settle the dispute.

The review has continued the style and format of the document adopted in 2018. There have been changes to items already on the list by way of making requirements clearer for applicants and ensuring that the most up-to-date policies are referenced, including the London Plan 2021 in particular. Additional requirements have been included where necessary.

Public consultation was undertaken and three representations were received which are summarised below, together with the officer response.

- One respondent queried whether preference for electronic application submissions would preclude hard copy (paper) application submissions, and whether pre-applications are requested in each case
- [Officer Comment: electronic submissions are preferred but at this present time paper applications are still accepted. Pre-application discussions are encouraged in line with Government guidance in the NPPF but are not a pre-requisite to the submission of a planning application]
- One respondent commented that no mention made of biodiversity enhancement, biodiversity net gain and potential for buildings to support building dependent species (e.g. swifts)
- [Officer comment: Biodiversity enhancement is covered in the requirement for Biodiversity/Ecology Statement as set out on pages 15-16 of the consultation document]
- One respondent confirmed that requirements regarding biodiversity are very welcome, but requested further reference to London Plan Policy G6 B(4) in relation to seeking opportunities to create other habitats or features such as artificial nest sites that are of particular relevance and benefit in an urban context.
- [Officer comment: The local information requirements set the broad requirements for documents needed to support a planning application and do not seek to replicate specific requirements of development plan policy. Nevertheless, the requirements for Biodiversity Information do make specific reference to London Plan policy G6 and an assessment of specific impacts will be made at application stage in light of the information submitted with the application.]

Having regard to the above it is considered that the matters raised in the responses have been suitably addressed in the draft document and no further revisions are proposed in response.

One minor change has been made to the document post-consultation (p 22), to clarify that in certain circumstances the requirement for a Fire Statement will be a national validation requirement in accordance with Article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). As this is a national requirement it is not considered that further consultation would have been required in relation to this change.

<b>Non-Applicable Sections:</b>	Financial; Legal; Personnel
Background Documents: (Access via Contact Officer)	Town and Country Planning Act 1990 Growth and Infrastructure Act (2013) Town and Country Planning (Development Management Procedure) Order 2015 (as amended) National Planning Policy Framework (2021) The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 National Planning Practice Guidance

<sup>1</sup> Section 62(4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act (2013) (supported by Article 11(3) of the Town and Country Planning (Development Management Procedure) Order 2015 and paragraph 44 of the National Planning Policy Framework (2021))

<sup>2</sup> The Town and Country Planning (Pre-commencement Conditions) Regulations 2018