Report No. DRR10/00120	**London Borough of Bromley** **PART 1 - PUBLIC**

Decision Maker:	**Committee/Development Control**
Date:	**23 November 2010**
Decision Type:	Non-Urgent Non-Executive Non-Key
Title:	**LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS**
Contact Officer:	Chris Evans, Manager, Major Developments Team Tel: 020 8313 4554 E-mail: chris.evans@bromley.gov.uk
Chief Officer:	Bob McQuillan, Chief Planner
Ward:	N/A

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1.   Reason for report

Revised central government guidance has been issued regarding local information requirements for the validation of planning applications. The report proposes that consultation be carried out on a revised list of requirements/documents needed to properly assess the various types of application.

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2.   RECOMMENDATION(S)

Members adopt the revised local requirements set out in the list at the end of this report as a basis for carrying out consultation with statutory consultees, residents associations, agents and others, and that a report be received on the results of the consultation in due course.

Corporate Policy

1. Policy Status: Existing policy.

2. BBB Priority: Quality Environment.

Financial

1. Cost of proposal: <please select> No additional cost to the Council arising from the decisions recommended in this report

2. Ongoing costs: <please select>. Staff involvement likely to continue

3. Budget head/performance centre: Planning Division Budget

4. Total current budget for this head: £3.8M

5. Source of funding: Existing revenue budgets

Staff

1. Number of staff (current and additional): 103.89ftes

2. If from existing staff resources, number of staff hours: N/A

Legal

1. Legal Requirement: Statutory requirement. Town and Country Planning Act 1990 (as amended) including power of local planning authority to require submission of material with planning and other applications as set out in Government Legislation/Guidance.

2. Call-in: Call-in is not applicable.

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the Borough as well as those who make planning applications for development in the Borough.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.

2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 On 8 July 2008 the Development Control Committee adopted the use of 'local lists' of requirements/documents that may be needed to properly assess various types of applications. The lists give officers the ability to invalidate applications that are not accompanied by relevant material to assess the impact of certain effects and put forward mitigation. The Committee's decision was preceded by consultation with statutory consultees, residents associations, agents and others. The lists adopted closely followed the suggested requirements set out in the Department for Communities and Local Government document "The Validation of Planning Applications". Guidance for Local Planning Authorities" dated December 2007.

3.2 The discretionary power to require such additional material has been used sparingly by officers, typically to request tree surveys on sites where there are existing trees, and also in relation to major planning applications (as defined in the Town and Country Planning (Development Management Procedure) Order 2010) e.g. to request a Flood Risk Assessment, Transport Assessment, Biodiversity Survey and Report, Statement of Community Involvement etc. Generally the need for such material has been identified during pre-application discussions between applicants, agents and Council officers and in these cases there has been no delay to processing and consideration of applications.

3.3 In March 2010 The Department for Communities and Local Government published the following documents:

- Guidance on information requirements and validation

- Development Management Policy Annex: Information requirements and validation for planning applications.

These state that where a local planning authority has a published local list, it should review it, the starting point being statutory requirements, national and local plan policies and published guidance that explains how adopted policy should be implemented.

3.4 The CLG documents set out an overview of the recommended list review process in 4 steps –

1. Review statutory/policy/guidance "drivers", identify information requirements, decide whether to prepare new lists or revise existing list.

2. Summarise Step 1 in a short report.

3. Consult local community including applicants and agents, giving a period of at least 8 weeks.

4. Take account of responses when finalising list, if it is approved, publish it on website. It may be appropriate to publish guidance notes for applicants, and publication date should be clear on the list and guidance notes.

3.5 The CLG documents also set out 5 principles and criteria for local list preparation –

- Necessity   -   All local list requirements should be based on statutory requirements, national, regional or adopted local policy, or on published guidance which explains how adopted policy should be implemented.

- Precision   -   It should be clear what types of development require the provision of particular supporting information. Where appropriate, the LPA should also identify specific areas where the information requirement arises.

- Proportionality   -   The information required is likely to be dependent on the nature and scale of the proposal and the sensitivity of its location. Where possible, the LPA should identify size thresholds below which certain information is not required or where only limited information is required.

- Fitness   for -   It should be clear what information is required to satisfy the requirement – with a strong emphasis on a proportionate approach and succinct documents.
  purpose

- Assistance   -   For each element of the list it should be clear where further information or answers to queries can be obtained.

3.6   It is suggested that the revised local list presentation is in the form of a matrix, and this is the format adopted in the revised list prepared for this report. The existing format and requirements closely follow the lists set out in the CLG document of December 2007, that is a separate list for each type of application. It is proposed to refine the titles to delete 5, add 6 and amend the titles of 5 as follows-

-        delete Environmental Statement (as this requirement is governed separately by the Environmental Impact Assessment Regulations).
-        delete Landscaping Details
-        delete Open Space Assessment
-        delete Photographs and Photomontages
-        delete Site Waste Management Plans
-        add Energy Statement
-        add Financial Viability Statement
-        add Flat Conversions – details drawings
-        add Landscape and View Impact Assessment
-        add Marketing Evidence
-        add Refuse and Recycling Storage
-        amend Foul Sewage and Utilities, to include Surface Water Drainage
-        amend Landfill Statement, to include Waste Transfer
-        amend Noise Impact Assessment, include vibration
-        amend Parking Provision, to refer to cars and bicycles
-        amend Town Centre Uses, to add Retail Impact Assessment.

4.   POLICY IMPLICATIONS

4.1   The continued ability to require applicants to submit additional material with applications will assist in assessing them against UDP policies and help to maintain the quality of decisions.

Non-Applicable Sections:	Financial, Legal & Personnel Implications
Background Documents: (Access via Contact Officer)	DCLG Guidance on information requirements and validation, March 2010. DCLG Development Management Policy Annex: Information requirements and validation for planning applications, March 2010.