

LIST OF VALIDATION REQUIREMENTS

Planning Committee – 18th October 2017

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Portfolio Holder ***Cllr Lin Fairbrass, Community Services***

Classification: Unrestricted

Executive Summary:

This report advises Members to agree the use of local lists for validation requirements of planning applications submitted to the Council. The report outlines the national guidance regarding validation and details the advantages and opportunities to be gained from introducing a method of assisting applicants to get their applications valid upon first submission.

Recommendation:

Members agree for use of list of validation requirements.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>Applications that are valid in the first instance are cheaper to process for the department, so therefore if validation lists successfully increase the number of applications valid upon submission this could result in an increased efficiency within the technical team. Speeding up process to increase number of valid applications on submission would also expedite development benefiting the wider economy whilst also making a contribution towards Council income through Council tax and Business rates for development that is approved.</p> <p>If the validation checklists are unreasonably used, this could result in non-determination appeals which would be a cost incurred by the organisation from use of staff resources, therefore flexibility and discretion should still be used when assessing applications to avoid this potential outcome. Any cost incurred as a result of the appeal would have to be found within the existing budget of the service.</p>
Legal	<p>The introduction of a list of validation requirements is supported by the National Planning Practice guidance and the statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. The procedure for resolving any disputes is set out in article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, where an applicant could serve notice on the local planning authority stating the reason why the information requested does not meet the statutory tests. The local planning authority must then either issue a 'validation notice', stating that it no longer</p>

	requires the information specified in the article 12 notice, or a 'non-validation notice' stating that it still requires the applicant to provide the information requested. The applicant could thereafter appeal to the Planning Inspectorate under the non-determination of applications procedure, where the merits of the validation dispute and the appeal itself would be considered.
Corporate	The Council's Corporate Plan supports Government policy in relation to planning for the built environment and achieving economic prosperity. The use of a list of validation requirements assists applicants when preparing planning applications, resulting in an increased quality of submissions and efficiency in handling planning applications. This directly supports the corporate priority of promoting inward investment through a fast and efficient planning service.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>The Public Sector equality duty is not engaged or affected by this report.</p>

1.0 Introduction and Background

1.1 Planning applications are 'validated' upon submission. This validation constitutes an assessment of whether the information required for statutory consultation and for determination of the application have been provided.

1.2 The Town and Country Development procedure order 2015 sets out the basic information requirements for all planning applications (except for Section 73 or variation of condition applications). Submissions can be in hard copy or electronically and must include:

- a plan which identifies the land to which the application relates (known as the 'red line plan');
- any other plans, drawings and information necessary to describe the development which is the subject of the application.
- A design and access statement when one is required.

Any plans must be drawn to an identified scale, and in the case of plans, must show the direction of North. If submitted in hard copy, 3 copies of the relevant application form and plans must be submitted.

1.3 In addition to the general requirements of the Development Procedure Order, Local authorities are encouraged to create a list of validation requirements to clarify what information is usually required for applications of a particular type, scale or location, known as Validation Checklists. The information requested with a particular planning application 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.

1.4 Invalid planning applications create delay for applicants in starting the process of planning determination and in proceeding with acceptable development, whilst also using finite Council officer and department resources in validating applications and requesting further information. Validation checklist offer certainty to applicants about what is required for different types of applications, to prevent any unnecessary delay in the process to both applicants and the Council.

2.0 The Current Situation

2.1 Thanet District Council has not prepared a list of validation requirements.

2.2 In the financial year 2016/2017 only 36% of 1859 submissions were valid on the day of receipt. The main reasons for invalid applications have been shown to be:

- No planning fee submitted.
- Floor plans and elevations not matching
- Application form incomplete
- Location plan submitted without north point.
- No scale/scale bar on plans/plans not to scale
- No heritage statement when required.

2.3 When an application is considered to be invalid, the applicant is contacted via telephone, email or letter depending on details provided. If the required information is not submitted within 28 days of the initial contact (following reminder correspondence sent after 14 days), the application is returned to the applicant and any fee refunded.

2.4 If there is a dispute between the applicant and the Council about requested information, an applicant can send the local planning authority a notice under article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (an 'article 12 notice'), setting out the reasons why the applicant considers that the information requested by the local planning authority, in refusing to validate the planning application, does not meet the statutory tests. The Council can then issue a 'validation notice' which confirms the application is valid, or a 'non-validation notice' stating that the information is still required. An applicant would be able to appeal a non-validation notice through a non-determination application.

2.5 The Council has as yet not received any article 12 notices.

3.0 Proposed Validation Checklists and procedure

3.1 Validation checklists covering different types of planning application have been created using government guidance and benchmarked against other Local Authorities' checklists. The particular issues experienced by the department have also informed the requirements.

3.2 The checklists were published on the Council's website in May this year, providing 21 days for any comments in relation to the requirements. All 30 members of the Planning department's user group (consisting of the agent/architects/developers that regularly use the Council's planning service) were asked for comment on the checklists.

- 3.3 One comment was received, raising issue with the potential requirements for joinery details to a detailed scale for listed building consent applications. The requirement has been revised in light of this comment.
- 3.4 In line with Building Control and other Council Services, it is proposed not to validate planning submissions until the planning fee has been paid.
- 3.5 A separate assessment will also occur as part of the Council's fees and charges work as to whether an administrative fee should be charged for applications that have been assessed for the purposes of validation but are never made valid because required information is not received. This charge would be taken as a proportion of the refunded application fee upon returning the planning application after 28 days.

4.0 Options

- 4.1 Members agree to the publishing of Local lists of information requirements for applications appended at Annex 1-10
- 4.2 Members proposed an alternative motion.
- 4.3 No action is taken.

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Reporting to:	<i>Helen Havercroft, Head of Growth and Development</i>

Annex List

<i>Annex 1</i>	<i>Householder – Validation Checklist</i>
<i>Annex 2</i>	<i>Householder and Listed Building Consent – Validation Checklist</i>
<i>Annex 3</i>	<i>Full and Outline Planning Permission – Validation Checklist</i>
<i>Annex 4</i>	<i>Listed Building Consent – Validation Checklist</i>
<i>Annex 5</i>	<i>Advert Consent – Validation Checklist</i>
<i>Annex 6</i>	<i>Variation or Removal of Condition – Validation Checklist</i>
<i>Annex 7</i>	<i>Tree Works – Validation Checklist</i>
<i>Annex 8</i>	<i>Non Material Amendment – Validation Checklist</i>

Corporate Consultation

Finance	Matthew Sanham, 5 TH October 2017
Legal	Tim Howes, 5 th October 2017