

DUDLEY METROPOLITAN BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7th April 2008

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

Changes To The Validation Of Planning Applications

Purpose of Report

- 1 The reason for this report is to provide information to Members on the changes in the operation of Development Control with regard to the validation of planning applications, which comes into effect on 6th April 2008 and follows on from an interim report brought to Development Control Committee on 2nd April 2007.

Background

- 2 As part of the Government's objective to provide a quicker, more predictable and efficient planning service, a national standard planning form (1APP) is to be introduced.
- 3 Part of the Government review leading to this introduction, also considered the acknowledgement, registration and validation process for planning applications. The research found wide variations in the level of information requested by local planning authorities, and the level of detail considered sufficient to register an application.
- 4 Following on from and consolidating the "Best Practice Guidance on Validations" issued in March 2005 and in advance of the changes to the DC system, a validations checklist has been drafted and consulted upon with a view to being adopted by this authority. The purpose is to set out the scope and information required for particular types of development prior to the validation of an application for planning permission.
- 5 A core and mandatory list of information required for a valid application will be incorporated in the standard application form. This is known as 'Planning Application Requirements' (National). This list is concise and focuses only on the requirements explicitly mentioned in the Town and Country Planning (General Procedure) Order 1995.

6 These are as follows:-

Planning permission.

- Completed Form
- Plan identifying land and any other plans and drawings as necessary (to identified scale and north marked on plans).
- A copy of the Article 7 (Agricultural Holdings) Certificate.
- A copy of the completed and dated Ownership Certificate (A, B, C or D).
- Design and Access Statement (if required).
- The appropriate fee.

Listed Building Consent and Conservation Area Consent

- Completed Form
- Plan identifying land and any other plans and drawings as necessary (to identified scale and north marked on plans).
- Design and Access Statement (if required).
- Regulation 6 Certificate.

7 This mandatory list is added to by the local authority's own list of mandatory additional information. This is known as the Planning Application Requirements (Local) list. To comply with Government requirements this list has been out to consultation and has been published on the website.

8 Consultation

Consultation was undertaken

- via the web
- Mail shot to 800 developers/agents
- Developers Forum

9 Once adopted, the local planning authority will be required to validate any planning application supported by the listed documentations. If the documentation submitted is deemed inadequate the application is invalid. If an application does not meet the requirements, it is not valid and will not be registered.

10 The consultation process gave rise to 11 responses by mid March from the following interested parties

- Development Planning Partnership (DPP) (on behalf of Tesco's)
 - Inconsistencies in the plans numbers required and they should all be the same
 - The requirement of a screening opinion prior to submission is overly onerous and this requirement goes beyond the Environmental Impact Assessment (EIA) regulations.
 - Similarly draft heads of terms submitted with the application when this is by negotiation is likely to give rise to undue delay when this can be resolved through the determination of the application. Accessibility statements should be included in design and access statements where also required.
 - Suggest amendment to wording of flood risk assessment and that last three paragraphs are removed as they are not within the applicants control to fulfil.
 - Suggest amended wording to retail section.

- Marketing information to include prices is sensitive and needs to be confidential and not placed on public file.
 - Further clarification on affordable housing information is required.
 - Tree survey should only be where trees are likely to be affected.
 - Sworn affidavits for certificates of lawfulness should not be required as they are not always relevant and the circular is not prescriptive on the type of evidence to be submitted.
- Advantage West Midlands
 - The Agency is pleased to note the inclusion of marketing/viability/appraisal; information when sites are identified as providing an employment resource are proposed for other uses. It would be useful for applications (where appropriate) to also demonstrate how they will contribute to the implementation of the goals of the West Midlands Regional Economic Strategy and relevant sub regional strategies. Similarly in some applications the inclusion of a regeneration strategy providing details of the benefits generated and the regeneration strategies that would be supported through the implementation of the planning proposals would be helpful.
- Mobile Operators Association
 - The checklist is in line with national best practice and therefore no objection is raised. However, the requirement for a map showing the relationship of the application site to the schools and other telecommunications equipment in the vicinity is outside of the Governments recommendations and on the basis that such a document would not assist the authority in determining if prior approval for the siting and design is required they can find no basis for requiring its submission.
- Environment Agency
 - Should an application be submitted on land with the potential for contamination and there is a possible risk to controlled waters then the Environment Agency will object if there is no risk assessment supporting the applications.
- West Midlands Regional Assembly
 - May wish to consider now or in future if the requirements of the RSS policies should form part of the local list.
- British Waterways – no objection
- English Heritage
 - Supporting documents should take account of the impact upon and the setting of the historic environment
 - A combined design and access statement and historic environment assessment should be submitted where both are required.
- Walls, James and Davies Solicitors – no objection just clarification
- Federation of Small Businesses – no objection.
- Centro
 - Welcomes the inclusion of the requirement for design and access statements, draft heads of terms, transport assessments, parking standards accessibility and draft travel plans.
- RPS on behalf of Westfields
 - Comments on the validation process, the planning obligations procedure and the retail impact assessment.

As the above shows many of the comments are a reiteration of, or support for the checklists as proposed. Some, such as the Regional Assemblies comments whilst supported go beyond current requirements and therefore it is proposed these are considered when the checklist is reviewed.

However the following changes as a result of consultation are proposed: -

- Amendment to number of plans required to support a major application is 10.
- Requirement for screening prior to submission is deleted as the regulations allow for this within the first three weeks of submission and refusal if not forthcoming, i.e. insufficient information.
- Draft heads of terms only required prior to submission on minor applications as these tend to be formulae based and less likely to be renegotiated. However it is worth reiterating that the point of this inclusion is to encourage use of the pre-application process prior to submission.
- Amendments to flood risk wording and provision of information on contaminated land to reflect latest Environment Agency advice.
- Amendments to retail and marketing wording to state that impact assessments in an existing centre would need to be undertaken where proposals would substantially increase the attraction of the centre;
- Confirmation that details of selling price or marketing information is required and is confidential.
- Amend certificates of lawfulness to read “where appropriate” sworn affidavits shall be submitted.
- Deletion of map showing proximity of the school on the basis confirmation of contact with schools is already a requirement.

Subject to the above minor amendments the checklist remains as it is. The full checklist is a lengthy document so copies of it will be available in the Members’ room in advance of the Committee.

Finance

- 11 There are no direct financial consequences arising from this report.

Law

- 12 The relevant law is: -
- Planning and Compulsory Purchase Act 2004.
 - Town and Country Planning (General Permitted Development) Order 1995.
 - Circular 9/95 General Development Consolidation Order 1995.

Equality Impact

- 13 The proposals take into account the Council’s Equal Opportunities Policy.

Recommendation

- 14 It is proposed that Committee considers and notes the contents of the report and in particular the proposed amendments, thereby adopting the amended validations checklist.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

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List of Background Papers

- Dudley MBC - Statement of Community Involvement.
- Guidance on the Changes to the Development Control System (Circular 08/2005).
- Validation of Planning Applications - DCLG July 2006
- Best Practice Guidance on the Validation of Planning Applications - ODPM March 2005.
- Town and Country Planning (Applications) Regulations 1988
- National planning guidance (PPG's and PPS's).