
Report to
Planning Committee
17/01/2019

Report of
Head of Planning and Regulation

Ward(s) affected:
All

Title:
Planning Validation Checklist – Local List

Is this a key decision?
No

This local validation checklist document will support the submission of planning applications

Executive Summary:

The local validation checklist is specific to Coventry City Council and is intended to provide advice to applicants and agents on the submission requirements for planning applications. It supports the National List of requirements for planning applications.

Recommendation:

Planning committee are recommended to

- a) Approve a public consultation exercise for 8 weeks on the draft validation checklist for planning applications; and
- b) Delegate authority to the Head of Planning and Regulation, in consultation with the Chair of the Planning Committee, to publish the final validation checklist taking account of representations received during public consultation.

List of Appendices included:

Appendix 1 – The validation checklist

Appendix 2 – Validation checklist quick check grid

Background papers:

None

Other useful documents

The Town and County Planning (Development Management Procedure) (England) Order 2015
http://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi_20150595_en.pdf

Communities and Local Government: Guidance on information requirements and validation (March 2010)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7727/1505220.pdf

National application requirements <https://www.gov.uk/guidance/making-an-application#National-information-requirements>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Planning Validation Checklist

1. Context (or background)

- 1.1 A planning application must be accompanied by certain information in order to be made valid. National requirements are set out in The Town and County Planning (Development Management Procedure) (England) Order 2015 with further information in the Ministry of Housing, Communities & Local Government Guidance – Making an application. As well as the national requirements, local planning authorities may also request supporting information that is set out on a formally adopted 'local list'. The local list is prepared by the local planning authority to clarify what information is usually required for application of a particular type, scale or location.
- 1.2 The creation of a 'local list' of validation requirements was originally introduced through the Department for Communities and Local Government Best Practice Guidance in 2006. It is intended to provide clarity on the nature and extent of information required to accompany a planning application. Coventry City Council adopted a local validation list in 2008 following a consultation exercise. This document is out of date and is no longer useful as it has not been reviewed or updated.
- 1.3 The Government's policy on local information requirements is found in the National Planning Policy Framework. It advises that Local planning authorities should take a proportionate approach to the information requested in support of planning applications. Paragraph 44 of the NPPF states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every 2 years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question."

2. Options considered and recommended proposal

- 2.1 The national validation requirements are set out in The Town and County Planning (Development Management Procedure) (England) Order 2015. At a local level, if authorities require further information they are required to produce a list of mandatory additional information required to meet local circumstances. If an application does not meet the validation requirements as outlined in the checklist (or the applicant has failed to provide any justification why that information is not relevant to the particular proposal) then it will not be valid and the start date will only commence when that information has been provided.
- 2.2 If an application is submitted with all the required supporting information then it must be made valid, but this does not prevent the local planning authority from requesting further information during the determination process. An application could still be deemed invalid at a later date if the documentation submitted fails to provide sufficient details or there are inconsistencies between plans.
- 2.3 The Local Planning Authority currently has no up to date adopted list of local validation requirements and this can cause delay in validating planning application as it is not necessarily clear to applicants/ agents as to what information is required by the authority in support of their planning application. Furthermore, without a local list of validation requirements, the local planning authority cannot insist on the submission of any supporting documents at the validation stage, other than those on the national list and this can cause delays in the consideration of applications.

- 2.4 In order to provide clarity for applicants/ agents on the local authorities submission requirements, a new local validation checklist has been produced which takes into account current guidance. The current guidance states that Information that is required by the local list should 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.
- 2.5 The new validation checklist sets out both national and local submission requirements for planning applications. All requirements within this list are based on national or adopted local planning policy.
- 2.6 The validation checklist sets out the information that needs to be submitted for each of the different application types. It is intended to provide clarity and consistency for developers on submission requirements and help prevent delays during the application process. The draft validation checklist is attached in appendix 1.
- 2.7 Before the local planning authority can adopt a new 'local list' it must carry out a period of consultation.

3. Consultation exercise

- 3.1 In producing the draft list officers have already consulted with our internal consultees (highways, flooding and drainage, policy, environmental protection, conservation and archaeology, ecology and tree officers).
- 3.2 The Guidance on information requirements and validation suggests that “where the LPA considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation. The consultation period should last no less than eight weeks.”
- 3.3 It is proposed that consultation will take place for an eight week period, with the draft list published on the Councils website. Applicants and agents (who have submitted applications in the period Jan 2018 to the date of the consultation will also be consulted direct.

4. Recommendation

- 4.1 It is recommended that an 8 week consultation period is undertaken and any comments taken into consideration and amendments made as necessary before the validation checklist is adopted.
- 4.2 Following the expiration of the consultation period consultation responses will be reviewed, if necessary, amendments carried out.
- 4.3 Following consultation with the Chair of Planning Committee the local validation list will be published and adopted for use in the submission of applications to the planning service.

5. Comments from Executive Director, Resources

5.1 Financial implications

The validation checklist is not subject to any public examination and requires only limited consultation. As such, any costs associated with the delivery of this document will be met through existing budgets attributed to the Planning team.

5.2 Legal implications

The Town and County Planning (Development Management Procedure) (England) Order 2015 sets out that for a planning application to be valid: it should be submitted using the appropriate planning application form; the form should be completed, the correct fee paid and information provided to meet national information requirements; and it should include additional information as required by the local planning authority and specified by the local planning authority on their local list of information requirements. The DMPO 2015 requires local planning authorities to review their local lists, if they have them, at least every 2 years.

6. Other implications

None

6.1 How will this contribute to the Council Plan?

The Council Plan aims to promote the growth of a sustainable Coventry economy through being globally connected through supporting businesses to grow; developing the city centre and creating the infrastructure for the city to grow and thrive.

The introduction of a new validation checklist with clear local requirements will provide clarity for developers submitting planning applications and help to improve efficiency in the planning service. This will benefit developers and those investing in the city.

6.2 How is risk being managed?

There are limited risks associated with the introduction of the validation checklist. There is a mechanism for applicants to challenge the requests made for supporting information at the validation stage, which can ultimately result in an appeal to the Secretary of State but this is rare as such disputes are usually resolved without such steps being taken.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

The introduction of the validation checklist will provide clarity on submission requirements for planning applications. It will ensure that planning applications are accompanied by sufficient information to allow for the assessment of environmental impact on issues such as flood risk, air quality and protection of the natural environment and heritage assets.

6.6 Implications for partner organisations?

None

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Appendices