

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 9 MARCH 2011

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

7. VALIDATION OF PLANNING APPLICATIONS – ‘LOCAL LIST’  
CONSULTATION

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To agree a revised ‘local list’ of validation requirements for planning applications.

<b><u>RECOMMENDATION FOR DECISION:</u></b> that	
<b>(A)</b>	The proposed amendments to the ‘local list’ of validation requirements be endorsed; and
<b>(B)</b>	The adoption of the revised list for Development Control purposes from 1 <sup>st</sup> April 2011 be approved.

1.0 Background

- 1.1 Members may recall that amended regulations came into effect on 6 April 2008 regarding the information and details which are required to be submitted in order to validate planning applications. As a result of those regulations, the Council adopted a ‘local list’ of validation requirements in June 2008. Revised best practice guidance published in March 2010 sets out new national requirements, including the type of form to be completed, the appropriate fee, statements and drawings which must be submitted with each application.
- 1.2 The new guidance also asks local authorities to review and update their established local validation requirements, and to show how these respond to local circumstances and adopted Local Plan policies.
- 1.3 Accordingly, Officers reviewed and updated the ‘local list’, and provided a summary list which sets out the policy driver for each validation requirement. The revised list was recently subject to a six week consultation exercise and a summary of the responses

received are attached to this report, in table form, as part of **Essential Reference Paper 'A'**.

- 1.4 The local list has been further revised as a result of that consultation and the final version is attached to this report as **Essential Reference Paper 'B'** (Appendices A to C).
- 1.5 The new requirements are set out under 'national' and 'local' lists. The national list is prescribed by Government and sets out the statutory requirements. The content of the local list is at the discretion of local authorities, although the government's Best Practice guidance provides a list that can be drawn from.
- 1.6 On adoption, the revised local list will be used to validate applications. If an applicant submits an application that is not in accordance with both the national and local lists, the authority will be entitled to declare the application invalid, and so decline to determine it.
- 1.7 This report asks members to endorse these changes and authorise the adoption of the revised local list from 1 April 2011.

## 2.0 Implications/Consultations

- 2.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

The Town and Country Planning Act 1990 (as amended).

Planning White Paper 'Planning for a sustainable future'.

Guidance on information requirements and validation, March 2010.

The Town and Country Planning (Development Management Procedure) (England) Order 2010.

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## ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p><b>Fit for purpose, services fit for you</b> <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i></p> <p><b>Pride in East Herts</b> <i>Improving standards of the built neighbourhood and environmental management in our towns and villages.</i></p> <p><b>Caring about what's built and where</b> <i>Care for and improve our natural and built environment</i></p> <p><b>Shaping now, shaping the future</b> <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p>
<p>Consultation:</p>	<p>Each local authority is required to consult on their local list over a six week period. This was carried out from 19<sup>th</sup> November to 13<sup>th</sup> January 2011.</p> <p>A total of 7 formal responses were received and these are attached in table form.</p> <p>As a result of the consultation exercise some amendments have been incorporated into the draft local list and its appendices (Appendix A – Criteria and Triggers; Appendix B – Glossary of terms and Appendix C – Summary list). These final draft documents are all attached to this report.</p>
<p>Legal:</p>	<p>None</p>
<p>Financial:</p>	<p>The implementation of these new regulations will be carried out with existing resources.</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>Failure to introduce a revised 'local list' will result in a less efficient and effective Development Control service. The list is considered essential to assist in making quality decisions and ensure speedy processing of planning applications. They will ensure that applications contain sufficient and relevant information to adequately assess all of the impacts of a particular proposal.</p>

ESSENTIAL REFERENCE PAPER 'A' cont'd

<b>No.</b>	<b>Respondents details</b>	<b>Consultation Response</b>	<b>EHDC comments/amendments required</b>
1.	Ware Town Council	<p>a) Details of all previous applications to be included on the applications.</p> <p>b) Detailed location and site plans. Many applications submitted have very poor site and locations plans which do not appear to meet National Requirements.</p>	<p>a) This information would not be based on statutory requirements, national, regional or adopted local policy and it is not therefore appropriate to require these details which, in any event, are available on the public register of planning applications.</p> <p>b) This relates to the quality of location and site plans received rather than an additional validation requirement.</p> <p>No amendments proposed to the validation lists</p>

2.	Jed Plan	The revised list is a great improvement on the existing one. Particularly the summary in Appendix C	Officers welcome these comments.  No amendment necessary to the validation lists.
3.	Futurama Ltd	Generally welcomes the local list but comments that if dimensions are already given, to further request a scale bar is taking the information request too far.	Bar scales are considered essential to ensure that plans can be accurately scaled once they have been scanned and/or re-printed from an electronic version.  No amendment proposed to the validation lists.
4.	Herts Biological records Centre	a) Biodiversity Surveys should also be included on applications for Prior Notifications for agricultural Development.	a) In considering an application for Prior Approval, the Council can only consider matters of siting, design and external appearance. Whilst directives may be used to remind applicants of their responsibilities as regards protected species and biodiversity matters, it would not be appropriate to require surveys as part of the validation process.  Where planning permission is required however, biodiversity surveys will be required in

		b) The criteria and triggers for biodiversity reports need to be expanded in the light of recent case law.	<p>accordance with the new criteria and triggers, as for any other form of application.</p> <p>b) Agreed; and changes have been made to the local list accordingly. Officers also intend to provide a biodiversity checklist to support the local list and this will be available by 1<sup>st</sup> April 2011.</p>
5.	Hibbs Walsh	Requirement for the removal of note 'Do not scale from this drawing' - provided you have a scale bar, a note as to the size of the drawing and written dimensions I see no reason why the note should not remain.	<p>The Council needs to be able to rely on the accuracy of submitted plans, and be able to scale from them, especially when considering the enforcement of planning control. Disclaimers such as this can make this difficult and Officers remain of the view that these notes should not be permitted.</p> <p>No amendment proposed to the validation lists.</p>
6.	The Ramblers' Association	Commented that they did not have the necessary equipment for viewing documents on the internet.	No amendment proposed to the validation lists.
7.	Hertfordshire Constabulary	All planning applications should demonstrate how crime prevention	Whilst the Council will have due regard to crime prevention matters and the

		<p>measures have been considered. This should form part of the Design and Access Statement and could usefully reflect each of the attributes of safe, sustainable places and follow the Secure by Design initiative.</p>	<p>Secure by Design initiative in all applications, it is considered reasonable only to require this information in respect of 'Major' applications and it is therefore suggested that the local validation list be amended to require this as part of the Design &amp; Access Statement for these applications. The policy driver to this additional requirement would Planning Policy Statement 1.</p> <p>Change incorporated into the validation lists.</p>
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