



**Meeting: Council**

**Date: 1 June 2015**

**Wards Affected: All Wards**

**Report Title: Local Validation List for Planning Applications**

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## **1. Purpose and Introduction**

- 1.1 In order to make high quality, timely and robust planning decisions all planning applications must be accompanied by necessary and relevant information about the proposed development. The type and nature of this information is defined nationally, at a basic level. Councils are encouraged to produce their own list of information required for different types of application, which reflect local needs and circumstances. These lists should facilitate the assessment and decision making process, not hinder it.
- 1.2 This report recommends that the Council adopts a new Local List for Validating Planning Applications (see Appendix 1) in order to ensure that all necessary information is submitted with planning applications. This will provide applicants with greater certainty about the requirements for valid application submissions, will ensure that the Local Planning Authority is in receipt of the requisite information with which to make a determination and can make quicker, robust decisions.
- 1.3 Torbay Council has been using a Local List for Validating Planning Applications since it was adopted by the Council on 28 February 2013. As Local Lists must be reviewed and revised every two years, the approved Local List became out-of-date on 28 February 2015.
- 1.4 Without an up to date and approved Local List, the Council must formally rely on the national list to validate planning applications. Whilst this means that the information requirements to submit a valid planning application are less onerous for applicants, it also means that Torbay Council has no choice but to validate applications that may not include information that is required in order to make a decision. The national requirements are minimal and in most cases do not extend beyond the relevant fee, application form and plans. The Council has, since February 2015, been using the new Local List, in its draft form, to secure information in support of planning applications.
- 1.5 The result of the Council validating applications without the requisite information to determine them is that applications take longer to decide while information is sought from applicants. This has led in the past, for example, to the Council's performance against statutory targets for determination falling below previously established minima and, critically, below performance targets that the Government

has introduced or propose to introduce. This threshold currently requires 40% of major applications to be determined within 13 weeks, but that threshold is proposed to rise to 50%. Similarly, Government proposes to introduce a new performance threshold for smaller applications, namely that 60% of small applications should be determined within 8 weeks.

## **2. Proposed Decision**

- 2.1 That the new Local Validation List for Planning Applications (Local List) set out at Appendix 1 to the submitted report be adopted and used to test the validity of submitted planning applications. In accordance with the Local List, applications will remain invalid until information necessary for determination is submitted. The Council will continue to take a proportionate, flexible and pragmatic approach to validation to ensure that this approach does not lead to perverse delays in the validation of applications or in applicants being asked to provide information that is not needed to determine the application.

## **3. Reason for Decision**

- 3.1 Adopting the new Local List will help ensure that the Council continues to validate an application only when sufficient information is submitted to determine it and as such will avoid unnecessary delays in the determination process. This will better enable the Council to determine applications within statutory time frames, to maintain the Council's current good performance in relation to the speed of decision making and will maintain the quality of outcome from development that the Council has focused on over the last few years.
- 3.2 In addition the Local List will continue to improve the quality of submissions and provide greater certainty for applicants, communities and consultees.

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## **Supporting Information**

### **4. Position**

- 4.1 The Council is judged on its planning performance in relation to the speed of determination of Major Planning Applications. Without a Local List in place, the Council will have to rely on national validation requirements and will lead to applications being validated that do not contain all of the information required to determine them. The adoption of the new Local List will enable the Council to validate only those applications that contain the requisite information for them to be determined. In addition, the Local List will provide certainty and clarity for applicants, users of the service and the Council in relation to the submission requirements for applications.

### **5. Possibilities and Options**

- 5.1 Torbay Council could revert back to relying upon the national validation requirements in relation to planning applications and as such require very limited information before validating a planning application.
- 5.2 Using the national validation requirements would reduce the burden of information required upfront from applicants and continue to show flexibility in the handling of

planning applications. However, given that a decision cannot be properly taken without all of the relevant information to hand, this information would have to be submitted during the course of the application in any event.

- 5.3 In reverting back to using the national validation requirements and not adopting local requirements, the Council would be likely to struggle to meet performance targets set nationally and would be likely seen as being poorly performing. In addition, the quality of decision making and quality of development is likely to decline.

## **6. Preferred Solution/Option**

- 6.1 Adopt the appended Local List for Validating Planning Applications and use this adopted revised list to test the validity of planning applications. The list will need to be reviewed and re-published at least every 2 years in order to keep it up to date. It is envisaged that this would be ratified either through Council or by whichever Executive Decision Making function is of relevance at the time.

## **7. Consultation**

- 7.1 Local Lists require public consultation prior to their adoption. A Consultation Draft of the Local List was prepared in 2014/15 and this went out to public consultation with the proposed Modifications to the Submission Torbay Local Plan between 9<sup>th</sup> February 2015 and 23<sup>rd</sup> March 2015. Mail shots and newsflashes were sent out as part of the consultation to ensure agents and applicants were aware. Responses were received from the following:

- Police Architectural Liaison Officer – West Devon, Torbay & South Hams
- Mono Consultants Ltd on behalf of the Mobile Operators Association (MOA)
- Woodland Trust
- Paignton Neighbourhood Forum
- Natural England

- 7.2 The responses were taken into considered in the appended Local List and mainly sought to clarify issues where there was uncertainty and confusion. This has led to a number of changes and additions to the List in order to provide more information and clarity where it was considered necessary.

## **8. Risks**

- 8.1 The adoption of the Local List will place some additional up front costs on applicants to include all necessary information within their first submission. This will reduce the level of flexibility that exists without a Local List, where applicants can validate an application with limited information and provide further information later in the process. However, the original Local List has worked well in helping the Council to improve its performance levels and applicants are now familiar with this approach.

## **Appendices**

Appendix 1: Local Validation List for Planning Applications