

Meeting: Policy Development and Decision Group (Joint Operations Team)

Date: 5th November, 2018

Wards Affected: All

Report Title: Local List for Validating Planning Applications

Is the decision a key decision? No

When does the decision need to be implemented? As soon as possible

Executive Lead Contact Details: Councillor Derek Mills, Deputy Mayor and Executive Lead for Planning and Waste, derek.mills@torbay.gov.uk

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1. Proposal and Introduction

- 1.1 The proposal is to re-publish the Council's *Local List for Validating Planning Applications* ("the Local List") following a review that has resulted in no substantive changes to the document.
- 1.2 The Local List establishes the information that the Council requires applicants to submit in support of their planning and other applications, which are assessed and determined by the Local Planning Authority. The requirements set out in the Local List must be justified by the Council's adopted Local Plan, along with national planning policy and guidance, and relevant planning legislation. Since the current Local List was published in 2015, a number of the planning policies and legislation it refers to have changed.
- 1.3 It is a requirement of Paragraph 44 of the National Planning Policy Framework (July, 2018) that Local Planning Authorities review their Local Lists at least every two years. Our list has now undergone a review. Modifications are proposed to reflect changes to the associated planning policies, legislation and other guidance. None of the changes proposed are considered to be of a substantive nature, and no public consultations are therefore deemed to be necessary in this case.
- 1.4 Not having an up to date Local List means that the Local Planning Authority can be challenged when it attempts to require further information from applicants, which it deems necessary to enable the proper assessment and determination of their planning or other applications. The publication of an up to date Local List will therefore facilitate the proper assessment of development proposals in accordance with the adopted Torbay Local Plan, and therefore the delivery of sustainable development. Moreover, if the planning department is unable to secure required

information, planning decisions may be delayed, which could result in planning application fees needing to be returned to applicants where a certain deadlines are exceeded.

2. Reason for Proposal and associated financial commitments

- 2.1 The Council's adopted Local List was published in 2015. In accordance with the national planning guidance, this document has now been reviewed with changes being proposed to reflect developments in the referenced planning policies, legislation and other guidance. Whilst these changes are not considered to be substantive, and do not alter the requirements of the existing document, the re-publication of the Local List requires the authorisation of the Elected Mayor.
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3. Recommendation(s) / Proposed Decision

- 3.1 That the Elected Mayor be recommended to approve the reviewed Local List for Validating Planning Applications for formal publication set out at Appendix 1 to the submitted report.

Appendices

Appendix 1: *Local List for the Validation of Planning Applications (November, 2018)*

Background Documents

None.

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The proposal is to re-publish the Council's <i>Local List for Validating Planning Applications</i> ("the Local List") following a review that has resulted in no substantive changes to the document.</p>
2.	<p>What is the current situation?</p> <p>The Local List establishes the information that the Council requires applicants to submit in support of their planning and other applications, which are assessed and determined by the Local Planning Authority.</p> <p>It is a requirement of Paragraph 44 of the National Planning Policy Framework (July, 2018) that Local Planning Authorities review their Local Lists at least every two years. Our list has now undergone a review.</p> <p>The Local List needs to be re-published following the review. The costs of not doing so are that if the planning department is unable to secure required information before applications are validated, planning decisions may be delayed, which could result in planning application fees needing to be returned to applicants where certain deadlines are exceeded.</p>
3.	<p>What options have been considered?</p> <p>The only alternative option is to proceed with an out of date Local List and the costs of this are discussed above.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>An up to date Local List enables the Council to ensure adequate details are provided at the time planning applications for new development are submitted and therefore facilitates the proper assessment of proposals in accordance with our Local Plan, which itself promotes the ambitions, principles, and actions of the Corporate Plan.</p>
5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>Not applicable.</p>

6.	<p>How does this proposal tackle deprivation?</p> <p>The timely and proper assessment of planning applications can help to unlock investment and new development in the area, contributing to the creation of employment, new homes, consumer and visitor attractions, and a more attractive environment.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>It ensures that applicants seeking planning permission are all expected to meet the same requirements outlined in the Local List.</p>
8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>No applicable.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Applicants seeking planning permission will be affected by this proposal, including, but not limited to, planning consultants, developers, business owners, members of the public, and the Council itself. All of the people of Torbay may be affected in some way by the adoption, or not, of an up to date Local List as it affects the Council's ability to properly regulate the development of the built and natural environment.</p> <p>The proposed changes are not substantive. The proposal is, essentially, to re-publish an existing document with minor modifications to reflect changes to the associated planning policies, legislation and other guidance. These amendments are considered adequate for the time being, in accordance with the requirements of the national planning guidance. Consultations are not necessary given the very minor and inconsequential changes being proposed.</p>
10.	<p>How will you propose to consult?</p> <p>Not applicable, see above.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>If we do not have an up to date Local List, and are unable to require sufficient information to support planning applications as a result, planning decisions may go over time as a result, and this may result in the need to return application fees to applicants.</p>
12.	<p>What are the risks?</p> <p>If we do not have an up to date Local List, and are unable to require sufficient information to support planning applications as a result, planning decisions may go over time as a result, and this may result in the need to return application fees to applicants.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Evidence to support the proposal derives from a consideration of the national planning guidance and policies, along with practice and experience within the Development Management team.</p>
15.	<p>What are key findings from the consultation you have carried out?</p> <p>Not applicable. No consultation needed.</p>
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>Not applicable.</p>

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact.
	People with caring Responsibilities			There is no differential impact.
	People with a disability			There is no differential impact.
	Women or men			There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
	Religion or belief (including lack of belief)			There is no differential impact.
	People who are lesbian, gay or bisexual			There is no differential impact.
	People who are transgendered			There is no differential impact.
	People who are in a marriage or civil partnership			There is no differential impact.
	Women who are pregnant / on maternity leave			There is no differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No	
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No	