

**Report of: Planning Business Manager**

**To: Executive Board**

**Date: 5 November 2007**

**Item No:**

**Title of Report :** The Validation of Planning Applications – Consultation on ‘local lists’ of information requirements as part of the 1APP project



**Summary and Recommendations**

**Purpose of report:** Executive Board to agree consultation with relevant stakeholders on the proposed ‘local lists’ of validation requirements as recommended by the Government.

**Key decision:** Yes

**Portfolio Holder:** Councillor John Goddard

**Scrutiny Responsibility:** Environment



**Ward(s) affected:** All

**Report Approved by:**

Portfolio Holder – Councillor Goddard

Legal – Kate Chirnside

Finance – Christopher Kaye



**Policy Framework:**

Improved consistency and customer certainty

Improved service efficiency and performance



**Recommendation(s):**

To consult with Planning Service stakeholders on the proposed ‘local lists’ of information requirements, as part of the 1APP project.



## **1.0 The 1APP project, 1APP form and the 'national list'**

- 1.1 Over the last couple of years the Government has been developing the 1APP project, with a view to standardise planning related forms across the country, ensuring that planning proposals do not require the submission of multiple application forms (e.g. currently separate forms for planning application and listed building consent and advertisement consent).
- 1.2 The intention is that when submitting applications electronically through the Planning Portal or the council's website, there would be just one flexible application form (the 1APP form) that would adapt as necessary depending on the answers provided.
- 1.3 The Government has identified 26 different scenarios, which require variations of the 1APP form (a list of those is attached in appendix 1). When applicants apply by submitting hard copies of application forms, they would be able to choose the correct 1APP form from a list of 26 pre-prepared variations.
- 1.4 Each variation of the 1APP form will also have a corresponding variation of the 'national list' of information requirements that need to be submitted to make the application valid. The 'national list' will regularise the current status quo, in that it will set out the statutory minimum information that applicants are currently required to submit, to ensure their application is valid.
- 1.5 The 1APP form and corresponding 'national list' (variations) will become statutorily mandatory in all formats (electronic and hard copies) across England from 6<sup>th</sup> April 2008. The Planning Portal version will be implemented before the end of December 2007, to allow for an interim getting-used-to period and to flush out any teething problems.

## **2.0 The 'local lists'**

- 2.1 The minimum validation requirement, to be reflected in the new 'national lists', has frequently proved to be inadequate. Additional information is necessary on a large number of cases to enable assessment of the application. Councils have the power to ask for additional information and also to refuse proposals on the grounds that the submitted information is insufficient. However, it has been a matter of longstanding debate, as to whether councils have the right to refuse to validate and process applications, where insufficient information is provided. The practice by councils and the government's support of such practice on this issue has varied widely in the past. This has been confusing for councils and applicants/agents alike. It is inefficient and causes delays in the planning application process.

- 2.2 The Government is seeking to rectify this situation by giving councils the power to be able to refuse to validate applications and it intends to combine this with the 1APP project.
- 2.3 In August 2007 the Government published “The Validation of Planning Applications – Draft Guidance for local planning authorities” (the Draft Guidance). In there it sets out the rationale and timetable for the 1APP project and includes the 26 variations of the ‘national list’. In addition the Draft Guidance also sets out 26 corresponding proposed variations of ‘local lists’ of validation requirements to accompany each of the 26 types of 1APP form. Needless to say that all the above mentioned variations are extremely repetitive. The Draft Guidance also includes a very comprehensive glossary on the ‘local list’ requirements recommended by the Government.
- 2.4 The Draft Guidance recommends that local planning authorities consider the recommended ‘local lists’ of validation requirements appended in that document. Councils should then adjust them according to their specific local circumstances. It also recommends that local authorities then proceed to formally adopt them through the local consultation process described below. Once the ‘local lists’ are adopted, local councils would have the discretionary power to refuse to validate applications that fail to include the required information. The Government has announced that it will be formalising the adoption of the ‘local lists’ arrangement shortly, by amending the current Town and Country (General Development Procedure) Order 1995 (the GDPO).
- 2.5 The recommended process for adopting the ‘local lists’ is as follows:-
- i) a resolution from the ‘relevant committee’, in this case the Executive Board (EB), to consult on the ‘local lists’
  - ii) a minimum six-week consultation period with planning service stakeholders
  - iii) reporting a review of stakeholder comments to the ‘relevant committee’, in this case the Full Council, with a view to formally adopting ‘local lists’ for validation purposes.
  - iv) Publicising the adopted ‘local lists’ to planning agents before the 6<sup>th</sup> April 2008 national target implementation date.
- 2.6 Officers have adjusted the repetitive 26 variations of the ‘local lists’ set out in the draft Guidance to reflect local conditions, by including a handful of additional criteria and also by expanding the wording of the individual criteria with explanatory notes and with references to relevant legislation, planning guidance, local policies and locally applied thresholds as necessary.

- 2.7 A summary table of the proposed Oxford 'local list' criteria to be consulted on is appended to this report as Appendix 2. Full sets of the 26 proposed Oxford 'local lists' to be consulted on and also hard copies of the Draft Guidance, which includes the 26 variations of the 'national' and 'local lists' and accompanying glossary are provided in the members' common room and all the political group rooms at the Town Hall for members' inspection and reference.
- 2.8 In addition to a number of minor adjustments, the proposed Oxford 'local lists' include the following additional requirements in certain circumstances, when compared with the sample ones set out in the Draft Guidance:
- i) Natural Resource Impact Analysis (NRIA) as per threshold
  - ii) Energy efficiency statements for new development schemes falling below the NRIA threshold
  - iii) Health and Radiation Impact Analysis (HRIA) in connection with telecommunications applications
  - iv) Visual impact assessment, where views are affected within identified viewcones
  - v) A 'parameters' plan for outline proposals
  - vi) Elevational drawings showing proposed buildings in the context of existing neighbouring buildings.
  - vii) Archaeological evaluation for relevant householder development within the City Centre Archaeological Area
  - viii) Some form of electronic format submission (e.g. at least CD-ROM or DVD) for all major and minor applications.

### **3.0 Stakeholder consultation**

- 3.1 It is proposed to consult stakeholders on the proposed Oxford 'local lists' between mid-November 2007 and early-January 2008. It is intended to report consultation comments and adjustments to the 'local lists' to EB at the beginning of February 2008, with a view to adopting them in March 2008, in advance of the national going live date in April 2008.
- 3.2 The relevant stakeholders for this consultation are considered to be:
- Statutory consultees (including the Environment Agency, Natural England, English Heritage, the Greater London Authority, Network Rail, the County Council / local highway authority, Regional Development Agency, Strategic Health Authority and statutory undertakers)
  - Parish Councils
  - Relevant voluntary and community groups (e.g. residents groups / amenity societies)
  - Frequent planning agents
  - Local Universities and Further Education Colleges
  - Local NHS Trusts

- Commercial bodies (e.g. Chamber of Commerce, BMW etc)
- Telecommunications operators and representatives
- Development Control User Group

#### **4.0 Financial Implications**

4.1 There are no financial implications.

#### **5.0 Recommendation**

5.1 It is recommended to agree consultation with planning service stakeholders on the proposed set of Oxford 'local lists'.

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Background papers: None

# APPENDIX 1

## LIST OF THE 26 VARIATIONS OF THE 1APP FORM

- 1- Householder application for planning permission for works or extension to a dwelling
- 2 - Householder application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area
- 3 - Householder application for planning permission for works or extension to a dwelling and Listed Building consent
- 4 - Application for planning permission
- 5 - Application for planning permission and Conservation Area consent for demolition
- 6 - Application for planning permission and Listed Building consent
- 7 - Application for advertisement consent
- 8 - Application for planning permission and advertisement consent
- 9 - Application for outline planning permission with all matters reserved
- 10 - Application for outline planning permission with some matters reserved
- 11 - Application for approval of reserved matters following outline approval
- 12 - Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)
- 13 - Conservation Area consent for demolition in a Conservation Area
- 14 - Listed Building consent for alterations, extension or demolition of a listed building
- 15 - Listed Building consent for alteration, extension or demolition of a listed building and advertisement consent
- 16 - Application for tree works: works to trees subject to a tree preservation order (tpo) or notification of proposed works to trees in Conservation Areas (ca)

- 17 - Application for a Lawful Development Certificate for a proposed use or development
- 18 - Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition
- 19 - Application for hedgerow removal notice
- 20 - Application for prior notification – proposed demolition
- 21 - Application for prior notification of proposed agricultural development – proposed building
- 22 - Useful supporting information – application for approval of details reserved by condition
- 23 - Useful supporting information - application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm
- 24 - Useful supporting information - application for prior notification of proposed agricultural development – proposed fish tank
- 25 - Useful supporting information - application for prior notification of proposed agricultural development – proposed road
- 26 - Useful supporting information - application for prior notification of proposed development in respect of permitted development by electronic communications code operators

## APPENDIX 2

**List a local criteria of information that must be submitted with planning related applications as applicable (please refer to proposed individual 'local lists'):**

- Affordable housing statement, where affordable housing is an issue, in accordance with the relevant policies of the Oxford Local Plan and the provisions of the Supplementary Planning Document (SPD) on Affordable Housing
- Air quality statement, where the scale of a major development would have a material effect on traffic loads or whether the application site is within a designated Air Quality Management Area and the proposed accommodation is for a high risk user group, e.g. a school or elderly persons accommodation
- Biodiversity Survey and Report, where there is a possibility of impacts on biodiversity, wildlife, protected species and habitats
- Conservation Statement where the development may have an effect on the character, appearance and or setting of a conservation area
- Daylight/sunlight assessment, applying the relevant test/s set out in appendix 6 of the Oxford Local Plan (OLP), including the identification of all affected windows, if any, in neighbouring properties.
- Environmental Impact Assessment, where required by the Town and Country Planning (Environmental Impact Assessment) Regulations (1999)
- Evidence of need for proposals with town centre type uses in edge of centre or out of centre locations, including a sequential test assessment in accordance with provisions in Planning Policy Statement 6.
- Existing and proposed car parking and access arrangements
- Health and Radiation Impact Analysis (HRIA), as well as ICNIRP certification, technical justification, alternative sites information and visual impact assessment for telecoms applications



- Heritage Statement, where there are historical, listed buildings and/or Scheduled Ancient Monuments issues to include an Archaeological evaluation, if within the City Centre Archaeological Area
- Flood risk assessment (FRA), for development on sites of 1ha or greater in Flood Zone 1 or for all proposals within Flood Zones 2 and 3
- Land contamination assessment, where contamination is known or suspected
- Lighting assessment, for applications that include external lighting proposals
- Natural Resource Impact Analysis, for 10 or more dwellings or 2000m<sup>2</sup> or more of floorspace, otherwise an energy efficiency statement for all schemes below the NRIA threshold as per policy CP15 of the Oxford Local Plan
- Noise impact assessment for developments that raise issues of disturbance or are noise sensitive in what are considered to be noise sensitive areas (PPG24)
- Open space assessment for developments within existing open spaces
- Planning obligations/draft Head(s) of Terms if required by Local Development Framework documents, including the Oxford Local Plan, the Core Strategy, the West End Area Action Plan and Supplementary Planning Documents
- Planning statement for major developments
- Regeneration statement for large commercial / mixed use developments
- Site waste management plan (including relevant refuse disposal and recycling details)
- Statement of Community Involvement (SOCl), statement for major proposals
- Structural Survey, where it is necessary due to substantial demolition or effects of trees
- Transport assessment as per the requirements of Appendix 1 of the Oxford Local Plan
- Travel plan as per the requirements of Appendix 2 of the Oxford Local Plan
- Tree survey/Arboricultural implications, where tree issues arise
- Utilities statement, for major developments

- Ventilation/extraction statement for Class A3, A4, A5 uses and other uses akin to above, including major retail, business, industrial or leisure uses where substantial ventilation is proposed
- Visual impact assessment, including photomontage, where proposed buildings may affect views along view cones identified in the Oxford Local Plan
- 'Parameters' plan for outline proposals
- Elevational drawings showing clearly and accurately the relationship of the proposed development and buildings to the existing neighbouring buildings and spaces (3 copies to be supplied unless the application is submitted electronically. All plans and drawings should include: paper size, key dimensions and scale bar indicating a minimum of 0-10 metres)
- In relation to 'major' and 'minor' application proposals where submission is by way of hard copies, all details accompanying the planning application shall also be submitted by way of at least one electronic format e.g. on a CD-ROM or DVD.

**Application submissions may include the following:**

- Photographs/photomontages
- Planning statement for householder proposals to deal with energy efficiency and design issues if relevant.