

Local Validation List – Proposed Changes

Consultation Period Friday 7 June – Friday 19 July 2013

For a 6 week period commencing on Friday 7 June, comments are invited regarding proposed changes to the validation/registration requirements of the Royal Borough for planning applications.

All comments to be sent by e-mail to planning@rbkc.gov.uk by Friday 19 July

Background

Although the government does not allow local Councils to set their own planning application fees they do allow some local independence in terms of the information to be submitted with applications.

A few requirements, such as a form, drawings at 1:50 or 1:100, and Design and Access Statements, are compulsory requirements nationally, set out in the Development Management Procedure Order 2010 (as amended) in order for an application to be validated. But the rest are not mandatory – it is up to a Council to request what is reasonable and necessary for it to consult upon, assess, and decide applications.

In responses to government consultation in 2012 concern was expressed that some councils require information that is not necessarily relevant to the planning application in question, and without giving full consideration to the costs that such information requests can impose on applicants through holding up the validation of applications. Overly detailed validation requirements can be a burden upon the local authority and upon applicants, out of proportion to any benefit provide to them or to neighbours.

It is most important that all planning authorities monitor their validation requirements, and a recent change in the law requires councils to keep their requirements under review if they do not do so already. As the last comprehensive review of requirements at the Royal Borough was in 2010, it is timely now to look closely at our validation requirements.

At the Royal Borough

Whilst reasonable in being firmly founded in Core Strategy policies, our local validation requirements are extensive and have grown steadily over the years, with a fairly regular criticism of the validation process here, by applicants, being that we require too much information to register applications.

A regular criticism, by neighbours, is that we register applications with insufficient/inaccurate information for neighbours to be able properly and fairly assess development proposals within the time available.

The reality is that the list has become so extensive and complex that delays in validating applications are frequent, seasonal peaks in applications are hard to cope with, and the making of mistakes is more likely. This serves to undermine the purpose of having a detailed validation list in the first place.

Objective of this Review

To create a simple, transparent process where high expectations of accuracy can be achieved, with applicants bearing more responsibility for the supply of full and well presented information but also benefiting from fewer delays at the validation stage with applications reaching case officers faster than at present.

The components of this are to:

1. Adopt a new, reduced, validation list, requiring only core information for initial validation of applications but supplemented by additional information for assessment by case officers and neighbours;
2. Reduce the proportion of applications that cannot be validated on submission;
3. Reduce the staff resource required to validate applications and enable more resource for assessing them;
4. Shift the emphasis for deciding the level and quality of information accompanying applications from Council support staff to applicants/agents;

The results will be:

- (a) a shorter list of initial requirements needed to get an application validated;
- (b) an updated and clearer advisory document for applicants, setting out the Council's expectations for applications in order for relevant policies to be satisfied;
- (c) Continued focus on our planning advice service [at www.rbkc.gov.uk/advice] as the mechanism for us giving clear advice to potential applicants;
- (d) greater clarity for both applicants and neighbours;
- (e) improved flow of applications with greater ability to avoid seasonal backlogs that benefit no-one.

How will it work?

The statutory (national) validation requirements, such as completed application form, valid ownership certificates, fees, and good quality drawings, will remain. As long as those requirements are properly satisfied then an applicant can assume an application will be validated, and passed on to a Planning Officer.

The responsibility of the Council to fully assess and weigh all material considerations, and arrive at a balanced conclusion and recommendation for all applications, remains as it is, as will the opportunity for neighbours and other interested groups to assess the submitted information. This will take place with less delay at the beginning of the process.

Some examples as to how the process will work are described at the end of this letter.

After the 6 weeks of consultation

We will assess your comments and suggestions and adapt the draft list, or associated procedures, as appropriate. We will then move to the new, finalised list of requirements. The operation of this will be kept under review, and can be modified as and when changes from government or changes in policies require it.

Thank you for your participation.

Yours sincerely,

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Planning and Borough Development

Example 1

An application for a roof addition is submitted with a completed form, correct certificate, drawings etc but the fee is wrong. Now, the registration officer would not validate the application until they had advised the applicant of the correct fee to be paid, and received it. Under the proposed changes, the registration officer would do the same, although more swiftly as fewer applications would be held up at this stage.

Example 2

An application for a large basement is submitted with a completed form, correct fee, certificate, drawings etc, but without a Construction Method Statement. Now, it would be delayed at registration awaiting a Method Statement to be requested, prepared, and submitted, and yet possibly still refused if the Statement was found to be inadequate against the guidance in the Core Strategy and Supplementary Planning Document on Subterranean Development, so there would have been delay, but for no benefit. Under the proposed changes, it would be validated, passed to the case officer, then refused because the applicant had “failed to satisfy Policy CL2 (g) by demonstrating that the stability of neighbouring buildings has been safeguarded”.

Example 3

An application for a rear extension is submitted with a completed form, correct fee, certificate, drawings, and including a sun and daylight assessment that missed out two key windows in a neighbouring property. Now, it might be spotted at validation stage and held up whilst a revised study was submitted, or it might not be spotted until the case officer visited the site or the neighbours property. Under the proposed changes, it would be validated and passed to the case officer, who would subsequently refuse it because the applicant had “failed to satisfy Policy CL5 by demonstrating that sufficient natural light would be retained to the neighbouring property”.