

Report to Cabinet

Subject: Local Requirements List for planning and related applications

Date: 16 February 2023

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Wards Affected

All

Purpose

The purpose of this paper is to seek Cabinet approval to adopt the Local Requirements List.

Key Decision

Yes

Recommendation(s)

THAT:

- 1) The Local Requirements List for planning related applications be adopted;
- 2) Authorise the Principal Planning Officer – Development Management to publish the document; and
- 3) Delegates authority to the Principal Planning Officer, to make any minor typographical, formatting or factual amendments to the Local Requirements List for planning and related applications.

1 Background

- 1.1 Gedling Borough Council determine in the region of 700 planning and related applications a year. Currently the Council can validate applications in accordance only with the National requirements, as set out in the Planning Practice Guidance (paragraph 22 Reference ID: 14-022-20140306) and the Town and Country Planning Development Management Procedure (England)(Order) 2015. However, paragraph 44

of the National Planning Policy Framework (2021) identifies that a list of local requirements can be adopted by a Local Planning Authority and that the information sought should be the minimum needed to make a decision. The document should be reviewed at least every two years and Local Planning Authorities should only request information that is relevant, necessary and material to the application in question.

- 1.2 Applications received with all relevant information will ensure that all interested parties e.g. Officers, Statutory consultees and neighbours, have sufficient details to consider the proposal and it will also assist the Council in making timely decisions. Currently the Council relies on the national validation requirements and this can sometimes mean that valuable information is missing at the outset, which can lead to a delay in determining applications.
- 1.3 As outlined in the Planning Practice Guidance (paragraphs 38-44), a Council can produce a Local List which will outline specific documents that can be sought in support of a planning application e.g. a heritage statement or flood risk assessment. This is not to say that Councils can invalidate application erroneously, which is not the intention with this document, but it will create continuity and certainty in the approach to the validation of planning and related applications.

Consultation

- 2.1 The amended Local Requirements List, reproduced in appendix 1 has, where possible, taken on board comments received during the public consultation period. This involved a targeted consultation with a number of regular agents, including those that attend the Developers Forum, along with the document being advertised on the Councils web-page. The consultation period ran for a period of 6-weeks between 07th November and 19th December 2022.
- 2.2 Two comments were received, as outlined in appendix 2. In short, one raised concern about the usability of the document and some of the requirements relating to the application of Sunlight/Daylight assessments, the provision of plans for change of use applications and the requirement for flood risk assessments in some instances. The second requested that additional information to be inserted into it. These are addressed in more detail in appendix 2.

Next Steps

- 2.3 The comments made during the consultation period have been carefully considered and changes have been made in respect of drawing attention to the Minerals Plan and clarifying the application of the Sunlight/Daylight

assessment for householder developments. In all other aspects, the document remains as originally proposed. Once adopted, the document will provide a clear framework to set out the Council's requirements to validate planning and related applications.

3 Alternative Options

- 3.1 To continue relying on the national requirements for validation; however, the local list will allow greater consistency in terms of validation and more timely decisions and greater continuity for applicants and their agents.

4 Financial Implications

- 4.1 None. The preparation of the document has been met from existing budgets.

5 Legal Implications

- 5.1 The National Planning Policy Framework (2021), paragraph 44, supports the creation of a local list for applications for planning permission, which should be reviewed every two years. The Town and Country Planning Act 1990 s.62 (3) provides that a local planning authority may require an application for planning permission to include such particulars as they think necessary and such evidence in support of anything in or relating to the application as they think necessary. Such requirements cannot be contrary to national requirements but are in addition to them. The Act also indicates that any additional requirements under s.62(3) must be reasonable having regard to the nature and scale of development and an authority may only require particulars of evidence about a matter if it is reasonable to think the matter will be a material consideration in the determination of the application.

The Town and Country Planning Development Management Procedure (England) Order 2015 provides that where an authority has requested additional information under the Act, the authority must publish a list of such requirements on their website.

6 Equalities Implications

- 6.1 None.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The document will be electronically available to deter paper copies as well as encourage planning applications to be submitted electronically rather than by paper. The proposed new validation requirement for major applications, those of which are for the erection of 10 or more dwellings and commercial developments of more than 1,000sqm, will require an

assessment to be submitted to consider the Low Carbon Planning Guidance for Gedling.

8 Appendices

8.1 Appendix 1: Local Requirements List (Final, as amended).

8.2 Appendix 2: Report of Responses

9 Background Papers

9.1 None.

10 Reasons for Recommendations

10.1 The reasons for the recommendations are:

- a) To provide a clear framework to set out the Council's requirements to validate planning and related applications.
- b) To comply with statutory requirements and to publish the approved document
- c) For the purpose of efficiently rectifying minor errors as appropriate.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer