

Cabinet**Date of Cabinet:** 11 July 2016**Report title:** Local Application Requirements (2016)**Wards:** All**Report Authorised by:** Sue Foster Strategic Director, Neighbourhoods and Growth**Portfolio:** Councillor Jack Hopkins, Cabinet Member for Regeneration, Business and Culture**Contact for enquiries:** Andrew Mulindwa, Principal Planning Officer, Planning, Transport and Development, Neighbourhoods and Growth, almulindwa@lambeth.gov.uk, 0207 926 1214**Report summary**

In order to apply for planning permission or other consent, an application has to be made to the Council acting as the local planning authority (LPA). The information accompanying a valid application must include plans, drawings and other information necessary to describe the proposed development. As a minimum, an application for a proposed development must meet national information requirements, which are defined in planning legislation. In addition to the national information requirements, planning legislation also allows local planning authorities to request additional information, which the LPA considers necessary to support a valid application. The additional list of information requirements, sometimes also known as 'local planning application requirements' or a 'local list', have no bearing on whether a planning application is valid unless they are set out on a local list and published on the Council's website.

National Planning Practice Guidance (2014) suggests that a local list of information requirements should be reviewed and revised or updated every two years. The council's current local list titled: *Planning Application Requirements (PAR): A guide to submitting a valid application*, is out-of-date, having been adopted in 2008. This report sets out a revised list of local application requirements. The revised local list takes account of recent changes in planning legislation and development planning policies as set out in the National Planning Policy Framework (NPPF) and local development plan comprised in the Lambeth Local Plan and the London Plan as well as the Supplementary Planning Documents, all of which were adopted in 2015. The information on the local list is mandatory and as such failure to provide it on submission of an application would result in the application being made 'invalid' and a delay in processing of the application until the information is supplied.

Finance summary

There are no financial implications arising as a result of this report.

Recommendations

- (1) To adopt the revised Local Application Requirements (2016) set out in Appendix 1

1. Context

- 1.1 The information on the local list is additional to that which is mandatory under the national information requirements list¹. The existing local list is out of date, having been adopted in 2008.
- 1.2 Its replacement by an up-to-date local list takes account of the recent changes in the legislative and planning policy context. The legislative provisions, which allow a Local Planning Authority (LPA) to request particular information when a planning application is submitted are contained in Section 62 (3) of the Town and Country Planning Act 1990 (the 1990 Act). This legislation is given effect in the Town and Country Planning (Development Management Procedure) Order 2015, which requires that a local planning authority must, before the receipt of a planning application to which information requirements apply, publish a list of requirements on their website.
- 1.3 Section 62 (4A) of the 1990 Act places limits on the information, which a Local Planning Authority may require to be submitted with a planning application. The information requested with a particular application must be (a) reasonable having regard, in particular, to the nature and scale of the proposed development and; (b) about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 1.4 Government policy on local lists is contained in the National Planning Policy Framework (2012). The NPPF states that local planning authorities “should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals... Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question” (paragraph 193, refers).
- 1.5 The key Council policy driver, which has informed the review of the local list is the recent adoption of the local development plan comprised in the Lambeth Local Plan and the London Plan and supplementary planning guidance. The Lambeth Local Plan is a statutory policy document that sets out the spatial strategy and policies for the borough to: increase housing supply in the borough; deliver more affordable housing; support growth in jobs and business; regenerate and encourage investment in the borough’s opportunity areas and town centres; deliver supporting infrastructure; achieve the highest quality in design and conservation of the built environment; protect and enhance residential amenity; and support the principles of sustainable development including adaptation to and mitigation of climate change.
- 1.6 All key local plan policies, which have informed the review of the local list, have been identified against each item on the list. In particular, as part of the local planning application requirements, it is proposed to require that any financial viability assessment submitted in relation to affordable housing should be disclosed without redaction unless there are

¹ The national information requirements are mandatory and must be submitted with all planning applications. These comprise (1) a planning application form; (2) location plans (at scale 1:1250 or 1:2500); (3) site plans (at scale 1:500 or 1:200); (4) ownership certificates (5) Notices (6) agricultural holdings certificate; (7) the correct fee (where one is necessary) and (8) design and access statement (except for some categories of applications). These may be subject to change and any updates will be found on the planning portal website.

justifiable grounds not to do so. The financial viability appraisals would therefore be treated as any other information submitted in support of an application for planning permission. In submitting the information, applicants will do so in the knowledge that the information may be made available alongside other application documents and, if the applicant considers that disclosure of an element of a viability appraisal would cause harm to their economic interests, and therefore should be kept confidential, they should provide a full justification for this.

- 1.7 Another key policy driver identified in the local plan is the Council's longstanding commitment to reducing unemployment in the borough. In order to support the provisions of policy regarding measures to create opportunities for employment including employment and training, it is proposed to require, as part of the local application requirement, the submission of an Employment and Skills Plan in accordance with proposals for a draft Employment and Skills Obligations SPD, which is proposed to be put before Cabinet for approval.

2 Proposal and Reasons

- 2.1 The revised list is required because of recent changes in the planning legislation and guidance and also to reflect recent policy changes in the local development plan and supplementary planning guidance, which have taken place since the existing list was adopted. The information required on the local list is mandatory and as such failure to provide it on submission of an application would result in the application being made invalid and a delay in processing of the application until the information is supplied.
- 2.2 The new and up-to-date local list will ensure that planning applications are accompanied by sufficiently detailed information and would provide greater certainty and consistency than currently exists regarding the information required for validating an application thereby minimising the risk of delay in processing and making a decision on an application.
- 2.3 In preparing the new local list, officers have ensured that the information required would be proportionate to the nature and scale of the proposed development and would be reasonably likely to be a material consideration in the determination of the application.
- 2.4 All key policy drivers, which have informed the review of the local list, have been identified against each item on the list in accordance with the guidance contained in the NPPG.
- 2.5 This report therefore seeks approval and adoption of the revised local list, which will thereafter be used to determine whether a planning application is valid and can be registered as such, assessed and determined.

3 Finance

- 3.1 There are no financial implications arising as a result of this report.

4 Legal and Democracy

- 4.1 The legislative provisions, which allow a Local Planning Authority (LPA) to request particular information when a planning application is submitted are contained in Section 62 (3) of the Town and Country Planning Act 1990 (the 1990 Act) . This legislation is given effect in the Town and Country Planning (Development Management Procedure) Order 2015, which requires that a local planning authority must, before the receipt of a planning application to which information requirements apply, publish a list of requirements on their website.
- 4.2 Section 62 (4A) of the 1990 places limits on the information, which a Local Planning Authority may require to be submitted with a planning application. The information requested with a particular application must be (a) reasonable having regard, in particular, to the nature and scale of the proposed development and; (b) about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 4.3 The recommended process for reviewing and revising local lists is set out in the National Planning Practice Guidance and involves the following three-step process:

Step 1: Reviewing the existing local list

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website.

- 4.4 This proposed key decision was entered in the Forward Plan on 27 May 2016 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 Consultation and co-production

5.1 Whilst the Council's Constitution sets out procedures for the adoption of certain planning documents, such as the development plan and supplementary planning documents under Part 3 - Section 3: Budget and Policy Framework Procedure Rules, it does not set out agreed procedures for adopting a local list.

5.2 The NPPG guidance recommends a 3-step process for reviewing and revising local lists, which involves (i) reviewing the existing local list; (ii) consulting on the proposed changes to the local list and; (iii) finalising and publishing the revised local list. The responses received during public consultation on the review of the local list, which took place for a period of 6 weeks ending on the 5th June 2016, have been taken into account and where considered appropriate incorporated into the final revised list.

5.3 Representations received following external consultations are summarised in the Table below with an officer commentary on those accepted and an explanation of why others were not accepted.

Summary of representations received	Officer response
Heart of Kennington Residents' Association support the proposed changes to the current local list, in particular, the introduction of a requirement for submission of basement impact assessments for proposals involving basement conversions and extension.	This requirement is consistent the aims and objectives Policy EN5 of the Local Plan and Policy 5.12 of the London Plan, which include a requirement for basement developments to consider the risk of flooding in areas at risk of flooding and as a result of surface runoff and/or impacts on ground water and/or structural stability.
Brixton Society support the requirements for submission of Design and Assessment Statement and suggest that should be made a basic requirement for all applications.	The requirement to submit Design and Access Statements (DAS) is a national information requirement. Government has set out the type of applications where this should be a requirement. To require a DAS in all cases would be contrary to government policy and guidance.
Brixton Society raised concern over the number of supporting documents listed as requirements for all major development proposals and suggested that they should instead be combined or consolidated by related topics and so achieve a reduction in the number of supporting documents required.	Table 2 in Appendix 1 to this report is a matrix summary of the local information requirements, cross-referenced against application types. The manner in which the supporting documents are presented is a matter for the applicant to decide. The supporting information required will depend on the nature and scale of the development proposal and whether they are likely to be a material consideration in the determination of the application.
Brixton Society recommends that the application requirements' list should be used effectively at the validation stage to avoid having to request for	This recommendation is supported by officers. An up-to date local list will ensure that only applications accompanied by

<p>further details during consideration of application of refusals of applications on grounds of failure to submit all relevant details.</p>	<p>relevant drawings and supporting information are registered as valid. Nevertheless, officers will have discretion to request additional information if it is considered necessary for a competent assessment and determination of the application.</p>
<p>Brixton Society proposed the incorporation of the following documents into the Design and Access statement instead of having them submitted as separate documents, especially for minor developments and change of use applications: Accessibility Statement, Basement Impact Assessment, Community Use Management Plan; Heritage Statement (in case of minor development and Planning Statements.</p>	<p>The manner in which the supporting documents are presented is a matter for the applicant to decide. The supporting information required will depend on the nature and scale of the development proposal and whether they are likely to be a material consideration in the determination of the application.</p>
<p>Quod, on behalf of South Bank Centre, raised concern that the draft local list lacks flexibility and does not take into account temporary planning applications; is overly prescriptive in relation to applications for temporary planning permission and lacks proportionality in the requirements for supporting documents for such applications; is not consistent with the requirements of nation policy/guidance and; does not allow for officer discretion/interpretation in determining the requirements for some application types, in particular applications for temporary planning permission.</p>	<p>Table 2 in Appendix 1 to this report is a matrix summary of the local information requirements, cross-referenced against application types. The supporting document required for each application type will depend on the nature and scale of the development including applications for temporary permission. Temporary permissions can vary considerably in terms of duration and by virtue of their scale and nature, could raise similar development management issues as applications for development of a permanent nature. It is considered reasonable to request all information that is likely to be a material consideration in the determination of the application.</p>
<p>Network Rail considers the requirement for a separate Accessibility Statement to be overly onerous; the accessibility issues including the needs of people with disabilities can adequately addressed in Design and Access Statements or Transport Assessments.</p>	<p>This requirement is consistent with the aims and objectives Policies Q1 and ED12 of the Lambeth Local Plan and Policies 3.8, 7.1 and 7.2. These seek to promote inclusive environments in all applications for new development, change of use of existing buildings and for hotel and other visitor accommodation. Design and Assessment Statements are not a local application requirements and are excepted in certain categories of development, as noted above. Transport Assessments relate more specifically to requirements for development likely to have significant transport impacts rather than to address the needs of disabled people.</p>

<p>Network Rail does not consider that a Parking Stress Survey should form a separate validation requirement, suggesting that transport/traffic impact issues can be adequately addressed in a Transport Statement.</p>	<p>A parking stress survey is specifically needed where there is insufficient off-street car parking capacity on local roads and, in circumstances where a development is considered likely to result in an increase in on-street car parking demand, it would be used as a tool to ensure that mitigation measures are put in place to avoid adverse highway safety, access or amenity impacts. Transport Assessments (TA) cover a wider brief of transport considerations and depending on the nature and scale of development would include a parking survey. The need for either a parking stress survey or a TA or both will depend on the nature and scale of the development.</p>
<p>Network Rail considers that the requirement for details of ventilation or extraction equipment should not be a validation requirement but should instead be reserved as a condition of consent.</p>	<p>The need for ventilation or extraction equipment should be considered at the outset in the design of all development involving A3, A4, A5 and, other business uses where substantial ventilation or extraction equipment is proposed. The nature and scale of such equipment could be a material consideration whether a development is acceptable in planning terms.</p>
<p>Historic England advises that amendments should be made to the application type/or cases where local requirement applies to include all other circumstances where an archaeological assessment might be required.</p>	<p>The application types or cases where an archaeological assessment is required have been amended in accordance with Historic England's recommendations.</p>
<p>Historic England recommends that need for an assessment on heritage assets be made more explicit to include a requirement for a heritage statement where a development has potential to affect a heritage asset including the setting of a heritage asset within and outside the development site. They also recommend further sources of guidance in relation to submission of Heritage Statements.</p>	<p>The application types or cases where heritage assessment is required have been made more explicit. They include the development proposals likely to affect the setting of a heritage asset in accordance with Historic England's recommendations.</p>
<p>Thames Water advises that the local list should include a requirement for drainage and water supply capacity assessments for all major development proposals and that encouragement should be given to developers to contact Thames Water in advance of submission of major applications.</p>	<p>A drainage and Water Capacity Assessment for all major developments has been added to the list of local application requirements in accordance with Thames Water's recommendation, having regard to the stated aims and objectives of Policies EN6 and EN7 of the Lambeth Local Plan and Policies 5.14 and 5.15 of the London Plan.</p>

<p>Transport for London (TfL) support the link between the document and the Transport Assessment Guidance and provided updated links in relation to the Construction Management/Construction Logistic Plan and the Servicing and Delivery Management Plan requirements.</p>	<p>Updated links have been added to the sources of further guidance in relation to the Construction Management or Construction Logistics Plan.</p>
<p>The Port of London Authority (PLA) supports the requirements for submission of an Environment Statement, a Transport Statement, Air Quality Assessment and Acoustic reports and, Lighting Assessment. The PLA recommends that these requirements should also be applicable to all development, which could impact upon the navigational workings of the River Thames.</p>	<p>This recommendation has been accepted and a navigational risk assessment has been added as a local requirement.</p>
<p>The Port of London Authority recommended an additional requirement for a Navigational Risk Assessment.</p>	<p>An additional local application requirement has been added to the local list in respect of any development, whether minor or major, which is in, on or over land or water within the Port of London Authority's jurisdiction. This is consistent with the aims and objectives of Policies EN5, EN6, T5, Q24 and Q26 of the Lambeth Local Plan and Policies 7.29 and 7.29 of the London Plan.</p>
<p>Sport England recommended that all applications affecting playing field land should be accompanied by information contained in its checklist of information requirements, which is available on their website.</p>	<p>Whilst officers acknowledge that the information requirements on the Sport England website in relation to development affecting playing field land may be material to the consideration of such an application they are not considered relevant or necessary for determining the validity or otherwise of such an application.</p>

6 Risk management

- 6.1 The Council's current local list, which was adopted and published in April 2008, has provided an invaluable guide to residents, applicants and agents undertaking development work in the borough. However, it is out of date.
- 6.2 To proceed without a new replacement local list presents a growing risk of the local planning authority being challenged to justify a decision for making an application invalid if it is not accompanied by drawings and supporting information that officers consider necessary to register it as such. Its absence generates uncertainty for residents, applicants and their agents as well as planning officers. Requests for additional information over and above the mandatory national information requirements will be much more difficult to defend if an applicant were to challenge the request in the absence of an up-to-date date local list.

7 Equalities impact assessment

7.1 There are no equalities impacts on protected groups arising from this proposal.

8 Community safety

8.1 There are no community safety implications associated with this report.

9 Organisational implications

9.1 Environmental
None.

9.2 Staffing and accommodation
None.

9.3 Procurement
None.

9.4 Health
None.

10 Timetable for implementation

10.1 The revised local application requirements will be adopted and published on the Council's website upon approval by Cabinet. This is anticipated to be in July 2016.

Audit trail				
Consultation				
Name/Position	Lambeth cluster/division or partner	Date Sent	Date Received	Comments in para:
Sue Foster	Strategic Director, Neighbourhoods and Growth	29.06.16	30.06.16	
David Joyce	Director	28.06.16	30.06.16	
Finance Andrew Ramsden	Business Partnering	15.06.16	16.06.16	
Legal Services	Enabling: Integrated Support	15.06.16	30.06.16	
David Rose, Democratic Services	Enabling: Corporate Affairs	13.06.16	13.06.16	
Councillor Jack Hopkins	Cabinet Member: Regeneration Business and Culture	10.06.16	13.06.16	
Planning Development Cabinet Advisory Panel			07.03.16	

Report history	
Original discussion with Cabinet Member	07.03.2016
Report deadline	29.06.2016
Date final report sent	30.06.2016
Report no.	256/16-17
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	27.05.2016
Key decision reasons	Meets community impact test
Background information	<p>Town and Country Planning Act 1990. http://www.legislation.gov.uk/ukpga/1990/8/contents</p> <p>Town and Country Planning (Development Management Procedure (England) (Order) 2015. Article 7(1) (c) (ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015.</p> <p>Growth and Infrastructure Act 2013 http://www.legislation.gov.uk/ukpga/2013/27/section/7/enacted</p> <p>National Planning Policy Framework (2012)</p>

	<p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>The London Plan (2015) https://www.london.gov.uk/sites/default/files/the_london_plan_malp_final_for_web_0606_0.pdf</p> <p>The Lambeth Local Plan (2015) http://www.lambeth.gov.uk/sites/default/files/pl-lambeth-local-plan-2015-web.pdf</p>
Appendices	<p>Appendix 1: Local Application Requirements (2016)</p> <p>Appendix 2: Justification for not completing a full Equalities Impact Assessment</p>