



PLANNING COMMITTEE: 2nd July 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

PURPOSE: To consider the review of the Local Requirements for the Validation of Planning Applications

REFERRED BY: Head of Planning
REASON: Committee Decision under the Scheme of Delegation

1. RECOMMENDATION

- 1.1 That Members **APPROVE** the revised draft Local Validation List appended at Annex A.

2 BACKGROUND

- 2.1 In July 2017, the Planning Committee approved and subsequently adopted by the Council in August 2017 the Local Validation Requirements in accordance with planning legislation. This sets out what information, over and above the national requirements, is necessary to accompany a planning application before it is registered as valid.
- 2.2 The key purpose of stipulating what a planning application must comprise is to ensure its validity so that Local Planning Authorities (LPAs) have 'up front' the information that is essential for a sound, timely and confident decision. It also means that statutory consultees and other third parties who look at and comment on applications can clearly understand the development for which permission is being sought, and what the impacts (both positive and negative) are likely to be.
- 2.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the National Planning Practice Guidance (NPPG) state that LPAs should have a list of local requirements that is no more than two years old and that the list should be reviewed every two years. Consequently the requirements adopted in August 2017 now need to be reviewed again to ensure that the authority has valid requirements in place.
- 2.4 The NPPG also sets out the process by which this review should be carried out. In the first place the existing list should be reviewed to ensure it includes up to date statutory advice and guidance as well as policy changes and follows current best practice. There should then be a period of consultation on the proposed changes. The final stage is to finalise and publish the revised list.

3. REVIEW PROCESS

- 3.1 The Requirements adopted in 2017 have again been reviewed by Officers and various changes have been made to incorporate the latest advice and guidance from Government as well as legislation changes and current best practice. These changes were incorporated into the Draft Local Validation Requirements which were subject to a consultation for eight weeks during March and April 2019.
- 3.2 The consultation took the form of a newspaper advertisement to announce the changes to the wider public and to invite comment. There was also a page on the Council's web site dedicated to this matter and again inviting comment. Alongside this there was consultation with statutory consultees and with regular users of the Planning Service over the last two years.

4. THE REVISED DOCUMENT

- 4.1 The updated Validation Requirements document now proposed represents only minor changes, providing more clarity on certain points and removing unnecessary or duplicated requirements.
- 4.2 The document sets out under each application type, not only the list of documents required but also the full detail of what each document or plan must include.
- 4.3 As regards the content of the requirements, this has been updated to include changes in legislation and experience in dealing with applications, for example by removing unduly onerous requirements such as the submission of a CIL (Community Infrastructure Levy) form for Prior Notification larger householder extensions, as well as taking into account changes suggested by internal and external consultees, as discussed below.
- 4.4 The document has been set out to include the national as well as the local requirements. Although the national requirements would apply in any event, it is considered that this format will mean that applicants only need to refer to one document when making a planning application to Northampton Borough Council.

5. CONSULTATION RESPONSES

- 5.1 The comments which were received in response to the external consultation exercise are summarised below together with the action taken in respect of whether it was considered appropriate to revise the document to take account of these comments.

- **Environment Agency** – Request that further clarification and links to further information is provided in respect of Flood Risk Assessments. Note that contamination assessment is not a requirement of the Environment Agency, for a change of use.

In response to this, the further clarification in respect of flood risk has been incorporated into the document. In respect of contamination assessment for change of use, it can be noted that this is a requirement of other consultees.

- **Wildlife Trust** – Request that Biodiversity Assessments are also required for domestic extensions and outbuildings, and for prior notification of demolition, to protect bats and barn owl nests. Also request amendments to the definition of Biodiversity Assessment.

In response, it is considered that it would be unduly onerous to include a requirement for a biodiversity assessment for domestic extensions and outbuildings, particularly as there can be no requirement for this in smaller versions of such developments, which benefit from permitted development. In respect of prior notification of demolition, this can be incorporated into the required Method Statement and could be requested. In all cases, bats and roosting birds, are protected by other legislation.

The wording of the definition of Biodiversity Assessment has been amended in accordance with the input from the Wildlife Trust.

- **Highways England** – The wording of the Transport Assessment section largely covers what would be expected from the applicants in their Transport Assessment. However, applicants have sometimes been found to be unaware of suitable advice. Therefore recommend an additional sentence.

The requested sentence has been added in edited form.

- **Great Houghton Parish Council** – The parish council supports the draft review and welcomes the inclusion of 'North Point' and 'Metric Scale Bar' in plans, maps and elevations. The council also welcomes the inclusion of written Heritage Impact Assessment Reports and seeks assurance that any such assessments having adverse heritage impact will debar a plan from being approved.
- **Forestry Commission** – Comments provide information on changes to tree protection legislation but do not seek amendments or additions to the validation requirements.
- **Historic England** – Pleased to see that the historic environment has been included as a key consideration by the requirement for a Heritage Impact Assessment for most applications within a Conservation Area and/ or affecting a listed building. Also support the addition of these requirements when they affect the setting of a listed building.
- **Network Rail** – Transport Assessments should consider the potential for increased footfall from developments to impact stations, as well as vehicle parking / cycle storage at stations. The increased impact on level crossings should be considered including increase in volume of users and change in the character of users.

In response, it is considered that whilst these will be important points to be considered in respect of certain applications, this would not apply in all cases and it is not considered necessary to be so prescriptive as to the detail of the assessment at validation stage.

- **Sport England** – Request specific information to be submitted where the proposal would result in the loss of sports fields.

In response, the requirement for this specific information has not been included as in practice proposals resulting in the loss of sports fields are rare and in such cases the necessary information can still be required on a case

by case basis. This is the approach which has been taken on previous updates of the Local Validation Requirements.

- **County Archaeological Advisor** – Suggests alternative wording to the definition of Archaeological Assessment and that the requirement for such assessments should be changed from “Areas designated in the Development Plan as of archaeological significance” to “applications with the potential to impact on Heritage Assets”, with a definition of Heritage Assets provided. Suggest also that an archaeological assessment is not required for applications for plant, equipment and machinery but should be required for Listed Building Consent applications and Prior Notification of Larger Home Extensions. Also point out that Scheduled Ancient Monuments are now referred to as Scheduled Monuments.

In response to this, some of the wording suggested has been added to the definition of Archaeological Assessment as this provided additional clarity. The reference to the development plan has been retained, however, as this is considered to provide more clarity than the somewhat vague phrase “applications with the potential to impact on Heritage Assets”, even if “Heritage Assets” is defined.

In respect of application types, it is considered that an Archaeological Assessment could potentially be required for Plant and Machinery applications and therefore this has been retained. In respect of Listed Building Consent, such an assessment would only be likely to be necessary where planning permission was also required, in such cases the requirement is included in the validation requirements for the associated planning application. In respect of Prior Notification of Larger Home Extensions, the archeological impact could not be considered in the determination of such an application, therefore there would be no justification for requiring an Archaeological Assessment.

- **Local Planning Agent** – Additional information should not be required in respect of Larger Home Extensions as the legislation is intended to simplify the process. The Council has no right to ask for additional information.

In response to this, it is considered that the additional information required for such applications is necessary and will aid understanding of the proposal for neighbouring occupiers. It is within the scope of Local Validation Requirements to require additional information for any type of Planning Application, which includes Prior Notifications.

- **Local Tree Surgeon** – The definition of Arboricultural Assessment should include “Details of access facilitation pruning”, as pruning work will often be necessary to allow a development to be constructed, even if trees would not be affected by the finished development.

In response, in consultation with the Council’s Arboricultural Officer, it is considered appropriate to add such a requirement, which will enable better understanding of the impact of development.

6. CONCLUSION

- 6.1 Members are recommended to approve the amended draft Local Validation Requirements which will provide clarity for applicants as to what to include with

new planning applications and also enable the Council to comply with the requirement to have an up to date Local Validation Requirements list.

7. BACKGROUND PAPERS

- 7.1 National Planning Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8. LEGAL IMPLICATIONS

- 8.1 Without up to date adopted Local Validation Requirements the Council has no basis upon which to require the submission of information not specified by the National Validation Requirements when validating planning applications.

9. SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.