



PLANNING COMMITTEE: 4th July 2017
DIRECTORATE: Regeneration, Enterprise and Planning
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 September 2013, the Council adopted its 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 September 2013 and reviewed in 2015 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 2013 and reviewed in 2015 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, April and May 2017.**
- 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 amended Validation Requirements as now proposed represent a fundamental review of those adopted in 2013 and re-adopted with only minor changes only in 2015.
- 4.2 The document now 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. This differs from the previous format which listed this detail only once, thereby requiring applicants to cross reference to find the definitions of each requirement. The revised version has, therefore, made for a much more user friendly document.
- 4.3 It is considered that the document now provides a clear statement of the requirements, which will be readable and understandable by all types of applicant, from householders applying for the first time to experienced agents.
- 4.4 As regards the content of the requirements, this has been updated to include changes in legislation and experience in dealing with applications, which commonly result in the same requirements from consultees. As an example, a requirement has been added for a parking beat survey in respect of Houses in Multiple Occupation. The document also incorporates comments received during the internal consultation process.
- 4.5 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.
 - **Health and Safety Executive** – No comment to make.

- **Natural England** – Request that a Biodiversity Assessment should be required for a wider range of developments, specifically for floodlighting, and for applications made on previously developed land.

A Biodiversity Assessment is already a requirement for relevant development where there is considered there is likely to be impact. In response to this request, the requirement for a Biodiversity Assessment has been added to the document in respect of floodlighting, as it is considered that there is the potential for an impact in this case which should be assessed. The requirement has not, however, been added in respect of previously developed land. The reason for this is because of the difficulty in defining when this would be required, i.e. how long after previous development ceased or the site was cleared. This would be difficult to define and a broad brush approach could result in unnecessary bureaucracy in respect of a recently vacated site with no biodiversity interest. This is not to say that such an assessment would never be carried out, if a previously developed site is considered to have attained biodiversity interest, an assessment could still be required on a case by case basis. Where an assessment is considered in the application process not to be required, this would not allow harm to occur to protected species, which would be still be protected under other legislation.

- **Theatres Trust** – Request a Noise and vibration assessment to be required for new noise sensitive uses close to community or cultural facilities, such as theatres, in addition to the requirement for noise assessments as already required close to commercial uses and major roads. The reason for this request is that a new noise sensitive use, such as residential development, close to an existing community use, could result in complaints about noise from new residents, which could in turn result in the theatre or community use having to moderate their activities or even close.

In response to this request, whilst the concerns of the Theatres Trust are recognised as legitimate, a requirement has not been added for a noise impact assessment in such cases. The reason for this is that even if it was shown such an assessment identified that a new residential use would have the identified impact, there is no policy basis to refuse applications for this reason.

- **Theatres Trust** – Also request marketing information to be provided where the proposal would result in the loss of cultural or community facilities.

Again, this has not been included as whilst the concerns are recognised there is no policy basis on which to refuse an application even if it did result in such a loss.

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

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.

- **Lead Local Flood Authority** – Request inclusion of a requirement for a drainage assessment in addition to a flood risk assessment.

This requirement has been added in the appropriate circumstances, together with a definition of a Drainage Assessment.

- **Historic England** – Request that a Heritage Impact Assessment should be additionally required for change of use applications (with no external alterations) and for applications for advertisement consent.

This has not been included in the document as a change of use could not, in itself, have a detrimental impact on heritage assets. Such an impact would come only from physical changes and a Heritage Impact Assessment would be required in such cases. In respect of advertisement consent, the only matters which fall to be considered are amenity and safety. In terms of amenity, the impact on the historic environment would, where relevant, be assessed, however it is not considered proportionate to require that such impact must be justified. In this respect it can also be noted that advertisements to be attached to listed buildings would require listed building consent.

- **Two comments received from local architects** – one encouraging other local architects to participate and the other commenting that all plans and documents such as a Heritage Impact Assessment should be required to be prepared by suitably qualified persons.

The request for plans and documents to be produced only by qualified persons has not been added as it is considered that it would not be reasonable to specify who may or may not produce plans or documents, as it is the quality of the plans and documents rather than who has prepared them which is considered to be of relevance. It would also be unduly onerous in the case of small scale household extensions where a simple drawing would suffice. Furthermore, poor quality or inaccurate plans would be rejected whether produced by a qualified person or not whilst a technical document not produced by a qualified person may be sufficient for an application to be validated but may be given limited weight in the determination of the application. However, in straightforward cases a simple assessment that there would be no impact may be sufficient, and it would again be unduly onerous to require that this is made by a qualified person.

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.