

Subject:	Validation Criteria for Applications submitted to the Local Planning Authority	Status:	For Publication
Report to:	Development Control Committee	Date:	13 th December 2016
Report of:	Planning Manager	Portfolio Holder:	Councillor Christine Lamb
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	Adopt the Council's Validation Checklist subject to the amendments set out below which reflect the comments made during the 6 week consultation period and have been agreed with the Portfolio Holder

2. PURPOSE OF REPORT

- 2.1 For information purposes to the Development Control Committee to set out the comments made on the draft Validation Checklist at consultation stage along with the changes which have resulted from the comments received.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. BACKGROUND

- 4.1 The Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012, includes measures which will place limits on the powers of local authorities to require information with planning applications by stipulating that such requests must be genuinely related to planning and reflect the nature and scale of the development proposed. Paragraph 193 of the National Planning Policy Framework (the Framework) makes it clear that local planning authorities should only request supporting information that is relevant, necessary and material to the application.
- 4.2 The Framework confirms 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 and reviewed on a frequent basis.

- 4.3 The Council's current Validation Checklist dates back to January 2011 and the Council's Wind Energy Applications Supplementary Validation Policy dates back to September 2012. The checklists include 'national validation requirements' which are statutory requirements for all applications, and a 'local list' of supporting documents that may be required depending on the nature and scale of an application.
- 4.4 In accordance with National Guidance the current validation checklist documents have been reviewed and it is intended that the updated version ('Validation Criteria for Applications submitted to the Local Planning Authority') will amalgamate the 'Validation of Planning and Other Applications' document and the 'Wind Energy Applications Supplementary Validation Policy' into one consolidated document. The new document will update the two previous documents to reflect the requirements of the Growth and Infrastructure Bill and the Framework and will take into account the adopted Core Strategy Policies. The intention of this document is to assist applicants when submitting planning applications and to ensure that planning applications can be validated on receipt.
- 4.5 The Council's Local List of validation requirements is not intended to be overly prescriptive and it is advised that early pre-application discussions are entered into so the documents, plans and drawings, which reflect the nature and scale of the development, required to support the planning application can be identified.
- 4.6 It is intended that this checklist will be reviewed and updated, where necessary, on a frequent basis.
- 4.7 The draft Validation Checklist has been subject to a 6 week consultation period (which ran from 26th September 2016 until 7th November 2016) with a selection of agents/ developers who are active within Rossendale, all elected Members, Town Councils and the local community. The document was also available to view on the Council's web-site.

5. RECOMMENDATIONS

- 5.1 The comments received can be summarised as follows along with the suggested amendments
- 5.2 **Steven Hartley- Hartley Planning and Development Assocs**
 Commented on item no. 10 "Marketing" of employment buildings including agricultural buildings for 12 months. He has commented that no other council in East Lancashire now requires this and it goes beyond what the NPPF requires. Steven is concerned that schemes are held up for 12 months because of this policy even when after the end of the 12 month period of advertising there is no interest. Steven considers that employment opportunities should be focussed in the town centres and urban areas where there is no shortage of suitable land and buildings.
- 5.3 The main purpose for Policy 10 of the Core Strategy is to protect B1, B2 and B8 employment sites and buildings and it is acknowledged that not all agricultural buildings are within these Use Classes. It is also acknowledged that at a national level the Government have relaxed the change of use regulations which includes agricultural buildings. As such this reference will be removed from the text.
- 5.4 **Steve Jackson- Archtech Design Solution**
 Has commented that the proposed checklist appears to be a very good idea. He has commented that he produces a Design and Access Statement for all developments and in his

opinion they are invaluable and help to steer the design even at householder level.

5.5 The requirement for a Design and Access Statement to accompany a planning application is stipulated within the Town and Country Planning (Development Management Procedure) (England) Order 2015 and can only be insisted upon for validation purposes for limited types of planning application. They are not required to accompany householder planning applications for validation purposes but can be submitted if the agent/ applicant wishes to justify the design of the proposed development.

5.6 **Simon Macaulay- Anglo Recycling Technology Ltd.**

No comments to make

5.7 **Graham Lamb- Pegasus Group**

Has made the following suggestions:

- Page 7- Page 7- Local requirements- I would suggest emphasising that supporting information will only be requested where it is proportionate to the scale and nature of the development, with specific reference to NPPG paragraph 14-040-20140306, I note it is mentioned in the text, but is not as clear in the document as it is in the consultation email.
- Page 13- EIA section- Suggest adding reference to the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015, which came into force on 6th April 2015, and include significant revisions to the screening thresholds for EIA development.
- Page 17- PPAs- Add to the footnote that PPAs cannot seek to charge for works that fall within a Council's statutory duties as part of a planning application.
- Page 17- Adoption Statement- This seems onerous as a validation requirement, particularly in terms of setting out development phasing, as this is unlikely to be confirmed at application submission stage and would normally be addressed via condition.
- Page 19- Affordable Housing Statement- Again this seems a little onerous as a validation requirement, particularly confirming the tenure breakdown and the relevant RSL, as this would generally be negotiated and confirmed during the application consultation process.
- Page 20- Statement of Community Involvement- This section should clarify what constitutes a 'larger' development (similar to 'major' development which has a formal definition), or remove the reference.
- Page 23- Parking Provision Statement- I would suggest that in the vast majority of cases this could be incorporated into a planning or transport statement and should not require a separate statement, so may be worth making reference to this. Furthermore, this should refer to the latest guidance on local parking standards from the NPPF (which post-dates the Council's Core Strategy) and states: "39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:
 - the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles."
- Page 24- Waste Management Strategy- Again this seems a little onerous as a validation requirement, and could generally be conditioned for outline or larger schemes.
- Finally, I note that previous checklist was adopted in 2011, 5 years ago, however the

NPPG (14-043-20140306) suggests they should be reviewed every two years, so this is worth bearing in mind

- 5.8 The majority of the points are very useful and the checklist has been amended accordingly. The requirement for an Adoption Statement and Waste Management Strategy are retained as the Local Planning Authority are keen to 'front load' as much of the development details as possible and reduce the amount of conditions being attached to planning consents. Unadopted roads are a concern within the Borough and this requirement ensures that developers are considering how the site will be managed in the long term at an early stage. Additionally the Local Planning Authority are keen to involve Registered Affordable Housing Providers (RPs) at an early stage in the development process to ensure that affordable dwellings are delivered on site. By approaching RPs before a scheme is submitted developers can ensure that the layout and mix proposed is deliverable from an affordable housing perspective.
- 5.9 The comments in respect of reviewing the checklist are noted and a review will be undertaken in accordance with the guidance on a 2 yearly basis.
- 5.10 **The Environment Agency**
Are satisfied that the document covers the information required for any planning applications that they would be consulted on.
- 5.11 **Ben Edmondson- Edmondson design services**
Has commented that a major positive is the introduction of a BACS payment for planning fees. Ben is concerned about the requirement for two road names on location plans as applications in remote locations which only have a single access road may not have 2 roads within close proximity to the site.
- 5.12 The purpose of a location plan is to identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear and typically two road names assists with this. However the Local Planning Authority acknowledges that this will not always be possible and will not be insisted upon in rural locations where it is not possibly to show 2 road names whilst providing a clear location plan.
- 5.13 **Darren Hendley- Arcus Consultancy Services Ltd**
Has made the following comments:
- Page 23: 24. Planning Statement – It would be useful to more precise about when a Planning Statement is required 'Major' applications is probably an appropriate threshold, with highlighting that Applicants may wish to consider submit Planning Statements for minor applications, where they consider the application will be controversial or to enable them to put their case forward for the development.
 - Page 31: 43. Wind Energy - I am not clear why Design and Access Statement (DAS) and Landscape and Visual Impact Assessment have been combined. As stated earlier in the Checklist, DAS are covered by the National List and as far as I am aware there is not the scope under the legislation to amend this. I can understand why the Council would want to have an indication of lorry movements, abnormal loads, etc so why not just include a Transport Statement as a validation item?
 - Page 32: 43. Wind Energy - The Planning Statement scope seems narrow and skewed towards heritage, so this might want to be renamed Heritage Statement and also stating this can be alternatively incorporated into a Planning Statement (which would already be a requirement in any case for most wind turbines of any significance – see above).

- 43. Wind Energy – I note on several occasions that validation requirements are been related to distance from the wind turbine etc – this approach may struggle in being consistent with accepted methodology for assessing wind turbines e.g. GLVIA 3 (landscape), Scottish Natural Heritage Guidance used in England, EIA Regulations. The requirements should give the option of applicants of a different approach, as long as they can justify it

5.14 All of the above comments are valuable and the Validation Checklist has been amended to reflect the points raised.

6. CONCLUSION

6.1 The suggested changes have been incorporated into the Validation Checklist where appropriate, as set out above, and the Portfolio Holder has agreed the changes. The final version of the document, appended to this report, will now be adopted as the Council's Validation checklist.

Background Papers

Document	Place of Inspection
Draft Validation Criteria for Applications submitted to the Local Planning Authority (September 2016)	http://www.rossendale.gov.uk/site/scripts/download_info.php?downloadID=678
Validation of Planning and Other Applications (January 2011)	http://www.rossendale.gov.uk/downloads/download/318/validation_of_planning_and_other_applications_policy
Wind Energy Applications Supplementary Validation Policy (September 2012)	http://www.rossendale.gov.uk/downloads/download/318/validation_of_planning_and_other_applications_policy