

Decision Maker: **Development Control Committee**

Date: **8 February 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

TITLE: LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

Contact Officer: Chris Evans, Major Developments Team
Tel: 020 8313 4554 E-mail: chris.evans@bromley.gov.uk

Chief Officer: Bob McQuillan, Chief Planner

Ward: N/A

1. Reason for report

Revised central government guidance regarding local information requirements for the validation of planning applications was considered by the Committee on 23rd November. Members agreed to carry out consultation on a revised list of requirements/documents that may be needed to properly assess particular applications and the responses are reported here.

2. **RECOMMENDATION(S)**

Members adopt the local information requirements set out in the matrix attached to this report.

3. COMMENTARY

- 3.1 On 8 July 2008 the Development Control Committee adopted the use of 'local lists' of requirements / documents that may be needed to properly assess various types of applications. The lists give officers the ability to invalidate applications that are not accompanied by relevant material to assess the impact of certain effects and put forward mitigation. The Committee's decision was preceded by consultation with statutory consultees, residents associations, agents and others. The lists adopted closely followed the suggested requirements set out in the Department of Communities and Local Government document "The Validation of Planning Applications - Guidance for Local Planning Authorities" dated December 2007.
- 3.2 The discretionary power to require such additional material has been used sparingly by officers, typically to request tree surveys on sites where there are existing trees, and also in relation to major planning applications (as defined in the Town and Country Planning Development Management Procedure Order 2010) e.g. to request a Flood Risk Assessment, Transport Assessment, Biodiversity Survey and Report, Statement of Community Involvement etc. Generally the need for such material has been identified during pre-application discussions between applicants, agents and Council officers and in these cases there has been no delay to processing and consideration of applications.
- 3.3 In March 2010 The Department for Communities and Local Government published the following documents:
- Guidance on information requirements and validation
 - Development Management Policy Annex: Information requirements and validation for planning applications.

These state that where a local planning authority has a published local list, it should review it, the starting point being statutory requirements, national and local plan policies and published guidance that explains how adopted policy should be implemented.

- 3.4 On 23 November 2010 the Development Control Committee considered a report on a proposal revised local requirements list, and agreed that consultation be carried out on it. This report sets out the responses received from the statutory consultees, residents associations, agents and others which were consulted.
- 3.5 Comments received during the consultation can be summarised as follows.
- (i) English Heritage comment that it is not clear that a Heritage Statement would address Scheduled Ancient Monuments or archaeological matters in respect of Archaeological Priority Areas.
 - (ii) the Railway Heritage Trust welcomes the requirement for a Heritage Statement for applications concerning listed buildings and buildings in Conservation Areas.
 - (iii) the Council for British Archaeology (CBA) (one of the 6 national amenity Societies which local planning authorities have to notify applications for listed building consent that involve demolition or alterations involving partial demolition) has set out the material they consider should be included in a Heritage Statement regarding a listed building consent application. It considers that a Heritage Statement may be required for a Hedgerow Removal application (where it forms part of a historic landscape or area of archaeological potential) and for planning applications in areas of archaeological significance, and it states that the document should be prepared by a qualified historic environment professional.

- (iv) the Advisory Panel for Conservation Areas (APCA) also make comments in respect of applications which affect “heritage assets” as defined in PPS5 Planning for the Historic Environment. One of its main concerns is that photos should be submitted of the site and surroundings to assist the Panel’s consideration of applications, as officer’s photos are rarely available in time for its meetings. The “local list” should include Photographs/Photographic Images, Landscape/Townscape and Visual Impact Assessment, and Listed Building/Conservation Area Assessment (the latter rather than Heritage Statement), and the submitted document(s) should include a response to relevant policies. The Council should provide advice notes on the content of Design and Access Statements and the “local list” documents. APCA’s comments also mention validation checklists on other Council websites and an “Assessment of Significance” checklist/proforma provided by some local planning authorities regarding applications which affect heritage assets – it considers that such a checklist could form part of a Heritage Statement (or other similar document) to assist in identifying the material necessary for the specific proposal. It considers that Design and Access Statements submitted with applications often include insufficient detail.
- (v) The Crystal Palace Community Association (CPCA) makes comments similar to APCA – the need for photos to be submitted (as part of the Design and Access Statement or Heritage Statement), also for guidance on preparation of these documents (including by links from the Council website). On a related matter CPCA suggest that the Conservation Area Supplementary Planning Documents be provided on the Council website [note – this will be done in near future].
- (vi) Transport for London has no comment to make.
- (vii) The Metropolitan Police Crime Prevention Design Advisor makes no comments, but asks that consultation on the types of applications agreed by the Committee on 26/10/04 be continued.
- (viii) The Theatres Trust is a statutory consultee regarding development on any land on which there is a theatre, it has no comment on the list, but would expect to see justification in a Planning Statement for change of use from or to a theatre.
- (ix) The Coal Authority has no specific comments to make.
- (x) A member of the LBB Biodiversity Partnership has commented on the need for relevant documents regarding bats on or near development sites – “sites where protected species may be present” in relation to Biodiversity Survey and Report is too vague, and reference should be made to the Bat Conservation Trust website for advice regarding “triggers” and guidelines to indicate presence of bats e.g. where demolition of buildings is proposed, conversion of roofspaces, barn conversions. Regarding the Lighting Assessment document, “adjacent to water bodies and along river corridors” should be included as locations where this information is required, as certain bats are clearly associated with water bodies and are very sensitive to light pollution.
- (xi) The West Wickham Residents Association considers that flood risk should be taken into account on all sites, not just those of 1ha or more.
- (xii) The Aperfield Road Green Belt Action Group supports the Council’s actions to protect the Green Belt, and inclusion of the proposed Landscape and Views Impact Assessment document in the “local list”.

3.6 In response to these comments-

- (i) It is agreed that “Scheduled Ancient Monument Consent” be added in respect of the Heritage Statement, but it is considered that defined thresholds of sites of over 0.4ha and Areas of Archaeological Significance address the need for documentation in respect of archaeological matters (English Heritage’s comments).
- (ii) It is agreed that “Hedgerow Removal Application” be added in respect of the Heritage Statement (CBA’s comments), and suggestions regarding material to be included in a Heritage Statement be considered by officers in drawing up advice regarding the local list documents.
- (iii) Regarding APCA’s comments-
 - a) it is agreed that the Landscape and Visual Impact Assessment document could include “Townscape”.
 - b) Regarding the concern that photographs should be available for its meetings, these are not always provided as part of Design and Access Statement or other documentation. Heritage Statements will be required for certain Conservation Area applications, and if photographs have not been provided as part of the submission, it is agreed that requesting them before validation of minor developments like householder applications would be reasonable, representing a lesser requirement than a Heritage Statement.
 - c) The relevant national and English Heritage guidance is to require a Heritage Statement for all applications affecting “heritage assets”, and as such Listed Building/Conservation Area Assessments would not be appropriate. As stated above, officers will be preparing guidance notes to assist applicants by setting out what information should be included in the local list documents, and where further information can be found, including website links to relevant information and national guidance e.g. PPGs and PPSs.
- (iv) Regarding the comments about biodiversity issues/information about bats,
 - a) most demolition is outside planning control, but conditions can be imposed on larger developments that include demolition to make way for new buildings. Other legislation protects bats and as such there is no requirement for the planning system to provide comprehensive control regarding this issue
 - b) it is agreed that lighting can affect wildlife and lighting can have impacts outside application sites. As such for Biodiversity etc. Reports, locations where they will generally be required will include “where protected species be present on the site or adjacent land”. It is considered that this would capture “adjacent to water bodies etc” in relation to the Lighting Assessment, and it is agreed that nature conservation policies are relevant to lighting proposals, and the entry in the matrix needs to reflect this
- (v) regarding the West Wickham Residents Association’s suggestion that flood risk should be taken into account for sites of all sizes, this is done to the extent that-
 - a) large sites of over 1ha are referred to the Environment Agency (EA), which requires a Flood Risk Assessment (FRA)
 - b) likewise any development in Flood Zones 2 and 3 has to be referred to the EA, and an FRA will be required

c) all planning applications require that the forms state how foul and surface water will be drained, and the local list also includes the Foul Sewage and Surface Water Drainage Assessment document that can be required at officers' discretion.

3.7 To reflect the subject matter of PPS9, which includes geological and geomorphological features, as well as biodiversity interest, the title of Biodiversity etc Reports has been amended. Also the proposed World Heritage Site should be referred to in the matrix regarding Biodiversity etc. Reports and Heritage Statements.

3.8 The consultation indicates that there is general support for the principle of continuing to have a "local list" of requirements/documents needed to properly assess applications. This will ensure that applications are only validated after applicants have provided adequate information and material for proper consideration of their proposals. Many of the local list requirements concern reports that assist officers and committee members in assessing technical matters that come within the ambit of the planning system.

3.9 Not all of the information will be required in every case. The adoption of the lists gives officers the discretion to request the particular statement, report or assessment if it is relevant to the specific proposal, and the application will not be validated until the information has been received. If the documentation is inadequate, permission can be refused on the basis of insufficient information. If information is needed about a matter not on the local list, this can be requested post-validation – this may be necessary as a result of consultees' comments.

3.10 The matrix included in the previous report setting out the local list documents has been amended to reflect the comments made in paras. 3.6 and 3.7 above.

4. POLICY IMPLICATIONS

4.1 The continued ability to require applicants to submit additional material with applications will assist in assessing them against UDP policies and help to maintain the quality of decisions.

on-Applicable Sections:	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	DCLG Guidance on information requirements and validations, March 2010 DCLG Guidance Management Policy Annex: Information requirements and validation for planning applications, March 2010 Responses to consultation on local requirements list matrix