

Planning Committee

Review of Validation Checklist for Planning Applications

11 March 2010

Report of Head of Development Control & Major Developments

PURPOSE OF REPORT

To update Members on the result of the formal consultation upon the review of the Local Validation Checklist for planning applications, considered by the Committee on 19 November 2009, and to seek approval for the adoption of the document

This report is public

Recommendations

The Planning Committee is recommended:

- (1) Agree to the formal adoption of the revised validation checklist and guidance note as originally considered but with variations as explained in paras. 2.3-2.9 below

Executive Summary

Introduction

- 1.1 It is necessary to consider changing the Council's current validation checklist (which was introduced in April 2008) which is required for use in the registration of new planning applications
- 1.2 At their meeting held on 19 November 2009 this Committee approved a draft replacement checklist and guidance notes for consultation.
- 1.3 The consultation response is set out and intended reaction identified. The Committee is recommended to agree with the revised draft documents and authorise their use from now onwards

2 Revised Checklist

- 2.1 Members will recall that at their meeting held on 19 November 2009 I submitted a report explaining the purpose of the local validation checklist and the need for its amendment. That report contained a full version of the draft revised checklists, and the proposed accompanying guidance notes. The Committee agreed to the undertaking of a formal consultation upon these

draft documents.

- 2.2 At their meeting in November the Committee requested that more hyperlinks be installed in the guidance notes for ease of accessing further advice. This will be done.
- 2.3 The consultation exercise included a planning agents forum (held on 2 December 2009), individual letters to our regular planning agents, letters to all Parish Councils and to Statutory Consultees, and by use of the Council's consultation portal.
- 2.4 As a result of these exercises, comments were received from one planning agent, Natural England, Highways Agency, two Parish Councils and from Oxfordshire County Council. In the following paragraphs the HDCMD's response is given in *italics*.
- 2.5 The County Council make the following comments
 - They take the opportunity to seek involvement at pre-application stage (mentioned on page 1 of the checklist) on archaeological matters where major archaeological constraints can be identified. *This is acknowledged*
 - They seek the addition of a requirement for a biodiversity report on application type 13 involving demolition of a listed building as this could impact on bat roosts and nesting birds. *This is agreed – it was an oversight as the requirement is already an application type 11*
 - With regard to application type 26 (TPOs and TCAs) they seek a requirement for a report assessing the bat roost potential. *Having consulted the Council's Landscape Services Manager this is considered to be an unreasonable request. If on the application site visit the likelihood of such issues arise it will be appropriate to seek information at that time, or potentially refuse the application for the lack of such information.*
 - They request the addition of a link to their web site on page 44 of the guidance notes. *Agreed*
 - They criticise the guidelines for not mentioning the information requirements of statutory undertakers, especially the County Council as highway authority. They seek a link to their website and a guidance note on when statutory consultees are consulted. *The thrust of the new validation checklist is to ensure that this information is available.*
 - They suggest a reference be made somewhere other than just in the guidance notes to the possible need for an Environment Impact Assessment. *This is agreed.*
- 2.6 Sibford Gower Parish Council comment as follows
 - With regards to application types 1, 2 and 3 (householder) and 26 (trees) (which are the majority of applications they see) they question the definition of a 'block plan'. They suggest that the block plan should stretch to a specified distance from the site to show accurately the context of the development. *The quoted requirements in the draft Validation Checklist are national standard*

- They seek the red/blue site plan identifying ownership to be at a specified scale. *This is not a national requirement*
- They seek all site/block plans to be on up to date OS base plans. *Whilst this is a sensible suggestion this cannot be insisted upon*
- They criticise the diagrammatic depiction of tree canopies and seek accurate plans. *It is suggested that the word 'accurate' be inserted in all references to the need for a tree survey*
- With regards to application type 26 they note that in dealing with TPOs we say the precise location of the tree MUST be provided whilst for TCAs that applicants 'may' wish to provide the same information, and they suggest that precision should be mandatory for all such applications. *The difference in the draft document reflects the natural legislation.*
- They draw attention to the risk to nesting birds of tree works. *See comment re OCC;s comments on need for biodiversity reports for such works to trees*
- They comment upon the wide variety in the content and quality of Design and Access Statements. They recommend reference via a link to our own guidance document, and a specified set of basic requirements. *It is agreed that our own guidance should be cross referenced in page 45*
- They seek the application of vigorous checking at registration to ensure that all applications they receive for comment are complete. *The purpose of the enhanced checklist now proposed is to enable this to occur.*

2.7 Wroxton and Balscote Parish Council consider the document is repetitive and could be simplified in the form of a grid, and they wish to see greater emphasis on pre-application discussions. *The checklist is in the form proposed to enable it to be read more easily from the internet; the majority of applications being made by this route now. Pre-application discussions are very resource intensive and whilst helpful in more complex cases are unnecessary for the majority of simpler proposals.*

2.8 The Highways Agency wrote to inform the Council that it has no comment to make

2.9 Natural England seeks biodiversity surveys in respect of application types 10,13 and 22 where they involve demolition, as protected species could be affected. They note that an appropriate note already appears to this effect in to guidance notes. *The Head of Development Control and Major Developments is content for this requirement to be added to each type*

2.10 West Waddy ADP (planning consultants and architects) make the following comments

- They consider that the blanket requirement for a land contamination assessment for all residential schemes for 10 or more houses is unreasonable. *This requirement has been considered at length and follows the advice of the Council's Environmental Protection Officer*
- They query the requirement for drainage assessments as these are not defined in the guidance notes. *These relate to proposals for surface water and foul drainage requirements emanating from the development. An*

additional guidance note will be formulated.

- They consider the lighting assessments required to be excessive and suggest that the matters can be better dealt with at conditions stage. *In certain forms of development the lighting can be a significant factor which needs assessment at the offset, i.e. floodlit sports pitches, 24 hour service yards etc. The guidance note will be extended to list the developments to which the LVC requirement relates*
- They consider the need for a statement of community involvement for all rural schemes of 10 houses or more to be excessive and they suggest this is harmonised with the urban requirement. They comment similarly with regards to non-residential development requirements. *These requirements are driven by the Council's Statement of Community Involvement.*

Implications

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| Financial | The cost of altering the format of the check list can be met within existing estimates. Use of the revised checklist should simplify the registration process saving time and staff resource. |
| | Comments checked by Eric Meadow, Service Accountant PHE Ex 1552 |
| Risk Management | There are no significant changes arising from adoption of this revised check list. Comments by Rosemary Watts Risk Management and Insurance Officer Ext 1566 |

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| Wards Affected | All |
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