

## **BRECKLAND COUNCIL**

### **PLANNING COMMITTEE – 12 June 2017**

#### **REPORT OF THE EXECUTIVE DIRECTOR OF PLACE (Author: Rebecca Collins, Principal Planning Officer)**

#### **REVIEW OF COUNCIL'S LOCAL LIST**

##### **Introduction**

The Town and Country Planning (Development Management Order) 2015 (referred to hereafter as the 2015 Order) sets out the information required to make a valid planning application. In addition to these national requirements, the National Planning Policy Framework (NPPF), paragraph 193 states that Local Planning Authorities should publish a list of their information requirements for applications. These are required to be proportionate to the nature and scale of development proposals and should be reviewed on a frequent basis. Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question. This Local Planning Authority's (LPA) requirements are set out in its Local Validation List (a 'Local List'). Local Lists provide clarity for applicants regarding what should be submitted with a planning application, and provides officers with a 'checklist' when considering applications.

The 2015 Order required local authorities to review their Local List every two years. Local validation requirements can only be applied where lists have been reviewed in the past two years.

The Council's current Local List was adopted in July 2015 and therefore in order to ensure the Local List remains valid, and can be relied upon when seeking further application information, a review is required.

##### **The Review**

A review of Council's Local List has been undertaken to ensure its requirements are up-to-date with guidance and legislation; are reasonable; and relate to material planning considerations for different types of applications. The previous July 2015 List has been updated and the following changes made:

Page 3	Change last sentence 'This guidance replaces the Council's 'Guidance on the Validation of Planning Applications' published in July 2013' to refer to July 2015.
Page 6, Section 3	Changed to require 2 copies in accordance with the regulations.
Page 7	Remove reference to 'renewal of planning permission' (this is no longer an available application 'type').
Page 12	Under section headed 'Sustainable Development Statement' refers to the Council not having a 5 year housing land supply, this was updated to reflect the Council's current position with regards to 5 year supply.
Page 19/20	Refers to section 128 of NPPF. The NPPF is due a review

	and therefore paragraph numbers might change. Therefore, reference is made to Policy 12 and the requirement for a 'heritage statement' has been added in accordance with Policy 12.
Page 20	Applicants are now required to demonstrate how they are meeting the Technical housing standards – nationally described space standards.

Following the initial updating of the document by Officers, a public consultation has taken place.

### Consultation

A three week consultation has been undertaken, consisting of the following:

- Publishing the proposed revised Local List on Council's website for a period of three weeks for review;
- Sending letters to potentially interested stakeholders/consultees, including the Environment Agency, Anglian Water, Natural England, Norfolk Police, Highways England etc;
- Sending letters to the Town and Parish Councils;
- Sending letters/email to regular users/applicants/agents of Breckland Council's planning service; and
- Liaising with internal officers of Breckland Council.

### Consultation Responses

Four agents, eight statutory consultees and one Parish Council responded to the public consultation. The comments received and the proposed changes to the document are summarised below:

Consultee	Consultation response	Proposed Change
Agent	The cover states July 2015 – this needs updating.	The date on the cover will be updated to July 2017.
Agent	The submission of inadequate information needs careful monitoring in accordance with these adopted requirements.	Noted. No update to the document is required.
Agent	The document quotes Environmental Impact Assessment 2011 Regulations, this needs updating to reflect the current regulations.	The document has been update to reflect the current Environmental Impact Assessment Regulations (2017). Reference to the 2011 regulations as some new applications could be submitted under these regulations in accordance with the transitional arrangements. (Page 16)
Agent	We object to the Council stating it has a five year housing land supply.	Reference to the Councils position with regards to the 5 year supply has been removed

		from the document as this is subject to change within the period.
Agent	We welcome the requirement for a Heritage Statement but in the absence of any Conservation Area Appraisals, this can make the assessment difficult.	Noted. No update to the document is required.
Agent	With regards to the conversion of agricultural buildings there is a need to clarify what is expected in terms of 'evidence to be provided to demonstrate that a commercial use is not viable'	The following text has been added: 'in terms of sales particulars demonstrating the site has been suitably marketed (at an appropriate value, in appropriate publications and for a reasonable period of time (at least one year) as well as details as any offers received) and/or a viability assessment (this information can be treated confidentially if stated by the applicant)'. (Page 25)
Agent	More attention should be paid to pre-application advice, a chargeable pre-application system, as per other local authorities would assist with this.	Noted. No update to the document is required.
Agent	Include the statement: 'Design and Access Statements are required with all applications for listed building consent' under the sentence 'the following types of proposal must be accompanied by a Design and Access Statement'. This is described under a separate paragraph but for clarity it would be beneficial to have it here also.	This change has been made to the document. (Page 8)
Agent	Can you explore if a 'needs and sustainability assessment' is always required for holiday accommodation? I would suggest, given this is a tourism county, that there should be a cut off point at which the information would not be required such as it not being required for change of use / conversion of an existing building to one holiday unit.	This is not a requirement as set out in the document.
Natural England	Small housing developments within the 1.5km constraint zone	Reference to the need to provide sufficient information for

	for Breckland Special Protection Area (SPA) often have no information in relation to effects to the European site and sufficient information is hardly ever included on pig and poultry applications in relation to air quality effects, which require an air quality screening assessment.	developments within the 1.5km constraint zone (Page 16) and for air quality screening on pig and poultry applications (Page 21) has been added to the document.
Mid-Norfolk Railway Preservation Trust	Developers and land owners wishing to develop land immediately adjoining the Mid Norfolk Railway are advised to liaise with the MNR regarding fencing, drainage, lighting (including the placing of illuminated advertisements) where these could affect the safe operation of trains and/or the integrity of the railway formation and associated structures.	This is not a validation requirement and therefore no changes have been made to the document.
Norfolk County Council – Minerals and Waste	The validation list should be amended to include the requirement for mineral resource safeguarding assessments for non-mineral planning applications within Mineral Safeguarding Areas.	The checklist has been updated to include this requirement. (Page 26).
Norfolk County Council – Planning Obligations	In the Planning Obligations section reference should be made to the applicant needing to engage with service providers for schools and libraries and infrastructure providers i.e. for fire hydrants. Additionally, there should be a reference to the County Council's Planning Obligations Standards.	Reference is already made in the planning obligations section for the requirement for contributions towards education and libraries. Contact with these parties is done throughout the application process. Fire hydrants is not mentioned as this is often subject to a condition. Despite this where no reference is made this would not prevent the LPA from seeking contributions/ Infrastructure.  Reference to the County Council's Planning Obligations Standards has been added (Page 14).
Norfolk County Council – Highways	The paragraph under the 'Transport Assessments' should end with the following text: Local threshold levels for Norfolk	The text has been updated, as suggested. (Page 23)

Authority	are set within the NCC document "Safe Sustainable Development"	
Norfolk County Council – Highways Authority	<p>Under the 'Transport Assessment' heading (page 20):</p> <p>Parking Provision Assessment This is required where the development proposes an increase or loss of parking provision and/or the development would affect the parking requirements needed, i.e. by adding or reducing facilities, floor space, or staff/visitors. Where a Transport Assessment is required, the information may be included within that document.</p>	The text has been updated, as suggested. (Page 23)
Norfolk County Council - Lead Local Flood Authority	<p>The 'Site Layout Plan' paragraph (page 7) should include a further point:</p> <ul style="list-style-type: none"> <li>- the locations of watercourses/ditches</li> </ul>	The Site Layout Plan is a statutory requirement and can not be amended. However, the text under the FRA section has been updated to reflect the requirement for a plan to show the locations of watercourses/ditches. (Page 18)
Norfolk County Council - Lead Local Flood Authority	<p>Under 'Flood Risk Assessment' this should be expanded to include the following additional bullet points:</p> <ul style="list-style-type: none"> <li>- All proposals in an area within flood zone 1 which has critical drainage problems</li> <li>- Where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding.</li> </ul>	Text has been added, as suggested. (Page 20)
Norfolk County Council - Lead Local Flood Authority	<p>Under the 'Sustainable Drainage Systems (SuDS)', the first sentence should be replaced with the following text; <i>'Planning applications should include a drainage strategy, demonstrating how, through the application of the drainage hierarchy, surface water will be managed within the site and eventually discharged without resulting in increased risk of surface water flooding either on or off site'</i>.</p>	Text has been added, as suggested. (Page 20)
Norfolk	On the 'SuDS' paragraph the	Text has been added, as

County Council - Lead Local Flood Authority	web link is broken, and it should be amended to <a href="http://www.breckland.gov.uk/article/2939/Sustainable-Drainage-Systems-SuDS">http://www.breckland.gov.uk/article/2939/Sustainable-Drainage-Systems-SuDS</a>	suggested. (Page 21)
Saham Toney Parish Council	Paragraphs should be numbered and vague references removed to ensure all information listed within the local list is mandatory.	The local list seeks to provide clarity for applicants regarding what should be submitted with a planning application. However, other than the statutory requirements, as set out, other measures are not mandatory for validation but might be for approval of an application.  Page numbers have been added for greater clarity.
Saham Toney Parish Council	The Local List should provide a clear definition of which documents are required with each type of application i.e. by means of a table.	Each planning application is very different in terms of its location and constraints. Therefore, it would be impossible to procedure a checklist of documents to be submitted with each application type.
Saham Toney Parish Council	Planning Policy Statement section, add: "Policies to be considered include those in a made Neighbourhood Plan for the area in which a site is located."	The Planning Policy Statement section requires applicants to refer to how the development 'complies with policy', this would include Neighbourhood Plan policies.
Saham Toney Parish Council	Sustainable Development Statement section, add: "Where dwellings outside defined settlement boundaries . . . it must be demonstrated that there is local support for the development."	It is considered unreasonable to add the need for local support for application to this section of the document.
Saham Toney Parish Council	Energy Statements section - define "large scale major developments"	This is defined in Policy DC14.
Saham Toney Parish Council	Noise Impact Information – define what level of noise is referred to by this requirement.	It would be difficult to define a noise level as this may be dependent on location and background noise specific to each application.
Saham Toney Parish Council	Lighting Assessments - any new lighting in a "dark skies" area must also require the submission of a lighting assessment.	The NPPF requires any request for information to be proportionate, this would not prevent the LPA requesting additional information on lighting

		throughout the application process, if required.
Saham Toney Parish Council	Section 4: Add a new sub-heading: "Compliance with Neighbourhood Plans" and the following additional requirements for the submission of applications in these areas as follows: 1. Site Layout Plan with details of flood sites, water (rivers, ponds), and infrastructure (drains, ditches). 2. Wildlife - A full annual assessment not just one visit at maybe an unrepresentative time of year. 3. Trees - Can Breckland ensure they can provide information on all current TPOs? 4. Can Breckland please make available full high resolution (1:10,000) maps for whole Parishes. 5. Define "Heritage Asset"	The requirements for applications with a Neighbourhood Plan area are the same as those for a planning application therefore the local validation list does not need a separate section for applications in a Neighbourhood Plan area.
Water Management Alliance	Mention of this authority and its responsibilities is required within the document.	There is no mention of other statutory consultees and their responsibilities within the document, this is a matter for the LPA to be aware of when consulting on applications not for validating them and therefore not relevant to the Local List.
NHS England Midlands and East (East)	There is no reference to a requirement for a Health Impact Assessment and believe this should be considered for major planning applications.	The requirement for a Health Impact Assessment has been added to the document. (Page 26)
NHS England Midlands and East (East)	Additionally, within the section 'planning obligations' at the end of the first paragraph, we believe Healthcare should be included here.	Reference to healthcare has been added. (Page 14)
The Ramblers (Norfolk)	Amend the rights of way reference to extend it to include rights of way potentially affected by the development.	The text has been amended. (Page 7)

The Ramblers (Norfolk)	Any rights of way likely to be affected in any way by the development should be identified, and intentions regarding them stated, in the Design and Access Statement.	The requirements of the Design and Access Statement are set out in legislation and within the NPPG, which is referenced within the document.
Sport England	In addition to the national validation requirements set out within the Government's Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with their adopted checklist. This document should inform the updated local valid checklist.	Additional information can be required with a specific application which affects playing fields and therefore this has not been referred to within the document.

**Recommendation**

A tracked changed version of the Local List has been attached to this report for reference. It is therefore recommended that the attached 2017 draft Local List for the Validation of Planning Applications be adopted and all track changes accepted.