

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 11th OCTOBER 2021

PUBLIC REPORT: Y

EXEMPT REPORT: N

Report Title	Planning Application Local Validation List.
KEY DECISION	Yes
Report Author	Adrian Eastwood - Development Planning Manager
Purpose of Report	To consider the public consultation report (Appendix 1) to the Draft Planning Application Local Validation List and for Cabinet to recommend Council adopt the up-to-date Planning Application Local Validation List (Appendix 2)
Reason for Decision	The Council's current validation list was prepared in 2013 and is out of date and needs replacement with an up-to-date version.
Portfolio (holder)	Councillor J Bateman (Planning)
Corporate Priorities	<ul style="list-style-type: none"> • An enterprising, vibrant place • A healthy, inclusive, and engaged community
Financial Implications	The draft local validation list has been produced within existing resources. .
Risk Management Implications	See section 4.0 below.
Environmental Implications	None.
Legal Implications	A local validation list should be reviewed every 2 years as set out in the National Planning Policy Framework (NPPF). As the current list has not been reviewed in that time it is out of date and in need of replacement.
Equality Implications	No overall adverse effects have been identified.
Data Protection Implications	None.
Consultation	An eight-week period of consultation was undertaken from 11 th December 2020 to 5 th February 2021. A report of this consultation is attached as Appendix 1.
Options	See section 7.0 below.
Background Papers	None
Recommendation	1. That Cabinet recommend Council adopt the up-to-date Planning Application Local Validation List attached at Appendix 2 to this report.

1 Introduction

1.1 Planning applications must satisfy national information requirements to be able to be registered as valid applications. These national validation needs are made

up of plans and drawings, site ownership certificate and sometimes a Design and Access Statement.

- 1.2 A local planning authority may supplement this and request more supporting information with a planning application. To do that, any requirements should be specified on an Planning Application Local Validation List which is not less than 2 years old. This local list may be prepared by a local planning authority to clarify what information is usually required for applications of a particular type, scale or location.
- 1.3 As the current validation list was prepared in 2013, it is out of date. It also refers to old core strategy policies and previous versions of the National Planning Policy Framework (NPPF). It is therefore in need of updating and a new Planning Application Local Validation List adopting.

2 Key Facts

- 2.1 A Planning Application Local Validation List is effectively a checklist to help and potentially speed up the submission and validation of planning applications. It does not create planning policy or guidance.

3 Summary

- 3.1 This proposed updated Planning Application Local Validation List satisfies national planning policy and guidance by replacing an out-of-date list. When adopted it will improve customer service by giving up to date validation information to help the submission of planning applications.
- 3.2 Planning applications often raise local interest. Their consideration through Development Management and sometimes the Council's Planning Committee contribute significantly to business of the local authority. A new local validation list will help the planning application process, especially at planning application submission stage. In turn this contributes to Council priorities including a safe, enterprising and vibrant place, and a healthy and prosperous future.

4 Risk Management Implications

- 4.1 The national validation requirements give less detail than a local list may require. Not having such an up-to-date local list lessens the ability to require information that could help inform a planning application decision and reduces customer service by not having such a checklist.
- 4.2 Public consultation has been carried out concerning the updated Planning Applications Local Validation List and the responses made are reported at Appendix 2. Where appropriate the local validation list has been amended in light of these consultation responses. The amendments made are set out at Appendix 1.

5 Legal Issues

- 5.1 The National Planning Policy Framework (NPPF) and Planning Practice Guidance set out policy and guidance on the planning application local validation lists, including that they should be no less than two years old: hence the need to update the list relating to the Harborough District.

6 Equality Implications

- 6.1 An Equality Impact Assessment has been completed. No adverse effects were identified.

7 Options

- 7.1 To not adopt a new Planning Application Local Validation List and rely on national requirements. These requirements are limited as set out at 1.1 above and therefore this is not a recommended course of action.
- 7.2 To adopt this up-to-date planning application validation list set out at Appendix 2. This will provide information in form of a check list and will enable better customer service and planning application submissions to be made. This is the recommended option in this report.

Appendix 1
Report of public consultation
Development Management Local Validation List

Question number & topic	Comment by	Comment	Action
1. National Validation Requirements	Mr Major	There is no facility/requirement to take into account the cumulative effect of all the previous or current planning applications on the locality. Each application is assessed on its own merits. This is a fundamental weakness of the procedure/process.	Noted. The national requirements are a baseline HDC cannot alter.
	HDC planning officer	National Requirements Design and Access Statement – remove additional space between “conservation” and “area”; use capital letters for Conservation and Area; add in ONLY so it reads “where the proposed development only consists of”; consider making the last two bullet points a different marker, otherwise a quick glance looks like you need a D & A for all four of the bullet points whereas in fact it’s only for two circumstances: major, and CA where it meets only two criteria	Corrections made to validation list document at Appendix 2.
	Boyer Planning	Q1 – National Validation Requirements 2.1 We support the Councils decision to reiterate the National Validation Requirements in the validation list. 2.2 In this section of the requirements, it would be helpful to users if the website link for planning portal directly signposts users to the relevant page of what is required.	Link to national requirements included to validation list document at Appendix 2
2. Householder requirements	Mr Major	There is no facility/requirement to consider the cumulative effect of all the previous or current planning applications on the locality. Each application is assessed on its own merits. This is a fundamental weakness of the procedure/process.	Noted. The national requirements are a baseline HDC cannot alter.

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	Scraptoft Parish Council	Submitted plans must be drawn to scale with sketch plans not being excepted. All trees needing to be removed should be marked on plans with reasons given as to why they need to be removed.	Scale plans are requested. An addition has been made that sketch plans are not a substitute for scale plans.
3 All applications requirements	Severn Trent Water	We recommend that in accordance with the Drainage Hierarchy and SuDS guidance that drainage is considered early within the planning process, key elements that should be detailed are: <ul style="list-style-type: none"> • Identification of a sustainable surface water outfall in accordance with the Drainage Hierarchy (PPG Paragraph 80). • Where infiltration drainage is provided, suitable infiltration test results (BRE365 or equivalent) where testing has not been carried out an alternative connection point should be identified to ensure continuity of design subject to later infiltration test results. • Where a connection to the sewers is proposed evidence that consultation with the sewerage undertaker is provided. 	Section 7 on all proposals requests SUDS details with all major proposals. This section has been added to in the light of these responses from Severn Trent Water.
	William Davis Ltd	Finished Floor Levels for all full/reserved matters submissions – It is suggested that this is an unnecessary requirement which places a burden on submissions. As layouts, when submitted, are subject to consultation and further amendment finished floor levels are subject to change along with this. Adjusting finished floor levels along with the site layout slows the application process down and creates unnecessary abortive costs. WDL suggests finished floor levels should be sought once the application is validated, and the layout considered fixed by all parties. Or, in all other instances, applied via a Condition of consent	The Validation list has been amended to require levels where ground level is proposed to change.
	Boyer Planning	Plans and drawings for all applications (excluding householder) 2.3 We support the requirements set out for this type of planning application.	Noted.
4 Specific application types	Scraptoft Parish Council	All work to listed buildings should be inspected by a planning, or conservation officer. Where fixtures and fittings are to be removed and replaced a brief description of the type of replacement should be given.	This inspection is the current practice of HDC but does

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			not need to be specified for purpose of the validation list: therefore no change to the list is proposed.
	Lubenham Parish Council	Class Q applicants should be required to prove agricultural use on the relevant date.	Class Q notification procedures pose this question at application stage. A burden of proof is not required and would be onerous to impose. The responsibility for making accurate submission lies with the applicant.
	HDC planning officer	Local Requirements Adverts – need scale for the plans and elevations? We need to know colour and material of all signs, not just when they're illuminated LBC – the 'demolition of a listed building' bit doesn't need a bullet point	The Validation list has been amended to pick this up.
	Boyer Planning	Q4. Local Validation requirements – Information for specific application types 2.4 We consider the requirements set out in this section to be clear and sufficient.	Noted.
5 Residential developments	Anglian Water Ltd.	Policy H5 of the adopted Local Plan requires residential development to be designed to meet the higher water efficiency standard of 110 litres/per person/per day). However, there is no reference made to information provided as part of planning applications for residential developments to demonstrate this requirement has been met.	The Validation list has been amended to pick this up

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	William Davis Ltd.	Affordable Housing Statement – In reality the affordable housing locations are set out within the submitted plans of any given application; with the tenure to be determined through the decision-making process and via consultation with a Registered Provider. In addition, NPPF para 44 is unambiguous in stating validation requirements should be kept to the minimum. Therefore, WDL suggests there is no lawful reason an Affordable Housing Statement should be considered a validation requirement.	Noted. However, an Affordable Housing Statement is a reasonable requirement to request in a Planning Application Validation List.
	Boyer Planning	We generally support this section.	Noted.
	Boyer Planning	Q5. Validation Requirements – Residential Developments 2.5 We support the requirements set out in this section; however we feel this section would particularly benefit from an additional column to show ‘further guidance’ that would signpost users to refer to relevant local policies i.e. Local Plan Policy Objective 1 and Policy H2 Affordable housing, which sets out the affordable housing requirements across the District.	Noted. These references have been added to the fourth column of the validation list.
6 Heritage applications	HDC planning officer	Heritage developments – could the Heritage Statement section be a bit clearer? E.g. needed for all new development in a Conservation Area unless it’s householder planning application.	Noted. Text amended to improve clarity”.
	Historic England	Historic England welcomes the information set out in Section 6 of the validation list where requirements relating to heritage proposals are set out.	Noted.
	Boyer Planning	2.6 Whilst we agree with the requirement of a heritage statement in support of applications for all listed building consent applications and applications which impact on the setting of listed buildings and all proposals which affect designated heritage assets and their settings, this does need to be proportionate.	Noted. The requirement applies where development setting is affected. See response above* which has amended text for clarity.

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Supporting information	Sport England	Para 96/97 NPPF for applications involving the impact on or loss of open space, playing fields, sports and recreation facilities should include an assessment of the loss or impact having regard to the Harborough Playing Pitch Strategy and Harborough Built Sports Facilities Strategy.	Noted and added to Validation List.
	Planning officer	Major development to have a Mitigating climate change Local Plan Policy CC1: statement of compliance.	Noted and added to Validation List.
	Severn Trent	<p>We would recommend that in accordance with the Drainage Hierarchy and SuDS guidance that drainage is considered early within the planning process, key elements that should be detailed are:</p> <p>Identification of a sustainable surface water outfall in accordance with the Drainage Hierarchy (PPG Paragraph 80).</p> <p>Where infiltration drainage is provided, suitable infiltration test results (BRE365 or equivalent) where testing has not been carried out an alternative connection point should be identified to ensure continuity of design subject to later infiltration test results.</p> <p>Where a connection to the sewers is proposed evidence that consultation with the sewerage undertaker is provided.</p>	Noted and added to Validation List.
	Anglian Water	<p>The Local Validation Checklist does not refer specifically to foul drainage and the need to demonstrate that adequate foul water treatment and disposal facilities available or can be made available consistent with the requirements of Policy IN4 of the adopted Local Plan.</p> <p>Sustainable Urban Drainage Systems - the term Sustainable Drainage Systems should be used for consistency with national planning policy as the word urban is no longer used.</p> <p>There is also no reference made to the requirements relating to water supply and water-re-use measures as outlined in Policy IN4 in the Validation Checklist.</p>	<p>Noted. Validation List edited at Appendix 2.</p> <p>Noted. Validation List edited at Appendix 2.</p>

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			The Validation list has been amended to reflect this.
	Lubenham Parish Council	All sites of any size should provide a flood risk assessment if near to a river or local knowledge of flooding is available. Flood maps in our area are out of date and need to be updated to recognise current situation and evidence such as photographs should be accepted as proof of current flooding issues	Government Guidance does not require a flood risk assessment in all circumstances. For Clarity this link is now included in the Validation List.
	Boyer Planning	We agree with the supporting information required in this section, however there are other fundamental assessments and statements required to support most major applications.	Noted. The validation list is a proportionate local response.
	Mr P. Baildon	<p>Q7 The Transport statements are at fault for not considering CONCURRENT or CONSECUTIVE permissions, resulting in the CUMULATIVE CONGESTION that Little Bowden sees in traffic at a standstill on Northampton Rd, Springfield Street, Kettering Rd, Gores Lane and Rockingham Rd.</p> <p>Other than a small island then a medium island at Springfield Street, this has never been seriously addressed in the 40 years we have lived in this area and causes blue-light services extreme problems let alone local residents.</p> <p>After the 1980s Ashley Way infill almost to the bypass, 4 separate builders have been given CONSECUTIVE permissions up Clack Hill beginning at Redrow Glebe Road and currently awaiting decisions the Davidsons 600-home Overstone Park estate. All done in separated builder-size chunks, which means the applications only have to satisfy small chunks of traffic flow. In the current 20/0612/REM 2 feeder roads 03 and 04 simply tack onto the previous Glebe Road site and the 3rd feeder tacks onto the houses already under construction off the top of Clack Hill. A comment from Highways is "in its present form the road layout is unsuitable for adoption"</p> <p>Off Northampton Road the newest application tacks onto those already existing at Blackberry Way opposite the Leisure Centre. This well exceeds the LCC Highways</p>	The validation list can only require information from planning applications submitted. It cannot link back or forward to past or future proposals.

		<p>numbers that can be served “from a single access” therefore should soon be REFUSED. (Little Bowden Society have formally objected)</p>	
	<p>Leicestershire County Council</p>	<p>Minerals Assessment Section 7 sets out a list of supporting information for relevant proposals. This list should include a requirement for a ‘Mineral Assessment’. With regard to the application types column, planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment.</p> <p>With regard to the ‘what is needed’ column, a mineral assessment should comprise an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it within the defined Mineral Safeguarding Areas. Mineral Safeguarding Area maps for Harborough District are available at: https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/SUB4-Harborough-Safeguarding-2015.pdf</p> <p>The types of development exempt from mineral safeguarding are identified in Table 4 of the Leicestershire Minerals and Waste Local Plan 2019-2031 (pages 37 and 38), available at: https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf</p> <p>The statutory or policy background to the need for this information is set out in Policy M11: Safeguarding of Mineral Resources - Leicestershire Minerals and Waste Local Plan 2019-2031 (see link below) and Paragraphs 203, 204 and 206 of the NPPF: https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf</p> <p>Viability It should be a requirement in the local list that where an applicant is presenting a case seeking reduced S106 contributions as part of a planning application, that a viability appraisal is submitted with that application. This is to allow all consultees and</p>	<p>Validation list amended to require a mineral assessment from major application types within a designated mineral safeguarding area.</p>

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		<p>members of the public to openly review and scrutinise the claims being made by an applicant.</p> <p>The statutory and policy background for this is set out in Paragraph 57 of the NPPF and paragraphs 020 and 021 of the Viability sections of the Planning Practice Guidance.</p>	
	Historic England	In Section 7 where archaeological assessment is referred to, we would recommend, for completeness, that you consider including an advisory footnote setting out that any works to a Scheduled Monument would require separate Scheduled Monument Consent.	An advisory note is added as suggested by Historic England.
	Boyer Planning	<p>We agree with the supporting information required in this section, however there are other fundamental assessments and statements required to support most major applications. We would suggest the following information is inserted in this section of the local validation requirements list to ensure planning applications can be determined effectively with the relevant information:</p> <p>2.8 Planning Statement – these should be required for applications for 10 or more dwellings, or 0.5 hectares if it is not known how many dwellings are proposed, applications for a building or buildings where the floor space to be created by the development is 1,000 square metres and application on a site having an area of 1 hectare or more.</p> <p>The planning statement should:</p> <p>Include a full explanation of the proposal including any relevant background or site history.</p> <p>Identify the context and need for the proposed development including justifications for proposed change of use where appropriate.</p> <p>Include an overview of how the proposal accords with the Local Plan, SPD's and the NPPF.</p> <p>The statement should also include any regeneration and economic benefits from the proposed development, including details of any new jobs that might be created or supported and any community benefits that will result from the development.</p> <p>2.9 Noise Impact Assessment – This should accompany applications where noise nuisance on residential amenity may be a consideration i.e.</p>	<p>The agreement is noted. A planning statement routinely for all applications > 10 units is onerous.</p> <p>A noise impact assessment and separate lighting assessment requirement for relevant proposals is added at section 7.</p> <p>A Statement of Community Involvement is a separate statutory document adopted</p>

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		<ul style="list-style-type: none"> • Where it is proposed to introduce residential development to a noisy environment • Where it is proposed to introduce noisy uses/processes which are likely to impact on existing residential development <p>2.10 Lighting assessment – This is applicable to applications where proposals incorporate external flood lighting. The assessment should include a layout plan with beam orientation and lighting spill.</p> <p>2.11 Statement of Community Involvement – This should accompany all major applications, major change of use applications or listed building applications. The statement should include details of any consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission.</p> <p>.</p>	<p>by the Local Planning Authority. A different statement does not need adding as part of the Validation List because applications are subject to statutory publicity in any event.</p>
	Environment Agency	<p>We are pleased to see that the instances where a flood risk assessment (FRA) will be required has been listed. We agree that the FRA should be appropriate to the scale, nature and location of the development. Nonetheless the FRA will specifically need to be compliant with the NPPF and its PPG. Consideration should be given to including in this section a link to the relevant pages of the .gov.uk website to assist Applicants in the production of their FRA: Flood Risk Assessments if you're applying for planning permission.</p> <p>Lastly regarding flood risk, we would point out that it is the role of the Local Planning Authority to ensure that the (flooding) Sequential Test is carried out on sites where applicable.</p> <p>As a more general comment we would advise that, certainly for Major applications, serious consideration be given to requiring a 'biodiversity net gain' (BNG) component of the planning application submission; the reason for this being that the Environment Bill, once passed through Parliament, will make BNG a mandatory requirement.</p>	<p>A link has been included in the Validation List.</p> <p>Biodiversity Net Gain is not included as it is subject to parliamentary approval and Local Plan revision.</p>
	Highways England	<p>We understand that the Development Management Local Validation List sets out the information required to be provided alongside applications for planning consent submitted to the Council. Based on this, all major developments would be required to</p>	<p>Noted. Text added to Validation List to clarify this.</p>

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		<p>submit a Transport Statement or Transport Assessment (TA) and Travel Plan which are required to be in line with the Leicestershire Highways Design Guide.</p> <p>It is noted that Highways England would require all developments with the potential to impact on the SRN, including allocated sites, to be subject to a TA to be prepared as part of the development management process, for their impacts to be appropriately assessed. These should be carried out and reported as described in the Department for Transport (DfT) Guidance on Transport Assessment and Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development. It is noted that the Guidance on Transport Assessment has been archived, however still provides a good practice guide</p>	
		<p>The British Horse Society is the UKs largest equestrian Charity, with over 116,000 members representing the UKs 3 million horse riders. Nationally equestrians have just 22% of the rights of way network and are increasingly forced to use busy roads to access them.</p> <p>Development Management Local Validation List</p> <p>7. Supporting documents - please include Public Rights of Way in the Transport assessment and note that equestrian access should be included in planning considerations.</p> <p>Since 2010, the British Horse Society has received reports of over 4,774 road incidents involving horses, 1080 horses have been injured, 395 horses have died, 44 humans have lost their lives and 1220 have been injured; protecting, improving and extending safe off-road provision will help to prevent these numbers from increasing in the future. Horse riding is included in the Active Travel definition. Jesse Norman MP, Parliamentary Under Secretary of State for Transport in a House of Commons debate on Road Safety, 5 November 2018 (1) stated: We should be clear that the cycling and walking strategy may have that name but is absolutely targeted at vulnerable road users, including horse-riders. Horse riders are vulnerable road users there is no doubt about that, and there never has been and they have been included in the work we are doing.</p> <p>New development plans provide opportunities to improve and extend the bridleway and byway network for the shared enjoyment of equestrians, cyclists and pedestrians. The pandemic has demonstrated how vital it is to provide shared routes. Safe surfaces</p>	<p>Noted Text added that a Transport Assessment should include consideration of equestrian access. This shall include public rights of way including bridleways if impacted.</p>

		<p>and dimensions should be provided for and the BHS has detailed guidance on these crucial matters to ensure all users are included and developers meet requirements of the Equality Act 2010 and associated legislation. https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice.</p> <p>Although Rights of Way are mentioned, the language used could be more inclusive of equestrians. Bridleways and byways are shared successfully by equestrians, cyclists and pedestrians therefore segregating cyclists/pedestrians on routes and excluding equestrians increases the risk to horses and riders by sandwiching them on increasingly busy roads between cyclists and motorised traffic. There are also missed opportunities and economic advantages of sharing routes. The equestrian industry generates £4.7 billion of consumer spending, £4,174 per horse (BETA, 2019) to the economy benefitting local economies where equestrian activities thrive.</p> <p>The British Horse Society would welcome further engagement in consultations in relation to local plans.</p>	