

PLANNING DEVELOPMENT CONTROL COMMITTEE

3 APRIL 2014

LOCAL REQUIREMENTS LIST FOR THE VALIDATION OF PLANNING APPLICATIONS - UPDATE

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

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RECENT REFERENCES:

PDC969 – Local Requirements List for the Validation of Planning Applications – Planning Development Control Committee, 22 August 2013

CAB2537 – Solent Disturbance and Mitigation Project Interim Planning Framework – Cabinet, 4 December 2013

CAB2529 (LDF) – Community Infrastructure Levy: Adoption of Draft Charging Schedule and Introduction of CIL Charge – Cabinet (Local Development Framework) Committee, 27 November 2013, and Cabinet 4 December 2013.

EXECUTIVE SUMMARY:

The Local Requirements List (LRL) details the level of information that needs to be provided with each planning application before the application can be validated. At a meeting of the Planning Development Control Committee, held on 22 August 2013, Members agreed the Local Requirements List, based on the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), as set out in Report PDC969. This List came into effect from 1 September 2013.

Since that date, at its meeting held on 4 December 2013, Cabinet approved the Solent Disturbance and Mitigation Project (CAB2537), which requires any development resulting in a net increase in dwellings within 5.6km of the Solent European Designated sites to provide financial contributions towards this project.

Following consideration of Report CAB2529 (LDF) by the Cabinet (Local Development Framework) Committee on 27 November 2013, and then by Cabinet on 4 December 2013, Council approved the Community Infrastructure Levy, CIL, at its meeting on 8 January 2014, to come into effect on 7 April 2014.

Both the Solent Disturbance and Mitigation Project and the CIL have an effect on the Local Requirements List and therefore the List has been updated, as set out in the appendix of this Report, to include reference to these adopted requirements.

RECOMMENDATIONS:

That the updated Local Requirements List, attached as Appendix 1 to the report, be endorsed for the purpose of validating planning applications, to take effect on 7 April 2014.

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DETAIL:

1 Introduction

- 1.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) expects local authorities to review and update Local Requirements Lists on a regular basis.
- 1.2 The Council's decision in 2012 to introduce and adopt the Community Infrastructure Levy requires the Local Requirements List to be updated to include reference to the Community Infrastructure Levy when it comes into effect on 7 April 2014.
- 1.3 Cabinet's decision in December 2013 to adopt the Solent Disturbance and Mitigation Project also requires the Local Requirements List to be updated to include reference to Solent Disturbance and Mitigation Project, in order to provide the necessary mechanism for collecting contributions associated with this.

2 Background

- 2.1 When the Local Requirements List was first reported to Planning Development Committee in August 2013 it was advised that the Community Infrastructure Levy was scheduled to come into effect in April 2014 and that the LRL would need to be reviewed and amended to reflect this.
- 2.2 Subsequently, Cabinet has adopted both the Solent Disturbance and Mitigation Project (4 December 2013, CAB2537) and Council has adopted the Community Infrastructure Levy (8 January 2014, CAB2529(LDF) refers) with effect from 7 April 2014. Accordingly, the updating of the Local Requirement List to include reference to these is necessary to enable the administration of these adopted measures.
- 2.3 A draft review of the revised LRL to incorporate reference to Community Infrastructure Levy and Solent Disturbance and Mitigation Project was subjected to a public consultation exercise throughout January, February and March 2014. The feedback has resulted in the draft being amended, with the final version of the Local requirements List appended to this report.

OTHER CONSIDERATIONS:

3 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS
(RELEVANCE TO):

3.1 This report relates to the objective of ensuring that new development is sensitive and appropriate to the local environment.

4 RESOURCE IMPLICATIONS:

4.1 There are no direct resource implications arising from the adoption of the revised List..

5 RISK MANAGEMENT ISSUES

5.1 There are no risk management issues arising from this report.

BACKGROUND DOCUMENTS:

Circular 02/2008 Standard Application Forms and Validation (cancelled).

Department of Communities and Local Government: Guidance on information requirements and validation, March 2010.

Town and Country Planning (Development Management Procedure) (England) Order 2010

Department of Communities and Local Government: Streamlining information requirements for planning applications – Consultation July 2012.

Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012

Community Infrastructure Levy Regulations 2010

Solent Disturbance and Mitigation Project.

APPENDICES:

Appendix 1 Local Requirements List April 2014.

Winchester City Council list of local validation requirements, April 2014

(where an application type has been listed as an exclusion then the document is not required).

Submitted with application?	Document Type	When required	NPPF Justification	Local Policy Justification	Further Guidance
	Agricultural/ forestry/ equestrian/ worker assessment.	All applications for mobile homes and dwellings for agricultural/forestry/ equestrian workers in the countryside.	Para. 50, 55	<u>WDLPR2006</u> CE19,CE20, RT11 <u>LPP1</u> MTRA4	Annex A, PPS7.
	Air quality assessment	All applications for major development where parking requirements or traffic generation is increased.	Para. 123, 124	<u>WDLPR2006</u> DP3, DP10, DP11 <u>LPP1</u> DS1, CP13	Air Quality Action Plan (Winchester City centre). Air Quality Standards Regulations 2010 No.1001. EU ambient air quality directives. Air Quality (England) Regulations 2010.
	Affordable housing statement	All applications for housing/apartment development including exception sites where affordable housing contributions and provision are required by adopted and proposed policies. (exclusions: householder and replacement dwelling applications).	Para. 47,50, 54	<u>LPP1</u> CP3	Affordable Housing supplementary planning document. Winchester Housing Market Needs Assessment. Include details of how it is to be provided; no. of bedrooms; tenure; RP; contact details of applicant's solicitors; land registry titles.
	Biodiversity checklist.	All applications. Note: there are separate checklists for householder and other applications. (exclusions: Advertisement applications).	Para. 109, 113, 117, 118, 119	<u>LPP1</u> CP15, CP16	Winchester City Council bio-diversity checklist: 1. Householder. 2. All other applications.
	Biodiversity Survey and report	All applications where biodiversity checklist has been correctly completed and the checklist has identified the requirement for ecological information to be submitted. All applications for development within or adjacent to a local or national nature reserves (SINC) or SSSIs and where there is a reasonable likelihood of a protected species.	Para. 109, 113, 117, 118, 119	<u>LPP1</u> CP15, CP16	Natural England standing advice for protected species http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx Hampshire Bio-diversity Information centre (HBIC). http://www3.hants.gov.uk/biodiversity/hbic Solent Disturbance and Mitigation Project.

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Submitted with application?	Document Type	When required	NPPF Justification	Local Policy Justification	Further Guidance
	Community Infrastructure Levy (CIL) (see also Planning Obligation).	New residential development over 100 square metres. The creation of 1 or more dwellings (even if it is less than 100 square metres). New retail and hotel developments. Extensions to existing retail and hotel developments.	Para. 47,50, 54, 48, 69-78, 173-175, 203-206	<u>LPP1</u> DS1, WT2, WT3, SH2, SH3, CP3, CP4, CP5, CP6, CP7, CP10, CP11, CP15, CP16, CP21	The Community Infrastructure Levy Regulations 2010. The CIL Charging Structure was agreed by an independent examiner, with the report published 7 October 2013. The Charging Schedule takes effect from the 1st April 2014 will be charged on applications permitted on or after 1 st April 2014. Developers will need to take the charging schedule into account when reviewing developer contributions in relation to planning applications. Applications for either Charitable Relief or Social Housing Relief will be required to include a statement which addresses the criteria set out in Part 6 of the CIL Regulations 2010 (as amended).
	Flood risk assessment	All planning applications where site area > 1 Ha in Flood Zone 1; all proposals where application site is in Flood Zones 2 and 3; all applications where site is in a designated critical drainage area. (exclusions: householder and replacement dwelling applications).	Para. 99-104	<u>LPP1</u> DS1, CP17	The Flood and Water Management Act 2010. Environment Agency. http://www.environment-agency.gov.uk/
	Foul sewerage, drainage and utilities assessment	All applications for major development or which include 2 or more dwellings. All non-householder applications outside urban areas. (exclusions: Advertisement applications).	Para. 99-104, 110, 121	<u>WDLPR2006</u> DP3, DP10 <u>LPP1</u> DS1,CP17,C P21	Building Regulations part H. The Flood and Water Management Act 2010. Environment Agency. http://www.environment-agency.gov.uk/
Submitted	Document	When required	NPPF	Local Policy	Further Guidance

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with application?	Type		Justification	Justification	
	Geo-diversity Survey and report	All applications for mineral extraction.	Para. 109, 113, 117, 120	<u>WDLPR2006</u> DP10 <u>LPP1</u> DS1, CP16	http://www.naturalengland.org.uk/ourwork/conservation/geodiversity/protectandmanage/default.aspx
	Heritage Statement.	All applications affecting heritage assets (including historic parks and gardens, battlefields, and Scheduled Ancient Monuments). All applications within and adjacent to Conservation Areas, including demolition of non-listed buildings within Conservation Areas. All applications affecting Listed Buildings including works and buildings within the curtilage of a listed building. All applications in Conservation Areas and within curtilage of listed building that include excavations.	Para. 115, 126-141	<u>WDLPR2006</u> HE1, HE2, HR5, HE6, HE7, HE8, HE9, HE10, HE11, HE12, HE14, HE17 <u>LPP1</u> DS1, CP20	Winchester Conservation Area Project. Conservation Area assessments. Archaeological Trigger zones as indicated on Council maps. Local Register of Historic Parks and Gardens. English Heritage. The Planning (Listed Building and Conservation Areas)(Amendment)(England) Regulations 2013.
	Hydrology assessment and report	All applications for disposal of waste. (exclusions: householder and advertisement applications).	Para. 109, 110, 113	<u>WDLPR2006</u> DP3, DP10 <u>LPP1</u> CP13, CP17	British Hydrological Society http://www.hydrology.org.uk/ Environment Agency. http://www.environment-agency.gov.uk/
	Land contamination Assessment	All applications for major and minor developments, new houses and new residential development and changes of use if contaminative past use is suspected to exist or when site is within 250 m of a current licensed landfill or historic landfill site. (exclusions: householder and advertisement applications).	Para. 109, 120, 121	<u>WDLPR2006</u> DP3, DP10	Environment Agency. http://www.environment-agency.gov.uk/

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Submitted with application?	Document Type	When required	NPPF Justification	Local Policy Justification	Further Guidance
	Landscape and visual Impact assessment	All major applications for development and all minor applications within the countryside. (exclusions: householder and advert applications).	Para. 109, 113, 115, 116, 123	<u>WDLPR2006</u> DP4 <u>LPP1</u> DS1,SH4,CP13, CP14, CP18, CP19, CP20	Winchester District Landscape Character Assessment. http://www.winchester.gov.uk/planning/landscape---countryside/landscape-character-assessment/
	Lighting assessment	All applications for development where external lighting is proposed. (exclusions: householder applications).	Para. 115, 123, 125	<u>WDLPR2006</u> DP3, DP4, DP10, DP11 <u>LPP1</u> DS1, SH4, CP13, CP14, CP18, CP19, CP20	Institute of Lighting Practitioners. The Royal Commission on Environmental Pollution: Artificial Light in the Environment.
	Noise Assessment.	All applications for development which involve Use Class A4, B2 and B8 activity. All applications that include motorised sports, music venues, nightclubs, scrap yards, builders yards and contractors depots. All applications for development located within 100 metres of a motorway, dual carriageway, railway corridor or airport. All applications involving wind turbines. (exclusions: householder and advertisement applications).	Para. 109, 120, 123	<u>WDLPR2006</u> DP3, DP10, DP11 <u>LPP1</u> DS1,CP13, CP19, CP20	BS 4142:1997 - Rating industrial noise affecting mixed and residential and industrial areas BS 8223:1999 - Sound insulation and reduction for buildings – code of practice BS 5228-1:2009 - Code of Practice for noise and vibration control on construction and open sites ETSU-R-97 - The assessment and rating of noise from wind farms. Institute of Acoustics - A Good Practice Guide to the Application of ETSU-R-97 For the Assessment and Rating of Wind Turbine Noise. Noise Policy Statement for England (NPSE). WHO Guidelines on Community Noise. WHO Night Noise Guidelines for Europe.

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	Open space Assessment	All applications for new dwellings. All development where public open space is to be lost.	Para. 69-78, 116	<u>LPP1</u> CP4, CP7, CP21	Winchester City Council Open Space Strategy and associated documents.
	Planning Obligation	All applications for development generating need for on-site or off-site contributions (this will include applications for one or more new or additional dwellings, applications for new commercial development and applications that will result in more intensive commercial activity). Any development resulting in a net increase in dwellings within 5.6 km of the Solent European Designated sites unless alternative means of provision has been formally agreed.	Para. 47,50, 54, 48, 69-78, 173-175, 203-206	<u>LPP1</u> DS1, WT2, WT3, SH2, SH3, CP3, CP4, CP5, CP6, CP7, CP10, CP11, CP15, CP16, CP21	Local Plan Part 1 requirements for affordable housing, open space, recreation green, transport and drainage infrastructure, community infra-structure (incl. education, health and community facilities) and allowable solutions for CO ₂ emissions. Requirement may include on or off-site provision or financial contributions – including future maintenance. Solent Disturbance and Mitigation Project. http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/
	Planning, Design and Access statement.	All new development. (exclusions: householder and advertisement applications).	Whole document.	<u>WDLPR2006</u> Saved polices. <u>LPP1</u> Whole document.	Planning Statement require to identify how any development complies with relevant policies or justification for non-compliance.
	Sustainability statement	All new development. (exclusions: householder and advertisement applications).	Whole document.	<u>LPP1</u> DS1, WT3, SH2, SH3, CP11, CP12	Code for Sustainable Homes, BREEAM. Winchester City Council Renewable Energy Study.
	Parking and cycle storage provision.	All applications for development. (exclusions: householder and advertisement applications).	Para. 39,40	<u>WDLPR2006</u> DP3,T3,T4 <u>LPP1</u> CP10	Hampshire Parking Strategy and Standards 2002. Winchester City Council Residential Parking Standards 2009.
	Travel Plan	All applications for major development above the threshold set out in Appendix 1, Section 8, Table B, page 17 Hampshire Parking Strategy and Standards 2002.	Para. 29, 30, 36	<u>LPP1</u> DS1, SH2, SH3, CP10, CP21	Hampshire Parking Strategy and Standards 2002.

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Submitted with application?	Document Type	When required	NPPF Justification	Local Policy Justification	Further Guidance
	Transport assessment	All applications for major development.	Para. 30, 32	<u>WDLPR2006</u> DP3, DP10,DP11, T2, T3, T4, T9 <u>LPP1</u> : DS1, WT2, WT3, SH2, SH3, CP10, CP21.	Hampshire Parking Strategy and Standards 2002. Hampshire County Council Transport Contributions Policy 2007 + Winchester Transport Statement. Winchester City Council Residential Parking Standards 2009. Hampshire Fire & Safety Service standards. Refuse collection and turning standards.
	Tree / arboricultural assessment.	All applications for development affecting trees.	Para. 118	<u>WDLPR2006</u> DP3,DP4,DP5 <u>LPP1</u> : DS1, CP13, CP15, CP16	BS5837:2012, Annex B, Table B.1
	Viability Appraisal	<p>All applications for new dwellings where applicant is seeking relaxation from affordable housing, open space transport and community infrastructure provision requirements of policies CP3, CP7, CP10 and CP21.</p> <p>Any development resulting in a net increase in dwellings within 5.6 km of the Solent European Designated where applicant is seeking relaxation from the contribution requirement sites (ref: Solent Disturbance and Mitigation Project).</p> <p>All commercial developments where an increase in floorspace is proposed that generates a need for contributions or infrastructure and the applicant is seeking relaxation from the contributions requirements.</p>	Para. 173, 174, 203-205.	<u>LPP1</u> : DS1, CP3, CP7, CP10, CP21	<p>Winchester City Council Affordable Housing SPD.</p> <p>Winchester City Council Open Space Strategy.</p> <p>Hampshire County Council Transport Contributions Policy 2007.</p> <p>Hampshire County Council 'Developers' Contributions towards Children's Services Facilities'.</p> <p>Hampshire County Council guidance on school provision.</p> <p>Hampshire Fire & Safety Service standards.</p> <p>Hampshire County Council Adult services.</p> <p>NHS guidance on provision of health facilities.</p> <p>Homes and Communities Agency viability model.</p> <p>Solent Disturbance and Mitigation Project.</p> <p>http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/</p>