

BRIEFING REPORT ON LOCAL VALIDATION CHECKLIST CONSULTATION

A report regarding the Planning Validation Checklist – Local List was considered by Planning Committee on 17 January 2019. At this meeting the Planning Committee resolved to: approve a public consultation exercise for 8 weeks on the draft validation checklist for planning applications; and delegate authority to the Head of Planning and Regulation, in consultation with the Chair of the Planning Committee, to publish the final validation checklist taking account of representations received during public consultation.

This consultation exercise ran from 22 January – 19 March 2019. Planning agents and architects were emailed directly regarding this consultation and the information has been available on the web-site during this period, seeking comments on the draft document.

External consultation responses

During this consultation period 3 comments have been received from external bodies. These comments are summarised below:

- The document should make reference to a crime assessment to ensure that planning applications are in line with national policy and guidance and the key objectives identified in the Local plan. Such information is relevant, necessary and material to applications which have community safety implications. Crime assessments should be provided for all major planning applications and non-major proposals with a significant risk of crime or fear of crime such as applications for hot food takeaways, ATM's, commercial development and community facilities. This would comply with national and local policy objectives which recognise that safety should be central to the planning and delivery of new development in order to create sustainable communities, where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. This is recognised in the supporting text of Policy DE1 of the Local plan; 'In all cases well designed and maintained streets and public spaces can help encourage walking and cycling and can reduce anti-social behaviour and crime including the perception and fear of crime.'

The local validation criteria should include reference to a crime assessment, either as a separate statement or as part of a design and access statement. This should include reference to; 'secured by design' standards, 'park mark' standards and a requirement for inclusion of a maintenance programme where appropriate. Such references are considered to be necessary to ensure that consideration of the most effective and efficient crime prevention measures are included within the design of new developments with consideration of future maintenance to protect the new environment and minimise opportunities for decline and neglect.

- Information is sometimes provided on one sheet at multiple scales and a scale bar to each element could create confusion. A definition of 'proportionate to the nature and size' would be useful. Levels on adjacent land to the application site will in some instances be difficult to record due to consent issues.

- Full site address, client details and architect (agent) details should be provided on the title blocks on plans. All plans should be professionally produced using British Standards or by certified professionals to maintain high and accurate standards. A structural survey should be provided with all heritage projects completed by a qualified structural engineer. All reports should be checked for competence to British standards and professional trade bodies. Sequential testing is outdated and should no longer be required.

In response to these comments, it is recommended that the requirement for a crime assessment be included for all major applications and those minor commercial applications where there is a risk of crime. The requirement for such information would be reasonable in view of both national and local policy and would be consistent with other local authorities (Solihull MBC have also included such a requirement within their local validation requirements). The details of the proposed inclusion are shown below:

- In the minor commercial development section:

	Crime Assessment	All applications where there is a significant risk of crime or fear of crime, in particular; Applications for proposals falling within use Classes A3, A4, A5, D2 and ATM's, casinos, amusement arcades and nightclubs	This can be a separate document or included within the Design and Access Statement where appropriate. It should include the following information: What crime or fear of crime could be associated with the development and why How crime and fear of crime has been designed out, taking into account 'Secured by Design' and 'Park Mark' standards	Policy DE1 of the Coventry Local Plan 2016 https://www.securedbydesign.com/ http://www.parkmark.co.uk/
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- In the major development section:

	Crime Assessment	All major developments	This can be a separate document or included within the Design and Access Statement where appropriate. It should include the following information: What crime or fear of crime could be associated with the development and why How crime and fear of crime has been designed out taking into account 'Secured by Design' and 'Park Mark' standards	Policy DE1 of the Coventry Local Plan 2016 https://www.securedbydesign.com/ http://www.parkmark.co.uk/
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- It is also recommended that there is a requirement for a structural survey to be submitted with all heritage applications for demolition or substantial demolition of any heritage assets. Although it would be an onerous to require this for all heritage applications it would be necessary in assessing the acceptability of schemes involving full or partial demolition of a listed building. The details of this inclusion into section 4 of the document are shown below:

	Structural survey	Any application involving full or partial demolition of a listed building	Full or partial demolition of a listed building will require detailed justification. A structural survey should be carried out by a qualified surveyor	Policy HE2 of the Coventry Local Plan 2016
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With regard to the other comments that have been received, it is considered that no further changes are required. The local requirements already require title and drawing numbers for floor plans and elevations. The provision of multiple scale bars would not be confusing as long as the different scales of the drawing are clearly labelled. The level of detail required will always be proportionate to the nature and size of development, but this cannot be clearly defined due to the wide ranging nature of applications received. Whilst requiring all plans and documents to be submitted by a qualified

professional should ensure a high standard of submissions, it is not considered reasonable given the small scale nature of some applications received. It would be expected that all technical reports would be submitted by a competent professional.

Internal consultation responses

Comments have also been received from internal consultees. One of the issues raised is the need for bat scoping reports to be submitted at the validation stage. Bat scoping reports are required where applications involve demolition, impact on roofspace or where the proposals are likely to impact on bats. As set out in the draft validation checklist, the need for a bat scoping report is listed as information that may be required rather than as a local requirement that must be submitted with the application. In order to address this concern it is recommended that a bat scoping report is a local requirement for all major applications. However, this would prove to be an onerous requirement for householder and very small scale commercial applications, if it were required with all applications that involved demolition or impacted on roofspace. Therefore; to address this it is proposed that a self-certification form be introduced for householder and minor residential and commercial applications which would need to be submitted with the planning application. This would require the applicant to answer a series of questions relating to the age, condition and location of the property which would highlight those properties where the presence of bats is more likely to occur. Only in those instances where the presence of bats is likely, would the submission of a bat scoping report be a validation requirement. These changes are detailed below:

- In section 3 – householder applications, the document has been changed from;

This information may also be required to support your application

3.8	Householder application affecting roof space	All plans and drawings detailed in section 2 must be provided; A bat scoping survey may be required, with further surveys in some cases depending upon initial findings: Applications must assess whether proposals are likely to impact upon bats, which are a European Protected species. Good Practice Guidelines from the Bat Conservation Trust (2016) should be followed. Triggers for bat survey may include demolition, alteration of roof space or extension at the level of the eaves/roofline, favourable building condition, age and construction, evidence of nearby roosts and good quality habitat and existing trees to support bat species.	Policy GE3 of the Coventry Local Plan 2016 https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects Expert advice should be sought from a suitably qualified ecologist.
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To;

3.8	Householder application affecting roof space or including demolition	All plans and drawings detailed in section 2 must be provided; A bat scoping survey may be required, with further surveys in some cases depending upon initial findings: Applications must assess whether proposals are likely to impact upon bats, which are a European Protected species. Good Practice Guidelines from the Bat Conservation Trust (2016) should be followed. Triggers for bat survey may include demolition, alteration of roof space or extension at the level of the eaves/roofline, favourable building condition, age and construction, evidence of nearby roosts and good quality habitat and existing trees to support bat species. You will need to complete the following bat scoping self-certification form to determine whether or not a bat scoping report needs to be submitted with your application; link	Policy GE3 of the Coventry Local Plan 2016 https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects
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- In section 5 – minor residential development and section 6 – minor commercial development, the document has been changed from:

6.9	Bat Survey	All applications where the development proposals are likely to impact upon bats which are a European protected species	A bat scoping survey may be required, with further surveys in some cases depending upon initial findings: Applications must assess whether proposals are likely to impact upon bats, which are a European Protected species. Good Practice Guidelines from the Bat Conservation Trust (2016) should be followed. Triggers for bat survey may include demolition, alteration of roof space or extension at the level of the eaves/roofline, favourable building condition, age and construction, evidence of nearby roosts and good quality habitat and existing trees to support bat species.	Policy GE3 of the Coventry Local Plan 2016 https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects Expert advice should be sought from a suitably qualified ecologist.
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To:

	Bat Survey	Minor residential development where the proposals include demolition, affect <u>roofspace</u> or are likely to impact upon bats which are a European protected species	employed at town centres. A bat scoping survey may be required, with further surveys in some cases depending upon initial findings: Applications must assess whether proposals are likely to impact upon bats, which are a European Protected species. Good Practice Guidelines from the Bat Conservation Trust (2016) should be followed. Triggers for bat survey may include demolition, alteration of roof space or extension at the level of the eaves/roofline, favourable building condition, age and construction, evidence of nearby roosts and good quality habitat and existing trees to support bat species. You will need to complete the following bat scoping self-certification form to determine whether or not a bat scoping report needs to be submitted with your application; link	Policy GE3 of the Coventry Local Plan 2016 https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects Expert advice should be sought from a suitably qualified ecologist.
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The bat scoping self-certification form is currently being produced as an interactive questionnaire which applicants will need to complete and submit the outcome self-certification form with their application.

The other changes that are proposed as a result of the internal consultation responses are:

- Changes to the definition of the ‘sequential test’ in section 6.7 & 7.15 as this should not include a requirement to assess impact on viability. This has been changed from;

6.7	Sequential Test	Any proposals for retail and other Main Town Centre uses or office development that fall outside a defined centre.	The assessment should justify the scale of the development and an assessment of the impact upon the vitality of existing retail centres and locations. Details of the availability of other sites closer to a centre for the development will also be required together with reasons these sites were discounted. Evidence should be provided to show that there are no sequentially preferable sites.	NPPE Para. 86-87 Policy R4 of the Coventry Local Plan 2016 Policy JE4 of the Coventry Local Plan 2016
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To;

6.7	Sequential Test	Any proposals for retail and other Main Town Centre uses or office development that fall outside a defined centre.	The assessment should be prepared in accordance with national guidance and look at the availability of sites within the main town centre and other centres identified within the network of centres (identified in Policy R3). Only then should edge of centre and out of centre sites be considered. Details of the availability of other sites closer to a centre will be required together with reasons these sites were discounted. Evidence should be provided to show that there are no sequentially preferable sites.	NPPE Para. 86-87 Policy R4 of the Coventry Local Plan 2016 Policy JE4 of the Coventry Local Plan 2016
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- Changes to the submission requirements in Para 8.8 relating to prior notification applications to ensure that prior notification application proposing change of use to

residential include details on parking and noise where appropriate. This has been changed from;

8.8	Prior notification	Information to identify what is proposed	An application should include fully completed forms and information to fully identify what is proposed	Town and Country Planning (General Development Procedure) Order (England) 2015
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To;

8.8	Prior notification	Information to identify what is proposed	An application should include fully completed forms and information to fully identify what is proposed. If your proposals include residential accommodation a noise survey and assessment of any contamination should be provided where appropriate. Details of parking provision should be provided	Town and Country Planning (General Development Procedure) Order (England) 2015
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- Changes to the submission requirements in Para. 8.9 relating to prior notification demolition applications to ensure that sufficient information is provided to ensure that the demolition works are acceptable and the site is left in tidy condition. This has been changed from;

8.9	Prior notification demolition	Information to identify what is proposed	An application should include fully completed forms and information to fully identify what is proposed	Town and Country Planning (General Development Procedure) Order (England) 2015
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To;

8.9	Prior notification demolition	Information to identify what is proposed	An application should include fully completed forms and information to fully identify what is proposed. This should include a Construction and Environmental Management Plan (CEMP), a bat scoping report, details of the method of demolition, details of any hoardings and how the land will be left following demolition.	Town and Country Planning (General Development Procedure) Order (England) 2015
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- Changes to the submission requirements in Para. 8.10 relating to S.73 applications to ensure it is clear why the request to vary/remove the condition has been made. This has been changed from;

8.10	S.73 – Variation/ removal of condition application	Information to identify the original permission and condition to be varied	An application should include the fully completed application form. Where necessary plans should be provided in accordance with Section 2 .	S.73 of the Town and Country Planning Act 1990 Planning (Listed Building and Conservation Areas) Act 1990
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To;

8.10	S.73 – Variation/ removal of condition application	Information to identify the original permission and condition to be varied/ removed	An application should include the fully completed application form. Where necessary plans should be provided in accordance with Section 2 . A written justification as to why the condition should be varied/ removed.	S.73 of the Town and Country Planning Act 1990 Planning (Listed Building and Conservation Areas) Act 1990
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- Page numbers and a title footer has also been introduced to allow for clearer identification of the documents.
- It has also been noted that there is no reference to the size of document that needs to be submitted with applications. The size of documents submitted on-line needs to be limited. It

is recommended that this note is included in the introduction to the report and on the web-pages.

Conclusion

The public consultation on the new validation checklist has resulted in a small number of comments. In response to those comments minor changes are proposed to the document to clarify submission requirements.

There are 3 main changes proposed to the validation checklist: the introduction of a requirement for crime assessments; the introduction of a requirement for structural survey in heritage applications and; the introduction of the requirement for bat scoping assessments to be submitted following a self- assessment process.

Whilst these requirements were not included in the original consultation, the need for bat scoping reports was highlighted in the original document and this and the other additional requirements are in line with Local Plan policies. Therefore it is not considered they introduce any significant changes to the content of the document.

Due to the proposed changes it is officers intention to publish this consultation statement, which summarises the responses received and the proposed changes for an initial two week period prior to the adoption of the updated Validation checklist. As part of publishing this report officers will notify all parties who responded to the initial round of consultation and those who were initially notified of the consultation. This will ensure a fully transparent process. For clarity though, officers will not be seeking further general comments on the statement or proposed changes, instead any responses should focus on any matters of legal compliance that may identify the proposed changes inappropriate.

Recommendation

In accordance with the delegated authority agreed as part of the report to planning committee in February 2019, the Chair of Planning Committee is requested to:

- 1/ note the consultation responses received, which are summarised in this report.
- 2/ endorse the proposed changes to the Validation Checklist summarised in this report and publish this consultation statement for a period of 2 weeks between 10th April and 24th April 2019.
- 3/ delegate authority to the Head of Planning and Regulatory Services to adopt the updated Local Validation Checklist on or after the 25th April 2019 incorporating any further minor alterations required to ensure the Checklist remains justified and legally compliant.