

## **TRAFFORD COUNCIL**

**Report to:** Planning and Development Management Committee  
**Date:** 11 February 2021  
**Report for:** Decision  
**Report of:** Head of Planning and Development

### **Report Title**

**Revision of Application Validation Checklist**

### **Summary**

This report is to inform the Planning and Development Management Committee of the latest revision to the Application Validation Checklist and the key proposed changes and updates to the Checklist and to seek approval of the draft Application Validation Checklist for consultation purposes.

### **Recommendation**

- 1) That Members of the Planning and Development Management Committee note the contents of this report and approve the draft Application Validation Checklist for consultation purposes.
- 2) That the Head of Planning and Development be authorised to adopt the revised Validation Checklist in the event that following consultation, there are no significant alterations to the consultation draft.

### **Contact person for access to background papers and further information:**

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#### **1.0 Introduction and Background**

1.1 Paragraph 39 of the National Planning Practice Guidance (NPPG) category, "Making an application", states that "A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted "local list" which has been published on its website less than two years before the application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on a local list".

1.2 Paragraph 40 states that "The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified on an up to date local list published

on the local planning authority's website, information requested with a particular planning application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter, which it is reasonable to think will be a material consideration in the determination of the application.

1.3 Paragraph 43 states that "A local list should be reviewed at least every two years." It is therefore necessary to review the existing Application Validation Checklist and revise and update this where necessary. This is the third review of the checklist since it was first adopted in 2013, the most recent being in 2018. Paragraph 44 states that "Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation... Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be publicised on the local planning authority's website."

1.4 Once adopted, if the information that is required by the checklist is not included with an application and is considered by the Local Planning Authority to be reasonable and necessary in order to properly assess the application, the authority will be entitled to declare the application invalid. Conversely, applications which are validated are likely to contain sufficient information for a decision to be made and this should enable the Council to achieve a greater percentage of decisions within government timescales. However, it must be recognised that there may still be situations where a validated application will not contain all the information required for a decision to be made and the Council may seek additional information post-validation under the existing statutory provisions set out in the Town and Country Planning (Application) Regulations 1988.

1.5 A draft updated Application Validation Checklist (February 2021) has now been produced and is appended to this report. The overarching structure of the document has not been altered and it is split into three parts. Part one comprises a list of national requirements for all planning applications. Part two outlines a list of local requirements and part three outlines a short checklist for the most common types of applications. It is proposed that the Council now consults on the revised Application Validation Checklist for a period of six weeks and that any comments received are then taken into account in preparing the final version of the document.

## **2.0 Key Proposed Changes**

2.1 The key proposed changes to the 2018 document are summarised below.

2.2 References to the Use Classes Order have been updated throughout the document to take account of the changes introduced in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, in particular in relation to Class E which covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure).

### **2.3 National Requirements**

Only minor alterations have been made to this section.

## 2.4 Local Requirements

New requirements have been introduced as follows: -

- Accommodation Schedule – required for all new residential development including a requirement to set out the size of the residential units with a comparison with the Nationally Described Space Standards.
- Accurate Visual Representations – a form of computer visualisation required when a development is likely to have a significant effect on designated and non-designated heritage assets and / or the surrounding townscape. The representations would assist in the assessment of the visual effect of a development on designated views and are created to a high level of verifiable accuracy using collected survey data, precise photography and a strict recorded methodology in accordance with the Landscape Institute guidance, “Visual Representation of development proposals.”
- Daylight / Sunlight Assessment – required for any application where the proposal is likely to have an adverse effect on levels of light to adjoining sensitive land uses or future occupiers of the development. The Assessment would assess the impact of a development on sunlight and daylight received by future occupiers and occupiers of neighbouring development following the methodology set out in the Building Research Establishment’s (BRE) “Site layout planning for daylight and sunlight: A guide for good practice.”
- Equalities Statement – not a requirement but advisory for all publicly accessible buildings, facilities which provide an element of care and all major development to outline how the development would advance equality of opportunity for persons who share a relevant protected characteristic, having regard to the Equalities Act 2010 and specifically Section 149, the Public Sector Equality Duty (PSED). The Council’s duties under the PSED apply whether or not an Equalities Statement is submitted with a planning application.
- Façade Design Analysis – required in order to demonstrate the design principles of the proposed development. The Façade Design Analysis can form part of the Design and Access Statement and would include Concept Design - providing an illustrative assessment of a building’s height, proportions, access points, windows, materials etc. in the context of the surrounding area - and Development Design and Detailed Design - providing more detailed information including street scene elevations, sections, precedent images, materials specifications etc.
- Wind Impact Assessment – required for tall buildings and any other development that is likely to have an adverse effect on the wind micro-climate. The Assessment would indicate the impact on the comfort level of the public spaces within and surrounding the development, including a wind tunnel test.

The specific Tall Buildings requirement has been removed as this is now covered by the above new requirements.

Minor alterations have been made to the following sections: -

- Air Quality Assessment – Minor alterations to wording, including reference to the need to have regard to the GM Clean Air Plan, when carrying out Air Quality Assessments.
- Carbon Budget Statement – the threshold has been amended to apply to all residential developments of 10 units or more and all non-residential developments of 1000 square metres of floorspace or more, in accordance with Policy L5 of the Core Strategy.
- Flood Risk and Drainage – the text has been updated to reflect the new North West SUDS Pro-forma, which is a requirement for all applications for major development to confirm how surface water from a development will be managed sustainably under current and future conditions. The Pro-forma and accompanying guidance is appended to the checklist.
- Heritage Assessment – Minor alterations to wording.
- Noise Assessment – Minor alterations to wording including making specific reference to noise or vibration and to entertainment venues in the thresholds.
- Tree Survey – Minor alterations to wording.
- Trees – Applications for Works – Minor alterations to wording, in particular clarifying the requirements for notification of works to trees in conservation areas
- Viability Assessments – Minor alterations to wording, including an updated Viability Appendix.

### **3.0 Conclusion**

3.1 The proposed amendments are intended to ensure that the above validation requirements are in accordance with up to date national and local planning guidance and the up to date advice of relevant consultees and are reasonable and necessary in order to allow the proper assessment of planning applications.

### **4.0 Recommendation**

4.1 That the Planning and Development Management Committee note the contents of this report and approve the draft Application Validation Checklist for consultation purposes.

4.2 That the Head of Planning and Development be authorised to adopt the revised Validation Checklist in the event that following consultation, there are no significant alterations to the consultation draft.

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