

PLANNING APPLICATION VALIDATION STATEMENT

The Planning Statement and the Design, Access and Sustainability Statement embrace the supporting information potentially “required” by the Council. Placing the validation list in context, expectations should not go beyond requirements of legislation and of the good practice guidance. Central to this contention is the DCLG publication “**Guidance on Information Requirements and Validation**” published in March 2010 which supersedes “The Validation of Planning Applications – Guidance for Local Planning Authorities” (December 2007).

The new guidance reiterates the principles set out in the 2007 document more forcefully as local lists introduced by LPAs had become a tick box exercise and where too often information was requested without sufficient assessment of such was actually relevant. The newly published guidance states that the principles for any local list should be:

- Necessity
- Precision
- Proportionality
- Fitness for purpose
- Assistance

It is not within the remit of the LPA to refuse to register an application on the basis that it considers the quality of submitted information of an inappropriate standard.

Three key points arise from the update guidance:

- Efforts should be made to minimise the information that is required;
- A need to ensure that requests for information are relevant and in scale and kind to the application proposals;
- That applications should be validated unless there is sound and clear reason why they cannot be.

In raising this from the outset, this is not to say that areas, upon which the Council may seek information, are not regarded as material considerations or are irrelevant to the application proposal but clearly some balance and considered assessment is required in each case and applications should be validated unless there is good reason to the contrary.

LOCAL LIST DOCUMENTS

Existing Elevations: Submitted

Proposed Elevations: Submitted

Existing and Proposed Floor Plans: Submitted

Existing and Proposed Roof Plans: Submitted

DAS: Submitted

Affordable Housing Statement: This issue is covered in the Planning Statement and evidenced in the Financial Viability Statement

Biodiversity/Ecological Assessment: see Extended Phase I Habitat Survey

CIL: see CIL Liability Forms

Flood Risk Assessment: Flood Zone 1 – FRA Report plus Foul and Surface Water Drainage Assessment

Foul Sewerage and Utilities Statement: see above

Land Contamination Assessment: see Preliminary Geotechnical Report plus Desk Top Site Investigation Report in 4 parts

Landscaping: see landscaping plans

Noise Impact Assessment: N/A

Parking Provision: see Transport Assessment and Site Layout Plan

Planning Obligations: Regulation 122 requires that “a *planning obligation may only constitute a reason for granting planning permission if the obligation is:*

- a. necessary to make to the development acceptable in planning terms;*
- b. directly related to the development; and*
- c. fairly and reasonably related to the scale and kind to the development.”*

It follows that if the tests are not strictly adhered to contributions so sought would be unlawful. Accordingly it is essential that the Council properly evaluates potential contributions and advises the applicant at the earliest opportunity. The legislation requires the LPA to demonstrate that a contribution is required; it is not for the applicant to demonstrate that a contribution is not required. The onus is on the LPA to demonstrate its case. Accordingly the submission of a Planning Obligation in advance of a full assessment would suggest that the issue(s) may be prejudged. If the issue is prejudged then it follows that only lip service is being paid to the legal requirements of the CIL Regulations 2010. Having said this, the Council has adopted CIL and therefore, other than for the SPA and for AH, there should not be any Sec 106 contributions. In respect of AH please see the Financial Viability Assessment. If agreed the matter can proceed directly to a Draft Sec 106. However it is expected that the LPA will wish to assess the submitted information and in principle the applicant is prepared to meet the costs for this. The LPA's comments on this issue are awaited.

Statement of Community Involvement: see SCI Report

Transport Assessment: see Transport Statement

Tree Survey/Arboricultural Implications: see Arboricultural Report which includes a Tree Survey and a Arboricultural Implications Report; the Arboricultural Method Statement, the Tree Constraints Plan and the Tree Protection Plan

ADDITIONAL INFORMATION

Refuse and Waste Management Plan

Planning Statement

Verified Visual Images