

Chichester District Council

PLANNING COMMITTEE

8 November 2023

The Local List – Information required to support a valid planning application

1. Contacts

Report Author:

Jo Bell, Development Manager (Majors and Business)
Telephone: 01243 534899. Email: jbelle@chichester.gov.uk

2. Recommendation:

- 2.1 That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

3. Background

- 3.1. The Local List sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types within Chichester District, outside of the South Downs National Park (SDNP), for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC which are applicable within the SDNP. The CDC Local List includes the mandatory national requirements as specified within the Town and Country (Development Management Procedure) Order (DMPO) and additional information reasonably necessary to enable the Council to determine the application.
- 3.2 The National Planning Policy Framework (NPPF) at paragraph 44 states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." This is reiterated in the National Planning Practice Guidance which 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 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list." (Paragraph: 039 Reference ID: 14-039-20140306).

3.3 The Council's current Local List was last updated in September 2020, and therefore it is no longer possible to rely on the list for the validation of applications. The Planning Committee agreed an updated Local List for consultation on 16 August 2023. The public consultation was carried out for a period of 4 weeks ending on 12 October 2023.

4. Outcomes to be achieved

- 4.1. Agreement and endorsement of this document will:
- Provide improved information for developers and applicants involved in the submission of planning applications
 - Speed up the validation process
 - Assist planning and other services officers, consultees and interested parties in assessing planning applications by ensuring all the relevant issues are adequately addressed within the submitted application.

5. Proposal

- 5.1 Following consideration of the representations received (see section 8) number of amendments have been made to the local list. The changes include:
- A requirement for an Overheating/Ventilation Statement where measures to address the impacts of noise risk overheating or a negative impact upon amenity
 - Changes to the information provided regarding water neutrality and the guidance regarding provision of private water supplies and abstraction licences
 - Removal of the requirement for applicants to provide photos of the application site
 - Updated linked to documents and guidance where necessary
 - Amendments to the Transport and Parking Assessment sections including reference to circular 1/2022 and amended criteria for parking assessments.
- 5.2 It is important to note that the Local Validation List sets out the information requirements to submit a valid planning application. The local list must be reasonable having regard to the nature and scale of development proposals. Should further information be required to fully assess a proposal this can be sought during the course of an application. The local list must also be based on the information available at the present time.
- 5.3 It is not possible for the local validation list to control matters that are within primary legislation, such as definitions of prior approvals, or to introduce requirements for applications such as request for works to trees. Nor is it for the local validation list to provide information on other legislation, such as building control requirements, the onus is on the applicant to ensure that they meet all the legislative requirements of the separate consent regimes that they are likely to require as part of a development. It is also important that the requirements are proportionate, and it is not possible to request information that might be helpful, rather than a necessity, such as 3D images or computer

generated drawings. Therefore it has not been possible to incorporate some of the suggested amendments from consultees and third parties.

- 5.4 The proposal is therefore that the document as amended and presented as an appendix to this report is endorsed for immediate use in the validation of planning applications, and that delegated authority is given to officers to amend the document as necessary prior to its next formal review.

6. Alternatives considered

- 6.1 That the current list is not updated. This will result in the Council not being able to identify and require the additional supporting information required to determine an application at the validation stage, leading to delays in the consideration and determination of applications.

7. Resources and Legal Implications

- 7.1 There are no significant resource implications arising from the approval of this document as a document for the purpose of validating planning applications.

8. Consultation

- 8.1 A 4 week public consultation period has been carried out in respect of the proposed Local Validation List. All statutory and non-statutory consultees, parish councils and planning agents who regularly submit planning applications to CDC were notified directly. In addition the Council released a press statement and publicised the Local Validation List on social media to make residents and members of the public aware of the document.

- 8.2 Comments were received from 7 consultees and 6 third parties. A summary of the responses are set out below.

8.3 Natural England

Natural England does not have any comments on this draft Local List.

8.4 Southern Water

Comments provided regarding Water Neutrality and Odour assessments. Clarification provided regarding abstraction licences and private water supplies plus additional requirements concerning odour and the agents of change principles.

8.5 National Highways

In relation to 21. Transport Assessments, Statements and Road Safety Audits, the transport assessments/transport statements will need to reference, and be produced in line with, DfT Circular 01/2022. This is a fundamental change in how TA/TS's are produced so think it would be prudent to mention it in the validation list.

8.6 West Sussex County Council (WSCC) - Highways

Please find attached some very minor changes/updates that need to be added.

21A Transport Assessments and Transport Statements. Information required – both transport assessments and transport statements should include ...

- A Stage 1 Road Safety Audit (RSA) (only necessary if required under WSCC Safety Audit policy) and an RSA Response log in line with GG 119 in the format of the template detailed under appendix F of GG 119 must accompany any RSA.

23 Parking Assessment – when required. WSCC don't have any thresholds for when a parking assessment is required. LL should delete 2 stated thresholds and instead should be amended to require a parking assessment for all planning applications where there is an increased requirement for vehicle parking and/or where existing vehicle parking arrangements are changing.

8.7 CCAAC

General comments provided regarding Section 4 of Part II on Biodiversity and Ecology.

We have comments on other sections of Part II, including some clauses which should, in our opinion, be improved as follows:

Section 12 Lighting Assessment - This seems mostly concerned with external light sources and fails to address the problem of light leakage from internal sources via excessive numbers and/or sizes of roof lanterns or other rooflights

Section 16 Plans and drawings - It would be useful to add wording to the effect that all plans should be drawn to scale in a conventional manner rather than as free-hand sketches. In addition the use of 3D or perspective views to provide supplementary information should be encouraged.

Section 20 Sustainable Construction and Design - It is disappointing that there is no particular mention here about the unsustainability of uPVC. Published data from Historic England shows that it takes seven times more energy to make a uPVC window than a wooden one. uPVC is a material which does not last in ultra violet light and when buried in landfill does not decompose. Given CDC's declared commitment to address the Climate Emergency the use of uPVC should be actively discouraged and timber or aluminium used instead. On non-listed buildings within the Conservation Area the use of slim-line timber double glazing should be actively encouraged. The only mention of embodied energy is very superficial and it fails to encourage re-purposing rather than demolition of old buildings. Again, in the light of CDC's declared commitment to address the Climate Emergency, this should be an essential consideration.

Section 24 Trees - The poorest planning applications we see are by far those for tree works (TCA and TPO) which frequently comprise no more than a rough, not-to-scale sketch plan to support the application form which itself does not usually include enough information to justify the proposed works – especially so in the case of fellings. As such it is disappointing that only TPA and TPO trees within 15m of proposed building works are covered by this clause. There are no requirements laid down for applications for tree works per se. so it is not surprising that validated applications are so poor if there is nothing against which to validate them.

Applications for tree works should include:

- A scale site plan in accordance with Section 16
- Photographs
- An arboriculturalist's report for all except the most basic works, justifying the works.
- Replacement planting where felling is proposed

Section 25 Ventilation/Extraction Equipment - We are seeing increasing numbers of applications for changes of use to catering establishments within the city centre compounding potential nuisances from noise and air pollution, so the inclusion of the requirement for a report with reference to EMAQ (05-05-2022, 2nd Edition), Control of Odour and Noise from Commercial Kitchen Exhaust Systems - is welcomed.

There seem to be no requirements in any of the sections for provision of facilities for secure storage of waste, particularly for restaurants, leading to the unsightly proliferation of waste bags left out on the streets overnight when they are attacked by seagulls and their contents spread across the pavements.

8.8 CDC – Environmental Protection Team

New section proposed – Overheating and Ventilation

It is considered that the assessment of overheating and the provision of adequate ventilation and noise control are inextricably linked. Noise can be a material consideration at Planning. It is not accepted that, when required, an overheating assessment should be addressed post-planning. Overheating assessment and mitigation can have material impacts on design features, orientation of facades etc. As such, it should be incorporated into the design of a development as early as possible.

The revised edition of the Planning Noise Advice Document: Sussex (PNADS) should be referred to.

14 Noise Assessment

Minor updates to dates of documents

Amendment to 20. Sustainable Construction and Design Statement and 23. Parking Assessment To include provision of Electric Vehicle charging points requirements under Building Regulations (Part S)

8.9 Third party comments

6 third party comments have been received concerning the following:

- a) Concerns that the requirement for an arboricultural impact appraisal (AIA) only to works that come “within 15 metres of: 1) A tree the subject of a tree preservation order, either within the application site or on adjoining land, or 2) A tree that lies within a conservation area.” fails to give necessary weight to other trees which have not qualified to be the subject of a TPO. It would be appropriate to expand the new Local List requirements for tree information. At minimum, some calculation of before and after planned tree canopy cover (with a time horizon) would be useful.
- b) the Local List makes no reference to the information required of an applicant applying to undertake works to/fell a tree subject to a Tree Preservation Order.
- c) Local list is good and comprehensive except for the fact that I could not find any mention of energy sourcing for developments. Why has there not been something on this included so as to get developers to include whether they will include solar panels on roofs or ground source heat pumps or other similar energy-conservation ways of proving power for heating etc? The Local List should be amended to include such requirements.
- d) GDO- should definition/ examples of permitted development be part the local list, particularly class ‘O’ and ‘Q’?
- e) Waste Water Treatment - whilst Apuldram Waste Water Treatment Works (WWTW) continues to be a significant issues all WWTW feeding into Chichester and Pagham harbours have proven major issues associated with under capacity and resultant discharge of untreated/ partially treated waste water. Better proof of Southern Water’s (SW) capacity to accept new discharges from development should be a condition of registration combined with a statement from SW of what upgrade/ new infrastructure is required to accommodate any new development plus time scales and estimated costs.
- f) Environmental Gain - Whilst not entered legislation provision should be made for an addition to the ‘list’ require a development to define the nature of the environmental gain that will result from their proposals how it will be implemented and how it’s sustainability will be managed.
- g) According to media the requirement for a BNG of 10% + is likely to be delayed. I think the LPA should reconsider the wording of the current draft text of the LL as well as the need for this requirement to be part of the LL until the requirement to demonstrate a BNG of 10%+ becomes a mandatory requirement.
- h) Indirect impacts on Special Areas of Conservation (SAC) designated for bat species. Please could the LPA provide a clear map of where these ‘zones’ are?
- i) Photos showing the site and its surroundings. I could understand why there was a requirement for the provision of photographs of a site during the covid-19 pandemic. However, now that there are no longer restrictions in place restricting access by an officer to a site, I believe that this should now not be a validation requirement. Officers are able to take their own

photos of a site when visiting – or could request a particular photo of part of a site during the processing of an application.

- j) Agree that (a) the amendments proposed to all sections to make the requirements clearer and to update the references to current legislation, guidance and standing advice and (b) revision of new requirements to reflect nutrient neutrality, water neutrality and Biodiversity net gain are necessary and should be actioned.
- k) Mandatory requirement to submit CIL form 2 causes unnecessary delays in expense in the validation process. If a planning submission is not CIL liable, as should be confirmed by the submission of CIL Form 1, we do not believe it is necessary for the authority to request a copy of CIL Form 2: Assumption of Liability to validate the submission.
- l) Request that a proportionate approach to the information requested to support applications is applied and set out in the local list.
- m) Query whether it is necessary for evidence to be submitted that a development proposal would comply with building regulations, particularly with regards to water usage and carbon reduction, given that separate legislation is in place to ensure these requirements are met.
- n) Request further clarification on when a Flood Risk Assessment is required. There is a new requirement to provide a flood risk assessment where the Lead Local Flood Authority (LLFA), Environment Agency, and/or other bodies have indicated that there may be a drainage problem, such as the site (or its access) may be at risk of flooding from any means (including ground water).

9. Community Impact and Corporate Risks

9.1 The impact on the local community is expected to be positive as the document will ensure that customers are clear on the information required alongside and application and delays during the validation process whilst further information is sought will be reduced.

9.2 There are no corporate risks.

10. Other Implications

Are there any implications for the following?		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change Are there any implications for the mitigation of or adaptation to climate change? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact This document expands on the requirements of the National Planning Policy Framework and the National Planning Practice Guidance.		✓

Safeguarding The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk?		✓
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11. Appendix

11.1 Appendix 1 – The Local List – Information required to support a valid planning application.

12. Background Papers

12.1 None