



Leicester  
City Council

**WARDS AFFECTED: All**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Cabinet

**21<sup>st</sup> April 2008**

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**Planning Applications – Local Validation Requirements**

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**Report of the Corporate Director Regeneration and Culture**

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**1. PURPOSE OF REPORT**

- 1.1 For the Council to adopt a list of requirements for the validation of planning applications in line with Government advice.

**2. SUMMARY**

- 2.1 The Government has introduced a new standard electronic application form for applications for planning permission made under the Town and Country Planning system, which will be mandatory from 6 April 2008. Alongside this and to support the use of this standard application form, the Government has also introduced new information requirements for the validation of planning applications by local planning authorities.

- 2.2 In order to require more than the minimum nationally set to validate an application a local planning authority must have formally adopted a list of such requirements.

**3. RECOMMENDATIONS**

1. That the City Council adopt a local list of planning application requirements.
2. That the final content of the list be delegated to Service Director Planning and Policy within Regeneration and Culture taking into account any consultation responses

**4. REPORT**

- 4.1 Where local planning authorities have not adopted a local list and published it on their website then the default position for validating applications will be the statutory national requirements only.

- 4.2 The purpose of the new validation arrangements is to:

- provide a guide to the information that may be required at the outset of submitting a planning application;
- enable the local planning authority to provide applicants with certainty as to the information required;

- enable the local planning authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
- minimise the need for further submission of additional information in order to allow local planning authorities a reasonable opportunity to determine applications within targets;
- ensure consistency in the approach taken by different local planning authorities in registering and validating applications whilst recognising the need for variation appropriate to local circumstances.

- 4.3 The information sought should only be necessary for a decision to be made and should not require a level of detail to be provided that is unreasonable or disproportionate to the scale of the application. Local lists should take account of the Government's commitment in the Planning White Paper *Planning for a Sustainable Future* to reduce information requirements associated with the submission of planning applications.
- 4.4 The draft Local List has been produced jointly with the other Leicestershire and Rutland planning authorities.
- 4.5 The Draft list is based on the national guidance and would allow for some items to be required by specified local authorities only.
- 4.6 An index to the draft list and an extract to show an example of the requirements for one type of application are set out at Appendices 1 and 2.
- 4.7 A widespread public consultation was carried out between 8<sup>th</sup> March and 19<sup>th</sup> April.
- 4.8 The Planning and Development Control Committee on 6<sup>th</sup> February 2008 was consulted about the proposed local list.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1 Financial Implications**

- 5.1.1 There are no financial implications

*Martin Judson, Head of Finance, Regeneration and Culture x 297390*

### **5.2 Legal Implications**

- 5.2.1 The Town and Country (General Development Procedure) Order 1995 is to be amended to introduce a mandatory standard planning application form with effect from 6th April 2008. In preparation for this, the Government introduced draft Best Practice guidance in August of last year, with the final version of the guidance being issued in December. The guidance outlines the benefits of the validation process helping planning authorities such as the City Council to achieve, as the report says, good performance and providing greater certainty. The guidance provides information on 'local lists'. The suggestions contained in Appendix 2 accord with the guidance."
- 5.2.2 if an application includes all the information listed in national and local requirements it must be treated as valid.

5.2.3 The guidance indicates that the Council will be required to give reasons why it has declared an application invalid and to specify the information that can make an application valid. Where applicants do not agree with the requirement for additional information, they will continue to have a right of appeal on the basis of non-determination within either an eight- or thirteen-week period.

*Anthony Cross, Head of Litigation, extension 296362.*

**6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	NO	
Policy	NO	
Sustainable and Environmental	NO	
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly/People on Low Income	NO	

**7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

Report to Planning and Development Control Committee 6<sup>th</sup> February 2008.

**8. CONSULTATIONS**

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**9. REPORT AUTHOR**

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**Decision Status**

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)

## APPENDIX 1 - LOCAL REQUIREMENTS

<b>Page</b>	<b>Application type</b>
<b>2</b>	<b><u>Householder application for planning permission for works or extension to a dwelling</u></b>
<b>3</b>	<b><u>Householder Application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area</u></b>
<b>4</b>	<b><u>Householder Application for planning permission for works or extension to a dwelling and Listed Building consent</u></b>
<b>5</b>	<b><u>Application for Planning Permission</u></b>
<b>7</b>	<b><u>Application for Outline Planning Permission with some matters reserved</u></b>
<b>9</b>	<b><u>Application for Outline Planning Permission with all matters reserved</u></b>
<b>11</b>	<b><u>Application for Planning Permission and Conservation Area consent for demolition</u></b>
<b>13</b>	<b><u>Application for Planning Permission and Listed Building consent</u></b>
<b>15</b>	<b><u>Application for Planning Permission and Advertisement consent</u></b>
<b>17</b>	<b><u>Conservation Area consent for demolition in a Conservation Area</u></b>
<b>18</b>	<b><u>Listed Building consent for alterations, extension or demolition of a listed Building</u></b>
<b>19</b>	<b><u>Application for Advertisement consent</u></b>
<b>20</b>	<b><u>Listed Building consent for alterations, extension or demolition of a listed building and advertisement consent</u></b>
<b>21</b>	<b><u>Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition</u></b>
<b>22</b>	<b><u>Application for a Lawful Development Certificate for a proposed use or development</u></b>
<b>23</b>	<b><u>Application for prior notification of proposed agricultural development – proposed building</u></b>
<b>23</b>	<b><u>Application for prior notification of proposed agricultural development – proposed road</u></b>
<b>23</b>	<b><u>Application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm</u></b>
<b>24</b>	<b><u>Application for prior notification of proposed agricultural development – proposed fish tank</u></b>
<b>24</b>	<b><u>Application for prior notification of proposed development in respect of permitted development by electronic communications code operators</u></b>
<b>24</b>	<b><u>Application for Hedgerow Removal Notice</u></b>
<b>24</b>	<b><u>Application for prior notification – proposed demolition</u></b>
<b>25</b>	<b><u>Application for Approval of Reserved Matters following outline approval</u></b>
<b>26</b>	<b><u>Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)</u></b>
<b>27</b>	<b><u>Useful Supporting Information – Application for Approval of Details Reserved by Condition</u></b>
<b>27</b>	<b><u>Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in Conservation Areas (CA)</u></b>
<b>28</b>	<b><u>Explanation of requirements of Local Validation Requirements</u></b>

**APPENDIX 2**  
**Application for Planning Permission**

**(one example of a type from index in Appendix 1)**

Design and Access Statement to include: Highway Statement/Assessment, Environmental Statement, Supporting Planning Statement, Sustainability Appraisal which should include evidence of sustainable design consideration, Energy efficiency/Renewable Energy statement, Policy, Conservation Area assessment

<b>Requirement</b>	<b>Threshold</b>
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Biodiversity survey and report (Ecology Report)	Any demolition, mature trees affected, includes works to roof, within 500m of pond or developments affecting the rivers, streams, ditches, canals and lakes.
Daylight/Sunlight assessment	Where there is potentially a significant adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space
<i>Economic statement</i>	<i>This should be included where appropriate in the Design and Access Statement</i>
Environmental statement	Major developments - this should be included where appropriate in the Design and Access Statement Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990
Town Centre Uses – Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sqm including extensions in accordance with the advice in PPS6
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within floodzones 2 & 3 (direct to Environment Agency website) In accordance with PPS25
<i>Foul sewage and utilities assessment</i>	<i>It is not envisaged that an application of this type would require this</i>
<i>Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)</i>	<i>This should be included in the Design and Access Statement and should include Archaeological assessment Where site encounters an entry in the LCC SMR</i>
Land Contamination	Where contamination is expected

assessment	
Landfill statement	Only required in respect of a County Matter Application
Landscaping details	Existing and proposed
Lighting assessment	Where proposal includes floodlighting or where excessive illumination is proposed (e.g. illumination of car parks)