

Meeting date: 22 January 2020
Report to: Cabinet Member for Climate Change,
Planning and Housing



Subject/report title: Local Validation Criteria

Report from: Assistant Director – Growth and Development

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph:

1. Purpose of Report

- 1.1 To report the responses and comments received during the consultation on the draft updated Local Validation Criteria, and the Council's recommended response to those comments and to seek approval to the amended and final Local Validation Criteria.

2. Decision(s) recommended

- 2.1 To approve the Council's response to comments received during the consultation on the draft Local Validation Criteria.
- 2.2 To approve the amended and final Local Validation Criteria.

3. What is the issue?

- 3.1 To enable the Council to consider and formally determine a planning application it is important that sufficient information is provided by the applicant about the expected impact of the development.
- 3.2 Information requirements for the submission of a planning application fall into two categories, national minimum requirements and local requirements. The national requirements include the submission of a standardised application form, the

application fee and certain plans of the development.

- 3.3 The availability of an up-to-date list of local requirements, known as Local Validation Criteria, allows for the Council's Development Management team to request relevant information at the start of the application process. This supports the timely determination of applications.
- 3.4 From January 2013, Government Guidance has required for Local Validation Criteria to be reviewed every two years to ensure they remain relevant. If changes are required, then the local authority must consult on those changes before they are adopted.
- 3.5 Following an officer review of the current Local Validation Criteria against planning decisions made over the previous 12 months, four new categories of requirements were identified to bolster the document. This was approved by the Cabinet Member for Planning, Housing and Climate Change at the July 2019 decision making session. The new categories are as follows:-
- **Requirements No. 8:** Where a streetscene drawing is provided, this should be marked clearly as indicative and on a separate plan to all other scaled elevation drawings.
 - **Requirements No. 8, 9 and 10:** Further clarification is provided on the standard of plans required, including the requirement to include a scale bar on all plans to ensure all drawings can be measured electronically by interested parties, including residents, via the Council's Website.
 - **Requirement No. 9:** Applications for extensions to residential dwellings should indicate the '45 degree guideline' measured from the nearest neighbouring window that serves a habitable room. This is a key consideration as part of the Council's adopted House Extension Guidelines.
 - **Requirement No.10:** Applications which will result in a change to site levels or where existing level changes across the site vary by more than 0.3m should submit existing and proposed floor/site level plan.
 - **Requirement No. 31:** Applications for conversion of buildings within Green Belt locations to include a structural survey to show the building is capable of conversion without significant reconstruction. The submission of this document will ensure officers can properly assess a proposal against the policy requirement within Paragraph 146 of the NPPF which states the re-use of buildings is only appropriate provided that the buildings are of permanent and substantial construction.
- 3.6 Before a revised LVC can be adopted, it must be published for consultation with the local community and other stakeholders. Approval was granted to undertake public consultation on the updated version of the Council's Local Validation Criteria. Public consultation on a draft revised LVC has been undertaken for an eight week period between 2 August 2019 and 27 September 2019.
- 3.7 The draft LVC, in conjunction with the updated draft of the Statement of Community

Involvement document, which appears elsewhere on this Agenda, was consulted on in the following ways:

- Emails/letters were sent to specific, general and all other relevant consultees and stakeholders on the local plan consultation database;
- The draft LVC was available to view on the Council's website, at Council (Connect) offices and all libraries within the Borough;
- Stakeholders were given the option of responding to the consultation through an online consultation response portal, electronically by email or by post;
- The LVC and the consultation was promoted through Solihull 'Stay Connected' and the Council's Twitter and Facebook accounts.

- 3.8 Appendix A of this report sets out the representations that were received during the consultation on the Draft LVC. In Table 1, a summary of the comments is given, followed by the Council's recommended response to them and then any proposed changes to LVC are set out in the final column. Table 2 in Appendix A sets out the responses that were received through the Smart Survey that was carried out during the consultation and the Council's response and any proposed changes to the LVC.
- 3.9 The LVC has been amended in line with the proposed changes and the final LVC for which we are seeking approval is attached at Appendix B.
- 3.10 Overall, the document is welcomed and the responses are positive. In total, 26 responses were received. This was a mixture of email responses (19 responses) and responses received via the Survey (7 responses). Of those received by email there are: 3 statutory consultees, 6 writing in a personal capacity, 3 local interest groups, 1 Neighbourhood Forum and 3 Parish Councils, plus 2 planning practices on behalf of their clients. All responses to the Survey were from respondents commenting in a personal capacity. 5 out of 7 responses were received via the on-line Smart Survey and 2 were received in written format by post.
- 3.11 Comments received were helpful. Many expanded away from the 4 questions asked relating to new proposed requirements. Nevertheless, many comments received helped identify areas of the document that needed updating due to publication of latest planning policy and guidance. Other responses were keen to ensure the planning process is as user friendly as possible so that the public can navigate planning drawings in a simplified and meaningful way. On some occasions comments made were outside the scope of the consultation because they seek to introduce a step change in ways of working, which in itself would require further consideration and consultation. In such instances, these comments have not been taken forward (Please see Appendix A).
- 3.12 The main proposals following the consultation that have been taken forward are:-
- To incorporate four new categories of requirements as set out in para.3.5 but to include in all cases that the plan is orientate to OS Grid North.
 - Requirements 8, and 9 accepted as proposed but to include key written

dimensions showing minimum and maximum distances to all boundaries; width and depth of extensions must also be annotated on the plan are accepted.

- Requirement 10 (Site levels) accepted as proposed but to include a cross section through the existing and proposed site.
- To bring into line with the NPPF February 2019, both in terms of policy drivers and relevant paragraph numbers within the NPPF.
- Requirements have been updated to reflect up to date Policy drivers and terminology such as at requirements 17 and 18.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 No alternative options have been considered. The Council's current LVC was adopted in 2015. Since then, significant changes to the planning system have taken place. The Council's approach and processes in relation to determining planning applications has evolved to keep in line with planning guidance. The Council must have an up to date LVC to comply with national legislation and to reflect current best practice.

5. Reasons for recommending preferred option

- 5.1 Not applicable

6. Implications and Considerations

- 6.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan?

- Improve Health and Wellbeing -
- Managed Growth – One of the Council's priorities is 'securing inclusive economic growth'. Planning policy that is based on good consultation can help promote this
- Build Stronger Communities – Effective planning engagement and supporting the development neighbourhood plans helps contribute to the 'creating the conditions for communities to thrive' key programme.
- Deliver Value -

- 6.2 Implications for children and young people, vulnerable groups and particular communities:

- 6.2.1 No immediate implications as a result of this report.

6.3 Consultation and Scrutiny:

6.3.1 Government regulations identify 'specific consultation bodies' including organisations such as Natural England, Environment Agency and Historic England that the Council is required to consult.

6.3.2 In addition, the Council will directly consult with other relevant 'general consultation bodies' and those stakeholders on the local plan consultation database.

6.4 Financial implications:

6.4.1 No direct implications as a result of this report. The cost of the consultation, and its future requirements will be met from within existing budgets.

6.5 Legal implications:

6.5.1 The statutory tests, included in Paragraph 4.1 of this report, are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

6.5.2 The Planning Practice Guidance gives a recommended three step approach to reviewing a Local Validation Criteria:

1) Review the existing local list and identify drivers for each item on their existing local list of information requirements.

2) Consult the local community, including applicants and agents on the changed which are necessary.

3) Consultation responses should be taken into account by the Local Planning Authority when preparing the final revised list and finally published on the Council's website.

6.6 Risk implications:

6.6.1 None as a direct result of this report.

6.7 Statutory Equality implications:

6.7.1 None as a result of this report.

7. List of appendices referred to

7.1 Appendix A - Solihull Draft Local Validation Criteria: Summary of Consultation Comments and Proposed Changes

7.2 Appendix B – Amended Local Validation Criteria.

8. Background papers used to compile this report

8.1 Solihull Local Plan 2013

8.2 National Planning Policy Framework, February 2019

8.3 National Planning Policy Guidance

9. List of other relevant documents

9.1 Neighbourhood Plans