

Additional Information on Broxtowe Borough Council Local Validation Requirements

The elements listed below set out the recommended scope of information required by the Council to validate an application (in addition to the requirements of the National List), including thresholds and criteria for the submission of particular types of application. Applicants are encouraged to discuss proposals in advance of the formal submission of a planning application to ensure that the appropriate information is provided. The Council will continue to be able to request further information during the determination process and the application could still be deemed valid and then refused on the grounds of inadequate information, if the documentation submitted is subsequently found to be inadequate.

Note:

Major Applications

Include residential developments of 10 or more dwellings and office, retail and industrial developments involving 1000 square metres of floorspace or where site area is 1 hectare or over.

Minor Applications

Include residential developments of less than 10 dwellings and office, retail and industrial developments up to 1000 square metres of floorspace or where site area is up to 1 hectare.

Other Applications

Include householder developments, changes of use, listed buildings and applications to display advertisements.

Critical Dimensions and a recognised metric scale

All plans and drawings submitted are required to have critical dimensions and a recognised metric scale marked on them.

If plans are received without critical dimensions no further checks will be made until they are received. Critical dimensions include heights (including from ground level to eaves and to roof ridges and heights of any roof additions e.g. lanterns), width and length of all new buildings and extensions, and distances to site boundaries. These are necessary to ensure the plans are readable on our web site and to ensure that it is clear what you are applying for and what the Council is granting permission for.

Affordable housing statement

Policy 15 of the Broxtowe Part 2 Local Plan (2019) requires the provision of 'affordable housing' on all housing sites where more than 10 dwellings are proposed. The number of affordable units required varies across the borough and Policy 15 provides the detailed requirements.

The Council requires information and plans explaining the locations of any affordable housing and any market housing within a proposed development e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms.

If different levels or types of affordability or tenure are proposed for different units, this should be fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

Air quality assessment

For 'major' applications proposing development inside, or adjacent to an air quality management area (AQMA), or where the development itself could have implications for air quality, or where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. To support this, Policy 20 of the Broxtowe Part 2 Local Plan (2019) requires Electric Vehicle Charging points to be provided within all major developments.

Biodiversity Survey / Protected Species Survey

Policy 31 of the Part 2 Local Plan (2019) states that all proposals should seek to deliver a net gain in biodiversity and geodiversity and where the proposal would result in an increased use of a biodiversity asset, reasonable opportunities to enhance the asset should be taken. Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures, information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

Building For Life 12

Policy 17 of the Part 2 Local Plan (2019) requires the submission of an assessment for major development in relation to the 12 criteria of 'Building for Life 12'. Further guidance is available here: _

<https://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

Coal Mining Risk Assessment

Where a development is located within a 'Development High Risk Area', Policy 21 of the Part 2 Local Plan (2019) requires that a Coal Mining Risk Assessment is submitted.

Further guidance on this and a list of exempted development can be found at:

<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

Energy Efficiency / Sustainability Statement

For planning applications proposing new buildings, conversions and extensions, Broxtowe Borough Council requires the submission of a report detailing how the proposed development incorporates energy efficiency best practice measures in its design, layout and orientation. This requirement flows from Policy 1 of the Aligned Core Strategy (2014).

The report should detail the elements of the scheme that address sustainable development issues, including details of specific measures to minimise water and energy usage and the generation of waste and including the provision of micro renewables and sustainable drainage.

Policy 15 of the Part 2 Local Plan (2019) also requires at least 10% of all major residential developments to comply with M4(2) of the Building Regulations regarding accessible and adaptable dwellings. A statement and/or plans to demonstrate this requirement should be submitted with any major residential scheme.

Environmental Impact Statement

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which an Environmental Impact Assessment (EIA) is required. EIA may obviate the need for other more specific assessments.

Where an EIA is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when Broxtowe Borough Council decides whether to grant planning permission. Developers can

request a 'screening opinion' (to determine whether an EIA is required) from the Council before submitting a planning application. In cases where a full EIA is not required, the Council may still require environmental information to be provided.

Flood Risk Assessment

A Flood Risk Assessment (FRA) will be required for planning applications for development proposals of 1 hectare or greater in Flood Zone 1, less than 1 hectare in Flood Zone 1 where development could be affected by sources of flooding other than rivers or in areas which have critical drainage problems and all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SuDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with the Environment Agency. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Maps of flood zones are available using the government website:
<https://flood-map-for-planning.service.gov.uk/>

The Flood Risk Assessment may need to consider a Sequential Test and Exception Test approach. Further advice on flood risk assessment can be found here:
<https://www.gov.uk/planning-applications-assessing-flood-risk>

Foul sewerage assessment

A foul sewerage assessment should be provided for all 'major' applications and include a description of the type, quantities and means of disposal of any trade waste or effluent. All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system, then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers. The use of soakaways will require satisfactory percolation tests to have been undertaken. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

Health Impact checklist

Policy 24 of the Part 2 Local Plan (2019) requires a Health Impact Assessment Checklist to be submitted with any application for 50 or more dwellings, non-residential development over 5,000 m² and any other development likely to have a significant impact on health and well-being. Where there are significant adverse impacts, specific measures will be required to substantially mitigate the harm.

Heritage Statement (including Historical, Archaeological features and Scheduled Ancient Monuments)

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss their proposals with a Planning Officer. The following is a guide to the sort of information that may be required for different types of application:

For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), and analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings will be required. A structural survey may be required in support of an application for listed building consent.

For applications either related to or impacting on the setting of heritage assets, a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building/structure, its setting and the setting of adjacent listed buildings will be required.

For planning applications within a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.

Landscape

A Landscape Character Assessment will be required for all developments within, or affecting the setting of a local landscape character area. Policy 30 of the Part 2 Local Plan (2019) identifies these areas.

The assessment should demonstrate that the development is consistent with the 'actions' for the area concerned and makes a positive contribution to its distinctiveness.

Land Contamination assessment

'Major' applications proposing development on sites known to be contaminated, or which have been previously in use for industrial processes will need to be accompanied by a land contamination assessment.

On previously developed or other sites, surveys will need to be made to determine whether there are any issues of contamination arising from ground contamination and ground gas. Where contamination is identified, the proposed measures for remediation will need to be identified.

Investigations may require:

- Site Investigation
- Desk Top Study
- Detailed Invasive Investigation
- Remediation Strategy and Validation Report

The Council's Environmental Health officers may be able to offer guidance.

Lighting assessment

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of external lighting (except street lighting) and the proposed hours when the lighting would be on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. *'Lighting in the countryside: Towards good practice (1997)* is a valuable guide. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise impact assessment

Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered noise sensitive areas e.g. housing on major roads, should be supported by a noise impact assessment prepared by a suitably qualified acoustician.

The Borough Council's Environmental Health officers may also be able to offer further guidance.

Open Space assessment

For development within a public open space, planning applications should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to

demonstrate through an independent assessment that the land or buildings are surplus to local requirements and any such evidence should accompany the planning application.

The Part 2 Local Plan seeks the provision of Public Open Space or financial contributions through a S106 Obligation towards the upgrading of existing Public Open Space to meet the needs of the development for major housing applications.

Where the Council agrees to adopt recreational open space, a commuted payment will be negotiated for the ongoing maintenance of the provision through a Section 106 Planning Obligation.

Further information regarding 'Green Space Standards' can be found within Policy 32 of the Part 2 Local Plan (2019).

Other Plans

These include additional plans or drawings which may be required in certain circumstances, dependent on factors such as the location or characteristics of the site and the scale and nature of the development, for example, landscaping plans.

Parking and Access Arrangements

Most applications, including some householder applications, will be required to provide details of existing and proposed vehicle parking provision and access arrangements. These details could also be shown on a site layout plan. Nottinghamshire County Council as Highways Authority provide advice to the council in relation to parking provision for larger developments. Further guidance is contained in their Highway Design Guide:

<https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

Photographs and Photomontages

These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building. Electronic versions of photomontages can be submitted to aid in the presentation of such images at council Committee meetings.

Planning obligations - Draft Head(s) of Terms

Planning obligations (or "Section 106 Agreements") are agreements negotiated between local planning authorities and persons with an interest in the land (normally the developer), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Policy 32 of the Part 2 Local Plan (2019) gives details of likely Section 106 requirements, and a statement of the proposed Heads of Terms should be submitted with all major applications.

Further advice is available in paragraphs 54-57 of the National Planning Policy Framework:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Examples of areas where obligations may be sought:

- Open Space
- Education
- Transportation
- Biodiversity
- Community facilities
- Health
- Affordable Housing
- Flood mitigation measures

Applicants should also provide details of Title to the land or Office Copy entries with contact details of a Solicitor dealing with the matter.

Planning Statement

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. The proposal should also explain the Business Case for the development where necessary. Such statements would be beneficial for most applications, and are required for 'major' applications, although the content could be amalgamated with the Design & Access Statement. A separate statement on community involvement may also be appropriate.

Statement of Community Involvement

'Major' applications need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

The Council's Statement of Community Involvement (revised in 2009) is available on its website:

<https://www.broxtowe.gov.uk/media/2253/statement-of-community-involvement-2009.pdf>

A supplementary statement is also available at:

<https://www.broxtowe.gov.uk/media/3818/statement-of-community-involvement-supplement-2017.pdf>

Structural survey

A structural survey may be required in support of an application such as a proposed barn conversion or works to a listed building. The survey will need to be carried out by a qualified structural engineer and identify the condition of the building and any recommendations for remediation.

Telecommunications Development

Planning applications for mast and antenna development by mobile phone network operators should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Transport Assessment

The National Planning Policy Framework (paragraph 111) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal e.g. how nearby junctions will cope with any additional traffic. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance may be obtained from the county council highways officers.

Travel Plan

The National Planning Policy Framework (paragraph 111) advises that a Travel Plan should be submitted alongside planning applications which are likely to generate significant amounts of movement. A Travel Plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The Travel Plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site. Further advice is available from Nottinghamshire County Council here: <https://www.nottinghamshire.gov.uk/media/124515/travelplanguidance.pdf>

Tree survey/Arboricultural implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

The details should show the position, size, age, species, height and spread of the tree and an assessment of its condition and any appropriate remedial measures. Measures for protecting the tree during construction should also be detailed. Where remedial works are proposed, these should follow the guidance in BS 3998 Recommendations for tree works.

Impact assessment of retail, leisure, office or food and drink development outside town centres

Where an application proposes retail, leisure, office or food and drink development outside of town centres, the Part 2 Local Plan (Policy 13) requires an impact assessment if the development is over 2,500 sq.m. The NPPF provides some guidance on what should be included in such an assessment.

It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.

Ventilation/Extraction statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany some applications for the use of premises for purposes within Use Class E (i.e. Restaurants and cafes - use for the sale of food and drink for consumption on the premises) and some Sui Generis uses (i.e. Drinking establishments such as a public house or wine bar and hot food takeaways This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

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