

APPENDIX A

PART 2 LOCAL REQUIREMENTS

All applicants should aim for succinctness in their supporting documentation. However, a number of detailed reports may be necessary to support some applications. Where the supporting information for a major application exceeds 100 pages (excluding the application form itself), applicants should submit an executive summary not exceeding 1500 words of the whole scheme and should provide an overview of the proposal and a clear description of its key impacts.

The principal aim of a summary is to introduce the scheme to parties who are not familiar with the details of the proposed development, including statutory consultees and other local stakeholders.

If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement is likely to provide most of the necessary information. There is no need to further summarise the findings of the ES non-technical summary. Applicants should simply summarise any other key topics that are outside the scope of EIA.

It may also be useful for applicants with smaller schemes to provide a summary, especially if the application is accompanied by an executive summary. If any substantial changes are made to supporting documents during the determination period, the summary should be updated to reflect these.

Validation of Applications

This process is an administrative and effective check that statutory requirements have been met for a valid application. It is for the LPA to make sure that the necessary supporting information and fee (where applicable) has been provided by the applicant or their agent and once satisfied the LPA must proceed to determine the application within nationally set time periods specified within Article 20 of the General Development Procedure Order (GDPO).

The validation process is a quantitative exercise and not a qualitative one and as such the quality of what is submitted should be a matter of judgement during the determination process not the validation process.

Not all information on the local list is required for each and every planning application and LPA's must take a reasonable and proportionate approach on what is or is not required. Where an application is not accompanied by the information required by a LPA, the applicant is required to submit a short

statement and justification as to why it is not appropriate in the particular instance.

If a submitted application lacks the necessary information as stated on the local list, then the LPA is entitled to invalidate the application and so decline to determine it or determine it as it stands on the basis of the information supplied prior to validation (see notification of validity/invalidity below).

For larger or more sensitive schemes, applicants should seek agreement over the requirements through pre-application discussions reflecting local context and clear advice. Disputes about what should or should not be provided ought to be resolved through discussion as there is no right of appeal to resolve the conflict in views. That said, there are still other channels available such as the judicial review process on legal grounds.

If LPA's consider that the quality of the supporting information is inadequate, an applicant may appeal to the Planning Inspectorate under section 78 of the Town and Country Planning Act 1990 with the relevant ground being non-determination within the 8 or 13 week determination period.

Notification of Validity/Invalidity

Once an application is received and is accompanied with the necessary information and fee, it shall be validated and proceed through the assessment process through to determination. The fee paid for any applications received will be banked immediately on receipt for security reasons.

Notification shall be provided to the applicant in writing or in similar terms such as email, confirming the validity/invalidity of the application and the statutory start date and determination period. Currently Bury Council does this on average in 2 working days for all applications and 3 to 5 working days for major applications. The national requirements are 3 to 5 days and up to 10 days respectively.

In the event of an application being submitted and being invalid, the LPA shall notify the applicant or agent in writing that this is the case and will request additional information.

21 days will be allowed for the additional information to be provided. After 21 days, the application will be registered and the assessment/determination process shall begin either with or without the requested information and will be based upon the information received at the point of registration.

Additional information will not be accepted after validation and should the scheme alter as a result of the additional information, a fresh planning application should be submitted and the one in process withdrawn.

Statutory fee regulations will still apply.

Application Contents

1. Supporting Planning Policy/Guidance Statement

To explain how the proposal relates in policy terms to national and regional planning guidance, the development plan and adopted Supplementary Planning Guidance; and as they emerge, the Local Development Framework (LDF) and Supplementary Planning Documents.

Threshold:

All "major" developments

Developments not in accordance with the development plan/LDF

And other developments if specified in pre-application advice.

2. Planning Obligations/Draft Heads of Terms

To explain how the applicant proposes to resolve planning requirements in relation to infrastructure and service provision made necessary by the development and any other matters which it is anticipated would need to be the subject of a s106 planning agreement or obligation.

Threshold:

All applications which generate requirements for planning obligations in accordance with the Council's adopted Unitary Development Plan and the associated Supplementary Planning Guidance Notes on specific topics

And other developments if specified in pre-application advice.

Examples of such requirements include:-

- recreation provision for future residents of a housing development (see 5)
- the provision of affordable housing (see 3)
- the provision of public artwork. (see 22).
- Employment land (see 24)
- Canal improvements as required by UDP policies R4/7, EN1/7, EN10/2 and OL5/3

Where there is to be a s106 Agreement an application should be accompanied by a completed pro-form which will be provided on request.

One of the reasons for delays on major applications is the failure to reach completion on a s106 Agreement without which the proposal would be unacceptable. The complex nature of legal agreements means that it can lead to a lengthy process for drafting them. It is, therefore, a requirement

that all such legal agreements and their contents should be discussed with the Council as fully as possible during pre-application discussions and that all applications where such an agreement is required shall include with them Heads of Terms and all the required information required via the s106 pro-forma in order to make the application valid. Where this information is not submitted the application will be considered to be invalid.

3. Affordable Housing Statement

To explain what, if any provisions are to be made for affordable housing, including size and tenure of dwelling units and arrangements with social housing providers. Statements should take into account the Council's adopted Supplementary Planning Guidance contained in Development Control Policy Guidance Note 5 – Affordable Housing Provision in New Residential Developments.

Threshold:

All applications providing 15 or more dwellings,

Other cases where the proposal specifically provides for affordable housing.

Furthermore, a pro-forma available on request should be completed accompany any application where there is an intention to complete a s106 Agreement concerning affordable housing provision.

4. Sunlighting/Daylighting Assessment

To assess the impact of proposals on adjoining properties, including associated gardens or amenity space, in respect of day lighting and sun lighting.

Threshold:

All applications involving new buildings of four or more storeys in height, where adjoining other developed land,

Situations where the application site is itself subject to significant shading from adjoining buildings or trees.

And other developments if specified in pre-application advice.

5. Amenity Space/ Recreational Provision

All applications involving new residential development will be required to show amenity space to be associated with the development, or to justify lack of provision or under provision.

Threshold:

All new residential proposals

and other developments if specified in pre-application advice.

Applications involving 10 or more dwellings will be required to make provision for the recreation needs of the prospective residents in accordance with Policy RT2/2 of the Bury Unitary Development by either on site provision or by providing a commuted sum to the Council for the equivalent enhancement of public open space or recreational provision in the nearby area. The provision through a commuted sum will require a s106 Agreement and the application needs to be accompanied by a completed pro-forma which will be provided on request.

6. Heritage Statements/ Listed Building Character Assessment/Conservation Area Appraisal

As a result of legislative changes which took effect on 10 August 2006, applications for listed building consent will be required to be accompanied by a design and access statement. Regulation 3A of the Listed Buildings Regulations (as amended) sets out the detailed requirements for such statements. Broadly, the statements should indicate the design principles and concepts that have been applied to the proposed works, and (other than in the case of works only affecting the interior of the building) how issues relating to access to the building have been dealt with. The statement should explain how the principles and concepts referred to have been applied to the aspects of scale, layout and appearance, and have taken account of

- (i) the special architectural or historic interest of the building;
- (ii) the particular physical features of the building that justify its designation as a listed building; and
- (iii) the building's setting.

A contextual Conservation Area Appraisal will be required for applications for planning permission (apart from change of use) on sites within conservation areas, or affecting the setting of a conservation area, and applications for conservation area consent.

The appraisal should address how the proposal has been designed to have regard to the character and/or appearance of the conservation area and to explain how the proposal enhances or preserves the character or appearance of the conservation area. The appraisal could form part of a Design and Access Statement.

Any proposals that involve a Listed Building or may affect the setting of a Listed Building, scheduled monument or conservation area will be required to be accompanied by a statement of any impact. Any statements, assessments or appraisals submitted should reflect the content of Appendix A published in "A Charter for English Heritage Advisory Services".

It is recommended that any Design and Access Statement or Conservation Area Appraisal should be accompanied by appropriate photographs.

7. Transport Assessment/Transport Statement

A Transport Assessment will be required for developments likely to have significant transport impacts. Its purpose would be to quantify and assess the impact of the proposals on traffic movement and highway safety; to quantify and assess how the development could be accessed by alternative transport modes and how such alternative modes would be promoted, including, where appropriate, green travel plans; and providing details of any proposals for access or transport improvements.

A Transport Statement will be required when the development is expected to generate relatively low numbers of trips or traffic flows with minor transport impacts. Its purpose would be to cover matters such as trip generation resulting from the development, improvements to site accessibility, car parking provision and internal vehicular circulation, traffic impacts of servicing requirements and the net level of change over any current development within the site.

Thresholds:

Land use	No assessment	Transport Statement	Transport Assessment and Travel Plan
A1 Food Retail	<250m ²	>250 <800m ²	>800m ²
B1 Business	<1,500m ²	>1,500 <2,500m ²	>2,500m ²
B2 General Industrial	<2,500m ²	>2,500 <4,000m ²	>4,000m ²
B3 Storage or Distribution	<3,000m ²	>3,000 <5,000m ²	>5,000m ²
C1 Hotels	<30 beds	>30 <50 beds	>50 beds
C2 Dwelling Houses	<50 units	>50 <80 units	>80 units

The above requirements are not exhaustive and there may be a need for additional information and assessments, depending on local circumstances. The key issue is that the scope of any Transport Statement or Transport Assessment should be agreed at the pre-application stage between the appropriate authorities and the developer.

In addition to the thresholds which relate to the size of the development, there are also a number of other factors which would indicate that a development may require a full Transport Assessment. These include any development:

That does not conform to the local development plan

Generating 30 or more two-way vehicle movements in any hour

Generating 100 or more two-way vehicle movements per day

Proposing 100 or more parking spaces

That is likely to increase accidents

Generating significant freight movements

Proposed in a location where local transport infrastructure (including public transport, walking/cycling facilities) is inadequate

Proposed in a location within or adjacent to an Air Quality Management Area

8. Parking and Servicing Details

Details of existing and proposed parking provision, including cycle parking, and to justify the level of provision.

Thresholds:

All non householder applications

For major applications, applicants will be required to justify proposals which exceed the Council's maximum parking standards.

In the case of householder applications, details of existing and proposed parking details may be required for proposals where existing parking would be lost.

And other developments if specified in pre-application advice.

9. Environmental Pollution

In situations not covered by the Regulations, Environmental Assessments may nevertheless be required, to explain how the proposal addresses and mitigates against issues such as air quality, external noise and contaminated land.

Thresholds:

A) Air Quality – To cover where a development because of its scale and nature is likely to have significant impacts on air quality particularly where such impact is likely to be particularly important, for example as follows:

- Where the development is being proposed inside or adjacent to an Air Quality Management Area (AQMA)
- Where it could in itself result in the designation of an AQMA

- Where a development would conflict with or render unworkable elements of the Council's Air Quality Action Plan.

B) Noise – For developments that could lead to a noise nuisance to nearby occupiers and/or amenity users and for development close to a permanent source of noise e.g. a main road or motorway.

During pre-application discussions advice should be sought from both the planning officer and the environmental health officer about requirements for sound insulation in residential and commercial developments.

Sound insulation issues should be covered in the supporting statement for applications for change of use of premises under, over or adjacent to residential development or which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals or schools.

C) Contaminated Land – For all new development with a sensitive end use (e.g. residential, nurseries, schools) a minimum of a Preliminary Risk Assessment (PRA) will be required regardless of the history of the site, contaminated or otherwise. Also, for all new developments on land which has the potential to be affected by contamination a PRA will be required as a minimum.

Dependent on the site and end use and the potential for contamination to affect the development proposals, it may be a requirement that a PRA, Site Investigation and Risk Assessment and Remediation Strategy need to be submitted with the application.

In regard to householder applications it will not be a requirement to for a PRA to accompany these. However, in cases where the property is within 250m of a known landfill site then remediation/precautionary measures may be required.

It is essential for applicants to address potential pollution matters early in pre application discussions with planning officers. Also, additional technical advice should be sought from Environmental Services or, in the case of water environment pollution concerns, from the Environment Agency.

10. Retail Impact Assessment

To assess the impact of a retail development on the vitality and viability of the town centre and other local shopping centres, and to address tests applied by PPS6 in relation to the location of, and need for, proposed retail development.

Thresholds:

Assessments will be required in respect of all proposals resulting in significant changes in the level of retail floor space on site.

Retail developments of over 2,500 sq metres gross floor space.

And other developments if specified in pre-application advice.

11. Flood Risk Assessment

A flood risk assessment (FRA) should address the issue of flood risk to both property and people. PPS25 – Development and Flood Risk and the associated practice guide, provides comprehensive guidance in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Thresholds:

All development which is to be carried out on land within Flood Zones 2 or 3

All developments on sites above 1 hectare in Flood Zone 1

Use of standing advice

12. Archaeology

To address issues relating to archaeological investigation of the site and the preservation and/or recording of archaeological deposits.

Thresholds:

Development involving the disturbance of ground in areas that are the subject of major development proposals or significant infrastructure works, where archaeological remains may survive, or where archaeological remains may survive as identified in the Sites and Monuments Register..

And other developments if specified in pre-application advice.

13. Ecology Assessment

An ecological impact report shall be provided to assess the impacts up on protected flora and fauna and potential impacts and the mitigation for such impacts.

Thresholds:

Proposals on sites within or adjacent to Sites of Biological Importance, Local Nature Reserves and Wildlife Links and Corridors as identified in the Unitary Development Plan.

Proposals to demolish or remove a building, roof or roof space, remove trees, scrub, and hedgerows or alter water courses will need to include

information on species present and potential impacts and the mitigation for such impacts.

In respect of sites with known protected or priority species and habitats. Further information can be accessed through

www.bury.gov.uk/Environment/LandAndPremises/Conservation/Biodiversity/interest.

14. Tree Surveys

The survey should be undertaken by or under the guidance of a qualified arboriculturalist in accordance with the recommendations set out in BS 5837:2005 and should include the positions of all trees of 75mm stem diameter at a height of 1.5 metres within the site and adjoining or overhanging the site boundaries; the canopy spread of such trees; all shrub masses and hedges, and any other relevant features of the site such as banks, slopes, walls and fences and water features. Details of the trees should be recorded and the trees should be categorised in accordance with the tree categorisation method set out in BS 5837:2005.

Thresholds:

All applications involving new development on sites containing significant tree cover, or individual specimen trees, or trees which are the subject of a Tree Preservation Order,

For householder applications, any proposals involving development within two metres of the canopy spread of any tree(s) should indicate the position and spread of the tree(s) on the application plans.

15. Hard and Soft Landscaping Details

All developments (apart from change of use not involving works) should be formulated with the landscaping of the site in mind. Landscaping should form part of the design concept for the site, and not as a separate process or afterthought after the buildings have been designed. There should be reference to landscaping in the design and access statement and detailed landscaping proposals should be included which follow from the design concept. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Landscaping schemes should include:

- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.);

(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/planting densities where appropriate;

(d) Existing vegetation to be retained together with measures for its protection during the course of construction.

Thresholds:

Applications for full planning permission (apart from change of use) should preferably be accompanied by a fully detailed scheme, as above. There is a minimum requirement for proposals to indicate the intended landscape structure, which should be cross-referenced with the design and access statement.

Applications for reserved matters for landscaping will not normally be considered separately from layout and scale.

Householder applications should be accompanied by landscaping proposals, in circumstances where the proposal would be particularly prominent or result in the loss of significant existing landscape features.

And other developments if specified in pre-application advice.

16. Ventilation/Extraction Details

Details are required for the position and design of ventilation and extraction equipment, including elevational plans of the ducting, odour abatement techniques and acoustic (Noise) characteristics.

Thresholds:

All applications for the use of premises for purposes within Use Classes A3, A4 and A5.

This information should be accompanied with HVAC compliance specialist confirmation of acceptability (excluding odour abatement techniques unless specifically required) and will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction is proposed to be installed.

17. Refuse Disposal Details

Details of proposed facilities for the storage and collection of refuse, including recycling facilities and access for refuse collection vehicles.

Thresholds:

All proposals involving the creation of new dwellings or new retail, business, industrial or leisure or other similar developments

And other developments if specified in pre-application advice.

18. External Lighting Details

Details of any external lighting and the proposed hours when the lighting would be switched on will be required where they are proposed. These details shall include a layout plan with beam orientation, a schedule of the equipment in the design, and a lighting diagram showing the intensity of illumination.

Thresholds:

All 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,

And other developments if specified in pre-application advice.

19. Statement of Community Involvement

This will be required where proposals are likely to generate significant public interest and the statement shall include the views of the local community, and where appropriate the views of Statutory Consultees have been sought and taken into account in the formulation of development proposals.

Thresholds:

All major planning applications

And other developments if specified in pre-application advice.

20. Structural Survey

This will be required to support applications for the conversion of a rural building in the Green Belt to demonstrate that it is capable of conversion without major or complete reconstruction.

To support applications for the erection of buildings on sites where there is a possibility of land instability.

In some cases structural information would be required to support applications for listed building consent or conservation area consent.

21. Existing and Proposed Levels

It is necessary for applications to demonstrate how proposed buildings relate to existing site levels and neighbouring development.

Plans should, therefore, show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining land and buildings. Levels should also be taken into account in the formulation of design and access statements.

Thresholds:

All applications involving new buildings or extensions.

22. Public Art Statement

The Council's Supplementary Planning Guidance in Development Control Policy Guidance Note 4 – Per Cent for Public Art indicates that contributions or provision may be sought for Public Art. The statement should indicate how the proposal addresses this requirement. If a s106 Agreement is to be made in this regard the application should be accompanied by completed a pro-form which will be provided on request.

Thresholds:

Residential development comprising 25 or more dwellings

Other development where the gross floor space to be built is 2500 sq m or more or where the site area is 1ha or more, including office and retail developments.

And other developments if specified in pre-application advice.

23 Crime Impact Statements

A statement of how the application has taken into account existing crime in the area and how the development has been designed to both address issues of crime and minimise its impact on the safety and security of the area.

Thresholds:

All major planning applications

Residential

Residential Development (new or conversions) where ten or more units are created

New build or conversion to student accommodation where six or more units are created

New build schemes or conversions for supported housing e.g. rest homes, nursing homes and hostels

Office/ Industrial / Warehousing

Any scheme where 500sqm gross or more of floor space is created

Retail

Any retail scheme where 500sqm gross or more of floor space is created

Community facilities

All schools new or significant extensions thereof where 500sqm gross or more of floor space is created

All health facilities new or significant extensions thereof where 500sqm gross or more of floor space is created

Community centres / meeting halls

Religious buildings

Day nurseries / crèches

Leisure / Recreation

All new leisure/recreation facilities, both public and private, or significant extensions thereof where 500sqm gross or more of floor space is created

New Public open space, canal developments

New Hotels
Licensed premises
Clubs/discos

Transport Infrastructure

New train /tram stations or significant alterations / extensions to existing facilities.
New bus / coach stations or significant alterations / extensions to existing facilities.
All free standing and multi storey car parks.

And other developments if specified in pre-application advice.

24. Employment Land

In situations where permission is proposed to develop existing employment land for an alternative use (eg residential) a report will be required justifying the proposals in the context of UDP policy EC2/2 where the Council are seeking to retain existing employment land and premises. The report will need to demonstrate that the site is no longer suited to employment use and further satisfy the requirements of the Development Control Policy Guidance Note 14 – Employment land and Premises.

25. Coal Mining Reports

All new developments will need to have regard to previous or current mine workings and features. For the majority of the Borough, standing advice will suffice. In some instances there may be a higher level of risk and in these instances, a coal mining report assessing the proposal and the ground will be required.

Thresholds

All development that breaks the ground within areas of pre-identified area of high risk (using Coal Authority mapping),

Areas of land subject to development that have known mine shafts or capping.

APPENDIX B LOCAL REQUIREMENTS BY APPLICATION TYPE

This appendix lists the Local requirements that may be required for each type of application together with any variations to the National Requirements (as Part 1 unless stated).

Householder Applications

Local

Listed Building Character Assessment/Conservation Area Appraisal (6)

Parking and Servicing Details (8)

Tree Surveys (14)

Hard Landscaping Details (15)

Existing and Proposed Levels (21)

National:

Only 2 copies of plans and forms required

Full Planning Applications

Local

All

Outline Planning Applications

Local

All

Application for Approval of Reserved Matters

Local

All

National:

Ownership certificates not required

Conservation Area Consent for Demolition

Local

Supporting Planning Policy/Guidance Statement (1)

Listed Building Character Assessment/Conservation Area Appraisal (6)

Ecological Assessment (13)

Tree Surveys (14)

Structural Survey (20)

Listed Building Consent

Local

Supporting Planning Policy/Guidance Statement (1)

Listed Building Character Assessment/Conservation Area Appraisal (6)

Ecological Assessment (13)

Tree Surveys (14)

Advertisement Consent

Local

Supporting Planning Policy/Guidance Statement (1)

Listed Building Character Assessment/Conservation Area Appraisal (6)

Hard and Soft Landscaping Details (15)

Tree Surveys (14)

External Lighting Details (18)

National:

Ownership certificates not required

Lawful Development Certificate

Local

Supporting Planning Policy/Guidance Statement (1)

National:

Ownership certificates not required

Evidence to verify the information

Prior Notification for Agricultural Development

Local

Supporting Planning Policy/Guidance Statement (1)

National:

All Part 1 requirements replaced by

A completed form

A plan indicating the site

The appropriate fee

Prior Notification for Telecommunications.

Local

Supporting Planning Policy/Guidance Statement (1)

Environmental Pollution (9C)

Statement of Community Involvement (19)

ICNIRP certification

Demonstration of area of search

Details of alternative sites

Map showing relationship to schools and other telecommunications equipment in the vicinity.

Supplementary Information template (Annex F of the Code of best practice)

Technical information and justification

Visual impact assessment

National:

Ownership certificates not required

Evidence that the developer has given notice of the proposed development

Prior Notification for Demolition

Local

Supporting Planning Policy/Guidance Statement (1)

Ecological Assessment (13)

Tree Surveys (14)

Structural Survey (20)

Demolition methodology

National:

All Part 1 requirements replaced by

A completed form, location plan and description of the development

A statement that the applicant has displayed the appropriate notice (GPDO 1995)

The appropriate fee

Application for Hedgerow Removal Notice

Local

Supporting Planning Policy/Guidance Statement (1)

Ecological Assessment (13)

Tree Surveys (14)

National:

All Part 1 requirements replaced by

A completed form

A plan showing location and length of the hedgerow

Evidence of the date of planting

Application for Removal or Variation of a Planning Condition.

Local

All

Application for Approval of Details Reserved by Condition

Local

Supporting Planning Policy/Guidance Statement (1)

Completed application form (2 copies)

Location plan (2 copies)

Plans and information necessary to describe the subject (2 copies)

Application for Tree Works

Local

Supporting Planning Policy/Guidance Statement (1)

Ecological Assessment (13)

Tree Surveys (14)