

## Appendix P: Draft version of “Local Validation Guidance – Chapter 14: Applications for the discharge of conditions (also known as approval of matters reserved by condition) or those seeking confirmation of compliance with conditions”

### Key

**Blue highlight** = hyperlink to be inserted to link to relevant page/section in the Local Validation List (Appendix B)

**Yellow highlight** = hyperlink to be inserted to link to the relevant page in another chapter/section of the Local Validation Guidance (Appendices C to R)

**Pink highlight** = hyperlink to be inserted to the webpage on which the List and Guidance documents will be published

**Green highlight** = hyperlink to be inserted to link to the Index document which is to be published alongside the List and Guidance Documents (Appendix S)

## Chapter 14: Applications for the discharge of conditions (also known as approval of matters reserved by condition) or those seeking confirmation of compliance with conditions

### Introduction

Such applications are required when insufficient information has been supplied on the initial planning, listed building, advertisement or Prior Notification application, and the Local Planning Authority has decided it is appropriate to condition the submission of certain details rather than refuse consent on the basis of lack of information.

Therefore, such applications can potentially be avoided if relevant information is supplied upfront with the initial application, although in some cases conditions requiring discharge cannot be entirely avoided as sometimes issues arise during the course of the planning/listed building consent application process and they are not matters that can be resolved during the timeframe of determination of that application.

Some common examples of documents that could be supplied upfront with initial applications for Planning Permission, in order to reduce the potential for pre-commencement conditions to be imposed, include but are not limited to:

- Full and precise details of all external materials including type, brand, colour, finish, bonding pattern etc.
- Construction Management Plan/Method Statement,
- Joinery and Window Details,
- Lighting Assessment/Details of Lighting Schemes,
- Tree Protection Measures,
- Archaeological Assessments

## Personal or Sensitive Data

Please note all Planning and Planning related applications (i.e. listed building consent, advertisement consent, applications for details reserved by condition etc) are held in the public domain. The majority of plans and other documents submitted with an application, and any consultee responses received during the consultation process are required under The Town and Country Planning Act 1990 (as amended) to be held in a Public Register, which in the case of East Suffolk is held electronically and can be accessed by anyone via the [Public Access](#) pages of our website.

Therefore, please bear in mind that anything you submit is likely to be published online. We do redact certain personal details such as personal contact phone numbers and email addresses, but if you are making statements of a personal nature revealing certain personal details such as the reasoning behind a proposal for an extension being linked to a disabled member of the family, they will not necessarily be redacted from the application description (see [below](#)) and whilst in accordance with our [Privacy Statement](#) we will seek to redact such references from separate reports/documents it is useful if you can highlight this at the submission stage.

In terms of those commenting on applications, as explained in our [Privacy Statement](#), we publish the postal addresses of those making representations. These are required to enable those reading them to understand and applicants/agents to potentially seek to overcome any objections or concerns raised. For example, if the neighbour objects on the basis that an extension would result in a loss of light to their living room, the reader needs to know which property is concerned about light loss to see if it is something that can be overcome by amending the scheme by say moving the extension away from the boundary with that property.

## Application Descriptions

Descriptions on applications seeking to discharge conditions or gain approval for matters reserved by a condition on a previous Planning Permission or Listed Building consent should make it clear which conditions the application is seeking approval/discharge of, and on which consent those conditions are. It is also useful if the application description include a word or short phrase summarising the condition, without writing an essay.

For example, a good description would be:

“Discharge of Conditions 3 (Materials), 6 (Landscaping details) and 9 (Surface water drainage) on Planning Permission DC/22/9999/FUL”

Descriptions along the lines of the following two examples should be avoided, as the first example doesn't tell the reader which consent it relates to, and the second example is very long and specifies details etc that should be clear in the documents submitted with the application:

“Discharge of Conditions 3, 6 and 9”

“Discharge of Conditions 3 (Roof (clay pantiles) and wall materials (white render and red brick), rain water goods (black plastic), windows (grey anthracite uPVC with top hung openings on rear windows and sliding sashes on front windows, front (stained oak) and rear doors (grey anthracite uPVC), 6 (Landscaping details s- patios (concrete slabs), driveways (tarmac), pathways (concrete slabs), trees (12 apple, 5 oak and 3 silver birch) and hedges/shrubs (hawthorn, blackthorn and privet) in front and side gardens) and 9 (Surface water drainage pipes and soakaways for driveways, private roads and those roads that are to be adopted) on Planning Permission DC/22/9999/FUL – Erection of 12 Dwellings with 8 double garages, roads and landscaping”

### Document/Drawings to be submitted

The information required to be submitted for applications for the discharge of conditions/approval of matters reserved by condition will be dependent upon the nature and requirements of those conditions.

**The onus rests with the applicant or their agent for ensuring the information they submit on such application, meets the requirements of the condition** (i.e. the details it is specifically asking for) and that those details are acceptable in terms of material planning consideration. Therefore, careful consideration should be given to the details to be submitted and depending upon the nature of the condition specialist technical advice may be advisable from a specialist i.e. for conditions relating to detailing and materials on a listed building, advice from an historic buildings specialist is recommended.

In some instances, reports created by specialist technical specialists may also be required, for example if the condition relate to land contamination, or noise attenuation, and requires the undertaking and submission of details of surveys and/or remediation works etc, they will need to be undertaken by someone with the appropriate technical expertise.

Such applications can be refused by the Local Planning Authority if the details submitted either do not fulfil the requirements of the condition and/or the details submitted are unacceptable in terms of either not mitigating a material planning impact or if those details would result in material harm.

**Those seeking confirmation of compliance with conditions will not need to submit anything more than their request in writing along with the [application fee](#).**

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