

Appendix N: Draft version of “Local Validation Guidance – Chapter 12: Applications seeking Variation or Removal of 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 12: Applications seeking Variation or Removal of Conditions

Introduction

Applications seeking variations or removal of conditions, are generally seeking to either vary the design of the scheme approved or conditions controlling implementation of that scheme, how it is used and/or matters such as hours of use.

All applications referred to in this section will require the following as a minimum:

- Application Form with appropriate Ownership Certificate,
- Fee
- Amendments/Changes Statement

The application will also require all drawings/documents that are relevant as detailed below.

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.

Some applications will require the submission of financial information in the form of [Viability Assessments](#). The National Planning Policy Framework (NPPF) requires that such documents are published/publicly available (currently paragraph 58). Therefore, whilst such documents need to include sufficient information to enable the financial situation to be understood, those submitting them may wish to consider the level of potentially commercially sensitive or personal data they include.

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

Please note that the exact wording you place on the application form will usually be used as the description on the formal application including on the public access area of our website, on all correspondence that is sent out by ourselves as part of the consultation process, on the site notice and in the advertisement in the newspaper (if one is required) and on the final decision notice. The only exceptions would be if we agree a revised description with you either at registration stage or during the course of the application. Therefore, make sure that this is the description you are wanting on the decision forever more.

Therefore, it is recommended that you avoid including personal details and do not say anything that you would not want your neighbours or the wider public to know. For example, if you are proposing a single storey detached office to provide adapted accommodation for a disabled members of staff and visitors, you should not include that reasoning in the description on the application form.

Please note, it is extremely rare for the Local Planning Authority to be able to give material planning weight to the personal circumstances of the applicant when determining a planning application, and therefore removing such personal references within your application description is unlikely to put you at any disadvantage.

However, if you wish the planning case officer to be aware of your personal circumstances this is best done outside of the application description. A separate statement or letter clearly labelled as containing personal information to be redacted could be submitted as part of application or you could contact the case officer by telephone once the application has been registered.

Within application descriptions for a Variation or Removal of a Condition it is useful if they refer to the consent on which you are seeking to vary the condition and which condition you are seeking to vary, including a word or brief phrase indicating what the condition relates to. For example:

“Variation of Condition 2 (Drawings/Plans) on Planning Permission DC/22/9999/FUL – Erection of two-storey detached dwelling”

In some cases it might be useful to indicate how the condition is proposed to be varied, but it is useful if this is kept as brief as possible. For example the following would be too long:

“Variation of Condition 5 (to be altered from “The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained. Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.” To “The approved tree/shrub planting scheme shall be implemented not later than the second planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained. Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.”) on Planning Permission DC/22/9999/FUL – Erection of 12 two-storey detached dwellings”

This is more appropriate:

“Variation of Condition 5 (Implementation of Landscaping – time period for compliance to be increased to the following year) on Planning Permission DC/22/9999/FUL – Erection of 12 two-storey detached dwellings”

If the applicant/agent wishes the case officer etc to be aware of their reasoning for seeking to vary the condition, ideally this should be covered in a separate statement/covering letter rather than within the application description.

Requirements based upon the proposals

All applications seeking to vary the plans/drawings, must include a schedule or list of proposed changes.

The application does not need to include everything that was submitted as part of the original application but it will need to include updated versions of all documents relevant to the conditions that the applicant is seeking to vary. For example if the application is seeking to vary certain plans, plans showing all of the proposed changes would be required, but plans relating to other elements of the scheme that are not proposed to change from that originally agreed would not be required, so if a variation of condition was seeking to vary the design of the house on plot 3, but it was to have the same footprint and the same position, the application would only require the elevations and floorplans for plot 3, and there would be no requirement for the elevations or floor plans for other plots within the scheme unless they are also changing and there would be no need for a revised block plan etc unless the position or footprint of the building were also proposed to be altered.

For applications seeking to vary conditions that do not relate solely to plans, there may be a requirement for revised or additional supporting documents, rather than just revised plans, and in many cases even if they are not essential for validation of the application, they may assist the applicant in justifying the proposed change. For example:

- if the application is seeking to **vary the housing mix** to alter the proportion of affordable housing, then in addition to a revised plan annotated to show which plots would have which tenure, it is likely that there would be a requirement for a revised **Housing Statement** along with a **viability statement** (if the reason for the change is based upon viability issues).
- For proposals seeking to **vary or remove agricultural or other rural workers occupancy conditions** a **'Rural Workers dwelling Statement'** would be required prior to the application being validated.
- Variation of Condition Applications seeking to vary the approved physical works on consents for the **'conversion' of buildings**, will require relevant revised drawings, but will also require a revised **Heritage Statement** and **Conversion Specification**, potentially based upon an updated **Structural Survey**.

Additional requirements, based upon the existing physical features that exists within/adjoining the site and any designations

The [East Suffolk ArcGIS Mapping system](#) can be used to check whether a proposed application site is within many of the zones and designations referred to in the table below. However, consideration will also need to be given to whether the site is close to/in the setting of Listed Buildings and Conservation Areas etc so applicants/agents are advised to look beyond the site for other features nearby. Some of the features referred to in the table below e.g. trees, significant ground level changes etc are not necessarily mapped, and therefore applicants/agents will also need to check for these on site prior to submitting their application.

Feature/designation	Documents Required (in addition to those that are relevant within the sections above)
If the application site is <u>within or 30m landward</u> of a Coastal Change Management Area (CCMA) (as identified on the Policies Map)	The application must include a Coastal Erosion Vulnerability Assessment .
If you are proposing additional floorspace and/or to convert an outbuilding into sleeping accommodation and the property/site is in Area at Risk of fluvial or tidal Flooding (i.e. Flood Zones 2 or 3). See both Flood map for planning and the East Suffolk district Strategic Flood Risk Assessment (to determine if zone 3a or 3b).	The application must include a Flood Risk Assessment . The level of detail should be proportionate to the scheme and accord with the National Requirements for Flood Risk Assessments and be as detailed in Flood Risk Assessment . Proposals which include dwellings or other vulnerable uses (including dwellings) will also need to be accompanied by at Sequential Test and/or Exception Test .
If there are significant ground level changes/variations on the site or between the site and adjacent land, and/or the works include excavation or building up of earth, the application will need to include:	Full details of existing and proposed levels in the form of a topographical survey and/or cross-sections of the existing and proposed. Any cross sections must be based upon an accurate survey of the site.

<p>If the application site/property is:</p> <ul style="list-style-type: none"> • A listed building, within the curtilage of a Listed building, and/or within the setting of a listed building, • A Scheduled Ancient Monument and/or its setting, • A site identified on the Suffolk Historic Environment Record or within the setting of such a site, • A site known to or thought to contain archaeological remains, • A site within or adjoining a Conservation Area, or • In the case of a scheme proposing demolition or substantial alterations, a building which may be considered to be a non-designated heritage asset (NDHA). <p>and you are proposing any physical works including:</p> <ul style="list-style-type: none"> • extensions and/or alterations to the building, including to its roof, • constructing new outbuildings, • altering or extending an existing outbuilding, • erection of or alterations to walls, fences, gates and other means of enclosure, • fixing any additional features (e.g. satellite dishes, electrical charging points, cctv etc) to a Listed Building or an outbuilding within its curtilage, • installing a domestic fuel tank, air source heat pump, biomass boiler or other forms of heat or power generation 	<p>A Heritage Statement or Impact Assessment is required to validate any application for Planning Permission or Listed Building Consent, affecting a heritage asset and or its setting, including the following:</p> <ul style="list-style-type: none"> - Proposals affecting any Listed building, including development within a curtilage and the setting of a listed building, - Proposals affecting Scheduled Ancient Monument and their setting, (some exceptions apply for householder proposals, and other minor works see below), - Proposals affecting sites identified on the Suffolk Historic Environment Record and their setting, - Proposals affecting sites known to or thought to contain archaeological remains e.g. unidentified earthworks that appear on historical mapping, - Proposals within or affecting the character or appearance of Conservation Areas (at the discretion of the Local Planning Authority, an exception maybe made to this requirement where it is clear that a proposal would not be visible from the public realm), - Proposals involving the demolition or substantial alterations to a building which may be considered as a Non-designated heritage assets » East Suffolk Council
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	<ul style="list-style-type: none"> - All applications where the development is likely to have an impact on designated or non-designated heritage assets (identified at pre-application stage or during a previous application) will require a heritage statement. <p>Please note –</p> <ul style="list-style-type: none"> • For planning applications (and/or Listed Building Consent Applications) which include the replacement of existing, or the provision of new windows, doors and surrounds, conservatories or shop fronts within or to heritage assets (including Listed Buildings, Conservation Areas and NDHA's), the application will also need to include full and precise Joinery and Window details. works to/within the curtilage of a Listed Building are also likely to require Listed Building Consent, the application for which has its own requirements. • In some cases an Archaeological Assessment may also be required. <p>Please note – works to/within the curtilage of a Listed Building can also require Listed Building Consent, the application for which has its own requirements.</p>
<p>In an Area of known or suspected archaeological importance, and the proposal includes works at or below ground level.</p> <p>Areas of known or suspected archaeological importance include sites which meet one or more than one of the following criteria:</p> <ul style="list-style-type: none"> • Those which contain or are adjacent to sites of significant record on the Heritage Environmental Record (see link below), 	<p>An Archaeological Assessment will be required.</p> <p>You are advised to check with the Suffolk Archaeological Service - Suffolk County Council, whether the application site is an area of known or suspected archaeological importance. They can also advise on the scope of assessment, which may include a combination of desk-based assessment, geophysical survey and/or field evaluation, using appropriate expertise.</p>

<ul style="list-style-type: none"> • Are in areas of known high archaeological potential, such as river valleys, and the historic core of settlements, • Any larger sites which by their very nature have greater potential to impact on sites. 	
<p>If the site/property is within a Neighbourhood Plan Area as shown on the online map</p>	<p>There are specific policies within Neighbourhood Plans which require the submission of certain documents e.g. details of any external lighting within dark sky areas.</p> <p>Therefore if the site is within an area covered by a Neighbourhood Plan the applicant/agent should check the policies within the relevant Neighbourhood Plan to see which additional documents are required, and supply those documents with the application.</p>
<p>Any proposal which may result in an adverse impact on a protected species, UK Priority species or UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), and/ or for any application within or may have an effect on:</p> <ul style="list-style-type: none"> • Special Protection Areas (SPA) including potential SPAs (pSPA) • Special Areas of Conservation (SAC) including candidate SACs (cSAC) • Ramsar sites • Sites of Special Scientific Interest (SSSI) (designated for their biodiversity value) • National and Local Nature Reserves 	<p>An Ecological Appraisal including appropriate survey(s) undertaken by a suitably qualified ecologist at the appropriate time of year and sufficiently recently to still remain a reliable assessment of species and habitats present, will be required.</p> <p>The CIEEM guidance should be used in relation to the age of surveys that are relied upon.</p> <p>If the Phase 1 Ecological Assessments identifies a need for species survey's and/or Phase 2 assessment, these will need to be undertaken and submitted as part of the application. Applications</p>

- Roadside Nature Reserves
- County Wildlife Sites.

These designations are shown on our [online GIS system](#).

This includes, but is not limited to:

- Alterations to building of a form that could potentially provide a **habitat for roosting bats** (e.g. usually an older constructed from timber or brick with an unheated pantiled roof)
- **Works close to or directly affecting other habitats** which may e.g. ponds that may contain newts

The East Suffolk ArcGIS mapping system can be used to check whether a proposed application site is within many of the zones and international, national and local designations referred to above. However, protected Species are not shown on this mapping system, as it is considered best practice, to limit access to information relating to the location of certain species in order to safeguard those species and their habitat from direct intentional harm by parties who may or may not be involved directly with a development proposal.

Biodiversity Net Gain (BNG): All applications should include a Biodiversity Net Gain assessment (calculated using the most up to date version of the national BNG Metric) and a Biodiversity Gain Plan demonstrating how the development delivers net gain. The amount of Biodiversity Gain delivered by a development

received where these are clearly required but have not been undertaken/submitted will generally not be validated.

Biodiversity Gain Plan and BNG Metric (including the calculation spreadsheet) prepared by a suitably qualified individual, may also be required.

<p>should follow published local guidance until such time as a national mandatory level has been set.</p>	
<p>Where 1 or more net new relevant development (dwellings, holiday lets etc), within the 13km RAMS Zone of Influence of Suffolk Coast Habitats Sites consisting of:</p> <ul style="list-style-type: none"> • Special Areas of Conservation (SAC) • Special Protection Areas (SPA) • Ramsar Sites 	<p>Habitat Regulations Assessment (HRA) and RAMS tariff form/payment</p>
<p>If there is a Public Right of Way on or adjoining the application site:</p>	<p>The applicant/agent must mark the definitive route on the Proposed Block Plan/Site Layout Plan. The route must be that shown on the Suffolk County Council Definitive Map, not the route as it appears on the ground (although it can be useful to also indicate that route as well).</p> <p>Details of how it will be protected and/or enhanced by the proposal should be submitted (e.g. the location of temporary fencing during construction to prevent materials etc from being stored on the route).</p> <p>If the scheme seeks to create or amend public rights of way, the application must also include a statement on the creation process proposed and detailed plans of the locations, width and surface proposed.</p>

	Further details explaining why these details are required can be found via Public Rights of Way .
If there are Trees <u>on or overhanging</u> the application site, and/or you have answered yes to question relating to 'Trees and Hedges' on the application form, and you are proposing extensions, new structures, means of enclosure or hardstanding near those trees.	<p>An arboricultural assessment and tree survey will need to be submitted as part of the application.</p> <p>The applicant/agent will also need to ensure that they have considered the impact and sought to mitigate any impacts in the design and layout of the scheme.</p>
<p>If a proposal is</p> <ul style="list-style-type: none"> - likely to impact upon the geodiversity of a site designated for its geodiversity interest. - or - the site is greater than 5Ha in area and within a minerals consultation area, - Or - Within the safeguarding distance of any existing or proposed minerals or waste sites that are safeguarded by the Suffolk Minerals and Waste Local Plan 	A Geodiversity Survey and Assessment Report will be required for all applications seeking outline or full planning permission.
Where a scheme relates to a site known or suspected to be contaminated and/or the use is vulnerable to sources of contamination (including all new dwellings) . Potential contamination may be due to previous uses of the site or adjacent land.	A Land Contamination Assessment Phase 1, Tier 1 must be submitted (and in cases where contamination risk is identified through the Tier 1, a Tier 2 would also be required).