



# Validation of Applications Guidance Notes

To submit a valid application, there are now National Requirements prepared by the Dept. for Communities and Local Government (CLG) and Local Requirements prepared by the local planning authorities. The Validation Checklists stipulate what may be required to be submitted to make a valid application and these notes explain in more detail what is meant by each reference and expand on the circumstances in which the listed information is required.

\*As from 01/01/2010 there are changes to the Local Requirement Section. Please see below

## NATIONAL REQUIREMENTS

### q The standard application form

From 6 April 2008, all planning applications need to be presented on a standard application form, which is available electronically. The Government wishes to encourage applicants to submit applications electronically wherever possible, as this provides opportunities for streamlining procedures and thereby reducing costs. However applicants retain the option of submitting paper versions of the form. In that event, the Town & Country Planning (General Development Procedure) Order 1995 (GDPO) requires three additional copies plus the original of the completed standard application form to be submitted.

The form includes:

#### ***Ownership Certificates***

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 7 of the GDPO, the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed. All applications for planning permission must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

#### ***Notice(s)***

A notice to owners of the application site must be completed and served in accordance with Article 6 of the GDPO and a copy provided with the application.

#### ***Agricultural Holdings Certificate***

This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or for advertisement consent.

## q The Location Plan

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500. The GDPO 1995 requires three copies plus the original (unless submitted electronically). In exceptional circumstances plans at other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site should be edged clearly with **a red line**. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. **A blue line** should be drawn around any other land owned by the applicant, close to or adjoining the application site.

## q Site and Other Plans

- **Site plan** should be submitted. The legislation requires three copies plus the original (unless submitted electronically). The site plan should be drawn at a scale of 1:500 or 1:200 and should accurately show:
  - a) the direction of North;
  - b) the proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
  - c) all the buildings, roads and footpaths on land adjoining the site including access arrangements;
  - d) all public rights of way crossing or adjoining the site;
  - e) the position of all trees on the site, and those on adjacent land that could influence or be affected by the development;
  - f) the extent and type of any hard surfacing; and
  - g) boundary treatment including walls or fencing where this is proposed.

In addition other plans should be submitted (dependent on the type of application – refer to the relevant checklist for specific requirements) and may include:

- **Block plan of the site** (e.g. at a scale of 1:100 or 1:200) showing any site boundaries  
Copies of plans should show: any site boundaries; the type and height of boundary treatment (e.g. walls, fences etc); the position of any building or structure on the other side of such boundaries.

- **Existing and proposed elevations** (e.g. at a scale of 1:50 or 1:100)

These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included, if only to show that this is in fact the case. Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

- **Existing and proposed floor plans** (e.g. at a scale of 1:50 or 1:100)

These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

• **Existing and proposed site sections and finished floor and site levels** (e.g. at a scale of 1:50 or 1:100)

Such plans drawn at a scale of 1:50 or 1:100 should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided. Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should 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 buildings. This will be required for all applications involving new buildings.

In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of design and access statements.

• **Roof plans** (e.g. at a scale of 1:50 or 1:100)

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material and their location are typically specified on the roof plan.

q **Design and Access Statement**

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following:

- A material change of use of land and buildings, (unless it also involves operational development);
- Engineering or mining operations; or
- Householder developments.

However, statements are required for householder applications where any part of a dwellinghouse or its curtilage falls within one of the following designated areas:

- Site of special scientific interest
- Conservation area

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development (including designing out crime) and how issues relating to access to the development have been dealt with.

What is required in a Design and Access Statement is set out in the Council's advice note 'Design and Access Statements', in Article 4C of the GDPO and DCLG Circular 01/06 – *Guidance on Changes to the Development Control System*.

All applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address:

- (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.

The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

q **The correct fee (where one is necessary)**

## **LOCAL REQUIREMENTS (\* Change from 01/01/10)**

*\*Plans are now being made available to view on the Council's website, but unfortunately the introduction of a measuring tool in March 2009 has resulted in some plans not being made available. The measuring tool from 01/01/2010 has therefore been removed, but it means that all plans submitted must now include a metric scale bar for each type of scaled drawing. Any plans failing to include a metric scale bar will mean the application is invalid (i.e not registered as a planning application until the scale is included).*

**The list below comprises the range of additional information that may be necessary and the circumstances in which they may be required before an application is validated.**

### **• Affordable housing statement**

Where local plan policies require the provision of affordable housing (currently for residential schemes on urban sites of more than 0.5 hectare or schemes of 15 units or more and on any rural housing scheme), the local planning authority will require information concerning both the affordable housing and any market housing, for example: the numbers of residential units, the mix of units with numbers of bedrooms and plans showing the location of units and their number of habitable rooms and/or bedrooms. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development. Should an applicant consider that the policies relating to site thresholds and levels of provision of affordable housing (policies H6A and H7A) should not apply to a relevant development, such arguments should also be presented in an Affordable Housing Statement.

### **• Biodiversity survey and report**

Where there is a likelihood that a proposed development will have impacts on protected species, wildlife in general and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. This will include proposals that include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses and will need to provide information on them, any potential impacts for them, any mitigation proposals for such impacts and any enhancements proposed, a site ecological management plan and supporting ecological information. 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. This information might form part of an Environmental Statement, where one is necessary.

### **• Environmental Statement**

The Town and Country Planning (Environmental Impact Assessment) Regulations (SI 1999/293), as amended, 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 the local planning authority decides whether to grant planning consent. It may be helpful for a developer to request a 'screening opinion' (i.e. to determine whether EIA is required) from the local planning authority before submitting a planning application.

### **• Flood Risk Assessment**

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and for most proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. Visit [www.environment-agency.gov.uk/research/planning](http://www.environment-agency.gov.uk/research/planning) to find out when a FRA is required and applicants should prepare the assessment and have it agreed by the Environment Agency so that the application can be submitted with an EA statement of approval. A Sequential Test may also be applicable for larger developments which will need to be discussed with the Council planners before submission of the application.

The FRA 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 form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

#### • **Gypsy and Traveller Questionnaire**

With all applications for the provision of one or more caravans or mobile homes in which it is being argued that very special circumstances apply because of the applicants' status as a gypsy or traveller, the applicant will be required to complete a questionnaire providing information to substantiate the suggested status and general information to support the application. Copies of the questionnaire can be obtained from the Planning Directorate.

#### • **Heritage Statement**

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 proposals with either a planning officer or a conservation officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

For applications affecting locally listed buildings and applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of 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 may need to be submitted.

For applications for conservation area consent, a written statement that includes an analysis of the character and appearance of the building/structure, the justification for the proposed demolition and its impact on the special character of the area may be required.

For all applications involving the disturbance of ground in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the Heritage Statement.

#### • **Land Contamination assessment**

For previously-developed sites where contamination is suspected, applications should be accompanied by a land contamination assessment which should include an extended assessment of contamination in line with *Planning Policy Statement 23: Planning and Pollution Control (November 2004)*. Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed. Information on

potential contamination can initially be obtained from the Council's Contaminated Land Officer in the Planning Directorate.

- **Landfill pro forma**

Whilst applications for the deposit of waste are County Matters needing to be submitted to Essex County Council, there are applications which involve the importation and spreading of material to create new landforms, that do not fall within the definition of 'waste'. A pro forma has been prepared that enables an applicant to provide detailed information on all related matters without which the local planning authority would not be able to assess the full impact of the proposals. Copies of this pro forma can be obtained from the Planning Directorate.

- **Landscaping details**

Where the retention of existing trees or new landscaping is an essential part of the development, the local planning authority may require details of structural landscaping proposals. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the Design and Access Statement. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

- **Lighting assessment**

Proposals involving the provision of external lighting, particularly in the vicinity of residential property, a listed building or a conservation area or open countryside, must be accompanied by details of the external lighting and the proposed hours when the lighting would be switched 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 and the advice is applicable in towns as well as in the countryside.

- **Noise assessment**

Applications for developments that are considered to be noise sensitive (such as residential developments, care homes, etc) and which are close to a significant source of noise (such as a major road) should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in *Planning Policy Guidance 24: Planning and Noise* (September 1994).

- **Open Space assessment**

Where development would result in the loss of open space, whether publicly accessible or a private facility, applications should be accompanied by plans showing all areas of existing or proposed open space adjoining or nearby the application site. Planning consent is not normally given for development of existing open spaces which local communities need. An applicant should demonstrate through an independent assessment that the land is surplus to local requirements.

- **Parking Provision**

Applications resulting in the loss of existing parking provision or the provision of new parking areas should provide details of existing and proposed parking provision, including facilities for cycles and motorcycles. These details could be shown on a site layout plan.

- **Photographs and Photomontages**

These provide useful background information and can help to show how developments can be satisfactorily integrated within the street scene. They are particularly important in relation to advertisement applications and for applications related to works to preserved trees. They are also

helpful if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

- **Planning obligations in a draft Unilateral Undertaking**

Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”) and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Where advice has been given that planning obligations are likely to be necessary in accordance with Local Plan policy, the local planning authority will require a draft of the proposed Heads of Terms to be submitted with the application.

- **Refuse Storage Provision**

All applications for additional dwellings should include details of where refuse storage is to take place on the site in a statement or illustrated on the plans and drawings in order to satisfy the local planning authority that ‘wheelie’ bins, recycling facilities or commercial waste can be satisfactorily provided and stored without detriment to the appearance of the development and in locations accessible for refuse collection.

- **Retail Assessments**

*Planning Policy Statement 6: Planning for Town Centres (March 2005)* sets out the main town centre uses to which the policy applies in paragraph 1.8. Subject to the policies set out in the document, paragraph 3.4 lists the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

- **Street Scene Elevations**

Applications for ‘in-fill’ development or redevelopment proposals in residential streets and for two storey side extensions visible from the street need to be accompanied by a street scene elevation enabling the planning authority to properly consider the proposals in relation to existing development. Such elevations may also be required for development in sensitive locations such as Conservation Areas.

- **Structural Survey**

Where a new use is being introduced into an existing building and there are considerable works necessary, such as a barn conversion, a structural survey should be submitted to illustrate the capability of the building to accommodate the proposed works.

- **Sustainability Report**

A Sustainability Report may be required for applications for significant new development or redevelopment proposals. Its contents will vary according to the scale of development and its likely impact, but will be expected to cover: sustainable construction issues, use of water resources, use of renewable energy facilities, general reduction in greenhouse gas emissions and protection of wildlife interests. The Council will be preparing guidance on the issues and sources of information.

- **Telecommunications Development – supplementary information**

Planning applications for mast and antenna development by mobile phone network operators must 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. Applications must 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 public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

#### • **Transport assessment**

A Transport Assessment (TA) should be submitted as part of any planning application in accordance with the thresholds below. Detailed guidance on the content of the TA is available from Essex County Council but the coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. 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. 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.

The current thresholds for Transport Assessments are :

- Residential developments of 50 units;
- B1/B2 commercial developments of 5,000 sqm;
- B8 warehousing proposals of 10,000 sqm;
- Retail developments of 1,000 sqm; and
- Leisure uses providing 50 parking spaces.

#### • **Tree survey/Constraints plan/Arboricultural implications**

Where there are trees within the application site, or on adjacent land that could influence or be affected by the development (including street trees), information will need to be submitted on which trees are to be retained, which to be felled and on the means of protecting trees during construction works. This information should be prepared by a person competent to do so. Advice can be obtained from the Council's Landscape and Trees team of the Planning Directorate.

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.

#### • **Ventilation/Extraction statement**

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will generally be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment), and A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises). Such information is essential if the applicant does not control the whole of the building in which the premises are located.