Despatch Date: Thursday 18 September 2014

Individual Cabinet Member
Decision Making

Friday, 26 September 2014
10.00 am in Committee Room 2, Civic Centre, High Street, Esher

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Part I Items

1. Declarations of Interest

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

i) any disclosable pecuniary interests and / or

ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at this meeting.

Regulatory Affairs – Councillor A. Kelly

2. Government Consultation – Technical Consultation on Planning

Contact Officer: Mrs. T. Hulse Direct Line: 01372 474175
EXECUTIVE SUMMARY:

This report and accompanying appendix set out the Council’s proposed response to the Government’s technical consultation on planning. The concerns raised by the proposals are contained in Appendix 1.

RECOMMENDATION:

THAT THE COMPLETED QUESTIONNAIRE ATTACHED AS APPENDIX 1 BE APPROVED AS THE COUNCIL’S RESPONSE TO THE GOVERNMENT’S TECHNICAL CONSULTATION ON PLANNING.

REPORT:

1. Background

1.1 The Government is currently consulting on its proposals to streamline the planning system for an eight week period between 31 July and 26 September 2014.

1.2 The Government has already made a number of changes to the planning system and now considers these additional changes will be beneficial. The proposals are aimed at deregulation and streamlining the planning system to reduce the cost and burden to developers.

2. Key issues raised within the consultation

2.1 The key issues being consulted on are:

- Section 1 - speeding up neighbourhood planning;
- Section 2 - expanding permitted development rights including:
  - to allow the change of use from B1C (light industrial), B8 (warehouse and storage), launderettes and leisure uses (eg. Nightclubs) into C3 residential to increase the housing supply;
• permanently retaining the current permitted change of use of B1 (offices) to residential;

• permanently retaining the permitted development rights for larger householder extensions through the neighbour notification scheme;

• amalgamating Class A1 (shops) and A2 (financial and professional services) into a single class.

Section 3 - improving the use of planning conditions to enable development to start more quickly on site after planning permission is granted

• Ensuring that any planning conditions imposed are appropriate;

• Introducing a deemed discharge where details will automatically be approved if the local planning authority fails to determine a discharge of condition within a prescribed timescale;

• A requirement for local planning authorities to consult with applicants on proposed draft conditions before the application is determined.

Section 4 - improving engagement with statutory consultees so they are only consulted where their input is most valuable;

Section 5 - raising the environmental impact assessment screening thresholds for some categories of development, reducing the cost and time taken to get planning permission for these projects; and

Section 6 - setting out proposals for making improvements to the nationally significant infrastructure planning regime.

3. Response to Consultation

3.1 The proposed response to the Government’s consultation is attached as Appendix 1.

3.2 Whilst the Government’s overarching objective to unlock vital economic and housing growth and to make it easier for applicants to navigate the planning system is supported, it is considered that the most appropriate manner in which to achieve this is through a planning application and not through the creation of new or extension of existing permitted development rights for homeowners and businesses.

3.3 The Government is proposing to expand permitted development rights to reduce the number of developments requiring a full planning application. The Government considers that rebalancing the three tier system will focus the role of local authorities in considering major developments and those with the greatest potential impact on localities. The three tiers are:
- Full planning application
- Permitted development rights with prior approval
- Permitted development rights with no prior approval

3.3 The proposed changes will introduce more complexity and bureaucracy into the system and the number of proposals requiring a full planning application will be reduced and therefore the Council will have less influence over developments in the Borough in terms of their assessment and determination of proposals in accordance with the Elmbridge Local Plan Core Strategy. This will lead to a deterioration of the environment and have a significant effect on the amenities of neighbours and their relations with each other. Increasing the number of prior approvals will not allow authorities to focus on major applications as the threat of deemed approval would mean prior approvals have to be prioritised.

3.4 Proposals to introduce deemed discharge of planning conditions will place pressure on the Council to determine applications within the prescribed period, whatever the outcome. This would again divert resources from focusing on major applications. Where information is insufficient or requires detailed input from third parties or involves complicated issues such as contaminated land, this is likely to result in a fast track refusal to avoid details automatically being approved.

3.5 Another key proposal is the requirement for local planning authorities to consult with applicants on proposed draft conditions for major developments (i.e. applications proposing 10 or more dwellings or 1000sqm commercial floorspace). This proposal has arisen from a key recommendation of the Killian Pretty Review. This highlighted the need to ensure conditions are only imposed if justified and that the processes for discharging conditions should be made clearer and faster. The Government argue that 5 or 10 working days before a permission is granted would be possible within the 13 week period. The Council is already required to justify conditions and officers have sought to reduce the number of conditions imposed. However, many are imposed due to a lack of information with applications. Most major applications at Elmbridge already come before Planning Sub-Committees and there is a long lead-in time for committee reports. Requiring an additional period for consultation on draft conditions would be onerous and introduce new delays into the process.

3.6 As a result, it is likely that the work of Planning Services is likely to increase, rather than decrease, due to the introduction of additional procedures and prior approval applications. Uncertainty over whether permission is required is likely to increase the level of enforcement complaints. This would be within an overall context of reducing finances as planning fees would no longer be collected for the consideration of these proposals.

**Financial implications:**
The proposals are likely to increase pressure on reducing financial resources within the Council.

**Environmental / Sustainability implications:**
The proposals are likely to result in negative environmental and sustainability implications due to the lack of control over many developments in the Borough.
Legal implications:
None for the purpose of this report.

Equality Implications:
The proposals will result in a lack of opportunity to comment on many new developments and discriminate against neighbours.

Risk Management Implications:
Extending permitted development rights is likely to increase neighbour disputes and also the work of enforcement officers, drawing on reduced finances caused by the reduction in planning fees.

Community Safety Implications:
None for the purpose of this report.

Background papers:
None for the purpose of this report.

Enclosures/Appendices:
Appendix 1- Completed questionnaire – The Council’s response to the proposed changes

Contact details:
Paul Falconer 01372 474808 pfalconer@elmbridge.gov.uk
Technical consultation on planning

Consultation response form

We are seeking your views to the following questions on the proposals to streamline the planning system.

How to respond to this consultation

Please email your response to the questions in this consultation by 26 September 2014 to planning.consultation@communities.gsi.gov.uk.

Alternatively you can write to:

Planning Consultation Team
Department for Communities and Local Government
1/H3 Eland House
Bressenden Place
London SW1E 5DU

When you reply please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number
(i) Your details

<table>
<thead>
<tr>
<th>Name:</th>
<th>Paul Falconer, Assistant Development Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation (if applicable):</td>
<td>Elmbridge Borough Council</td>
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<tr>
<td>Telephone Number:</td>
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</tr>
</tbody>
</table>

(ii) Are the views expressed on this consultation an official response from an organisation you represent or your own personal views?

- Organisational response ☒
- Personal views ☐

(iii) Please tick the one box that best describes you or your organisation

Public Authority:

- District/Borough Council ☒
- London Borough Council ☐
- Unitary Council ☐
- County Council ☐
- National Park/Broads Authority ☐
- Parish/Town Council ☐

Other public sector (please specify)

Voluntary/Community:

- Designated neighbourhood forum ☐
- Community organisation ☐
Voluntary/charitable sector  
 Residents Association  
 Other (please specify)  

Retail (A1) and Financial and Professional Services (A2) Business:

Bank/Building society  
Estate agent  
Professional service  
Betting shop  
Pay day loan shop  
Existing A1 retail/shop  
Other A2 (please specify)  

Other:

Land Owner  
Developer/House builder  
Developer association  
Professional institute/professional e.g. planner, consultant  
Professional Trade Association  
Local Enterprise Partnership  
Other (if none of the options in the lists above apply to you, please specify here)
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1. Neighbourhood planning

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on neighbourhood planning?

Yes ☐    No ☒

Time limit for taking decisions on the designation of a neighbourhood area

**Question 1.1:** Do you agree that regulations should require an application for a neighbourhood area designation to be determined by a prescribed date? We are interested in the views of local planning authorities on the impact this proposal may have on them.

**Comments**

N/A

**Question 1.2:** If a prescribed date is supported do you agree that this should apply only where:

i) the boundaries of the neighbourhood area applied for coincide with those of an existing parish or electoral ward; and

ii) there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought?

**Comments**

N/A
**Question 1.3:** If a date is prescribed, do you agree that this should be 10 weeks (70 days) after a valid application is made? If you do not agree, is there an alternative time period that you would propose?

**Comments**

N/A

**Question 1.4:** Do you support our proposal not to change the period of six weeks in which representations can be made on an application for a neighbourhood area to be designated? If you do not, do you think this period should be shorter? What alternative time period would you propose?

**Comments**

N/A

**Further measures**

**Question 1.5:** We are interested in views on whether there are other stages in the neighbourhood planning process where time limits may be beneficial. Where time limits are considered beneficial, we would also welcome views on what might be an appropriate time period for local planning authority decision taking at each stage.

**Comments**

N/A
Pre-submission consultation

**Question 1.6:** Do you support the removal of the requirement in regulations for a minimum of six weeks consultation and publicity before a neighbourhood plan or Order is submitted to a local planning authority?

**Comments**

N/A

**Question 1.7:** Do you agree that responsibility for publicising a proposed neighbourhood plan or Order, inviting representations and notifying consultation bodies ahead of independent examination should remain with a local planning authority? If you do not agree, what alternative proposals do you suggest, recognising the need to ensure that the process is open, transparent and robust?

**Comments**

N/A

Consulting landowners

**Question 1.8:** Do you agree that regulations should require those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

**Comments**

N/A
Question 1.9: If regulations required those preparing a neighbourhood plan proposal to consult the owners of sites they consider may be affected by the neighbourhood plan as part of the site assessment process, what would be the estimated cost of that requirement to you or your organisation? Are there other material impacts that the requirement might have on you or your organisation? We are also interested in your views on how such consultation could be undertaken and for examples of successful approaches that may have been taken.

Comments

N/A

Introducing an additional basic condition to test the extent of consultation

Question 1.10: Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or Order? If you do not agree, is there an alternative approach that you would suggest that can achieve our objective?

Comments

N/A

Strategic Environmental Assessment

Question 1.11: Do you agree that it should be a statutory requirement that either: a statement of reasons, an environmental report, or an explanation of why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive must accompany a neighbourhood plan proposal when it is submitted to a local planning authority?

Comments

N/A
**Question 1.12:** Aside from the proposals put forward in this consultation document are there alternative or further measures that would improve the understanding of how the Environmental Assessment of Plans and Programmes Regulations 2004 apply to neighbourhood plans? If there are such measures should they be introduced through changes to existing guidance, policy or new legislation?

**Comments**

N/A

**Further measures**

**Question 1.13:** We would like your views on what further steps we and others could take to meet the Government’s objective to see more communities taking up their right to produce a neighbourhood plan or neighbourhood development order. We are particularly interested in hearing views on:

- stages in the process that are considered disproportionate to the purpose, or any unnecessary requirements that could be removed
- how the shared insights from early adopters could support and speed up the progress of others
- whether communities need to be supported differently
- innovative ways in which communities are funding, or could fund, their neighbourhood planning activities.

**Comments**

N/A
Question 1.14: Are there any further comments that you wish to make in response to this section?

Yes ☐ No ☐

Comments

N/A
2. Reducing planning regulations to support housing, high streets and growth

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on reducing planning regulations to support housing, high streets and growth?

Yes ☒ No ☐

Increasing Housing Supply

**Question 2.1:** Do you agree that there should be permitted development rights for:

(i) light industrial (B1(c)) buildings and

Yes ☐ No ☒

(ii) storage and distribution (B8) buildings to change to residential (C3) use?

Yes ☐ No ☒

**Comments**

The expansion of the three-tier planning system will not be effective in meeting the Government’s stated aims. The proposed changes will introduce more complexity and bureaucracy into the system and the same information will still be required with the application which would not reduce the cost or burden to developers other than a lower application fee will be payable.

The expansion of permitted development with prior approval would increase confusion for customers and would make it more difficult for objectors to be engaged and understand the different processes involved.

To simplify the system, low impact developments should benefit from permitted development rights with no prior approval process and for those developments where matters of detail are required to be considered, a full application should be required.

Many of these buildings would be on existing industrial estates and are unlikely to be suitable for conversion. No mention is made whether physical changes to facilitate a change of use would be within the prior approval process. The introduction of a residential use in an industrial area is likely to result in harm to future residential amenities and may hinder economic growth by restricting the ability of existing industrial uses to expand or redevelop.
Question 2.2: Should the new permitted development right:

(i) include a limit on the amount of floor space that can change use to residential

(ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and

(iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?

(i) limit on floor space Yes ☒ No ☐

(ii) apply in Article 1(5) land Yes ☐ No ☒

(iii) other prior approval issues Yes ☒ No ☐

Comments

Impact on neighbouring employment uses should be considered as part of the prior approval process.

There should be a requirement to consider whether the building is capable of conversion.

The proposal will result in significant additional infrastructure burdens with no controls over amenity space standards, affordable housing, space standards, housing mix and consideration of associated infrastructure needs.

Question 2.3: Do you agree that there should be permitted development rights, as proposed, for laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3) use and to carry out building work directly related to the change of use?

Yes ☐ No ☒

Comments

This may be acceptable for launderettes, but many nightclubs are adjacent to other noise generating uses, such as other nightclubs, and the introduction of residential development could result in noise or other adverse impacts to future residents.

The expansion of the three-tier planning system will not be effective in meeting the Government’s stated aims. The proposed changes will introduce more complexity and bureaucracy into the system and the same information will still be required with the application which would not reduce the cost or burden to developers other than a lower application fee will be payable.
The expansion of permitted development with prior approval would increase confusion for customers and would make it more difficult for objectors to be engaged and understand the different processes involved.

To simplify the system, low impact developments should benefit from permitted development rights with no prior approval process and for those developments where matters of detail are required to be considered, a full application should be required.
**Question 2.4:** Should the new permitted development right include:

(i) a limit on the amount of floor space that can change use to residential and

Yes ☒ No ☐

(ii) a prior approval in respect of design and external appearance?

Yes ☒ No ☐

**Comments**

N/A

**Question 2.5:** Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?

Yes ☐ No ☒

**Comments**

The proposal will result in significant additional infrastructure burdens with no controls over amenity space standards, affordable housing, space standards, housing mix and consideration of associated infrastructure needs.

**Question 2.6:** Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

Yes ☒ No ☐

**Comments**

This is a complex planning policy issue and should not be left to consideration under a prior approval criteria. Applying a threshold national is unlikely to reflect what is considered to be strategically important at a local level.
**Question 2.7:** Do you agree that the permitted development rights allowing larger extensions for dwelling houses should be made permanent?

Yes ☒ No ☐

**Comments**

There is limited evidence regarding the costs and benefits of this prior approval process.

There is a lack of clarity over requirements for the prior approval procedure with some of the drawings submitted being substandard, which makes it difficult for neighbouring residential occupiers to understand what is being proposed and to comment accordingly.

If it is to be made permanent, the requirements for a prior approval submission should be made more explicit. A fee should be introduced as these applications have costs associated with their administration and determination by LPAs. The LPA should also be given 56 days within which to make a decision.

**Supporting a mixed and vibrant high street**

**Question 2.8:** Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?

Yes ☒ No ☐

**Comments**

N/A

**Question 2.9:** Do you agree that a planning application should be required for any change of use to a betting shop or a pay day loan shop?

Yes ☒ No ☐

**Comments**

N/A
**Question 2.10:** Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?

Yes ☐  No ☒

**Comments**

N/A

**Question 2.11:** Do you agree that there should be permitted development rights for:

(i) A1 and A2 premises and

Yes ☐  No ☒

(ii) laundrettes, amusement arcades/centres, casinos and nightclubs to change use to restaurants and cafés (A3)?

Yes ☐  No ☒

**Comments**

The expansion of the three-tier planning system will not be effective in meeting the Government’s stated aims. The proposed changes will introduce more complexity and bureaucracy into the system and the same information will still be required with the application which would not reduce the cost or burden to developers other than a lower application fee will be payable.

The expansion of permitted development with prior approval would increase confusion for customers and would make it more difficult for objectors to be engaged and understand the different processes involved.

To simplify the system, low impact developments should benefit from permitted development rights with no prior approval process and for those developments where matters of detail are required to be considered, a full application should be required.

Matters for the prior approval process would only be engaged if a neighbour objected. However, within town centres such matters can extend beyond the immediate neighbouring property, eg noise and disturbance from late night opening.
Such uses can have differing opening hours, eg. a café vs a restaurant, although there is no requirement within the proposals for such matters to be considered.

It is not clear whether the prior approval process would deal with extract ducts and ventilation equipment or whether a separate application would be required. Apart from amenity issues, this can have significant visual impact. It is noted that Article 1(5) land such as Conservation Areas are not excluded from this proposal.

**Question 2.12:** Do you agree that there should be permitted development rights for A1 and A2 uses, laundrettes, amusement arcades/centres and nightclubs to change use to assembly and leisure (D2)?

Yes ☒ No ☐

**Comments**

N/A
Supporting retail facilities

**Question 2.13:** Do you agree that there should be a permitted development right for an ancillary building within the curtilage of an existing shop?

Yes ☐   No ☒

**Comments**

Allowing buildings on existing car parks would appear to conflict with proposals elsewhere in the Consultation to tackle on-street parking problems.

**Question 2.14:** Do you agree that there should be a permitted development right to extend loading bays for existing shops?

Yes ☐   No ☒

**Comments**

Insufficient detail is provided to indicate how the 20% limitation would be calculated and it will not always be clear what structure comprises part of a loading bay.

There should be a prior approval process to consider impacts, particularly when shops are located close to residential.

**Question 2.15:** Do you agree that the permitted development right allowing shops to build internal mezzanine floors should be increased from 200 square metres?

Yes ☐   No ☒

**Comments**

Enlargement of mezzanines should not be allowed outside town centres. The large retail units which are more likely to accommodate such mezzanines are normally located in edge of centre or out of centre locations and their expansion would not support the town centre.
Question 2.16: Do you agree that parking policy should be strengthened to tackle on-street parking problems by restricting powers to set maximum parking standards?

Yes ☐ No ☑

Comments

Parking standards should be set at a local level to recognise different market conditions affecting different areas and different pressures to maximize the use of non-car modes of transport.

Supporting growth

Question 2.17: Do you agree that there should be a new permitted development right for commercial film and television production?

Yes ☑ No ☐

Comments

N/A

Question 2.18: Do you agree that there should be a permitted development right for the installation of solar PV up to 1MW on the roof of non-domestic buildings?

Yes ☑ No ☐

Comments

N/A
**Question 2.19:** Do you agree that the permitted development rights allowing larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings should be made permanent?

Yes ☐ No ☒

**Comments**

The Council maintains its objection in principle to these permitted development rights as set out in the previous consultation response when the changes were first proposed.

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**Question 2.20:** Do you agree that there should be a new permitted development right for waste management facilities to replace buildings, equipment and machinery?

Yes ☒ No ☐

**Comments**

N/A

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**Question 2.21:** Do you agree that permitted development rights for sewerage undertakers should be extended to include equipment housings?

Yes ☒ No ☐

**Comments**

N/A
**Question 2.22:** Do you have any other comments or suggestions for extending permitted development rights?

Yes ☐ No ☒

Comments

N/A

**Implementing the proposals**

**Question 2.23:** Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence regarding the impact of the proposal on the number of new betting shops and pay day loan shops, and the costs and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?

Yes ☐ No ☒

Comments

N/A

**Article 4 Directions**

**Question 2.24:** Do you agree:

(i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 direction and

Yes ☒ No ☐

(ii) should the compensation regulations also cover the permitted development rights set out in the consultation?

Yes ☒ No ☐
Question 2.25: Are there any further comments that you wish to make in response to this section?

Yes ☒  No ☐

Comments

The Town and Country Planning (General Permitted Development) Order should be consolidated into a single document.
3. Improving the use of planning conditions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on improving the use of planning conditions?

Yes ☒  No ☐

Deemed discharge for certain types of conditions where the local planning authority does not make a timely decision

Question 3.1: Do you have any general comments on our intention to introduce a deemed discharge for planning conditions?

Yes ☒  No ☐

Comments

It should be recognised that there is a responsibility on the developer to ensure that sufficient information is provided with the application. Conditions are often imposed to require further information.

New guidance on planning conditions discharge should encourage pre-application engagement so that issues and detail can be resolved at an early stage.

If details submitted for discharge of condition are not sufficient, this is likely to lead to a focus on refusing within the time period rather than reaching positive decisions. This would delay the process and be more costly to applicants.

It should be noted that many conditions are recommended by statutory consultees and there is a need to educate statutory consultees as well as local planning authorities.

Question 3.2: Do you agree with our proposal to exclude some types of conditions from the deemed discharge?

Yes ☒  No ☐

Where we exclude a type of condition, should we apply the exemption to all conditions in the planning permission requiring discharge or only those relating to the reason for the exemption (e.g. those relating to flooding). Are there other types of conditions that you think should also be excluded?
The exemption relating to “likely to have a significant effect on a European site” should be amended to “development which is subject to a Habitats Regulation Assessment”. For planning permission to be granted it would have to be concluded that the development would not have a significant effect on the European site unless there were “imperative reasons of overriding public interest (IROPI)”. Otherwise applicants may argue that the exception does not apply which could result in environmental harm.

Exemptions should also cover conditions where input is required from others or the planning conditions are complicated such as details associated with listed buildings, construction logistics, noise and air quality.

The exemptions should relate to all of the conditions on the planning permission as it would be clearer for applicants and others to understand.

Contaminated land conditions should also be exempted from deemed discharge.
**Question 3.3:** Do you agree with our proposal that a deemed discharge should be an applicant option activated by the serving of a notice, rather than applying automatically?

Yes ☐  No ☑

If not, why?

**Comments**

This would introduce further bureaucracy into the system. It is not clear how a condition which could benefit from a deemed discharge would be identified and whether by the applicant or local planning authority.

There are no validation requirements for compliance with conditions applications and therefore many are of poor quality with insufficient information to enable the local planning authority to assess whether the details submitted address the requirements of the planning condition imposed.

**Question 3.4:** Do you agree with our proposed timings for when a deemed discharge would be available to an applicant?

Yes ☐  No ☑

If not, why? What alternative timing would you suggest?

**Comments**

If details submitted for discharge of condition are not sufficient, this is likely to lead to a focus on refusing within the time period, to avoid a deemed discharge, rather than reaching positive decisions. This would delay the process and be more costly to applicants.

There should be no deemed discharge.
**Question 3.5:** We propose that (unless the type of condition is excluded) deemed discharge would be available for conditions in full or outline (not reserved matters) planning permissions under S.70, 73, and 73A of the Town and Country Planning Act 1990 (as amended).

Do you think that deemed discharge should be available for other types of consents such as advertisement consent, or planning permission granted by a local development order?

Yes ☐ No ☑

**Comments**

N/A

Reducing the time limit for return of the fee for applications for confirmation of compliance with conditions attached to planning permissions

**Question 3.6:** Do you agree that the time limit for the fee refund should be shortened from twelve weeks to eight weeks?

Yes ☐ No ☑

If not, why?

**Comments**

Applications are often undetermined for the benefit of the applicant to avoid the need for a refusal and a new application. This would be counter to the Government’s stated aim of speeding up the development process.
Question 3.7: Are there any instances where you consider that a return of the fee after eight weeks would not be appropriate?

Yes ☐ No ☒

Why?

Comments

N/A

Sharing draft conditions with applicants for major developments before a decision is made

Question 3.8: Do you agree there should be a requirement for local planning authorities to share draft conditions with applicants for major developments before they can make a decision on the application?

Yes ☐ No ☒

Comments

This would delay the process for the applicant and it is not clear what status applicant’s comments would have.

The majority of major applications would be determined by Elmbridge’s Planning Sub-Committees and therefore any recommended conditions would be available 5 days before the date of the Committee. It is very rare for any applicants to comment or object to recommended conditions.

There is already a right of appeal against conditions if the applicant considers they are not necessary.

The requirement to share draft conditions could be linked to a Planning Performance Agreement rather than a general requirement.

Question 3.9: Do you agree that this requirement should be limited to major applications?

Yes ☒ No ☐
Comments

However, whilst the requirement should not be expanded beyond major applications, as set out in Q3.8, it is considered that in any case it should not relate to all major applications. It should be a consideration as part of a Planning Performance Agreement which could relate to any application.
**Question 3.10:** When do you consider it to be an appropriate time to share draft conditions:

- ten days before a planning permission is granted?  
- five days before a planning permission is granted? or  
- another time?, please detail

**Comments**

We have concerns with the principle, therefore no time period is considered appropriate.

**Question 3.11:** We have identified two possible options for dealing with late changes or additions to conditions – Option A or Option B. Which option do you prefer?

Option A ☐ Option B ☐ Neither ☒

If neither, can you suggest another way of addressing this issue and if so please explain your alternative approach?

**Comments**

This would add delays to the planning process. There is already a right of appeal against imposition of conditions.

Many applications for major development are considered by planning committees where recommended conditions are published as part of an agenda 5 working days in advance.

**Requirement to justify the use of pre-commencement conditions**

**Question 3.12:** Do you agree there should be an additional requirement for local planning authorities to justify the use of pre-commencement conditions?

Yes ☐ No ☒

**Comments**

This is already a requirement under Article 31 (1)(a)(iii) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.
**Question 3.13:** Do you think that the proposed requirement for local planning authorities to justify the use of pre-commencement conditions should be expanded to apply to conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead?

Yes [ ] No [X]

**Comments**

This is already a requirement under Article 31 (1)(a)(iii) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

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**Question 3.14:** What more could be done to ensure that conditions requiring further action to be undertaken by an applicant before an aspect of the development can go ahead are appropriate and that the timing is suitable and properly justified?

**Comments**

PINS model conditions should be updated and included in the PPG together with the model trigger point eg. prior to demolition, commencement, occupation.

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**Question 3.15:** Are there any further comments that you wish to make in response to this section?

Yes [ ] No [X]

**Comments**

N/A
4. Planning application process improvements

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on planning application process improvements?

Yes ☑️ No ☐

Review of requirements for consultation with Natural England and the Highways Agency

**Question 4.1:** Do you agree with the proposed change to the requirements for consulting Natural England set out in Table 1? If not, please specify why.

Yes ☑️ No ☐

**Comments**

N/A

**Question 4.2:** Do you agree with the proposed changes to the requirements for consulting the Highways Agency set out in Table 2? If not, please specify what change is of concern and why?

Yes ☑️ No ☐

**Comments**

N/A
Review of requirements for consulting with English Heritage

**Question 4.3:** Do you agree with the proposed changes to the requirements for consulting and notifying English Heritage set out in Table 3? If not, please specify what change is of concern and why?

Yes [x] No [ ]

Do you agree with the proposed change to remove English Heritage’s powers of Direction and authorisation in Greater London? If not, please explain why?

Yes [x] No [ ]

**Comments**

N/A

**Question 4.4:** Do you agree with the proposed changes to the requirements for referring applications to the Secretary of State set out in Table 4? If not, please specify what change is of concern and why.

Yes [x] No [ ]

**Comments**

N/A
**Question 4.5:** Do you agree with the proposed minor changes to current arrangements for consultation/notification of other heritage bodies? If not, please specify what change is of concern and why.

Yes ☒ No ☐

**Comments**

N/A

Further measure to streamline statutory consultation arrangements

**Question 4.6:** Do you agree with the principle of statutory consultees making more frequent use of the existing flexibility not to be consulted at the application stage, in cases where technical issues were resolved at the pre-application stage?

Yes ☐ No ☒

Do you have any comments on what specific measures would be necessary to facilitate more regular use of this flexibility?

Yes ☐ No ☒

**Comments**

There is a risk that the information submitted to and agreed by a statutory consultee at the pre-application stage may not be identical to the information submitted to the local planning authority at the application stage.

The requirement to consult relevant statutory consultees should be kept. However, if pre-application consultation has taken place, it should enable the consultee to provide a response to the LPA within the 21 neighbour notification period therefore avoiding delay the process.
Impacts and benefits of the proposals

**Question 4.7:** How significant do you think the reduction in applications which statutory consultees are unnecessarily consulted on will be? Please provide evidence to support your answer.

**Comments**

N/A

Notifying railway infrastructure managers of planning applications for development near railways

**Question 4.8:** In the interest of public safety, do you agree with the proposal requiring local planning authorities to notify railway infrastructure managers of planning applications within the vicinity of their railway, rather than making them formal statutory consultees with a duty to respond?

Yes ☒ No ☐

**Comments**

N/A

**Question 4.9:** Do you agree with notification being required when any part of a proposed development is within 10 metres of a railway?

Yes ☒ No ☐

Do you agree that 10 metres is a suitable distance?

Yes ☒ No ☐

Do you have a suggestion about a methodology for measuring the distance from a railway (such as whether to measure from the edge of the railway track or the boundary of railway land, and how this would include underground railway tunnels)?

Yes ☐ No ☒
Consolidation of the Town and Country Planning (Development Management Procedure) Order 2010

Question 4.10: Do you have any comments on the proposal to consolidate the Town and Country Planning (Development Management Procedure) Order 2010?

Yes ☒ No ☐

Comments

The General Permitted Development Order should also be consolidated.

Measurement of the end-to-end planning process

Question 4.11: Do you have any suggestions on how each stage of the planning application process should be measured? What is your idea? What stage of the process does it relate to? Why should this stage be measured and what are the benefits of such information?

Yes ☐ No ☒

Comments

The application and appeals process are already measured by timescales and the performance indicators set out nationally.
Question 4.12: Are there any further comments that you wish to make in response to this section?

Yes ☐ No ☑

Comments

N/A
5. Environmental Impact Assessment Thresholds

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on Environmental Impact Assessment Thresholds?

Yes ☒ No ☐

The proposals we are consulting on

Question 5.1: Do you agree that the existing thresholds for urban development and industrial estate development which are outside of sensitive areas are unnecessarily low?

Yes ☒ No ☐

Comments

N/A

Question 5.2: Do you have any comments on where we propose to set the new thresholds?

Yes ☐ No ☒

Comments

N/A
**Question 5.3:** If you consider there is scope to raise the screening threshold for residential dwellings above our current proposal, or to raise thresholds for other Schedule 2 categories, what would you suggest and why?

**Comments**

N/A

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**Question 5.4:** Are there any further comments that you wish to make in response to this section?

Yes ☐  No ☒

**Comments**

N/A
6. Improving the nationally significant infrastructure regime

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Would you like to respond to the consultation on streamlining consents for nationally significant infrastructure projects?

Yes ☐  No ☒

Non-material and material changes to Development Consents Orders

**Question 6.1:** Do you agree that the three characteristics set out in paragraph 6.10 are suitable for assessing whether a change to a Development Consent Order is more likely to be non-material? Are there any others that should be considered?

Yes ☐  No ☐

**Comments**

N/A

Making a non-material change

**Question 6.2:** Do you agree with:

(i) making publicising and consulting on a non-material change the responsibility of the applicant, rather than the Secretary of State?

Yes ☐  No ☒

(ii) the additional amendments to regulations proposed for handling non-material changes?

Yes ☐  No ☒
Making a material change

Question 6.3: Do you agree with the proposals:

(i) to change the consultation requirements for a proposed application for a material change to a Development Consent Order?

Yes ☐ No ☐

(ii) to remove the requirement on an applicant to prepare a statement of community consultation for an application for a material change?

Yes ☐ No ☐

(iii) to remove the current requirement to publish a notice publicising a proposed application where an application for a material change is to be made?

Yes ☐ No ☐

Question 6.4: Do you agree with the proposal that there should be a new regulation allowing the Secretary of State to dispense with the need to hold an examination into an application for a material change?

Yes ☐ No ☐
Question 6.5: Do you agree with the proposal to reduce the statutory time periods set out in the 2011 Regulations to four months for the examination of an application for a material change, two months for the examining authority to produce a report and their recommendation and two months for the Secretary of State to reach a decision?

Yes ☐  No ☐

Guidance on procedures

Question 6.6: Are there any other issues that should be covered if guidance is produced on the procedures for making non-material and material changes to Development Consent Orders?

Yes ☐  No ☐
The proposal we are consulting on

**Question 6.7:** Do you agree with the proposal that applicants should be able to include the ten consents (see main document) within a Development Consent Order without the prior approval of the relevant consenting body?

Yes ☐ No ☐

Comments

N/A

**Question 6.8:** Do you agree with the ways in which we propose to approach these reforms?

Yes ☐ No ☐

Comments

N/A

**Question 6.9:** Are there any other ideas that we should consider in enacting the proposed changes?

Yes ☐ No ☐

Comments

N/A
**Question 6.10:** Do you have any views on the proposal for some of the consents to deal only with the construction stage of projects, and for some to also cover the operational stage of projects?

Yes ☐ No ☐

**Comments**

N/A

**Question 6.11:** Are there any other comments you wish to make in response to this section?

Yes ☐ No ☐

**Comments**

N/A
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