

Public Document Pack

Legal and Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Thursday 21 January 2021 at 7.00 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/rt/9180501390546965004>

Webinar ID: 114-500-763

Telephone (listen-only): 0330 221 9922, Telephone Access code: 643-872-807

The members listed below are summoned to attend the Licensing and Planning Policy Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor David Reeve (Chair)
Councillor Clive Woodbridge (Vice-Chair)
Councillor Monica Coleman
Councillor Neil Dallen
Councillor Robert Foote

Councillor Chris Frost
Councillor Liz Frost
Councillor Rob Geleit
Councillor Julie Morris
Councillor Phil Neale

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Public information

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are not permitted at meetings of the Licensing and Planning Policy Committee. [Part 4 of the Council's Constitution](#) sets out which Committees are able to receive public questions, and the procedure for doing so.

AGENDA

1. QUESTION TIME

To take any questions from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 3 December 2020 (attached) and to authorise the Chairman to sign them.

4. DRAFT ENFORCEMENT PLAN (Pages 9 - 32)

This Draft Planning Enforcement Plan sets a framework for how the planning enforcement team will handle complaints and any subsequent investigations into breaches of planning control. It will aim to clearly set out the aims of the Planning Enforcement Team, the background to Planning Enforcement and the scope of enforcement powers. This Draft Planning Enforcement Plan sets out priorities for responses to complaints and clarify the timescales for response by Enforcement Officers. This policy document will also seek to formalise how Councillors and the general public will be kept up to date in relation to the work being carried out by the Planning Enforcement Team.

5. SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE (Pages 33 - 48)

The Council's draft response to the Ministry of Housing, Communities & Local Government (MHCLG) consultation on "Supporting housing delivery and public infrastructure" proposals published on 3rd December 2020.

This page is intentionally left blank

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 3 December 2020**

PRESENT -

Councillor David Reeve (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Monica Coleman, Neil Dallen, Robert Foote, Chris Frost, Liz Frost, Rob Geleit, Julie Morris and Phil Neale

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Alex Awoyomi (Trainee Solicitor), Mary Bryson (Planning Policy Officer), Susie Legg (Policy Planner), Wai-Po Poon (Senior Planning Policy Officer), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

22 QUESTION TIME

No questions had been submitted or were asked by members of the public.

23 DECLARATIONS OF INTEREST

No declarations were made by Councillors with regard to items on the agenda.

24 MINUTES OF PREVIOUS MEETING

The Minutes of the previous meetings of the Licensing and Planning Policy Committee held on 22 October and 12 November were agreed as a true record and the Committee authorised the Chair to sign them.

25 INFRASTRUCTURE FUNDING STATEMENT

The Committee received a report relating to the Council's first Infrastructure Funding Statement (IFS), which is required under the Community Infrastructure Levy Regulations. It contained information on CIL monies, Section 106 and Section 278 agreements along with an 'infrastructure list' setting out the infrastructure projects or types which the Council intended to fund wholly or partly by the levy. The IFS was required to be published on the Council's website by 31 December 2020.

The Committee received a verbal introduction from the Head of Planning.

The following matters were raised by the Committee:

- a) **Outstanding balances:** It was noted that of all the amounts invoiced for, outstanding debts only account for 1.1% of CIL monies. Officers noted that there are 2 outstanding invoices from 2016 totalling £18,000, and 2 recent invoices with an outstanding balance of £85,000 (due to effects of the Covid-19 Pandemic). It was noted that both of these items were being dealt with appropriately.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Noted the content of the Infrastructure Funding Statement for publication by 31 December 2020.**

26 ANNUAL MONITORING REPORT 2019-2020

The Committee received an Annual Monitoring Report assessing the performance of adopted planning policies and tracking the progress against the Local Plan Programme.

The Committee received a verbal introduction from the Head of Planning.

The following points were raised by the Committee:

- a) **Emerging Local Plan:** Members requested that the 'Health and Wellbeing Strategy' be added to the list of items that the new Epsom & Ewell Local Plan would consider. The Officer agreed that this would be incorporated into the report.
- b) **DM12:** Members raised concerns regarding the National Space Standards, including the way in which they do not take into account wheelchair-users. Members noted that as a result of the Covid-19 Pandemic, more people are spending time at home (including to work) and that going forward this must be taken into consideration in planning for adequate amenity space.
- c) **Bat and swift boxes:** Members queried a requirement relating to bat boxes and swift boxes be added to conditions for Planning Applications. The Officer acknowledged that this was the case for most planning applications at present and would be looked at during the next review of the Local Plan. .
- d) **Affordable housing:** Members spoke about the possibility of the defining requirements for a major development be reduced from 10 or more dwellinghouses to 5 or more dwellinghouses. It was noted that this would be looked at during the next review of the Local Plan.

Following consideration, it was resolved that the Committee:

- (1) Noted the contents of the Annual Monitoring Report.**

The meeting began at 7.00 pm and ended at 7.35 pm

COUNCILLOR DAVID REEVE (CHAIR)

This page is intentionally left blank

DRAFT ENFORCEMENT PLAN

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 - Draft Enforcement Plan

Summary

This Draft Planning Enforcement Plan sets a framework for how the planning enforcement team will handle complaints and any subsequent investigations into breaches of planning control. It will aim to clearly set out the aims of the Planning Enforcement Team, the background to Planning Enforcement and the scope of enforcement powers. This Draft Planning Enforcement Plan sets out priorities for responses to complaints and clarify the timescales for response by Enforcement Officers. This policy document will also seek to formulise how Councillors and the general public will be kept up to date in relation to the work being carried out by the Planning Enforcement Team.

Recommendation (s)

The Committee is asked to:

- (1) Approve the Draft Planning Enforcement Plan (Appendix 1) for a period of 6 weeks public consultation. Following which the comments received will be considered, amendments made as considered appropriate and the revised plan will be brought back to this to the committee for formal adoption.**

1 Reason for Recommendation

- 1.1 The delivery and implementation of the Planning Service its policies and development management functions contributes towards all of the Council's Key Priorities. The Draft Enforcement Plan sets out how the council will investigate potential breaches of planning control and use its discretionary planning enforcement powers when appropriate.

2 Background

- 2.1 The Council's general approach to enforcement of breaches of planning control is set out in its Development Management Policies Document section 8 adopted in September 2015. This draft Enforcement Plan is brought forward as detailed explanation of how the Council will implement its approach to enforcement in accordance with up-to-date government guidance and best practice.
- 2.2 Under the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.
- 2.3 Guidance as to how to apply this power and when a local planning authority may consider it expedient to take enforcement action is contained in National Planning Policy Framework (NPPF) paragraph 58, and National Planning Practice Guidance (NPPG) The government urges local planning authorities to use enforcement action as a last resort. Formal enforcement action will not be authorised unless it has been concluded that there is no other course of action available.
- 2.4 In addition to Government guidance the Development Management Policies Document adopted in September 2015 contains at section 8 a statement about planning enforcement and a series of general statements which constitute the Council's Enforcement Policy. This Draft Enforcement Plan if adopted will not form part of the Council's Statutory Development Plan but will elaborate how the adopted Enforcement Policy will be applied and sets out service standards and clear communication with local communities, businesses and other interested groups as to how we will deal with complaints and when we will use our enforcement powers.
- 2.5 It may be updated from time to time as circumstances change.
- 2.6 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.7 The Development Plan for the Borough comprises the Epsom & Ewell Core Strategy 2007, Plan E: Epsom Town Centre Area Action Plan (2011) and the Development Management Policies Document 2015.

3 Risk Assessment

Legal or other duties

- 3.1 Impact Assessment
 - 3.1.1 Not required

3.2 Crime & Disorder

3.2.1 There are some breaches of planning control which amount to prima facie criminal acts, these include unauthorised works to statutorily Listed Buildings

3.3 Safeguarding

3.3.1 There are no safeguarding implications arising from this report

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 The preparation and production of the draft Enforcement Policy and the subsequent public consultation has been undertaken using existing internal resources. This has had minor resource implications that have been contained and managed within the Planning Development Management Team.

4.2 All the costs associated with enforcement actions are met out of the existing Development Management revenue budgets. There are no additional financial implications arising from the recommendation to adopt the Planning Enforcement Policy.

4.3 **Section 151 Officer's comments:** Non arising from the contents of this report.

5 Legal Implications

5.1 The statutory basis for planning enforcement is contained in Part VII of the Town and Country Planning Act 1990. Enforcement powers available to the Council include the service of enforcement, breach of condition and stop notices and the taking of legal proceedings by way of an injunction.

5.2 The taking of enforcement action is discretionary and, as referred to in the body of the Report, is a matter of expediency with government guidance published as to when enforcement action should be considered.

5.3 It is not considered that any adverse human rights implications arise from the Report or implications under the Equalities Act.

5.4 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:**

There are no Climate or Environment impact implications arising from this report

6.4 **Sustainability Policy & Community Safety Implications:**

There are no Sustainability or Community Safety implications arising from this report

6.5 **Partnerships:**

There are no Partnerships implications arising from this report

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- The Development Management Policies Document – September 2015

Other papers:

- Appendix 1: Draft Enforcement Plan

Epsom & Ewell Borough Council

Draft Enforcement Plan

December 2020

Rear cover Intentionally blank

Planning enforcement policy

This document sets out how the Council will deal with potential planning breaches.

It provides information and guidance for residents, developers and those with other interests, on how complaints about unauthorised development are handled. It seeks to balance the concerns of local residents with the rights of owners and sets out the priorities and timescales for responding to complaints, carrying out investigations and taking appropriate enforcement action where necessary.

Introduction	5
Principles and definitions	6
Limits on taking enforcement action	8
Making an enforcement complaint	9
Priorities	10
Service standards and objectives	11
Timeline when making an enforcement complaint	12
When should we take enforcement action?	15
Appendix A: Useful contacts	16
Appendix B: Enforcement Glossary	17

Introduction:

Epsom and Ewell Borough Council is responsible for dealing with planning enforcement in the Borough.

The statutory basis for planning enforcement is contained in Part VII of the Town and Country Planning Act 1990. Enforcement powers available to the Council include the service of enforcement, breach of condition and stop notices and the taking of legal proceedings by way of an injunction.

The taking of enforcement action is discretionary and, as referred to in the body of the Report, is a matter of expediency with government guidance published as to when enforcement action should be considered.

Enforcement Powers are guided by the National Planning Policy Framework (2019) paragraph 58, the framework outlines that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

Development without planning consent may cause frustration, upset and or even distress for residents, business and visitors to the Borough. Breaches of planning control are covered by planning legislation. Most breaches are not criminal offences, but there are some notable exceptions, such as unauthorised works to listed buildings and unlawful advertisements.

All complaints regarding potential breaches of planning regulations are investigated by an enforcement officer who in conjunction with the Planning Development Manager and Head of Planning decide what action should be taken. Decisions are based on merits of each individual case, and enforcement action is taken only when it is considered fair, reasonable, proportionate and expedient.

Definition of Expedient: The Council’s planning enforcement powers are discretionary and we should not take further action simply because there has been a breach in planning control.

Enforcement action should only be taken where the Council is satisfied that it is ‘expedient’ to do so, having regard to the provisions of the development plan and to any other material planning considerations.

In making this assessment the Council will gather evidence regarding the nature and scale of the breach, and whether it unacceptably affects public amenity and or the built or historic environment.

Planning enforcement – principles and definitions:

What is development? The meaning of development is defined within the Town and Country Planning Act 1990 Section 55 as: ‘the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.’

What is a breach in planning control? A breach of planning control is defined under Section 171A of the Town and Country Planning Act 1990 as: (a) ‘carrying out development without the required planning permission; or (b) failing to comply with any condition or limitation subject to which planning permission has been granted.’

Epsom & Ewell Borough Council undertake a firm but fair and reasoned approach to regulation based upon the following principles

- Proportionality;
- Consistency;
- Transparency;
- Targeting of enforcement action and raising awareness;
- Accountability.

Proportionality

Enforcement action will be appropriate to the scale of the alleged breach and the seriousness of the harm caused.

Consistency

Taking a similar approach in similar circumstances, where possible to achieve similar results. We will also be consistent in how we treat customers.

Transparency

We will ensure that everyone involved with cases understands our processes and procedures, including what rights of complaint and appeal may be open to them. We will seek feedback from service users in order to learn and improve.

Targeting enforcement action and raising awareness

Planning enforcement is a high volume, demand based service and resources are limited. As a consequence, targeted enforcement action is very important. Raising awareness of planning management and enforcement will help to reduce unauthorised works and increase public confidence in our service.

Accountability

This local enforcement plan document, after public consultation and being agreed by councillors sets our priorities for action. The success of the policy will be monitored and reviewed regularly. In addition, we will provide an annual performance report to the council’s planning committee.

Investigations:

The Council's Planning Enforcement Service can investigate the following:

- Development consisting of the change of use of land/buildings without planning consent;
- Internal and external works to listed buildings without consent;
- Unauthorised building works and/or engineering works;
- Non-compliance with conditions attached to planning permissions;
- Display of unlawful advertisements;
- Condition and appearance of buildings and/or land which is detrimental to the area;
- Listed buildings in serious disrepair; and
- Relevant demolition.

The Council's Planning Enforcement Service cannot investigate the following:

- Boundary wall disputes and other land ownership issues as these are civil matters outside of the planning legislation;
- Legal covenants;
- Devaluation of property;
- Obstructions, parking, traffic enforcement and any other matters affecting the Public Highway*
- Graffiti and anti-social behaviour*
- Dangerous structures*
- Noise nuisance*
- Events/potential breaches that may occur in the future
- Odour issues*

*The Council or Partner Agencies have other powers to deal with these breaches – please see Useful Contacts in Appendix A of this plan.

Limits on taking enforcement action

No Formal Action

In some cases the enforcement team will not be able to take formal action against developments that are reported by members of the public. For example, when

- The works or change of use fall within 'permitted development' tolerances under the terms of the Town and Country Planning (General Permitted Development Order) (England) 2015 or the Town and Country Planning (Use Classes) Order 1987.
- An advertisement benefits from 'deemed consent' under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- Immunity from enforcement action has occurred (as outlined below)
- The works are considered 'de minimis' i.e. too minor to fall under the scope of planning control.

Timescales

The Council can take enforcement action against unauthorised operational development up to four years from the date the development is substantially completed.

Operational development includes for example (this list is not exhaustive and not intended to include all works):

- Erection of a front, side or rear extension;
- Alterations to the roof;
- Alterations to commercial buildings;
- Certain engineering works

The council usually has four years to take enforcement action against developments where a building has been changed to a single dwelling house.

For any other development involving a change of use or breach of planning conditions the Council may take action up to ten years from the commencement of the breach.

Listed buildings

For listed building there is no time limit to taking enforcement action. It is also a criminal offence to carry out unauthorised alterations to a listed building.

Adverts

The display of advertisements is subject to a separate consent process within the planning system. Parties who display an advertisement in contravention of the planning regulations are undertaking an offence. For example, by displaying an advert without the necessary consent or without complying with the conditions attached to that consent.

Making an enforcement complaint

Complaints about potential breaches of planning control can be made using the form on the council's website.

<https://www.epsom-ewell.gov.uk/residents/planning/planning-enforcement>

A copy of the form can be sent out to complainants if requested (contact 01372 732 000 for a copy of the form).

All of the questions/fields on the form should be completed and where possible photographs should be attached.

The council will not investigate anonymous complaints. It is important that officers are able to understand the complaint, identify the harm and make a fair assessment. We also need to prevent malicious and vexatious complaints.

Confidentiality

Any details submitted to the council in relation to an enforcement complaint will be treated in the strictest confidence. The council will not reveal the identity of the complaints to an owner or responsible party(s). However, sometimes complainants may be asked provide evidence to assist the legal proceedings of the investigation.

In addition, enforcement complaints may be subject of a Freedom of information request where upon the matter and information will be considered for release.

Priorities for planning enforcement investigation

The planning enforcement service is a high volume, demand-based service with limited resources. Therefore, it is important that different types of breach are prioritised in a clear and transparent way. The prioritisation set out below is based upon the significance, urgency and seriousness of a reported breach.

All investigations will be carried out thoroughly and accurately in accordance with the following priorities:

Level 1 (highest category):

Cases that fall within this category include:

- Ongoing works to a Listed Building;
- Large scale development where a serious impact is felt over a wide area;
- Development/changes of use with serious implications upon the continued health and wellbeing of the public and the environment;
- Works not in accordance with planning permission for major proposals;
- Substantial works (including demolition) in a conservation area;
- Felling of tree protected under a Tree Preservation Order or within a conservation area

Level 2 (medium category):

Cases that fall within this category include:

- residential and commercial extensions;
- breaches of condition;
- changes of use including HMOs';
- condition of buildings or land in poor condition;
- works not in accordance with planning permission for non-major proposals

Level 3 (lowest category):

Cases that fall within the category include:

- unauthorised signage and advertisements;
- any breach of planning control which is of a temporary nature (unless public safety is compromised);
- unauthorised fences, walls and gates;
- shopfronts;
- satellite dishes;
- flues;

Please note: Officers may re-prioritise cases after receiving a complaint based upon the nature of the alleged breach and its impact.

Service standards and objectives:

We will deal with all cases in a fair and transparent way.

Complainants can expect

- Written acknowledgement, within five working days, detailing how the case has been prioritised and the name of the case officer
- Site visits to be undertaken in accordance with the 'Timeline' section below
- Regular updates about what action has been taken. Complainants will be informed and at each key stage of the process - for example, whether an enforcement notice has been served
- To be informed of the final outcome of their complaint within Five working days of the decision to close the case
- There are no set timescales for the closure of an enforcement case. Investigations and action can take a long time. However, we will provide an update eight weeks after receiving the complaint. Complainants can also email the case officer who will respond within five working days.

Owners of the properties that are complained about can expect

- Clear and open communication on the circumstances of the alleged breach including an explanation of what steps are required to resolve any breach and the possible consequences if those steps are not taken
- A thorough investigation of the complaint before a decision is made
- Notification within 10 working days of the site visit, including an initial assessment as to whether planning control has been breached and the measures needed to achieve compliance
- To be given an opportunity to put things right, along with information on how long they have to do this and the consequences of failing to do so
- Formal enforcement action to be taken, if necessary, if attempts to negotiate a remedy fail
- Be informed in writing if the council decides to proceed to formal enforcement action and what form that will take
- Information on how to appeal against the notices, where applicable.

Timeline when making an enforcement complaint

Receipt of the complaint

When a complaint is received by the council it will be subject to initial screening and categorised as

- Level 1
- Level 2
- Level 3

The complainant will receive an acknowledgement detailing how the case has been prioritised and details of the case officer within three working days of receipt.

Initial assessment

An initial assessment will be carried out within¹:

- Five working days for cases in Level 1
- 15 working days for cases in Level 2
- 30 working days for cases in Level 3

In most circumstances, this will include a site visit. Once the initial assessment/site visit has been carried out, we will notify the owner or occupier of the property that has been complained about within 10 working days (in some circumstances this may take longer) as to whether or not it falls into the category of a breach of planning control.

If no breach is discovered the case will be closed immediately and both the complainant and property owner will be informed and explained why the case was closed.

If there is a breach

If a breach has occurred the owner and/or relevant party will be advised by the council of the action that they will be required to take to remedy the breach

This could include:

- Requirement to cease the use or remove any unauthorised development; or
- Submit a planning application to regularise the breach or provide a revised scheme to address unauthorised works that are considered unacceptable.

The owner and/or relevant party will be given a reasonable timeframe (the timeline will depend on the circumstances of the case) to comply with these requirements and the complainant will also be kept informed.

¹ During national or local emergencies these timescales may be varied

After the expiry of this period, the case officer will carry out a second assessment to decide how to progress. This will take into account the current intentions and actions of the owner and/or relevant party to this point.

Timescales:

The enforcement team aims to reach a decision on whether or not to take action within eight weeks of receipt² of the complaint and will provide an update to the property owner and complainant.

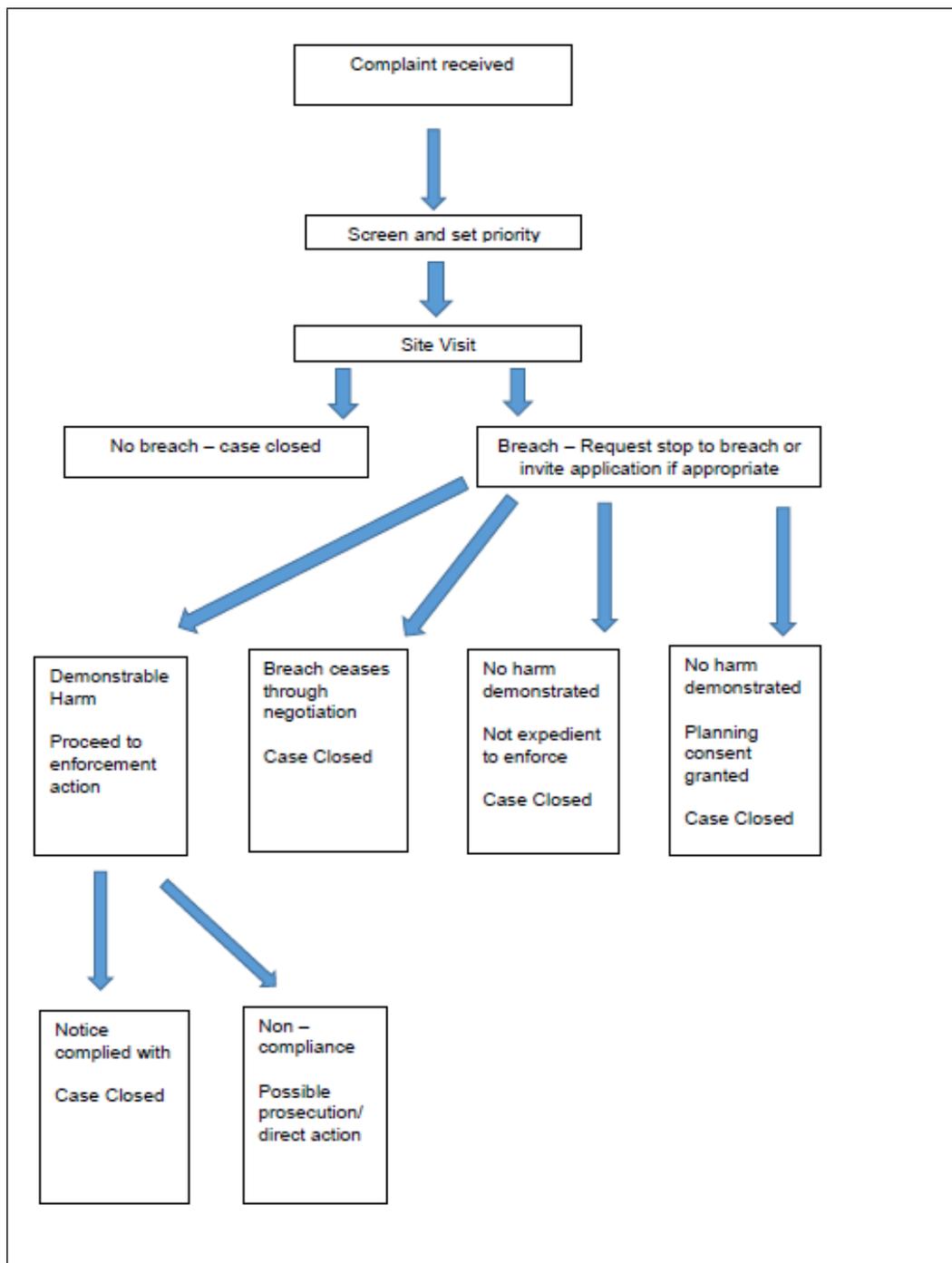
² During national or local emergencies these timescales may be varied

Communication timeline

Investigating possible breaches of planning permission can be stressful for both the parties making the complaint and for the person under investigation. This is partly due to the different ways in which an investigation can follow and the timescales involved.

To try and ease stress and assist with the uncertainty the enforcement officers will provide the following updates during the course of an investigation:

The Enforcement process



When should we take enforcement action?

Expedient

Council officers consider a case to be expedient when:

- Further negotiation is needed to resolve the breach.
- Further evidence is required. This can be achieved through the service of a formal Planning Contravention Notice (PCN) or research of previous uses/permissions.
- A formal notice is served. The most common types of notices used include Section 172 Enforcement Notices and Section 215 Amenity

Notices under the Town and Country Planning Act 1990 and Section 38 Listed Building Enforcement Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Not Expedient

The Council will use its discretion when deciding whether to take formal enforcement action. Planning breaches may be unintentional or be considered technical or very minor. In line with government policy and guidance within the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Council will take action when it is considered fair and reasonable to do so and is proportionate to any harm caused. In some cases although there is a breach in planning control, the harm caused is minor, meaning action is not justified: i.e. it is not expedient to pursue the case.

Timescales

Planning enforcement action can be a lengthy process and potentially frustrating for all involved. The enforcement team aims to resolve breaches as quickly as possible. However, due to the level of research sometimes required and the effects of external factors (such as the timescales involved in appeals to the planning inspectorate and prosecutions) some cases will take a long time to resolve.

Appendix A

Useful contacts

Building control

The main purpose of Building Control is to ensure that all building work complies with the Building Regulations. Building Control also investigate buildings and other structures which may be dangerous. The team can be contacted on 01372 732 000 and email: contactus@epsom-ewell.gov.uk

Empty Homes team

The main purpose of the empty properties team is to help homeowners, potential investors and neighbours to ensure empty properties are returned to use. The team can be contacted on 01372 732 000 and email: EmptyHomes@epsom-ewell.gov.uk

Highways

The Surrey highways team co-ordinates and monitors public highways in the county.

Visit <https://www.surreycc.gov.uk/roads-and-transport> for a list of all the areas the highways team cover. The team can be contacted on 0300 200 1003

Noise & odour nuisance

The environmental health team is responsible for protecting and improving public health and the environment. Officers carry out various duties in the Borough including food hygiene, health & safety inspections, responding to complaints of noise nuisance, pollution control and licensing. The team can be contacted on 01372732000 or visit <https://www.epsom-ewell.gov.uk/environment> for a list of services and ways to contact specific to your complaint.

Housing

The housing team covers all housing which is not owned by the council. The team can be contacted on 01372 732000 or visit <https://www.epsom-ewell.gov.uk/Housing> for a list of services and ways to contact specific to your complaint.

Trees

The arboricultural service deals with most tree-related issues. The team can be contacted on 01372 732 000 or visit <https://www.epsom-ewell.gov.uk/tree-information-and-preservation-orders> for further information

Appendix B

Enforcement Glossary

This glossary provides the enforcement options available to the local planning authority.

Negotiation

Negotiation is encouraged in all but the most serious cases as the best way to resolve a breach and in some cases can be more expedient than issuing an enforcement notice.

Planning contravention notice (PCN)

This is a notice which allows the Council to collect evidence which will help to determine if a breach is taking place and the next steps. The owner and/or person responsible have 21 days to respond and failure to do this may result in prosecution.

Enforcement notice

The enforcement notice allows the Council to formally require a breach of planning control to be remedied. Government guidance states that enforcement notices should only be served when expedient to do so. Failure to comply within the specified timeframe is a criminal offence which can lead to prosecution proceedings. Enforcement notices can be appealed and the Planning Inspectorate can decide to uphold the notice, amend it or have it quashed.

Section 215 notices

Where the condition of land or a building is adversely affecting the amenity of a neighbourhood the council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to remedy the condition of the land or building. Failure to comply with the Notice is a criminal offence. The council has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

Breach of condition notice (BCN)

A breach of conditions notice under Section 187A of the Town and Country Planning Act 1990 requires its recipient to secure compliance with the terms of a planning condition or conditions, specified by the Local Planning Authority in the notice. There is no right to appeal against this notice and prosecution can be brought in the Magistrates' Court for the offence of contravening a breach of condition notice.

Listed building enforcement notice

A Listed Building enforcement notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will require the recipient to secure compliance with the terms of the notice. Works to listed buildings without consent is a criminal offence and prosecution may occur alongside the enforcement notice, subject to severity/context. There is a right of appeal of this notice.

Urgent works notice

This is a notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that applies to unoccupied listed buildings in serious disrepair. It enables the Council to order urgent works to preserve the building, for example to make it weather tight and secure. If the notice is not complied with the council may carry out the works in default and recover the costs from the owner.

Planning enforcement order

Where a person deliberately conceals unauthorised development the deception may not come to light until after the time limits for taking enforcement action (Section 171B of the Town and Country Planning Act 1990) have expired. A planning enforcement order enables the Council to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.

Discontinuance notice

Where a person has displayed an advertisement with deemed consent that the authority is satisfied causes a substantial injury to the amenity of the area or is a danger to members of the public, a discontinuance notice can be served under Regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 seeking the removal of the advert.

Stop notice

This can be used in conjunction with an enforcement notice where the breach of planning control is causing serious harm and should only be used in extreme cases. In such cases where stop notices are issued the council may be liable to pay compensation if it is later decided that the stop notice was not appropriate. For these reasons, serious consideration needs to be given to the appropriateness of serving a stop notice.

Temporary stop notice

These are similar to stop notices but take effect immediately from the moment they are displayed on a site and last for up to 28 days. A temporary stop notice would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment or public safety. It may be issued even when planning permission has been granted for development, for example, in a case where the developer is not complying with conditions attached to the permission.

Injunction

This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

Default powers

The Council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in

extreme cases and when resources allow. The Council will seek to recover all cost associated with carrying out the works in default.

Prosecution

It is a criminal offence not to comply with the requirements of a statutory notice, to display an advertisement without consent or undertake works to a listed building without consent. The Council can prosecute or formally caution

SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	1: Draft response to MHCLG consultation; Supporting housing delivery and public service infrastructure

Summary

The Council's draft response to the Ministry of Housing, Communities & Local Government (MHCLG) consultation on "Supporting housing delivery and public infrastructure" proposals published on 3rd December 2020.

Recommendation (s)

The Committee is asked to:

- (1) Note and approve the draft response to the government's proposals documented within the open consultation; "Supporting housing delivery and public service infrastructure".**

1 Reason for Recommendation

- 1.1 The government is consulting on Supporting housing delivery and public service infrastructure, which outlines proposed measures said "*to support housing delivery, economic recovery, and public service infrastructure*".
- 1.2 The consultation was published on 3rd December 2020 and runs for an 8 week period up until the 28th January 2021. It is important that the Council responds outlining its support or concerns about the proposals.

2 Background

- 2.1 The consultation comprises a number of proposals set out under three main headline proposals, these are summarised within points 1-9 within the introduction. The 3 headline proposals set out in greater detail include:

1. Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential
 - From 1 September 2020 the government introduced a new Commercial, Business and Service use class which groups together uses commonly found on high streets and town centres and provides for movement between such uses without the need for a planning application.
 - The government now want to allow this broader range of uses to change to residential use in an effort to support housing delivery and attract the additional footfall that new residents will bring. Current permitted development rights provide for shops, financial and professional services, and offices to change to residential use, and these will continue to apply until 31 July 2021.
 - The proposal will require all homes to meet the nationally described space standards. This will come into effect from 1 August 2021.
 - *The proposed right:* the right would allow for the change of use from any use, or mix of uses, within the Commercial, Business and Service use class (Class E) to residential use (C3). It will go significantly beyond existing rights, allowing for restaurants, indoor sports, and creches etc to change use to residential under permitted development rights for the first time. The protections for pubs, including those with an expanded food offer, theatres, and live music venues, all of which are outside of this use class, continue to apply and a full planning application required for the change of use to or from such uses.
 - *Size of the buildings to which the right might apply:* it is proposed that there be no size limit on the buildings that can benefit from the right.
 - *Where the right might apply:* It is proposed the right would not apply to sites of special scientific interest; listed buildings and land within their curtilage; sites that are or contain scheduled monuments; safety hazard areas; military explosives storage areas, sites subject to an agricultural tenancy, other sensitive article 2(3) land, such as national parks and areas of outstanding natural beauty. The proposal for sites within conservation areas, the right would allow for prior approval of the impact of the loss of the ground floor use to residential.

- *Matters for local consideration through prior approval:* flooding, transport, contamination, impact of noise, adequate light, fire safety, areas which are used for heavy industry and waste management.
- *Applications for prior approval and fees:* prior approval would be accompanied by: information necessary for the consideration of the matters for prior approval, and an appropriate fee. The proposed fee will be per dwellinghouse, and that this is set at the current prior approval fee of £96 per dwellinghouse capped at a maximum of the fee for 50 homes.
- *Public Sector Equality Duty Assessment and impact assessment:* A Public Sector Equality Duty Assessment and an impact assessment will be prepared prior to any secondary legislation being laid. Government is required to assess proposals by reference to the Public Sector Equality Duty in the Equality Act 2010.

2. Supporting public service infrastructure through the planning system

- The Spending Review (25 November 2020) set out the government's long-term vision for investment in the vital public service infrastructure including new hospitals, schools, further education colleges and prisons. The Government considers a key issue in securing planning permission for new hospitals, schools, further education colleges and prisons as taking a significant time, leading to project delays and cost increases. The government is consulting on a package of proposals which it considers will speed up the planning process. The changes to provide additional capacity to schools, other educational establishments, hospitals, and prisons are de-regulatory.

- *Providing further flexibilities for public service infrastructure through permitted development rights:* The proposal to provide additional educational and hospital capacity on existing sites. This could be taken forward through amendment of the existing national permitted development right which allows schools and other educational establishments and hospitals to expand or construct additional buildings without the need for a planning application. The right would provide greater capacity to expand compared with the existing rights under class M. The proposal to allow prisons to expand their facilities to provide additional prison accommodation to address an increase in prisoner numbers without the need for a planning application. As part of the wider consultation the government will consider how the permitted development rights set out/or similar rights, could enable the expansion or construction of new buildings ‘within the wire’ on existing Defence sites as well.
- *A faster planning application process for public service developments:* the government proposes that changes to permitted development rights will ensure that planning for public service projects where new facilities involve the expansion of existing sites will be significantly streamlined to support their faster delivery. However, new hospitals, schools, further education colleges and prisons which the government will be funding will involve more substantive development, especially on new sites, which are outside the scope of proposed permitted development right changes. In these cases, public service providers will continue to submit an application to the local planning authority to secure planning permission.
- *This consultation seeks views about the proposed changes, including:*
 - the development within scope of the modified process
 - a shorter determination period
 - modified consultation and publicity requirements
 - measures to increase transparency
- *What public service developments should be in scope?:* It is proposed that there be a lower size limit that would mean the development would be subject to a shorter determination period because it would not fall within the definition of “major development. “Major development” normally the subject to a 13 week determination.
- *Faster decision-making:* proposals to speed up the process of determining these planning applications to provide for the statutory determination period for development to be 10 weeks, which will require local planning authorities to prioritise these decisions over other applications for major development.

- *Consultation*: Proposal to reduce the minimum period for representations from 21 days to 14 days
- *Notifications to the Secretary of State*: the proposal requires local planning authorities to notify the Secretary of State when they receive a valid planning application for these developments, no later than 8 weeks from validation.
- *Post-permission matters, Guidance, Fees*

3. Consolidation and simplification of existing permitted development rights

- The proposals in this part relate to the consolidation and simplification of the existing permitted development rights, this is due mainly to the changes made to the use class order earlier this year. The review and update is a significant requiring consideration of those rights affected across the entire Order, this may require amendment of 49 individual rights and additional paragraphs and articles.

The government has summarised the amendments/impact on the rights to fall into 4 broad categories. Taking Part 3 to Schedule 2 of the Order Changes of use as an example:

- Category 1 – where the right is no longer required because the uses that used to fall into separate use class now fall in the same use class. Example - Class D shops to financial and professional

- Category 2 - the right is unchanged by the amendments to the Use Classes Order and therefore no amendment is necessary. Example - Class L small HMOs to dwellinghouse and vice versa.

- Category 3 - the right may be replaced by the new proposed permitted development right from the Commercial, Business and Service use class to residential. Example – Class O offices to dwellinghouses

- Category 4 - the right requires detailed consideration. There are several rights that may fall into this category.

- Annex A of the consultation: Lists the potential rights that may require consolidation and simplification, update and cross-referencing following changes to the Use Classes Order

2.2 A draft response is attached at Appendix 1 which the Committee are asked to consider. The consultation consists of 22 questions which the Government are seeking views on. The Council has up to 28 January 2021 to respond.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 The proposed changes are likely to impact the Council's Local Plan programme, in particular any emerging policies in relation to the Borough's retail centres. It is also wider implications on day to day planning decisions with proposed changes to the permitted development order. It is important that the Council responds accordingly outlining its concerns.

3.2 Crime & Disorder

3.2.1 None arising from this report

3.3 Safeguarding

3.3.1 None arising from this report

3.4 Dependencies

3.4.1 None arising from this report

3.5 Other

3.5.1 None arising from this report

4 Financial Implications

4.1 The proposed changes are likely to impact on the Council's Local Plan programme and day to day planning decisions. The proposals are likely to result in additional workload that will affect internal and external resources.

4.2 The consultation proposes a planning fee for the proposed permitted development which is consistent with existing prior approvals for residential, however the fee is lower than a planning application fee and the proposals are likely to result in reduced revenue.

4.3 Officers will closely monitor proposals and consider the impacts.

4.4 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 None arising from the contents of this report.

5.2 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report
- 6.5 **Partnerships:** None arising from the contents of this report

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- MHCLG consultation: Supporting housing delivery and public service infrastructure published on 3 December 2020.

This page is intentionally left blank

Response by Epsom and Ewell Borough Council

“Supporting housing delivery and public service infrastructure”

<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure/supporting-housing-delivery-and-public-service-infrastructure>

Consultation period 3 December 2020 to 28 January 2021

Part 1

Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)? Please give your reasons.

Response:

The Council strongly objects to the permitted development right between Commercial, Business and Service (Class E) to residential (C3). This will be the final nail in the coffin for the high street as we know them.

The reason given for this proposal appears to be Government’s response to changing consumer behaviour and the challenges this has placed on high streets, which has been compounded COVID. However allowing this permitted development has the potential to completely see the end of many retail/commercial activity on the high streets.

It is accepted that the introduction does not necessarily mean that the permitted development will a taken up, however the opportunity to change into a residential use may be a ‘quick win’ and an appealing option in the current circumstances for struggling businesses. The short term win is not reversible under the permitted development regime and once lost the commercial use will be more difficult to change back.

The current planning restrictions in relation to commercial uses on our high streets are there to ensure that all alternative commercial options are explored before we lose these important uses and employment opportunities that are important for the local communities and the wider economy. This is particularly important now where the economy is vulnerable as a result of COVID and Brexit.

We accept that this current pandemic has created a very harsh unforgiving environment for businesses and the permitted development (prior approval) may offer an alternative viable option, however there is a permitted change in place for retail up to July 2021 that allows for a short term measure that respond to the current hiatus. This proposal seems like a knee jerk reaction and lacks long term strategic thinking of the future of our high streets.

The consolidation of various commercial uses earlier this year was itself an significant change in the use class order- however at least this did not undermine the primary function of our High Streets and Town Centres as economic/commercial centres which are supported by a range of services and infrastructure. The proposal has wider implications than the loss of the uses, the uses define the high street and the infrastructure that supports them, the public transport hub, community uses hub, and general activity hubs. The direction the Government is steering towards is completely ill informed.

It is noted that other considerations have not been mentioned in line with this proposal, namely whether affordable housing requirement will be applied? At the moment there is no requirement to provide affordable housing via prior approval. Space standards and light standards were introduced earlier this year but this was only 7 years later after the permitted development was introduced!

Therefore in response to the question whether any unit that falls within the use Class E should be able to benefit from the permitted development, No. The Council does not support the permitted development. Any relaxation of current policy should be restricted to smaller units that fall outside the designated retail centres or that do not fall within main shopping frontages. This will limit these impact to areas outside the main shopping areas and help to reshape/restructure and consolidate our existing high streets rather than seeing the death of them.

Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?

Please give your reasons.

Should the permitted development be implemented it is understandable why these areas should be excluded from the right. These uses will be the lifeblood to these more rural and less accessible communities. Therefore it is only correct that these uses should not be easily changed through the right in these areas.

<p>Q2.2 Do you agree that the right should apply in conservation areas? Please give your reasons.</p>
<p>If the change of use affects the appearance/design of the frontage then logic implies that it may be necessary to exclude these from the permitted development right or extend the prior approval considerations to include the appearance.</p>
<p>Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential? Please give your reasons.</p>
<p>Some retail centres are in part covered by conservation areas and part not, including Epsom Town Centre, and therefore it is somewhat peculiar that a unit that may fall adjacent to each other, one being within the conservation area and one outside, one would be permitted development and one would not.</p> <p>What the actual impact of the loss needs to be clarified! In the context of the proposals, it seems the issue with a unit being within a conservation area being one of visual impact rather than the impact on the loss of retail unit. If the latter were the case then the impact on the loss of retail would apply even outside the conservation area!</p>
<p>Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval? Please give your reasons.</p>
<p>These appear to be consistent with other existing prior approval considerations. The Council welcomes the newly introduced prior approval considerations that were introduced this year that ensure appropriate living conditions but think these should have been introduced far earlier than they have done.</p>
<p>Q3.2 Are there any other planning matters that should be considered? Please specify.</p>
<p>The prior approval considerations are silent on matters that would be normally be considered through a planning application. By introducing the permitted development, you are sacrificing any consideration on matters including affordable housing, climate change (energy/water standards).</p>
<p>Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential should attract a fee per dwellinghouse? Please give your reasons.</p>
<p>No. It is understood from the consultation that this is the existing fee structure and proposals are currently charged per dwellinghouse, however the fee should accurately reflect the proportion and time spent on each application and the amount of work involved. It is also not understood why there is a cap on the fee for 50 units but not a cap on the number of units</p>

<p>being put forward covered by the right. The fee does not appear to be based on any realistic calculations of the time and resources required to process each application.</p>
<p>Q4.2 If you agree there should be a fee per dwellinghouse, should this be set at £96 per dwellinghouse? Please give your reasons.</p>
<p>It is understood this is the existing fee for similar prior approvals however the £96 fee does not seem to accurately reflect the time taken and resources involved in processing and determining the applications. It is also not understood why there is a cap on the fee for 50 units but not a cap on the number of units being put forward. The fee does not appear to be based on any realistic calculations and this may be an area that Government should consider reviewing in order to help resource/fund LPAs struggling to cope with the various new reforms/proposed by Government over the last year.</p>
<p>Q5. Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential? Please specify.</p>
<p>Please see our response to Q1, The Council does not support the permitted development and believes there will be significant consequences to the economy and employment. There appears to be a complete lack of strategic thinking in terms of the future of our high streets. Housing is not the only development need that needs to be planned. The focus on housing in the absence of clear strategy for commercial development and employment will do more to harm the country, it's economy and infrastructure than has been properly considered. This is a completely ill informed, reckless proposal.</p>
<p>Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities? If so, please give your reasons.</p>
<p>The government should make the necessary assessment of the impact however we have outlined the significant consequences we think the proposals will have in our response to Q1.</p>
<p>Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons.</p>
<p>The government should make the necessary assessment of the impact.</p>
<p>Part 2 Supporting public service infrastructure through the planning system</p>
<p>Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than</p>

<p>25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the greater? Please give your reasons.</p>
<p>There is no objection to the principle of supporting the extension of public service infrastructure. The Council supports this through it's existing Development Management Policy DM34. However there is concern about the potential impact the resulting mass/structure may have on the surrounding character- particularly where sites are located within residential areas. There should be some restrictions in relation to boundary treatment and distance from the boundary. Also, if there isn't already clarification in the right, it should be made clear that the extension relates to the 'original' footprint (as of a certain date) to avoid incremental increases over time beyond that 25% limit.</p>
<p>Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6? Please give your reasons.</p>
<p>No, it seems arbitrary, there is no clear reason provided in the consultation to support an increase.</p>
<p>Q7.3 Is there any evidence to support an increase above 6 metres? Please specify.</p>
<p>Perhaps the Government can advise of any evidence for their proposal to increase the height from 5 to 6m? The Council does not have any evidence to support the Government's proposal.</p>
<p>Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings? Please give your reasons.</p>
<p>The sensitive nature and security issues involved in this use may require further consideration and a permitted development may not be appropriate for this use.</p>
<p>Q8. Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons? Please specify.</p>
<p>No</p>
<p>Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities? If so, please give your reasons.</p>
<p>The government should make the necessary assessment of the impact.</p>
<p>Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons.</p>

<p>The government should make the necessary assessment of the impact.</p>
<p>Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities? If so, please give your reasons.</p>
<p>The government should make the necessary assessment of the impact.</p>
<p>Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons</p>
<p>The government should make the necessary assessment of the impact.</p>
<p>Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)? Please give your reasons.</p>
<p>The Council supports the principle of a more efficient process for planning applications for public service development, however it is important that there has been strategic decisions made in advance to support proposals to facilitate a streamlined application process.. New development that comes forward for public service infrastructure should not be a surprise to local communities and advanced publicity, transparency would be required.</p> <p>In reality, a streamlined planning application process will mean more pre-application discussions and planning in advance of the formal application stage, and taking all this into account will mean there will actually be little time saved, just different procedures spread over the time it would have taken.</p> <p>Speed is important, particularly under the current circumstances with the pandemic, however speed of decision outside of a national emergency should not be at the expense of well-informed, balanced decision making. We are talking about large schemes between 1 hectare to 5 hectares, the scale of these proposals can have significant impact and it may not be appropriate for faster application process.</p>
<p>Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation? If not, please give your reasons as well as any suggested alternatives.</p>
<p>The proposed streamlining needs to be carefully considered. The sensitive nature and security issues involved in latter uses may require further consideration and a streamlined process may not be appropriate.</p>

<p>Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks? Please give your reasons.</p>
<p>No. As stated above, whilst a streamline process appears well intentioned. Speeding up decision making does not mean better decision making, quite the opposite decisions will need to be made faster and combined with the limited resources it will increase the risk of poor decisions being made.</p>
<p>Q14. Do you agree the minimum consultation/publicity period should be reduced to 14 days? Please give your reasons.</p>
<p>No. Government's proposals to repeatedly propose reducing consultation periods are completely ill informed. This does not offer sufficient time for comments to be made, particularly in relation to statutory consultees who may not have the resources/capacity to make responses in a reduced timeframe. These also do not factor in any timeframes to process and consider the comments made and do not factor in the resource implications on local authorities.</p>
<p>Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority it anticipates making a decision? Please give your reasons.</p>
<p>Could this not be an automated process through the planning portal rather than a formal process which puts the onus on and additional pressure on LPA resources?</p>
<p>Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted? Please give your reasons.</p>
<p>There is no objection to the principle of this.</p>
<p>Q17.1 Do you have any comments on the other matters set out in this consultation document, including post-permission matters, guidance and planning fees? Please specify.</p>
<p>No comment.</p>
<p>Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system? Please specify.</p>
<p>No comment</p>
<p>Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise</p>

<p>to any impacts on people who share a protected characteristic? If so, please give your reasons.</p>
<p>The government should make the necessary assessment of the impact.</p>
<p>Part 3. Consolidation and simplification of existing permitted development rights</p>
<p>Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1,2 and 3 outlined in paragraph 76 of the consultation document? Please give your reasons.</p>
<p>The review of the existing permitted development rights in the context of recent changes to the use class order is necessary and perhaps should have been made at the same time as the changes to the use classes.</p>
<p>Q19.2 Are there any additional issues that we should consider? Please specify.</p>
<p>The government should make the necessary assessment of the impact of it's proposals</p>
<p>Q20 Do you agree that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class? Please give your reasons.</p>
<p>In the context of the already implemented use class E, there is no objection to this.</p>
<p>Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document? Please give your reasons.</p>
<p>In the context of the already implemented use class E, there is no objection to this.</p>
<p>Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights? Please specify.</p>
<p>No comment</p>