

Report to the Planning Committee

15 July 2025

Wards: All

Annual Review of Model Conditions

Report of the Director of Regeneration Chris Jackson

Report Status:

This item is not exempt

Therefore exempt reasons are not applicable

This is a non-key decision.

1. Purpose of the Report and Summary

- 1.1. Planning conditions are imposed on planning approvals to make a development that would otherwise be unacceptable acceptable, either by requiring further details not provided with the application or by controlling how it is operated. A document containing “model conditions” provides wording for conditions used to cover the most common circumstances. It is designed to assist planning officers and Members to deal with applications in a consistent and efficient manner. There is a delegation in place to the Head of Planning to amend, add or remove standard conditions as needed. It should be noted that previously these were referred to as ‘standard conditions’ but following many appeal cases the phrase ‘model conditions’ is a better reference and properly reflects that nothing should be standardised but should be considered on its own merits with the assistance of ‘model conditions’ to aid consistency.
- 1.2. A report reviewing the use of model conditions has to date been presented to Planning Committee annually. The main purpose is to review any changes to legislation affecting conditions and to update on any major changes to the conditions being used and why they are necessary.
- 1.3. Model conditions were last reviewed on 16th May 2024. There were no procedural changes or implications to report at that time. The Planning Committee required the amendments made to some model conditions relating to sound attenuation and time limits for implementation of Section 73 and Section 19 (minor material alterations) to ensure they were the same as the original permission. A separate report was requested to look at hours of working conditions and agreed at the 19th of November 2024 Planning Committee.
- 1.4. The main purpose of this report is to identify and bring to Member’s attention (i) any new legislation requirements or procedural guidance which requires changes to the

conditions we use or how they are imposed; (ii) a review of any existing practices; and (iii) a summary of amendments made under delegated powers to make minor changes to conditions.

2. Recommendations

2.1. That:

- A. The list of model conditions continues to be used; and
- B. That the amendments made to the model conditions are noted and that no procedural changes are needed.
- C. Review the use of the model conditions every 3 years or in the situation where a national or legislation change requires a review or where a Councillor calls for a specific review.

3. Reasons for Recommendations

3.1. There have been no changes in legislation requirements related to planning conditions and there has been no case law in this period that has necessitated a change. As a result, no procedural changes are necessary.

4. Key Organisational Impacts

4.1. Impact on other Executive Committees (including Area Committees) and decision makers:

4.1.1. None. Planning applications can only be determined by Planning Committee.

4.2. Contribution to the delivery of the Community Plan, the Council Plan and/or Area Plans:

4.2.1. The use of conditions is a measure to seek to deliver appropriate standards of development when granting planning permission in accordance with the Local Plan 2017 and this in turn aligns with the Community Plan and various area Action Plans.

4.3. Impact on other key strategies/business plans:

4.3.1. The use of conditions ensures that development is capable of being delivered in an acceptable manner and therefore ensures the delivery of suitable standards of development in accordance with the Local Plan 2017.

4.4. Equalities Impact Information

4.4.1. The report considers the use of model conditions which can be imposed on planning application decisions where they are needed on a frequent basis. Conditions can require works to buildings to ensure measures are built in to take account of the needs of persons with a disability. There are model conditions to that effect, but conditions can also be worded to cover specific needs that may

arise through the assessment of the application. There are no specific impacts from the use of model conditions

5. **Consultation**

5.1. Internal consultations with various departments - Environmental Health, Flood Risk Management Team, Highways Development Control.

6. **Background**

6.1. Planning conditions are imposed to make a development acceptable. This can often avoid the need for refusing an application. Conditions usually require further revisions or details which are not provided with the application, for example details of materials, or they can control the operation of a use to prevent it from causing problems in the area, such as hours of use.

6.2. National advice is that numbers of planning conditions imposed should be kept to a minimum. They should fairly and reasonably relate to the development and should meet the following tests laid out in the National Planning Practice Guidance (NPPG):-

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.

6.3. It also states that conditions that are required to be discharged before development commences (these are known as Grampian conditions) should be avoided, unless there is a clear justification. These will also need to be agreed with the applicant, there are requirements that cover this matter.

6.4. Although conditions need to be specific to a proposal the use of model conditions for frequent situations allows for consistency and can also speed up decision-making. Where more specific details need to be controlled conditions can still be tailored to that situation or created on a 'bespoke' basis.

6.5. Reasons for imposing a condition and how it meets the requirements of the Local Plan policies and the National Planning Policy Framework (NPPF) must be given for each condition when a decision is issued.

6.6. There is a right of appeal against the imposition of planning conditions.

7. **Issues for Consideration**

7.1. **Legislation**:- There have been no changes to legislation that require amendments to the model conditions or pre-commencement conditions agreement procedures. Bio-diversity net gain is now mandatory; however, a nationally set and specified condition is imposed and it also requires the submission of a BNG Plan. These are deemed to be applied automatically and do not need to be included as a model condition, but are included in the list to avoid omission by accident. National model conditions have been referred to in previous government consultations but at the current time these have not been produced.

7.2. **Review of existing practices**:- The addition of new model conditions or the amendment of existing ones was delegated to the Head of Planning in 2020, to allow conditions to be promptly changed as needed, without having to wait for agreement by the Planning Committee as part of the annual review. In practice, these conditions would already be drafted and used by planning officers as non-model conditions. When these are being used frequently adding them to the model conditions list simply improves the efficiency and consistency of the planning decision making process. There has been nothing arising since the delegation was agreed to suggest this needs to be altered.

7.3. Summary of amendments to conditions:-

7.4. Following internal discussions the following changes have been made:

7.4.1. **Personal Condition** – Added – This type of condition is rarely needed, but in some cases a planning permission should be ‘personal’ to a specific person, for example a very specific use in a very specific location for a householder, for example. A model condition based on the Government Guidance (circular 11/1995) has been included for this exceptional circumstance.

7.4.2. **Bio Diversity Net Gain (BNG) conditions** – Added to provide a consistent approach to the requirements generated within Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is a requirement to add a statutory condition (and often others) to a planning permission that is liable to BNG.

7.4.3. **Flood Conditions** – Modified in places to reflect emerging practices and be more precise.

7.4.4. **Noise Conditions** – Modified in places to reflect emerging practices, improve precision and to reflect changes on other legislation and guidance.

7.4.5. Plus other minor corrections.

7.5. There have been no appeal decisions suggesting conditions should be amended.

8. **Options and Risk Assessment**

8.1. With regard to model conditions the options are:

1. To maintain and use the model conditions; or
2. Not to have a list.

The former is the preferred option as the use of model conditions can save considerable amounts of officer and Member time and can also be useful to developers if they have a broad idea of what types of conditions may be applied. Flexibility is required to enable these to be amended or added to promptly. Care needs to be taken to ensure they are not applied routinely, and consideration is still given to the particulars of each case to ensure the condition is appropriate. If a model list is no longer used it will add considerably to the time for officers to formulate decisions and could result in inconsistencies.

9. Comments of the Monitoring Officer (Town Clerk)

9.1. There have been no legislative changes since the last review. Standard conditions assist officers to apply conditions in a consistent and efficient manner. They are not intended to be exhaustive, bespoke conditions can be applied as necessary, standard conditions therefore do not fetter discretion.

Option 1 is supported [AS]

10. Comments of the Section 151 Officer (Director of Finance and Transformation)

10.1. The content of the report is noted. There are no financial implications. (WL)

11. Comments of the Assistant Director OD & HR and compliance with the Equality Duty

11.1. The content of the report is noted. There are no staffing or equality issues arising for the council from this decision. KH

12. Comments of Overview and Scrutiny

12.1. This decision has not been subject to pre-decision scrutiny. (Ref. Sc8803 (FH))

Director of Regeneration Chris Jackson

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Officer Interests: None

Background Documents: - Model Conditions Updated April 2025

Implications Matrix

This section must be completed and you must ensure that you have fully considered all potential implications

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	Yes
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant Director/Assistant Director	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	No
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	Yes
Any Health and Safety implications are included within the report	N/A
Any human rights implications are included within the report	N/A

I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	N/A
I have liaised with the Climate Change Advisor and any environmental and climate change issues/sustainability implications are included within the report	N/A
I have considered how the decision may contribute or impact on culture and heritage within the city.	Yes
I have included information about how this report contributes to the Community Plan/ Area priorities within the report	Yes
I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.	N/A