

PLANNING COMMITTEE

30 MARCH 2021

PROACTIVE PLANNING ENFORCEMENT AND TEMPORARY STRUCTURES

1.0 Purpose of Report

1.1 To seek approval from Members for the adoption of a policy for under enforcement of temporary structures requested as a result of the Covid-19 pandemic.

2.0 Background Information

2.1 Members will recollect that this report was previously presented to Planning Committee on 3 November 2020 and was adopted. Since that time the District has been in lockdown due to Covid-19 restrictions. The timescales previously approved, for allowing this under enforcement is due to expire on the 31st March 2021. This report seeks to extend the time period until the 31st October to allow for the Government's slow release of restrictions.

2.2 The Covid-19 pandemic has resulted in significant impacts for the whole of the country, not least businesses. One challenge for many businesses is providing a safe environment for operation enabling compliance with social distancing rules. A number of authorities have introduced a temporary relaxation for planning enforcement where structures are provided within a business premise to assist with complying with these rules and enable the business to continue operating or to operate more successfully.

2.3 A number of enquiries have been received from different companies asking if temporary structures including portacabins and gazebos can be erected without the need for planning permission. As is detailed within Appendix 2 of the guidance leaflet, the majority of these structures would require planning permission due to the length of time that they would be in place (more than 28 days).

2.4 In order to guide such enquirers, a guidance leaflet (attached to the end of this report) has been prepared to assist businesses who might wish to take the opportunity of providing additional space for either its customers or staff. It is hoped the principle of under enforcement of planning regulations for a time restricted period enable a number of businesses to continue trading whilst also giving some comfort should they provide additional [enclosed] space. This guidance, is suggested, would only give a temporary period of relaxation from planning enforcement for businesses – it is suggested until the end of October 2021 – when the approach would be reviewed in light of the pandemic.

2.5 It is hoped that a number of businesses will be able to take the opportunity of providing such structures over the summer months. However, it is also of paramount importance to ensure that such developments are not significantly harmful to either the environment in which they are situated or to adjoining neighbours. Additionally, it is important that if agreement is sought and there are significant concerns that the Council has the opportunity to intervene.

2.6 It is also necessary to ensure that anyone wishing to take opportunity of this temporary relaxation is aware that other controls, such as building regulations or licensing approval for example, have not been waived.

3.0 Proposal

3.1 In order for a business to benefit from these temporary changes, they would be required to submit details of their proposal to the Council for consideration. This would ideally be prior to undertaking the works. As detailed in the attachment, information required would comprise:

- Business name, contact details of a named individual,
- A site location plan,
- A location plan including the location of the structure,
- A description of the structure,
- When the structure was erected or when do you plan to erect it,
- Photos of the site including the area where the temporary structure will be located, and,
- A brief overview of what the structure will be used for (including the hours it will be used for) and why the structure is required (related to Covid-19).

This would be assessed by an Officer as to whether or not it is acceptable and any decision made. In view of this being an informal temporary measure to under enforce, there would not be any right of appeal against the decision.

3.2 An assessment after 31st October 2021 would be taken in relation to any complaints that might have been received as well as to the 'state' of the Covid-19 pandemic. It is likely if no complaints have been received and the social distancing measures are still required, that a further extension in time would be permitted. However, this would be limited to ensure the development did not become immune from enforcement action.

3.3 It should be noted that any shelter which is 'substantially enclosed' (more than 50% of the sides are enclosed) will be required to be smokefree in accordance with the Health Act 2006 and the Smoke-free (Premises and Enforcement) Regulations 2006.

3.4 Businesses considering erecting some form of structure will also be advised to consider whether noise from people using the structure could cause problems to people in neighbouring properties?

4.0 Financial Implications

4.1 This process would have no direct financial implications upon the Council outside of the time for Officers to record, assess and provide a decision on the request.

5.0 Equalities Implications

5.1 The Council's approach to under enforcement of temporary buildings is not considered would have impact in terms of equality. Having a defined approach will ensure there is equal opportunity and that no individuals or groups are disadvantaged or discriminated against because of race, sex, disability, religion or belief, sexual orientation, gender reassignment, maternity and pregnancy, marriage or civil partnership, age, or social inequality.

6.0 RECOMMENDATIONS that:

- (a) Members agree to extending the approach to under enforcing breaches of the planning regulations for temporary structures for businesses for a temporary period up until the 31st October 2021; and**
- (b) After 31 October 2021 Officers will review the requests received or any temporary structure erected without a request to determine whether it is appropriate to allow the structure to remain for a longer period of time.**

Reason for Recommendations

To enable businesses to continue to operate more effectively during the Covid-19 pandemic for the benefit of the economy.

Background Papers

None

For further information please contact Lisa Hughes – Business Manager Planning Development on Ext 5565.

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