



Report to Planning Committee 19 January 2023

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development x5565

Report Summary	
<b>Report Title</b>	Temporary Vaccination Centre, Brackenhurst (Nottingham Trent University), Southwell
<b>Purpose of Report</b>	To seek approval from Members for the under enforcement of the temporary use of the auditorium at Brackenhurst for vaccination purposes by the NHS
<b>Recommendations</b>	To seek Member’s approval to: <ul style="list-style-type: none"> <li>(a) under enforce the temporary breach of planning control at Brackenhurst Campus, Southwell to facilitate the vaccination timetable to be imposed by the NHS; and</li> <li>(b) for this to be up until 31<sup>st</sup> December 2023; and</li> <li>(c) during weekends only</li> </ul>

## 1.0 Background

Members will be aware the Government introduced temporary permitted development rights under Schedule 2, Part 12A (Development by Local Authorities and Health Service Bodies) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in 2021 to facilitate a number of developments and uses as a result of the Covid-19 pandemic. One of these rights enabled the health service to provide vaccination centres in non-health related buildings (health centres fall within Use Class E – Commercial, Business and Service). This permitted development right expired on 31<sup>st</sup> December 2022.

NHS England has contacted the Council to advise an extension of this right is required to facilitate vaccinations in Spring and Autumn 2023. The only site within NSDC required is Brackenhurst Campus – Nottingham Trent University, Southwell. The vaccinations are proposed to be continued within the auditorium building at weekends and is likely to be required for up to a maximum of 15 weeks. The Use Class of the auditorium would fall within F1 – Learning and non-residential institutions. Therefore, a change of use *might* be involved (from Class E to F1).

Members will be aware the definition of development under Section 55 of the Town and Country Planning Act 1990 includes “... or the making of any *material* change in the use of any buildings or other land.” The test is therefore whether the use of the auditorium and for the number of occasions anticipated is a material change in use or

not. Officers consider that due to the use only being required at weekends for up to 15 weeks per annum, in a location where there will be general toing and froing day-to-day, whilst there is likely to be an increase in traffic movements, the overall character of the campus and the auditorium area in particular is unlikely to (or have) changed. Therefore, formal planning permission is not required.

However, even if Members' conclusion was that it was material or if the number of weekends required was increased, it is considered that it would be reasonable to under enforce to enable NHS England to deliver the boosters necessary for the health of the community in Southwell and wider afield. This decision to under enforce would be subject to planning complaints not being received that are not outweighed by the benefits of this service i.e. consideration to expediency.

NHS England has asked regions to ensure checks have been undertaken to ensure that respective centres can remain open. Confirmation was needed prior to the end of the last calendar year and an informal letter of comfort was provided with the caveat this report was to be provided for Members to consider.

## **2.0 Proposal/Options Considered and Reasons for Recommendation**

NHS England has indicated that due to the temporary nature of the requirement that site owners are reluctant to apply for planning permission for a change of use of land/buildings. This would be the route required if the temporary use was considered to be material and the NHS required formal confirmation. In this case, for the reasons given above it is not considered necessary.

## **3.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.