

PLANNING COMMITTEE

DATE OF MEETING: 12th August 2020

TITLE OF REPORT: **AMENDMENT TO PLANNING SCHEME OF DELEGATION**

Report of: **Head of PLACE SERVICES**

Portfolio Holder: **COUNCILLOR GRAHAM COCKARILL**

1 PURPOSE OF REPORT

- 1.1** To recommend an amendment to the Planning Scheme of Delegation from the Planning Committee in relation to applications for 'Modifications to Construction Hours Conditions' and 'Additional Environmental Approval' to ensure that officers are able to make decisions on these applications in a timely manner and before the expiry dates to avoid proposed development becoming lawful by default.

2 OFFICER RECOMMENDATION

- 2.1** That the Planning Scheme of Delegation to Officers from the Planning Committee be amended as follows:

Add the following new item:

6. To determine any application or notification submitted under Section 74B, 74C or 74D of the Town and Country Planning Act 1990 (as amended)
7. To determine any application or notification submitted under Section 93B or 93F of the Town and Country Planning Act 1990 (as amended)

3 BACKGROUND

- 3.1** As part of National Covid-19 Recovery Plan, Central Government has introduced a number of measures to support businesses and developers in England. A number of these measures have been introduced through the Business and Planning Act 2020 which received Royal Assent on 22nd July 2020.
- 3.2** In relation to Planning the Act makes provisions that will allow developers to seek a temporary extension of construction site working hours and for planning or listed building consent permissions that expire or have expired unimplemented to have an extension of time.
- 3.3** Whilst some of these changes are automatic, others involve applications being made to the Council for a decision whether or not to accept the proposed amendments. As with a number of other approval regimes in the planning system, these applications are time sensitive. If a decision is not made within the prescribed

timescale then the applicant will, by default, be able to proceed with the development i.e. the amendments become “deemed approved”.

- 3.4** Whilst the Head of Place currently has delegated authority to determine applications, these are new types of applications and authorisation to deal with them is not explicitly clear in the Planning Scheme of Delegation; this needs to be clarified.

4 CONSIDERATIONS

- 4.1** Modification of Conditions Restricting Hours of Work on Construction Sites (applications under Section 74B, 74C and 74D of the Town and Country Planning Act 1990 (as amended)).

Early in “lockdown” the message from Government was that Councils should agree more flexible working hours in relation to construction sites unless there was a very good reason not to do so. The Business and Planning Act now formalises this process meaning that developers must seek approval from the Planning Authority for a modification of any Planning Conditions that restrict the hours of work.

- 4.2** In Hart this will affect the larger building sites where hours of works conditions are typically imposed.
- 4.3** This is a temporary, fast track deemed consent route for developers and the Local Authority will have 14 days in which to determine the application. Failure to determine the application will result in the developer having deemed consent and construction can take place in accordance with the revised hours as specified by the developer.
- 4.4** Extension of Planning Permissions/Listed Building Consents (Applications under Section 93B and 93F of the Town and Country Planning Act 1990 (as amended))

The Government recognises that for some planning permissions will expire unimplemented as a result of Covid-19. Until now where this happened developers would have no choice but to re-apply for planning permission. The legislation now provides an automatic extension of the planning permission or listed building consent where the permission or consent expires between 18th August and 31st December 2020; in these cases the extension is automatic and no action is required by the Council unless the developer requests confirmation in writing. The time by which reserved matters have to be submitted is also covered by this legislation. These extensions of time will give the developers longer to implement or commence their planning permissions and listed building consents.

- 4.5** For permissions or consents that required implementation or the submission of reserved matters between 23rd March and 18th August 2020 the developer must make an application for an Additional Environmental Approval. The Council is required to consider only matters relating to Environmental Impact Assessment and the Habitats Regulations.
- 4.6** The Council will have 28 days to reach a decision on these applications. Failure to reach a decision results in the applicant’s acquiring deemed consent for the extension of time.

5 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no financial implications associated with the above request.

6 ACTION

6.1 It is recommended that the Planning Scheme of Delegation from the Planning Committee is amended as set out in paragraph 2.1.

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BACKGROUND PAPERS:

For further information on either of the changes above, guidance notes have been published on the following website: <https://www.gov.uk/government/collections/draft-planning-guidance-to-support-the-business-and-planning-bill>