

**Classification:** Part 1 – Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Strategic Environment Cabinet Committee

**Date:** 22 June 2020

**Reporting officer:** Assistant Director (planning)

**Subject:** Coronavirus: Strategic Environment Cabinet Portfolio Impact

### **Purpose and summary of report:**

To provide an overview of the impact of the Coronavirus (Covid-19) pandemic upon the practical delivery of the respective services within the responsible Cabinet portfolio.

### **Recommendations:**

This report is for information purposes only.

## **1. Background**

- 1.1 The Covid-19 pandemic has had the most profound impact on the daily lives of UK residents of any event this century; significant societal restrictions on movement and association, coupled with intense harm to the national economy through the enforced closure of businesses and an inevitable loss of jobs.
- 1.2 Collectively, the impact of Covid-19 is one of significant damage to the health and well being of the Gravesham community and, equally, presents a substantial challenge to the future sustainability of the council and its essential frontline community services.
- 1.3 On 12 May 2020, a report was considered by Council outlining the social and economic impact the pandemic has had upon the Gravesham community and providing details of the council's comprehensive community support offer during the period. At that meeting, Council unanimously put on record its gratitude to all those involved across all sectors in the outstanding response to the global Covid-19 pandemic and, equally, expressed condolences to those who have lost loved ones in this tragic event.
- 1.4 This report aims to provide a focus on the Strategic Environment portfolio in regards to the practical impact of the pandemic and, specifically, to provide clarity on what new policies or amended working practices were established in order to adapt to what was, and continues to be, a rapidly evolving challenge.

## 2. Legislation

- 2.1 In order to provide the powers needed to respond to the Covid-19 pandemic, and to properly enable delivery against its already announced guidance at that point, the Coronavirus Act 2020 was enacted on 25 March 2020 as the Government's main legislative vehicle.
- 2.2 For district councils, a total of 39 new or amended powers and duties were created through the Act, providing a framework within which to operate and shape a local response.
- 2.3 In regards to the Strategic Environment portfolio specifically, the following provisions were introduced that directly impact upon the following services:

<b>Service</b>	<b>Provision</b>	<b>Impact</b>
Planning	The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020  2020 No. 330	This is a new time limited permitted development right came into force at 10am on 24 March 2020 until 23 March 2021.  This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 to allow for a time limited (temporary) change of use to the provision of takeaway food, from a use falling within: <ul style="list-style-type: none"> <li>• Class A3 (restaurants and cafes) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764);</li> <li>• Class A4 (drinking establishments) of that Schedule;</li> <li>• a mixed use for any purpose within that Class A3 and A4; or</li> <li>• Class AA (drinking establishments with enhanced food provision) of Part 3 of Schedule 2 to the GPDO.</li> </ul>
Planning	The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020  2020 No. 412	This is a new time limited emergency permitted development right came into force at 10am on 9 April 2020 until 31 December 2020  This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 to supports health service bodies and local authorities' immediate response to coronavirus.  The right is wide ranging, allowing for development by or on behalf of a local authority or health authority body for the purposes of preventing an emergency; reducing, controlling or mitigating the effects of an emergency; and taking other action in connection with an emergency. The right enables development including, but not limited to, change of use for existing buildings and new temporary modular buildings. The rights could be suitable to provide permission for a range of uses including use as hospitals, health facilities, testing centres, coroner facilities, mortuaries, additional residential accommodation and storage and

<b>Service</b>	<b>Provision</b>	<b>Impact</b>
		<p>distribution, including for community food hubs.</p> <p>There is no application process, and health service bodies and local authorities who are not the planning authority are required only to notify the local planning authority of the use of the development on a site as soon as practicable after commencing development.</p>
	<p>Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020</p> <p>2020 No. 505</p>	<p>This came into force on 14 May and lasts until 31 December 2020</p> <p>These Regulations amend the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the DMP Order 2015”), the Planning (Listed Building and Conservation Areas) Regulations (“the 1990 Regulations”) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the TCP EIA Regulations 2017”) to enable a range of heritage applications to be publicised by electronic means during the period when it may be difficult to provide such publication by site display, by service of notice on an adjoining owner or occupier and in newspapers, due to the effect of coronavirus, including restrictions on movement.</p>

- 2.4 The majority of provisions came into effect on the date of enactment, but detailed further legislation in the form of statutory instruments and subsequent government guidance has been issued since that date and continues to be published. In support of this primary legislation, there has been a wide range of secondary legislation passed to adjust, often temporarily, existing parliamentary Acts, all of which has had to be accounted for in the council’s formal programme of activity.
- 2.5 It should also be noted that a number of ministerial statements were also made but these weren’t necessarily backed up by regulations. For example, in a written statement published on 13 March 2020, which came into immediate effect, Mr Jenrick states that local planning authorities should take a positive approach in their engagement with food retailers and distributors, as well as the freight industry, to ensure that planning controls are not a barrier to food deliveries during this crisis period. On the 13 May 2020 the Government announced measures to further support house building. In this statement on construction, the Government explained how the construction industry may adapt its normal practices to operate safely during this time. It also stated that, with immediate effect, local planning authorities should take a “swift and positive approach” to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19.

### **3. Practical impact**

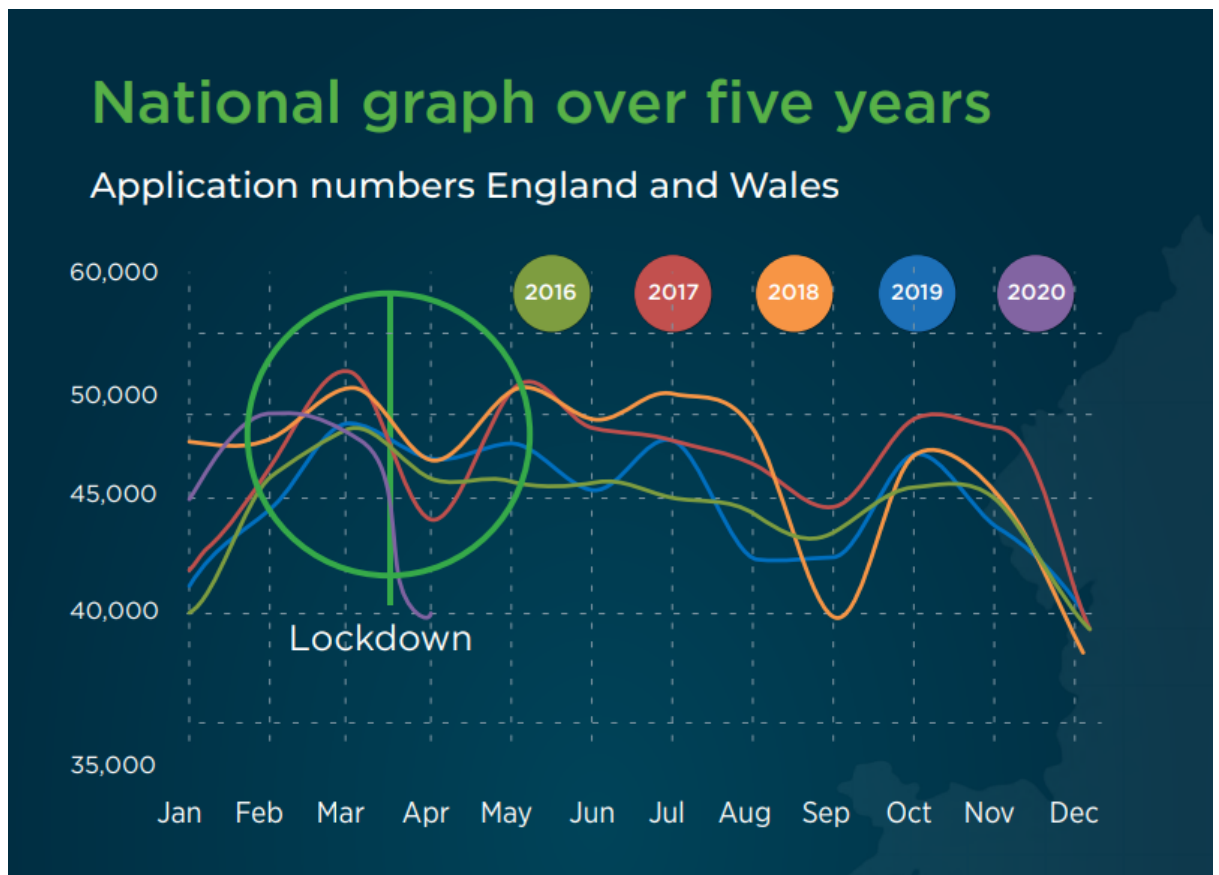
- 3.1 The Chief Planner newsletter of 23 March gave initial advice on the implications for local planning authorities of the current COVID-19 restrictions and included the following:

- 3.1.1 It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.
- 3.2 It is worth first explaining the services approach to the crisis. The Council not only understands the important role that the Planning System will play in assisting the recovery of the economy following the current period of social isolation, but also the importance of a planning service for smaller scale proposals for individual families and households. The council therefore aimed to deliver a service as close as possible to that which had been in place. This has resulted in some changes to the way in which the service operated and this has been kept under review as the situation and Government guidance changed.
- 3.3 Once the lockdown came into being, the majority of staff were working at home to try to maintain a normal planning service for the Council and our customers. This was a combination of staff who need to homework due to vulnerabilities, child care or public transport usage and less senior staff who could home work. All three teams (Development Management, Planning Policy and Housing Strategy and Development) had a couple of officers combining home working and cover the office to maintain a presence for phonecalls etc and tasks that could not be done at home. Office staff were also undertaking tasks for home working colleagues and the teams helped each other out as needed. Initially we did have a couple of officers who are awaiting equipment to home work but this was resolved as soon as was practicable.

#### **4. Development Management including validation and enforcement**

##### ***Planning applications submissions and validation***

- 4.1 The Council's preferred method of submission of planning applications is via the Planning Portal or by e-mail if this is not possible. However unlike a number of local authorities, this Council has continued to accept paper applications if they are submitted by that method. The Council also did not refuse to accept cheques.
- 4.2 In mid-May, the Planning Portal published its Insight into proposed development data which included a graph of the number of online planning application submissions via the Planning Portal in each of the last five years. The report advises that when comparing March and April 2020 submissions with the previous year, the Planning Portal saw a reduction of 3.5% in March and a reduction of 18.5% in April.



Source:

[http://ecab.planningportal.co.uk/Uploads/Planning\\_Portal\\_Planning\\_Market\\_Insight\\_Report\\_May20.pdf](http://ecab.planningportal.co.uk/Uploads/Planning_Portal_Planning_Market_Insight_Report_May20.pdf)

- 4.3 The Council has also been monitoring the number of planning applications received and validated each week from the week ending 20/03. The average is about 18 planning applications a week. The most was in mid-April at 25, whilst it was only 11 in the week ending 01/05. The average reduction of approximately 20-25% of applications mirrors the trends found nationally.
- 4.4 The Planning Service is on a journey of constant improvement and has been working on a number of projects. With the assistance of the Corporate Change and Digital teams, projects such as online payments for strategic access management and monitoring (SAMMs) mitigation and the pre-application advice service were brought forward

#### ***Pre-application advice service***

- 4.5 Pre-application advice is a valuable tool in the Development Management process and the council is still offering this service. Requesting this service can now be accomplished entirely online. For pre-application enquiries, most proposals can be considered via online data sources or an unaccompanied visit. We have also been undertaking virtual meetings or telephone calls.

#### ***Contacting the planning service***

- 4.6 The planning service has a number of mailboxes specific to that function and we encourage that those emails are used for most contacts. For case specific

enquiries, case officers are available by email, and this is the preferred method of contact.

### ***Determination timescales***

- 4.7 The Government has been explicit that they do not intend to change the determination timescales for planning applications set out in the Development Management Procedure Order 2015, although they acknowledge timescales may not be met in all cases. They suggest that developers should be encouraged to agree extensions of time where necessary but retaining the timescales means there is still the option to appeal to the Secretary of State on the grounds of non-determination. When the Lockdown came into effect, all the officers had significant workloads with applications due each week up to their 8 or 13 week timeframes and so they were as busy, if not busier with home schooling, than prior to lockdown.

### ***Publicity and site notices***

- 4.8 As the Service made the decision to have an in house presence, we have been maintaining our publicity and site notice arrangements with the support of our colleagues in scanning and the post room. Staff were provided with PPE so that there were able to undertake these duties with greater safety.
- 4.9 The Government has introduced emergency legislation allowing the use of websites and social media to publicise applications, but at the moment, the Council, is managing to maintain its previous arrangements.

### ***Site Visits***

- 4.10 At least initially, applicants were asked to provide comprehensive photographs of the outside and inside of a property and/or relevant views out. Agents were advised that in order to assist with case assessments, the case officer may contact applicants to request photographs of particular elements of the site, and from certain vistas.
- 4.11 As site visits are an integral part of our service, the Council didn't put a blanket ban on site visits. Rather we adopted a risk assessment for each site and generally have managed to avoid the need for a site or manage to carry out unaccompanied visits.
- 4.12 This was re-visited in early May, when the Government published new advice on home moving during the coronavirus (COVID-19) outbreak which included property viewings.

### ***Planning Enforcement***

- 4.13 A number of individuals appear to taken the opportunity, potentially afforded by the crisis, to undertake development not covered by planning permission. At the same time, lots of people are at home and keeping an eye on their neighbours' and so reporting potentially breaches. These in combination are putting a significant strain on Planning Enforcement team but, with support from colleagues, they are maintaining their service standards.

### ***Planning Committee***

- 4.14 The report taken to the Extraordinary Meeting of Council on 12 May asked Council to agree the procedures for remote participation at Council, Cabinet and Committee meetings. This included Planning Committee.
- 4.15 In respect to delegation, our existing delegated powers have not been changed and are as set out in the constitution. We are aware that a number of Local Planning Authorities have temporarily changed their delegation schemes so that 100% of applications are delegated to officers for determination.

### ***Additional Permitted Development Rights***

- 4.16 As highlighted in section 2 of this report, as soon as Lockdown started the Government, without notice, introduced new permitted development rights for pubs (Use Class A4) and cafés & restaurants (Use Class A3) to operate solely for any use for the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises (Use Class A5).
- 4.17 With the assistance of the digital team, an e-form was developed for businesses to be able to notify the Council of their intention to use their permitted development right of allowing restaurants, cafés and drinking establishments, to additionally provide a takeaway or delivery service for hot or cold food. It should be noted that the use of the premises, prior to the change of use to food takeaway, will be reinstated after the use as a food takeaway has ceased.

## **5. Nationally Significant Infrastructure Projects**

- 5.1 The main impact is that most meetings are now virtual, which is generally beneficial as NSIPs generate a lot of meetings. As organisations appear to want to keep to pre-pandemic timetables, they have to consider how their Statements of Community Consultation (SoCCs) might need amendment. For example, the Lower Thames Crossing Supplementary Consultation was underway when the Lockdown was implemented. In response, Highways England cancelled 4 four public information events and increased the consultation period by 1 week (NB. It increased consultation period for A47 dualling by 3 weeks).

## **6. Planning Policy**

- 6.1 The Regulation 18 Stage 2 consultation was not undertaken by officers at the start of the year, as work was outstanding from consultants. Progress on the emerging Local Plan subsequently was delayed as a result of COVID-19. COVID-19 resulted in the Government imposing a lockdown of the Country in late March 2020, which has resulted in significant economic uncertainty. This economic uncertainty has resulted in a number of fiscal measures being implemented by Government, these include:
  - 6.1.1 COVID-19 job retention scheme
  - 6.1.2 Small business grant schemes
  - 6.1.3 Business rates holiday for all retail, hospitality, leisure and nursery businesses for a period of 12 months
  - 6.1.4 Self-employed income support scheme

- 6.1.5 Extending Statutory Sick Pay
- 6.1.6 Funding for frontline charities
- 6.1.7 Funding for SMEs undertaking research and development
- 6.1.8 VAT payments deferral
- 6.1.9 Various loan programmes for businesses
- 6.2 Despite these fiscal measures, the Office for Budget Responsibility, Bank of England and other commentators are advising that the UK economy is in a period of economic disruption that will result in a sharp COVID-19 recession during 2020. This recession is likely to be unrepresented, with unemployment rates increasing to 10% in 2020. At present, the informed view is that the UK economy is unlikely to reach pre-pandemic levels until around 2022, with some sectors of the economy seeing medium to long term damage. This will most likely coincide with a period of lower pay, falling house prices and falling housing completions when compared to pre-pandemic levels. As such affordability levels in the South East and London are not expected to improve and issues such as Housing in Multiple Occupation and Concealed Households are likely to get worse. Officers are endeavouring to take these factors into account in our emerging Local Plan to ensure it is sufficiently flexible to address different scenarios as we progress.
- 6.3 Alongside work on the emerging Local Plan, work has been progressed in a number of other areas e.g. Supplementary Planning Documents. Supplementary Planning Documents provide further detailed guidance on policies within the Borough's adopted Development Plan. A consultation was undertaken on the draft Windows and doors in Conservation Areas Guidance from 31 January – 13 March 2020. The outcome of this consultation will be reported to Cabinet in due course. Officers have undertaken work on a Residential Extensions and Alterations Guide, which will also be reported to Cabinet prior to being consulted upon.
- 6.4 A report is being produced for Cabinet for late June which will include:
  - 6.4.1 An update on the emerging Local Plan and the implications of COVID-19, which effects the delivery of the emerging Local Plan. This will reference the Local Development Scheme and the Statement of Community Involvement.
  - 6.4.2 That approval will be sought for the draft Windows and doors in Conservation Areas Guidance following consultation that was undertaken earlier this year, with a view to Cabinet adopting the document as a Supplementary Planning Document.
  - 6.4.3 That approval will be sought to undertake two further consultations.

## **7. Performance**

- 7.1 In its response to Covid-19, the corporate Management Team moved quickly to introduce a dedicated suite of performance indicators. The aim was to enable early and targeted intervention and redirection of resources where it was needed to those critical services deemed underperforming.



- 7.2 In consideration of the practical challenges outlined at paragraph 3 to this report, within the Strategic Environment portfolio relevant performance monitoring as part of this suite involved:

INDICATOR	CV 28	CV 30	CV 31
DESCRIPTION	Average weekly town centre footfall	Total planning enforcement reports received	Total planning applications received and validated
REPORTING OFFICER	Anita Tysoe	Wendy Lane	Wendy Lane
CABINET COMMITTEE	Strategic Environment	Strategic Environment	Strategic Environment
20/03/2020	88,247	3	23
27/03/2020	40,630	4	18
03/04/2020	36,498	2	15
10/04/2020	38,013	3	18
17/04/2020	36,726	3	25
24/04/2020	38,813	4	12
01/05/2020	39,222	7	11
08/05/2020	41,036	2	15
15/05/2020	42,133	5	19
22/05/2020	43,984	3	18
29/05/2020	45,351	6	19
05/06/2020	50,591	1	20

- 7.3 Indicators CV30 and 31 have been considered in this report. Indicator CV28 is being considered in the “Post-COVID 19 Recovery for Gravesend Town Centre” report which is also on the agenda for this committee.
- 7.4 Outside of this operational suite, in order to maintain delivery against the council’s Corporate Plan, monitoring against the adopted Performance Management Framework was maintained throughout. Members will subsequently be presented with the latest quarterly report for consideration.

## 8. Next steps

- 8.1 The initial few weeks were very challenging but over-time the teams have adapted to new ways of working and we are intending to keep those aspects which have delivered positive improvements. This will be included in the Planning Improvement Plan which is under development as included in the Peer Review Action Plan.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	The Coronavirus Act 2020 is the Government's main legislative change in response to the pandemic. Most of its provisions came into effect on 25 March 2020, but detailed further legislation in the form of statutory instruments, and government guidance have been issued since that date and continue to be published. This is identified at section 2 to this report.
<b>Finance and Value for Money</b>	It is too early to know the impact that COVID-19 will have on the economy, development industry etc. This will continue to be monitored.
<b>Risk Assessment</b>	<p>Business Continuity plans for the service were reviewed upon lockdown and have been refreshed as needed in the intervening period.</p> <p>The Service has been represented in recovery considerations and been informed by health &amp; safety, property and HR colleagues.</p> <p>The wellbeing of staff is paramount and has a direct impact on council services. Some members of staff may struggle to cope with ongoing change, including when re-adapting to a 'new normal.' This will continue to be a primary consideration at all stages</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	#2 Place

<b>IMPLICATIONS</b>		<b>APPENDIX 1</b>
<b>Crime and Disorder</b>		
<b>Digital and website implications</b>		
<b>Safeguarding children and vulnerable adults</b>		