

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 15 November 2017

Report of: Director of Planning and Regulation

Subject: CONSULTING WITH HAMPSHIRE FIRE AND RESCUE SERVICE
ON PLANNING APPLICATIONS

SUMMARY

At the meeting of Council on the 27th July 2017 a Motion was made by Councillor R H Price to consult the Fire Service on certain types of planning applications.

In light of this being such an important subject, Council agreed that an Officer's report on the matter should first be considered by the Planning Committee before the matter is presented to the next Council meeting.

RECOMMENDATION

That the Committee approves:

- (I) that this council consult Hampshire Fire and Rescue service on planning applications for taller buildings, developments where large numbers of people are likely to be present and new public buildings with immediate effect; and
- (II) that this council write to the local government association and the secretary of state for the department for the communities and local government recommending that existing legislation should be changed to make it mandatory for local authorities to consult with fire authorities on the application types set out in paragraph 1 above.

Introduction

1. At the meeting of Council on the 27th July, A Notice of Motion received from Councillor R H Price, was presented. The Notice of Motion stated:

“I propose that in light of the Grenfell Tower Fire, this Council writes to the Local Government Association and the relevant Minister of State asking that Planning Law is changed to make it obligatory for Planning Departments to consult the Fire Service on all Planning applications which relate to Schools, Hotels, High Risk Office Blocks, High Rise Housing, Large Development Sites and National Health Buildings. In the meantime Fareham immediately operates the voluntary process offered by Hampshire Fire and Rescue Service to look at the above mentioned planning applications.”
2. The Mayor announced that he had been advised by the Chief Executive Officer that, in light of this being such an important subject, an Officer’s report will be considered by the Planning Committee before being brought to the next Council meeting. The report will set out the technical details and the implications of such a statutory consultation and will enable a full debate on the subject with all the facts to hand.
3. Council resolved that the Motion be deferred, subject to an Officer’s report being considered at a future date by the Planning Committee before it is presented to Council.
4. The following report sets out the implications of such consultations, and advises Members to agree two recommendations to Council to assist in their consideration of this matter.

The current position in respect of consulting on planning application.

5. At the present time there is no statutory requirement for Local Planning Authorities to consult Fire Authorities on planning applications.
6. The detailed design of a building in so far as it relates to fire-spread and the means of escape in the event of fire is considered under the building regulations.
7. The Head of the Building Control Partnership advises that when the Hampshire Fire and Rescue Service (HFRS) are consulted by Building Control on new development, the Fire Service’s primary focus is on making sure they can get fire-fighting appliances to the building and that an appropriate water supply of sufficient pressure is available.

Consulting the fire service on planning applications

8. Following Councillor Price’s Motion being presented to Council, the Head of Development Management wrote to the Chief Officer of Hampshire Fire and Rescue Service (HFRS) in August this year. Within that letter the views of the Chief Officer were sought on whether HFRS would be happy to receive consultations on planning applications involving taller buildings, or where large numbers of people are likely to be present.

9. In late October, HFRS responded to the Head of Development Management and confirmed that they would be happy to be consulted on the application types set out within Paragraph 1 of this report. HFRS highlighted the fact that whilst there is no statutory requirement for such consultation to take place, HFRS always aim to work with partner agencies and were happy to do so with regards to this proposal.
10. In light of the confirmation from HFRS that they are happy to be consulted in particular situations, Officers believe it would be appropriate to consult with them with immediate effect.
11. It is Fareham Borough Council's normal practice to consult on planning applications electronically. If Members agree to consulting with HFRS, the arrangements can be put in place immediately and would have negligible cost implications for this Council.

Seeking a change in the law to make it mandatory for Council's to consult Fire Services about particular planning application types

12. The responsibility for planning policy and the building regulations lies within the Department for Communities and Local Government
13. As highlighted above, there is currently no statutory requirement for Local Planning Authorities to consult Fire Authorities on planning applications. HFRS have advised that they would be happy to respond to such consultations from this Council on a voluntary basis.
14. Following the Grenfell Tower fire tragedy, the Government confirmed on the 30th August that an independent review of Building Regulations and Fire Safety is to be undertaken.
15. The purpose of the review is twofold - to make recommendations that will ensure a sufficiently robust regulatory system for the future and to provide further assurance to residents that the complete system is working to ensure the buildings they live in are safe and remain so.
16. The Review will:
 - map the current regulatory system (i.e. the regulations, guidance and processes) as it applies to new and existing buildings through planning, design, construction, maintenance, refurbishment and change management;
 - consider the competencies, duties and balance of responsibilities of key individuals within the system in ensuring that fire safety standards are adhered to;
 - assess the theoretical coherence of the current regulatory system and how it operates in practice
 - compare this with other international regulatory systems for buildings and regulatory systems in other sectors with similar safety risks;
 - make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high-rise residential buildings.
17. The Review will seek the input of relevant interested parties and will work closely

with other Government Departments. It will make recommendations in light of the evidence gathered. These recommendations can cover changes or clarifications required to any part of the system or recommendations for further work Government needs to carry out.

18. Members may well consider that now would be the appropriate time to advise the Government of the view that it should be a mandatory requirement to consult Fire Services on planning applications involving taller buildings and/ or developments where large numbers of people are likely to be present. This would then enable the Fire Service to highlight any major fire risk/ escape issues at the earliest possible stage within the design process.

Risk Assessment

19. There are no significant risk considerations in relation to this report

CONCLUSION

20. That Members approve the two recommendations set out within this report.

Enquiries:

For further information on this report please contact Lee Smith. (Ext 4427)