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Supplementary Agenda

Dear Councillor

PLANNING AND LICENSING COMMITTEE - TUESDAY, 17TH JULY, 2018

I am now able to enclose, for consideration at next Tuesday, 17th July, 2018 meeting of the Planning and Licensing Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 3. | <u>Minutes of the Licensing Appeals Sub Committee</u> (Pages 3 - 6) |
| 10. | <u>Urgent Business</u> (Pages 7 - 16) |

Yours sincerely



Chief Executive

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Minutes

Licensing Sub-Committee Thursday, 5th July, 2018

Attendance

Cllr Chilvers
Cllr Haigh

Cllr Russell

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Steve Blake	-	Environmental Health Officer
Zoey Foakes	-	Governance & Member Support Officer
Dave Leonard	-	Licensing Officer

356. Appointment of Chair

The Sub-Committee resolved that Cllr Russell should chair the meeting.

357. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

358. Declarations of Interests

No declarations of interest were made.

359. Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence - Licensing Act 2003

The report before the Sub-Committee provided information relating to an application for a new premises license in respect of Sports Lounge, First Floor, 40 High Street, Brentwood, Essex CM14 4AJ.

Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of licensing policy and the four Licensing objectives.

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either a premises licence, a club premises certificate or a Temporary Event Notice.

Licence holders were required, when offering any licensable activity, to ensure that they promoted the licensing objectives at all times. The operating schedule of the application contained details of the activities applied for and the control measures that the applicant would have in place in order to promote these objectives. Such measures would, where appropriate, be converted into enforceable conditions on any licence issued.

The four licensing objectives were;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Any representation must be able to demonstrate that on the balance of probability the application in its current form would fail to adequately promote one or more of the licensing objectives. No other matters might be considered.

The application was received on 14th May 2018 from AA Trading Ltd in respect of Sports Lounge, First Floor, 40 High Street, Brentwood CM14 4AJ, A copy of the application was appended to the report in the agenda as Appendix 1.

The premises at the time was a first floor snooker/pool hall and sports bar situated above retail shops in Brentwood High Street, and was licensed for the Sale by Retail of Alcohol and indoor Sporting Events. An OS Street Map and frontage images to better identify the location was appended to the report as Appendix 2.

The applicant sought a new premises license to conduct the following licensable activity:

- Supply of Alcohol – 11:00 – 02:00 Monday to Sunday

- Indoor Sporting Events – 11:00 to 02:00 Monday to Sunday
- Recorded Music – 11:00 to 02:00 Monday to Sunday

Three valid representations had been received from two Responsible Authorities and one interested party.

The first representation was from the Environmental Health team, which related to potential public nuisance that was likely to arise with the introduction of recorded music as a licensable activity and opening up an outside area with no acoustic reduction measures being proposed.

The second representation was from the Licensing Authority supporting the public nuisance concerns of the Environmental Health Officer and the increased risk to public safety relating to the use of an outside area and its lack of supervision and other safeguards. A full representation was appended to the report at Appendix 4.

The third representation was from an interested party, Mr Rockall, the proprietor of the Heart of Gold Jewellers hops immediately below the Sports Lounge, and related to increased noise and littering as a public nuisance and had security, crime and disorder, concerns relating to the rear of the premises. A copy of the full representation was appended to the report at Appendix 5.

Members were reminded that any matters recorded in the Operating Schedule (Section O of the application form) would become conditions on the license if the application was granted.

The following conditions were mutually agreed between the Responsible Authorities and the applicant's agent, Mr Dadds to constitute as standard conditions:

1. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
2. All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.
3. The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.
4. The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.

5. The premises is only to serve drinks in polycarbonate, plastic or other safety glass only.

Following the representations made by the Responsible Authorities, Mr Dadds, the applicants agent addressed the sub-committee in support of the application and in response to the concerns outlined by the Responsible Authorities representatives.

The Sub-Committee considered the written and oral information provided and advised that having listened to the application and having balanced the written and oral objections received against the licencing objectives to GRANT the application subject to the following conditions, being:-

1. The terrace to be monitored by a staff member at intervals of no more than 30 minutes.
2. The maximum capacity for the terrace to be a maximum of 30 people at any given time.
3. No alcohol to be supplied after 11pm.
4. Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
5. Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.

The Committee advised that the full decision notice would be sent to the applicant in 5 working days.

17 July 2018

Planning and Licensing Committee

Response to Castle Point Borough Council Local Plan Public Consultation 2018

Report of: *Phil Drane, Director of Strategic Planning*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report seeks approval to respond to Castle Point Borough Council's Local Plan public consultation (July 2018).
- 1.2 The proposed response on behalf of Brentwood Borough Council supports steps being taken by Castle Point Borough Council to prepare a Local Plan. The consultation is not supported by a draft document or proposals, rather views are sought on what the content for the Castle Point Local Plan should be. In light of this limited information, it is proposed that clarification be provided through the Castle Point plan-making process about the strategy for meeting Objectively Assessed Needs in Castle Point Borough over the 5-10 year timeframe planned for the housing policies and allocations.
- 1.3 Both Brentwood Borough Council and Castle Point Borough Council are partners in the Association of South Essex Local Authorities (ASELA). Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for the sub-region. The Castle Point Local Plan will be prepared within the context of the South Essex Joint Strategic Plan.

2. Recommendation

- 2.1 To approve the response to the Castle Point Borough Council Local Plan public consultation (July 2018), as set out in Appendix A.

3. Introduction and Background

- 3.1 The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance.
- 3.2 Local Plans should include strategic policies to deliver:
- a) Homes and employment needed in the area;
 - b) Provision of retail, leisure, and other commercial development;
 - c) Provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - d) Provision of health, security, community and cultural infrastructure and other local facilities; and
 - e) Climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape.
- 3.3 In June 2018 Castle Point Borough Council resolved to start work on a new Local Plan. This new Plan will draw upon previous evidence and public consultation responses received from the 2014 and 2016 versions. Therefore, Brentwood Borough Council's previous representations to the Castle Point Local Plan in 2014 and 2016 will be taken into consideration as part of this new consultation process.
- 3.4 In 2016 Castle Point Borough Council published their Local Plan and subsequently submitted it for Examination in Public. Brentwood Borough Council objected to the Castle Point Local Plan, primarily because it failed to meet the full objectively assessed housing needs of the area and without confirmation of whether the shortfall would be delivered within the South Essex housing market (Item No. 76, Planning and Licensing Committee, 28 June 2016). The Council's June 2016 response can be viewed in Appendix B.
- 3.5 The 2016 Castle Point Local Plan was withdrawn after it was found to not adhere to the Duty to Cooperate by the Planning Inspector appointed to examine the plan.
- 3.6 In November 2017, Castle Point Borough Council received a letter from the Secretary of State threatening Government intervention, alongside 14 other local authorities including Brentwood Borough Council. In March 2018 the Secretary of State notified Castle Point that the Government

would intervene in their plan-making process. Since then the Council has been encouraged by the Ministry of Housing and Local Communities to proceed with their local plan and are receiving assistance from Essex County Council.

- 3.7 Castle Point Borough Council are partners in the Association of South Essex Local Authorities (ASELA), alongside Brentwood Borough Council. The Council has approved the ASELA Statement of Common Ground, which includes agreement to produce a Joint Strategic Plan for South Essex

4. Issues, Options and Analysis of Options

- 4.1 A Draft Local Plan document has not been prepared for this consultation. Instead Castle Point Borough Council is seeking views about what the new plan should contain. A “Technical Evidence: Summary Document” (June 2018) has been prepared to inform the consultation, which sets out that the new Castle Point Local Plan will have a timeframe of at least 15 years. However, the housing delivery policies and site allocations will have a shorter timeframe of between 5 to 10 years. This shorter timeframe for housing policy elements is expected to result in an upturn in the delivery of housing in the short term. In the longer term, the South Essex Joint Strategic Plan is expected to pick up any unmet housing need to support the aims of the South Essex 2050 vision.
- 4.2 This consultation is at Regulation 18 stage according to the Town and Country Planning Regulations 2012 (issues consultations or early stages). According to the Castle Point Local Development Scheme, Regulation 19 (publication) consultation will take place in January 2019 and adoption is anticipated in Summer 2019.
- 4.3 Castle Point Borough Council are currently evaluating the aims of the 2016 Local Plan, to assist with the development on the 2018 Local Plan. The aims of the 2018 Local Plan are:
- a) To co-operation with neighbouring authorities, public, voluntary and private sector organisations; and
 - b) Indicate broad locations for possible strategic development on key diagram and land-use designations on the proposal maps as outline within the 2014 and 2016 plans (however, there is no indication as to which sites are likely to come forward or number of new homes proposed for the 2018 Local Plan).

- 4.4 The evidence base from the 2014 and 2016 has been updated to inform preparation of the 2018 Local Plan. This includes:
- a) Strategic Housing Land Availability Assessment and Brownfield Land Register 2018;
 - b) Essex Coast Recreational disturbance Avoidance and Mitigation Strategy;
 - c) Essex Design Guide;
 - d) Community Infrastructure Needs Assessment;
 - e) Green Belt Review;
 - f) Green Infrastructure Strategy and Open Space Strategy;
 - g) Playing Pitch Strategy;
 - h) Sport and Leisure Facilities Needs Assessment;
 - i) Sustainability Appraisal;
 - j) Strategic Flood Risk Assessment;
 - k) Transport Assessment Update: and
 - l) Whole Plan Viability Assessment.
- 4.5 A Housing Sites Option Paper will be used to inform the New Local Plan. It is expected that the evidence used to develop this topic paper will be published in November 2018.

5 Reason for Recommendation

- 5.1 Castle Point Borough has an objectively assessed housing need of 311 new homes per annum, between 2014-2037, within the South Essex housing market area (Thames Gateway South Essex Strategic Housing Market Assessment Addendum, May 2017). This figure was determined using the 2014 updated population figures. To reflect the increased number of newly forming households anticipated under the updated demographic projection, the new net annual affordable housing need is 353 new homes over the 2014-2037 period.
- 5.2 Castle Point Borough Council has identified potential sites to meet this need as part work published in 2014 and 2016. However, the housing sites option paper and related evidence has yet to be published. Therefore, it is unclear whether the Castle Point Local Plan will meet the borough's required needs over the 5-10-year period of the plan and prior to the adoption of the Joint Strategic Plan.
- 5.3 Due to the limited information available during this consultation, the proposed Brentwood Borough Council response agrees that further

consultation should take place once the housing topic paper and related evidence base has been published to allow adequate opportunity to respond to the proposed strategy in Castle Point. The proposed response on behalf of Brentwood Borough Council is set out in Appendix A.

6. Consultation

- 6.1 The Castle Point Local Plan public consultation 2018 runs for six weeks between 4 July and 15 August 2018.

7. References to Corporate Plan

- 7.1 The Castle Point Local Plan 2018 is relevant to the Thames Gateway South Essex housing market area, and the South Essex Joint Strategic Plan. Both have a relationship with the emerging Brentwood Local Development Plan, the production which is a key priority in the Council's Vision for Brentwood 2016-2019. Joint aims to deliver South Essex 2050 aims in regard to major development and infrastructure also relate to priorities within the Vision for Brentwood 2016-2019 corporate plan.

8. Implications

Financial Implications

Jacqueline Van Mellaerts, Interim Chief Finance Officer
01277 312829 jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 None directly arising from this report.

Legal Implications

Daniel Toohey, Head of Legal Services and Monitoring Officer
01277 312860 daniel.toohey@brentwood.gov.uk

- 8.2 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 Joint working will continue between Brentwood Borough Council and Castle Point Borough Council, both partners in the Association of South East Local Authorities (ASELA).

9. Background Papers

9.1 Castle Point Borough Council, letter to all residents and businesses, Regulation 18 (July 2018)

9.2 Castle Point Borough Council, Technical Evidence: Summary Document (June 2018)

9.3 The above documents and other supporting information can be viewed on the Castle Point Borough Council website at <https://www.castlepoint.gov.uk/2018-local-plan-consultation>.

10. Appendices to this report

10.1 Appendix A: Brentwood Borough Council Response to Castle Point Local Plan Public Consultation 2018

10.2 Appendix B: Brentwood Borough Council Response to Castle Point Draft New Local Plan 2016

Report Author Contact Details:

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Brentwood Borough Council response to: Castle Point Local Plan Public Consultation 2018 July 2018

Principle

1. Thank you for inviting Brentwood Borough Council to provide comments as part of Castle Point Borough Council's consultation on its Local Plan Public Consultation 2018. We support the steps that Castle Point Borough Council has made to proceed with preparation of a Local Plan. There are several strategic issues, such as housing and infrastructure, which can be considered at levels greater than a single local planning authority area and which concern both Boroughs. It is important that such issues are addressed through collaborative working and meaningful discussions in accordance with legislation, the National Planning Policy Framework (NPPF), and the Planning Practice Guidance.
2. Please note that we have limited our response to high level comments addressing the strategic planning matters which affect both our areas.

Vision

3. Brentwood Borough Council supports the Vision for the Future within both the Draft Local Plan 2014 and the New Local Plan 2016, which will be carried forward within the current 2018 Local Plan document. The Council also supports the aspiration shown in the Objectives of the New Local Plan.

Housing Need

4. Brentwood Borough Council notes the proposal for the Castle Point Local Plan to have a 15-year period, but that housing related policies will have a 5-10-year timeframe, by which time the South Essex Joint Strategic Plan (JSP) will supersede these policies. The objectively assessed housing need for Castle Point Borough has been identified as 353 new homes per annum according to the South Essex Strategic Housing Market Assessment Addendum (SHMA) (May 2017). It is unclear from the consultation documents provided as to which of the sites from the 2014 and 2016 draft Local Plan documents are preferred site allocations, the number of dwellings proposed for each site, the timeframe these sites are expected to come forward, the Borough's strategy for growth, and whether local objectively assessed needs will be met over the 5-10-year period established for housing policies.
5. It is noted that a housing topic paper and supporting evidence is expected to be published towards the end of 2018, subject to approval. We welcome the additional work being proposed on the development of a strategy to deliver new homes. According to the Castle Point Local Development Scheme, the Local Plan will proceed directly to Regulation 19 consultation in January 2019. We suggest that further

opportunity be provided for comment on the Castle Plan strategy for growth once further work has been published and proposals are made.

Duty to Cooperate

6. As part of our joint working and combined commitment through the Association of South Essex Local Authorities (ASELA), Brentwood Borough Council will continue to work with Castle Point Borough Council on the strategic aims of the area through preparation of the JSP. We welcome the opportunity to continue to work closely with Castle Point Borough Council through the duty to cooperate for both the preparation of our individual local plans and the development of the JSP.

Planning Policy
Castle Point Borough Council
Kiln Road,
Thundersley
Benfleet
Essex
SS7 1TF

Date: 30 June 2016
Our reference: CSPT/DTC/01
Your reference: -

Dear Planning Policy Team,

Holding Response to: Castle Point New Local Plan 2016

Please accept this letter as the response from Brentwood Borough Council in relation to the consultation on the Castle Point New Local Plan 2016 consultation document.

Thank you for inviting Brentwood Borough Council to provide comments as part of Castle Point Borough Council's consultation on its draft Local Plan Consultation Document. Brentwood Borough Council is an Essex local planning authority (LPA) near to Castle Point Borough Council and there are a number of strategic issues, such as housing and infrastructure, which can be considered at levels greater than a single LPA area and which concern both Boroughs. It is important that such issues are addressed through collaborative working and meaningful discussions in accordance with legislation, the National Planning Policy Framework (NPPF), and the Planning Practice Guidance.

Please note that Brentwood Borough Council have limited their comments to high level strategic issues that impact directly on Brentwood Borough Council. The comments on the plan are given below.

Generally, Brentwood Borough Council supports the Vision for the Future within the New Local Plan 2016 and support the aspiration of the Objectives of the New Local Plan.

Brentwood Borough Council note the identified objectively assessed housing needs range of 326 to 410 new homes per annum (as a policy off scenario), as set out in the Thames Gateway South Essex Strategic Housing Market Assessment (2016) and required to be identified in the NPPF. Castle Point consider the lower end to be appropriate as the plan seeks to achieve a relatively modest level of employment growth. A figure of 400 homes per annum, giving 8,000 homes for the period of 2011 to 2031 has been identified.

However, we note that Castle Point Borough Council is not intending to meet this need and are proposing a target of 107 homes per annum, a total of 2,140 homes for the period 2011 to 2031, "reflecting the capacity of the borough to accommodate growth" and having

regard to the constraints of Green Belt strategic corridors, the natural environment and flooding. Brentwood Borough Council wishes to express concern that this approach is not inline with the requirements of the NPPF as it does not identify sites sufficient to provide the five year supply of housing to meet its objectively assessed need and accordingly may result in an increase in development pressure on other boroughs.

We also express concern that Castle Point Borough Council has not confirmed that the Borough is aiming to meet its full identified housing development need within the borough and that no detail has been provided regarding where the outstanding need can be met. Brentwood Borough Council therefore object to the Castle Point draft New Local Plan.

Brentwood Borough is not able to meet development needs of other surrounding boroughs, as Brentwood lies entirely within the Metropolitan Green Belt, with 89% of the borough currently being designated Green Belt. However, Brentwood Borough Council has made a commitment through preparation of its own Local Plan to meet local needs in full despite several constraining factors. Brentwood Borough Council will continue to object to the Castle Point Borough New Local Plan 2016 on this basis if commitment to meet all identified development need is not made, without providing identification of where this can be met.

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment, (ORS, 2014) identifies a need for 5 additional Gypsy and Traveller and Travelling Showpeople pitches within the period of the Castle Point New Local Plan 2016. Whilst it is acknowledged that this is a small number, the new sites should be identified within the New Castle Point Local Plan 2016 as without this information the Plan is contrary to the requirements of the NPPF and the Planning Policy for Traveller Sites, DCLG August 2015.

Duty to Cooperate

Brentwood Borough Council welcomes the opportunity to continue to work with Castle Point Borough Council and partners in the Thames Gateway South Essex housing market area so that local plans can be progressed on an ongoing basis and in line with the duty to cooperate.

Please contact me if you would like to discuss the above consultation response further.

Yours sincerely

Phil Drane
Planning Policy Team Leader

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