



# Agenda

## Planning and Licensing Committee

Wednesday, 11 October 2017 at 7.00 pm

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### Membership (Quorum – 3 )

Cllrs Ms Sanders (Chair), Faragher (Vice-Chair), Bridge, Chilvers, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry, Reed, Mrs Slade and Wiles

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Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 18
3.	Setting of Hackney Carriage and Private Hire Driver Licence Fees for 2017/18	All Wards	19 - 32
4.	1 Ardleigh Garden, Hutton, Brentwood, Essex CM13 1QR Application No. 17/00920/FUL New dwelling with associated parking.	Hutton East	33 - 42
5.	Ingatestone & Fryerning Parish Neighbourhood Plan Area Designation	Ingatestone, Fryerning and Mounthesing	43 - 54
6.	Response to the London Borough of Havering Draft Local Plan Regulation 19 consultation	All Wards	55 - 62

7. **Urgent Business**

A handwritten signature in black ink, appearing to read 'P. L. R. B.' with a large, sweeping underline.

Chief Executive

Town Hall  
Brentwood, Essex  
03.10.2017

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### Information for Members

#### Substitutes

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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## Information for Members of the Public

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### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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### **Access**

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### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



## Minutes

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### Planning and Licensing Committee Tuesday, 25th July, 2017

#### Attendance

Cllr Ms Sanders (Chair)	Cllr Morrissey
Cllr Faragher (Vice-Chair)	Cllr Mynott
Cllr Bridge	Cllr Newberry
Cllr Chilvers	Cllr Reed
Cllr Mrs Middlehurst	Cllr Wiles

#### Apologies

Cllr Mrs Slade

#### Substitute Present

Cllr Mrs Coe

#### Also Present

Cllr Cloke	
Cllr Foan	West Horndon Parish Council
Cllr Mrs Hones	
Cllr Lockhart	Blackmore Parish Council
Cllr Barrell	

#### Officers Present

Nick Howard	-	Senior Planner
Philip Drane	-	Planning Policy Team Leader
Caroline McCaffrey	-	Development Management Team Leader
Claire Mayhew	-	Governance and Member Support Officer
Surinder Atkar	-	Planning Solicitor
Paulette McAllister	-	Design & Conservation Officer
Greg Campbell	-	Project Manager - Customer Transformation
Lorne Spicer	-	Business Development and PR Manager

**87. Apologies for Absence**

Apologies were received from Cllr Mrs Murphy, Cllr Mrs Coe was present as a substituted and Cllr Mrs Slade, no substitute was present.

**88. Minutes of the Previous Meeting**

The minutes of the previous Planning & Licensing Committee held on 13 June 2017 were approved as a true record.

**89. 17/00591/FUL and 17/00589/LBC The Crown, High Street, Ingatestone, Essex CM4 0AT**

The applications were discussed together but voted separately.

Mr Driscoll, the agent, was present and addressed the committee in support of the application.

Cllrs Cloke and Hones, were present as Ward Councillors and spoke in objection to the application.

After a full discussion, Cllr Mynott **MOVED** and Cllr Reed **SECONDED** to **REFUSE** the application on 17/00591/FUL - The Crown, High Street, Ingatestone, Essex CM4 0AT.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **REFUSED** for the following reasons:

The proposed alterations to the Grade II listed building has covered over areas of architectural interest and detail, removed significant historic fabric and installed unsympathetic features contributing to a cumulative impact resulting in substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 133 of the Framework indicates that where the proposed development will lead to substantial harm to the significance of a designated heritage asset, local

planning authorities should refuse consent, unless it is demonstrated that the harm is outweighed by substantial public benefits. The public benefits of providing three market dwellings are considered to be minor and would not outweigh the substantial harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

After a full discussion, Cllr Mynott **MOVED** and Cllr Reed **SECONDED** to **REFUSE** the application on 17/00589/LBC - The Crown, High Street, Ingatestone, Essex CM4 0AT.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **REFUSED** for the following reasons:

The proposed alterations to the Grade II listed building has covered over areas of architectural interest and detail, removed significant historic fabric and installed unsympathetic features contributing to a cumulative impact resulting in substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 133 of the Framework indicates that where the proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it is demonstrated that the harm is outweighed by substantial public benefits. The public benefits of providing three market dwellings are considered to be minor and would not outweigh the substantial harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

**90. 14/00489/FUL and 17/00483/LBC 67 High Street Ingatestone, Essex**

The applications were discussed together but voted separately.

Mr Driscoll, the agent, was present and addressed the committee in support of the application.

Cllrs Cloke and Hones, were present as Ward Councillors and spoke in objection to the application.

After a full discussion of application, Cllr Mynott **MOVED** and Cllr Bridge **SECONDED** to **REFUSE** the application 14/00489/FUL, 67 High Street, Ingatestone Essex.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **REFUSED** for the following reasons:

The proposed alterations to the curtilage listed building has installed unsympathetic features contributing to a cumulative impact resulting in less than substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 134 of the Framework indicates that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of providing two market residential units are considered to be minor and would not outweigh the harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

After a full discussion of application, Cllr Mynott **MOVED** and Cllr Bridge **SECONDED** to **REFUSE** the application 14/00483/LBC, 67 High Street, Ingatestone, Essex.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **REFUSED** for the following reasons:



The proposed alterations to the curtilage listed building has installed unsympathetic features contributing to a cumulative impact resulting in less than substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 134 of the Framework indicates that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of providing two market residential units are considered to be minor and would not outweigh the harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

**91. 17/00498/FUL 3, 4 and 5 Crown Mews, Ingatestone, Essex CM4 0AT**

Mr Driscoll, the agent, was present and addressed the committee in support of the application.

Cllrs Cloke and Hones, were present as Ward Councillors and spoke on the application. Although, they were both satisfied with the design of the dwellings. Concerns were expressed over the allocated car parking provision for the dwellings and setting a precedence in the future for developers to make alterations to applications and then come back to committee for approval.

After a full discussion, a request was made by Members that the Car Parking spaces allocated are marked out before the first occupation and retained.

Cllr Coe, referred to AstroTurf and its use within a conservation area, which is not permitted, a requested that a condition be implemented prior to the first occupation.

After a full discussion, Cllr Wiles **MOVED** and Cllr Sanders **SECONDED** to **APPROVE** conditions subject to two additional conditions It was approved subject to two additional conditions

1. Prior to the first occupation of the proposed development, the car parking spaces associated with the development, shall be clearly marked out, details of which shall be submitted to and approved by the Local Planning Authority. The car parking spaces shall be marked out in accordance with the approved details and shall be retained thereafter.
2. Prior to first occupation of the proposed development, details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority. In particular the use of astro turf will not be permitted. The approved details shall be implemented prior to first occupation and retained thereafter.

A vote was taken by a show of hands.

FOR: Cllrs Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Mynott, Newberry, Reed and Wiles (9)

AGAINST: Cllr Morrissey (1)

ABSTAIN: Cllr Bridge (1)

**RESOLVED** that the application was **APPROVE** with the following conditions:

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

**92. 17/00643/FUL Town Hall, Ingrave Road, Brentwood, Essex**

Mr Broomfield, was present and addressed the committee is objection to the application.

Mr Beamish, the agent was also present and addressed the committee in support of the application.

During the presentation, the Officer including extra conditions to be added:-

- Prior to the commencement of development details shall be submitted to and approved in writing by the LPA of measures to enhance and, and if necessary, protect the habitat of the site for badgers, and the development shall then be carried out in accordance with those approved details
- Before the development is brought into first use and notwithstanding the submitted plans a pedestrian access shall be provided from the proposed refuse storage area to the footpath on Seven Arches Road. Details shall be submitted to and approved by the LPA and implemented in accordance with the approved details and shall be retained thereafter.
- Before development commences a scheme providing insulation to the external walls of the proposed mansard roof shall be submitted to and approved by the LPA and be implemented in accordance with the approved details, before the development is brought into first use.

Concerns were expressed from the Members, relating to design, the lack of disabled parking, DDA compilate, lack of amenity area and the relocation of the History Plaques and Pilgrims Staff.

Mr Drane, informed members that the location of the Pilgrims Staff at Town Hall was temporary and a new location will be consisted within the Town Centre Design Plan.

After a full discussion, Cllr Wiles **MOVED** and Cllr Mrs Middlehurst **SECONDED** to **APPROVE** the application subject to the additional conditions from the Officer, together with a conditions relating to disabled parking and an amendment to Condition 9 to relocated the History Plaque.

An informative to be added relating the DDA access.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Mrs Coe, Faragher, Mrs Middlehurst, Reed Sanders and Wiles (7)

AGAINST: Cllrs Chilvers, Newberry, Morrissey and Mynott (4)

ABSTAIN: (0)

**RESOLVED** that the application was **APPROVED** subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

4. No development shall take place until samples of windows and balustrades to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

5. The area for parking identified on the approved drawing shall be provided prior to the first occupation of the development hereby permitted and shall thereafter remain available for parking the vehicles of the occupiers of the building.

Reason: To ensure the adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

6. Notwithstanding the submitted plans and prior to the commencement of development details of the design of the cycle storage shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

7. Prior to first occupation of the proposed development, details regarding the location of the non-residential bin storage area shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel information pack per dwelling, for sustainable transport, approved by Essex County Council, (to include size one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

9. The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to an approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

**93. 17/00427/FUL South Car Park, Town Hall, Ingrave Road, Brentwood, Essex**

Cllr Newberry, expressed concerns over parking.

Cllr Wiles **MOVED** and Cllr Morrissey **SECONDED** to **APPROVE** the application.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGANST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **APPROVED** subject to the following conditions:

1. The portacabins hereby permitted shall be removed and the land restored to its former condition on or before 1st August 2019; in accordance with a scheme of work to be first agreed in writing by the local planning authority.

Reason: In the interest of amenity and to safeguard the character and appearance of the area.

2. The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3. All existing trees, shrubs and hedgerows on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development

or within five years of the completion of the development, any such trees, shrubs or hedges are removed without such development, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. The replacement shall be carried out within the first planting season after the Council's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

Reason: In order to safeguard the character and appearance of the area.

**94. 17/00714/FUL 1-2 Seven Arches Road, Brentwood, Essex**

Cllr Wiles **MOVED** and Cllr Morrissey **SECONDED** to **APPROVE** the application.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Chilvers, Mrs Coe, Faragher, Mrs Middlehurst, Morrissey, Mynott, Newberry, Reed, Ms Sanders and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application was **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: to comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

**95. 17/00682/FUL Land adjacent to 3 King Edward Road, Brentwood, Essex**

Concerns were expressed from Members over the design, not in keeping with the neighbouring dwellings.

After a full discussion, Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** to **REFUSE** the application.

A vote was taken by a show of hands.

FOR: Cllrs Chilvers, Mrs Coe, Newberry, Morrissey and Mynott (5)

AGAINST: Cllrs Bridge, Faragher, Mrs Middlehurst, Reed, Ms Sanders and Wiles (6)

ABSTAIN: (0)

The Motion was **LOST**.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** to **APPROVE** the application.

A vote was taken by a show of hands.

FOR: Cllrs Bridge, Faragher, Mrs Middlehurst, Reed, Ms Sanders and Wiles (6)

AGAINST: Cllrs Chilvers, Mrs Coe, Newberry, Morrissey and Mynott (5)

ABSTAIN: (0)

The Motion was **CARRIED**.

**RESOLVED** that the application is **APPROVED** subject to the following conditions:

1. TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3. Removal of Permitted Development rights for extension/enlargement

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reason: To avoid overdevelopment of the site.

#### 4. Removal of Permitted Development rights for outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended) (or any order revoking, reenacting or modifying that Order) no development falling within Class E of that Order (buildings, enclosures, swimming or other pools) shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reason: To avoid overdevelopment of this small site.

#### 5. Remediation of potential site contamination

No development shall commence until a remediation scheme to bring the site to a suitable condition for residential development has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation scheme will be implemented prior to the commencement of any part of this planning permission (unless otherwise agreed in writing by the local planning authority). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.

- Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.
- The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to



occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: To protect the safety of future occupiers of the dwellings given the long history of commercial and vehicle related uses on the site.

#### 6. Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site.

Reason: In the interests of highway safety, visual and neighbour amenity.

7. Prior to occupation, the footway located to the west of the proposed access shall be reinstated to full height and connect with existing footway along King Edward Road.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

8. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction thereafter. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential

Travel Information Pack for sustainable transport (as approved by Essex County Council).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

**96. Urgent Business**

There were no items of Urgent Business.

The meeting concluded at 21.33

11 October 2017

## Planning and Licensing Committee

### Setting of Hackney Carriage and Private Hire Driver Licence Fees for 2017/18

*Report of:* Paul Adams, Principal Licensing Officer

*Wards Affected:* All

*This report is:* Public

#### 1. Executive Summary

- 1.1 This report is to agree fees and charges associated with Hackney carriage and Private Hire Driver Licence applications for the 2017/18 period, for recommendation to Council for setting.

#### 2. Recommendation(s)

- 2.1 To recommend to Council the adoption of the licence fees as detailed in Appendix B.

#### 3. Introduction and Background

- 3.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways.
- A statutory set fee.
  - A locally set reasonable fee that has by statute, a capped maximum amount.
  - A locally set reasonable fee with no maximum cap.
- 3.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income
- 3.3 Fees that are set by statute, cannot be varied and must be charged as they are set within the legislation.
- 3.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped

amount then less than the cap should be charged, if it is higher than the cap then a loss will need to be made.

- 3.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This includes all types of Hackney Carriage and Private Hire Licences.
- 3.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees,
  - LGA Guidance on Locally Set Fees,
  - Welsh Technical Panel templates,
  - Case law.
- 3.7 Generally, fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 3.8 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which will significantly could create differences in fees.
- 3.9 Brentwood Council last set its Hackney Carriage and Private Hire Licence fees in 2016.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Fee setting is usually carried out in preparation to bring into effect any changes at the start of each financial year. The Hackney Carriage and Private Hire Licence fees were not reviewed with all other licence fees for the 2017/18 period, as additional work was being undertaken on the costs associated with providing this licensing function.
- 4.2 This additional work has highlighted that the fee being charged for the Licensing of Hackney Carriage and Private Hire Drivers is significantly insufficient to cover the current calculated cost of providing the service. This was due to previous years calculations using predicted data instead of actual data when it became available.
- 4.3 It has been agreed with the Chief Executive that the historic deficit of £44,415 that exists since the actual data has been used on the drivers account will not

be carried forward into future fee calculations, and has been zeroed at the end of the 2016/17 financial year and written off.

- 4.4 It is proposed to review the Hackney Carriage and Private Hire Drivers application fees now, as a measure to reduce the impact of the insufficient cost recovery of this element of the Licensing Service. This review uses actual data from the previous financial year with predicted data for this current financial year.
- 4.5 A copy of the licensing accounts for 15/16 and the fee income prediction for 17/18 is attached as Appendix A.
- 4.6 A Schedule scheduled of proposed fees for the 2017/18 period are attached as Appendix B.
- 4.7 It is intended that the fees will come into effect from 1 November 2017, subject to approval by Council.

### **Hackney Carriage and Private Hire Drivers Licences**

- 4.8 All Hackney Carriage or Private Hire Drivers Licences are currently granted for 3 years, unless there is a good reason not to do so.
- 4.9 Currently the cost of the DBS check is charged in addition to the fee. This fee will rise to £52 from £44 to reflect the current cost incurred of this check.
- 4.10 A DVLA Licence check will be carried out annually, the cost of this is now included in the cost of the licence application.
- 4.11 A DVLA Group 2 Medical is required every three years unless age or medical conditions require otherwise, the cost of the medical is met by the applicant and is not included in this fee.
- 4.12 The application fee for new applicants is to include up to 4 attempts to pass the Knowledge Test, further attempts will be subject to an additional fee as provided in Appendix B.
- 4.13 It is proposed to increase the new licence fee to £456 from £300 and the renewal fee will rise to £406 from £240.
- 4.14 The situation will be monitored and will be reviewed at the end of this year once changes to the Licensing Team structure and process have imbedded and revised time monitoring undertaken.

### **5. Reasons for Recommendation**

- 5.1 The fees and charges have to be agreed by Council and can not be set by this committee. The fees proposed are on a cost recovery basis where possible.

## **6. Consultation**

- 6.1 There is no consultation required under legislation relating to any of the discretionary fees outlined in this report that are subject to change. However, these will be published on the Council's website and are in all cases open to challenge by way of Judicial Review should they be inappropriately set.
- 6.2 Although no consultation is required by legislation, the proposed fee has been consulted with Brentwood's Taxi Trade Consultative Group, and the response from their agreed representative for this matter is attached as Appendix C.
- 6.3 The TTCG makes reference to five points in paragraph 9 of their response that they would like assurances on, for them not to oppose the proposed fee. Assurances can be given that these matters will be in place if not already in place for future accounting and fee calculation.

## **7. References to Corporate Plan**

- 7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Financial Services Manager**  
**Tel & Email: 01277 312829/jacqueline.vanmellarts@brentwood.gov.uk**

- 8.1 The impact of the revised fees and charges will be incorporated within the medium term financial plan.

### **Legal Implications**

**Name & Title: Surinder Atkar/Senior Planning Solicitor**  
**Tel & Email: 01277 312500/surinder.atkar@brentwood.gov.uk**

- 8.2 There are potential cost implications in the event of failure to calculate or advertise fees in the proper manner, however, the fees proposed in this report have been calculated on a cost recovery basis using a robust system of accounting which has been developed over time to ensure they are as accurate as possible.
- 8.3 The recovery of a fee for drivers licenses for hackney carriages and PHVs is under section 53 (2) Local Government (Miscellaneous Provisions) Act 1976 so that any fee must be reasonable with a view of recovering the costs of administration and issue.

- 8.4 Vehicle and operator's license fees are recoverable under section 70 of the same Act and any fee can only charge for the reasonable costs of carrying out the inspections of both types of vehicles for determining if a license should be granted, any reasonable costs for providing hackney carriage stands and any administrative or other costs relating to the control and supervision of vehicles.

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

None

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Local Government (Miscellaneous Provisions) Act 1976.

**10. Appendices to this report**

Appendix A - Licensing Accounts and Fee workings.

Appendix B - Proposed 17/18 Taxi Licensing Fees and Charges.

Appendix C – Consultation response on behalf of the TTCG.

**Report Author Contact Details:**

**Name:** Paul Adams, Principal Licensing Officer  
**Telephone:** 01277 312500  
**E-mail:** paul.adams@brentwood.gov.uk

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# Appendix A

Driver Licences				Drivers							
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
				£	£	£	£	£	£	£	
				ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
Total Costs (Increase 1% Year on year from 17/18)				73,458	59,017	51,528	52,044	52,564	53,090	53,621	
<b>TOTAL EXPENDITURE</b>				<b>73,458</b>	<b>59,017</b>	<b>51,528</b>	<b>52,044</b>	<b>52,564</b>	<b>53,090</b>	<b>53,621</b>	
No of Licences		Current Fee	Proposed Fee	Anticipated Income							
		£	£	ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
Income 2013/14											
Total Income for 2013/14											
Income 2014/15				4,517							
Total Income for 2014/15											
Income 2015/16											
Total Income for 2015/16				62,476							
<b>Income 2016/17</b>											
New 3 Year Licence	25	300.00			2,500	2,500	2,500				
Renewed 3 year Licence	124	240.00			9,920	9,920	9,920				
ADJ TO MATCH FIN SYSTEM						2,181	2,181				
Total Income for 2016/17				149	0	12,420	14,601	14,601	0		
<b>Income 2017/18</b>											
New 3 Year Licence	30	300.00	456.00			4,560	4,560	4,560			
Renewed 3 year Licence	32	240.00	406.00			4,331	4,331	4,331			
Total Income for 2017/18				62	0	0	8,891	8,891	8,891	0	0
<b>Income 2018/19</b>											
New 3 Year Licence	30		456.00				4,560	4,560	4,560		
Renewed 3 Year Licence	169		406.00				22,871	22,871	22,871		
Total Income for 2018/19				199	0	0	27,431	27,431	27,431	0	0
<b>Income 2019/20</b>											
New 3 Year Licence	30		456.00					4,560	4,560	4,560	
Renewed 3 Year Licence	179		406.00					24,225	24,225	24,225	
Total Income for 2019/20				209	0	0	0	28,785	28,785	28,785	
<b>Income 2020/21</b>											
New 3 Year Licence	30		456.00						4,560	4,560	
Renewed 3 Year Licence	32		406.00						4,331	4,331	
Total Income for 2020/21				62	0	0	0	0	8,891	8,891	
<b>Income 2021/22</b>											
New 3 Year Licence	30		456.00							4,560	
Renewed 3 Year Licence	169		406.00							22,871	
Total Income for 2021/22				199	0	0	0	0	0	0	27,431
<b>OTHER INCOME (inc knowledge tests, badge replacements)</b>					20,477	2,182	0	0	0	0	0
<b>TOTAL INCOME</b>					82,953	14,602	23,492	50,923	65,107	65,107	65,107
<b>Surplus / (Deficit)</b>					9,495	-44,415	-28,037	-1,121	12,543	12,017	11,486
<b>Reserves</b>											
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
Brought Forward					-5,292	4,204	0	-28,037	-29,157	-16,615	-4,598
Surplus/(Deficit)					9,495	-44,415	-28,037	-1,121	12,543	12,017	11,486
Carry Forward					4,204	0	-28,037	-29,157	-16,615	-4,598	6,888

**Breakdown Accumulated Reserve Position as at 31st March 2017**

16/17 (-Surplus)/Deficit	Drivers Account	Vehicles Account	Operators Account	Total
	16.83%	24.65%	0.55%	
<b>Reserve Accumulated Total as at 31st March 2016</b>	<b>-4,203.54</b>	33,477.83	9,757.21	39,031.49

Other Licensing
57.97%
0.00

TOTAL
39,031.49

Expenditure:				
Employees Related Expenses	25,867.68	38,131.95	840.77	64,840.40
Supplies and Services:				
Printing, Stationery & Office Expenditure	245.39	10,266.73	0.00	10,512.12
CRB Checks	6,377.00	0.00	0.00	6,377.00
DVLA Checks	135.00	9.00	0.00	144.00
Communications & Computing	1,753.69	2,055.59	38.59	3,847.87
Equipment, Furniture & Materials	0.00	0.00	0.00	0.00
Refunds	0.00	0.00	0.00	0.00
Inspection Costs	0.00	21,600.00	0.00	21,600.00
Legal Expenses	0.00	0.00	0.00	0.00
Other Fees & Services	0.00	0.00	0.00	0.00
Subscriptions	94.08	137.79	3.07	234.95
Refunds / Other	0.00	131.25	0.00	131.25
Depreciation	0.00	0.00	0.00	0.00
Recharges from Other Services:				
Corporate Leadership Team	1,088.88	1,594.82	35.58	2,719.28
Corporate Support	649.71	951.60	21.23	1,622.54
Design & Print	149.10	218.38	4.87	372.36
Financial Services	4,554.59	6,670.86	148.84	11,374.29
Human Resources	1,213.76	1,777.73	39.67	3,031.15
Information and Communications Technology	3,397.21	4,975.71	111.02	8,483.94
Internal Audit	1,453.89	2,129.44	47.51	3,630.85
Legal	991.16	1,451.70	32.39	2,475.26
Office Accommodation	2,405.23	3,522.81	78.60	6,006.64
Payroll	156.19	228.76	5.10	390.06
Business Transformation	0.00	0.00	0.00	0.00
Customer Contact Centre	4,271.63	6,256.42	139.60	10,667.64
Environmental Health Admin	4,212.69	6,170.10	137.67	10,520.46
Cost of Democracy	0.00	0.00	0.00	0.00
Income:				
Fees & Charges	-14,601.50	-107,930.00	-707.40	-123,238.90
Grants & Contributions	0.00	0.00	0.00	0.00
<b>(-Surplus)/Deficit Total for 16/17</b>	<b>44,415.37</b>	<b>350.65</b>	<b>977.13</b>	<b>45,743.14</b>
<b>Reserve Accumulated Total as at 31st March 2017</b>	<b>40,211.82</b>	<b>33,828.48</b>	<b>10,734.34</b>	<b>84,774.63</b>

88,617.55
25.00
0.00
0.00
3,572.06
0.00
0.00
0.00
1,500.00
1,321.30
674.05
501.90
-0.26
3,750.57
2,237.89
513.57
15,688.02
4,180.72
11,701.51
5,007.85
3,414.00
8,284.67
537.99
0.00
14,713.38
14,510.37
0.00
-101,565.51
0.00
79,186.65
0.00

153,457.95
10,537.12
6,377.00
144.00
7,419.93
0.00
0.00
21,600.00
1,500.00
1,321.30
909.00
633.15
-0.26
6,469.85
3,860.43
885.93
27,062.31
7,211.87
20,185.45
8,638.70
5,889.26
14,291.31
928.05
0.00
25,381.02
25,030.83
0.00
-224,804.41
0.00
124,929.79
84,774.63

**Breakdown Accumulated Reserve Position as at 31st March 2018**

17/18 (-Surplus)/Deficit	Drivers Account	Vehicles Account	Operators Account	Total	Other Licensing	TOTAL
	12.83%	24.65%	0.55%		61.97%	
<b>Reserve Accumulated Total as at 31st March 2017</b>	0.00	33,828.48	10,734.34	44,562.81	0.00	44,562.81
<b>Expenditure:</b>						
Employees Related Expenses	19,064.10	36,627.44	817.25	56,508.78	92,081.22	148,590.00
Supplies and Services:						
Printing, Stationery & Office Expenditure	1,347.15	11,588.25	57.75	12,993.15	6,506.85	19,500.00
CRB Checks	6,600.00	0.00	0.00	6,600.00	0.00	6,600.00
DVLA Checks	1,900.00	0.00	0.00	1,900.00	0.00	1,900.00
Communications & Computing	1,120.06	2,151.95	48.02	3,320.02	5,409.98	8,730.00
Equipment, Furniture & Materials	0.00	0.00	0.00	0.00	0.00	0.00
Refunds	0.00	0.00	0.00	0.00	0.00	0.00
Inspection Costs	0.00	19,000.00	0.00	19,000.00	0.00	19,000.00
Legal Expenses	384.90	739.50	16.50	1,140.90	2,859.10	4,000.00
Other Fees & Services	0.00	0.00	0.00	0.00	0.00	0.00
Subscriptions	0.00	0.00	0.00	0.00	0.00	0.00
Refunds / Other	1,200.00	500.00	0.00	1,700.00	200.00	1,900.00
Depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Recharges from Other Services:						
Corporate Leadership Team	868.59	1,668.81	37.24	2,574.63	4,195.37	6,770.00
Corporate Support	455.47	875.08	19.53	1,350.07	2,199.94	3,550.00
Design & Print	106.49	204.60	4.57	315.65	514.35	830.00
Financial Services	3,643.72	7,000.60	156.20	10,800.52	17,599.48	28,400.00
Human Resources	919.91	1,767.41	39.44	2,726.75	4,443.25	7,170.00
Information and Communications Technology	2,770.00	5,321.94	118.75	8,210.68	13,379.32	21,590.00
Internal Audit	1,404.89	2,699.18	60.23	4,164.29	6,785.72	10,950.00
Legal	532.45	1,022.98	22.83	1,578.25	2,571.76	4,150.00
Office Accommodation	2,269.63	4,360.59	97.30	6,727.51	10,962.49	17,690.00
Payroll	111.62	214.46	4.79	330.86	539.14	870.00
Business Transformation	0.00	0.00	0.00	0.00	0.00	0.00
Customer Contact Centre	3,686.06	7,081.95	158.02	10,926.02	17,803.98	28,730.00
Environmental Health Admin	3,143.35	6,039.25	134.75	9,317.35	15,182.65	24,500.00
Cost of Democracy	0.00	0.00	0.00	0.00	0.00	0.00
Income:						
Fees & Charges	-23,491.67	-118,070.00	-770.00	-142,331.67	-101,910.00	-244,241.67
Grants & Contributions	0.00	0.00	0.00	0.00	0.00	0.00
<b>(-Surplus)/Deficit Total for 17/18</b>	28,036.70	-9,206.07	1,023.11	19,853.74	101,324.59	121,178.33
<b>Reserve Accumulated Total as at 31st March 2018</b>	28,036.70	24,622.41	11,757.45	64,416.55	0.00	64,416.55

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**TAXI LICENSING  
FEES & CHARGES SCHEDULE FROM 1 November 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CURRENT CHARGES April 2017-March 2018		PROPOSED CHARGES Nov 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LICENSING**

**CHARGING AREA: Licence Fees**

Vehicle Licence - Hackney Carriage

Vehicle Licence - including Plate	O	S	243.00	243.00	243.00	243.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

Vehicle Licence - Private Hire

Vehicle Licence - including Plate	O	S	225.00	225.00	225.00	225.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

Vehicle Inspections - Hackney Carriage and Private Hire

Vehicle Inspection	O	S	47.00	47.00	47.00	47.00
Trailer Inspections - Non Braked	O	S	15.00	15.00	15.00	15.00
Trailer Inspections - Braked	O	S	23.00	23.00	23.00	23.00
Re-Inspection	O	S	12.50	12.50	12.50	12.50
Re-Inspection 2	O	S	47.00	47.00	47.00	47.00

Drivers Licence - Hackney Carriage and Private Hire

Combined Driver New - 3 years	O	S	300.00	300.00	456.00	456.00
Combined Driver Renewal - 3 years	O	S	240.00	240.00	406.00	406.00
Re-Test - Knowledge Test	O	S	35.00	35.00	35.00	35.00
Disclosure and Barring Service (DBS) Check	O	S	44.00	44.00	52.00	52.00
Driver and Vehicle Licensing Agency (DVLA) Check	O	S	5.00	5.00	5.00	5.00

Replacements

ID	O	S	6.00	6.00	6.00	6.00
PHV Cards	O	S	6.00	6.00	6.00	6.00
Tariff Cards	O	S	6.00	6.00	6.00	6.00
Replacement Plates	O	S	12.00	12.00	12.00	12.00
Replacement Door Signs (pair)	O	S	15.00	15.00	15.00	15.00
Plate Platforms (optional)	O	S	6.00	6.00	6.00	6.00

Private Hire Operators

Single Vehicle Operators Licence	O	S	325.00	325.00	325.00	325.00
Operator Licence - 2 to 5 Vehicles	O	S	1,085.00	1,085.00	1,085.00	1,085.00
Operator Licence - more than 5 Vehicles	O	S	1,345.00	1,345.00	1,345.00	1,345.00

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# Appendix C

## Members of the Planning and Licensing Committee

The Brentwood Taxi Trade Consultative Group (TTCG) was set up many years ago to provide a forum for the trade, officers and councillors to meet and discuss policy in a relatively informal yet also constructive way. Over the years, the TTCG has been key to ensuring that the trade in Brentwood works to high standards with a shared appreciation of the agreeing and then maintaining those standards by the trade as a whole. We appreciate that the group does not make decisions and that the discussions held do not in any way bind the individual councillors who attend the Planning and Licensing Committee.

The TTCG members have been appointed to represent Hackney Carriage and Private Hire drivers. Hackney Carriage and Private Hire proprietors as well as taxi operators in the Borough. The TTCG members work closely with all aspects of the trade who work both in Brentwood and Shenfield and the TTCG members jointly represent over 350 individuals who work within this trade.

The TTCG members have spent many months discussing the fees for Driver Licences which is now on the agenda of the Planning and Licensing Committee.

We would like you to make you aware of the points below which we hope you will consider when making your decision on this proposal which has been put forward by the Principal Licensing Officer, Paul Adams.

1. The fee for renewing a driver licence is currently £240 which if this proposal is agreed by members will increase to £406. This is a substantial increase and is way above inflation.
2. The trade in Brentwood is increasingly under threat from Uber drivers who operate under TFL rules which are much less stringent than those in Brentwood. Uber drivers have no topographical knowledge of Brentwood and recently the criminal record checks as well as the medical records of 13,000 Uber drivers have been brought into question. Uber drivers in Brentwood are paid a "retainer" of between £8.50 and £12.50 per hour just to sit and wait for potential bookings. The Uber platform is looking to achieve market domination to such a level that Brentwood Licensed drivers will be forced out of their trade.
3. The TTCG members have been inundated with complaints from hundreds of our drivers pointing out that the level of service from the Licensing Department has reached an all-time low. We are being asked to pay an increased fee for a declining level of service.
4. The TTCG and its members have been supplied with numerous financial statements over the past 2 years which have proven, when their accuracy was questioned by the trade, to be factually incorrect and flawed and later rescinded by the finance department and the licensing department. The TTCG have been informed by the Principle Licensing Officer that his predecessor, Gary O'Shea, made fundamental errors when presenting information to members and the anticipated £41,716 **surplus** on this account shown in the Agenda papers for the Planning and Licensing Committee of 3<sup>rd</sup> November 2015 was in fact a £40,000 **deficit**. This is, quite frankly, incredulous and we require a full written explanation from Head of Service.
5. The TTCG need to understand why the cost from Financial Services to the Drivers Licence account was £3,792.99 as at 31<sup>st</sup> March 2016 and yet the cost of Financial Services on this account was £8,594.47 as at 31<sup>st</sup> March 2015, £10,941.28 as at 31<sup>st</sup> March 2014 and £11,768.48 as at 31<sup>st</sup> March 2013.

6. It is incredulous that as at 31<sup>st</sup> March 2013 £31,207.16 was charged for Financial Services to the taxi trade and £29,888.94 was charged in 2014 just for issuing our licences! Once again, we require a full written explanation from Head of Service.
7. The TTCG have requested information regarding time monitoring of Licensing staff which we were assured was being completed and we were assured at previous TTCG meetings that these Licensing team time records were being used to calculate this year's licence fees. However, when we requested copies of these time monitoring sheets (which we are entitled to view under the FOI Act), we were advised that no such sheets existed and were not being filled out. It beggars belief that these actions are deemed acceptable within this department.

#### Going forwards

8. The TTCG would request that accurate time recording of officers' time is carried out in order to set the fees in line with the legislation. This is vital because the Licensing department has been completely restructured over the last 12 months. Accounting for officer time is now further complicated by the fact that officers time is now split between Brentwood and Thurrock local authorities. The rationale for the changes was to improve efficiency and reduce costs. So, the changes should have led to a welcome reduction in licence fees, rather than any further increase.
9. The TTCG will not object to the fees as proposed if we can be provided with certain assurances. These assurances are:
  - i) accurate recording of officer activity will take place,
  - ii) that the time recording will be subject to quarterly review by managers,
  - iii) quarterly reviews take place of the different taxi licence accounts, measuring performance against the budgets,
  - iv) that the management information relating to these quarterly reviews is shared with representatives of the TTCG,
  - v) that the TTCG is consulted on any action which it is proposed be taken to deal with any consequent deficit or surplus on all or any of the taxi licence fee accounts.
10. If assurances can be given re points i) to v) above, then the TTCG would not oppose the proposed licence fees, on the understanding that this is being done, so that in the future there can be certainty on the accuracy of the recording of time and expenditure and confidence that the fees levied are lawfully set at the correct level.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D. Bond'.

Signed on behalf of:

Members of the Taxi Trade Consultative Group



## COMMITTEE REPORT

**Reference:**  
17/00920/FUL

**Site:**  
1 Ardleigh Gardens  
Hutton  
Essex  
CM13 1QR

**Ward:**  
Hutton East

**Proposal:**  
New dwelling with associated parking

**Parish:**

**Plan Number(s):**

EX02;  
PL01;  
PL02;  
PL03;  
PL04;

**Applicant:**  
Mr Thomas Bonner

**Validated:**  
13 June 2017

**Date of expiry:**  
8 August 2017

Extension of time (if applicable):

**Case Officer:** Ms Tessa Outram

This application has been referred by Councillor Hossack on the grounds that the proposal is for a small unit of accommodation which the site can accommodate. Another unit would not be out of keeping with the established housing density on the estate.

## **1.0 DESCRIPTION OF PROPOSAL**

Planning permission is sought for the construction of an attached one bedroom dwelling house to the west of No.1 Ardleigh Gardens. The proposed dwelling would be two storey in nature with a pitched roof and with access to the house and vehicular parking provided from Fairview Avenue.

## **2.0 SITE DESCRIPTION**

The application site is the corner garden of 1 Ardleigh Gardens, on the junction with Fairview Avenue. The site is currently occupied by a two-storey end-of-terrace dwelling with a generous side space facing onto Fairview Avenue. The new dwelling would have its principle elevation, i.e. the front door, facing into Fairview Avenue.

The estate is typically suburban and characterised by rows of terraced houses of similar designs and typologies, which in the main benefit from long front gardens. The area has a distinctive spatial character derived from these set backs, coupled with verdant corner plots and small areas of open space seen throughout the estate. These elements combine to provide an attractive suburban character.

## **3.0 RELEVANT HISTORY**

- 16/00392/FUL: New dwelling with associated parking - Application Refused

## **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown on drawing no.PL02 (Ground Floor Plan as Proposed); given the area to be provided for parking within the site, which complies with Brentwood Borough Council's adopted parking standards, subject to conditions.

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

One neighbour representation letter was received objecting to the proposed development. The concerns arising from the objection letter included:

- Estate is open plan with green spaces on corner plots - a protruding new build would look out of place in this area.
- No.1 Ardleigh gardens will be left with little or no back garden
- Too intrusive and would spoil the outlook to the original open plan estate.
- New build will block the view of motorists on a curved hill
- New existing fence already blocks the view of motorists

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy CP1 General Development Criteria  
Policy T2 New Development and Highway Considerations

NPPF Sections: Core Planning Principles  
Chapter 7 (requiring good design)

## **7.0 ASSESSMENT**

The main considerations in the determination of this application are; principle; design, residential amenity, living conditions and parking and highway considerations.

### **Planning History**

Planning permission has previously been refused and dismissed at appeal for a similar development on this site for the construction of an attached two bedroom dwelling. The Inspector concluded that the development would significantly harm the distinct character and appearance of the surrounding area by way of the proposed dwellings proximity to the boundary with Fairview Avenue which would considerably diminish the open appearance of the corner and detract from the spacious suburban character of the estate. This is a material consideration in the determination of the current application and as such carries considerable weight.

Within the surrounding area an appeal has also been dismissed at No.6 Willingale Close, where the Council refused a planning application to construct an attached dwelling at this site for the same reason, resulting in a cramped and incongruous development that would significantly and demonstrably harm the character and appearance of the area.

### **Principle of Development**

The application site is located within a residential area and as such the principle of some form of development on the site is acceptable but only subject to other considerations such as the design and its impact on the character and appearance of the area, and the impact it has on the residential amenity of adjoining occupiers.

The proposal seeks to develop part of the garden area at the application dwelling.

Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Such a policy would be considered as part of the evolving replacement Local Development Plan.

### **Design, and impact on the Character and Appearance of the area.**

The proposal has been amended from the previously refused scheme by primarily reducing the width of the dwelling. The space between the dwelling and the side boundary with Fairview Avenue would be reduced from between approximately 7.4 metres and 8.5 metres, to approximately 3.1 and 4.3 metres. The previous scheme proposed a reduction in side space to 1.5m and 2.6m.

However, given the location of the site on the apex of a hill and within a curve in the road it is considered the presence of the proposed new dwelling in this siting would appear unduly prominent in the street scene: the dwelling would still extend significantly further forward of the established building line of the dwellings in Fairview Avenue (see drawing PL01 for block plan reference) and be out of keeping with the surrounding pattern of development which is defined by houses set back from the road by their generous front gardens, in conflict with the Local Development Plan Policy CP1 (i).

This in combination with the urban paraphernalia that is associated with the dwelling (fencing, hedgerow, vehicle parking, cycle and refuse storage, two pedestrian ramps and private rear garden) that is proposed between the dwelling and the side boundary, would unacceptably diminish the open character of the estate and therefore be harmful to the defining character of the area.

Although the style of the proposed house reflects those to which it would be attached, if this development were to be approved, Officers consider that it would be very difficult for the Council to resist proposals for similar developments at many of the other open

corner plots within the surrounding area; the cumulative effect of this would be to eventually erode the existing character of the otherwise pleasant and open character of the estate.

In doing so, the proposal fails to reinforce the local distinctiveness of the area and fails to comply with national planning policy set out in Part 7 of the National Planning Policy Framework.

### **Impact on neighbours living conditions**

The main dwelling that could be adversely affected by the proposal is the application dwelling; No.1 Ardleigh Gardens. The proposed dwelling would not extend beyond the building lines of No.1 and it is considered that it would not result in any harm because of overlooking, lack of privacy, overbearing effect or general disturbance to these occupiers.

### **Living Conditions**

Both dwellings will be provided with gardens of over 79 sq. m which are of acceptable sizes for 1 and 2-bedroom dwellings. All habitable rooms in the existing and proposed houses will be provided with windows to provide light, ventilation and outlook to these rooms. It is therefore considered that the proposal would provide adequate living conditions for any future occupiers of the dwellings.

### **Parking and Highway Considerations**

The neighbour concern regarding visibility splays is noted however the Highway Authority consider the proposed parking provisions and site lines acceptable.

### **Other Matters**

The applicant has referred to the site at 84 Fairview Avenue where a two-storey side extension that has been permitted. However, the two sites are not directly comparable and it is an accepted planning tenet that each site is assessed on its own merits.

The neighbours comments have been addressed in the report above.

## **8.0 CONCLUSION**

The siting of the proposed dwelling is unacceptable as it would cause significant and demonstrable harm to the character of the area by the diminishment of spatial qualities which is one of the defining characters of the area.

Whilst, it is recognised that the Council cannot demonstrate a 5 year housing supply, this proposal for 1 additional dwelling would have a very limited impact on the housing supply of the area. Given the significant and demonstrable harm identified to the

character and appearance of the area, it is not considered that the addition of 1 dwelling would outweigh this harm identified.

The proposal is therefore recommended for refusal in terms of Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

## **9.0 RECOMMENDATION**

The Application be REFUSED for the following reasons:-

### **R1 U20460**

The proposed attached dwelling would appear unduly prominent and have a retrograde effect on the setting of the otherwise spatial quality of the area, which is characterised by open corner plots, generous front gardens and green spaces. The siting and layout of the development fails to reinforce the local distinctiveness of the area, and if permitted, would likely set an unacceptable precedent for further erosion of the open corner plots that characterise the estate. The proposal therefore conflicts with Policy CP1 (i) and (iii) of the adopted Brentwood Replacement Local Plan and the aims and objectives of the National Planning Policy Framework, as such it cannot be defined as sustainable development.

### Informative(s)

#### **1 INF05 Policies**

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, the National Planning Policy Framework 2012 and NPPG 2014.

#### **2 INF20 Drawing Numbers (Refusal)**

The drawing numbers listed above are relevant to this decision

#### **3 INF25 Application Refused Without Discussion**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

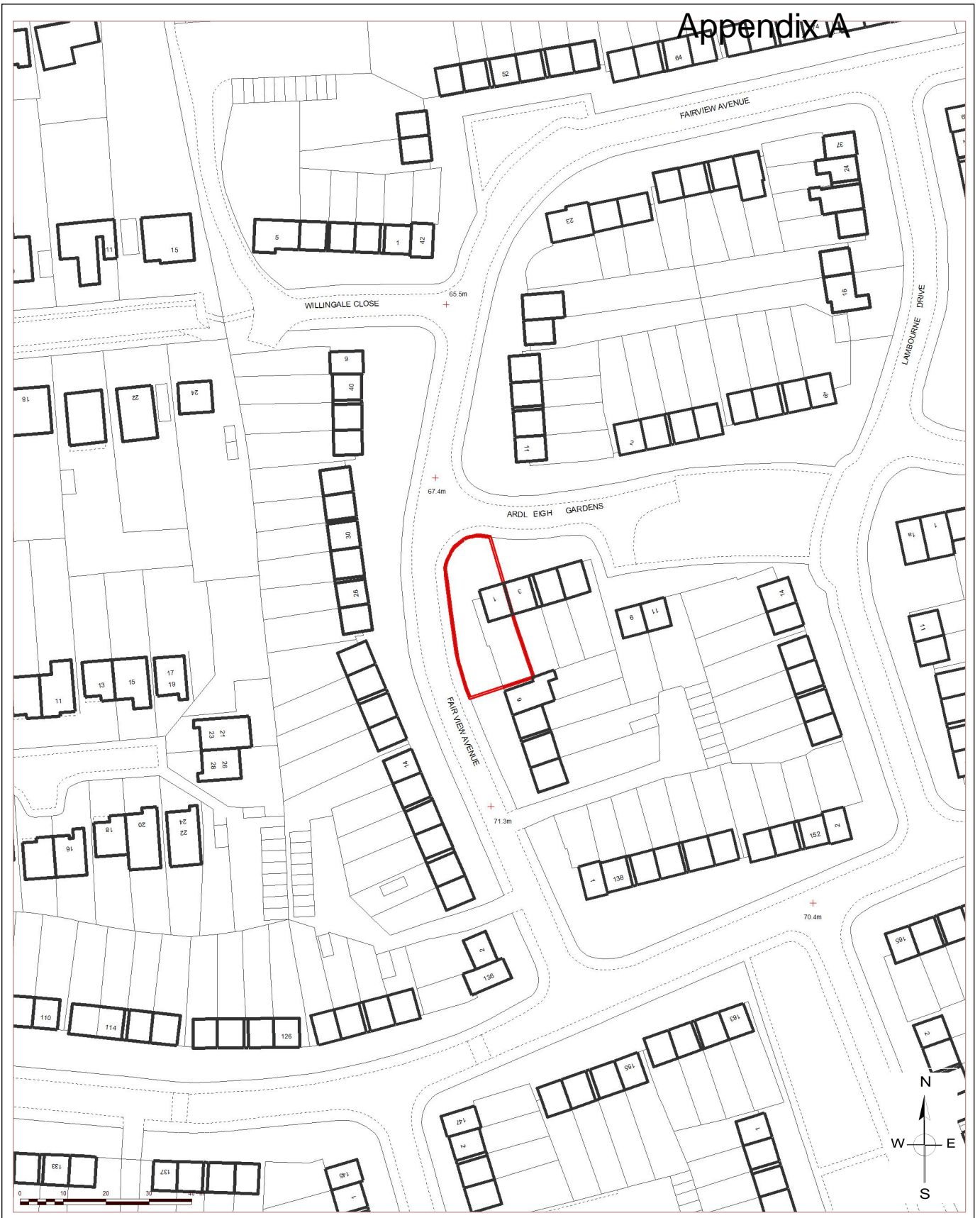
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

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Title : 1 Ardleigh Gardens, Hutton, Brentwood, Essex

17/00920/FUL

Scale at A4 : 1:1250

Date : 10th October 2017

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**11 October 2017**

## **Planning and Licensing Committee**

### **Ingatestone & Fryerning Parish Neighbourhood Plan Area Designation**

**Report of:** *Phil Drane – Planning Policy Team Leader*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 In August 2017 the Council received an application from Ingatestone and Fryerning Parish Council to formally designate the entirety of Ingatestone and Fryerning Parish as a 'Neighbourhood Area'; the designation of a neighbourhood area being the first step in the process of preparing a Neighbourhood Development Plan.
- 1.2 This report sets out the process of designating the neighbourhood area, which is a requirement on the Council and neighbourhood plan preparation, in relation to which the Council has a duty to provide support.

#### **2. Recommendation**

- 2.1 To confirm the designation of Ingatestone and Fryerning Parish as a Neighbourhood Area under Section 61G of the Town and Country Planning Act 1990 (as amended).**

#### **3. Introduction and Background**

- 3.1 The Localism Act 2011 has provided local communities more power to plan for the future of their area, offering parishes and community groups the opportunity to prepare Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 3.2 A Neighbourhood Plan enables local communities (i.e. parish council or neighbourhood forum) to draw up planning policies for the development and use of land in their area. This would set a vision for the future and

can cover things like where development should take place and what it should look like. Once 'made' (the term for their adoption) Neighbourhood Plans carry full weight as part of the statutory Development Plan for the area, from which due regard must be had when making decisions on planning applications.

- 3.3 The legislative framework governing the preparation of Neighbourhood Plans is set out in the Town and Country Planning Act 1990 (as amended) along with a series of subordinate regulations. The power to designate a neighbourhood area being conveyed to local planning authorities under Section 61G of the Town and Country Planning Act 1990, as amended.
- 3.4 The Neighbourhood Planning (General) Regulations 2012 came into force on 1st April 2012 and set out the steps that must be achieved in order to progress the preparation of a Neighbourhood Plan. The first formal step towards the preparation of a Neighbourhood Plan is the designation of a neighbourhood area, which is achieved through the application of a qualifying body to the relevant local planning authority.
- 3.5 Prior to 1 October 2016, under the regulations, the local planning authority was obliged to publicise any application for the designation of a neighbourhood area as soon as possible after receipt, to those living working and doing business in the area and invite comment on the proposal for a specified period. In doing so, the local planning authority determines the application within a set period, moving to designate the area unless there were justified reasons not to do so.
- 3.6 From 1 October 2016 amended regulations were introduced that simplified the process of neighbourhood area designation. The amended regulations introduced a streamlined process for applications where:
  - a) the qualifying body is a parish council;
  - b) the proposed area consists the whole of the parish council's area; and
  - c) if any part of the specified area is part of an existing neighbourhood area, none of the existing neighbourhood area extends outside of the parish council's area.
- 3.7 In such circumstances, where the received application is determined to be valid, the local planning authority is directed to exercise its powers to designate the specified area as a neighbourhood area. As such, if a qualifying application meeting these requirements is submitted a local planning authority must designate the area with no discretion to amend.

#### **4. Issue, Options and Analysis of Options**

##### ***Ingatestone and Fryerning Neighbourhood Area Designation***

- 4.1 On 8 August 2017 the Council received an application from Ingatestone and Fryerning Parish Council, seeking the designation of the entirety of the Ingatestone and Fryerning Parish as a neighbourhood area. The application letter and map of the parish can be found in Appendix A and B respectively.
- 4.2 The application is considered valid, comprising all the information necessary to meet the requirements prescribed within the regulations, as set out below:
- a) a map which identifies the area to which the area application relates,
  - b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood plan area; and
  - c) a statement that the parish council is a relevant body for the purpose.
- 4.3 The application is also considered to conform with the requirements of amended regulation that enable the simplified process for consideration, in that the application is:
- a) from Ingatestone and Fryerning Parish Council;
  - b) the area specified within the application consists of the whole of the parish council of Ingatestone and Fryerning; and
  - c) no part of the area specified in the application is currently part of a neighbourhood area which extends outside of the parish council's area.
- 4.4 Where this is the case, Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012 states that the Council must exercise its powers under Section 61G of the 1990 Act and designate the specified area as a neighbourhood area.

##### ***Consequences of Neighbourhood Area Designation***

- 4.5 The Neighbourhood Planning (General) Regulations 2012 specify roles and responsibilities for local planning authorities and the parish councils and neighbourhood forums who prepare the plans or orders. These Regulations also require Neighbourhood Plans to conform to strategic

policies in the Local Development Plan and national policy. Communities cannot use neighbourhood planning to block development by stipulating a lower level of development than set out in the Local Development Plan, but they can use neighbourhood planning to influence the type, design, location and mix of new development or propose a higher level of development.

- 4.6 In light of the Council's role as planning authority, the Council has published a guidance note on its website; "Neighbourhood Planning in Brentwood Borough". This sets out the protocol for how the Council intends to respond to requests to prepare Neighbourhood Plans or orders, as well as sources for further information.
- 4.7 To date there has been two neighbourhood areas approved by the Council, the Doddinghurst Neighbourhood Plan Area and the West Horndon Neighbourhood Plan Area, both of which consist of the entire parish council areas.
- 4.8 The Council is obligated to provide assistance in accordance with a 'duty of care and support'. However, the Localism Act makes it clear that the preparation of Neighbourhood Plans should be led by parish/town councils in consultation with their communities.
- 4.9 Once drafted, a Neighbourhood Plan will be submitted to the local planning authority who will carry out a check to ensure that it has been prepared correctly and meets the right basic standards. The local authority will then undertake a six week consultation, following which the Council will facilitate and fund an independent examination into the Neighbourhood Plan. Providing that the Examiner recommends that the Neighbourhood Plan is appropriate to be taken forward then a referendum will be called for which the Council will be responsible for facilitating and funding. The Neighbourhood Plan requires the support of the majority of those who vote in the referendum in order to be taken forward.
- 4.10 If the referendum indicates community support, the Neighbourhood Plan will normally then be adopted or 'made' by the local planning authority, becoming part of the statutory Development Plan against which relevant planning applications will be determined.

## **5. Reasons for Recommendation**

- 5.1 The Ingatestone and Fryerning Area application has triggered the obligation, in accordance with Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012, for the Council to designate the

parish of Ingatestone and Fryerning as a Neighbourhood Area. As such, it is recommended that the area of Ingatestone and Fryerning Parish is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

## **6. Consultation**

6.1 From 1 October 2016 amended regulations were introduced that simplified the process of neighbourhood area designation. The amended regulations introduced a streamlined process for applications where:

- a) the qualifying body is a parish council;
- b) the proposed area consists the whole of the parish council's area; and
- c) if any part of the specified area is part of an existing neighbourhood area, none of the existing neighbourhood area extends outside of the parish council's area.

6.2 In such circumstances the previous requirement under Regulation 6 and 6A of The Neighbourhood Planning (General) Regulations 2012, which required a minimum of four weeks publicity from first publication on the local planning authorities website, no longer apply, with the local planning authority now having to approve the application once they consider the application to be valid and complete.

## **7. References to Vision for Brentwood 2016-19**

7.1 Adopted Neighbourhood Plans will form part of the Council's Local Development Plan, preparation of which is a key priority in the Council's Corporate Plan.

## **8. Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Financial Services Manager**

**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

8.1 Government grants and technical support is available directly to neighbourhood planning groups immediately following area designation, through a consortium led by Locality. The grant available is for up to £9,000. A further grant of £6,000 and technical support is available directly to groups where there are, for example, further complex issues; clusters of parishes, or business Neighbourhood Plans.

- 8.2 Neighbourhood Planning Regulations require Local Planning Authorities to bear the costs of examination and referendum of neighbourhood plans or orders.
- 8.3 The Department for Communities and Local Government has confirmed arrangements for claiming financial support for neighbourhood planning in 2017/18. From April 2017, local planning authorities (LPAs) will be able to claim as follows:
- a) For all areas: LPAs can claim £20,000 once they have set a date for a referendum following a successful examination where a local plan has not previously been made for that area.
- 8.4 Additional funding is available in certain circumstance:
- a) Area Designation: LPAs can claim £5,000 for the first five neighbourhood areas designated.
  - b) Forum Designation: LPAs can claim £5,000 for the first neighbourhood forums they designate.
  - c) Business Areas: LPAs can claim a further £10,000 once they have set a date for a referendum following a successful examination.
- 8.5 The designation of the Ingatestone and Fryerning Parish as a neighbourhood area would enable the Borough Council to claim this first grant of £5,000.
- 8.6 Subject to no significant future change to the level of grant funding available from Government to support local planning authorities neighbourhood planning responsibilities, it is likely that the level of grant that can be claimed in relation to the preparation of a Neighbourhood Plan for Ingatestone and Fryerning, will broadly cover the level of anticipated expenditure incurred to meet the Council's prescribed responsibilities.

### **Legal Implications**

**Name/Title: Daniel Toohey, Head of Legal Services and Monitoring Officer**

**Tel/Email: 01277 312860/ daniel.toohey@brentwood.gov.uk**

- 8.7 Neighbourhood Planning (General) Regulations require the Council to confirm valid applications that seek the designation of neighbourhood areas. The power to designate neighbourhood areas is also governed by section 61F and 61G of the 1990 Act.
- 8.8 It is a statutory requirement to support the preparation of Neighbourhood Plans and for this Council to adopt, or 'make' them, if supported by the



referendum. Failure to support Ingatestone and Fryerning Parish Council to prepare a Neighbourhood Plan could result in legal challenge with any subsequent consequences for the Council.

- 8.9 The Council is legally required through the Town and Country Planning Act 1990 and associated subordinate regulations to consider and determine applications for the designation of neighbourhood areas. In the case of this application, the legislation requires that the Council designate the area specified in the application. The amended Regulations (regulation 5A) give an authority no discretion but to designate an area where the application area is the whole of a parish and where part of the area is already a neighbourhood area but does not extend beyond the parish.

## **9. Background Papers**

- a) Planning Advice: Neighbourhood Planning in Brentwood Borough (February 2013)

## **10. Appendices to this report**

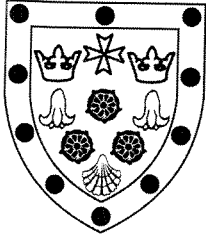
Appendix A: Ingatestone and Fryerning area application

Appendix B: Map of the proposed Ingatestone and Fryerning area (parish)

### **Report Author Contact Details:**

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# Appendix A Ingatestone and Fryerning Parish Council

Suite 1 4, The Limes Ingatestone Essex CM4 0BE  
Telephone: 01277 353315  
Email: office@ingatestone-fryerningpc.gov.uk  
www.ingatestone-fryerningpc.gov.uk

Mr Phil Drane  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

8<sup>th</sup> August 2017

Dear Mr Drane



## **Re: Application for designation of Neighbourhood Area – Ingatestone and Fryerning**

Ingatestone and Fryerning Parish Council, being a "relevant body" as required by legislation under Neighbourhood Planning (General) Regulations 2012, wishes to prepare a Neighbourhood Development Plan. We confirm that Ingatestone and Fryerning Parish Council is a relevant body for the purposes of section 61G of the Town and County Planning Act.

The Neighbourhood Area defined by the Parish Council is the whole of the civil parish of Ingatestone and Fryerning, as illustrated on the parish map, which can be accessed from our website at <http://www.ingatestone-fryerningpc.gov.uk/tourism/map-of-ingatestone-fryerning> and is copied with this letter. We consider the area defined as being an appropriate area to be designated a neighbourhood area for the following reasons.

- (i) The area defined is covered by Ingatestone and Fryerning Parish Council in its entirety.
- (ii) Having the plan area as the whole of the parished area under the umbrella of Ingatestone and Fryerning Parish Council and enables the Parish Council to prepare a plan that is suited to the whole of the community it serves. The parish has been in existence since 1894 and the Parish Council produced a Village Design Statement in 2005, for the same area, and wants to build on that previous experience in preparing its Neighbourhood Development Plan.

I look forward to your confirmation.

Yours sincerely



**Abigail Wood**  
Clerk and RFO to Ingatestone and Fryerning Parish Council

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# Map of Ingatestone & Fryerning – Ingatestone & Fryerning Parish Council

[Home](#) / [Tourism](#) / Map of Ingatestone & Fryerning

## Map of Ingatestone & Fryerning

Here is a Google Map showing Ingatestone and Fryerning



However further historical maps can be viewed [here](#)

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**11 October 2017**

## **Planning and Licensing Committee**

### **Response to the London Borough of Havering Draft Local Plan Regulation 19 consultation**

**Report of:** *Phil Drane, Planning Policy Team Leader*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 The London Borough of Havering have consulted on the Havering Local Plan Proposed Submission Version 2016-2031. As a neighbouring borough, Brentwood has had on-going discussions regarding key strategic issues to concern to both boroughs under the Duty to cooperate.
- 1.2 This report highlights the key strategic issues and considers how they are approached by Havering and potential impacts of their Draft Local Plan.

#### **2. Recommendation(s)**

- 2.1 To approve the draft Brentwood Borough response to the London Borough of Havering Local Plan Proposed Submission Version 2016-2031.**

#### **3. Introduction and Background**

- 3.1 There is a requirement for each local planning authority to undertake Duty to Cooperate discussions with neighbouring authorities over strategic issues relating to the development of the two boroughs local planning documents. (Localism Act 2011). The Duty to Cooperate discussions have been taken at officer level and are on-going as the two boroughs develop their local planning documents.
- 3.2 Brentwood has been undertaking these discussions with the London Borough (LB) of Brentwood for a number of years, particularly regarding the issues of each boroughs new housing locations, new Gypsy and Traveller sites and strategic road network congestion. Previous comments received from Havering on the Brentwood Borough Draft Local Plan

consultation (2016) highlighted A127 congestion as a primary issue for discussion.

- 3.3 The London Borough of Havering has not approached Brentwood Borough to consider taking any of their identified need for new homes or any additional Gypsy and Traveller pitches. Accordingly, the comments on the LB Havering Proposed Submission Local Plan has been limited to high level overview relating only to these strategic issues.

#### **4. Issue, Options and Analysis of Options**

- 4.1 There has been ongoing Duty to Cooperate meetings between Brentwood Borough and London Borough of Havering regarding strategic cross boundary issues. Those of primary concern have been allocation of housing sites, allocation of Gypsy and Traveller sites and in particular the on-going congestion and therefore the impact of future development on the strategic highways, particularly the A127.
- 4.2 LB Havering forms part of the London-wide housing market area with all of the other London boroughs. The Mayor of London, through the preparation of the 2015 London Plan sought to identify both the need for new housing and the potential supply across London. The GLA's Strategic Housing Market Assessment (SHMA) 2013 identifies a need for a minimum of 490,000 new homes in London between 2015-2026 (or 49,000 new homes per annum). In comparison, the GLA Strategic Housing Land Availability Assessment 2013 found that London has capacity for at least 420,000 additional homes or 42,000 per annum.
- 4.3 Based on this evidence, the London Plan sets out average annual minimum housing supply targets for each borough until 2025. For LB Havering, the target is a minimum of 11,701 new homes over the period 2015-2025.
- 4.4 The London Plan states that the annual average (1,170) should be rolled forward for the remainder of the Plan period and should draw on housing benchmarks in developing their housing targets, augmented where possible with extra housing capacity to close the gap between identified housing need and supply within London in line with the NPPF.
- 4.5 LB Havering has reviewed their past performance of housing completions and consider that they have met or exceeded targets 5 out of the last 12 years, with under delivery occurring only with the housing market cycle. This shows past periods of under delivery are not persistent, that housing



delivery has significantly increased since 2013/14 and therefore Havering consider that they are able to boost their housing delivery.

- 4.6 With proposals to continue estate regeneration, use of two strategic development sites and past performance, LB Havering do not consider that they have the special circumstances at this time to undergo release of Green Belt to provide for additional new homes.
- 4.7 Evidence demonstrates that all Gypsy and Traveller families within LB Havering currently occupy privately owned sites within the Green Belt. LB Havering have not been able to identify any deliverable sites outside the Green Belt to accommodate pitches and propose to meet the identified Gypsy and Traveller need by formalising, and where appropriate, the consideration of limited intensification of the existing occupied sites within the Green Belt.
- 4.8 LB Havering intend to protect and enhance Green Belt within the borough and to provide continued protection by not proposing release of Green Belt designated land for new housing development of green field sites with the Green Belt.
- 4.9 LB Havering propose the support for safe and efficient use of the highways and the proposals to avoid or mitigate adverse impacts as a key priority within their Local Plan. Brentwood Borough have worked with LB Havering in an active role in the A127 Corridor for Growth project through cross borough engagement with Essex County Council and and Essex boroughs, to seek improvements to the A127 that will facilitate growth along this corridor.
- 4.10 Brentwood Borough are therefore signatories to the Statement of Common Ground on Strategic Transport Issues (SoCM). The SoCG focusses on the impact cross-boundary growth will have on strategic routes particularly the A127 corridor and details how the participating authorities will work collaboratively to address the identified issues.

## **5. Reasons for Recommendation**

- 5.1 LB Havering has not approached Brentwood Borough to request that Brentwood Borough takes any housing or any Gypsy and Traveller sites from LB Havering. Therefore, Brentwood Borough, does not object to the LB Havering Draft Local Plan 2017.
- 5.2 Should this request be made it must be acknowledged that as a borough entirely within the London Metropolitan Green Belt, it is not possible for

Brentwood to release Green Belt to meet this need for other Planning Authorities.

## **6. References to Corporate Plan**

- 6.1 The LB Havering Local Plan will have a close relationship with the emerging Brentwood Local Plan, the production of which is a key priority in the Council's Corporate Plan.

## **7. Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Financial Services Manager**

**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 7.1 None directly arising from this report.

### **Legal Implications**

**Name & Title: Surinder Atkar/Senior Planning Solicitor**

**Tel & Email: 01277 312500/surinder.atkar@brentwood.gov.uk**

- 7.2 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.

## **8. Background Papers**

- 8.1 London Borough of Havering Local Plan Proposed Submission Version 2016-2031

## **9. Appendices to this report**

- 9.1 Appendix A - Response letter to London Borough of Havering Local Plan Proposed Submission Version 2016-2031

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Development Planning  
London Borough of Havering,  
Town Hall,  
Main Road, Romford,  
RM1 3BD

Date: 29 September 2017  
Our reference: Hav LP 09/17  
Your reference:

Dear Development Planning, London Borough of Havering,

**Brentwood Borough Council response to the Havering Local Plan – Proposed Submission 2017 (Officer Response).**

Brentwood Borough Council welcomes the opportunity to make comment on the above document. These are set out below.

There has been ongoing Duty to Cooperate meetings between Brentwood Borough and London Borough Havering regarding strategic cross boundary issues since 2013. Those cross boundary issues of particular concern have been the allocation of housing sites, location of Gypsy and Traveller sites, impact on the London Metropolitan Green Belt and future development impact on the strategic highways network within the two boroughs and beyond.

The comments have considered our previous responses to the Local Plan consultations and build on the Duty to Cooperate discussions that have taken place between the boroughs over this period.

**New Homes**

Brentwood Borough note that the Local Plan Submission Draft does not propose to have other boroughs to meet any of the Havering unmet housing or Gypsy and Traveller need. It is also noted that the LB of Havering has sought to identify all sources of potential housing supply and identify sustainable development sites in order to close the gap between the housing target set in the London Plan and its objectively assessed need requirement with two Strategic Development Areas in Romford and in Rainham and Beam Park (both with Housing Zone status).

The proposal approach to meet the identified Gypsy and Traveller need by formalising, and where appropriate, the consideration of limited intensification of the existing occupied sites within the Green Belt is welcomed.

Furthermore, Brentwood welcome the intention to protect and enhance Green Belt within the LB of Havering and to provide continued protection by not proposing release of Green Belt designated land for new housing development of green field sites with the Green Belt.

## Transport

Brentwood Borough acknowledge the support for safe and efficient use of the highways and the proposals to avoid or mitigate adverse impacts. Brentwood Borough support the LB Havering proposed active role in the A127 Corridor for Growth project through cross borough engagement with Essex County Council and other Boroughs, seeking improvements to the A127 that will facilitate growth along this corridor; and working with neighbouring authorities to better co-ordinate highway works.

Brentwood Borough is therefore a signatory to the Statement of Common Ground on Strategic Transport Issues (SoCM). This SoCG focusses on the impact cross-boundary growth will have on strategic routes including the A127 and details how the participating authorities will work collaboratively to address the identified issues.

The LB Havering approach to the allocation of new homes, to Gypsy and Traveller pitches does not require that Brentwood Borough to provide any additional allocations which would add to the Brentwood objectively assessed need.

Therefore, Brentwood Borough, whilst acknowledging that LB Havering is not able to meet its full identified need for housing and pitches, do not object to the LB Havering Draft Local Plan 2017.

However, should this request be made in the future it must be acknowledged that as a borough entirely within the London Metropolitan Green Belt, Brentwood Borough is unable to release Green Belt to meet any of this need for other Planning Authorities.

Brentwood Borough Council wish to compliment the LB Havering on the production of a comprehensive document and welcome the ongoing work with the borough on strategic issues.

Yours sincerely

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Senior Policy Planner

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



## **Planning and Licensing Committee**

### **Planning**

(a) Town and Country Planning Act 1990 and any related legislation including:-

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

(i) determination of applications for Listed Buildings and Conservation Area consent;

(ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

(a) To guide the Council in setting its policy objectives and priorities.

(b) To carry out the duties and powers of the Council under current legislation;

(c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.

(d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

(e) To consider and approve relevant service plans;

(f) To comply with the standing orders and financial regulations of the Council;

(g) To operate within the budget allocated to the committee by the Council.

(h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

### **Licensing**

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

i. Trading Requirements.

ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

- iii. Animal Welfare and Security.
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.
  - v. Sex establishments (including Sex Entertainment Venues (SEV)).
  - vi. Pavement Permits.
  - vii. Charitable Collections.
  - viii. Camping, Caravan Sites and Mobile Homes.
  - ix. Scrap Metal.
  - x. Game Dealers.
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
  - (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
  - (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.