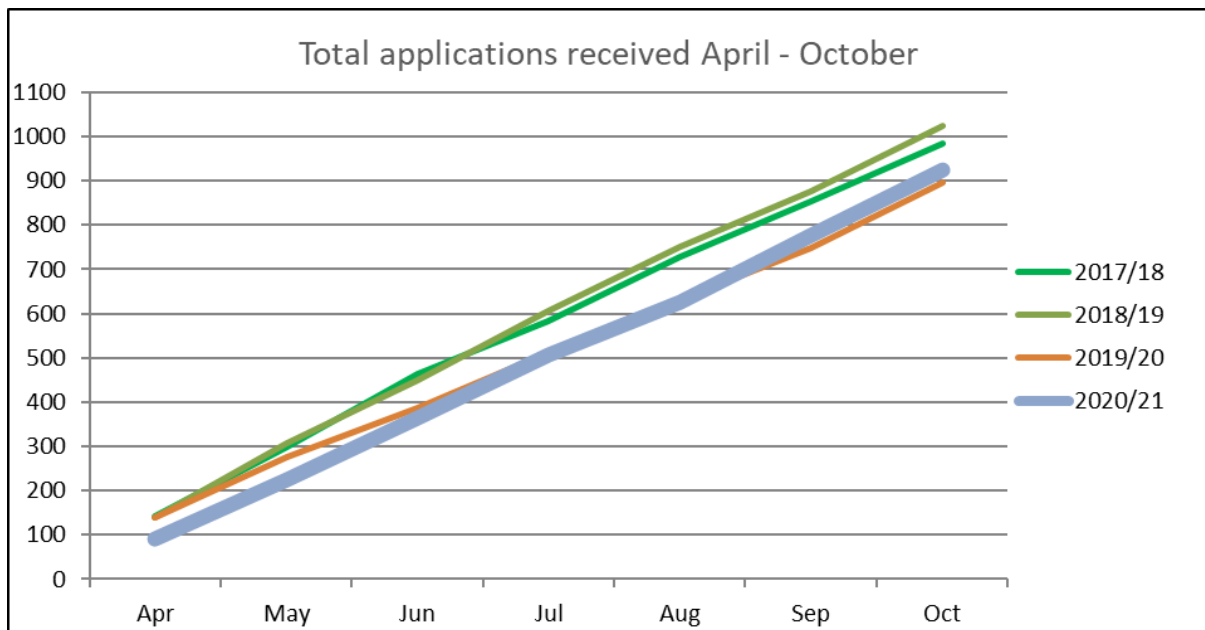


<b>Committee:</b> Ordinary Council	<b>Date:</b> 2 December 2020
<b>Subject:</b> Chairs report for Planning and Licensing Committee	<b>Wards affected:</b> All
<b>Committee Chairman:</b> Cllr Jon Cloke	
<b>Report of:</b> Phil Drane, Director of Planning and Economy	<b>Public</b>
<b>Report author/s:</b>  Name: Phil Drane, Director of Planning and Economy Telephone: 01277 312500 E-mail: philip.drane@brentwood.gov.uk	<b>For information</b>

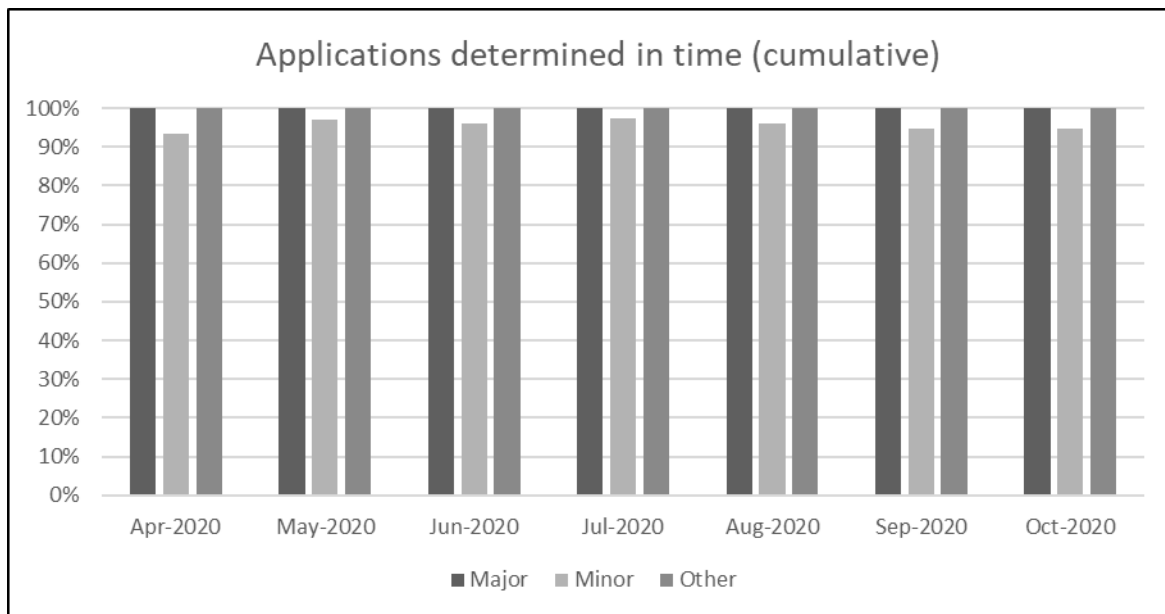
## PLANNING DEVELOPMENT MANAGEMENT

### Applications

As has been previously reported, the effects of the COVID-19 Coronavirus pandemic have been felt by the authority, for example in the number of applications received which fell significantly in April and May. However, using the broadest measure, i.e. relating to all types of applications, levels had rebounded by mid-summer and for October the cumulative total for the financial year so far was 27 more than the number received to the end of October last year (see chart below). The number of applications in the narrower measure of applications (FUL, LBC etc) was nine up on the same period last year. This recovery in numbers has been felt nationwide. Fee income varies from month to month; the October figure is slightly down on last year though ahead of projections.



For several years now, the percentage of planning applications decided within the statutory time periods has remained at around the highest levels recorded for the department (see chart below).



### Ways of working due to COVID-19

Officers have been working from home in the main since mid-March due with limited entry to the office. Pre-application and other meetings have been held online. As national restrictions eased over summer, site visits were undertaken when necessary and where safety could be assured. Site notices have been placed on site through a mixture of officer visits and help from applicants. However, due to recent changes in national guidance staff are again mostly working remotely with a presumption against site visits and face to face meetings unless deemed necessary. The Planning and Licensing Committee has held four online meetings via Microsoft Teams, which have worked well.

### Appeals

As regularly reported in this briefing, the Secretary of State operates a 'quality' assessment of planning decisions. Like the measures for speed, these are assessed as two types – Majors and 'non Majors'. The measure assesses the number of allowed appeals as a percentage of all applications of that type determined by the planning authority in the previous two years. Effectively this assesses the decision failure rate, what the Government may consider to be poor or bad decisions. The threshold for concern is 10 percent, i.e. the loss rate should not exceed this level.

Currently three major appeals have been lost in the qualifying period that ends in December 2020. The applications relating to those appeal cases were determined in 2018 (1) and 2019 (2). If no additional Major appeals are lost this year the number will stay below the threshold. The one loss relating to the application determined in 2018 will fall out of the calculation for the next two-year period, April 2019 to March 2021, the two losses relating to applications determined in 2019 will remain part of that calculation.

Looking at appeals on a more basic allowed/dismissed level, the number and percentage of appeals lost were lower than in previous years, despite a rise in

appeal cases. However, this is not the measure that the Government considers to be important.

### **Decision making**

Since October 2019, of 23 applications determined by the committee, 11 have been contrary to recommendation. Six of those applications were recommended for approval but refused, five with recommendations for refusal were approved. A further application for listed building consent was refused on officer advice as the associated planning application had been refused contrary to recommendation.

Apart from the divergence in views between officers and the committee inferred by this performance, it creates difficulties for officers having been involved in pre-application discussions and recommending approval to applications that are subsequently refused. It is acceptable in principle for the committee to disagree with an officer recommendation, particularly where matters are finely balanced, though it would be expected to be a rare occurrence. However, difficulties arise when decisions are not soundly made, involve subjective judgements or disagree with evidence provided by an applicant where there is nothing of a similar weight offered in return. Where decisions are refused contrary to recommendation, applicants often decide to appeal and tend to be successful. Unless refusals are clear, soundly based and defensible they are difficult to defend. As indicated above, the outcome of appeals relating to Major developments is especially important. The appeals relating to Ewing House, Regent House and the former Blood Centre (Crescent Drive), referred to above were all recommended for approval, refused by the committee and allowed at appeal.

### **Telecoms Masts**

Regarding the ongoing issue of poor or no mobile phone signal for certain networks in areas of Brentwood, the committee was presented with an update on 14 October 2020. Information has been published on the Council's website to help explain the situation to residents and businesses, from the perspectives of the Council as local planning authority and the requirements of mobile network operators.

Since that update, the Council is working with the relevant operators to identify temporary solutions using Council-owned land if necessary. The temporary provisions are outside the planning process and under general permitted development. The offer has been made to work together on more permanent solutions through the planning process.

## **PLANNING POLICY**

### **Local Development Plan**

An update on the Local Plan examination is provided in the Policy, Resources and Economic Development Committee chairs report.

### **Ingatestone and Fryerning Neighbourhood Plan**

Ingatestone and Fryerning Parish Council has recently published their draft Neighbourhood Plan for consultation. On 11 November 2020, the Planning and

Licensing Committee approved a high-level response on behalf of the Council detailing points of process and consistency with the emerging Local Development Plan. The neighbourhood plan sets out policies on housing; design; heritage; economy; transport; environment; and wellbeing, leisure and community facilities. This is Regulation 14 (pre-submission) stage according to relevant legislation.

Following the Regulation 14 consultation, all comments will be reviewed by the parish council and a decision made as to what, if any changes and additional evidence is needed to support the plan. Once this has been completed, then the Neighbourhood Plan is submitted to the Council as local planning authority (Regulation 15), along with a range of required documents/evidence.

The Council is responsible for publishing the documents on its website and carrying out a six-week consultation as required by Regulation 16. Following the Regulation 16 consultation the Neighbourhood Plan will be submitted to an Independent Examiner Service to oversee the examination hearing sessions.

The local planning authority bears the cost of the examination, in accordance with Regulation 18. The Neighbourhood Plan examination hearing sessions can range between one to two months depending on the complexity of the Neighbourhood Plan and the comments received during the consultations. The Independent Examiner will issue a decision following the completion of the Neighbourhood Plan examination hearing sessions consisting of one of three decisions:

- The Neighbourhood Plan should proceed to a Referendum;
- The Neighbourhood Plan should proceed to a Referendum, subject to certain amendments; or
- The Neighbourhood Plan does not proceed.

Provided the Neighbourhood Plan can proceed to a referendum (Regulation 20), the Council is responsible for co-ordinating and paying for all residents within the parish to be able to vote on whether the Neighbourhood Plan should be adopted. Provided a majority vote (50% +1 individual) is received then the Neighbourhood Plan will be adopted and form part of the development framework for deciding planning applications within the Neighbourhood Plan area.

## **LICENSING**

The Licensing Team has seen a rise in the number of applications that are being received under the Licensing Act 2003 after the lull during the business shutdown due to the COVID-19 pandemic. This is in contrast with the applications to renew Hackney Carriage and Private Hire licences that have seen a decrease since lockdown. The government has now introduced Guidance for Taxi Licensing which will impact on the Council's policies, this process will be updated and be subject to public consultation.

The Council recently successfully defended an appeal in the magistrates court, supporting the decision of the Licensing Sub-Committee to revoke a taxi driver licence based on complaints and behaviour.

Managing the implications of the Coronavirus Restriction Regulations has meant a busy time for the team, with changes to the regulation and guidance on a frequent basis. Compliance has generally been good across the borough, although we are working closely with partner agencies to focus on those businesses that are not following guidance.