

Committee: Ordinary Council	Date: 28 July 2021
Subject: Planning and Licensing Committee Chair Update	Wards affected: All
Committee Chair: Cllr Jon Cloke	
Report of: Phil Drane – Corporate Director (Planning & Economy)	For information

PLANNING DEVELOPMENT MANAGEMENT

Applications and performance

1. The number of applications received so far this financial year, using the broadest measure (i.e. relating to all types of applications), is the highest since 2014. This reverses the trend of more recent years of gently declining figures since 2018. Currently the increase is 49% up on the same time last year. Likewise, the number of applications in the narrower measure of applications (full, listed building consent etc), is also the highest since 2014 and is 45% up on the same time last year.
2. 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. The Ministry of Housing, Communities and Local Government (MHCLG) publishes planning application statistics for all local planning authorities in England (314 districts). Table 1 shows this data for the year 2020/21 according to the top performing authorities ordered by percentage of applications decided within statutory timeframes (100% & 99%), and then total decisions. By this order, Brentwood Borough Council ranked 16th nationally. Essex authorities in the top 20 nationally are highlighted also.
3. Table 2 sets out the same information for local planning authorities in Essex, where Brentwood Borough Council ranks third.

Table 1: MHCLG planning applications in England 2020/21 (all authorities)

Local Planning Authority	Total decisions	Total granted	% granted	% decided in time
1. East Lindsey	1,096	1,066	97%	100%
2. Dudley	1,086	972	90%	100%
3. Rotherham	1,059	956	90%	100%
4. Newham	996	758	76%	100%
5. Bury	930	884	95%	100%
6. Thurrock	879	638	73%	100%
7. Chorley	746	680	91%	100%
8. St Helens	692	662	96%	100%
9. North East Lincolnshire	595	570	96%	100%
10. Old Oak and Park Royal Development Corporation	15	14	93%	100%
11. Maidstone	1,493	1,197	80%	99%
12. Wokingham	1,491	1,280	86%	99%
13. Mid Sussex	1,429	1,332	93%	99%
14. Southend-on-Sea	1,277	954	75%	99%
15. Northampton	1,093	928	89%	99%
16. Brentwood	971	732	75%	99%
17. North Tyneside	857	810	95%	99%
18. Broxtowe	625	590	94%	99%
19. Castle Point	585	455	78%	99%
20. Newcastle-under-Lyme	556	531	96%	99%

Table 2: MHCLG planning applications in England 2020/21 (Essex authorities)				
Local Planning Authority	Total decisions	Total granted	% granted	% decided in time
1. Thurrock	879	638	73%	100%
2. Southend-on-Sea	1,277	954	75%	99%
3. Brentwood	971	732	75%	99%
4. Castle Point	585	455	78%	99%
5. Colchester	1,300	1,173	90%	97%
6. Maldon	779	541	69%	94%
7. Harlow	371	324	84%	94%
8. Epping Forest	1,549	1,069	69%	90%
9. Braintree	1,290	1,107	86%	90%
10. Chelmsford	1,797	1,494	87%	89%
11. Uttlesford	1,500	1,079	72%	88%
12. Basildon	856	688	80%	88%
13. Rochford	665	527	79%	79%
14. Tendring	989	876	89%	76%

4. It is important that this performance is maintained taking account of the currently increased number of applications and also the expected future increase in larger, more complex applications as a result of Local Development Plan allocations. Through the Local Plan examination hearing sessions earlier this year questions were raised by the inspectors about the Council's ability to determine such applications without delaying delivery of planned growth. In response, the Council published a paper detailing the excellent performance of the Development Management team and plans already in place to consider team resources and processes as part of gearing up for growth (see examination reference F94, Planning Development Management Resource, April 2021, <https://brentwood.sharefile.eu/d-s28ecf0a6edc849998c516288da711663>).
5. Linked to this, and to take account of the corporate objective for 2021/22 to "establish an 'account management' approach to major and commercial planning applications", work is continuing as part of the gearing up for growth project. Mondrem CIC were commissioned earlier this year to undertake

some foundation level assessment of resource and processes. Taking the recommendations of the foundation stage into account, we are continuing to work with Mondrem to consider and implement the right resource and processes according to expected levels of growth in future. Members will be updated on the progress of this project.

Ways of working during the COVID-19 pandemic

6. Over the last year officers have been working from home with limited entry to the office. Pre-application and other meetings have been held using Microsoft Teams. As national restrictions have eased site visits and face to face meetings have been undertaken when appropriate and where safety could be assured. Site notices have been placed on site through a mixture of officer visits and help from applicants. The Planning and Licensing Committee has now reverted to face to face attendance of members and officers in line with Government rules, although we have had to consider certain restrictions in the interim until national restrictions are removed regarding social distancing etc.

Decision making

7. The first Planning and Licensing Committee of 2021/22 met on 29 June. The committee approved the development of 218 new homes, 33% of which are affordable. This was mainly due to approval of the Council's own application for 62 new Zero Carbon homes at Brookfield Close, Hutton (70% affordable). This scheme is an exciting first step in the Council's wider Strategic Housing Delivery Programme to utilise Council-owned land and assets and bring forward new homes at scale, including by providing affordable homes and seeking development that reduces carbon emissions. Brookfield Close is the first development scheme of this type in Essex and has been highlighted as an exemplar by the Essex Climate Action Commission and joint work to be a net zero emissions county by 2050.
8. Two Planning and Licensing Committees were scheduled in July 2021 to take account of the expected backlog of applications and approaching summer recess. As the agenda on 29 June dealt with so many applications and not many referrals were received for 13 July, it was decided to cancel and refer all items to the committee scheduled for 27 July.
9. Since January 2020, 33 applications have been determined by the committee. 12 of these have been contrary to recommendation (36%). Seven 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. 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. This can have an impacts on the pre-application service and the confidence of applicants, as well as appeals performance. Therefore, it is important that it is kept under review.

Appeals

10. As regularly reported, the Secretary of State operates a 'quality' measure 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. 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.
11. Currently three major appeals have been lost in the qualifying period that ends in December 2021. This is just under the ten percent threshold, based on 31 major application decisions. The applications relating to those appeal cases were determined in 2019 (two) and a non-determination appeal (one) submitted last year and determined earlier this year. If no additional Major appeals are lost this year the number will stay below the threshold.
12. Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost rose to 38% while the overall number of appeals was lower than in previous years. However, this is not the measure that the Government considers to be important.

PLANNING POLICY

13. An update on the Local Plan examination and Dunton Hills Garden Village project is provided in the Policy, Resources and Economic Committee chairs update.

LICENSING

14. The Licensing Team has been busy over the last few months supporting the unlocking of the hospitality sector in line with the Government roadmap out of lockdown. This has included the review of risk assessments and Event Management Plans for several planned events in the borough, ensuring that the events remain COVID-secure, particularly with the delay to Step 4 of the roadmap that many events had been planned for. Support has also been provided to licensed premises over the last few weeks to assist with the increased pressure from the 2020 UEFA European Football Championship, working with partners to ensure that a safe, friendly and enjoyable atmosphere is maintained at all times.
15. The Licensing Sub-Committee has met on several occasions over the past few months, notably considering an application from Essex Police for the Summary Review (urgent review) of the premises licence at Bloc 40, High Street, Brentwood on 28 June 2021. This followed a double stabbing incident

associated with the premises over the May Bank Holiday weekend. The Sub-Committee as an interim step suspended the licence of the premises, pending the full review. At the full review a further suspension of the licence was imposed along with several additional conditions that addressed the concerns and failings that had contributed to the incident taking place.