



**MINUTES of
PLANNING AND LICENSING COMMITTEE
4 AUGUST 2016**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	E L Bamford, H M Bass, B S Beale MBE, R G Boyce MBE, CC, P G L Elliott, Miss M R Lewis, S J Savage, Mrs M E Thompson and M F L Durham

346. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

347. APOLOGIES FOR ABSENCE

None.

348. DISCLOSURE OF INTERESTS

Councillor R G Boyce declared an interest in agenda items 7, 9 and 13 through being a member of Essex County Council and also as Chairman of an Almshouse Trust.

Councillor Mrs P A Channer declared a similar non-pecuniary interest as an Essex County Councillor and also as a member of the Henry Guilder Almshouse Trust. Through being an Essex County Councillor she declared an interest specifically in respect of items 7, 11 and 12 and also Economic Development matters.

Before the next item of business, the Chairman welcomed to the meeting Heather Cameron, recently appointed Democratic Services Officer, and Leonie Alpin, Planning Policy Officer, who had returned to work with the Council.

349. PUBLIC PARTICIPATION

Christina Bertorelli and Geoffrey Lindsey, both of Creeksea Place, Burnham-on-Crouch, having requested to speak, then addressed the Committee on agenda item 13 – Anglia Level Crossing Reduction Strategy Consultation.

350. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 2 June 2016, be approved and confirmed.

351. GOOD NEWS ITEMS

The Chairman referred to the recent planning award to the Development Management Team, the promotion of Mr M Leigh to become Group Manager, Planning Services, the return to work of two members of the Planning Enforcement Team, and a consultation event on the Central Area Masterplan at Maldon Town Council Officers at which various Officers and Stakeholders had been present. The Chairman also stated that the Maldon District Local Plan Inspector had asked for more information and it was anticipated the hearings into the Local Plan would be able to resume in early November.

352. SAFEGUARDING

In addition to the interests disclosed earlier in the meeting the Chairman disclosed further interests in this item due to the Corporate Parenting Panel (Essex County Council) and that she sat on the Safeguarding Member Reference Panel.

The Committee then received a presentation from Ms Marina Bailey of Catch 22 and the Director of Customers and Community on the following aspects of safeguarding:

- Procedures and responsibilities
- Public service implications and changed expectations arising from serious case reviews
- Expectations embedded in the law
- Extension of existing provisions relating to children to adults as a result of the Care Act 2014
- Role of Councillors
- Internal reviews and training programme
- Designations for reporting purposes and the reporting process

In the subsequent discussion reference was made to the expectation and role of Members and the Director of Customers and Community agreed that they should be provided with the same level of training as Officers. It was important that Members were able to oversee the proper arrangements being put in place.

353. CHANGE IN ORDER OF BUSINESS

With the concurrence of the Committee, the Chairman said she proposed to vary the order of business to enable agenda items 13 and 11 to be considered next.

354. ANGLIA LEVEL CROSSING REDUCTION STRATEGY CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services on a consultation from Network Rail on proposed closures of level crossings in the region. A draft consultation response was set out at Appendix 1 to the report.

Members took into account the views expressed by the two members of the public who had spoken earlier and agreed that there had been inadequate local consultation on the one proposal affecting this District to remove the level crossing at Creeksea. Officers agreed to investigate potential flood risk in this location. The impact of this and related footpath diversion proposal on the adjacent caravan park business was noted. It was also suggested that the proposal did not have regard for what was proposed in the Local Development Plan for that locality.

In reply to a question the Director of Planning and Regulatory Services confirmed that it was not the responsibility of this Council to undertake any separate consultation on this and indicated that any letter issued by Burnham-on-Crouch Town Council on this would have probably been in response to the actual consultation.

RESOLVED the proposed consultation response together with a note of the points raised in this meeting be agreed.

355. TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT PREFERRED OPTIONS CONSULTATIONS

The Committee considered the report of the Director of Planning and Regulatory Services seeking approval for the publication of the above document for consultation purposes, authority for the Director to approve final details prior to publication, and to set up a Rural Allocations Working Group to help progress work on the Site Allocations Development Plan Document.

The Director of Planning and Regulatory Services updated the Committee that the previous day a call had been received from one of the site owners withdrawing one of the proposed site allocations. This therefore put a new dimension on how to make the necessary provision and advised that consideration of recommendations (i) and (ii) should be deferred. This was agreed by the Committee.

RESOLVED that consideration of recommendations (i) and (ii) as set out in the report be deferred.

Consideration was then given to recommendation (iii) as to the setting up of a Rural Allocations Working Group. It was noted that there were employment sites to be considered also. Discussion ensued and Councillor E L Bamford commended everyone for their hard work on this and observed that the Planning Policy Panel had done the majority of work on this. She said she understood why Housing, Travellers and Employment issues had now been separated out but felt that with revisions to its constitution and arrangements the Panel should continue to deal with these matters. She did not see any need for a separate Working Group and therefore proposed that recommendation (iii) not be accepted. This was seconded by Councillor S J Savage.

Debate continued and in support of the Officers' recommendation the general view was that for the purposes now to be met the Panel by virtue of its constitution was not representative of the District and was not exclusive in respect of the development of Local Plan policy, rather that it was just one contributor. A tailored Working Group would be in a position to involve local Ward Members as necessary. This would strengthen the evidence that could be put to the Local Plan Inspector.

Members in support of the proposition in the name of Councillor Bamford felt that a separate working group would detract from and confuse the process. It was felt that the Panel was the proper vehicle for this, was the instrument for recommending to this Committee, and could be appropriately adapted for work to be done. It was noted however that the Panel had been flexible in its arrangements and Members' seminars had also been held as part of the process although seminars were not set up to make recommendations.

The Chairman then put to the meeting the proposition in the name of Councillor Bamford and in accordance with a request by Councillor R G Boyce under Procedure Rule 13(3) a recorded vote was taken. The voting was as follows:

For the proposition

Councillors B S Beale, S J Savage, P G L Elliott, E M Bamford and A K M St. Joseph

Against the proposition

Councillors H M Bass, R G Boyce, Mrs M E Thompson and Miss M R Lewis

Abstention

Councillor Mrs P A Channer

The proposition was therefore declared carried and recommendation (iii) in the report fell. Councillor R G Boyce said he wished to give notice of his intention to seek support to get that decision overturned.

Councillor Miss M R Lewis left the meeting at this point.

356. ECONOMIC DEVELOPMENT UPDATE

The Committee received the report of the Director of Planning and Regulatory Services providing an update on key issues.

In reply to a question it was noted that the matters set out in para. 3.4.1 of the report were not within the remit of the Bradwell Legacy Partnership and should therefore be disregarded.

Councillors H M Bass and Mrs M E Thompson left the meeting during the course of this item.

RESOLVED that the report is noted.

357. MEETING THE NEED FOR AFFORDABLE HOUSING

The Committee received the report of the Director of Planning and Regulatory Services providing details of trends and progress in meeting the need for affordable housing.

Councillor Mrs P A Channer reiterated her earlier disclosures of interests through being an Essex County Councillor and a member of an Alms House Trust.

The Strategic Housing Manager said it was clear that housing supply was falling behind the Local Plan projection. There were some issues relating to affordable housing and there was heavy reliance on the provisions of s106 agreements.

It was noted that Government initiatives were weighted in favour of shared equity whereas the overwhelming requirement in this District was for rented accommodation. There was however no funding support for this.

During the course of this item Councillors Bass, Miss Lewis and Mrs Thompson returned separately to the meeting, and Councillor M F L Durham left the meeting and returned shortly thereafter.

The Strategic Housing Manager confirmed the difficulty in being able to secure the supply of Affordable Housing and said that Officers were working hard in close liaison with Planning Officers to achieve a good balance. Appendix 1 to the report illustrated in more detail some of the factors that informed and which could affect the need for affordable housing. It was further noted that the only subsidy for social landlords to provide rented accommodation was if the land came free via a s106 agreement, and a question was raised as to whether the agreements sought by the Council were sufficiently robust.

RESOLVED that the report is noted.

358. PUBLIC CONSULTATION FOR WOODHAM WALTER CONSERVATION AREA PROPOSAL, CHARACTER STATEMENT AND ARTICLE 4 DIRECTION

The Committee considered the report of the Director of Planning and Regulatory Services seeking approval for an eight week consultation on the designation of a conservation area within Woodham Walter. The draft consultation document was appended to the report.

Councillor R G Boyce left and returned to the meeting during the course of this item.

Councillor M F L Durham declared a non-pecuniary interest in this item as he owned a property in the village although not within the proposed conservation area.

Members paid tribute to and commended Tim Howson, Conservation Officer, on the excellent quality and well researched nature of the proposed consultation document.

RESOLVED that approval be given to an eight week Public Consultation for the Woodham Walter Conservation Area Proposal and Character Statement.

359. BRAINTREE DISTRICT COUNCIL DRAFT LOCAL PLAN CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services on the above consultation.

The report set out a number of concerns it was proposed should be raised by way of a response to the consultation. It was confirmed that through the Duty to Co-operate this Council would work closely with Braintree District Council to consider the impacts of the proposed growth near the A12, particularly at Witham and Feering, to gain an understanding of how this will impact on the ability of Maldon District residents and businesses to access the A12.

Reference was made to proposed land releases at Witham and Kelvedon, and also east of Hatfield Peverel. The need to secure relief for the B1018 with a direct link to the A12 was increasingly important. It was noted that the timescale of the Local Plan was to 2033 and that widening of the A12 was included in the consultation document.

RESOLVED that the response to the Braintree District Council Draft Local Plan consultation, setting out the concerns raised within the report and at this meeting, and to include input from other Members, be delegated to the Director of Planning and Regulatory Services in consultation with the Chairman and Vice-Chairman of the Committee.

360. TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE - TEMPORARY ROAD CLOSURES

The Committee considered the report of the Director of Planning and Regulatory Services seeking approval to a change in the Scheme of Delegation in respect of the making of orders for temporary road closures for community and local events. It was proposed that in line with the recent senior management restructure, this delegated power would sit more appropriately under the remit of the Community Services Committee rather than as an ancillary public licensing matter under the remit of this Committee.

RECOMMENDED that the Council approves the transfer of the power to approve temporary road closures and the making of orders under section 21 of the Town Police Clauses Act 1847 from this Committee to the Community Services Committee and to be exercisable by the Director of Customers and Community.

361. PLANNING POLICY PANEL - REVIEW OF CONSTITUTION

The Committee considered the report of the Director of Planning and Regulatory Services seeking a review of the constitution of the Planning Policy Panel in the light of a previous decision to adjust the membership.

While noting the historical point on which the report was based, the view emerged from the Committee that the Panel did not reflect the geographical spread of the District and despite the good work done in the past its format which was largely based on the towns and larger rural settlements of the District should be changed. It was proposed by

Councillor R G Boyce and seconded by Councillor Mrs M E Thompson that the Panel be disbanded.

Debate ensued in which the huge amount of work done by the Panel in the past in the shaping of Planning Policy was acknowledged. The Council was now at a stage of fine tuning certain aspects of the Local Development Plan of a non-strategic nature, and it was considered that a series of single issue task and finish working groups should be set up with flexible memberships with a consistent core and the ability to include local Ward Members. It was felt this would create the best opportunity for informed recommendations to come to this Committee and then be forwarded to the Council with the greatest chance of success to bring a conclusion to the outstanding matters before the Local Plan Inspector. Upon this being proposed by Councillor Miss M R Lewis, the proposer and seconder of the original motion signified their acceptance of this as a consequential revision in order to be voted upon as a complete entity.

The Chairman then put to this to the meeting and at her request in accordance with Procedure Rule 13(3) a recorded vote was taken. The voting was as follows:

For the proposition

Councillors P G L Elliott, H M Bass, A K M St. Joseph, R G Boyce,
Mrs M E Thompson and Miss M R Lewis

Against the proposition

Councillors B S Beale, S J Savage and E M Bamford

Abstention

Councillor Mrs P A Channer

The proposition was declared carried. Given the urgency in dealing with the outstanding Local Plan matters before the Inspector, it was agreed that a further report would be required on the constitution and membership of the new Task and Finish Working Groups to be considered at a special meeting of this Committee to be arranged as soon as possible.

RESOLVED that the Planning Policy Panel be disbanded and that the outstanding Local Development Plan matters be dealt with through a series of Task and Finish Working Groups with a core membership and extended as appropriate on a geographical basis, and that an early special meeting of the Committee be arranged to determine the constitution, membership and remit of the Working Groups.

There being no further items of business the Chairman closed the meeting at 10.18 pm.

MRS P A CHANNER, CC
CHAIRMAN