



**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017**

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**PRESENT**

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	R G Boyce MBE, M F L Durham, CC, A S Fluker, S J Savage and Mrs M E Thompson
Substitute Members	Councillors M S Heard, M W Helm and Miss S White

**127. CHAIRMAN'S NOTICES**

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

**128. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE**

Apologies for absence were received from Councillors B S Beale MBE, H M Bass, and M R Pearlman. In accordance with notice duly given Councillors M S Heard, Miss S White and M W Helm were substituting for Councillors Beale, Bass and Pearlman respectively.

**129. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 25 April 2017 be approved and confirmed.

**130. DISCLOSURE OF INTEREST**

Councillors M F L Durham, CC and Mrs P A Channer, CC declared an interest to all items on the agenda as Essex County Councillors.

**131. PUBLIC PARTICIPATION**

No requests had been received.

**132. APPOINTMENTS OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS**

<sup>1</sup>The Committee considered the report of the Chief Executive seeking Members' consideration of appointments to the Committees / Panels as set out in the report for the ensuing municipal year.

**RESOLVED** that Members are appointed as representatives to the bodies as detailed below, for the ensuing municipal year.

<b>Body</b>	<b>Representative(s) for 2017 / 18</b>
Blackwater River Member Task and Finish Working Group	Councillors H M Bass, B S Beale MBE, R G Boyce MBE, S J Savage, A K M St. Joseph and Mrs M E Thompson
Bradwell Power Station Working Party (politically balanced)	<u>Conservative Group:</u> Councillors H M Bass, R G Boyce MBE, A S Fluker and S J Savage  <u>Independent Group:</u> Councillor B S Beale MBE  Chairman and Vice-Chairman of the Planning and Licensing Committee and Ward Member for Bradwell-on-Sea
Building Control Member Task and Finish Working Group	Chairman and Vice-Chairman of the Planning and Licensing Committee  Councillors B S Beale MBE, A S Fluker and Mrs M Thompson
Economic Prosperity and Tourism Working Group  (Minute1008 – 16/04/14)	Councillors B S Beale MBE and Mrs P A Channer CC  <i>(plus representatives from the Finance &amp; Corporate Services and Community Services Committees)</i>
Gypsy and Travellers Member Task and Finish Working Group * (linked to the LDP)	The Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on a geographical (ward) or topic / issue (e.g. representative on outside body) basis.
Heybridge and Maldon Central Area Masterplan Member Task and Finish Working Group *	The Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on a geographical (ward) or topic / issue (e.g. representative on outside body) basis.

<sup>1</sup> Minute No. 271 refers

<b>Body</b>	<b>Representative(s) for 2017 / 18</b>
Maldon and Blackwater Estuary Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees RG Boyce  <i>Substitutes: Councillors S J Savage</i>
Member representative for Heritage and Design	Chairman of the Planning and Licensing Committee (or their substitute)
Place Board (Minute 704 – 17/12/15)	Chairman of the Planning and Licensing Committee
River Crouch Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees  <i>Substitutes: Councillors R G Boyce MBE and S J Savage</i>
Rural Employment Member Task and Finish Working Group * (linked to the LDP)	The Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on a geographical (ward) or topic / issue (e.g. representative on outside body) basis.
Rural Housing Member Task and Finish Working Group * (linked to the LDP)	The Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on a geographical (ward) or topic / issue (e.g. representative on outside body) basis.
Strengthening Community Member Task and Finish Working Group (Minute 710 -17/12/15)	Councillors H M Bass and Mrs M E Thompson  <i>(plus representatives from the Finance &amp; Corporate Services and Community Services Committees)</i>

\* Appointed by the Council on 8 September 2016 reporting to the Planning and Licensing Committee.

### **133. ECONOMIC DEVELOPMENT UPDATE**

The Committee considered the report of the Chief Executive, providing an update on key issues relating to Economic Development. An update on the activities of various Economic Development workstreams were set out in Appendix 1 to the report.

**RESOLVED** that the contents of the report be noted.

### **134. LEVEL ONE BUSINESS PLAN 2017/18 - PLANNING AND REGULATORY SERVICES DIRECTORATE**

The Committee considered the report of the Chief Executive seeking Members' approval of the Level One Business Plan 2017 / 18 for the Directorate of Planning and Regulatory Services (attached as Appendix 1 to the report).

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal. The Level 1 Business Plan provided the priorities and targets within the Planning and Regulatory Services Directorates for the next 12 months.

**RESOLVED** that the part of the Business Plan for the Planning and Regulatory Services Directorate for 2017 / 18 be agreed.

### **135. DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

The Committee considered the report of the Chief Executive seeking Members' consideration of publishing a designated list of wheelchair accessible taxis and private hire vehicles and commercial vehicles available to hire.

It was reported that Section 165 – 167 of the Equality Act 2010 came into force in April 2017 and provided the Council (as a licensing authority) with the power to make a list of wheelchair accessible vehicles (designated vehicles). Once published duties would be placed on drivers of such vehicles to ensure that passengers got appropriate assistance, allowing the passenger to travel in safety, reasonable comfort and giving them confidence to use this mode of public transport.

#### **RECOMMENDED**

- (i) that the Council produces a list of designated wheelchair accessible vehicles;
- (ii) that subject to (i) above the Council produces procedures in relation the production of the list of designated wheelchair accessible vehicles, including the exemption of drivers from their duties based on medical grounds.

### **136. LAND AT WYCKE HILL, MALDON**

The Committee considered the report of the Chief Executive reporting on the Council's successful application under Section 288 of the Town and Country Planning Act to challenge the decision made at appeal to amend the affordable housing provision as set out in a Section 106 Agreement.

Members were advised that the site to which the challenge applied was one of the key strategic sites identified for housing growth and shown in the proposed Local Development Plan (LDP) as site 2C, on land south of the Morrison's roundabout on Wycke Hill, Maldon which was to be developed by Linden Homes. The report provided detailed background history regarding the site and the challenge made.

**RESOLVED** that the contents of the report and the importance of the outcome of affordable housing provision at strategic sites throughout Maldon, be noted.

**137. WOODHAM WALTER VILLAGE DESIGN STATEMENT**

The Committee considered the report of the Chief Executive seeking Members' endorsement of the final Village Design Statement (VDS) for Woodham Walter, to be used as a material consideration on planning decisions.

The Woodham Walter VDS Was attached at Appendix 1 to the report and it was noted that modifications had been agreed and applied to the document. The report set out the objectives of the VDS.

Members were advised that the VDS was in general compliance with the District's Replacement Local Plan and the emerging Local Development Plan policies.

Members commended the Parish Council on the document produced and the Chairman advised that she would write to the Parish Council on behalf of the Committee regarding this.

**RESOLVED** that the Woodham Walter Village Design Statement be endorsed as a material consideration on planning decisions.

**138. CONFIRMATION OF WOODHAM WALTER CONSERVATION AREA ARTICLE 4(1) DIRECTION**

The Committee considered the report of the Chief Executive seeking Members' approval for confirmation of the Woodham Walter Conservation Area Article 4(1) Direction.

Members were reminded that on 2 March 2017 this Committee had authorised the designation of the Woodham Walter Conservation Area and making of an Article 4(1) Direction relating to selected historic houses within the area. It was noted that a period of consultation had taken place with representation received from Woodham Walter Parish Council in support of the Direction.

**RESOLVED** that the Article 4(1) Direction in respect of the Woodham Walter Conservation Area be confirmed without modification.

**139. UPDATE ON APPEAL DECISIONS (JANUARY - MARCH 2017)**

The Committee received the report of the Chief Executive informing Members of planning appeal performance on appeal decisions from January to March 2017.

The report provided detailed appeal information including overall performance and performance measured against the Department of Communities and Local Government performance figure for major applications.

**RESOLVED** that the contents of the report be noted.

#### **140. 2016 / 17 REVIEW OF PERFORMANCE**

The Committee considered the report of the Chief Executive giving details of performance against targets set for 2016 / 17 and to ensure that progress was being achieved towards the corporate goals and objectives detailed in the Corporate Plan 2015 / 19 adopted by the Council.

The Key corporate activities assessed as being “behind schedule” or “at risk of not being achieved” along with indicators which had not achieved their end of year target were set out in Appendix 1 to the report.

A lengthy debate took place during which Members raised a number of points and information was provided by Officers in relation to the following:

- 1.4 of the report referred to the Overview and Scrutiny Committee meeting on 7 June – this meeting had been cancelled due to the Parliamentary Election and a special meeting was now scheduled to take place on 21 June
- Time taken to validate planning applications – the percentage being acknowledged within the targets set has fallen and the Officer would look into this.
- Work with partners to seek funding/bring forward flood relief projects for identified surface flooding risk areas in the District – the Officer would circulate this to Members of the Committee.
- Enforcement Cases – there was no performance review for this as the number of complaints was increasing as was the number of cases closing. The officer would look at the format of how the number of cases opened and closed for each quarter could be monitored. The number of cases opened was outside of the control of MDC, but ways of reviewing enforcement would be looked at by Officers.

The Committee recommended that Officers would meet with the Chairman of each Area Planning Committee to discuss holding separate daytime enforcement meetings for each Area Planning Committee.

**RESOLVED** that performance against the targets set for 2016 / 17 be noted.

#### **141. CODE OF GOOD PRACTICE AND GUIDANCE ON THE CONDUCT OF PLANNING MATTERS**

The Committee considered the report of the Chief Executive seeking Members’ endorsement of a Code of Good Practice / Guidance document (attached at Appendix 1 to the report) for recommendation to the Council for adoption as part of its Constitution.

Members were advised that the proposed document would provide a framework for drawing together all relevant guidance advice and adopted protocols relative to the Planning function. The report set out some further provisions for Members’ consideration.

Members debated this item in some detail and raised the following issues:

- It was suggested that the fifth bullet point under section 3.4 of the report be included as an additional recommendation;
- That member training for planning be mandatory for Councillors. The potential legal repercussions were onerous to the Council;
- There were difficulties in declaring interests as this area could be complicated.

The Planning Consultant advised Members that training should be in a format that suited them and asked whether it should also be offered to Parish/Town Councils.

Members welcomed the report and were fully supportive of mandatory training for Councillors. However, a question was asked that if a Member would lose their seat on an area planning committee if they did not attend training? In response, the Planning Consultant stated that there would need to be a realistic target date and that refreshers would be required after a number of years.

Members also agreed that it was not appropriate for Member Briefings to take place as part of area planning committee meetings.

### **RESOLVED**

- (i) that the Chairman, Vice-Chairman, Leader and Deputy Leader in consultation with the Planning Consultant meet to agree the final version of the Code of Good Practice / Guidance document; and
- (ii) that the Code of Good Practice / Guidance document would then be brought back to the Planning and Licensing Committee to be approved and recommended to be endorsed and adopted as an annexe to the Council's Constitution.

## **142. COUNCIL CONSTITUTION - PLANNING APPLICATIONS FOR DEVELOPMENT OF STRATEGIC INTEREST**

The Committee considered the report of the Chief Executive seeking Members' consideration of a revision to the Area Planning Committee Terms of Reference.

The report set out two proposed revisions to the Provisos to the Terms of Reference of the Area Planning Committees including arrangements for convening extraordinary meeting of the Council and variations to planning obligations.

### **RECOMMENDED**

- (i) that Council agrees that the following wording be inserted at the end of Proviso 5 within the Terms of Reference of the Area Planning Committees:

For the purposes of this proviso 5 "applications for development of strategic interest" shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Planning and Regulatory Services. In all other respects, the existing provisions of the Scheme of Delegation will apply.

- (ii) that Council agrees that the following additional provision is included in the Scheme of Delegation to Officers:

In consultation with a legal advisor, the determination of requests for the variation of a Section 106 Planning Obligation provided that the approved principle of development is unaffected and that the variation does not affect the securing of the payment of monies to the Council.

There being no further items of business the Chairman closed the meeting at 9.04 pm.

MRS P A CHANNER, CC  
CHAIRMAN