

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

05 June 2017

Dear Councillor

You are summoned to attend the meeting of the;

**PLANNING AND LICENSING COMMITTEE**

on **TUESDAY 13 JUNE 2017 at 7.30 pm.**

in the Council Chamber, Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs P A Channer, CC

VICE-CHAIRMAN

Councillor A K M St. Joseph

COUNCILLORS

H M Bass  
B S Beale MBE  
R G Boyce MBE  
M F L Durham, CC  
A S Fluker  
M R Pearlman  
S J Savage  
Mrs M E Thompson

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**AGENDA**  
**PLANNING AND LICENSING COMMITTEE**  
**TUESDAY 13 JUNE 2017**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 54)

To confirm the Minutes of the meeting of the Committee held on 25 April 2017, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Public Participation**

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. **Appointments of Representatives on Liaison Committees / Panels** (Pages 55 - 58)

To consider the report of the Chief Executive (copy enclosed).

7. **Economic Development Update** (Pages 59 - 64)

To consider the report of the Chief Executive (copy enclosed).

8. **Level One Business Plan 2017/18 - Planning and Regulatory Services Directorate**  
(Pages 65 - 94)

To consider the report of the Chief Executive (copy enclosed).

9. **Designated List of Wheelchair Accessible Vehicles** (Pages 95 - 98)  
To consider the report of the Chief Executive (copy enclosed).
10. **Land at Wycke Hill, Maldon** (Pages 99 - 102)  
To receive and note the report of the Chief Executive (copy enclosed).
11. **Woodham Walter Village Design Statement** (Pages 103 - 154)  
To consider the report of the Chief Executive (copy enclosed).
12. **Confirmation of Woodham Walter Conservation Area Article 4(1) Direction**  
(Pages 155 - 158)  
To consider the report of the Chief Executive (copy enclosed).
13. **Update on Appeal Decisions (January - March 2017)** (Pages 159 - 164)  
To consider the report of the Chief Executive (copy enclosed).
14. **Year End Performance Report - 2016-17** (Pages 165 - 186)  
To consider the report of the Chief Executive (copy enclosed).
15. **Code of Good Practice and Guidance on the Conduct of Planning Matters** (Pages 187 - 206)  
To consider the report of the Chief Executive (copy enclosed).
16. **Council Constitution - Planning Applications for Development of Strategic Interest** (Pages 207 - 210)  
To consider the report of the Chief Executive (copy enclosed).
17. **Any other items of business that the Chairman of the Committee decides are urgent**

## **NOTICES**

### **Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

### **Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Television (CCTV)**

This meeting is being recorded and monitored by CCTV.

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**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
25 APRIL 2017**

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**PRESENT**

Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, H M Bass, B S Beale MBE, M S Heard and S J Savage
Substitute Members	Councillors M F L Durham, Miss M R Lewis and R Pratt

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R G Boyce MBE, CC, P G L Elliott, A K M St Joseph and Mrs M E Thompson. In accordance with notice duly given Councillors M F L Durham, Miss M R Lewis and R Pratt were substituting for Councillors Elliott, Boyce and St. Joseph respectively.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED:**

- (i) that the Minutes of the meeting of the Committee held on 2 March 2017 be received.

**Minute No. 1048 – FUL/MAL/16/01419 and LBC/MAL/16/1420 – Vaulty Manor, Goldhanger Road, Heybridge**

Reference was made to the discussion that had taken place regarding the fact that this application had been referred to three Committees to arrive at a decision, but this was not recorded in the Minutes. It was noted that Officers agreed that this was a cumbersome process that needed review.

**RESOLVED:**

- (ii) that the Minutes of the meeting of the Committee held on 2 March 2017 be confirmed.

#### **4. DISCLOSURE OF INTEREST**

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 8 – Fixing our Broken Housing Market: The Housing White Paper (2017) – as he was a trustee of an Almshouse Trust.

Councillor R Pratt declared a non-pecuniary interest in Agenda Item 9 – Burnham-on-Crouch Neighbourhood Plan, as he was a Burnham-on-Crouch Town Councillor.

Councillor Mrs P A Channer declared a non-pecuniary interest in relating to all items involving Essex County Council, particularly the Economic Development Update report, since she was a County Councillor.

#### **5. PUBLIC PARTICIPATION**

No requests had been received.

#### **6. ECONOMIC DEVELOPMENT UPDATE**

The Committee considered the report of the Chief Executive providing an update on key issues and providing an opportunity for feedback and input.

The Economic Development Officer provided updates on some successful events held since the report was prepared and responded to Members' questions, particularly with regard to Sense of Place events and meetings of the Business Board.

The Committee was informed that following The Leader's 3<sup>rd</sup> Big Business Conversation, positive feedback had been received from businesses at The Causeway/Heybridge Street with a view to creating a Business Improvement District. The involvement of the Maldon and Witham MPs in this was acknowledged.

With regard to the proposals for the Maritime Sector, Members were asked to assist with identifying relevant businesses and finding a suitable venue for a proposed breakfast meeting.

**RESOLVED** that the report is noted.

#### **7. PLANNING POLICY UPDATE**

The Committee considered the report of the Chief Executive providing an update on local, sub-regional and national planning policy matters including Neighbourhood Plans and legislation. It was noted that separate reports had been submitted on the Housing White Paper and The Burnham-on-Crouch Neighbourhood Plan.

With regard to the Local Development Plan, the Committee was advised that the closing date for representations to the Post Examination Modifications was Friday 28 April. The Committee was advised that it was not clear what impact the impending General Election would have on the timing of the Secretary of State's decision on the Plan.

On Essex Plans, the Chairman said that she understood that Chelmsford City Council had a Member/Officer Duty to Co-operate meeting for 3 May 2017.

Further to the Housing White Paper, the Deputy Leader said that he had written to the Housing Minister regarding certification of a five-year land supply, but in the light of the impending dissolution of Parliament an early response was now unlikely.

Some discussion then took place regarding the definition of a brown field site and the identification of suitable brown field sites in the light of new Regulations and the possible issue of a briefing note to Members on this. It was advised that Government Guidance on the new Regulations should be awaited. A report would be submitted to the Committee on the requirement for a Brownfield Register after the Guidance is released, which will set out how the Register will affect Maldon and advise on the definition of Brown Field land.

**RESOLVED** that the Planning Policy Update is noted.

## **8. FIXING OUR BROKEN HOUSING MARKET: THE HOUSING WHITE PAPER (2017)**

The Committee considered the report of the Chief Executive on a proposed response to the Government's Housing White Paper published in February 2017. The Government was inviting comments on the Paper, which included proposals for changes to national planning policy and the way local councils approach planning for housing growth. The consultation period closed on 2 May 2017. A draft response was set out in Appendix 1 to the report.

Alongside the Housing White Paper, and referred to in the White Paper, the Government was also consulting on the introduction of Affordable Private Rented accommodation as part of developing the Build to Rent sector. This document was the Planning and Affordable Housing for Build to Rent Consultation Paper and was included in this report.

At this point, Councillor Mrs P A Channer declared an interest through being a trustee of an Almshouse Charity.

Discussion ensued on how the Council could strengthen its position in relation to the presumption towards sustainable development given that it had a five-year land supply and the fact that sustainability did not reflect need or desirability. Officers advised that the Council's housing figures were a minimum, not a cap, and that there were a number of factors behind the five-year land supply. Although there was concern and frustration at some appeals being lost, the Council had done all it could and only an adopted Local Plan together with certification of the five-year land supply would strengthen its position. It was agreed that officers would strengthen the response to make this point.

In terms of housing provision meeting local need it was noted that the only controls available were in relation to affordable housing or alternatively through an Exceptions Scheme.

With regard to the proposed amendment of the National Planning Policy Framework in relation to Green Belt boundaries, a suggestion was made that a comment should be made on landscaping, an issue often arising at appeal. Officers advised that whereas Green Belt was a policy tool to meet certain objections, landscape protection was more of an environmental tool and was a little more subjective. Although Maldon was not a Green Belt District, it was agreed that an additional comment should be made highlighting the fact that there were landscape issues that were as important to Maldon as well as Green Belt issues are to those authorities in those areas.

**RESOLVED** that subject to the additional comment in relating to landscape protection as referred to above, the draft responses to the Housing White Paper and also the Planning and Affordable Housing for Build to Rent Consultation Paper, as set out in Appendices 1 and 2 to the report, are agreed.

## **9. BURNHAM-ON-CROUCH NEIGHBOURHOOD PLAN**

The Committee considered the report of the Chief Executive on the findings of the Examiner's Report on the Neighbourhood Plan. It was noted that the Examiner recommended proceeding to Referendum within the Neighbourhood Area if recommended modifications are made to the Plan. At Appendix A to the report was a schedule of the recommended modifications and the Officers' responses. Subject to approval by the Council, it was anticipated that a referendum could be held on 13 July 2017.

An update to the report containing the formal response from the Burnham-on-Crouch Town Council had previously been circulated and was made available to Members at the meeting.

Councillor R Pratt asked that his congratulations to the Steering Group for its hard work over a long period be recorded and commended the recommendations set out in the report.

Reference was made to a particular appeal decision received that day, which had been allowed, and concern was expressed as to how this might affect the Neighbourhood Plan and housing numbers. Officers stressed the importance of getting the Local Plan adopted.

### **RECOMMENDED**

- (i) that the Council approves the proposed changes to the Burnham-on-Crouch Neighbourhood Plan as set out in the Examiner's Report and **Appendix A** to these Minutes;
- (ii) that the Burnham-on-Crouch Neighbourhood Plan as modified goes forward to Referendum within the Neighbourhood Area.

## **16. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Act, and that this satisfies the public interest test.

## **17. WATERFRONT LEASES, MALDON**

The Committee considered the report of the Director of Customers and Community seeking extensions to several waterfront leases at Hythe Quay, Maldon in preparation for the emerging Maldon and Heybridge Central Area Masterplan and Historic Waterfront Revival Projects.

It was noted that the Committee was being asked for agreement to the principle of extending the various leases, the detailed consideration of which would be a matter for the Finance and Corporate Services Committee the following evening.

Discussion ensued on a proposal by Councillor M F L Durham, seconded by Councillor Miss M R Lewis on the inclusion of a three year break clause to provide flexibility should circumstances change in relation to the progression of certain projects. It was felt that this would not be disadvantageous to the interests of other parties and noted that local businesses were working with the Council on this. The proposition was agreed.

**RESOLVED** that subject to the inclusion of a three year (2020) break clause for both parties where leases are proposed to be extended until 2022, the Committee endorses the principle of the proposed leasing arrangements for Areas A and B, Cooks Yard, the Tin Parliament Shed, the Old Classroom, Kiosk 1 and the Seafood Kiosk at Hythe Quay, Maldon, as shown on the map at Appendix 1 to the report, and recommends accordingly to the Finance and Corporate Committee.

## **18. LAST MEETING IN MUNICIPAL YEAR**

The Chairman expressed her thanks to Members and Officers for their work over the past year particularly in relation to the Local Plan, a top priority, and its progression towards the Examination in Public. She paid special tribute to the work of the Interim Strategic Planning Policy Manager and his team and the exemplary way in which the Examination had been conducted.

There being no further items of business the Chairman closed the meeting at 9.07 pm

MRS P A CHANNER  
CHAIRMAN

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APPENDIX 1: SUMMARY OF RECOMMENDATIONS

**Burnham-on-Crouch Neighbourhood Plan Examiner’s Recommendations**

Key:

Text in bold indicates new text: **new**

Text struck through indicates deleted text: ~~deleted~~

Page 13

Policy	Examiner’s recommendation	Examiner’s reason	Officers’ recommendation and reason
	Rename Statement of Community Involvement to Consultation Statement	To correct an error	Agree – to correct an error
	Land use and non-land use policies to be clearly distinguished	To provide clarity	Agree - to provide clarity the non-land use planning policies will be shown in a different colour to the land use planning policies
1.5	<p>Insert the following supporting text at the end of 1.5:  <b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S1	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a <b>target minimum</b> of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</p> <p>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch <del>has a target</del> <b>will deliver a minimum</b> of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</p> <p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p>Replace policy S1</p> <p>Policy S1 – Strategic housing growth</p> <p><del>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a target of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum. As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch has a target of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</del></p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to housing site's anticipated build trajectories</p> <p>I also recommend a modification so that the policy requires the delivery of a minimum level of housing. This matter has been properly raised by several developers. The modification will ensure that the Plan meets the basic condition of having regard to national planning policy on boosting the supply of housing (National Planning Policy Framework (NPPF) paragraphs 47-50).</p> <p>In terms of the details of the policy its wording in the submitted Plan is narrative largely setting out the relationship between the two plans. I recommend modifications both to the policy and to the text to address this matter and to provide clarity and certainty to the decision-maker.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p><b>Within the Plan period a minimum of 450 dwellings will be provided.</b></p> <p><b>These dwellings will be provided through both the development of the strategic housing sites shown in table 1 and figure 4 and on other windfall sites.</b></p> <p><b>Proposals for the residential development of the following three strategic sites will be supported within the context of site specific policies set out in policies H.7, H.8 and H.9 of this Plan:</b></p> <ul style="list-style-type: none"> <li>• Land west of Burnham on Crouch (Policy HO.7)</li> <li>• Land north of Burnham-on-Crouch (West) (Policy HO.8)</li> <li>• Land north of Burnham-on-Crouch (East) (Policy H).9)</li> </ul>		

Modify the left-hand reference number and the year 0-5, 6-10 and 11-15 trajectories in the table at the top of page 20 to reflect the figures indicated in the Main Modifications to the Local Plan and give it a table number (to cross refer to the modified policy).

**Table 1: Housing trajectory for the strategic sites allocated in policy S1**

Ref.	Source of supply (1)	Total	Year 1-5	Year 6-10	Year 11-15
			2014/15 – 2018/19	2019/20 – 2023/24	2024/25- 2028/29
	<b>Burnham-on-Crouch Strategic Sites</b>				0
S2(i)	West of Burnham-on-Crouch	180	138	42	0
S2(j)	North of Burnham-on-Crouch (West)	180	123	57	0
S2(k)	North of Burnham-on-Crouch (East)	90	0	90	0
	<b>Total</b>	<b>450</b>	<b>261</b>	<b>189</b>	<b>0</b>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S2	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:                      Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within <b>a minimum of 2000 new jobs will be created</b> in the District, amounting to a total District provision of 11.4 ha of B1, and B2 and <b>B8</b> employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</p> <ul style="list-style-type: none"> <li>• E1 (b) Burnham Business Park;</li> <li>• E1 (j) Springfield Industrial Estate</li> </ul> <p>Replace Policy</p> <p>Policy S2 – Strategic Employment Growth  <del>Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within the District, amounting to a total District provision of 11ha of B1 and B2 employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</del></p> <ul style="list-style-type: none"> <li>• <del>E1 (b) Burnham Business Park;</del></li> <li>• <del>E1 (j) Springfield Industrial Estate</del></li> </ul> <p><b>Proposals for the development of the extension to Burnham Business Park (E2(p)) for employment uses (Class B1, B2 and B8) as shown on figure 4 will be supported.</b></p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to overall amount of employment land required in the wider District, to a change in policy numbering to an extended range of uses and to a revised site area to the extension to Burnham Business Park. The first three of these three points are as follows:</p> <ul style="list-style-type: none"> <li>• Overall District requirement 11.4 ha rather than 11.0 ha</li> <li>• Policy number E1p rather than E1q</li> <li>• Site E1p B1, B2 and B8</li> </ul> <p>I recommend modifications accordingly.</p> <p>As I have already commented in relation to Policy S1 this policy in the submitted Plan its narrative largely setting out the relationship between the two plans. I recommend modifications to address this matter and to provide clarity and certainty to the decision maker.</p>	<p>Agree – in general.</p> <p>Proposed amendment to Examiner's recommendation to correct an error, as the current wording could be misleading. The changes make it clear that the new jobs will be created throughout the District, not just on the new 11.4ha employment allocations. (proposed changes shown in italics):</p> <p><b>...a minimum of 2000 new jobs will be created</b> in the District, <i>amounting to a total District provision including allocations</i> of 11.4 ha new <b>employment land for</b> <del>of</del> B1, and B2 and B8 employment space <b>uses</b> during 2014-2029...</p> <p>To correct an error - in policy S2 – replace E2(p) with <b>E1(p)</b></p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason								
	<p>Table 2: Extension to Burnham Business Park as allocated in policy S2</p> <table border="1" data-bbox="280 347 1003 501"> <thead> <tr> <th data-bbox="280 347 398 411">Ref</th> <th data-bbox="398 347 663 411">Site</th> <th data-bbox="663 347 891 411">Appropriate uses</th> <th data-bbox="891 347 1003 411">Size</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 411 398 501">E1(p)</td> <td data-bbox="398 411 663 501">Extension to Burnham Business Park</td> <td data-bbox="663 411 891 501">B1, B2, <b>B8</b></td> <td data-bbox="891 411 1003 501">3.4ha</td> </tr> </tbody> </table>	Ref	Site	Appropriate uses	Size	E1(p)	Extension to Burnham Business Park	B1, B2, <b>B8</b>	3.4ha		
Ref	Site	Appropriate uses	Size								
E1(p)	Extension to Burnham Business Park	B1, B2, <b>B8</b>	3.4ha								
CS1	<p>Replace part of policy</p> <p>CS1a Community Assets and Services Support community groups in the Town such as the sea scouts, youth groups, and elderly organisations with access to facilities. (non-land use policy formatting)</p> <p>CS1b <del>Protect existing community assets such as the cinema, the clock tower, halls, the weekly Tuesday High Street Market, the monthly Sunday Farmers Market and the Annual Art Trail and many more (as shown in the Town Guide).</del></p> <p><b>The following community uses and buildings will be safeguarded for community use:</b></p> <ul style="list-style-type: none"> <li>• <b>The clock tower;</b></li> <li>• <b>The cinema</b></li> <li>• <b>The market</b></li> </ul> <p><b>Proposals for the change of use to non-community uses will not be supported unless:</b></p> <ul style="list-style-type: none"> <li>• <b>Alternative community facilities are provided within the locality as part of the planning application concerned; or</b></li> <li>• <b>It can be clearly demonstrated that the community building concerned is no longer financially viable</b></li> </ul>	<p>This policy has two separate parts. The first sets out to support community groups such as the sea scouts and the youth club. It is not a land use matter that can be controlled through the planning system. I recommend a modification so that this element of this policy is identified as an aspirational non-land use proposal.</p> <p>I recommend that the second part of the policy is modified to ensure that it safeguards community buildings and community land uses. This approach would reflect the control that the planning system can exert over such buildings and uses. As part of the modification I recommend that a degree of flexibility is introduced into the approach, especially when improved or relocated facilities may arise as a direct outcome of any such planning applications. It also reflects that some community buildings or uses may become economically unviable during the Plan period.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>								

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
CS2	<p>Policy CS.2 – Community Facilities Community facilities should <del>only</del> be provided where a need is identified <b>in relation to proposals for new housing development in accordance with Maldon District Council standards at the time. Community facilities should be provided or improved either within the town in general or on the site concerned, including the three strategic sites identifies in policy S1.</b> The improvement of existing facilities in the Town would be preferred to new facilities in peripheral locations.</p>	<p>I recommend a modification to this policy to ensure that it meets the basic conditions with regards to national and local planning policy. I also recommend that the policy establishes the scale of the contribution by reference to the most up to date Maldon District Council (MDC) standards.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS3	<p>Replace policy</p> <p>Policy CS.3 – New Sports and Amenity Space <del>Burnham-on-Crouch Town Council will support investment in new and existing sports and leisure facilities within the Town</del> <b>Proposals for investment and improvements in new and existing sports and leisure facilities in the town will be supported.</b></p>	<p>I recommend a modification to ensure that the policy is more inclusive. As drafted the support is from the Town Council rather than as part of the development plan as a whole</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS4	<p>Insert the following text immediately before the policy: <b>This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail.</b></p> <p>Replace policy</p> <p>Policy CS.4 – Amenity Space Provision in the North of the Town <del>A new amenity space should be provided adjacent to the Parish Church of St. Mary the Virgin, designed to enhance the setting of the listed building. This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail. The design and layout of the new amenity space should respect the setting of both the Parish Church of St. Mary the Virgin (Grade II*) and Burnham</del></p>	<p>The policy addresses a variety of factors. They would be clearer to the decision maker if they were set out as criteria in the policy.</p> <p>Some elements of the policy are supporting text rather than policy. I recommend the second sentence is placed in the supporting text.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Hall (Grade II)</p> <p><b>Proposals for amenity space adjacent to St Mary's Church will be supported subject to the following criteria:</b></p> <ul style="list-style-type: none"> <li>• <b>The amenity space should respect the setting of the listed church building;</b></li> <li>• <b>The amenity space should respect the setting of Burnham Hall; and</b></li> <li>• <b>The facilities included in the amenity space should address the recreational needs of households in the immediate vicinity of the site.</b></li> </ul>		
CS5	<p>Insert the following supporting text before the policy:  <b>Allotments in the Town are a valued and well-used resource. Policy CS5 safeguards existing allotments. This will be a key component of delivering the community infrastructure key principle as set out in Section 2 of the Plan</b></p> <p>Replace policy</p> <p>Policy CS.5 – Allotments  <del>The allotments in the Town are a valued and well-used resource. The area to the south, SN38, has been allocated as an area of semi-natural open space in the Maldon District Council Emerging Local Development Plan (2014-2029). Burnham Town Council supports that all viable allotment land be safeguarded for that use in perpetuity.</del></p> <p><b>Existing areas of allotments in the Town will be safeguarded. Proposals for built development on allotments will not be supported.</b></p>	<p>The reference to site SN38 has now been removed in line with the LDP Post-Examination Modifications.</p> <p>The policy as drafted is part policy and part supporting text. I recommend that the policy is replaced with a modified policy and that the elements of the supporting text sit before the policy</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS6	<p>Replace policy</p> <p>Policy CS.6 – St. Mary's Primary School  <del>St Mary's Primary School could increase its permanent capacity by replacing a temporary classroom if required and developer</del></p>	<p>The reference to the option of taking children to Southminster by a school bus service is not directly a land use issue. On this basis, I recommend that it is removed from the policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

APPENDIX A

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>contributions will be expected to meet this, in preference to bussing 'excess' pupils to Southminster</p> <p><b>Proposals to extend St Mary's Primary School to replace temporary classrooms will be supported.</b></p>		
CS7	<p>Policy CS.7 – Early Years Facilities New early years care facilities should be provided in accessible locations, within the town centre, adjacent to existing schools, or, where appropriate, located adjacent to new housing or <b>employment</b> development.</p>	<p>Representations highlight that there is a positive recognition amongst the development community on this matter. It has been suggested that there would be merit in locating such facilities close to employment as well as housing development. This approach reflects the requirement to drive sustainable development through its three separate dimensions and I recommend accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS8, CS8.1, CS8.2	<p>Insert the following supporting text before the policy: <b>The area around the Station and Foundry Lane is an important gateway into the town centre in general terms and for rail users in particular. Whilst the station itself is well-maintained its extensive car park is underused and it is dominated by the industrial premises off Foundry Lane to the south. In addition its relationship with the adjacent Co-op store is poor. There are significant opportunities to improve the public realm in this part of the town and to secure improved circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park</b></p> <p><b>Policy CS.8 also supports the development of new retail, residential and office accommodation adjacent to the railway station. There is a significant opportunity to bring forward brownfield development in a highly sustainable location. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway</b></p>	<p>I recommend a series of policy and supporting text modifications to these policies (CS8, CS8.1, CS8.2). In particular, I recommend that the policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. The modifications also take account of the inherent limitations of the planning system. Issues around the under use of the station car park, its charging regime and the potential for the Town Council to secure operational control over the car park are not land use matters</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error – in policy CS.8, first bullet point, replace Foundry Road with <b>Foundry Lane</b></p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>station (see Figure 7, illustrating the policy area labelled 'secondary area').</b></p> <p>Replace policies</p> <p>Policy CS.8 - Station and Foundry Lane Areas The size and setting of the station car park should be re-assessed with a view to:</p> <ul style="list-style-type: none"> <li>(a) ensuring that there is more intensive use of the area provided for car parking,</li> <li>(b) releasing land for use in accordance with policy CS.8.2 below, and</li> <li>(c) facilitating appropriate landscaping and public realm improvements to secure better and safer circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park.</li> </ul> <p>Policy CS.8.1 Support planning permission for improvements to the frontage and smaller shop units for Station Road and Foundry Lane and throughout the High Street.</p> <p>Policy CS.8.2 New retail, residential and office units should be provided by the station as and when the opportunity arises. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway station (see Figure 7, illustrating the policy area labelled 'secondary area').</p> <p><b>Proposals to rationalise the area around the railway station and Foundry Lane to create a more attractive gateway to the town will be supported.</b></p> <p><b>Particular support will be given to proposals that deliver some</b></p>		

Policy	Examiner’s recommendation	Examiner’s reason	Officers’ recommendation and reason
	<p>or all of the following:</p> <ul style="list-style-type: none"> <li>• Physical improvements to the frontages of buildings in Foundry Road;</li> <li>• The development of retail, residential and office units adjacent to the railway station; and</li> <li>• The implementation of landscaping and public realm improvements that would deliver better and safer circulation<sup>165</sup> between the railway station and the supermarket.</li> </ul>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Physical Infrastructure policies</p>	<p>Insert the following supporting text at the end of 1.5:  <b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p> <p>Insert an additional paragraph before section 5.1 to read:  <b>The highways proposals listed in Policies PI. 1-12 are currently unfunded. They may be suitable for consideration for funding under the Maldon Local Highways Funding Panel process.</b></p> <p>Highway Proposals Policies PI 1-5            Road Access Proposals Policies PI 6-9            Pedestrian/Cycle Friendly Proposals Policies PI 10 -12            Improved Bus and Rail Services Policies 13 and 15            Railway Station Key Zone Policy 16            (non-land use policy formatting)</p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 10	<p>Replace part of policy</p> <p><b>Policy PI.10a Safe Cycle &amp; Pedestrian Routes</b> Plan, build and highlight clearly signposted, direct and safe cycle and pedestrian routes into the Town from new and existing neighbourhoods, between all schools and the town centre. The existing network of footpaths should be better maintained and new routes should connect to an agreed network. (non-land use policy formatting)</p> <p><b>PI. 10b Safe Cycle &amp; Pedestrian Routes</b> <del>Also, a proposed combined clearly marked pedestrian walkway/cycle path should be created e.g. along the existing walkway adjacent to Riverside Car Park down to Priors boatyard</del> <b>Proposals to create a combined pedestrian walkway/cycle path along the existing walkway adjacent to Riverside Car Park will be supported.</b></p>	<p>This policy has two separate parts. The first part is aspirational in design and context. This part of the policy should sit separately as a non-land use proposal with the batch set out above.</p> <p>The second part refers to a more specific proposal for a pedestrian and cycle path adjacent to the Riverside Car Park. This is a land use policy that should be retained as such and separated from the non-land use component set out in the previous paragraph. I recommend a modification to this part of the policy so that it has the clarity required by the NPPF</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error (Amendment in italics): Riverside <i>Park</i> Car Park</p>
PI 14	<p>Insert the following additional text after the second paragraph of section 5.4 of the Plan: <b>Policy PI. 14 sets out a positive context for the delivery of improvements to the railway station and its immediate surroundings. The delivery of this policy will require the involvement of a variety of stakeholders. The policy acknowledges that some of the investment sought may not need planning permission. The Plan also supports the introduction of bus stops and visitor information in this locality. This matter overlaps with the approach adopted in Policy PI. 15</b></p> <p>Replace policy</p> <p><b>PI 14 Railway station</b> <del>Burnham Town Council will seek to improve, through the appropriate stakeholders, the appearance of the railway station with new public realm and improvements to the station building. Provide additional and enhance existing facilities including café, business</del></p>	<p>I recommend modifications to the policy so that it sits as a supportive policy for the variety of improvement envisaged in the policy. This will provide the clarity required by the NPPF and provide a clear context for the various organisations to assess and organise their investment programmes throughout the lifetime of the Plan. The modifications also make the appropriate distinction between policy and supporting text and acknowledge that some of the potential investment projects may not need planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>and commercial space, ticket office, customer lounge, retail units, including public toilets, bus stop and visitor information of the Town's layout and facilities</del></p> <p><b>Proposals for the improvement of the railway station and for the implementation of public realm works in its immediate surroundings will be supported.</b></p> <p><b>Insofar as planning permission is required particular support will be given to any or all of the following proposals:</b></p> <ul style="list-style-type: none"> <li>• <b>Improvements to existing facilities (including café, business and commercial space); and</b></li> <li>• <b>Improvements to the ticket office and customer lounge; and</b></li> <li>• <b>The introduction of new retail units; and</b></li> <li>• <b>The introduction of new public toilets</b></li> </ul>		
<p>PI 17</p>	<p>Include new supporting text at the end of paragraph 5.6:  <b>The existing Riverside Car Park would benefit from being resurfaced and marked out to an appropriate standard. This process would assist in making the most effective use of the space and presenting a positive image to visitors and local residents alike.</b></p> <p>Replace policy</p> <p>Policy PI 17 <b>Car Park Provision</b>  <del>Burnham Town Council will support Planning applications which assist car parking provision within the town centre, particularly in the following locations:</del></p> <p><del>(i) the Marina Car Park incorporating spaces for visiting coaches (3rd party ownership)</del>  <del>(ii) the Maldon District Council Millfields car park should be extended to the west to provide additional spaces</del>  <del>(iii) Riverside Car Park to be surfaced to an approved condition and appropriately marked</del></p>	<p>The third component of the policy refers to the surfacing and marking out of the Riverside car park. Whilst I can see that this would be a very worthwhile venture it would not require planning permission. On this basis, I recommend that it is addressed in the supporting text. I also recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of further car parking facilities</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendments to correct errors in supporting text and policy:  Riverside <b>Park</b> Car Park;  <b>Marina Burnham Yacht Harbour</b> Car Park</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Proposals that would deliver new or improved car parking provision within the town centre will be supported. Particular support will be given to the following proposals:</b></p> <ul style="list-style-type: none"> <li>• <b>The incorporation of parking spaces for coaches into the Marina Car Park; and</b></li> <li>• <b>The extension of the Millfields car park to the west</b></li> </ul>		
<p>PI 18</p>	<p>Policy PI 18  <del>Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area. Location of 4G masts should be sited appropriately to strike a balance between technical requirements and conservation of heritage and character.</del></p> <p>Replace part of policy</p> <p><b>PI 18a Telecommunications and Broadband Service</b>            Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area.            (non-land-use policy formatting)</p> <p><b>PI18b</b>  <b>Proposals for the siting of new 4G phone masts in the Plan area will be supported where they respect the character of the area in which they are located and where they safeguard the built heritage of the town.</b></p>	<p>The policy has two separate parts. The first sets out an expectation that Broadband and mobile phone signals should be improved in the Plan area. Whilst this is appropriate it depends on commercial judgements that are beyond the planning system. I recommend a modification to the policy so that its first sentence is identified separately as a non-land use policy and in a separate colour.</p> <p>The second part sets out the Plan's general support for new installations subject to environmental considerations. I recommend a modification to this land use part of the policy so that its purpose and role is clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
<p>PI19</p>	<p>Amend the heading at 5.8 to read:  <b>5.8 Recycling works Water recycling centres</b> and underground sewage/surface water infrastructure</p> <p><del>Current drainage capacity fails to cope with heavy rain in several places in Burnham-on-Crouch with combined sewage and surface water drainage, leading to localised flooding, with raw sewage entering some houses. Current statutory requirements are that as part of the planning process only developments of ten houses or</del></p>	<p>On the basis of this technical response [from Anglian Water] I recommend modifications to the policy and supporting text so that it reflects national planning policy and provides the necessary clarity for developers throughout the Plan period</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>more need to be notified to the relevant authority for them to assess the impact on sewage and drainage.</del></p> <p>Burnham Town Council <b>The Plan</b> will seek to ensure that all planning applications, irrespective of size of development, that impact on the sewer system shall, at the time of application, provide written confirmation that contact has been made with, and acknowledgement obtained from, the relevant service provider that the application will not adversely affect the operational effectiveness of the existing underground sewer collection system. <del>The service provider should also provide confirmation that the Town's existing water recycling works has adequate capacity to process the projected additional load imposed by the application.</del>                      Replace policy</p> <p>Policy PI 19 – <b>Water Infrastructure</b>                      Ensure the water recycling works and underground sewage/surface water infrastructure in the Town meets all current and projected future requirements.</p> <p><b>Proposals for new development should demonstrate that there is or will be sufficient infrastructure capacity at Burnham-on-Crouch water recycling works and underground sewage/surface water infrastructure in the Town to meet all current and projected future necessary requirements.</b></p> <p>IMPLEMENTATION Priority Short term Lead Responsibility                      MDC/BTC/Anglian Water/D of E, SuDS, Funding Source ECC/MDC                      CIL budget, Utility Operator</p>		

APPENDIX A

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 20	<p>Delete policy</p> <p><del>Policy PI 20 – Drainage BTC will not support planning applications for any extra buildings that do not include these drainage assessments together with a commitment to fund front loaded mitigation works irrespective of the size of development. IMPLEMENTATION Priority short term Lead Responsibility MDC/BTC/Anglian Water/D of E SuDS, Funding Source: Developers incl. S106, ECC/MDC New Homes Bonus and CIL,</del></p>	<p>The policy is considered too onerous and well beyond national and local legislation and policy. On the basis of my comments in relation to Policy PI.19 I share this approach. The policy does not have regards to national policy and other associated legislation. On this basis I recommend that the policy is deleted.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC1	<p>Show the Springfield Business Park on one of the maps in the Plan</p> <p>Insert new supporting text at the end of 6.1 to read: <b>As part of a package of measures to stimulate the economy in the town Policy EC.1 sets out to safeguard the Springfield Business Park for employment uses. A range of new buildings will be supported. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and establish themselves.</b></p> <p>Replace policy</p> <p><del>Policy EC1 – Springfield Business Park Ensure that the site which has been allocated for employment at the Springfield Business Park is protected to meet an identified strategic local need, in terms of type of building, size of units and type of industry. Large, medium and small office units should be built for long term lease and short term rent particularly for the knowledge based sector and possibly tourism. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and</del></p>	<p>I recommend a series of modifications so that the policy and the supporting text elements are separated and so that the policy itself has long term clarity for both the investor and the decision-maker. In doing so I recommend the deletion of any direct reference to the tenure of the buildings concerned. This is a matter of commercial judgement rather than one of planning control. I also recommend that the Park is shown on one of the Maps. This will provide clarity not currently provided in the submitted Plan.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Both Burnham and Springfield Business Parks will be shown on Fig 4.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>establish themselves.</del>  <b>Land at Springfield Business Park (as shown on Map Insert number xxx) will be safeguarded for employment purposes.</b></p> <p><b>Proposals for new employment buildings will be supported, particularly for the knowledge based sector.</b></p>		
EC2	<p>Policy EC2 – <b>River related uses</b>  <del>Encourage</del> The provision of river-related <b>trades will be supported.</b>  <del>in locations as identified in Policy RI.3.</del></p>	<p>This policy encourages the development of river-related trades. In the submitted Plan the policy offers such support in locations where existing uses are proposed to be safeguarded by Policy RI. 3. Plainly the majority of any new such businesses will either be close to the river or in the safeguarded locations. Nevertheless there is no reason why this policy cannot apply throughout the town. This would accord with the positive approach to job creation in the NPPF. In any event as figure 8 demonstrates there are several river related uses already operating successfully throughout the built-up area.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC3	<p>Include additional supporting text at the end of paragraph 6.2:  <b>Policy EC.3 recognises that there is a particular concentration of retail units in High Street itself. These sit at the heart of the town and its impressive conservation area. The retention of a strong core of retail units is vital to the economic and social well-being of the Town and its inherent sustainability.</b></p> <p>Replace policy</p> <p>Policy EC3 – <b>Retention of Retail Uses</b>  <del>Resist the loss of retail between the cinema and “One-Stop” as the primary retail frontage in Burnham-on-Crouch. There should be no loss of retail uses to be replaced by residential or office use in this area. In addition, support should be given to maintain and develop new retail business in this area.</del></p> <p><b>A Primary retail area is defined between the Cinema to No.40</b></p>	<p>The policy seeks to define the spatial extent of the primary retail area by reference to the names of the properties at either end of its northern side. I recommend that the extent of the policy area is defined by the addresses of the buildings concerned.</p> <p>I propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes C, D and M respectively of that Order provide a degree of flexibility (subject to conditions) for</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>High Street (northern side) and No.51 to 151 High Street (southern side).</b></p> <p><b>Insofar as planning permission is required within the primary retail area proposals for the change of use from retail to other uses will not be supported.</b></p> <p><b>Within the Primary retail area proposals for the expansion of existing retail uses will be supported where they preserve or enhance the character or appearance of the Burnham Conservation Area.</b></p>	<p>changes of use from retail use to a restaurant/café, to a financial and professional service use and for use as a dwelling house without the need for planning permission. In the case of Classes C and M such proposals would need prior approval from MDC. As part of the process MDC would need to take a view about the likely effects of such proposals on the sustainability of this shopping area.</p> <p>The second part of the policy offers support for the retention and development of new retail businesses in this primary shopping area. I recommend a modification to this part of the policy to address two issues. The first is that most changes of use from commercial buildings to retail use would not need planning permission. Nevertheless, it would be appropriate to modify the policy to support the expansion of existing retail units. I recommend that appropriate safeguards are put in place given that this part of the High Street is at the heart of the Town and its impressive and distinctive conservation area. The second is that the planning system cannot directly 'maintain' existing retail units.</p>	
EC4	<p>Replace policy</p> <p><b>Policy EC4 – Co-op / Mildmay Foundry</b>  <del>Encourage the enhancement of the Co-op/Former Mildmay Foundry site and its environs.</del>  <b>Proposals for the enhancement or the extension of the Co-op supermarket and its immediate environment will be supported.</b></p>	<p>The policy reflects the community's support for the potential extension of the supermarket. It is sustainably located in its own right and is accessible on foot or by car into the town centre itself. I recommend a modification to the policy so that its planning purpose is absolutely clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC5	<p>Include the following additional supporting text at the end of paragraph 6.4:  <b>All such proposals should be designed to have regard to the</b></p>	<p>I recommend two modifications. The first clarifies the purpose of the policy and ensures that it will be effective as a development management tool</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>character and appearance of the designated conservation area. High quality materials and designs should be used. Wherever possible designs should reflect the rich and varied maritime heritage of the town.</b></p> <p>Replace policy</p> <p>Policy EC5 – <b>High Street Character</b> Encourage planning applications in the High Street which use high quality materials and preserve local character <b>Proposals for public realm improvements in High Street will be supported where the works concerned:</b></p> <ul style="list-style-type: none"> <li>• <b>Respect the character and appearance of the Burnham Conservation Area:</b></li> <li>• <b>Use high quality materials; and</b></li> <li>• <b>Use designs that respect the local vernacular and the Town's maritime heritage</b></li> </ul>	<p>throughout the Plan period. The second clarifies the importance of the conservation area in this part of the town centre and the obligations that this designation places on land owners and investors.</p>	<p>the Examiner.</p>
<p>EC6 EC6.1</p>	<p>Insert the following supporting text at the end of paragraph 6.5 of the Plan:</p> <p><b>The promotion of tourism in the Plan area will do much to secure the economic dimension of sustainable development. It will also make the most effective use of the existing tourism related infrastructure in the town such as car parking. Policy EC.6 sets out a positive context in which new tourism will be encouraged. It acknowledges that in certain circumstances planning permission will not be required for the implementation of such proposals.</b></p> <p><b>As a key part of this approach the policy sets out a context to safeguard the existing petrol filling station (in Maldon Road) and the tourist information centre (in High Street). The former provides a key element of the sustainability and self-sufficiency of the town. The latter provides a well-located facility for both visitors and local residents.</b></p>	<p>The policy offers support for a range of facilities including bed and breakfast accommodation, restaurants, cafes and other such outlets. The associated policy EC 6.1 addresses the retention of the petrol station (off Maldon Road) and the establishment of a tourist information and booking office in the town.</p> <p>I recommend that these two policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. I also recommend the inclusion of additional supporting text at the end of paragraph 6.5 of the Plan to provide context and explanation for the modified policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Replace policies EC6 and EC6.1</p> <p>Policy EC.6 Encourage Planning applications which improve the tourism offer of the Town, such as;</p> <ul style="list-style-type: none"> <li>• Bed and Breakfast accommodation,</li> <li>• Sailing schools including other water sports,</li> <li>• Walking and cycling,</li> <li>• Restaurants, cafes and associated tourist outlets,</li> <li>• Tourist Information Centre.</li> </ul> <p>Policy EC.6.1 To support tourism and the local population Burnham Town Council would vigorously support the retention of a fuel station within the Town, and also the establishment and protection of a tourist information/accommodation booking office in a prime location near The Quay.</p> <p>Policy EC6 – <b>Tourism</b> <b>Proposals that would improve and extend the tourism offer in the Town will be supported.</b></p> <p><b>Particular support will be given to the following activities insofar as planning permission would be required:</b></p> <ul style="list-style-type: none"> <li>• The development of bed and breakfast accommodation or the change of use of existing properties to this use;</li> <li>• The development of sailing schools and other water-related sports;</li> <li>• The development of walking and cycling facilities; and</li> <li>• The change of use of buildings to create restaurants and cafes</li> </ul> <p><b>The petrol filling station in Maldon Road and the Tourist Information Centre in High Street will be safeguarded to reflect their importance to the tourism economy of the Town. Their use or redevelopment for other purposes will only be</b></p>		

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>supported where it can be demonstrated that their continued uses are no longer economically viable or where satisfactory alternative provision has been provided.</b></p>		
EN2	<p>Insert the following supporting text at the end of paragraph 7.1:  <b>Policy EN.2 sets out a policy approach towards the location and design of new development in the town. It takes account of the NPPF in general, and the precautionary principles in particular. In particular, new development will not be supported in areas at risk from surface water flooding</b></p> <p>Policy EN2 – <b>New development and flood risk</b>            In accordance with National Planning Policy, inappropriate development should be avoided in areas at risk of flooding including areas at risk of surface water flooding.  <b>New development will not be supported in areas at risk from surface water flooding.</b> All development proposals should be built using sustainable drainage principles to ensure that flood risk will not be increased either on or off site. <del>Where</del> <b>All new</b> development does occur it must be safe and flood resilient for its lifetime. Surface water run off from new developments should pass through the relevant number of treatment stages to ensure that international water quality targets are being met and must not be allowed to affect water levels in other areas <b>be discharged in a self-contained fashion and to appropriate standards in place at the time of the determination of the planning application concerned'</b></p>	<p>I recommend a series of modifications to the policy and its supporting text. The first repositions elements of the submitted policy that are more supporting text than planning policy. The second element makes an appropriate distinction between where development will and will not be supported.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Propose amendment to correct error – delete 'does occur it' (amendment in italics)            ... <del>Where</del> <b>All new</b> development <del>does occur it</del> must be safe and flood resilient for its lifetime. Surface water run off from new developments should...</p>
EN4	<p>Replace policy</p> <p>Policy EN4 – <b>Renewable Energy</b>  <del>Burnham Town Council will support appropriate renewable energy projects in the Dengie Peninsula.</del></p> <p><b>Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:</b></p>	<p>I recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of renewable energy projects. The recommended modification is arranged in criteria based fashion to address the very helpful and important factors set out in the supporting text in section 7.3.2</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> <li>• They preserve or enhance the character and appearance of the conservation area;</li> <li>• They take account of the setting of the Town within the Dengie Peninsular</li> <li>• They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and</li> <li>• They do not have an unacceptable detrimental effect on the amenities of residential or other properties in the site's locality</li> </ul>		
EN5	<p>Policy EN5 – <b>Access to renewable energy sites from the River Crouch</b>            Encourage any future construction and maintenance of wind turbines to be accessed from the river to reduce the impact on the road network where possible.            (non-land use policy formatting)</p>	<p>Whilst the maintenance regime of existing and future wind turbines is not directly a planning and land use matter a degree of control is traditionally exercised over their construction. Otherwise the policy is not land use based and I recommend accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EN6	<p>Policy EN6 – <b>Domestic Recycling and Amenity Site</b> Burnham Town Council to champion with Essex County Council and Maldon District Council the maximisation of recycling at dwellings and to protect the recycling amenity centre in Burnham-on-Crouch.            (non-land use policy formatting)</p>	<p>This is a non-land use project. In accordance with other such policies it should be highlighted by a different colour in the Plan</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
RI 1	<p>Insert new supporting text at the end of section 8.1 of the Plan:  <b>Some of the projects identified in Policy RI.1 may not need planning permission. At the same time, some or all of the works may need a Flood Risk Activity Permit under the provisions of the Environmental Permitting Regulations 2010. In addition, there would be benefit in the agencies promoting these works in having early discussions with the Environment Agency on the implementation of any emerging projects. This will particularly apply to the more remote sections of the seawall at Holliwell Point and also to the area to the west of the town to avoid impacts on the unique flora in the SSSI.</b></p> <p>Policy RI 1- <b>Protection and Improvement of the Riverside</b></p>	<p>The Environment Agency has made two very helpful representations on this policy. I reflect these important matters of national policy in my recommended modifications.</p> <p>I also recommend a modification so that the policy is more directed towards its delivery through the planning system. This will bring the clarity as required by the NPPF. It also reflects that some elements of these proposals will not need planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Burnham Town Council will work with the public and a range of partners to better maintain a more attractive riverside for Burnham-on-Crouch: <b>The riverside will be protected and improved throughout the Plan period. Proposals that deliver any or all of the following measures will be supported:</b></p> <ul style="list-style-type: none"> <li>• Formalise the walking routes further along the River Crouch and linking with other established walking routes around the town centre. Burnham Town Council will support and work with Natural England to implement the England Coast Path;</li> <li>• Improve the quality of the public realm along the sea wall. Any works will employ a limited, high quality material palette. There will be a high standard of design for all new seating, lighting, raised walkways and viewing platforms to protect the character and appearance of the conservation area; and</li> <li>• Maintain the Town Steps to become a leisure facility to reinforce the sense that the Quay and Town Pound area as the hub of the Town.</li> </ul>		
RI2	<p>Policy RI 2 - <b>Design Sensitivity of Riverside Developments</b>  <del>Due to the relatively flat and long riverside, new development must be designed in a particularly sensitive way to take account of the prominence and visibility of any proposed sites. Key factors to consider along the riverside include the following:</del>  <b>New development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location and which satisfactorily address the following matters:</b></p> <ul style="list-style-type: none"> <li>• The roofscape of the building, <del>contributing</del> <b>contributes</b> to the attractive, varied roofscape that currently exists. Flat roofs are generally inappropriate. A range of slate and tile will be encouraged.</li> <li>• New buildings should be sensitive to the height and character of existing buildings along the riverside which are generally no</li> </ul>	<p>The various criteria in the policy are entirely appropriate to this very special part of the town. I recommend a modification to the introduction to the policy so that its applicability through the planning process is clear. I also recommend some consequential changes to the criteria.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>taller than 2.5 storeys and fine in grain.</p> <ul style="list-style-type: none"> <li>• New window openings should contribute to the attractive mix of styles that characterise the riverside.</li> <li>• <del>Sites should be considered on a site by site basis in terms of access arrangements to the Quay, and also its impact/appearance when viewed from the River.</del> <b>Any access arrangements to the Quay are sensitive both to the development concerned and the wider Quay side. The appearance of any access arrangements should be sensitive when viewed from the River.</b></li> <li>• Any development must retain and improve the set back distance from the water's edge to improve the promenade and walkway adjacent to the riverside.</li> </ul>		
<p>RI3</p>	<p>Insert additional text at the end of Section 8.2:  <b>Policy RI.3 establishes key criteria to safeguard the variety of uses in the town that are directly related to the river. It takes account of the flexibility that exists in relation to permitted development rights to convert offices and storage and distribution facilities to residential use. It also offers flexibility in the event that river related uses cease to trade for retail, leisure or tourism uses to take their places. These will help to safeguard and consolidate the economic base and vibrancy of these parts of the town</b></p> <p>Replace policy</p> <p><b>Policy RI 3 – Retention of Primary River related employment uses</b>  <del>Safeguard land which is used for primary/direct river related employment uses from development for housing. This includes the boatyards and sailing clubs. If these uses cease then other employment uses could replace them which could also include space for retail, leisure and tourism. Residential development will only be considered for support if all other options have been exhausted, based on proven independent viability evidence.</del></p>	<p>Whilst the land uses as shown in figure 8 were readily apparent when I visited the town neither the policy nor the map provides the degree of clarity needed by landowners, developers and decision-makers throughout the Plan period. I recommend that an appendix is produced identifying the buildings to which the policy would apply.</p> <p>I also propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes O and P respectively of that Order provide a degree of flexibility (subject to conditions) for changes of use from offices (B1a) and storage/distribution (B8) to residential use without the need for planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>An Appendix will be added to the Plan detailing the land and buildings this policy applies to. The site will also be shown on an amended Figure 8. Both of these can be found at the end of this schedule.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix X) will be safeguarded.</b></p> <p><b>Insofar as planning permission is required their conversion to residential use will not be supported.</b></p> <p><b>Proposals for the retail, leisure or tourism uses of the buildings concerned will be supported where they would comply with other policies in the development plan and where they would not change the overall character of the riverside.</b></p> <p>Appendix listing the land and buildings identified in figure 8 to be produced (can be found at the end of this schedule)</p>		
RI4	<p>Include additional supporting text at the end of Section 8.2 of the Plan:  <b>Within the context set by both policies RI.3 and RI.4 there is the potential for additional public slipways to give access to the River for the launching of smaller craft. Such proposals should be considered on their merits taking account of these and other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy RI 4 – <b>Secondary River related employment uses</b>  Encourage/support a variety of secondary /indirect maritime related uses along the River Crouch in the town centre such as chandlery, cafes, restaurants and sailing schools. There may be the potential for additional public slipways giving access to the River for the launching of smaller craft.</p> <p><b>Proposals for the development of maritime related employment uses alongside the River Crouch in the town centre will be supported.</b>  <b>Particular support will be offered to proposals for the development of chandleries, cafes restaurants and sailing schools.</b></p>	<p>I recommend a modification to the format of the policy so that it has the clarity required by both the decision-maker and the developer.</p> <p>I also recommend that the second sentence of the policy is captured in supporting text rather than the policy itself. As drafted it highlights the potential for additional slipways rather than providing a policy commitment to their development.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
RI5	<p>Policy RI 5 – <b>Gateway to RSPB Wallasea</b>                      Display the policy in a different colour to that used for the land use policies                      (non-land use policy formatting)</p>	<p>This policy proposes joint work between the Town Council/MDC and the RSPB for Burnham to be identified as a gateway to the RSPB Wallasea facility. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
RI6	<p>Policy RI 6 – <b>East Coast Sailing Activities</b>                      Display the policy in a different colour to that used for the land use policies                      (non-land use policy formatting)</p>	<p>This policy proposes that the Town Council and MDC support the relaunch of the Town as the premier centre for East coast sailing and associated activities. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
RI 7	<p>Replace part of policy</p> <p>Policy RI 7a – <b>Swimming facility</b>  <del>Burnham Town Council will support financially viable projects to promote swimming facilities in the Town subject to a full risk assessment and environmental impact assessment.</del>  <b>Proposals for a new swimming pool or other swimming facilities will be supported where they safeguard the amenities of any adjacent residential properties and take account of the local environment in which they are located.</b></p> <p>Policy RI7b                      In addition the Burnham Town Council will support and promote other uses on the River itself for purposes such as rowing, windsurfing, canoeing and crabbing</p> <p>Display RI7b in a different colour to that used for the land use policies (non-land use policy formatting)</p>	<p>This policy has two separate parts. The first offers support for new swimming facilities in the town. This is a land use policy. I recommend a modification to ensure that the purpose of the policy is clear.</p> <p>The second part of the policy offers support to recreational uses of the river. The uses identified are beyond planning control and are, in effect, of a promotional nature. In this regard, they fall into the same category of other non-land use proposals identified elsewhere in the Plan. I recommend accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC1	<p>Insert the deleted text above immediately after the second paragraph of section 9.2 of the Plan</p> <p><b>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</b></p> <p>Policy HC 1 – <b>Shop Front Design</b> New and existing shop fronts should be designed to be sensitive to the historic character of the town centre. They should generally follow a traditional format of sign board, stall-riser and pilasters and use appropriate colours. The use of internally illuminated signs and external shutters should be avoided. <del>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</del></p>	<p>The first part of the policy is very well-designed and meets the basic conditions. In particular, it provides clear guidance on how developers should propose any new shop fronts to respect the traditional character of the town centre.</p> <p>The second part of the policy is more aspirational. It indicates that the Town Council and MDC will develop a more detailed implementation policy to assist in this process. I have no doubt that this will be both a useful and a helpful process. Nevertheless, it will be subject to its own consultation and adoption process at that time. It does not meet the basic conditions given that there is no clarity at this stage on the more detailed approach. On this basis, I recommend that the second part of the policy is deleted and incorporated into the supporting text at section 9.2 of the Plan.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HC2	<p>Replace policy</p> <p>Policy HC2 – <b>New Development features</b> <del>New development should have the following features where appropriate;</del></p> <ul style="list-style-type: none"> <li><del>• Local materials such as weatherboarding and brick.</del></li> <li><del>• Features such as vertically proportioned windows should feature in new homes</del></li> </ul> <p><b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Where appropriate new residential developments should incorporate the following features:</b></p> <ul style="list-style-type: none"> <li><b>• The use of traditional local materials such as brick and weatherboarding; and</b></li> <li><b>• The use of vertically-proportioned windows.</b></li> </ul>	<p>Nevertheless, in order to ensure that developers have the necessary clarity I recommend that the policy is modified so that the two features concerned sit within the wider context of good design. Otherwise the two features could be seen outside a wider context. This recommended modification would also overlap with my recommended modifications to Policy HO.10. That is the principal policy that establishes the design expectations of the Plan and provides a context for the introduction of the design principles in Appendix 1</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC3	<p>In the third paragraph of section 9.3 replace the third sentence with the following:                      Areas of development should connect with one another. Simple permeable street patterns with a block structure and perimeter block layout are recommended. Cul-de-sacs are to be avoided where this does not reflect the character of the surrounding area. Opportunities should be sought to improve linkages between existing areas with any new development <b>Within this context cul-de-sacs should only be proposed where they reflect the character of the surrounding area and would produce good design and a high-quality living environment.</b></p> <p>Policy HC3 <b>Street Layout Principles</b>                      The street layout of new development is also important and should incorporate the following principles: <b>Proposals for new residential development will be supported where they incorporate the following principles:</b></p> <ul style="list-style-type: none"> <li>• A well connected network of streets rather than cul-de-sacs.</li> <li>• A street pattern that connects well with existing streets and allows for connections with future development.</li> <li>• Street widths that allow for a variety of car parking e.g. within the curtilage of plots but also within the street, without impeding access for emergency vehicles and local authority services e.g. refuse collection, <b>and</b></li> <li>• Perimeter block layouts with clear front and back accesses</li> </ul>	<p>The restrictive approach on this point as set out in the Plan does not have regards to national policy as set out in paragraphs 59 and 60 of the NPPF. It is too prescriptive. I recommend modifications to the policy and the supporting text accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO1	<p>Add the following supporting text to the end of Section 10.1:  <b>Policies HO.1 and HO.2 set out key policy approaches towards new residential development in the Plan area. Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan. Once the Maldon Local Development Plan is adopted it and the neighbourhood plan will constitute the development plan for Burnham. Planning applications should set out how they comply with development plan policies. This could be done either generally or through the preparation of a Planning</b></p>	<p>I recommend two modifications to this policy. The first would replace reference to the emerging local plan with the concept of the development plan. This will ensure that the Plan sits within its wider planning context and is future-proof. The second deletes reference to the role of a design and access statement in the policy. Such statements have a very specific role in the planning process and which are not best suited to the requirements of the policy. I recommend that the process for compliance is set</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Statement</b></p> <p>Policy HO.1 – <b>New Residential Development</b> Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Maldon District Council Emerging Local Development Plan (2014-2029). Such compliance should be demonstrated by a design and access statement to be submitted with each application.</p>	<p>out in modified supporting text.</p>	
HO2	<p>Policy HO.2 – <b>Range and Type of new residential development</b> New housing development should demonstrate that the homes developed properly meet the needs of local families. This should include homes for first time buyers, single people, affordable homes, family homes at a range of sizes and styles including bungalows, semi-detached, detached and terraced houses.</p>	<p>The need for new housing to meet the 'needs of local families' is far less closely aligned to meeting the basic conditions. Plainly in many instances the second component of the policy will be informed to a greater or lesser extent by the needs of these families. Nevertheless, the definition of local families is not made clear in the Plan, nor is there any direct evidence on this matter. The Plan will be contributing to meeting the wider objectively-assessed housing needs of the wider Maldon area. This need takes account of a variety of factors including the demographic needs of the local population and in migration. On this basis, I recommended that the first component of the policy is deleted so that the policy has the clarity required by the NPPF.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO3	<p><i>Insert as additional supporting text at 10.1:</i> <b>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</b></p>	<p>The second component of the policy is both unclear in its definition and purpose. In the first instance, there is no definition of 'close' in the policy. This will therefore present practical issues for its consistent application through the development management process. In the second instance the policy takes no account of the strategic policies in the Plan that would result in the majority of new dwellings being located on the three strategic sites to the west and north of the town. A strict interpretation of the submitted policy may prevent housing for the</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Additional text at 10.1: To correct an error, quote marks and italics will be added to show which part of the sentence is quoted from policy S6. A new sentence</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Policy HO.3 requires the development of houses to meet the need of retired and elderly persons as part of new housing developments. Proposals that position either general housing or bespoke housing for the elderly close to shops and services will be particularly supported subject to such proposals conforming with other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy HO.3 – <b>Housing for retired and elderly persons</b>  <del>Housing for retired and local elderly people, and people with mobility and sensory impairment, should be provided close to shops and services. The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable. Housing developments of five or more dwellings should achieve 12 "greens" against the requirements of 'Built for Life' and be eligible for "Built for Life Outstanding" status.</del></p> <p><b>Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate.</b></p>	<p>elderly being developed on this sites.</p> <p>I recommend that this component of the policy is deleted so that there is clarity on the content and application of the policy. Nevertheless, I also recommend that the issues about the desirability of such housing being located close to shops and services is set out separately in the supporting text.</p> <p>I also recommend the deletion of the word 'local' to ensure consistency with my recommended modification to Policy HO.2</p> <p>I also recommend that other elements of the policy explaining the relationship between this policy and policy S6 in the emerging local plan are transferred into the supporting text. They are not in themselves of a policy nature.</p> <p>Finally I also recommend that the references in the policy to Lifetime Homes and Built for Life assessment homes are deleted. The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</p>	<p>will be created for the wording that is not from policy S6:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) <i>'a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and Lifetime Homes'</i>. <del>standard</del>  <b>This should be</b> in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</p>
HO4	<p>Insert the following additional supporting text at the end of section 10.2 of the Plan:  <b>Given the concerns set out in this section of the Plan the Town Council will work closely with the District Council to ensure that all the relevant cumulative effects of windfall and other developments in the Plan period are addressed and mitigated where appropriate.</b></p>	<p>As submitted the policy does not identify any specific policy requirements or expectations. On this basis, it would be impractical for MDC to apply consistently throughout the Plan period. In addition, it provides no clarity to developers. I recommend the deletion of the policy. In any event the issue will be overtaken by any future introduction of a</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Delete policy</p> <p>Policy HO.4 – New Residential Development and Infrastructure requirements</p>	<p>Community Infrastructure Levy regime in the District. The approach set out in the submitted policy does however represent a genuine concern within the town generally. As such I recommend that a revised form of words sits at the end of Section 10.2 that addresses the wider issue</p>	
HO5	<p>Policy HO.5 – <b>Affordable Market Housing Initiatives Proposals</b> which deliver affordable market housing will be supported. <del>The Malden District Council Emerging Local Development Plan (2014-2029) has set the affordable housing requirements for Burnham at 40% of market rate on strategically allocated developments and 30% on all others.</del></p>	<p>Whilst the supporting text in section 10.3 clarifies that the policy takes this approach rather than the more traditional affordable housing route, this matter becomes far less clear in the policy itself. I recommend a modification to bring the clarity required by the NPPF</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO6	<p>Delete policy</p> <p>Policy HO.6 – Sustainable Building Standards</p>	<p>This policy sets out to ensure that new residential development meets national technical standards in terms of sustainability and efficiency.</p> <p>This process will be supported by all concerned. However, it is now controlled by the Building Regulations. I recommend that the policy is deleted for identical reasons to those set out in relation to that part of policy HO. 3 on this matter as set out in paragraph 7.122 of this report</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO7	<p>Include additional supporting text at the end of Section 10.5 of the Plan:  <b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site, on land to its south and on the allocated employment site (Policy E1p). This addresses many of the important components set out in Policy HO.7. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b></p>	<p>A neighbourhood plan needs to be both practical and to meet the basic conditions. Within this context, I recommend modifications to the policy and its supporting text to reflect this updated set of circumstances.</p> <p>Nevertheless, there is merit in retaining the policy to provide a policy framework against which any new or revised planning applications can be assessed. This approach will provide the clarity required by the NPPF at the same time as meeting the</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. Minor amendments are proposed to bullet point 3:</p> <p>The delivery of pedestrian and cycle routes throughout the site and which are well-integrated into <del>the</del> <b>both new</b></p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Modify Figure 11 by adding <b>'that reflects the character of the immediate locality'</b> after 'Low-rise residential development'</p> <p>Replace part of policy</p> <p><b>Policy HO.7 – Land at Burnham West</b> Development on the Maldon Road/Chandlers/Creeksea Lane frontages should respect the scale and character of the existing development.</p> <p><del>Connections should be made to the surrounding context, particularly to establish links with existing footpath routes and ensure these are wide enough with the appropriate surface to accommodate mobility scooters, pushchairs, wheelchairs and parents walking with children. Carefully planned cycle routes should be implemented, minimising crossing of roads, connecting all existing areas, new developments and the town centre and schools. Any green space provision should be to the south west side of the development to create open views to the estuary and the setting of Creeksea Place, a Grade II* Listed Building should also be protected. Housing should be orientated to face into open countryside supported by access roads, improving the appearance of the Town from the countryside.</del></p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• <b>The delivery of low density development along the Maldon Road frontage;</b></li> <li>• <b>The delivery of higher density development within the middle part of the site;</b></li> <li>• <b>The delivery of pedestrian and cycle route throughout the site and which are well-integrated into the existing network;</b></li> <li>• <b>The preservation and enhancement of existing rights of way;</b></li> <li>• <b>The provision of facilities for persons of all ages;</b></li> </ul>	<p>requirements of paragraph 59 of the NPPF on design matters and their level of detail</p>	<p><b>Officers' recommendation and reason</b> <b>and existing networks;</b></p> <p>Wording changes are made for the following reason:</p> <ul style="list-style-type: none"> <li>• 'through' the site is more practical and achievable than 'throughout' the site.</li> <li>• It is necessary to ensure that any proposed networks in / from new developments are planned to ensure that they integrate with each other, not just with the existing network.</li> </ul>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> <li>• The provision of green and open space to District Council standards; and</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned</li> </ul>		
HO8	<p>Include additional supporting text at the end of Section 10.5 of the Plan:</p> <p><b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site. This addresses many of the important components set out in Policy HO.8. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b></p> <p>Modify Figure 12 to indicate the potential for an alternative 'new vehicular route' into the site from Southminster Road and for an alternative 'indicative vehicular access' at this same point</p> <p>Replace policy</p> <p>Policy HO.8 – Land at Burnham North (West)  <del>Development should be focussed to the south of the site to protect the character of Green Lane and maintain the green gap with Burnham-on-Crouch.</del>  <del>Existing mature trees should be maintained and the setting of the locally listed Grade II "High House", an eighteenth century dwelling on Green Lane should be protected as appropriate.</del></p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• <b>The delivery of a layout that respects and is set back from the Green Lane frontage to the site;</b></li> <li>• <b>The delivery of a layout that respects the existing green gap that exists between the two principal built-up elements</b></li> </ul>	<p>This policy addresses the strategic housing site at Burnham North (West) (S2j). In May 2016 MDC resolved to approve a full planning application on this site (MAL16/00093). The same principles apply to this site as I have set out in relation to Policy HO.7 (paragraphs 7. 129 to 7.132). I recommend a similar set of modifications in general, and which reflect the site details in particular.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Fig 12 will be amended.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>of the town along the section of Southminster Road in the eastern part of the site;</p> <ul style="list-style-type: none"> <li>• The delivery of satisfactory access into the site;</li> <li>• The protection of existing mature trees and their incorporation into the layout of the proposal; and</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned.</li> </ul>		
HO9	<p>Replace policy</p> <p>Policy HO.9 – <b>Land at Burnham North (East)</b> Development should:</p> <ul style="list-style-type: none"> <li>• respect the setting of the Grade II* Listed Church of St. Mary the Virgin</li> <li>• be orientated towards Marsh Road, reducing in scale and density to the north of the site and around the Church,</li> <li>• deliver an improved north-south cycle connection from Stoney Hills to Burnham-on-Crouch and public open space to meet the need of the local area, and</li> <li>• contribute to the improvement of Marsh Road.</li> </ul> <p>Further to Policy CS.4 proposals for amenity space and public facilities on site should be designed to protect the setting of the Grade II* Listed Church of St. Mary the Virgin and the adjacent Grade II listed Burnham Hall.</p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel's Brook to the north;</li> <li>• The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower;</li> <li>• The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards</li> </ul>	<p>Whilst this site is less advanced than the other two strategic sites I recommend similar modifications to the policy by way of setting out key development principles. Several of these principles are helpfully set out in the representation from agents acting for the site owners.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

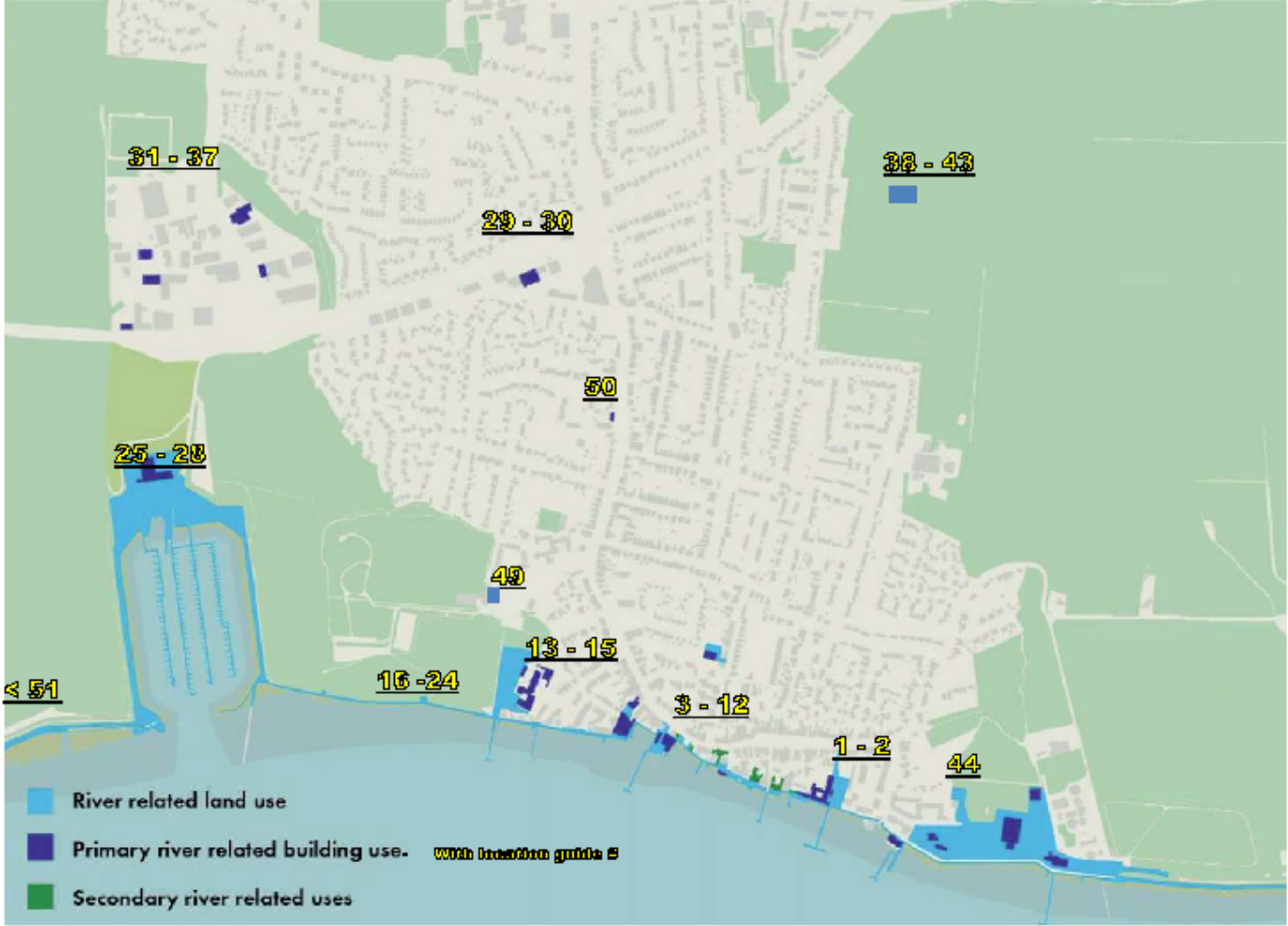
Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>that frontage</p> <ul style="list-style-type: none"> <li>• The delivery of a layout that reduces in both scale and density from south to north</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and</li> <li>• The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding</li> </ul>		
HO10	<p>Add the following to the end of the existing supporting text at 10.8:  <b>Within this context all new housing development proposals should be designed, planned and delivered in a fashion to bring about high quality design in terms of layout, materials and vernacular finishes. Policy HO.10 sets out the policy basis that underpins this approach. Specific Housing Design Principles are set out in Appendix 1.</b></p> <p>Replace policy</p> <p>Policy HO.10 – <b>Housing Design Principles</b>  <del>Having regard to the above, Burnham Town Council, in reviewing planning applications, will only support applications that comply with the standards listed in Appendix 1 below.</del>  <b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Proposals should take account of the Housing Design Principles set out in Appendix 1 insofar as those principles apply to any particular site.</b></p>	<p>This policy sets out a series of design principles to which it requires housing developments to comply. The principles are set out separately in Appendix 1</p> <p>There is a disjoint between the supporting text and the policy itself. The Principles set out in Appendix 1 are primarily design-led. The supporting text refers primarily to viability and development costs. Plainly these two important factors both overlap and interplay one with the other. I recommend modifications so that these matters are addressed. This will provide the decision maker with longer term clarity on the purpose of the policy</p> <p>In addition I also recommend a modification to the structure of the policy itself. Whilst it refers the reader to the Principles in Appendix 1 it fails to set out its clear purpose of wanting to secure high quality design in accordance with the NPPF.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
App 1	<p>NHD 3 Delete the final sentence in brackets (P)</p> <p>NHD 6 Delete the first element (P)</p>	<ul style="list-style-type: none"> <li>• D - Too detailed matters - more properly addressed at planning application stage</li> </ul>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>NHD 7 Modify second component to read:  <b>All dwellings should be provided with safe and convenient car parking spaces. Proposals for communal garage courts will be supported where they have a clear functional and visual relationship with the dwellings concerned.</b> (C)</p> <p>NHD 8 There is already sufficient detail in the site-specific housing policies Delete (P)</p> <p>NHD 9 The Principle is unclear on what is 'a sufficiently generous standard'. In any event the imposition of standards would be too prescriptive and may in itself prevent the delivery of good design. Delete (D/P/C)</p> <p>NHD 10 Insert '<b>wherever possible</b>' at the end of the first element (P)</p> <p>NHD 17 Replace 'village' with '<b>Town</b>' (C)</p> <p>NHD 19 This principle is very general and is repetitive of other principles Delete (C)</p> <p>NHD 20 Insert '<b>wherever possible</b>' after 'management' (P)</p> <p>NHD 21 This Principle is very prescriptive. It may hinder good design and may not result in the best use of development land Delete (D/P/C)</p> <p>NHD 22 This Principle is far too vague for inclusion in a development plan Delete (D/P/C)</p> <p>NHD 23 This Principle requires community involvement for all applications. The approach is both unreasonable and prescriptive. Delete (P)</p> <p>NHD 27 This is more of a process issue than a design principle</p>	<ul style="list-style-type: none"> <li>• P - Too prescriptive and contrary to the NPPF</li> <li>• C - To provide clarity</li> </ul>	<p>the Examiner</p>

APPENDIX A

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Delete (P)</p> <p>NHD 28/29 There is already sufficient detail in the site-specific housing policies. In any event the requirements lack clarity. Delete (C/P)</p> <p>NHD 30 Replace 'will require' with '<b>should be accompanied</b>' (C)</p> <p>NHD 32/33 These Principles do not add local value either to national or local standards on traffic generation and highways matters. In any event, they are both lacking in detail and clarity. Delete (C)</p> <p>NHD 34 The final sentence refers to traffic speed. This is not a land use matter. Delete final sentence (C).</p>		
	<p>Modification of general text (where necessary) to achieve consistency with the modified policies</p>	<p>Where consequential changes to the text are required directly as a result of my recommended modifications to the policy concerned I have identified them in this report. However, there may be other required factual changes to the general text elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for the District Council and the Town Council to have the flexibility to make the necessary changes. I recommend accordingly.</p>	<p>Modifications to be agreed between the District and Town Councils</p>

Figure 8: Marine and River Related land Use. Figure 8



## Appendix 2 Marine and River Related land Use. Figure 8 Location Guide

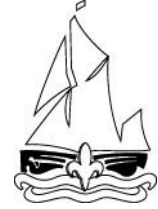
Location Guide #	Location	Business - Company	Activity
1	Sea End Boat House, The Quay.	Rice & Coles	River Moorings, cranage, boat storage.
2	Sea End Boat House, The Quay.	Yachting Solutions	Chandlery, ropes, fittings, clothing etc.
3	The Quay	Royal Corinthian Yacht Club	Sailing club covering children through to off-shore sailing.
4	The Quay	The Otter Hut	Catering for young children starting sailing.
5	The Quay	Royal Burnham Yacht Club	Sailing club covering children through to off-shore sailing.
6	The Quay	Fairways Chandlery	Rope, clothing, foot ware, fittings etc.
8	The Quay	Quayside	Café/Restaurant
9	The Quay	The Anchor Hotel	Accommodation, food and drink
10	The Quay	Ferry	Dial-up ferry to Wallasea Island
11	The Quay.	White Harte Hotel	Accommodation, food, drink.
12	The Quay.	The Crouch Harbour Authority	Controls river usage.
13	The Sail Loft, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
14	Ground Floor, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
15	First Floor, Buckingham Square, The Quay.	Yachtline	Yacht Insurance
16	The Quay.	R.J Prior & Son	River Moorings.
17	The Quay	R.J Prior & Son	Work Shops for building & Repairing boats.
18	The Quay	R.J Prior & Son	Sunken Store.
19	The Quay	R.J Prior & Son	Boat Shed, storage of boats removed from moorings out of season.
20	The Quay	R.J Prior & Son	Dock for house boats etc.
21	The Quay	Maldon District Council	Foreshore, House boats.
22	The Quay	Crouch Yacht Club	Sailing club covering children through to off-shore sailing.
23	The Quay	Burnham Museum	Location of Burnham History Society depicting all aspects of the towns history & heritage
24	The Quay	Burnham Sailing Club	Sailing club more for dinghy sailing.
25	Foundry Lane	RNLI Lifeboat Station	Saving lives at sea.

**APPENDIX A**

<b>Location Guide #</b>	<b>Location</b>	<b>Business - Company</b>	<b>Activity</b>
26	Foundry Lane	Burnham Yacht Harbour	Marina with permanent floating moorings, workshop, outfitting, hoist crane, dry boat storage.
26	Foundry Lane	Clarke & Carter Interyacht	Yacht Brokers
27	Foundry Lane	Marinestore Ltd	Chandlers, rope, paint, clothing etc.
28	Foundry Lane	The Lighthouse Bar & Restaurant	Food & Drink
29	Mildmay Industrial Estate, Foundry Lane	APB Engineering	Manufactures of launching trolleys, boat cradles & trailers
30	Mildmay Industrial Estate, Foundry Lane	Hardy Engineering	Manufactures of marine hydraulic winches, electrical gear
31	Unit 2A Springfield Industrial Park	Lonton & Gray	Sailmakers
32	1-2 Hobbs House Burnham Business Park	Proboat	Wholesale marine hardware suppliers
33	10 Burnham Business Park	Holt Marine	Manufacturer/supplier marine hardware
34	The Sail Loft Burnham Business Park	Tri-Ark Ltd	Suppliers of diaphragm pumps
35	Liferaft House Burnham Business Park	Premium Liferafts	Lifeboat & safety equipment hire
36	Unit 8 Springfield Business Park	Flag Paints	Manufacturer marine paints and finishes
37	Unit 9 Springfield Industrial Park	Marine Windows	Manufacturer of windows for boats and yachts.
38	Unit 13 Dammerwick Farm	Petticrows	Builders of International Dragon and Finn Class yachts
39	Unit 9 Dammerwick Farm	Rannoch Adventure	Design and build of trans-ocean rowing boats
40	Unit 4 Dammerwick Farm	The Old Salt Loft	Manufacturer clothing, bags, merchandising for marine industry, upcycling old sails into products in sustainable manner.
41	Unit 3 Dammerwick Farm	Essex Embroidery-Black Jack Design	Embroidery and print for marine use.
42	Unit 8 Dammerwick Farm	Mike Wood Marine	Builds and prepares dinghies for international competition.
43	Unit 2 Dammerwick Farm	Demi Foils	Specialist manufacturer of fibre glass foils for dinghies.
44	Unit 18 Wick Road Industrial Site	Robert Underhill Multi Hulls Ltd	Brokerage, surveys etc. for supply of multi hull yachts
45	Belvedere Road	The Victoria Inn	Public house for food and drink
46	52 High Street	The Ship Inn	Accommodation, food and drink
47	29 High Street	The Star Hotel	Accommodation, food and drink
48	Rear of 4 Chapel Road	R J Prior & Son	Dry Boat Store
49	Station Road, Nr. Millfields car park	1 <sup>st</sup> Burnham-on-Crouch Sea Scouts	Scout Hut

<b>Location Guide #</b>	<b>Location</b>	<b>Business - Company</b>	<b>Activity</b>
50	49/51 Station Road	Essex Police	Marine Unit
51	Ferry Road	Creeksea Sailing Club	Dinghy Park

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**REPORT of  
CHIEF EXECUTIVE**

to  
**PLANNING AND LICENSING COMMITTEE**  
**13 JUNE 2017**

**APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS**

**1. PURPOSE OF THE REPORT**

1.1 The purpose of this report is to remind Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2017 /18.

**2. RECOMMENDATION**

That the Committee appoints representatives to the bodies detailed below, for the ensuing municipal year.

**3. SUMMARY OF KEY ISSUES**

3.1 Members are asked to nominate representatives to serve on the following Working Groups / Panels for the ensuing municipal year.

<b>Body</b>	<b>CURRENT Representative(s)</b>
Blackwater River Member Task and Finish Working Group	Councillors H M Bass, B S Beale MBE, R G Boyce MBE CC, 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, CC, P G L Elliott and Mrs M R Lewis  <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 E L Bamford, H M Bass and B S Beale MBE

<b>Body</b>	<b>CURRENT Representative(s)</b>
<p>Economic Prosperity and Tourism Working Group</p> <p>(Minute 1008 – 16/04/14)</p>	<p>Councillors B S Beale MBE and Mrs P A Channer CC</p> <p><i>(plus representatives from the Finance &amp; Corporate Services and Community Services Committees)</i></p>
<p>Gypsy and Travellers Member Task and Finish Working Group *</p> <p>(linked to the LDP)</p>	<p>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.</p>
<p>Heybridge and Maldon Central Area Masterplan Member Task and Finish Working Group *</p>	<p>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.</p>
<p>Maldon and Blackwater Estuary Coastal Community Team (Management Team)</p>	<p>Chairman and Vice-Chairman of the Community Services and Planning &amp; Licensing Committees</p> <p><i>Substitutes: Councillors E L Bamford and P G L Elliott</i></p>
<p>Member representative for Heritage and Design</p>	<p>Chairman of the Planning and Licensing Committee (or their substitute)</p>
<p>Place Board</p> <p>(Minute 704 – 17/12/15)</p>	<p>Chairman of the Planning and Licensing Committee</p>
<p>River Crouch Coastal Community Team (Management Team)</p>	<p>Chairman and Vice-Chairman of the Community Services and Planning &amp; Licensing Committees</p> <p><i>Substitutes: Councillors E L Bamford and P G L Elliott</i></p>
<p>Rural Employment Member Task and Finish Working Group *</p> <p>(linked to the LDP)</p>	<p>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.</p>

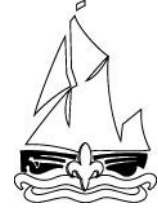
<b>Body</b>	<b>CURRENT Representative(s)</b>
Rural Housing Member Task and Finish Working Group * (linked to the LDP)	The Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on 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 E L Bamford <i>(plus representatives from the Finance &amp; Corporate Services and Planning &amp; Licensing Committees)</i>

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

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Officer, (Tel. 01621 875791).

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## REPORT of CHIEF EXECUTIVE

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to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017

### ECONOMIC DEVELOPMENT UPDATE

#### 1. PURPOSE OF THE REPORT

- 1.1 Economic Development works towards strengthening and encouraging development of the local economy. It was agreed that a regular report would be submitted to this Committee to update Members on key issues and provide an opportunity for feedback and input.

#### 2. RECOMMENDATION

That the contents of this report are noted.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 **APPENDIX 1** to this report provides an update on activity on various economic development workstreams as follows:

- Coastal Community Teams (CCT);
- Business Support;
- Business Engagement;
- Bradwell Legacy Partnership (BLP);
- Sense of Place (SOP);
- Skills.

#### 4. IMPACT ON CORPORATE GOALS

- 4.1 The work of the Economic Development Team in partnership with key stakeholders will help to create opportunities for economic growth and prosperity.

#### 5. IMPLICATIONS

- (i) **Impact on Customers** – Engagement with businesses and organisations across the district as well as supporting the District at sub-region level.

- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Work of the Economic Development Team helps to mitigate against Corporate Risk 11 – Failure of the Council to influence partners and support / encourage economic prosperity.
- (iv) **Impact on Resources (financial)** – The Team are being proactive in seeking funding to create opportunities for economic prosperity in our District.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Heidi Turnbull, Economic Development Officer, (Tel: 01621 876215).

## Economic Development Team Update

### **1. COASTAL COMMUNITY TEAMS (CCT)**

#### **1.1 Maldon and Blackwater Estuary CCT**

##### 1.1.1 Annual General Meeting

1.1.1.1 The Team's Annual General Meeting was held on Friday 5 May 2017 at the Heybridge Plantation Hall with 17 local organisations and stakeholders in attendance. Paul Jeffries, Topsail Charters Ltd., was elected as chairman. Two positions on the Management Team, to represent the voluntary sector and local heritage interests, were not filled and local groups are being contacted with a view to engaging them in the work of the CCT.

##### 1.1.2 Coast Path and Key Projects

1.1.2.1 The first meeting of the newly elected Management Team was held on the 23 May 2017 where the Team discussed and agreed a response to Natural England's Coast Path Report on Maldon to Salcott, and agreed a way forward with a number of key projects. The Team also agreed to focus its efforts during the coming year on developing the coastal trail. The Team would also need to review and revise its Economic Plan to reflect any new challenges and opportunities.

#### **1.2 River Crouch CCT**

##### 1.2.1 Natural England

1.2.1.1 The recent Management Team meeting received a briefing from Natural England (NE) on progress with mapping the coast path, including beaches, paths and spits. The meeting was reminded that the coast path does not have to follow existing public footpaths, and there could be land ownership issues which may influence the final recommendations. The NE representative expressed interest in the proposal for a lower crouch crossing ferry service which supports proposals for improved footpath links. Officers understand that the project will be completed in 2018 and NE will be working with local authorities to open stretches of the path from mid-2019.

##### 1.2.2 Visitor Guide

1.2.2.1 23,000 copies of the 'Explore the beauty of the Crouch Coast' have been printed and are now being circulated to tourist information centres, local attractions, stakeholders, and accommodation providers. Project printing and production costs have been met by contributions from the Maldon, Rochford and Chelmsford City local authorities, parish councils, local businesses, and visitor sites including the RSPB. The document will also be available in pdf format and will be promoted as widely as possible via social media. Links to the information will also be provided on council and partner/stakeholder web sites.

##### 1.2.3 Lower Crouch Crossing

1.2.3.1 The CCT Working Group is currently developing a detailed bid for a new, all-weather and wheelchair friendly Lower Crouch River Crossing. A bid synopsis has been drafted by the Group and the project seeks to build on improvements already being undertaken in the Crouch Valley by Natural England. The project also supports the

ambitions outlined in the Burnham-on-Crouch Neighbourhood Plan. The Working Group is now meeting with representatives from Maldon and Rochford district councils and potential private sector partners with a view to submitting a funding bid to the Coastal Revival Fund.

## **2. BRADWELL LEGACY PARTNERSHIP**

### **2.1 Tollesbury Marina**

2.1.1 The Legacy Partnership meeting held on the 19 April 2017 at Tollesbury Marina received a presentation from the Chairman of Tollesbury Parish Council regarding siltation issues which are impacting on vessel access to their harbour area. The parish council chairman explained that two river channels had now closed because of severe siltation. The north channel was now the deepest and the south channel was getting shallower. Sailors had noticed a significant change to water depths over the past 15 years, and it was no longer possible to gain an early retreat back to the harbour. The parish council had estimated that if there was no early intervention in terms of dredging, the impact on the village could be a loss of some 40-50 jobs and the loss of up to 500 berths. There would also be a negative impact on the number of visitors participating in the courses at the FACT Sailing Centre. The Parish Council was now leading on a project to revitalise the harbour and was hoping to gain support from the District Council, public sector organisations and other stakeholders. The overall cost of the project has been estimated by the parish council as circa £78,000.00.

### **2.2 Magnox Socio-Economic Fund**

2.2.1 The Partnership also had the opportunity to discuss a number of suggested amendments to bids to the Magnox Socio-Economic fund in respect of continuation of the Dengie Enterprise Support (DES) service, and the Maldon District Enterprise Centre project. The feedback provided by Magnox would be used to develop a number of key elements in the detailed application forms.

### **2.3 Power Station Update**

2.3.1 The Magnox representative confirmed that there was some 300 staff (April 2017) at the power station. The last 6 months had been spent looking at ways of increasing speed of processing and reducing volumes of waste. Demolition of redundant buildings on the site was nearing completion, and remaining structures were to be clad to match the reactor buildings. The site has been programmed to enter care and maintenance some time during 2018. The Partnership hoped that Magnox would wish to enter a team for the next Saltmarsh '75 ultra-marathon event being held later during the year.

## **3. BUSINESS SUPPORT**

3.1 Ongoing arrangements are being made to facilitate the establishment of a Business Forum for the Causeway Employment Area with the potential for a future Business Improvement District for the same.

3.2 The Economic Development team continues to work with BEST Growth Hub to provide free business support including free training workshops to the businesses of Maldon and one-to-one drop-in clinics in the Maldon District.

### 3.3 **Dengie Enterprise Support**

- 3.3.1 The normal service ceases at the end of May 2017 whilst we await a decision from Magnox on the revised bid to continue the service for a further 2 years. In the mean time until we can secure external funding, a limited service is being provided as of 1 June 2017 which will divert the current phone line to the Economic Development team's phone and maintain the current website. The Economic Development team will support this small monthly cost. Colbea have also agreed to continue to see existing DES clients at their Colchester office and their advisor to respond to emails and phone calls for these clients with no cost to Maldon District Council although no new clients will be taken on from 1 June 2017. DES is also going to see if they can get sponsorship to continue the monthly Forum element of the service at the Station House from 1 June 2017 onwards. MDC will not be paying for this.

## 4. **BUSINESS ENGAGEMENT**

- 4.1 The Economic Development Team continues to be an Executive member of the Burnham-on-Crouch Chamber of Commerce and is supporting the continued recruitment of members and arrangements for the next planned event on 20 June 2017.
- 4.2 The Economic Development team is currently in discussions with Braxted Park regarding a potential food festival in partnership with Braxted Park towards Christmas time to promote the food and drink sector in the District and is also developing a 'Grape and Grain Trail' in partnership with Braintree District Council to be launched at Essex Festival of Food and Drink on 15-16 July 2017, Cressing Temple Barns. This is to provide visitors with a pre-planned itinerary, highlighting the two districts in combination as the 'go to food and drink destination for tourists in Essex'.
- 4.3 A meeting was held on 21 May with the four main wine growers in the District wishing to set up the Crouch Valley Wine Growers to identify some common objectives in order this can be moved forward.
- 4.4 A Maritime Breakfast is proposed for later this year to discuss issues and challenges of the maritime sector and potential Maldon District Council interventions to support the sector.

## 5. **SKILLS**

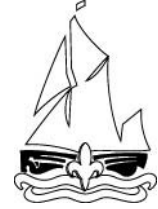
- 5.1 Following the success of the Apprenticeship Event we will now be delivering this as an annual event and in the meantime are continuing to meet regularly with the local secondary schools and Directions IAG Ltd (their Careers Adviser) to discuss and implement other initiatives we can all work on to enhance links between the District's industry and the District's secondary schools. One of these initiatives is to establish whether MDC can incorporate into its Business section of the MDC website a hub where businesses can register to provide support for the schools whether that is mentoring, interview and cv writing support, work experience, availability to work on longer term projects with the schools under the Employment and Skills Board STEM project or to become a Careers and Enterprise Company Enterprise Advisor. The purpose of Enterprise Advisors is to help schools to enhance their employer engagement plan and introduce them to their own business contacts.
- 5.2 The Economic Development Team (ED) is also continuing to encourage and support the secondary schools to access STEM projects and providing assistance with

industry links with regards to the CEC Enterprise Advisor Network (mentioned above).

- 5.3 ED is also continuing to look at what interventions MDC could provide in terms of skills and recruitment support for the Care sector in the Maldon District.
- 5.4 ED arranged a recent meeting with Anglia Ruskin University and ECC Adult Community Learning for further discussion of how MDC might work in partnership on a Care Skills offer for the District and what this might look like. The ED team has also been invited to attend Colchester Borough Council's care workshop at Colchester Institute to better understand the economic growth opportunities within the sector and if and how there are potential collaborative working relationships which can be formed to take some of the theory and ideas forward into projects. The workshop is not seeking to resolve the many challenges which exist within the health and social care sector but more to focus on growth of the wider sector in terms of skills, career choices, availability of labour, new infrastructure developments and other opportunities. It is also hoped following this event that there will be a possibility to create a working group to take any arising actions and opportunities forward and find collaborations for potential pilot projects to access funding and seek to roll out successful pilots.
- 5.5 A meeting was also held on 9 May with Anita Thornberry, Executive Director of Haven Gateway, and Caroline Betts, Lead Commissioner for Employability & Skills, Education & Lifelong Learning to see how we might work in partnership with these organisations in relation to the Maldon District Skills Strategy.

## **6. SENSE OF PLACE**

- 6.1 The Economic Development team continues to promote Sense of Place at all events and with businesses encouraging them to use its assets where appropriate.
- 6.2 The Economic Development Team will also be encouraging the use of Sense of Place assets where appropriate within MDC internal departments where appropriate particularly via the 'Open for Business' transformation project on which Economic Development is the project lead.
- 6.3 The Communications team have now created the Sense of Place assets for business which can be currently accessed via the Communications Team. Within the next 2 months these will be directly available to businesses via the Sense of Place dedicated satellite website linked to the MDC website [www.wearealdondistrict.co.uk](http://www.wearealdondistrict.co.uk).
- 6.4 Work is still in progress regarding the installation of hoardings on the Aquila site at Fullbridge roundabout marketing the Maldon District and Sense of Place.
- 6.5 The next update meeting arranged between Charlie Fillingham, chairman of the Sense of Place Board, Maldon District Council Chief Executive and the Economic Development team is due to take place on 30 May 2017. The Chairman of the Planning and Licensing Committee is now receiving invitations to this monthly meeting.



## **REPORT of CHIEF EXECUTIVE**

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**to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 To seek approval of the Level One Business Plan 2017 / 18 for the Planning and Regulatory Services Directorate (**APPENDIX 1**).

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The Corporate Plan is an over-arching document, detailing the Council's goals and objectives. It provides focus and direction so that all services are clear on how both operational day-to-day tasks and more key, strategic or developmental activities contribute to the Council's goals.
- 3.2 A Corporate Plan covering the period 2015 - 2019 was approved and adopted by the Council in February 2015 (Minute No. 828 refers). The Plan sets the vision and corporate goals that the Council has agreed to focus on over the four year period, along with a suite of objectives associated with each of these goals that it wishes to achieve.
- 3.3 The second annual update to the Corporate Plan was approved by the Council in April 2017 (Minute No. 1159 refers).
- 3.4 For 2017 / 18, the Corporate Leadership Team (CLT), in liaison with the service managers, has identified and proposed activities that will help contribute to the achievement of the corporate goals and objectives. These were also approved by the Council in April 2017.
- 3.5 These activities are monitored at a corporate level with quarterly reports submitted both to CLT and the Overview and Scrutiny Committee. CLT monitors and manages progress towards the objectives and the Overview and Scrutiny Committee scrutinises decisions made by, and the performance of, both Committees and Services.

- 3.6 As in previous years, services have proposed the performance indicators / targets and measures which will assist in tracking the impact of the key corporate activities and provide evidence of achievements. All of these indicators / measures will continue to be monitored corporately.
- 3.7 When establishing and agreeing the key activities for 2017 / 18, the focus has been on assessing what can realistically be achieved with the resources available.
- 3.8 As agreed last year, a single Level One Business Plan has been produced for Maldon District Council and for each Directorate which details:
- the key corporate activities the Directorate will be taking forward which will contribute towards the achievement of the overall corporate priorities and objectives as stated in the Maldon District Council Corporate Plan 2015 – 19;
  - any other key work that the Directorate will undertake either as a result of central Government changes (e.g. Welfare Reform) or that is fundamental to service delivery (e.g. change of IT systems);
  - any other major changes on the horizon for the next five years;
  - all key capital projects (new and on-going) to be undertaken by the Directorate during the year;
  - any corporate risks for which the Directorate is responsible (as detailed on the Council's Corporate Risk Register).
- 3.9 The Level One Business Plan is attached at **APPENDIX 1**.
- 3.10 There will be other activities and indicators which will contribute to the Council's overall goals and objectives, but as these will be at a more operational level, they will be monitored and managed within the service as part of Level Two Business Plans.
- 3.11 Copies of the approved Business Plans will be attached to TEN (the Council's Performance and Risk Management System) to which all Members have access.
- 3.12 Programme Committees will receive six month and end of year performance reports as they have in the past.

#### **4. CONCLUSION**

- 4.1 The attached Level 1 Business Plan for Maldon District Council provides the priorities and targets within the Planning & Regulatory Services Directorate for the next 12 months. Progress against the plan will be monitored by the Director and key performance indicators will continue to be monitored on TEN. Six monthly updates will be provided to this Committee.

#### **5. IMPACT ON CORPORATE GOALS**

- 5.1 The Council has stated its corporate goals and objectives in the agreed Corporate Plan for 2015 – 2019.

- 5.2 Managers within the Planning and Regulatory Services Directorate have set out how their services will take actions which contribute to the achievement of these objectives.
- 5.3 To ensure that Maldon District Council is progressing towards or achieving the goals stated in the Corporate Plan, it is important that performance is monitored and managed against targets and milestones.
- 5.4 Performance indicators and measures have been established to monitor the impact of these actions and to provide evidence of achievements.
- 5.5 In this age of transparency and being accountable to the community, the Council needs to be able to demonstrate that it is monitoring and managing performance effectively.

## 6. IMPLICATIONS

- (i) **Impact on Customers** - Business planning and performance management is about agreeing and achieving objectives and priorities, monitoring our performance against agreed targets and timescales, identifying opportunities for improvement, making necessary changes and ultimately delivering quality public services.
- (ii) **Impact on Equalities** - The Council aims to understand the needs of our staff and customers and making sure that our policies and services are designed to meet these needs and are implemented appropriately.

Maldon District Council (MDC) is committed to providing equal opportunity of access to services and working towards developing communities that are free from discrimination.

Effective performance management will assist the Council in determining whether it is achieving this.

- (iii) **Impact on Risk** – Without agreed and clearly stated corporate goals and objectives, the Council will be at risk of not effectively focusing its work and, in turn, efficiently directing limited resources.

Those risks which may prevent the Council from achieving the corporate goals stated in the Corporate Plan are identified and reviewed on an annual basis.

These are recorded on the Corporate Risk Register together with any current controls in place and further actions to be taken forward to mitigate the risks as much as possible.

The Corporate Leadership Team and the Audit Committee undertake quarterly reviews of the Corporate Risk Register as assurance that the corporate risks are being managed effectively and seeking to ensure that the corporate goals should be achieved.

- (iv) **Impact on Resources (financial and human)** - The business planning process includes the agreement of the budgets by Members. Business plans are based on the budget decisions taken and the resources available.
  
- (v) **Impact on the Environment** – The importance of protecting and enhancing the local environment is fully recognised in the Corporate Plan with desired outcomes focussing on this.

Background papers: None.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).

## **1. PLANNING AND REGULATORY SERVICES DIRECTORATE**

### **About the Directorate**

**Director: Simon Rowberry (from July 2017)**

This Directorate brings together the services that help to protect and shape the district and those that strive to help our communities and businesses to prosper and includes the following areas:-

- Economic Development and Partnerships
- Environmental Health (Environmental Protection, Commercial and Licensing)
- Housing (Policy, Options and Homelessness)
- Planning Services (Building Control, Development Management, Corporate Fraud & Planning Enforcement, Local Land Charges, Planning Administration, Street Naming & Numbering, Trees)
- Planning Policy (Policy / Strategic Planning Applications & Implementation)

### **Economic Development and Partnerships**

**Economic Development and Partnerships Manager: Vacant**

Through the implementation of the adopted Economic Prosperity Strategy (EPS), the Economic Development Team will seek to secure and maintain a vibrant and competitive economy within the Maldon District which balances the needs of local businesses whilst sustaining a high quality of life, increasing incomes, and promoting the District as an attractive place to live, play, work and do business. To achieve these aims, the EPS has identified a set of strategic interventions for the District which includes increasing the supply of high quality business premises, supporting diversification and enterprise, improving skills and training provision, and improving transport and broadband based connectivity.

Through the EPS the Economic Development team will also look to deliver specific projects and initiatives aimed at mitigating the loss of 900 jobs from the closure of Bradwell Power Station and seek to secure the delivery of Bradwell B.

### **Environmental Health**

**Environmental Health and Licensing Manager: Ian Haines**

Environmental Health is a regulatory service which administers and enforces a wide range of legislation aimed at protecting health and well-being of people, animals and the environment. It has a wide local customer base including residents, businesses, employees and visitors as

well as contributing to national and global sustainability. The service helps maintain and improve environmental quality and the health and safety of customers, including such diverse areas of work as air quality, noise, flood risk, food safety, health and safety at work, licensing, housing conditions, statutory nuisance and pest control.

Most of the department's work is based on the Council's statutory duties. Where possible, improvements and behavioural change are achieved through advice, education and persuasion, with the backing of legislative powers where necessary to achieve compliance. The service works with many partners, both from within and outside the Council to maximise efficiency and to bring about shared outcomes and positive impacts for Maldon.

### **Housing**

**Strategic Housing Manager: Paul Gayler**

The Team provides a variety of services used primarily by external customers and consists of the following teams:

- **Policy and Development** – identifying and responding to local housing need;
- **Housing Options** – meeting the Council's statutory duties to those at risk of homelessness, operating a housing register and allocating social housing to those in greatest need;
- **Home Improvements** – facilitating the improvement and adaptation of homes for those who are vulnerable due to disability or old age.

The Council has no housing stock of its own and is therefore wholly reliant on external partners to assist in meeting local housing need and the discharge of the Council's statutory housing duties.

### **Planning Services**

**Group Manager, Planning Services: Matt Leigh**

#### ***Development Management***

Planning officers work within the policy framework of Central Government guidance set out within the National Planning Policy Framework and the adopted Local Plan (and emerging local plan where this is capable of being a material consideration) as well as planning legislation and secondary legislation where appropriate. Planning applications are required to be determined within 8 weeks for 'Householder' and 'Other' development (which includes applications for advertisement consent), 13 weeks for Major applications (10 or more Dwellings) and 16 weeks for applications which are subject to an Environmental Impact Assessment. Around 65% of planning applications are dealt with by officers under the Council's Scheme of Delegation.

Development Management services five **Planning Committees**:

- Central Area Planning Committee (Maldon & Heybridge)
- South Eastern Area Planning Committee (Southminster, Burnham-on-Crouch & Dengie Peninsula);
- North Western Area Planning Committee,
- Planning & Licensing Committee which deals with planning policy matters and a number of planning of applications and,
- Meetings of the Extraordinary Council which considers certain applications of a strategic nature

Planning Officers within Development Management also deal with Planning Appeals, where those who have had their planning applications refused have the right of appeal to the Planning Inspectorate. Planning appeals can be dealt with by way of written representations, informal hearing or Public Inquiry. Maldon also has a Major Applications Team dealing with the strategic allocations resulting from the emerging Maldon Local Development Plan

### ***Corporate Fraud and Planning Enforcement***

This team seeks to ensure that Council Tax and other benefits/discounts are correctly claimed and employs a formal criminal caution, penalty and prosecution service. The service also investigates development to ensure that it has consent, and where it has consent, that it has been undertaken in accordance with the terms of the planning permission and its conditions.

Fraud and planning investigation/enforcement is evidence based; there are a number of means to remedy problems, but this can be a slow process that can ultimately result in prosecution through the courts.

### ***Planning Administration***

Provides technical and administration support to Development Management, including monitoring of planning key performance indicators and local indicators identified through the Planning Services Improvement Plan, identifying and implementing service improvement, updating of Council website pages, maintenance of Comino and Uniform systems for the processing of planning applications, registration of planning applications, preparation of enforcement reports, weekly list of planning applications, list applications received as valid, list of appeal decisions, outstanding appeals, unallocated enforcement complaints. Dealing with notification of new appeals and preparation and despatch of appeal documentation to Planning Inspectorate

### ***Building Control***

The primary function of Building Control is to advise on the compliance of the construction of buildings in relation to applications for approval under the current Building Regulations, so as to ensure the health, safety, welfare and convenience of people using them and also ensure access to buildings for all persons regardless of age or disability. Building Control also deals with enforcement against unauthorised works, dangerous structures and the conservation of fuel and energy in buildings. Work on buildings requiring building regulations consent may also require planning permission.

**Local Land charges**

Local authority searches form part of the standard conveyancing process for the purchase of land and/or property. The search results are used to assist a prospective purchaser decide on the desirability and suitability of the property, as well as informing of any enforceable registrations in existence and future proposals under consideration at the time the search was carried out.

**Trees**

The Tree Officer provides professional advice on all planning matters involving trees, including Tree Preservation orders, trees in conservation areas and trees on development sites in relation to consultation of planning applications and where necessary initiates the issuing of new Tree Preservation orders. In addition, the work involves dealing with applications to undertake works to trees that are protected by a Tree Preservation Order (TPO), as well as requests to make new TPO's.

**Street Naming & Numbering**

The naming and numbering of streets and buildings is a statutory function of the Council. The address of a property is an important issue. Organisations such as Royal Mail, the utilities, delivery companies, emergency services and the general public need an efficient and accurate means of locating and referencing properties. Without a correct registered address it can also be difficult to open bank accounts and obtain credit.

**Spatial Planning & Implementation****Planning Policy Manager: Vacant****Planning Policy**

A proactive non-regulatory service, which delivers planning policy, site specific promotion and evidence to support the wider service, developers, partners and neighbourhood planning groups.

The service is producing the Local Development Plan (LDP) which will set out the planning strategy for future growth over the period 2014-2029. The LDP is the primary means by which Maldon District Council will deliver sustainable development across the Maldon District and provide a spatial strategy for the delivery of the required future employment, homes, retail, community facilities and infrastructure.

It has a number of component parts which sit alongside the spatial strategy. These include supplementary planning documents, design guides, master plans and planning briefs – see below. Equally, the LDP will indicate those areas where it is not appropriate to build and provides the planning policies which allow the Council to resist inappropriate development.

The Policy Team is also responsible for producing:

- **Development & Design Briefs** which relate to specific sites provide the detail to show what is required for a site to address issues including highways, access, density and layout, landscaping etc.

- **Supplementary Planning Documents** which amplify the Local Plan. These may include providing more in-depth information on addressing affordable housing issues, or how the local authority would like to see a town centre transformed.
- **Duty to cooperate** which means the requirement of the Council to work with other Councils in the preparation of our own and their plans and strategies, This is a statutory requirement and comes in many guises from joint commissioning of evidence to support plans, to working groups on key infrastructure projects.

The Policy Team also supports local communities in preparing Neighbourhood Plans, Village Design Statements and other local planning guidance documents.

Planning policy documents and consultation responses to other organisations strategies are reported to Planning and Licensing Committee, with the final approval or adoption of policy documents, including the local plan, made by Full Council.

### ***Conservation & Urban Design***

This specialist team provides advice in relation to applications for consent to works to Listed Buildings and planning applications in Conservation Areas as well as general advice on design, and also archaeological advice.

The team is also responsible for the annual Conservation & Design Awards scheme which seeks to promote and recognise best practice, and provides design advice on development proposals to help ensure the Council secures the highest quality development possible. The Council offers pre-application advice on payment of a fee.

In addition, the team maintains the County register of Listed Buildings “At Risk” and has a modest budget to help ensure that the buildings identified are proactively managed. The Team work with owners and developers to see these buildings repaired and improved. The Team takes a central role in relation to planning applications for Listed Buildings. Listed Buildings are graded in three categories with Grade I being of national importance, Grade II\* and the Grade II, providing the most common category (93.5%). Within Maldon District there are 13 Conservation Areas and over 1,030 listed building, with 14 (1.5%) being Grade I and 58 (5%) Grade II\*.

The team leads on the preparation of the Maldon and Heybridge Central Area Master Plan, which will be adopted in 2017 and enter into its delivery phase, which will include site specific planning and development briefs, It also produced the Garden Suburb Design Codes and the Maldon District Design Guide.

## 2.1 Planning and Regulatory Services – Key Corporate Activities

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
As per the Corporate Plan 2015 – 19	Action that contribute to achievement of the corporate goal	Specific actions/tasks that need to be undertaken relating to the overall key activity	What is the expected impact of the planned action, the “so what” question – “so what will happen as a result of the work undertaken?”	What evidence can be collated to show that the outcomes have been achieved? E.g. to show a reduction in the level of crime/anti-social behaviour	Date that the task is to be completed by or a milestone to monitor improvement	Officer responsible for ensuring work is progressed, action is completed and the desired outcomes/ outputs achieved	What resources will be required to complete the work such as financial and human (including new skills)? If actions cannot be adequately resourced the prioritisation needs to be looked at again. Ensure training needs for the year and IT dependencies are covered.
<b>Protecting &amp; Shaping the District</b>  <b>Strengthening Communities to be safe, active and healthy</b>  <b>Creating opportunities for economic growth and prosperity</b>	Adopt the Local Development Plan for the Maldon District	<p>Completion of consultation into the final set of Modifications in April 2017.</p> <p>This will be followed by the completion of the Inspector’s Report to the Secretary of State and the Secretary of States final decision, which is anticipated in Summer 2017.</p>	The Council will have an up to date Local Plan in place, which will strengthen the Council’s ability to defend planning decisions on appeal, create greater certainty and a framework delivery of strategic projects.	<p>LDP completed second Public Examination and modifications to make the Plan sound agreed with the Inspector for public consultation.</p> <p>KPI as set out in the appendix to the LDP</p>	<p>Post Examination Modifications consultation – March to April 2017</p> <p>Adoption of Plan - Summer 2017</p>	Planning Policy Manager	Planning policy team to take lead with support from other areas within the Council and external consultants on evidence base

<b>Corporate Goal</b>	<b>Key Corporate Activity</b>	<b>Specific actions/tasks</b>	<b>Outcome</b>	<b>Evidence (e.g. measures and indicators)</b>	<b>Timescale and milestones</b>	<b>Responsible Officer</b>	<b>Resources/ Dependencies</b>
<b>Protecting &amp; Shaping the District</b>  <b>Strengthening Communities to be safe, active and healthy</b>  <b>Creating opportunities for economic growth and prosperity</b>	Work in partnership to deliver and ensure management and maintenance of strategic infrastructure	Continuing to work with key organisations to deliver the infrastructure e.g. ECC and EA  New planning performance agreements which set out resources to support delivery of strategic developments and their associated infrastructure	Infrastructure is delivered in a timely manner commensurate with key stages of development in accordance with the Infrastructure Delivery Plan	Infrastructure delivered	Ongoing	Planning Policy Manager	Support from external agencies/bodies, developers and land owners
<b>Protecting &amp; Shaping the District</b>  <b>Strengthening Communities to be safe, active and healthy</b>	Adopt the Maldon District Design Guide	Consultation on draft plan agreed early March 2017  Review of consultation responses, revision to plan and approval	Design guide adopted and implemented in decision making.	Quality of new developments  Measurement of standards through appeals	Consultation – Spring 2017 Review of responses – summer 2017 Approval – Autumn 2017	Planning Policy Manager	Urban design officer and new design panel to be created.  Training of staff to implement new guidance
<b>Protecting &amp; Shaping the District</b>  <b>Strengthening Communities to be safe,</b>	Work with partners to seek funding/bring forward flood relief projects for identified surface flooding risk areas	Work with EA and Anglian Water and ECC (SUDS)  Confirm S106 agreement for North Heybridge	Flood alleviating schemes implemented	Flood mitigation measures in place. Reduction in flood incidents.	March 2018 for start of flood alleviation scheme	Environment and Licensing Manager  Planning Policy Manager	Various officers in directorate working with partners

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
<b>active and healthy</b>	in the District	Flood Alleviation scheme					
<b>Protecting &amp; Shaping the District</b>  <b>Strengthening Communities to be safe, active and healthy</b>	Co-ordinate work with housing associations and developers to provide affordable housing and meet the identified requirements for older persons' independent living with the District	Work with partners	Improved provision within the district	Implementation of schemes	Ongoing	Strategic Housing Manager	Various officers in directorate working with partners
<b>Creating opportunities for Economic Growth and prosperity</b>	Implement the agreed business engagement framework including development of a Local Business Forum and Chambers	Causeway Business Forum to develop into Maldon Chamber of Commerce Relaunch, support and promote Burnham Chamber of Commerce  Business engagement events  Business newsletter  Business visits	Improved activity and engagement  Understanding of business needs Promotion of opportunities for business  Shared best practice  Improved understand of Council policies  Business networking facilitation  Developing a sense of place	Number of events and level of attendance  Circulation numbers of newsletter Number of business visits  Take up of funding / other opportunities	Sept 17  June 2017  Ongoing  Ongoing  Ongoing	Economic Development and Partnerships Manager	Working with internal teams e.g.- Comms and Tourism Close working with elected Members Working with and across organisations

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
<p><b>Protecting &amp; Shaping the District</b></p> <p><b>Strengthening Communities to be safe, active and healthy</b></p> <p><b>Creating opportunities for Economic Growth and prosperity</b></p> <p><b>Delivering good quality, cost effective and valued services</b></p>	<p>Through partnership working with local businesses and agencies, implement the action plan for the Central Area Master Plan:</p> <ul style="list-style-type: none"> <li>• Causeway Regeneration Area</li> <li>• The Leisure Quarter</li> <li>• Maldon Central</li> </ul>	<p>Development of project business cases</p> <p>Fund raising – ECC, Haven Gateway, SELEP, EA, RCCE, Lottery funds</p> <p>Economic consideration within planning decisions.</p> <p>Development of detailed coordinated delivery plan and resources in place.</p> <p>Complete the public consultation on the Master Plan and approve the Master Plan as SPD</p> <p>Establish internal multi-disciplinary team, with</p>	<p>Delivery of objectives set out in Central Area Master Plan</p>	<p>Successful project delivery</p>	<p>Ongoing</p>	<p>Economic Development and Partnerships Manager</p> <p>Group Manager, Leisure, Countryside and Tourism</p> <p>Planning Policy Manager</p>	<p>Internal team, including planning, economic development, countryside, urban design, and project management supported by consultants</p> <p>Private sector</p> <p>Funding bodies</p>

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
		programme and project management resource  Support new and appropriate developments in line with the Maldon and Heybridge Central Area Masterplan					
<b>Creating opportunities for Economic Growth and prosperity</b>	Promote the District as a destination of choice by defining and promoting existing/new employment land	Develop directory of land owners  Maintaining an up to date register of available land for key employment sites  Effective use of empty properties list.  Economic consideration within planning decisions for change of use.  Communications strategy to promote the	Fully occupied employment sites  Increased number of businesses  Increased employment  Business retention  Increased business rate income  Improved quality of business sites  Improved awareness of Maldon District Business land offer	Directory in place  Log in place    ED input in planning reports and results of planning applications	March 2018  March 2018   Ongoing  Ongoing	Economic Development and Partnerships Manager	Businesses Land owners Development Management Team Planning Policy Team Elected Members

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
		district opportunities  Work with wider Essex Partnership on promotion of Essex and Maldon's place and role within it					
<b>Creating opportunities for Economic Growth and prosperity</b>	Develop and implement a strategy to meet the skills need within the District	Work with County skills partners and Haven Gateway Partnership to develop strategy  Implement actions as set out in Strategy	Clear understanding of local / sub regional needs  Clear strategic direction to meet needs  Various solutions identified and actions plans prepared	Baseline information available to be able to move forward to delivery stage	a. October 2017  b. March 2017	Economic Development and Partnerships Manager	Partners/external agencies  Funding bodies  Coastal teams
<b>Creating opportunities for Economic Growth and prosperity</b>	Work with partners on the Total Transport pilot project	Attend Project Board meeting  Promote activity locally	Demand responsive transport within the District	Key project stages completed	March 2018	Director of Customers and Community	ECC Suffolk CC (partner) Other local partners
<b>Creating opportunities for Economic</b>	Develop package to promote the District as a place of choice to start		Business retention and inward investment	Gross rateable value Business numbers Employment		Group Manager, Customers	<ul style="list-style-type: none"> <li>• Comms Team</li> <li>• Strategic Planning</li> <li>• Development Management</li> </ul>

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
<p><b>Growth and prosperity</b></p> <p><b>Delivering good quality, cost effective and valued services</b></p>	<p>and grow a business. With a range of offers including:-</p> <ul style="list-style-type: none"> <li>• Business rate discounts for new businesses and those relocating to the District</li> <li>• Fast tracked planning and regulatory services</li> <li>• A register of available land and premises</li> <li>• Business support services</li> <li>• Accessible website pages dedicated to business support and advice, including a page on how to do business with the Council and sign posting to a range of services</li> <li>• Master planning, development and planning briefs and support for key employment</li> </ul>	<p>Business case for discount scheme to F&amp;CS</p> <p>Review of service standards</p> <p>Promotion of Best Growth Hub and Dengie Enterprise Service</p> <p>Review content and accessibility</p> <p>Update content and publish</p>	Increased business rate income		<p>September</p> <p>September</p> <p>Ongoing</p> <p>March 2018</p>	<p>Group Manager Planning Services</p> <p>See above</p> <p>Economic, Development and Partnerships Manager</p> <p>Economic, Development and Partnerships Manager</p> <p>Planning Policy Manager</p>	<ul style="list-style-type: none"> <li>• Planning Enforcement Services</li> <li>• Environment Services</li> <li>• Revenues and Benefits</li> <li>• Customer services</li> <li>• IT Services</li> <li>• Elected Members</li> <li>• External partners</li> <li>• Businesses</li> <li>• Land owners</li> </ul>

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
	areas • Coordination and support for locality based business forums.	See above  See above					
<b>Protecting &amp; Shaping the District</b>  <b>Creating opportunities for Economic Growth and prosperity</b>	Co-ordinate the delivery of an Enterprise Centre for the Maldon District	Secure funding for detailed feasibility study  Implementation strategy to deliver the project  Secure project funding and acquire site	Increased small business unit space Increased business confidence Improved business survival rate Increased employment	Funding secured for the feasibility study  Funding for project  Delivery of project  Ongoing performance KPIs to the agreed	Completion of feasibility study March 2018	Economic, Development and Partnerships Manager  Planning Policy Manager	Magnox Consultancy support Causeway Businesses  Land acquisition resource
<b>Protecting &amp; Shaping the District</b>  <b>Creating opportunities for Economic Growth and prosperity</b>	Agree a vision for, and develop, a Planning Performance Agreement to maximise benefits from the development of a new nuclear power station at Bradwell	Develop the ECC and MDC joint management board  Communications plan  Establish S43 (2008 Act) pre-application protocols with the National	Work towards the delivery a new nuclear powers station  Council adequately resourced for the project	To form part of an action plan	Vision June 2017  Agreement – March 2018  This will be a long term project over the next 10 years or more	Director of Planning & Regulatory Services	This will require impetus from a range of partners as well as the Council and ECC

Corporate Goal	Key Corporate Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescale and milestones	Responsible Officer	Resources/ Dependencies
		<p>Infrastructure Planning Unit</p> <p>Engagement by the developer as part of the statutory development consent process</p> <p>Comprehensive action and resource plan to cover all anticipated elements of the project</p> <p>Post 2017/18:</p> <p>Economic development strategy to capture the economic benefits for the District</p> <p>Identification of skills and training during construction phase</p>					
<b>Creating opportunities</b>	Promote and support improved	Participate in the Essex Broadband	Increased broadband	Additional premises (residential and	Ongoing in accordance with	Economic and Partnerships	Working with ECC as lead authority on

<b>Corporate Goal</b>	<b>Key Corporate Activity</b>	<b>Specific actions/tasks</b>	<b>Outcome</b>	<b>Evidence (e.g. measures and indicators)</b>	<b>Timescale and milestones</b>	<b>Responsible Officer</b>	<b>Resources/ Dependencies</b>
<b>for Economic Growth and prosperity</b>	Broadband connectivity	programme  Ensure that new development have infrastructure provided as part of the development to support superfast connections	coverage across the district	businesses) have improved access	programme timetable which is regularly reviewed.	Manager	Superfast Essex programme  Identify possible other solutions to areas not likely to be covered by the programme

## 2.2 Planning and Regulatory Services - Other key activities (that need to be undertaken e.g. because of central government or legislative changes, or that are key to efficient and effective service delivery)

Key Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescales and milestones	Responsible Officer	Operational Resources
Implement departmental action plan which contributes to the Corporate Transformation Programme	Deliver key tasks as detailed with the Corporate Action Plan which will include -  Improved Customer services/enhanced capacity/increased efficiencies/generation of external income/savings	The Council develops a Transformation Programme to maintain the provision of front line services provided to the community	Targets to be developed but will include implementation of relevant parts of the ICT Strategy & Customer Strategy	Phased 2015 - 2019	Director	Corporate Leadership Team, Departmental Managers
Implement Workforce Development Plans	Develop Departmental Action Plans to support the Workforce Development Plan	Development of staff	Targets to be developed	Phased 2015 - 2019	Director, Service Managers	Group Manager, People Performance & Policy
Secure improved efficiency and effectiveness of the Planning Service	Agree and implement revised Planning Improvement Action Plan	Deliver more effective Planning Service, providing enhanced value for money	Measure against revised suite of performance indicators, to be agreed	Report delivered in stages – April to August 2017.  Action Plan developed and agreed as recommendations delivered  Implementation to agreed timescale thereafter	Group Manager Planning Services	External consultant and internal resources
Agree and implement a robust Development Management	Provide a bespoke suite of specific local indicators to demonstrate the performance of Planning Services in relation to corporate	Deliver more effective Planning Service, providing	Measure against revised suite of performance indicators, to be agreed	Report delivered in stages – April to August 2017.  Action Plan developed	Group Manager Planning Services	External consultant and internal resources

<b>Key Activity</b>	<b>Specific actions/tasks</b>	<b>Outcome</b>	<b>Evidence (e.g. measures and indicators)</b>	<b>Timescales and milestones</b>	<b>Responsible Officer</b>	<b>Operational Resources</b>
Team Approach	goals  Ensure an efficient and effective enforcement service.	enhanced value for money  To ensure the resilience of Planning Services  To provide improvement to performance in the processing of planning applications  To ensure Customers' needs are being met		and agreed as recommendations delivered  Implementation to agreed timescale thereafter		
Improvement to the number of applications determined within statutory timeframe.	Part of consultant's review	A greater number of applications determined within statutory timeframe.	Performance against revised and agreed targets	Consultant's work completed – July 2017  Action Plan agreed – August 2017  Implementation immediately thereafter	Group Manager Planning Services	Staff resources  External consultant
A comprehensive review of processes from receipt of application to determination.	Part of consultant's review	Improved customer experience, streamline process, cost saving due to	Performance against revised and agreed targets	Consultant's work completed – July 2017  Action Plan agreed – August 2017	Group Manager Planning Services	Staff resource  External consultant

Key Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescales and milestones	Responsible Officer	Operational Resources
		reducing officer time spent on process, quicker determination of planning applications.		Implementation immediately thereafter		
Encouragement of channel-shift through improving the on-line customer experience	Contribute towards development and implementation of Corporate Website	Improved customer focused website that will improve information available to customers, reduce demand, and assist in achieving channel shift	Higher levels of customer satisfaction – measurement methodology and targets to be agreed	July 2017	Business Development and Improvement Officer	Staff time and external
Review of staffing resource in Development Management	Part of consultant's review	Efficient and resilient service delivery for Development Management	Performance against revised and agreed targets	Consultant's report – June 2017  Action Plan agreed – July 2017  Implementation immediately thereafter	Director of Planning and Regulatory Services	Staff resource  External consultant  HR Business Partner
Review of Building Control function	Undertake review to look at business case for alternative provision of Building Control services  Undertake analysis of the financial position and other	Greater resilience for the Building Control Service	Performance against revised and agreed targets	Options/Preferred Option – July 2017  Action Plan – August 2017	Director of Planning and Regulatory Services	External consultant  Support from within the Council e.g. HR, governance, finance and ICT

Key Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescales and milestones	Responsible Officer	Operational Resources
	potential benefits measured against risks of continuing as is.  Development and implementation of a Preferred Option					
Annual Authority Monitoring Report (AMR)	Review previous report and agree scope  Undertake surveys and evidence gathering, including retail and housing land availability  Produce report including Five-Year Housing land supply  Publish	Monitoring of development against LDP targets	To be set out in the scope of the AMR based on LDP KPIs	Complete by end of August 2017	Planning Policy Manager	Development Management team to support
Community Infrastructure Levy	Review of existing charging schedule / evidence base and decision on whether to continue with existing work or start again, postponing the Examination  Depending on outcome of review, recommitment new evidence base and consult.	Robust CIL charge	KPI on CIL collected against charging schedule  KPI on % of successful exemption applications  KPI on collection of CIL	Review – March / April 2017  Timetable thereafter to be confirmed dependent on the Review	Planning Policy Manager	S106 Officer Procurement
Prepare and Approve:  • Vehicle Parking Standards SPD	Review of existing, national and local policy and best practice  Consultation	New guidance in place in accordance with Local Development	Delivery of documents against timetable  Quality of new	All to be adopted by end of 2017 (subject to individual project plans)	Planning Policy Manager	Planning policy with support from various departments within council, in particular Housing Strategy on

Key Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescales and milestones	Responsible Officer	Operational Resources
<ul style="list-style-type: none"> <li>Renewable Energy SPD</li> <li>Affordable Housing SPD</li> <li>Statement of Community Involvement</li> </ul>	<p>Revisions</p> <p>Adoption</p>	<p>Scheme</p> <p>All involved in decision making</p>	<p>developments</p> <p>Measurement of standards through appeals</p>			the Affordable Housing SPD and other ECC Councils on the Vehicle Parking standards
Community Led Housing	Implementation of a programme of Community Led Housing	Additional supply of affordable homes	Pipeline of Community Led Housing projects	Commence April 2017 and ongoing	Strategic Housing Manager	
Homelessness Reduction Bill	Support implementation of Trailblazer scheme in partnership with ECC	Improved knowledge impact of Bill and options available and required	Outcome of pilot cases and development of joint strategic approach to prevention with ECC and other partners	From April 2017	Strategic Housing Manager	Homelessness Reduction Bill  DCLG Funding
Deliver revised Planning Improvement Action Plan	Implement recommendations arising from consultants' study	More efficient and responsive planning service which provides enhanced value for money	Performance against suite of agreed indicators	<p>Report delivered in stages – April to August 2017.</p> <p>Action Plan developed and agreed as recommendations delivered</p> <p>Implementation to agreed timescale thereafter</p>	Group Manager Planning Services	As available within the Directorate, plus external consultancy support as required
Implement new SuDS regime	Amend validation list for new development	Implement Government	Planning Guidance and Government	Ongoing	Group Manager Planning Services	Essex County Council

Key Activity	Specific actions/tasks	Outcome	Evidence (e.g. measures and indicators)	Timescales and milestones	Responsible Officer	Operational Resources
	<p>Establish additional criteria for SuDS referral to ECC</p> <p>Establish process and decision making</p>	Policy	<p>Statements</p> <p>Monitor the new regime and suggest improvements if required</p>		Planning Policy Manager	<p>Environment Agency</p> <p>Anglian Water</p>
Implement the Regulators' Code	<p>Develop and seek adoption of a corporate enforcement policy for Council's regulatory services.</p> <p>Provide simple and straightforward ways to engage with those they regulate and hear their views</p>	Reducing regulatory burdens and supporting compliant business growth	Revised enforcement policy published on website	March 2018	Environmental Health and Licensing Manager	Co-operation from other regulatory services
Housing White Paper and Review of the NPPF	<p>Annual Five Year Land Supply</p> <p>Demonstration of achieving Housing trajectory Delivery rates</p> <p>Others to be determined during year</p> <p>New Planning Fees implementation</p>	Reduced risk of planning by appeal and need for further housing allocations	<p>Achieve 5-year housing land supply</p> <p>Meet housing trajectory targets</p>	On going	Planning Policy Manager	<p>Housing strategy</p> <p>Development Management</p>
Self and Custom Build	<p>Maintain register</p> <p>Promote register</p> <p>Promote via pre-application discussions</p> <p>Produce local guidance</p>	Increased self and custom building housing	<p>Number of Self and Custom Build Homes</p> <p>Number of people on register</p>	2017-2020	Planning Policy Manager	<p>Planning Policy</p> <p>Development Management</p> <p>Use of Government New Burdens Funding 2017 to 2020</p>

<b>Key Activity</b>	<b>Specific actions/tasks</b>	<b>Outcome</b>	<b>Evidence (e.g. measures and indicators)</b>	<b>Timescales and milestones</b>	<b>Responsible Officer</b>	<b>Operational Resources</b>
Income generated through housing investment	To identify most appropriate method for securing delivery of proposed development and generating income for the Council	Agreed delivery vehicle for investment in development	Business case agreed and progressed	2018	Strategic Housing Manager	Community Housing Fund (DCLG) Commuted sums

### 2.3 Planning and Regulatory Services - Change Plan

This section should highlight, where necessary, any other major changes on the horizon for the next five year period.

As these activities/changes become more imminent and require resourcing within a specific year/timescale they will be considered as part of the Strategic and Financial Planning Process and will then be established as a Key Corporate Activity if funding is approved.

<b>Changes/Actions required</b>	<b>Dependencies/Critical Factors/ Financial Implications</b>
Provision of temporary accommodation to relieve homelessness	Requirement arising from increasing demand on statutory duty to accommodate homeless and inability to meet requirements for affordable housing. Possible use of commuted sums to meet capital cost of securing additional accommodation to reduce growth in revenue requirement.
Implementation of the Maldon and Heybridge Central Area Master Plan	Completion of the Master Plan approval process during 2017. Resources needed to support its delivery dependent on an agreed delivery plan and level of Council interventions. Additional resources include programme and project management and consultants. Use of grants, capital funding or recovery from disposals to meet the costs of these resources.
Continued spending constraints and need to commercialise where possible the service through effective use of Planning Performance Agreements (used to fund staff for specific projects); increase in planning fees and the reinvestment into the service; and shared services / out and insourcing with other LPAs	PPAs under review and require changes to Fees and Charges Planning fee increases to be brought in July 2017 Long term service planning to look at resources and skills, and ongoing discussions with other LPAs on their needs. Service will need to be sufficiently resourced to deliver these changes so commitment to reinvestment into the service is required

## 2.4 Planning and Regulatory Services - Resources

This section should detail all key capital projects (new and on-going) to be undertaken during the year – not only the financial cost, but the authorisation levels required, resources required, objectives and how progress will be monitored (although could already be included as a key corporate activity and therefore monitored corporately as detailed above).

2016/17 Projects carried forward	Capital £000	Quotation/Tender	Lead Officer	Timescale for completion	Notes	Link to Corporate Goal
Empty Homes Scheme	£32.8		Strategic Housing Manager			Protecting and shaping the District
Mandatory Disabled Facilities Grants	£440		Strategic Housing Manager	2017/18	Subject to confirmation by ECC	Protecting and shaping the District

**Other Revenue Expenditure over £50,000 in the year** – detail whether to be authorised by a Director or the Head of Paid Service, start dates for procurement and completion dates.

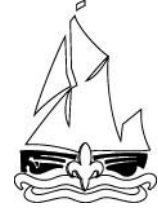
Project	Capital £000	Quotation /Tender	Lead Officer	Timescale for completion	Notes	Link to Corporate Goal

## 2.5 Planning and Regulatory Services - Corporate Risks 2017/18

Below are the corporate risks from the current Corporate Risk Register relevant to this Directorate together with the mitigating actions which are being taken forward to reduce the risk. For some risks the mitigating actions and timescales for the mitigating actions are still to be established.

Corporate Risk	Mitigating Action	Corporate Risk Owner	Timescales
<b>Failure to have an adopted LDP</b>	<ul style="list-style-type: none"> <li>Continue ongoing work in relation to Duty to Co-operate</li> <li>Provide Inspector and Secretary of State with information required to make a positive decision</li> </ul>	Director of Planning & Regulatory Services	30/09/2017 30/09/2017
<b>Failure to deliver the required infrastructure to support development arising from the LDP</b>	<ul style="list-style-type: none"> <li>Negotiate effectively with developers/relevant key partners to ensure appropriate level of infrastructure and phasing of delivery</li> <li>Identify funding mechanisms and monitor drawing down on funding in a timely manner</li> <li>Establish a mechanism for determining ownership, future management and maintenance of infrastructure e.g. green spaces/flood defences</li> <li>Improve project management</li> <li>Increase use of pre-planning agreements</li> </ul>	Director, Planning & Regulatory Services	Ongoing
<b>Being designated as an under-performing authority due to major planning applications and/or appeals performance</b>	<ul style="list-style-type: none"> <li>Identify ways of streamlining decision making process</li> <li>Recruitment of skilled staff</li> <li>Arrange specific Member Training from external specialists</li> </ul>	Director, Planning & Regulatory Services	Ongoing 30/07/2017 31/03/2018
<b>Failure to maintain a 5 year supply of Housing Land</b>	<ul style="list-style-type: none"> <li>Submission to PINs of statements for certification</li> <li>Developers submission of annual completion and trajectory statements</li> <li>Roll out of self and custom build</li> <li>Establish a programme of community led housing</li> </ul>	Director, Planning & Regulatory Services	30/09/2017 30/06/2018 Ongoing Ongoing
<b>Failure to target services and influence partners effectively to support the increasing ageing population (re housing needs)</b>	<ul style="list-style-type: none"> <li>Pilot joint events between Community Development and Housing (e.g. Winter warmer events) with a view to identifying and engaging with those in need</li> <li>Deliver a targeted project to improve information sharing with partners providing advice and support to older people</li> </ul>	Director, Customers and Community	31/03/2018 31/03/2018 31/12/2017
<b>Failure to adapt policy to meet the affordable housing need</b>	<ul style="list-style-type: none"> <li>Housing and Homelessness Strategy to be adopted</li> <li>Affordable Housing SPD to be adopted</li> <li>Identify opportunities for additional investment into affordable housing</li> </ul>	Director, Planning & Regulatory Services	30/09/2017 31/03/2018 31/12/2017
<b>Failure of the Council to influence regional partners to support/encourage economic prosperity and inward</b>	<ul style="list-style-type: none"> <li>Input into the Essex Integrated Growth Forum to ensure Maldon priorities are included</li> <li>Undertake longer term strategic planning for sub region on key projects</li> </ul>	Director, Planning & Regulatory Services	Ongoing

<b>Corporate Risk</b>	<b>Mitigating Action</b>	<b>Corporate Risk Owner</b>	<b>Timescales</b>
<b>investment to the Maldon District</b>	<ul style="list-style-type: none"> <li>• Develop robust business cases for external funding (including research and maintenance of up to date evidence)</li> <li>• Increasing awareness of SELEP/sub-regional/County strategies and scoring mechanisms</li> </ul>		
<b>Failure to have a co-ordinated approach to supporting new and existing businesses</b>	<ul style="list-style-type: none"> <li>• Establish an internal communications strategy to ensure all services are aware of the priority</li> <li>• Improve internal awareness/signposting of support available to businesses</li> </ul>	Director, Planning & Regulatory Services	30/09/2017 Ongoing
<b>Inefficient Committee structure</b>	<ul style="list-style-type: none"> <li>• Track impact of change in delegation/call in for planning applications</li> </ul>	Director, Planning & Regulatory Services	30/09/2017



## **REPORT of CHIEF EXECUTIVE**

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**to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider the publishing of a designated list of wheelchair accessible taxis and private hire vehicles, commercial vehicles available for hire.

#### **2. RECOMMENDATIONS**

It is recommended that:

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

#### **3. SUMMARY OF KEY ISSUES**

- 3.1.1 Sections 165-167 of the Equality Act 2010 came into force in April 2017. Section 167 of the Act provides the Council as a licensing authority with the power to make a list of wheelchair accessible vehicles (designated vehicles). The owner of the vehicle has a right of appeal to a magistrates' court if he or she believes that they should not be included in the list.
- 3.1.2 Once the list is published, this places duties on drivers under section 165 of the Act. Drivers of designated wheelchair accessible cars have a duty to:
- carry the passenger while in the wheelchair;
  - not make any additional charge;
  - carry the wheelchair if the passenger chooses to sit in a passenger seat;
  - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
  - give the passenger such mobility assistance as is reasonably required to:
    - enable the passenger to get into or out of the vehicle, including in the wheelchair if they wish to remain in it;
    - load the passenger's luggage into or out of the vehicle;

- load the wheelchair into or out of the vehicle if the passenger does not wish to remain in the wheelchair.
- 3.1.3 The requirements of section 165 of the Act do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. Section 166 of the Act allows the Council to exempt drivers on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties outlined in paragraph 3.1.2. Unless a driver is exempt, it is a criminal offence not to carry out these duties and the Council will follow up any complaints in relation to this. If justified and the complaint can be proven, the Council will take appropriate action.
- 3.1.4 The purpose of the legislation is to ensure that disabled people have equal access to services including public transport provision. Owners of assistance dogs are already protected by the Equality Act 2010 which makes it unlawful to charge extra or refuse to take them. The implementation of sections 165-167 of the Act will offer wheelchair users similar protection.
- 3.1.5 A document 'Access for wheelchair users to Taxis and Private Hire Vehicles: Statutory Guidance: Moving Britain Ahead' has been published by the Department for Transport. This constitutes the Secretary of State's formal guidance to licensing authorities and they must have regard to it.
- 3.1.6 The publication of a designated list ensures that wheelchair passengers, carers and friends and family are better informed about the accessibility of taxis and private hire vehicles in the Maldon district. It will also mean that they can be confident of receiving the assistance they need to travel in safety and reasonable comfort.
- 3.1.7 If the Committee agrees to creating and publishing a designated list of wheelchair accessible vehicles, the service will put in place the necessary procedures. It will also make sure that owners of wheelchair accessible vehicles and drivers are aware of these new requirements by writing directly to them.

#### **4. CONCLUSION**

- 4.1 The publication of a designated list of wheelchair accessible taxis and private hire vehicles will provide sufficient information to wheelchair passengers to make informed choices about public transport provision.
- 4.2 The duties placed on drivers of vehicles on the designated list will ensure that passengers in wheelchairs will get appropriate assistance. This will mean that they can travel in safety and reasonable comfort, giving them confidence to use this mode of public transport provision.
- 4.3 Implementation of sections 165-167 of the Equalities Act 2010 promotes equality for disabled people.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 The licensing function plays a key role in delivering the corporate goal of helping communities to be safe, active and healthy. By implementing sections 165-167 of the Equality Act 2010, the Council will be able to provide information on wheelchair accessible vehicles. The duty this then places on drivers will help ensure that passengers are able to travel safely and remain active by having access to transport provision.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – it will assist passengers in wheelchairs who wish to travel by taxi or private hire vehicle.
- (ii) **Impact on Equalities** – this promotes equality for wheelchair passengers.
- (iii) **Impact on Risk** – There may be some reputational damage by not publishing such a list and promoting equality for disabled passengers.
- (iv) **Impact on Resources (financial)** – none
- (v) **Impact on Resources (human)** – once the scheme is implemented, it will have very little impact on human resources, other than maintaining the list.
- (vi) **Impact on the Environment** – none

### Background Papers:

The Equality Act 2010

Secretary of State's statutory guidance issued by the Department for Transport.

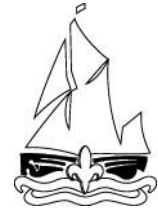
### Enquiries to:

Ian Haines, Environmental Health and Licensing Manager, (Tel: 01621 875863) or  
Gill Gibson, Environmental Health Manager - Commercial, (Tel: 01621 875813).

**EQUALITY IMPACT ASSESSMENT COMPLETED?**  
PLEASE PROVIDE DETAILS

Yes.

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## **REPORT of CHIEF EXECUTIVE**

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to  
**PLANNING AND LICENSING COMMITTEE**  
**13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 To report to the Committee the Council's successful application under Section 288 of the Town and Country Planning Act, known as a Statutory Review, to challenge the decision made at appeal by the Planning Inspector appointed by the Secretary of State, to amend the affordable housing provision as set out in a Section 106 Agreement. The site to which the challenge applied to is one of the key strategic sites identified for housing growth and shown in the proposed Local Development Plan as site 2C, on land to the south of the Morrison's Roundabout on Wycke Hill, which is to be developed by Linden Homes

#### **2. RECOMMENDATION**

That the Committee notes this report and recognises its importance of the outcome on affordable housing provision at strategic sites throughout Maldon.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 Identified as one of the key sites for growth, in a position at the gateway to Maldon, planning permission was granted in outline for residential development at this site on appeal for 120 dwellings with all matters reserved, including layout, scale, design etc. In granting planning permission a Section 106 Agreement was attached to the approval setting affordable housing provision at any detailed planning application stage to be 30% of the total as may be agreed.
- 3.2 Later a reserved matters application was submitted proposing 117 dwellings. This was considered overdevelopment and contrary to the Strategic Masterplan Framework for the area, the now endorsed design code, and refused planning permission. The submitted appeal was also dismissed.
- 3.3 The site developers then submitted an appeal under Section 106B of the Town and Country Planning Act to reduce the level of affordable housing from a figure of a lower percentage to zero should only 108 dwellings be approved on the site. In deciding the appeal and allowing the same officers of the Council considered that in making his decision the Inspector had done so unlawfully. Following the receipt of legal advice the Council submitted a Statutory Review to challenge the appeal decision. This process is almost identical to the process of issuing a Judicial Review

against a planning decision, the difference being that the end decision in this case which was challenged was made by the Planning Inspectorate acting for the Secretary of State in this specific case.

- 3.4 The Council's legal challenge, in brief, was on the basis that the Inspector applied the incorrect test, in law, when considering the issue of affordability on the grounds of viability and he was unable to qualify why both a sliding scale, and a no provision whatsoever, were both appropriate in this specific case.
- 3.5 The application was submitted to the High Court. After investigating the Council's application the Secretary to the Treasury as the "first defendant" to the claim indicated they did not wish to contest the application. In doing so it was agreed that the Planning Inspectorate's decision was unlawful, and hence the decision should be quashed.
- 3.6 The decision was communicated to the "second defendant", being the recipient of the planning application, who had to consider their position and decide whether to challenge the Review, or concede to the quashing of the permission.
- 3.7 The applicant has now agreed to the review and the planning decision will be quashed. The appeal to which the decision relates has also been withdrawn.
- 3.8 This means that the site reverts back to the original Section 106 Agreement therefore 30% of all dwellings will need to be affordable. If the applicant challenges this again any submission will be referred to an extraordinary meeting of the Council under the Council's Constitution for formal consideration.
- 3.9 The applicants also submitted a reserved matters application for 108 dwellings. This was refused at Members' request, and an appeal granted by the Planning Inspectorate in January 2017.
- 3.10 Members should note that the ability to appeal in this way (under Section 106B) has now been removed in law. This change to S106B had no bearing on this case.

#### **4. CONCLUSION**

- 4.1 This is a vitally important decision. The Council's strategic planning policy as led by the Local Development Plan (LDP) and informed by the supporting evidence base sets achievable and deliverable affordable housing targets. The appeal decision as was made would have significantly undermined this strategy potentially significantly reducing affordable dwellings on strategic sites throughout the District as significant strategic housing growth comes forward. The Council also saw the decision being interpreted as a precedent by other strategic developers to contest affordable housing contributions on their sites.
- 4.2 To retain the integrity of the LDP and the continued drive to provide identified affordable housing on strategic sites is seen as being a valuable component of the Council's Corporate Plan. Providing 30% affordable housing on this site is a key competent of this strategic goal.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 Planning Policy supports the Council's corporate goals which underpin much of the vision for the District, protecting and shaping it for future generations in accordance with the emerging Local Development Plan and the Council's published Corporate Plan. This in turn balances the future needs of the community, meeting the housing need for the District for both market and affordable dwellings and enabling, supporting, empowering the needs of a mixed community to be safe, active and healthy.

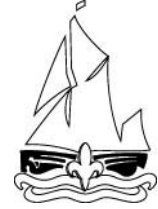
## 6. IMPLICATIONS

- (i) **Impact on Customers** – Planning applications for development within the strategic allocated sites will be determined in accordance with adopted planning policies and ensure the delivery of development with much needed affordable dwellings whilst also creating high quality development.
- (ii) **Impact on Equalities** – The provision of affordable housing as a percentage of the overall strategic housing development is a key corporate goal to provide dwelling for those in need and to create social cohesion within the new development sites.
- (iii) **Impact on Risk** – The policies in the LDP, including the threshold for affordable housing, and the specific strategic development areas are a key part of the LDP which is an integral corporate goal. Affordable housing contributions are a significant material consideration in the determination of planning applications. Any applications approved at appeal which move away from policy can be considered a precedent for future like proposals.
- (iv) **Impact on Resources (financial)** – Challenging a decision by Statutory Review involves a cost in terms of legal advice, solicitors costs to serve the documents and act as out agents, and a court fee. With the application being successful the Council are able to ask for these costs to be reimbursed. Therefore in this case the only time which occurred financial costs is officer time in putting the application together and liaising between all parties in the application.
- (v) **Impact on Resources (human)** – Reducing affordable housing contribution on strategic sites significantly reduces the amount of dwellings for those identified as being at most need.
- (vi) **Impact on the Environment** – The provision of affordable housing will create balanced inclusive communities' and sustainable development.

Background Papers: The decision.

Enquiries to: Mark Woodger, Principal Planner (Strategic Sites). (Tel: 01621 875851).

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## **REPORT of CHIEF EXECUTIVE**

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**to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017**

### **WOODHAM WALTER VILLAGE DESIGN STATEMENT**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To seek the Committee's endorsement of the final Village Design Statement (VDS) for Woodham Walter to be used as a material consideration on planning decisions.

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The Woodham Walter VDS was presented to the Committee at its meeting on 2 March 2017 when it was decided to authorise the Interim Head of Planning Services to agree modifications in consultation with the Chairman of the Committee, the Leader of the Council and the Ward Members. Subject to that, it was agreed that the modified VDS be brought back to this Committee for endorsement.
- 3.2 Modifications had been agreed and applied to the document, and the modified VDS is attached at **APPENDIX 1** to this report.
- 3.3 The Committee is reminded that the VDS has been developed by the Woodham Walter Village Design Statement Committee and in consultation with the local community and the Local Planning Authority. The objectives of the document are listed below:
- Provide a record of local uniqueness by describing the qualities and character of the village
  - To identify the principle aspects of the natural and built environment to be respected and protected from the impact of inappropriate development.
  - To provide design guidance to householders, designers and developers so that change is managed and development is in harmony with its rural setting.
  - To achieve a higher standard of design to enhance the local environment.
  - To increase the involvement and influence of the local community in the planning process.

- To work with neighbouring authorities, partners and stakeholders to ensure cross boundary co-ordination and future planning.

3.4 These objectives are supported by an analysis of the village’s evolution and the built environment. Within these chapters there is detailed guidance on features such as environment and landscape, building styles and heritage assets, threats to the village and the accompanying conservation area, materials and also design treatment of aspects such as roofs, garages and street furniture. The document likewise analyses different areas of the settlement to provide assessments which will provide a basis for guiding decisions.

3.5 Each section of the document references back to relevant policies within the emerging Local Development Plan. Blue boxes with yellow lettering highlight the relevant policy from the emerging Local Plan. Text with a yellow background relates to planning policy context, whereas a green background provides general guidance based on feedback from local residents. Any text with a blue background outlines the objectives hoped to be achieved.

## 4. CONCLUSION

4.1 The Woodham Walter Village Design Statement Committee has produced a Village Design Statement for Woodham Walter. A request has been received for the VDS to be endorsed by the Council and made available on the Council’s website. The VDS is in general compliance with the District’s Replacement Local Plan and the emerging LDP policies. Modifications of a minor nature have been made and the document is now available for endorsement by the Council.

## 5. IMPACT ON CORPORATE GOALS

5.1 The endorsement of the Woodham Walter VDS will support the following corporate goals:

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District.

## 6. IMPLICATIONS

(i) **Impact on Customers** – Endorsement of the Woodham Walter VDS will help to provide material planning guidance for the village of Woodham Walter.

(ii) **Impact on Equalities** – None identified.

(iii) **Impact on Risk** – The content of the Woodham Walter VDS has been reviewed to ensure that there are no significant contradictions with local planning policies for the District. There is likely to be an increased demand for Officers to work with the Parish and Town Councils in the District in the future to implement community-led plans and neighbourhood planning.

- (iv) **Impact on Resources (financial)** – Maldon District Council Officers have provided assistance and guidance towards the development of the Woodham Walter VDS. There is likely to be an increased demand for Officers to work with the Parish and Town Councils in the District in the future to implement community- led plans and neighbourhood planning.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – The endorsement of the Woodham Walter VDS will support the future environmental sustainability within Woodham Walter, and will help retain the local character of the village.

Background Papers: None.

Enquiries to: Simon Rowberry (Tel: 01621 875756).

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# The Woodham Walter

## Village Design Statement 2017

# Contents and Foreword

## Contents

### Foreword

	<i>Page</i>
<b>1 Introduction</b>	1
<b>2 Evolution</b>	
<i>Geology, Topography and Boundaries</i>	2
<i>Settlement Growth</i>	3
<i>Landscape Characteristics</i>	4
<i>Areas of Defined Settlement</i>	5
<i>Area Settlement Characteristics and Views</i>	6
<i>Building Styles</i>	18
<i>Heritage Assets</i>	21
<i>Conservation Area</i>	23
<i>Article 4 Direction</i>	24
<b>3 The Built Environment</b>	
<i>Background</i>	25
<i>Settlement Pattern</i>	26
<i>Design Relationships</i>	27
<i>Materials</i>	31
<i>Alterations and Extensions</i>	32
<i>Roofs</i>	34
<i>Boundaries</i>	36
<i>Garages</i>	37
<i>Roads</i>	38
<i>Lighting</i>	39
<i>Street Furniture</i>	40
<i>Landscape Design</i>	41
<i>Open Space, Leisure and Tourism</i>	42
<i>Footpaths</i>	43
<b>4 Bibliography</b>	
<i>Acknowledgements</i>	44

## Foreword

Following the introduction of neighbourhood planning by Central Government, in the spring of 2013, the Woodham Walter Parish Council set up a residents Working Party to prepare this Village Design Statement (VDS) as part of the community led planning initiative. The VDS is wholly informed by, and fully embodies, villagers' views gained from a comprehensive questionnaire circulated to every household in the Parish in May 2014.

The Parish Council would firstly like to thank the Village for producing such a positive response rate (in excess of 75%) and for the great interest shown in the numerous follow-up public consultations and secondly, the VDS Working Party for their extensive work in preparing this document.

The document provides guidance to householders, designers and developers on design acceptable to the community. It will help to protect important or historic buildings, open spaces and local character and assist the Parish Council and District Council in determining planning applications in line with community views.

In situations where planning permission may not be required (such as where permitted development rights apply or windows are replaced), it is hoped that residents will in any case adopt the design standards set out in this document.

Joanna Symons  
Chairman of the Parish Council.

# Introduction 1

## The Woodham Walter Village Design Statement

The Woodham Walter Village Statement endeavours to offer a detailed description of the existing character and main features of design in the Village, together with guidelines for how these should be respected in any development. The aim is to deter inappropriate development throughout the entire Parish, not just the central core.

This VDS is **not** intended to be prescriptive in any way and should be used as a tool to promote well designed alterations, extensions and new builds that respect local style and character. It provides advice on a comprehensive range of design elements including roof and wall finishes, windows and external doors (and their replacement), boundary treatment and external lighting. The document should be read in conjunction with the Maldon District Council Design Guide. It is intended to be read on-line although can be printed as hard-copy.

### Key to Using this VDS Document

#### Colour Coding.

To assist understanding, and for ease of reference throughout this document background colour coded boxes at the side of each page have been used to indicate the following:

**Objectives**

**Planning Policy**

**Preferred Options**  
(Based on Parish Questionnaire Responses)

**District Council Planning Policy References e.g. S1**

#### Sketches

The sketches included in **Section 3, 'The Built Environment'**, are intended to solely illustrate the text and are not expressing a bias for any particular architectural style or building element.

### Objectives

#### Purpose

- 1.01 *Provide a record of local uniqueness by describing the qualities and character of the Village.*
- 1.02 *To identify the principle aspects of the natural and built environment to be respected and protected from the impact of inappropriate development.*
- 1.03 *To provide design guidance to householders, designers and developers so that change is managed and development is in harmony with its rural setting.*
- 1.04 *To achieve a higher standard of design to enhance the local environment.*
- 1.05 *To increase the involvement and influence of the local community in the planning process.*
- 1.06 *To work with neighbouring authorities, partners and stakeholders to ensure cross boundary co-ordination and future planning.*

## 2 Evolution - Geology, Topography and Landscape.



From Church Hill Towards Little Baddow Road



From Church Hill Towards the Wilderness



Footpath 13 Towards the Village

### Geology, Topography and Boundaries.

The village sits on sand and gravel glacial outwash over London Clay, producing an undulating topography of hills and valleys rising gently southwards, away from the River Chelmer which forms the majority of its northern boundary and gently westwards, as height builds towards the Danbury Ridge. The Little Baddow – Danbury Ridge forms the western Parish boundary and the watershed between the Woodham Walter and Woodham Mortimer brooks the southern. The eastern boundary is not marked by any physical feature but is more than likely the edges of strips of common fields.

### Landscape Character.

For reference the landscape map can be found at page 4. The main village settlement is located in the centre of the Parish and sits in the basin of a stream that rises in Woodham Walter Common. The landscape around it is characterised by the ancient woodlands of Woodham Walter Common (79.7ha), a *Site of Special Scientific Importance* (SSSI), and The Wilderness and several smaller woods, a leftover from the densely wooded topography that once dominated the area and probably gave rise to the name Woodham Walter or 'Wudeham', a settlement in the wood. There are rolling arable fields enclosed by native species hedgerows dotted with oak and ash, with open skies and long views and to the north the more intimate scenery of the river meadows. Roads and lanes are winding, rising and falling gently with the landscape and are likewise enclosed. A network of footpaths criss-cross the woodlands and arable fields.

### Views.

Woodham Walter is a village with many fine views. From various locations there are views northwards across the Chelmer flood plain to Boreham, Ulting, Hatfield Peverel, Langford, Wickham Bishops and Great Totham and from Gunhill in particular, eastwards over village centre rooftops to The Wilderness and beyond. From Old London Road there is a distant view over Witham to Silver End and beyond and from St Michaels there is magnificent view of The Bell and The Street nestling in the basin of the stream which rises in Woodham Walter Common. Trees and tall hedgerows dominate almost every view to the extent that buildings are frequently wholly or partly hidden. The opportunities for a fine view are endless!

## Evolution - Settlement Growth 2

### Settlement Growth.

Like many other villages the development of Woodham Walter appears to have followed the track layout with settlements appearing at junctions and other principle points. The principle routes were east-west following the river and making their way towards Maldon. Where these tracks were bisected by a north-south route, settlements sprang up. Factor in a good water supply and employment and the settlement soon grows. The settlement growth can be traced by various maps.

The sale of the Woodham Walter estate by 1745 meant that the area became divided into smaller farms giving rise to an urgent need for accommodation. It is during this period that there was an increase in building not only in the Village centre but also in the outlying settlements.

The Chapman and Andre Map of 1777 indicates that a village had become established in the valley of the stream rising in Woodham Walter Common, with a cluster of buildings from The Bell to the stream fronting what is now The Street, the historic route to the River Chelmer. Scattered around the Village core are a number of small settlements (Spring Elms, Little London, West Bowers, Curlingtye Green) and a number of dispersed farmsteads.

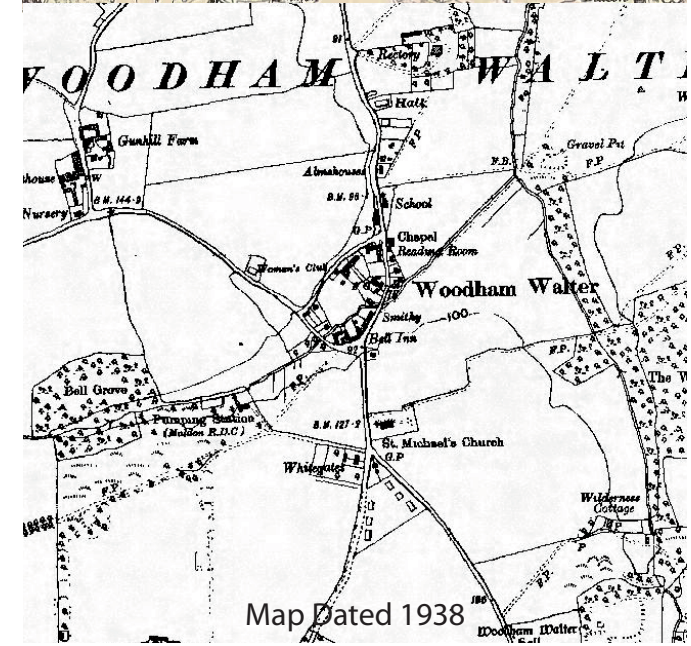
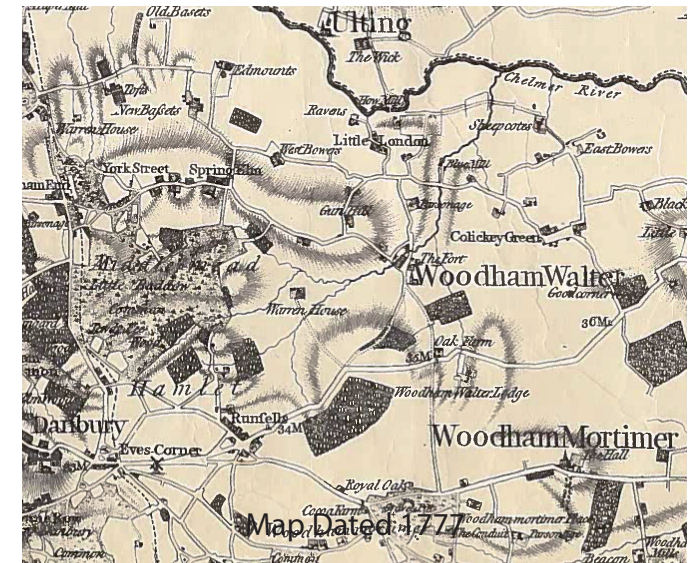
By 1875 a proper Village centre had developed with a Post Office, National School (1873), baker, butcher, beer shop (now the Queen Victoria PH), smithy and wheelwright and a Congregational Chapel (1881).

Growth slowed towards the end of the century, but in the early C20th the Women's Club (1906), almshouses (1908) and Reading Rooms were added. Two Arts and Crafts houses were built - The Warren House and Whitegates. Others in a similar style soon followed - Crossways and two lodge houses at The Warren. In 1926 tenants moved into the first Council houses in the Village (Church Corner).

Additional Council Houses were built after WWII in Rectory Road and later some bungalows in Top Road. Mead Pastures was built, followed by Spar Hawks, Brook Close and three large houses in the grounds of Mead House, the former Rectory (1814). Most recently a number of houses away from the Village centre have been extended or completely re-built (Jasmine House, Grove Manor, 1 West Bowers Bungalows now Longwood).

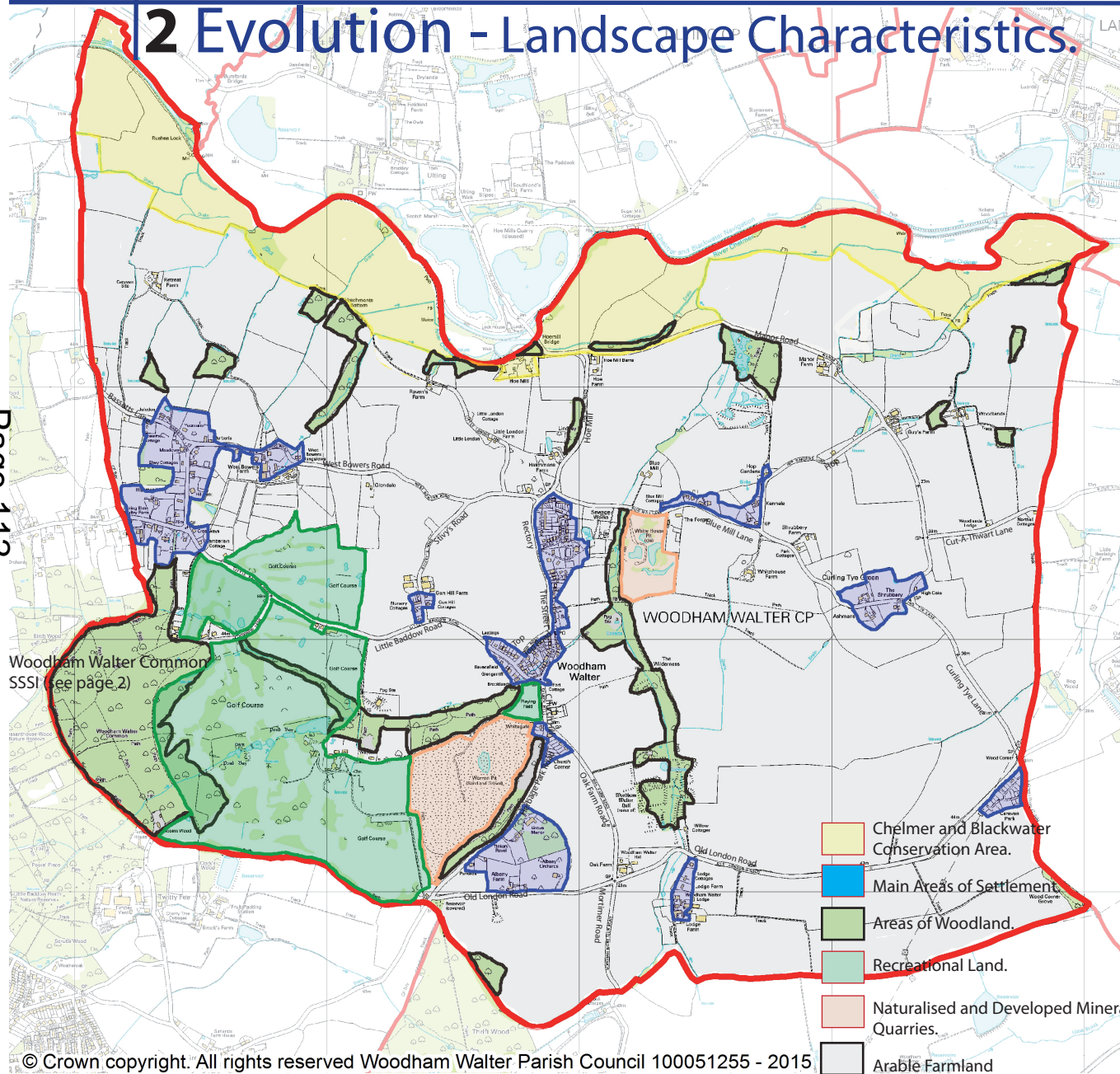
In the 1990's a 20 pitch Traveller Site was constructed and in the early part of C21st work commenced on building holiday lodges and a small leisure centre at The Warren.

At the last census (2011) the Village had a population of 532 people living in 256 dwellings. Of these, 109 dwellings are located in Village centre as defined overleaf and the remainder are dispersed throughout the Parish, either singly or in groups of up to 30 dwellings, each with their special character.



# 2 Evolution - Landscape Characteristics.

Page 112



Natural England has divided the country into National Character Areas for each of which there is a profile. These profiles tend to follow natural lines and are areas that share similar landscapes.

Woodham Walter lies within the Northern Thames Basin, which is rich in geo-diversity, archaeology and history stretching north-eastwards to Suffolk, westwards to Hertfordshire and south-wards to the River Thames. It includes the Essex wooded hills and ridges amongst which is the Danbury Ridge, encompassing Woodham Walter Common, and the gentle drop along the length of the River Chelmer that flows through the north of the Parish. There are several main areas of settlement and the remaining land is either historic woodland, recreational use or farmland interspersed with isolated settlement and small groups of dwellings.

The Parish has an agricultural tradition offering a varied land use pattern that includes arable and pasture land. There has been a significant decline in apple and pear orchards together with livestock in recent years leaving arable farming to become predominant. Since WWII the historic fields have become significantly enlarged to accommodate modern farming methods.

The canalised River Chelmer runs west to east along the northern boundary towards Maldon and the North Sea in a flat valley with large slopes rising from the arable grassland to the wooded ridges to the south and the more central settlements of the Village. The River valley is a conservation area throughout its length and there are long views across the valley from the higher ground. The diverse range of landscape provides a natural habitat for a wide range of species including deer, newts, water voles and dormice.

The influence of the growing conurbations of Chelmsford and Maldon has given rise to extreme pressure on land for housing and on the road infrastructure changes to which would in the main result in the loss of important arable land.

# Evolution - Defined Areas of Settlement 2

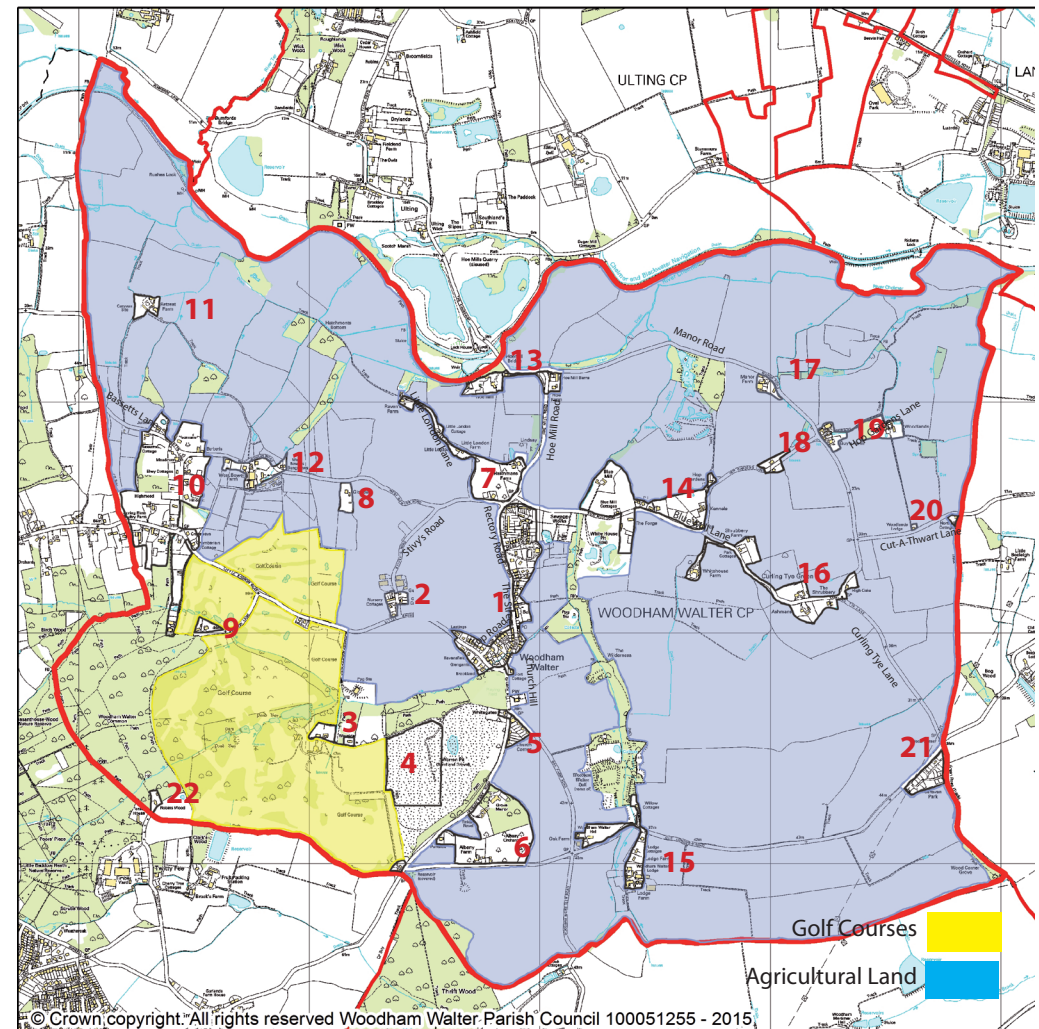
## Areas of Defined Settlement

Woodham Walter as a village is referred to in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Characterisation Assessment document as being an Arcadian settlement. It is a typical English Village with outlying groups of settlement; it is distinguished from a Hamlet by the fact that it has its own church and a centre. Being a dispersed rural settlement with a central core, it is categorised as 'Rural in a sparse setting' in DEFRA's Rural-Urban Classification for Output Areas in England. This is amply illustrated in the adjacent map showing the distribution of defined settlement areas set in amongst extended agricultural land use within the parish boundary. In the main this settlement is based around the junctions of roads or isolated such as Retreat Farm and Robin's Wood.

The Woodham Walter landscape epitomises all that is best in the Eastern Region of England. The scenery varies from open farmland to historic woods and includes a canalised river and two well laid out golf courses. Long views across open farmland interspersed by small wooded areas are characteristic of the area and can be experienced from all parts of the Village. The open farmland is criss-crossed by a significant number of footpaths shown on page 42 and two protected lanes shown on page 20.

The extent of the two golf courses and the old Warren Pit area can be readily determined on the map and both areas were originally farmland with the Warren being laid out as a golf course following the purchase of the house by Henry Thompson in 1904

Most of the areas of defined settlement contain listed Buildings together with a number of buildings that are of historic or architectural interest although not Listed. In the central area these have been incorporated into the new Conservation Area and are shown on page 23.



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Defined Areas of Settlement			
1 Central Village Area	7 Little London	13 Hoe Mill	19 Guys' Farm
2 Gun Hill	8 Glendale	14 Blue Mill	20 Cut-A-Thwart Lane
3 Warren House	9 Common Lane	15 Lodge Farm	21 Wood Corner
4 Holiday Lodges	10 Spring Elms	16 Curling Tye Lane	22 Robin's Wood
5 Church Corner	11 Retreat Farm	17 Manor Farm	
6 Grove Manor	12 West Bowers	18 Hop Garden Lane	

## 2 Evolution - Area Settlement Characteristics.



The Bell and Wingtons from Bell Meadow



Top Road



Rectory Road towards the Village Centre

### Central Village Area (1)

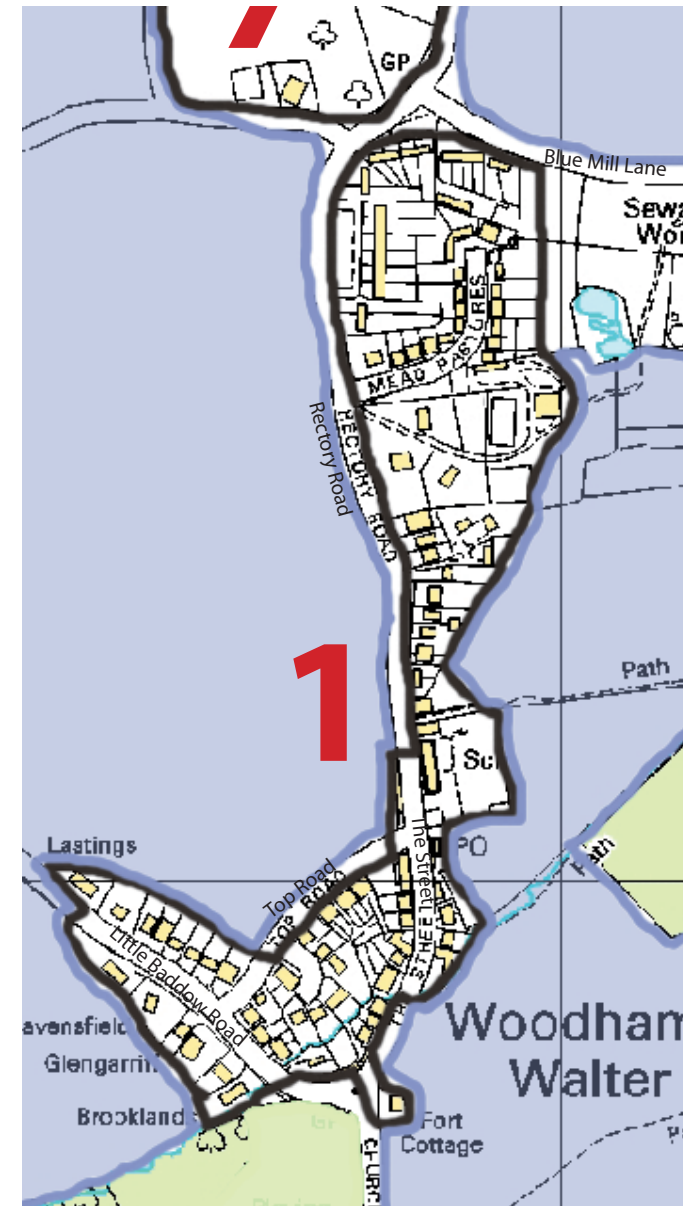
From St Michael's, Church Hill drops into the basin of a stream nestling in the historic centre of the village. 'Wingtons' and the gable end of Bannister Cottage (both late C18th) sit behind a triangular greensward and Little Baddow Road branches south westwards, past The Bell (early C16th), crosses the stream and rises out of the village between single and 2-storey generally rendered detached houses with concrete tiled roofs set back from the road behind greenswards, grassy banks, indigenous hedges, trees and gardens.

Church Hill becomes The Street at Bannister Cottage, a row of houses initially on one side with an arable field opposite. It crosses the stream at a slight bend, now with housing on both sides as it rises to culminate at the Congregational Chapel (1881), and opposite, The Queen Victoria public house (c1820). Houses are detached C19th and C20th, brick or rendered, some with gable ends fronting the road.

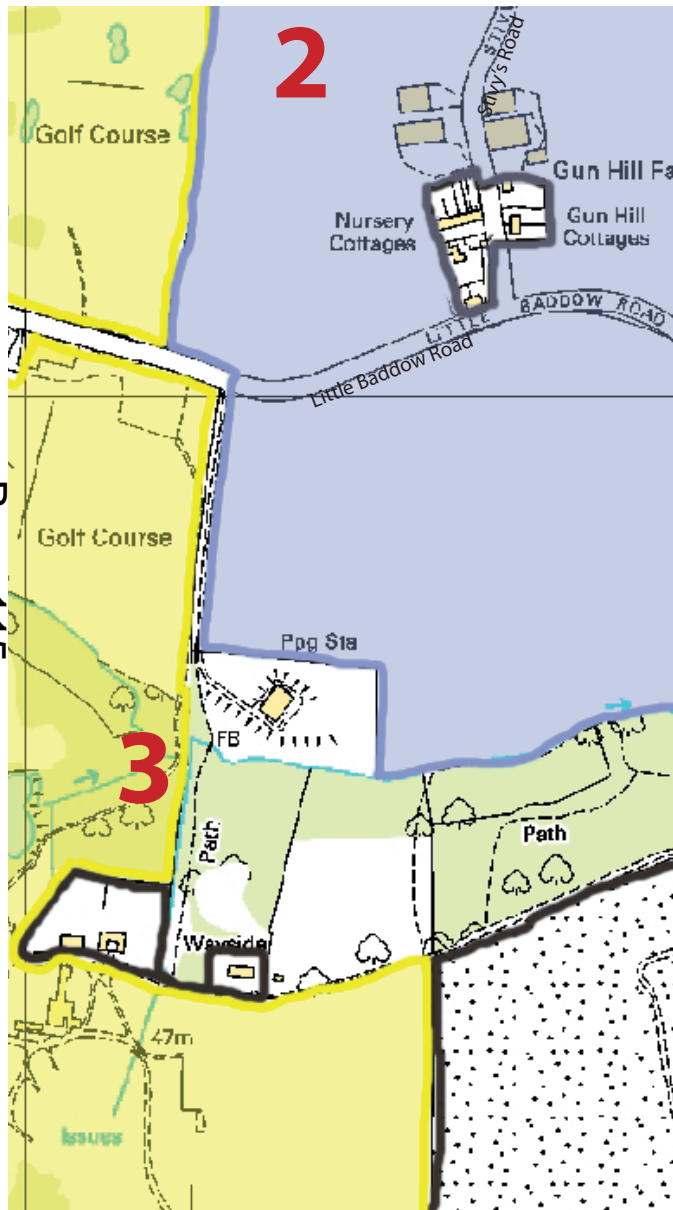
At the pub Top Road branches south westwards, forming a triangle with The Street and Little Baddow Road. Generally C20th single and 2-storey housing and the Women's Club (1906) sit inside the triangle, with a grass bank and rising arable land opposite. There is a fine view of this part of the village from St Michaels, with rooftops and gable ends rising and falling with the change in elevation either side of the stream.

Beyond the pub The Street becomes Rectory Road with the School (1873), Almshouses (c1908), Village Hall (1928) and mostly C20th houses on it's east side behind a narrow pavement, hedges, overhanging trees and small front gardens.

There is a mix of materials throughout the Village Centre. Walls are mostly rendered or brickwork, with some weatherboard, roofs mostly pantiles, interlocking concrete or plain tiles with some slate and windows predominantly casements, with some sash windows.



## Evolution - Area Settlement Characteristics. 2



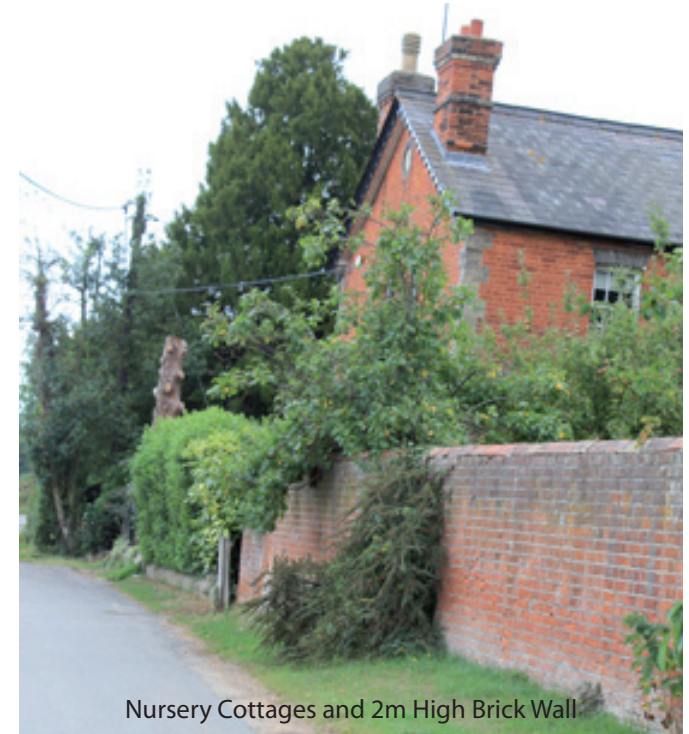
Page 115

### Gunhill (2)

In an elevated arable landscape clustered around the Listed Stivvys Road is a collection of twelve predominantly C19th, 2-storey slate or plain tile roofed red brick or rendered houses with timber sash windows. Set in well-cultivated gardens with native hedges, greenswards and a prominent 2m high brick wall adjacent to a terrace of five houses, originally part of a C19th nursery and hothouse. Mid C20th farm buildings bound the settlement to the north and by Little Baddow Road to the south with open views to the north over the Chelmer Valley, to the east overlooking the village centre and southwards overlooking woodland.

### Warren House (3)

At the top of Herbage Road between two early C20th lodge houses is a narrow horse chestnut lined road winding gently downhill through the undulating golf course to the Warren Golf Club. At the bottom, opposite the Grade 2 C18th weatherboard clubhouse, overlooking gardens and fairways are 'The Warren House', a part C17th Arts and Crafts fronted house and an early C20th outbuilding. Nearby, along a tree lined track is 'Wayside', also Arts and Crafts. All three properties are parge plastered with plain tile roofs and timber casement windows and are backed by dense woodland.



Nursery Cottages and 2m High Brick Wall



Stivvys Road looking North

## 2 Evolution - Area Settlement Characteristics.



Warren Pit

### Warren Pit Lodges (4)

Returning half way back up the Golf Club access road is a small made up track running steeply downhill to Warren Pit. Enclosed by high hedgerows dotted with trees, this was previously used for gravel extraction, but is now the site for 36 single storey cedar clad lodges and an associated leisure centre and offices.



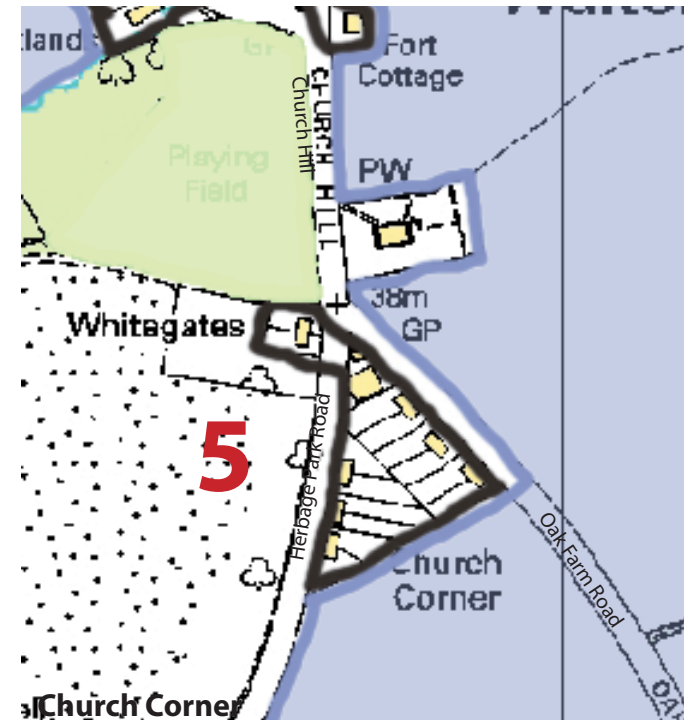
Warren Lodges



Church Corner, Oak Farm Road to the Left

### Church Corner (5)

Formed at the point where Oak Farm Road and Herbage Park Road converge, Church Corner sits on rising ground adjacent to the Grade II\* Elizabethan St Michaels Church, occupying a triangular site fronted by the rendered C19th Church Cottage. In Oak Farm Road are three pairs of mid C20th slate roofed, rendered semi-detached houses with casement windows which are mirrored in Herbage Park Road, which also has a rendered bungalow of the same period. Facing the gable end of Church Cottage is the plain tile roofed, parget rendered Arts and Crafts Whitegates (originally two cottages).



Church Corner



Church Hill towards the Church

Indigenous hedgerows form most boundaries and views west, and east down to The Wilderness, are constrained by the density and height of hedgerows and trees.

## Evolution - Area Settlement Characteristics. 2



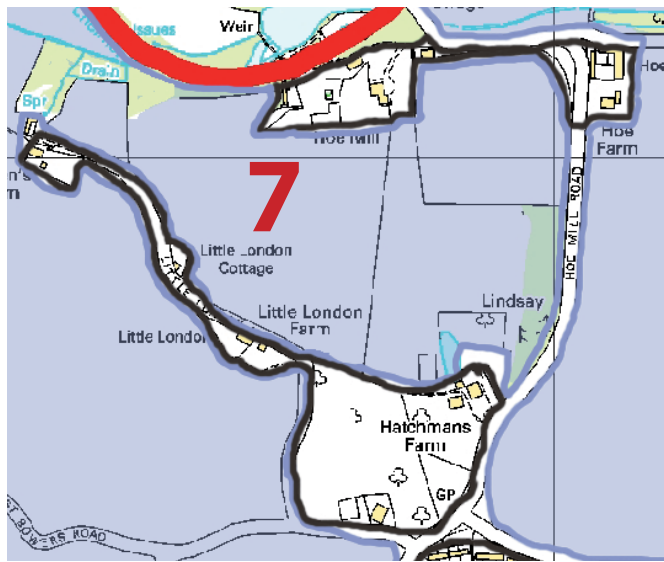
### Herbage Park Road; Old London Road (6).

Overhung with large branches, Herbage Park Road climbs steadily away from the village centre and in a small area of woodland are a mock C18th brick manor house set back from the road behind large iron gates and nearby a mid-C20th rendered and tile hung house. Further along is a mid-C20th bungalow and then at its highest point (60m), the junction with Old London Road. This is level at first, past 'Albany Farm' sitting behind a tall hedge opposite arable fields, but then starts to drop, passing a substantial early C20th mock Tudor house brick with a long sweeping lawn down to Oak Farm Road. Plain tiles and casement windows predominate.

### Little London (7).

As West Bowers Road rises gently away from the northern tip of the village centre it passes, behind a high hedge, the mid-C20th plain tiled, rendered and casement windowed Orchard House and enters a cutting in which sits the entrance to Little London Lane. This runs north for 100m, with arable land on one side and a tall hedgerow and poplar trees on the other, behind which sits the C19th Hatchmans Farm, slate roofed and rendered, with casement windows.

The Lane swings westwards, with wooded views towards Hoe Mill and open views southwards. It passes a C19th rendered house with a long brick outbuilding and then the early 19th C Little London House and C17th Little London Cottage. All are plastered with plain tile roofs and timber sash windows.. The lane and boundaries are enclosed by indigenous hedgerow. Beyond this the Lane becomes an unmade track leading down to the tree lined river, passing the Grade 2 'Ravens', a C 15th/16th plastered hall house with plain tiles and casement windows enclosed by hedges. There are sweeping views down across the arable flood plain.



## 2 Evolution - Area Settlement Characteristics.



Across the Chelmer Valley from West Bowers



Glendale towards Little Baddow Road



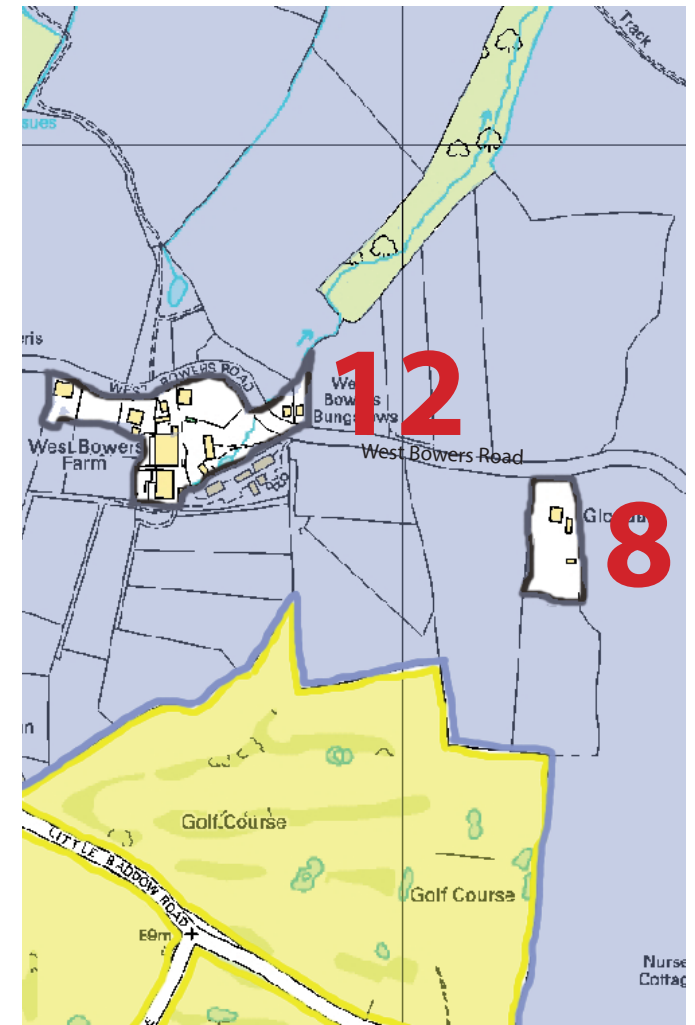
West Bowers Road Entrance to West Bowers Hall

### Glendale and West Bowers Road. (8 and 12).

The single track West Bowers Road winds in a generally westerly direction from Rectory Road running parallel to, and some way above the Chelmer flood plain and rises gently to its junction with Bassets Lane.

Behind hedgerows dotted with oak and ash the landscape pattern is generally one of pasture south of the road and enclosed arable fields to the north sweeping down to the river. There are long views across the river valley.

'Glendale', an early C20th red brick slate roofed bungalow with casement windows and a prominent slate mansard roofed outbuilding, sits alone halfway along the road and further along are a cluster of five houses of varying styles. Behind a high dense hedge is a 1920's bungalow with painted brickwork walls next to a new larch clad 2-storey house with plain tile roof and casement windows. Opposite, and set back from the road, behind a long brick wall and just visible through the trees sits the imposing Grade II\* West Bowers Hall with its exposed oak frame, white plasterwork, peg tile roofs and leaded casement windows. Next, 'The Barn', a rendered C19th farmhouse only thatched house in the village and then an early C21st red brick, weatherboarded and rendered house with a plain tile roof.



## Evolution - Area Settlement Characteristics. 2

### Little Baddow Road, Spring Elms Spring Elms Lane (Part 10), Common Lane (9) and Robins Wood (22) (22)

Little Baddow Road and Spring Elms Lane to Little Baddow. Includes Areas 9 (Common Lane) and 22 (Robins Wood), also part of Area 10.

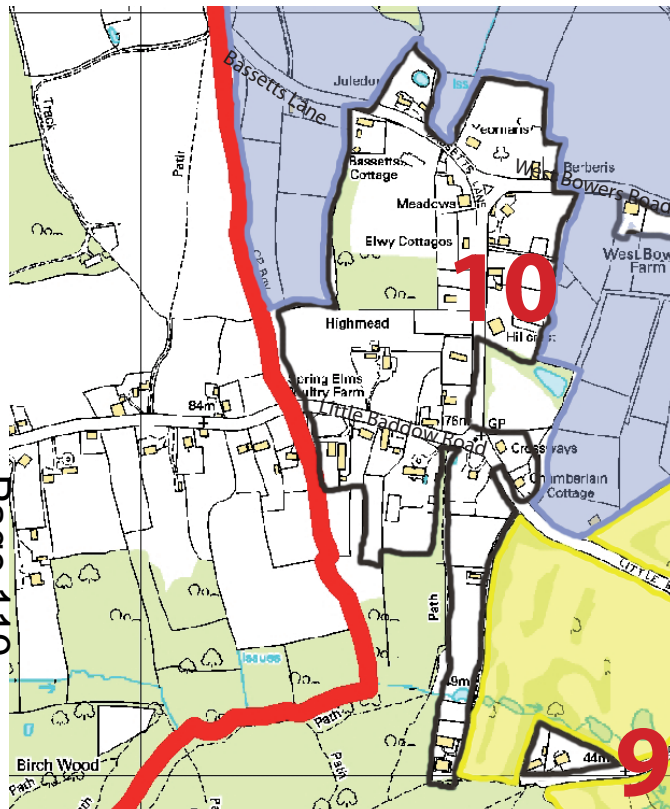
At first Little Baddow Road rises steeply westwards away from the village centre and then more gently with hedgerows and arable fields on both sides. It passes through a section lined by tall overhanging trees reaching Bunsay Downs Golf Club, a rolled concrete and plain tiled single and 2-storey mostly rendered building and beyond, a 2-storey plain tiled, weatherboard house with timber sash windows and a mid-C20th brick semi-detached house. The golf course runs along both sides of the road barely visible through tall hedgerows dotted with trees.

Common Lane dissects the golf course, drops into dense woodland, crosses a stream and then rises with two large detached houses at the end, both plain tiled, rendered, with casement windows, one early C20th, the other late C20th.

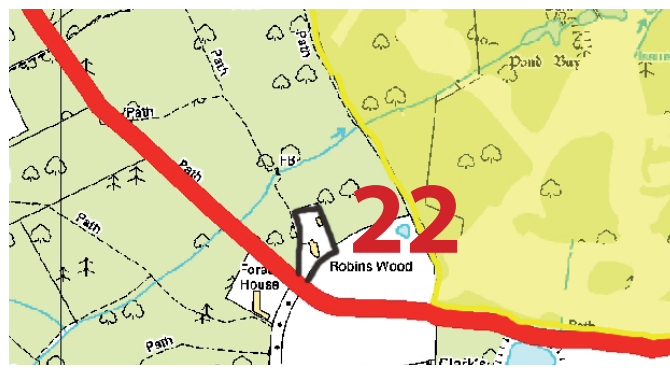
At the end of the golf course, a pair of iron gates announces a small lane leading to a large unfinished house surrounded by woodland. South of this, and accessed from a small lane in Twitty Fee, is Wood, a large plain tiled mid-C20th rendered house with casement windows on a sloping site immersed in woodland.

At the top end of Little Baddow Road behind hedgerows there are two houses. 'Chamberlain Cottage, late C19th slate roofed, red brick and weatherboard, and the plain tiled, parge plastered Arts and Crafts 'Crossways'. Both have timber casement windows.

On reaching the highest point in the village (76m), with Bassetts Lane to the north, the road runs into Spring Elms Lane on which there are eight predominantly 2-storey rendered houses all C20th with casement windows plain or pantiles, often behind high hedgerows.



Page 119



Common Lane Looking South to Historic Woodland



Spring Elms Lane - the Highest Point in the Village

## 2 Evolution - Area Settlement Characteristics.



Bassetts Lane Triangle



Bassetts Lane Southwards up to Spring Elms



Bassetts Lane towards Bassetts

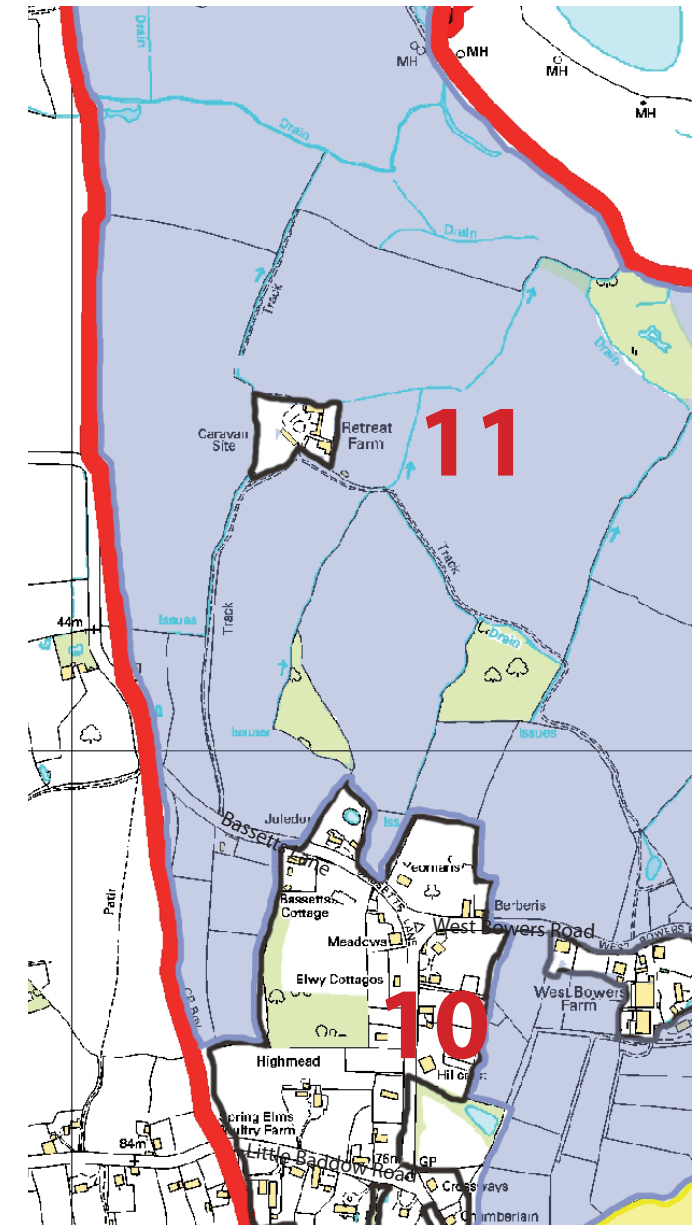
### Bassetts Lane (10).

This area covers fourteen 2-storey detached houses in Bassetts Lane and a plain tiled, rendered bungalow and 2-storey bungalow conversion (under construction) at the top end of West Bowers Road which it meets, forming a triangle of land on which sit thirteen trees, mostly large oaks. West of the triangle Bassetts Lane is flat, but to the south it rises steadily to the highest point in the village where it meets Spring Elms Lane. Thick oak branches overhang much of this section.

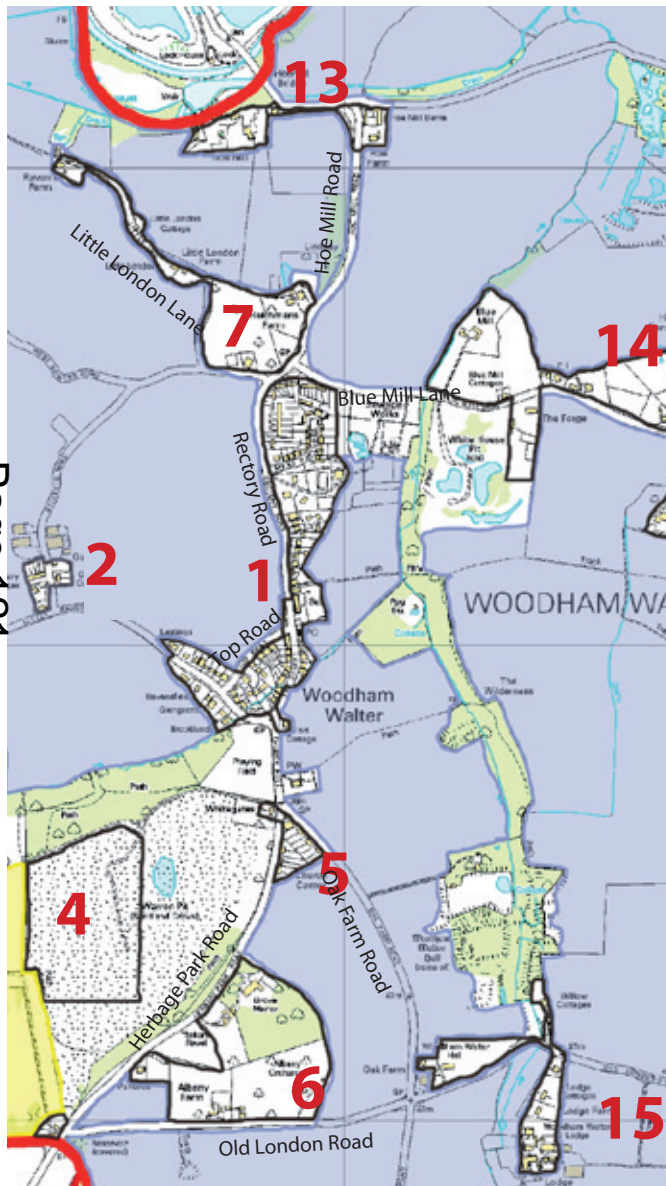
With the exception of the plain tiled, rendered C18th 'Elwy Cottages' (now a single property), and a weatherboard barn conversion, all of the houses in Bassetts Lane are early to mid-C20th, predominantly rendered with slate or plain tile roofs and casement windows. Behind mixed hedgerows, greenswards and ditches there are large mature gardens with large deciduous trees, fruit trees and specimen evergreens. Views are generally constrained by the density of planting, but there are occasional views northwards.

### Bassetts and Retreat Farm (11).

The westerly end of Bassetts Lane drops gently towards the Parish boundary and Little Baddow. Hedgerows on both sides of this narrow winding road are dense, but do afford occasional long views northwards across the river valley. A narrow track leads northwards away from the lane and at the end sits the Grade II Retreat Farm, early C15th, with C16th and C19th additions. Further along the lane, 'Bassetts,' Grade II C17th, sits behind a high late C20th brick wall, with fine views south and north across the river valley. Both houses are rendered with plain tile roofs and casement windows.



## Evolution - Area Settlement Characteristics. 2



### Hoe Mill. Area 13.

With hedgerows and arable fields on both sides, Hoe Mill Road falls gently towards the northern boundary of the Parish. As it approaches the River Chelmer oak and ash trees dot the sparse hedgerows and there is pasture on the now visible flood plain.

At a sharp bend in the road, marked by an ancient oak is the sash windowed, slate roofed, rendered Hoe Mill Farm (1832), now a private house and next to it recently renovated plain and pantile weatherboard barns. An early C20th rendered, slate roofed bungalow and another large oak sit above the next sharp bend and as the road nears the bridge, there are very tall redwood cedars to one side. Adjacent to the bungalow is a pair of tall iron gates leading to the elegant Grade II mid-C19th Hoe Mill House, (gault brick, slate roofs and sash windows), barely visible through the hedgerow and trees.



Hoe Mill Road



Hoe Mill Farm from Manor Road

## 2 Evolution - Area Settlement Characteristics.



Blue Mill Lane entrance to Blue Mill



Blue Mill Lane from Curling Tye Green

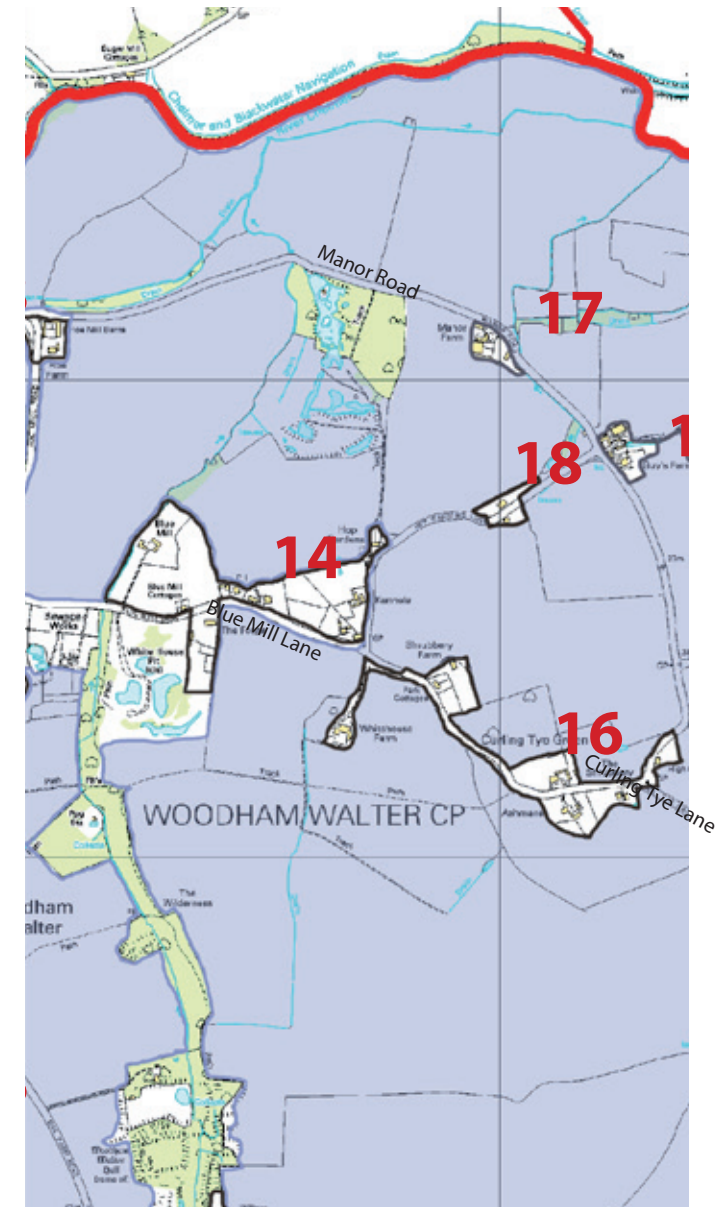
### Blue Mill Lane (14) and Curling Tye Lane (16).

Winding eastwards away from the village centre, Blue Mill Lane falls gently before crossing a stream, rising and then levelling out as it runs into Curling Tye Lane. With arable fields and high hedgerows interspersed with oak and ash on both sides of these narrow lanes there are only occasional restricted views north to the river.

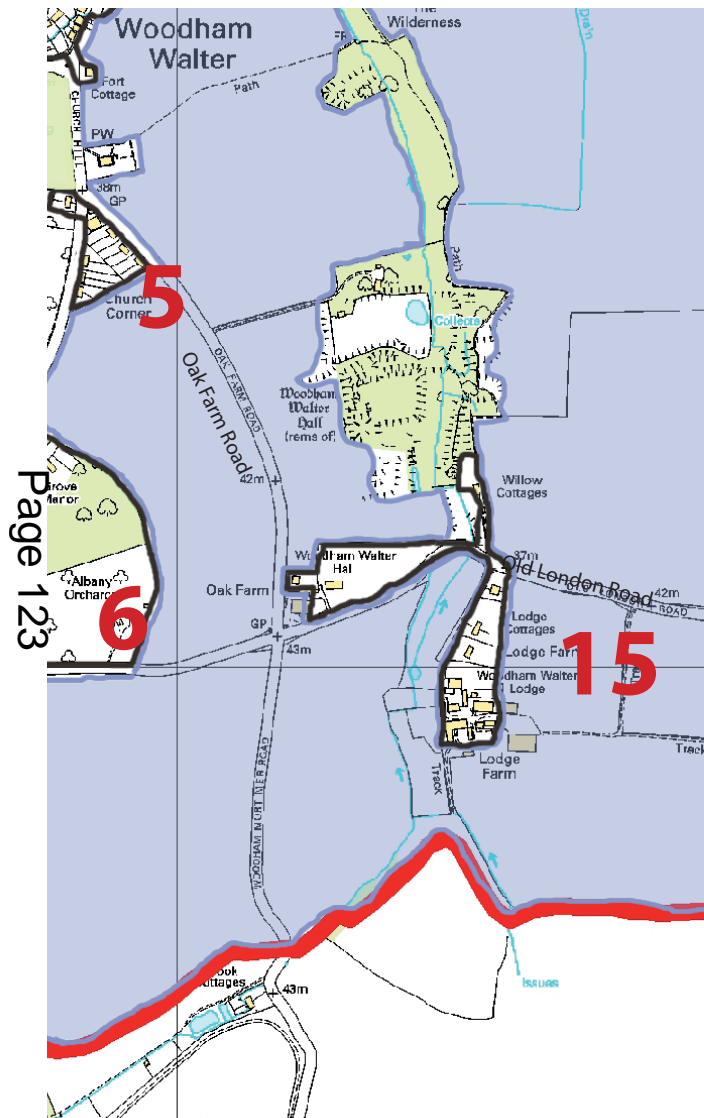
The two lanes accommodate twenty houses and the settlement pattern is one of small clusters with individual houses between.

Opposite an area of woodland up an unmade track next to the stream sits the brick and weatherboard Grade II Blue Mill. Close by on the lane are an early C20th brick semi, a large mid C20th brick house behind a high trimmed hedge, 'The Cats' public house, a late C18th brick and weatherboard 'double cottage' and next to it a C19th rendered cottage and another large rendered house. Plain tiles predominate and apart from Blue Mill that has part sash windows, timber casement windows are in wide use.

Further along, near the junction with Hop Gardens Lane are two pairs of semi-detached houses, both C20th one early, one mid Century; off the lane the Listed and converted Whitehouse Farm and further along Shrublands Farm and another house. Curling Tye Lane now starts to rise gently and in 200m at Curling Tye Green is a final cluster of four houses, three of which are Grade II, together with a number of Listed weatherboard barns with pantile roofs. Plain tiles, render and both sash and casement windows predominate. All sit behind high hedgerows, trimmed hedges, narrow greenswards and ditches.



## Evolution - Area Settlement Characteristics. 2



Page 123

### Lodge Farm (15).

Oak Farm Road runs southwards from the village centre. There are hedgerows on both sides dotted with oaks through which are views across arable fields eastwards to the wooded 'Wilderness' (in which sit the Ancient Monument remains of Old Woodham Walter Hall), westwards to two large houses set in woodland and occasionally, distant views northwards across village centre rooftops to Wickham Bishops. As it approaches Old London Road, it passes a red brick/tile hung mid-C20th house enclosed by high indigenous hedges and then a cluster of redundant C19th outbuildings, some overgrown with ivy.

Moving eastwards along the gently falling Old London Road, there is a barn and close to the road a plain tiled, weatherboard house, both mid-C20th, followed by the Grade II C17th plain tiled brick and plastered 'new' Woodham Walter Hall. At a bend in the road there is a tall hedgerow on one side and a low metal rail on the other overlooking a strip of water meadow with large willows.

Unmade tracks now run north and south. The former to a natural slate, red brick semi-detached house backed by woodland and rising arable land in the front. The track running south has a bitty hedgerow on one side beyond which sits the low lying water meadow and on the other, two pairs of semi-detached houses and a detached house, all mid-C20th red brick, with hipped roofs, the first slate, the others plain tiles. Casement windows predominate. Beyond, the mid-C18th red brick, plain tiled with slate dormers and sash windows, Lodge Farm sit slightly elevated behind low iron railings next to a number of C18th-C20th outbuildings. There is a fine view across an ancient fishpond, the water meadow and rising arable fields. The track ends, running into a footpath, with views south across fields and woodland.



Old London Road looking East



Track and Footpath 16 looking North from Oak Farm Road



Lodge Farm Road from Oak Farm Road

## 2 Evolution - Area Settlement Characteristics.

Page 124



West towards Manor Farm



Across to the Village from Manor Road

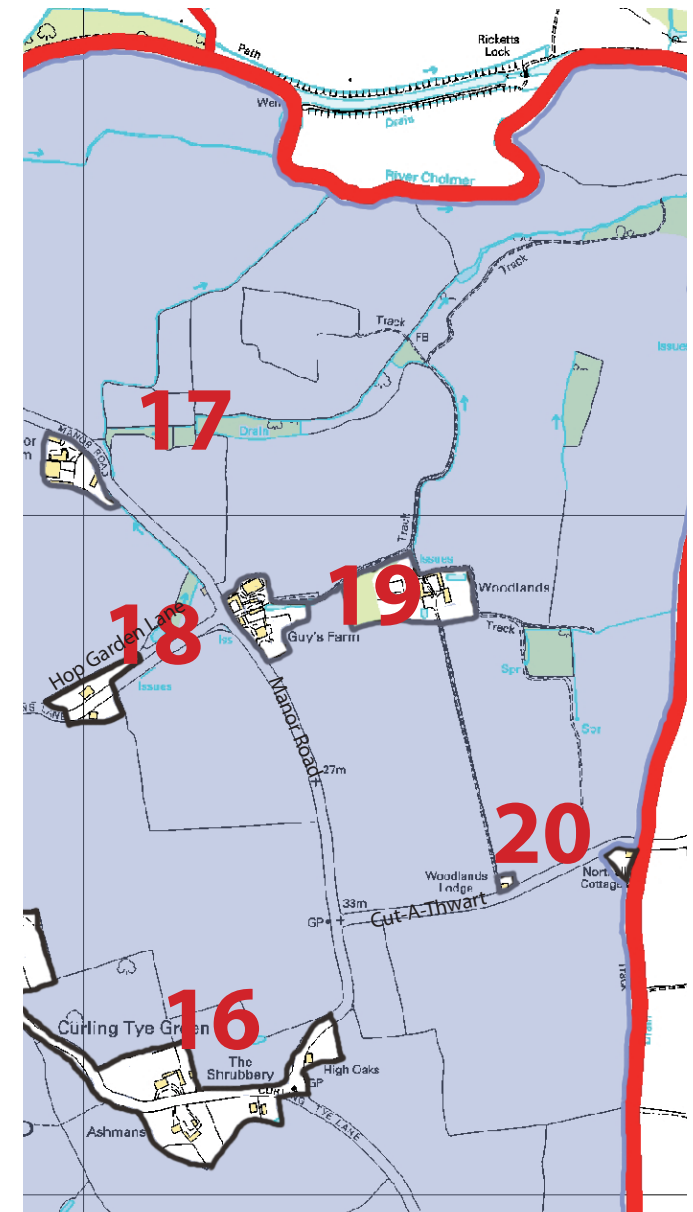


Guy's Farm

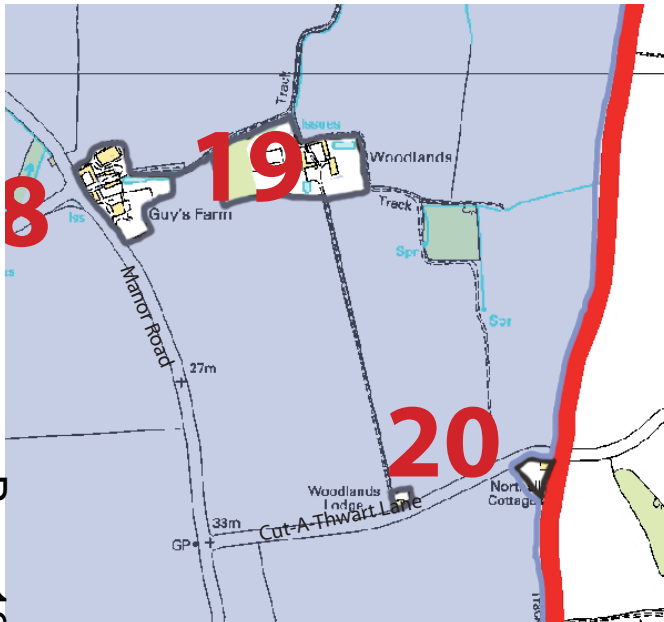
### Manor Farm (17), Hop Garden Lane and Guys Farm (18).

Manor Road runs eastwards through open arable field interspersed with high hedgerows and woodland and parallel to, and just above the Chelmer flood plain. At the early C19th rendered, slate roofed Manor Farm together, with its C19th and C20th outbuildings, a number of tall trees line both sides of the road, which now moves progressively southwards. It passes a single storey weatherboard lodge house, Hop Gardens Lane and then opposite, the early C19th Grade II Guys Farm, a 2-storey with attics rendered building with plain tiled roofs and a prominent gambrel slate roof surrounded by C19th outbuildings, hedgerows and pasture and arable fields. Timber sash windows predominate.

From Guys Farm, Hop Gardens Lane winds westwards through woodland, hedgerows and arable fields, passing two mid-C20th houses, both with plain tiled roofs and casement windows, one rendered, the other red brick. Further along, the C19th semi-detached plain tiled and rendered 'Hop Gardens', with sash windows one side, casement the other. Here the lane turns southwards, with tall hedgerows covered with hops and passing another rendered property before meeting Blue Mill Lane.



## Evolution - Area Settlement Characteristics. 2



### Cut-a-Thwart Lane (19 and 20).

The secluded Cut-a-Thwart Lane runs eastwards from Manor Road, with patchy hedgerows on both sides, affording occasional views down to the tree lined river and beyond. There are two houses in this very narrow lane. 'Woodlands Lodge', a 2-storey slate roofed rendered house notable for the two Doric columns on its front facade, which sits at the top of the track to the main house, and on the Parish boundary 'Northall Cottages', a C19th two storey red brick house with a plain tiled roof and dormers and casement windows.

The open track to the main house runs northwards for 400m, before reaching 'Woodlands', a substantial 2-storey rendered Grade II C18th house with plain tile roofs and large shuttered sash windows, surrounded by gardens, woodland and enclosed fields.

### Wood Corner (21).

This 1990's constructed 20 pitch Traveller Site, enclosed by tall hedgerows and surrounded by arable fields is located on Old London Road at its junction with Curling Tye Lane on the eastern boundary of the Parish. The entrance to the site is very well kept with mown greenswathe.



Towards Woodlands Lodge from Guy's Farm Road



Traveller Site Entrance

Wood Corner, Old London Road



## 2 Evolution - Building Styles



### Plaster/ Render.

From the C16th–C21st there has been a proliferation of plastered /rendered buildings generally painted white or pastel. Early examples are in lime plaster (Retreat Farm c1580, Wingtons c1690, Elwy Cottages c1770), whilst later buildings such as The Spindle, Jasmine House, Ambleside and Ashputtle (all late C20th /early C21st) are in cement based render. Early exposed timber framed buildings (Ravens c1580, The Bell c1600, West Bowers Hall C16th) have lime plaster infill panels. Recently render has been used as a first floor band above facing brickwork (Hawkins Farm Cottages c1960, Watenlath 1985, Somerset early C21st), occasionally for over/under window panels (Dobbins c1970)) and as a gable end spandrel (Dabblers c1960's). Early C20th Arts and Crafts houses (The Warren House, Crossways) have parge plaster. A few houses have pebbledash (The Maples 1906, Church Corner c1950's).

### Brickwork.

St Michaels (1564) has Tudor red facing brickwork, but for domestic buildings Lodge Farm (1757) appears to be the earliest example, although it was not in general use (chimney stacks and plinths apart) until C19th. Early examples are generally red facings (Gunhill Farmhouse 1815, Nursery Cottages 1874), but gaults have been used at Mead House (c1814) and Hoe Mill House (c1845). Contrasting brick arches, bands and quions were used occasionally from mid C19th (Nursery Cottages, Lynton House c1905). From mid C20th brick colours in addition to red have been in common use: light orange multis and dapple lights in Mead Pastures, orange multis in Brook Close and yellow multis at Poldhu and Robins Hill (all c1970). All houses have one or more chimney stacks. Generally of brick, with round, often roll topped chimney pots, they form a strong visual element: Northall Cottages, The Warren House.

### Timber Weatherboard.

Used from the late C18th, mostly horizontal and generally painted white/cream: Blue Mill c1729, Apple Cottage, Congregational Chapel 1881, Womens Club 1906, Stockwells mid C20th. High Oaks Cottage mid C20th has recently been re-clad in cream boarding. Numerous agricultural buildings (Curling Tye) and a few houses have black boarding: (Black Cottage C17th) and Beightons (c1970) where it is vertical. Horizontal natural larch is used at the Longwood (2015).

### Other wall finishes.

Since mid C20th tile hanging (Parsonage Pightle c1960, Brookside c1970) and shiplap (1, Sparhawks c1960) have been used mostly in small areas such as dormers or part elevations. Berberis (2016) has an elevation in Cedral cladding.

## Evolution - Building Styles 2

### Windows.

Windows form a strong visual element. In older buildings, where storey heights are low, openings have vertical subdivisions and are small and squarish (Elwy Cottages, Black Cottages), or occasionally horizontal (West Bowers Hall).

Vertical sash windows of various pattern, often with a pronounced vertical emphasis were first used at Retreat Farm (late C18th) and from early C19th (Gunhill Farmhouse 1815) - early C20th (Lynton House 1905, The Maples 1906), they were the predominant window type. Fine examples are provided by Woodlands early C19th, Manor Farm c1830 and Hoe Mill House mid C19th.

Casement windows with vertical subdivisions, often with top opening fanlights have predominated since early C20th. ,although in the 1960's there was a shift to larger more horizontal openings (Atlantis, Hawkins Farm Cottages). Late C20th and C21st houses generally have casements. Leaded windows (Ravens C15th, The Warren House 1906, Summerfield early C21st) and bay windows (West Bowers Hall C16th, Hatchmans 1873, Wallingford mid C20th) appear on houses of all ages. The Almshouses (1908) have Gothic lancet windows. Plastic replacement windows have been used occasionally.

### Decorative elements.

A number of houses have decorative embellishments. Tuscan columns and pilasters (Hoe Mill House), Ionic columns (Woodlands Lodge), decorative gable end terracotta tiles (Lynton House), brick dentils and gauged brick arches (Blue Mill), terracotta egg and dart lintels (Nursery Villas), blank 'windows' (Gunhill Farmhouse, Manor Farm), external shutters (Woodlands, The Warren House). There is occasional use of relief decoration to rendering (Tudor Rose c1970). Decorative porticos are a feature of numerous houses of all ages (Blue Mill, 3-18 Mead Pastures).

### Roofs.

Most buildings have conventional pitched roofs. Plain clay peg tiles on roofs with a pitch of 40-55deg. were in general use up until C19th (Bassetts c1665, Elwy Cottages c1770). Welsh slate on pitches down to 25 deg. appeared in the C19th at Mead House c1814, Manor Farm c1830 and Hoe Mill Farm c1840, Nursery Villas 1899, Glendale c1925 and a number of other buildings.

Numerous buildings have hipped roofs (Blue Mill c1729, Manor Farm) and Guys Farm (C17th/ C18th ) and Ravensfield (mid C20th) have gambrels. There is a catslide roof at Gunhill Farmhouse (1815). Most early outbuildings have clay pantile roofs (various at Curling Tye, North Hall Cottages, Nursery Cottages). The Barn (C18th) has the only thatched roof in the Village.



Sash Window and Pentice Board

Decorative Feature Tiles



Lancet Windows

Blank Windows



Ionic Columns

Black Boarding and Pantile Roof

## 2 Evolution - Building Styles



### Roofs continued.

In the late C19th machine made red/brown plain clay tiles were available and used at The Warren House (c1906), the Almshouses (1908), the Village Hall (1928), 1-6, Church Corner (c1950's), Yeomans (c 1990), Somerset and Jasmine (both early C21st), Berberis (2016).

Machine made interlocking tiles, either cambered, (The Maples 1906, Church Corner c1950's, Gunhill Cottages c1960) or flat (Cartref, Valley, c1970's), have been used on numerous houses. Roman profile/pantiles are common: 1-20 Rectory Road (c1950), Brook Close (c1970), Summerfield (early C21st). Flat roofs have appeared infrequently, generally on dormers or domestic garages.

### Dormers.

Dormers have been used since the C16th and are pitched or hipped in tiles or slate to match main roofs or flat in lead. At Retreat Farm they are pitched in plain tiles, at Blackberry Cottage plain tiled catslide, at Ashmans, plain tiled hipped, at Hoe Mill House slate, at The Warren House flat in lead and in a number of houses late C20th flat in roofing felt.

### Porches.

A feature on some houses either fully enclosed, (Milestone Barn late C20th) or open sided, (Ambleside) and generally with a pitched or lean-to plain tiled roof. The Almshouses (closed) and Hoe Mill House (open with flat roof) provide fine examples.

### Boundary Treatments.

With the exception of farmsteads and one or two large houses, buildings are orientated towards the road or lane with hedges, trees, greenswards and sometimes ditches, running along front boundaries. White painted picket fences (Lynton House), low iron railings (Nursery Cottages), and tall brick walls and high metal gates (Grove Manor) are in occasional use. Most houses have vehicular access on the front boundary and there are a few examples of open plan front gardens (Mead Pastures, Brook Close).



# Evolution - Heritage Assets 2

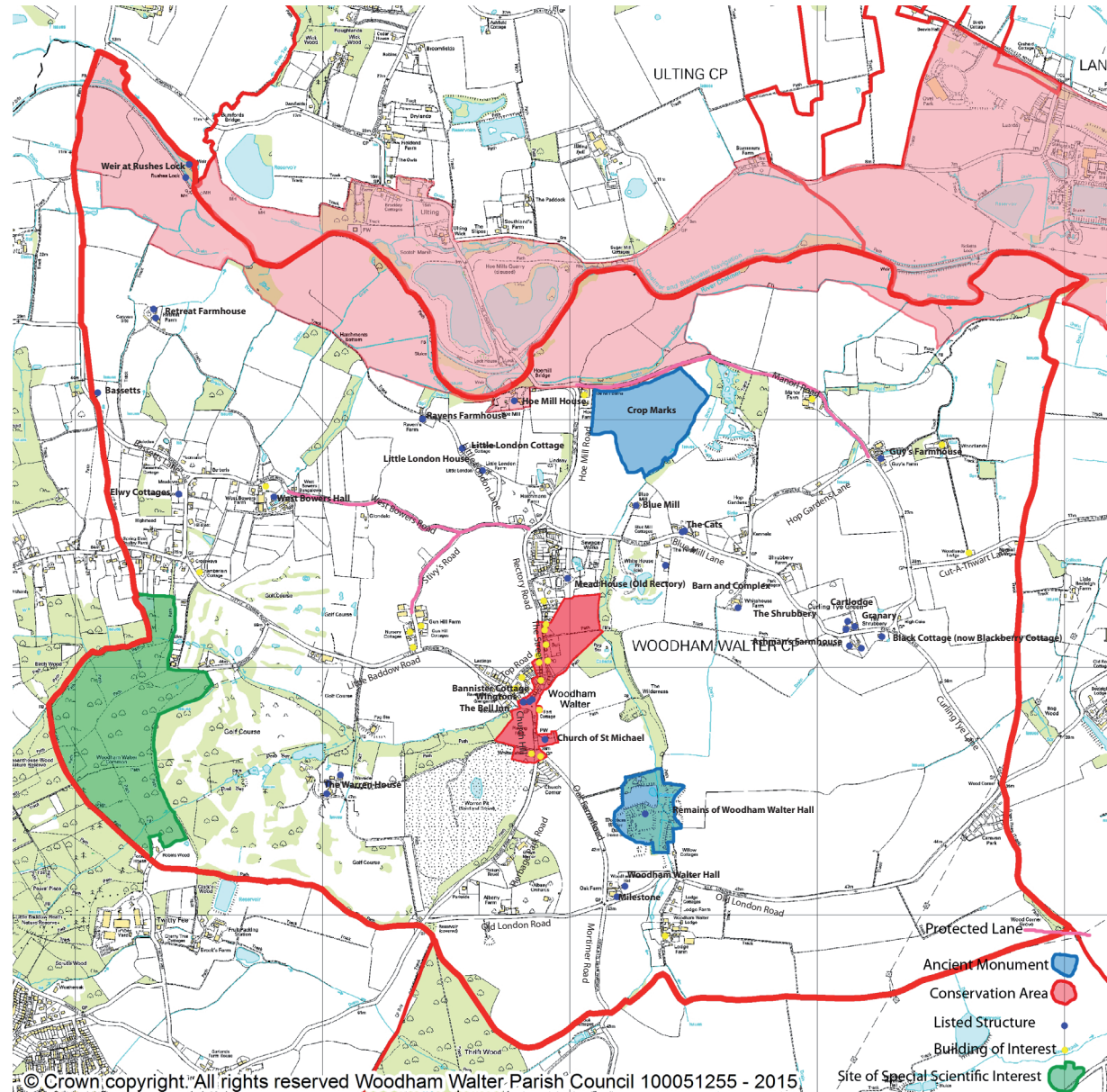
## Listed Buildings D3

Illustrated on adjacent map

- Ashman's Farmhouse and Barn** Grade II; Curling Tye Lane
- Bannister Cottage** Grade II; 2 The Street.
- Barn and complex** Grade II; Whitehouse Farm Curling Tye Lane.
- Bassetts** Grade II; Tofts Chase.
- Black Cottage** (now Blackberry Cottage) Grade II; Curling Tye Lane.
- Blue Mill and Mill House** Grade II; Blue Mill Lane
- Cartlodge** Grade II; Curling Tye Lane.
- Church of St Michael** Grade II\*; Church Hill
- Elwy Cottages** Grade II; Bassetts Lane.
- Granary** Grade II; Curling Tye Lane.
- Guy's Farmhouse** Grade II; Manor Road.
- Hoe Mill House** Grade II; The Causeway.
- Little London Cottage** Grade II; Little London Lane.
- Little London House** Grade II; Little London Lane.
- Mead House** (Old Rectory) Grade II ; Woodham Walter.
- Milestone** Grade II; Old London Road
- Pump** Grade II; Blue Mill Lane.
- Ravens Farmhouse** Grade II; Little London Lane.
- Retreat Farmhouse** Grade II; Woodham Walter.
- Ruins of Old Woodham Walter Hall** Grade II; Old London Road.
- Rushes Lock and Lock Gates** Grade II; Bumfords Lane.
- The Bell Inn** Grade II; Little Baddow Road.
- The Cats** Grade II Blue Mill Lane
- The Shrubbery** Grade II; Curling Tye Lane.
- The Warren House** Grade II; The Warren
- Weir at Rushes Lock** Grade II; Bumfords Lane, Ulting.
- West Bowers Hall** Grade II\*; W Bowers Road.
- Wingtons** Grade II; 2 The Street.
- Woodham Walter Hall** Grade II; Old London Road.

## Ancient Monuments D3

- Remains of Woodham Walter Hall**
- Crop Marks East of Hoe Mill**



## 2 Evolution - Heritage Assets

### Guidance

#### Heritage Assets

2.01 *Wherever possible, heritage assets should be saved rather than demolished and replaced, retaining as much historic fabric as possible.*

**D3**

2.02 *Encompassing a building's significance, preserve or enhance the special character, setting and townscape in a manner appropriate to a heritage asset.*

**D3**

2.03 *New buildings and building extensions should respect the scale, form, and design of heritage asset buildings in the vicinity.*

**D1**

**D3**

2.04 *Development within the Conservation Area should contribute by having a character and appearance serving to enhance and preserve the area.*

**D1**

**D3**

### Conservation and Heritage Assets **D1 D3**

The Parish has the great fortune to have some twenty-nine Listed Buildings and two Ancient Monuments. Of the Listed Buildings, two are listed as Grade II\*, West Bowers Hall and the Church of St Michael the Archangel. The two Ancient Monuments are the remains of Woodham Walter Hall and the crop marks east of Hoe Mill. The full list of buildings together with their locations can be found on page 20. In addition to these there are a number of other buildings that are of architectural or historic interest to the Village that are to be put forward for inclusion on the District Council's Local List.

Building Listing helps in acknowledging and understanding shared history. Listing marks and celebrates a building's special architectural and historic interest, and its setting. There are several categories of Listing that are broadly: Grade I buildings are of exceptional interest, sometimes considered to be internationally important; only 2.5% of listed buildings are Grade I. Grade II\* buildings are particularly important buildings of more than special interest; just 5.5% of listed buildings are Grade II\*. Grade II buildings are nationally important and of special interest; 92% of all listed buildings are in this class. In England there are over 374,000 listed building entries on the register.

Part of the Village core has been designated a Conservation Area the details of which can be found on pages 23 and 24. A Conservation Area is one that is of special architectural interest that has a character or appearance which has merit in being preserved and enhanced.

It is not just the buildings that are significant but also their settings and the 'added value' that they bring to the character of the area. Therefore the landscape has as much importance as the townscape.



St Michael the Archangel,  
Listed Grade II\*



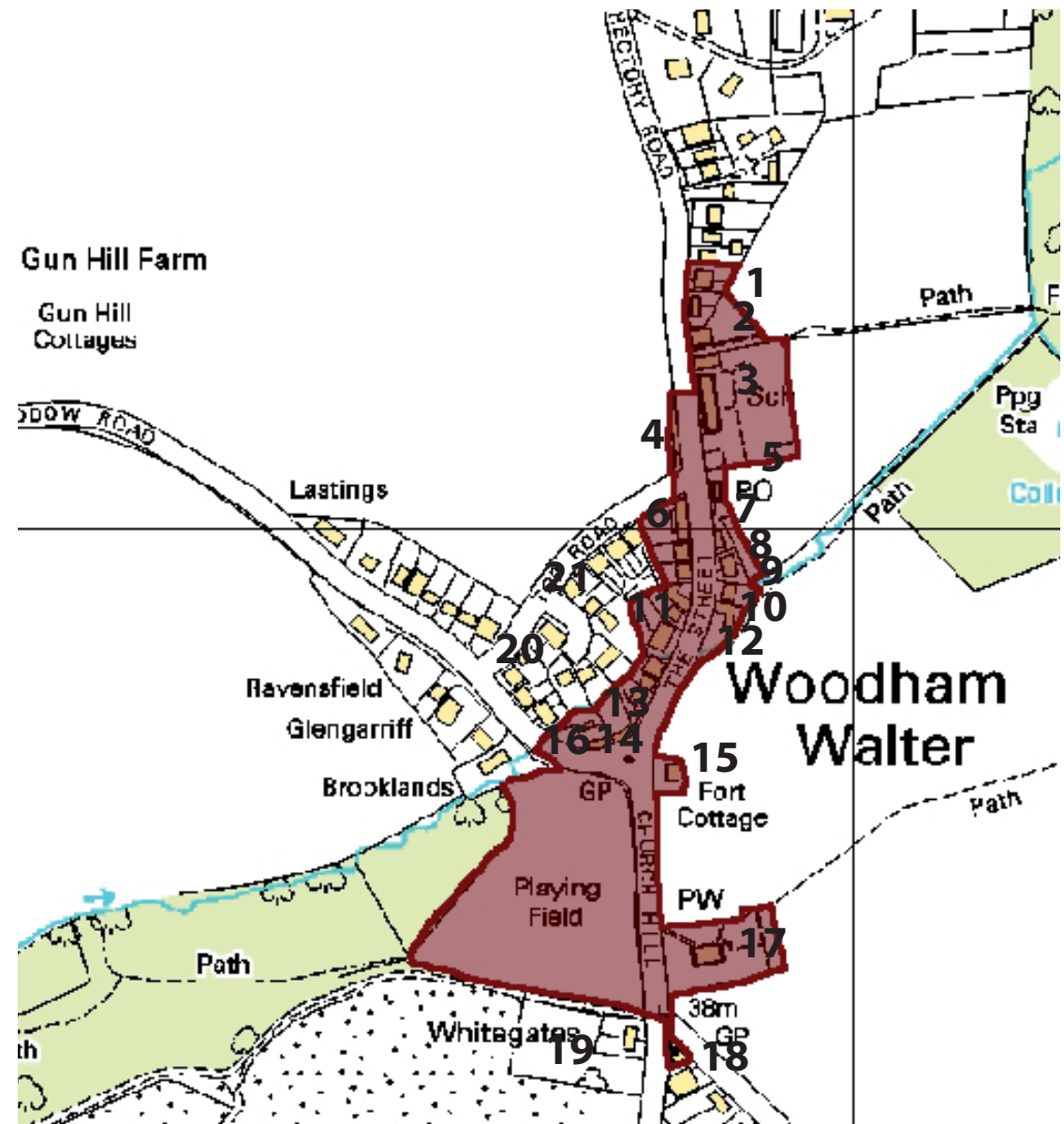
West Bowers Hall,  
Listed Grade II\*

## Evolution - Conservation Area 2

### Properties of Interest

*Clockwise from the north*

- 1 The Maples 1 and 2, (Old Village Dairy).
- 2 Robert Falkener Almshouses 1 and 2 C20.
- 3 Original section of the School C19.
- 4 Ash Cottage (The Village Undertaker's House).
- 5 Chapel Stores C19, (Formerly a Non-Conformist Chapel).
- 6 The Queen Victoria C19, (Formerly a Cottage and Beer House).
- 7 Severn House C17, (Farm Labourers' Cottages now one house).
- 8 Red Brick Cottages C19.
- 9 Wendover Cottage.
- 10 Lynton House (Old Village Bakery).
- 11 Ferndale.
- 12 Bannister Cottage C18, Grade II, (Formerly the Village Poorhouse).
- 13 Wingtons C17, Grade II. (Old Village Shop).
- 14 Fort Cottage C17, (Farm Labourer's Cottage).
- 15 The Bell C16.
- 16 St Michael's Church C16, Grade II\*.
- 17 Church Corner.
- 18 Whitegates C20, (Arts and Crafts Style House).
- 19 White Lodge C19, (Farm Labourer's Cottage).
- 20 The Womens' Club C20, (Former Garden 'Room').



## 2 Evolution - Conservation Area Article 4 Direction

The designation of the centre of Woodham Walter as a Conservation Area is an important decision made by the Maldon District Council and is supported by the Parish Council.

This designation is a major step towards retaining, through design, the character of the Village for future generations by giving the District Council extra power to manage certain types of development and demolition. It gives the Council the ability to carry out urgent repairs on vacant, unlisted buildings that have fallen into disrepair, recovering the costs from the owner. It also affords protection to all trees within the area boundary and gives greater control over advertisements and shop signs although the latter is academic. The Conservation Area Order also includes Article 4 Directions that impose additional restrictions.

Elsewhere in this document reference has been made to Permitted Development with respect to certain works that would normally require the grant of planning permission. Such works, that are of a scale or type not likely to have an unacceptable impact, can fall under the terms of the General Permitted Development Order (GPDO) which sets out the classes of development for which a grant of planning permission is automatically given. The District Council under Article 4(1) of the GPDO have applied Article 4 Directions that limit the scope of these permitted development rights and are used to control works that could potentially threaten the character of an area such as the Conservation Area. They also help to increase the public protection of designated and non-designated heritage assets and their settings. In consequence where Article 4 Directions apply, a grant of planning permission is required to carry out works.

In Woodham Walter the Article 4 Directions include:

- Alteration of the front elevation of a dwellinghouse affecting doors or windows including the formation of new openings.
- The alteration of front roof slopes including the replacement of the existing roof coverings with a different material, insertion of dormer or other windows or the installation of a micro-generation unit.
- Painting over unpainted brickwork of any part of a dwellinghouse fronting the highway.
- Alterations to or the removal of a chimney on a house or building associated with the house.

For such works a planning application must be made.



Views of the Conservation Area

# The Built Environment - Background 3

## Presumption **S1 S7 D3**

The Village Design Statement (VDS) is a tool to ensure that any new development in Woodham Walter respects and reflects the distinctive visual character of the village and its environs and fulfills the criteria and policies of the Local Authority included in the Local Development Plan. The VDS does not detail what type of development should take place in the Parish nor the state of local services, but strives to promote good design in accord with the character assessment of each area of defined settlements.

The VDS is primarily concerned with the visual character of a village and how it might be protected or enhanced. It is an important evidence based document that has been wholly driven by the response from the community to the VDS Questionnaire. Results of the Questionnaire can be found on the Parish Council website.

'Sustainable Development' is a phrase that is often used in conjunction with the built environment and one that is frequently heard, but what is sustainable development? Within the planning environment the definition of 'sustainable' is considered by the National Planning Policy Framework (NPPF) as having three dimensions:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

## Objectives

### Presumption

- 3.01 *Guide owners and occupiers on caring for their village.*
- 3.02 *Guide developers on design aspects that are regarded as acceptable to the community, including the setting of buildings and the use of materials.*
- 3.03 *Guide people undertaking building work.*
- 3.04 *Assist in the protection of local heritage buildings and artefacts particularly in the conservation area.*  
**S1 D3**
- 5.05 *Protect and visually improve open spaces and the street scene.*  
**S1**
- 3.06 *Ensure conservation and protection of those qualities and characteristics of the village and its environs which are most valued by its inhabitants.*  
**S1 S7**
- 3.07 *Assist Council Officers in the determination of Village planning applications.*

## 3 The Built Environment - Background



### Background

Essential to the concept of sustainable development is an approach to building that endeavours to balance different, and often competing, needs against an awareness of the environmental, social and economic limitations. It is within the fabric and spirit of this that this VDS has been compiled.

Planning is governed by the Town and Country Planning Act and the Planning (Listed Buildings and Conservation Areas Act). For Woodham Walter these acts are administered by the Maldon District Council with Historic England and the Conservation Officer acting as consultees. Under the Ecclesiastical Exemption Order, the Diocesan Advisory Committee deal with internal Church alterations.

The Village of Woodham Walter is based on an historical road layout that contains a local distributor road linking the A414 at Runsell Green to Ulting and Hatfield Peverel together with lanes linking other parts of the Parish and to Little Baddow. These lanes are in the main narrow without pedestrian ways and are at times overburdened with traffic and have influenced the development of the Village. Evidence based responses to the Questionnaire expressed strong opinions that any further development would intensify the current road inadequacies.

The areas outside of the existing defined settlement area have agricultural or recreational uses and in the past have included gravel extraction. Agricultural use is a major factor affecting future development and a significant majority of questionnaire respondents did not wish to see development extended beyond the defined settlement area or to the detriment of agricultural land.

For economic sustainability services infrastructure is an important consideration. The Village is served with electricity that is mainly distributed by overhead power cables and these impact on the open views. In new development they should be laid underground; there is no natural gas distribution network so consideration should be given to LPG (liquid petroleum gas) storage in new development. Water supply within the Village core is via underground pipework but in other areas is drawn from wells and springs thereby influencing siting. *Superfast* Broadband is programmed to be rolled out to the central Village area and will influence the design and use of home offices. Mobile telephone reception is improving in some areas of the Village according to topography. The absence of good public transport requires use of the motorcar which then becomes a major influence on design.

### Sketches

*The sketches included in this Section, 'The Built Environment', are intended to solely illustrate the text and are not expressing a bias for any particular architectural style or building element.*

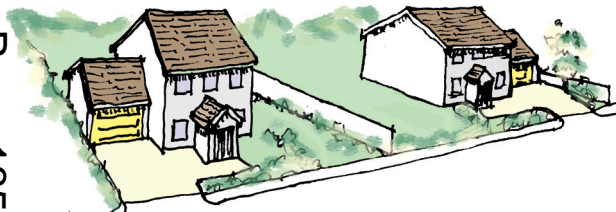
# The Built Environment - Design Relationships 3

## Settlement Pattern S8 D1

Of those who expressed an opinion in the questionnaire, a firm majority considered that the boundaries of the Defined Village Settlement were acceptable. A small majority considered that infill housing, i.e. using the land between existing houses, should be encouraged provided it did not detract from the surrounding buildings and is sympathetic in design, scale, height and materials. As an 'Arcadian' style of village, the maintenance of open views between dwellings where possible is important. An overwhelming majority of respondents wished to preserve these aspects by the avoidance of 'back garden' developments and with a wish to maintain the housing density level.

### What is a ... ..?

Page 135



Possible Development Site as Existing



Housing Infilled Between Existing Buildings



Backland Development Increasing Density.



Defined Village Envelope Contained within Red Boundary

## Guidance

### Settlement Pattern

- 3.08 S8 Sustainable Development within the Village core Defined Settlement Boundary will be supported (see map).
- 3.09 D1 Wherever possible, character, landscape and local context should be maintained and enhanced.
- 3.10 H4 The use of infill sites should be encouraged, but with any development recognising the integrity of the adjacent buildings in size, scale, height and materials.

### Preferred Options

- 3.11 Where possible open rural views should not be obstructed by backland development whether inside the Defined Settlement or not.
- 3.12 Outside of the Defined Settlement Area only existing sites with unsustainable buildings should be considered for development and sustainability should be considered as to its appropriateness.

## 3 The Built Environment - Design Relationships

### Guidance

#### Design Relationships

- 3.13 *Retain a mix of designs with a rural character commensurate with that of the Village.*  
**D1**
- 3.14 *Ensure that buildings reflect the relationship with the site and adjoining structures.*  
**D1**
- 3.15 *Housing types should be mixed and appropriate in size and design to augment the particular site and immediate locaton.*  
**H1**  
**H2**

### Preferred Options

- 3.16 *Siting of any new development should be such so as not to obscure any of the open vistas across the rural landscape.*
- 3.17 *Avoid 'mock period' design. Utilise contemporary design within the rural context. Buildings should be in proportion and in scale with surrounding structures.*

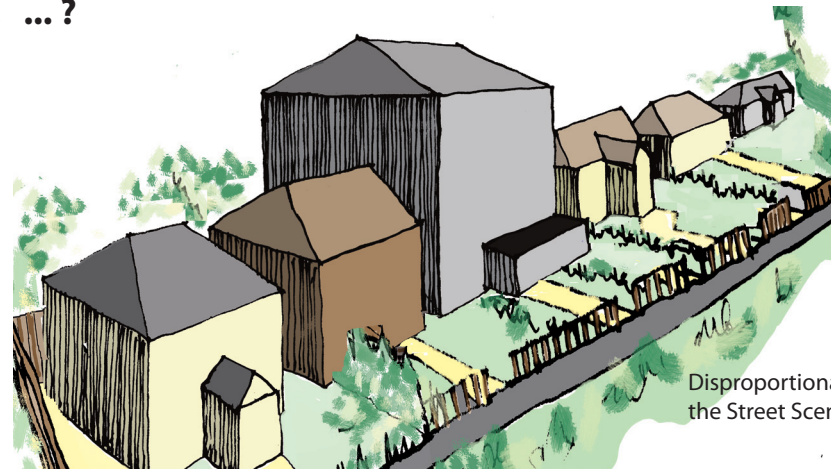
### Design Relationships **D1 H1 H2**

Woodham Walter has an eclectic mixture of buildings encompassing listed buildings to C20th dwellings. They include religious, recreational, educational, community and residential and range between one and two storeys, with some having rooms in roofs. Their relative relationships with adjoining buildings, choice of materials and scale add to the Village character.

Importantly, the siting of buildings allows many views through to open country emphasising the rural nature of the community and adds to the street scene. Overwhelmingly, questionnaire respondents considered it critical to maintain this building mixture to retain the established Village character and, because of the open views, the building density. Some concern was voiced at the possibility that the Village would become a ribbon development that would destroy its heart and ambience. Replacement or new build dwellings should be in keeping with the massing and scale of adjoining buildings and compliment the street scene.

The majority of respondents were opposed to 'mock period' rather than contemporary design providing that it fitted the Village character and the street scene. Considerable concern was expressed in the narrative responses that the current mix of housing was becoming biased towards the larger family unit rather than what the Village needed to retain younger residents, mixed housing affordable

### What is ... .. ?



Disproportionate Scale and Massing Affecting the Street Scene.

# The Built Environment - Design Relationships 3

## Design Relationships - continued

S8 D2 E4 H4

Questionnaire respondents were concerned at the proliferation of replacement dwellings designed in an unrelated style and size and bearing little relationship to the site, adjacent buildings or the impact on the Village. A number of respondents expressed concern at the 'creeping urbanism' that was manifest in high walled, gated housing completely out of character with the Village, the street scene and the rural setting and are generally inappropriate according to area characteristics.

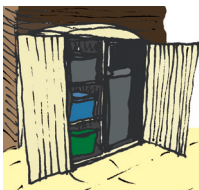
A large majority of respondents considered that any development of new build or alteration outside of the Defined Settlement Area ought to be designed to satisfy the guidelines that apply to the core of the Village.

A majority of respondents considered that alternative uses could be found for proven redundant agricultural buildings in sustainable locations to avoid decay and demolition as they 'punctuate' the rural landscape. Uses for such buildings would include proposals supporting employment generation or on rare occasions, residential. The demolition of such buildings detracts from the rural nature of the Village. At the same time they did not wish to see any loss of agricultural land to development unless it was associated with agricultural or other land-based uses.

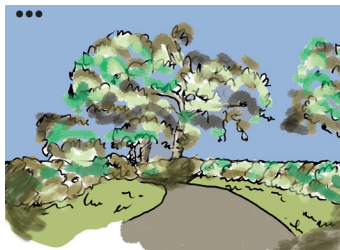
An overwhelming majority of respondents considered that recycling facilities and green waste bins should preferably be incorporated into any new design together with bicycle storage. Such structures need to be large enough for the containers, conveniently located for collection and constructed with compatible materials.

When considering the design and planning of new developments, a majority of respondents judged that non-arable grazing land, green swards and grassed verges were an essential part of the visual amenity of the Village and should be incorporated and maintained as such.

### Typical examples of ...



Recycle Bin Store



Keep verges and swards



Change of Use for Redundant Agricultural Buildings in sustainable locations

## Guidance

### Design Relationships

- 3.18 **S8** Avoid urbanisation of rural area by ensuring new designs are compatible with the surrounding area .
- 3.19 **H4** Alterations, extensions, rebuilds and new builds outside of the Defined Settlement Area should comply with the guidance set out in this document.
- 3.20 **E4** Redundant agricultural buildings should be retained wherever possible. Where retention is not possible, alternative uses should be found for providing there is no detrimental loss of agricultural land.
- 3.21 **D2** Design provision should be made in all new projects for the covered storing of re-cycling bins and bicycles.

### Preferred Options

- 3.22 Where possible any new developments should make provision for the inclusion of grass verges and swards which should be permanently maintained.

# 3 The Built Environment - Design Relationships

## Guidance

### Design Relationships

- 3.23 **D1** Consider 'Secured by Design' for any new building project (Subject to the Government's Housing Standards Review).
- 3.24 **D4** Solar panels where possible should be discreetly located and not detract from the street scene or long views. They should be fixed in accordance with the regulations.
- 3.25 **D4** The Village does not support the installation of commercial wind turbines or wind farms unless it can be demonstrated not to have an adverse visual, noise or wildlife impact either individually or cumulatively.

### Preferred Options

- 3.26 Satellite dishes should be of minimum size and where possible discreetly located on the side or rear of dwellings.
- 3.27 Mobile 'phone or wifi masts should be incorporated and concealed within an existing structure or camouflaged.

Page 138

## Design Relationships - continued **D1 D4**

A majority of respondents considered that the location of satellite dishes should be discreet. Dishes ought therefore be of the minimum appropriate size and preferably fixed to the side or rear of the property where reception allows. They, like some (but not all) solar panel installations, are categorised as Permitted Development outside of the conservation area but it is hoped that Residents will take heed of the guidance offered. A small majority (3.26%) of respondents considered that the installation of solar panels ought to be encouraged providing they are discreetly located and do not adversely affect the street scene or can be viewed from other Village vistas.

A substantial majority of residents considered that large commercial wind turbines have an adverse impact on landscape character, wildlife, heritage assets, footpath safety and visual impact. Installations should not be encouraged but considered on a case by case basis. Similarly, a substantial majority considered that the erection of mobile 'phone or wifi masts should be discouraged. However, the need for proper mobile 'phone and wifi services is supported by the Villagers and as such, masts should be discreetly located and where possible camouflaged or concealed within an existing structure.

An overwhelming majority considered that overhead cables should be placed underground. The concealing of overhead cables and supporting system would be in line with maintaining the rural visual impact of the Village. This would include new sub-stations if they are required.

Crime is not a major issue within the Village but it nevertheless exists together with its victim impact. A significant majority of respondents agreed that any new development including alterations and extensions should be designed with security in mind. The Association of Chief Police Officers (ACPO) have created 'Secured by Design' which should be adopted for all new developments. It covers many aspects included within this document such as parking, lighting, window and door security, boundary treatments etc and may be found at [www.securedbydesign.com](http://www.securedbydesign.com).

### What is/are ... ..?

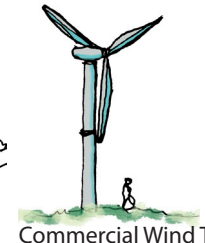
#### Secured by Design



Official Police Security Initiative



Satellite Dishes Should be Discreet



Commercial Wind Turbine  
See above

# The Built Environment - Materials 3

## Materials

D1 D2 D3 H4

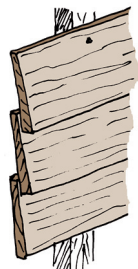
Materials for extensions and alterations are preferred to, wherever possible, match or complement the existing building and its setting on the site relative to the settlement characterisation. Similarly, materials for new build should complement the site and respect adjacent buildings whilst at the same time reflecting the rural nature of the Village. Use of materials from sustainable sources where possible should be maximised. Facing brickwork in red and brown hues, pargetting, render and feather edged boarding are all acceptable materials painted in Woodham Walter colours. Cementitious self-coloured cladding is no substitute for traditional timber feather edged boarding. Painted shiplap boarding is more suited to American colonial style buildings and not a rural Essex environment.

Preferred roofing materials include clay peg tiles, plain tiles, pantiles or slates depending upon the existing property and should add to the rural character of the location.

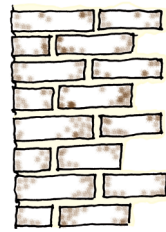
Page 139  
What is ... ..?



Shiplap Boarding



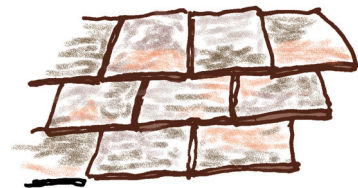
Feather Edge Timber Boarding



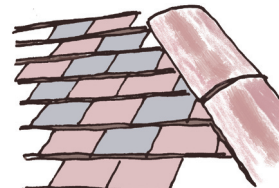
Facing Brickwork



The Colours of Woodham Walter



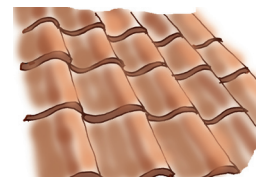
Clay Peg Tiles



Concrete Plain Tiles



Slate



Concrete Pantiles

## Guidance

### Alterations and Extensions

3.28 Replacement windows should be consistent with the age and style of building or complement or match the existing.  
D1  
D3  
H4

3.29 Materials for extensions should be compatible with the existing building and be of a local Woodham Walter vernacular. The use of materials from sustainable sources should be maximised.  
D1  
D2  
H4

3.30 Suitable materials include brick, render, pargetting, slate, tile, feather-edged boarding, glass.

### Preferred Options

3.31 Suitable materials include brick, render, pargetting, slate, tile, feather-edged boarding, glass.

3.32 Render or pargetting should be decorated in traditional Woodham Walter Colours.

# 3 The Built Environment - Alterations and Extensions

## Guidance

### Alterations and Extensions

- 3.33 **H4** **D1** Extensions to buildings should be proportional to the main dwelling size and site plot. They should be subservient to the main building by setting back from the building line by 500mm and not overlook adjoining plots.
- 3.34 **H4** Extensions in all cases should make a positive contribution to the character of the main building, its site and its neighbours.
- 3.35 Extension roofs should be designed so as not to impact on the main dwelling and preferably should be pitched and not flat.

## Preferred Options

- 3.36 Extension roofs should be designed so as not to impact on the main dwelling and preferably should be pitched and not flat.
- 3.37 Extensions into roof spaces should not project beyond the roof plane.
- 3.38 Single storey extensions should have a roof of a form and design which matches the host building.

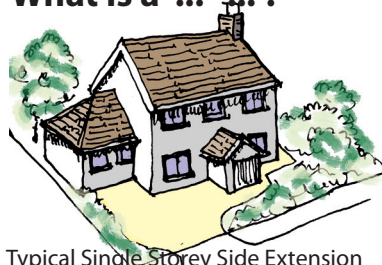
## Alterations and Extensions **D1 H4**

Despite a majority response indicating that unrestricted alterations to buildings should not be permitted, it is the District Council that is the planning authority and makes the final decision on planning merit. There are Permitted Development rights that take an alteration or extension out of the planning process. It is hoped that those contemplating such a development will approach the project by considering the design guidance offered here. It is hoped that extensions to existing properties be design led, sympathetic in scale, height and materials to their sites, existing buildings and surrounding environment and make a positive contribution to the character of the main building and street scene by not being visually intrusive. Every property should be treated on its own merits.

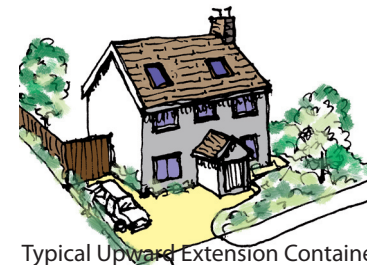
The relationship of large extensions, conservatories and orangeries is an important reflection of the size of the building, the site and its association with adjoining properties. A majority considered that the size of extensions should be proportional with the main dwelling size and not overlook adjoining property. Extensions should generally be subservient to the main building and be designed to break up the visual mass of the extension with the design complementing the varied rural and 'Archadian' character of the village.

It was the opinion of a very significant number of respondents that extensions into an existing roof space would be better not protruding beyond the roof plane.

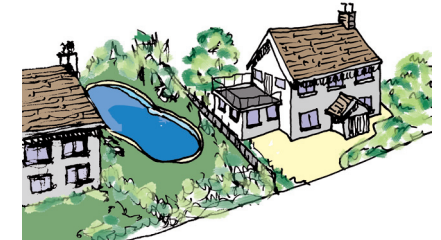
### What is a ... .. ?



Typical Single Storey Side Extension Reduced Ridge Height



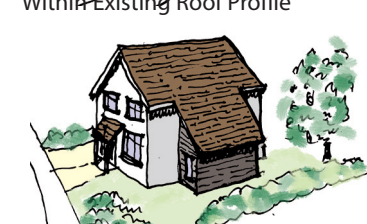
Typical Upward Extension Contained Within Existing Roof Profile



Typical Overlooking Flat Roof Side Extension



Typical Two Storey Side Extension set Back From the Building



Typical Single Storey Side Extension with Existing Roof Pitch



Typical Oversize, Disproportionate and Out of Character Extensions to be Avoided

# The Built Environment - Alterations and Extensions 3

## Alterations and Extensions - continued

There was a majority support for the inclusion of special character design features such as porches, chimneys and similar features within any new building, extension or alteration in keeping with the existing building, the surrounding structures and the general rural character of the Village. Design parameters are described and illustrated elsewhere in this Village Design Statement.

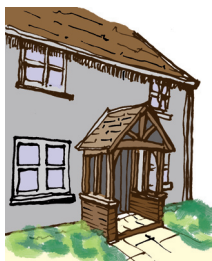
The relationship of porches in particular to the main building style is important to reflect the rural character of the village rather than being of an urban 'portico' format. Chimneys add to the character of dwellings and be of rural vernacular style rather than period style.

It is important that replacement windows be similar to those that exist within the structure unless to do so would adversely alter the character of the building.

Whilst Permitted Development relative to porches is acknowledged, it is hoped that Residents will recognise the importance of a design led initiative and endeavour to comply with this guidance.

Page 141

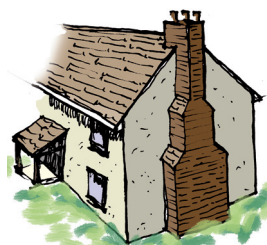
### What is a ... ..?



Typical Rural Open Porch



Typical Porch designed with Extension



Typical Lean To' Porch and Chimney



Typical Urban Style Portico



Urban and Rural Style Porch Comparison

## Resident's Guidance

### Alterations and Extensions

- 3.39 *The addition of porches, lobbies and chimneys are encouraged.*
- 3.40 *Porches should be in keeping with and of a style that relates to the host building.*
- 3.41 *Where a porch is required to a late C20th building, where possible this should be designed as part of an extension or original structure.*
- 3.42 *Roofs should be pitched either as a dual pitch or mono-pitch and either built off a framework or bracketed off the host building wall.*
- 3.43 *Materials for porches should reflect the host building.*
- 3.44 *Chimneys of traditional construction are encouraged. Stainless steel flues should not be used unless no practical alternative is viable.*

## 3 The Built Environment - Roofs

### Guidance

#### Roofs

- D1** 3.45 All roofs should be of an appropriate scale and design to make a positive contribution to the character of the building and its surrounding area.

### Preferred Options

- 3.46 Where possible all roofs should be pitched either dual or mono-pitched.
- 3.47 Roof ends should have a gable, hip end or hipped gable.
- 3.48 Flat roofs should be avoided for main and dormer roofs.
- 3.49 Clay tiles or natural slates are preferred to concrete tiles and felt roofs should be avoided.
- 3.50 Crown roofs should not be used.
- 3.51 Composite roof forms should not be used as they can be seen from angles other than a straight front elevation.

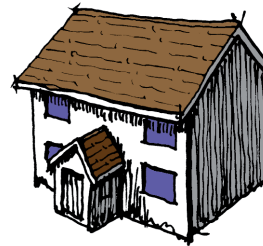
### Building Roofs **D1 H4**

It is important that roof styles be design-led and appropriate to the individual building. There was overwhelming support for the view that roofs of new buildings and extensions be pitched rather than flat to reflect the rural nature and established character of the Village and that the materials selected are also be in keeping with its character. Throughout the Village the majority of roofs are pitched with tile or slate coverings and there is one thatched roof at West Bowers Farm. Flat roofs are restricted to dormer windows and garages and although these are existing forms, it is not the type of design that the document promotes.

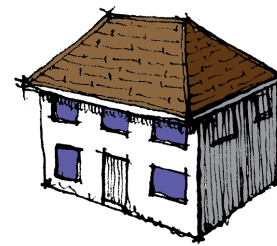
Pitched roofs would include mono-pitches, pitched roofs with gable ends, hip ends or hipped gable ends. These design styles, illustrated below and opposite, together with a 'cat-slide' roof may also be applied to dormers. Composite roof styles where exposed to the rear or side are not considered to be a satisfactory design solution.

The selection of materials was therefore deemed to be very important. It was considered that roofing materials, as with other building materials, should reflect the rural character of the Village and relate to surrounding buildings by using clay tiles, natural slate or concrete tiles.

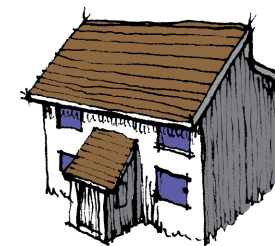
### What is a ... .. ?



Gable-Ended Pitched Roof



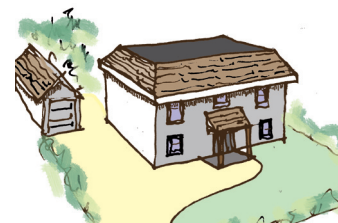
Hipped Roof



Mono-Pitched Roof



Hipped, Gable-Ended Pitched Roof



Crown Roof



Multiple roof format

# The Built Environment - Roofs 3

## Building Roofs - continued

There was support that any upward extensions to buildings into roof spaces be retained within the roof line of the existing premises. This precludes the addition of dormers giving the appearance of a two and a half or three-storey dwelling although roof windows or, in the case of older properties, 'heritage roof lights' would obviate the need for dormers and form a viable substitute. These would maintain the line of the roof plane.

Where the roof line of a two storey building requires to be reduced in height to relate to adjacent properties, dormer windows could be a suitable and practical alternative.

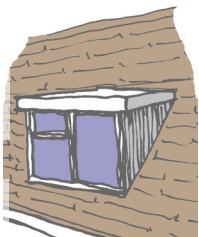
Whilst Permitted Development relative to roofs is acknowledged, it is hoped that Residents will recognise the importance of a design-led initiative and endeavour to accommodate this guidance. Although some flat roof dormers exist, they are not preferred in new build or alterations.

Page 143  
What is a ... ..?

## Preferred Roof Designs



Typical Flat Roof, Full Width



Typical Flat Dormer Roof



Two and a Half Storey Appearance



Roof Windows Within Roof Plane



Cat-Slide Dormer



Hipped Dormer



One and a Half Storey with Pitched Roof Dormers to Enhance Appearance



Gable-Ended Dormer

## Preferred Options

### Roofs - continued

- 3.52 Upward, full width extensions into roof spaces should be maintained within the roof profile wherever possible.
- 3.53 Flat roofs, including crown roofs, should be avoided for main and dormer roofs.
- 3.54 Dormer roofs to be either pitched with gable or hip end or cat-slide.
- 3.55 Roof windows or heritage style rooflights to be used in preference to dormer windows.

# 3 The Built Environment - Boundaries

## Guidance

### Boundary Treatment

**D1 N1 N2** 3.56 *Front gardens should take a soft landscaped rather than a townscape format to enhance the local character and context to protect and enhance the street scene and rural village character.*

**N2** 3.57 *Boundary hedges should include indigenous species and existing hedges should not be removed but constrained in height to assist with bio-diversity.*

**D1** 3.58 *Fencing should be of a rural character and height to blend in with its surroundings rather than high (2m) brick walls. Materials and design should be sympathetic to the surrounding area and the property concerned.*

### Preferred Options

3.59 *Boundary walls and gates should be in context with the streetscape and Woodham Walter vernacular.*

3.60 *Large areas of uniform hard standing in front of houses should be avoided. Materials and design should be influenced by the surrounding area.*

## Boundary Treatment **D1 N1 N2**

There was an overwhelming response indicating that dwelling front gardens follow a soft landscape rather than townscape format. Paved front gardens are visually unattractive and planning permission is required if the treated area exceeds 5m<sup>2</sup> and is impermeable. Similarly there was overwhelming response that street front boundaries should be maintained in keeping with the existing environmental characteristic of Woodham Walter. Careful design of boundaries adjacent to or looking on to heritage assets is necessary to enhance the prospect.

There was agreement that the height and style of boundary materials was important within the village environment and there was very strong agreement that the planting of native hedgerows be encouraged to integrate with other types of land uses and to support bio-diversity.

A majority of Questionnaire respondents considered that 2m high brick walls and large 2m metal gates were inappropriate boundary treatments for most dwellings within the rural community of Woodham Walter but may be considered where appropriate to the area character or the property concerned.

### What is a ... .. ?



Soft Landscaped Front Garden



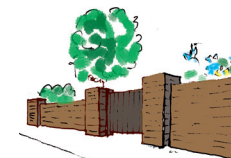
Rural Boundary Treatments  
Picket Fence and Indigenous Hedging



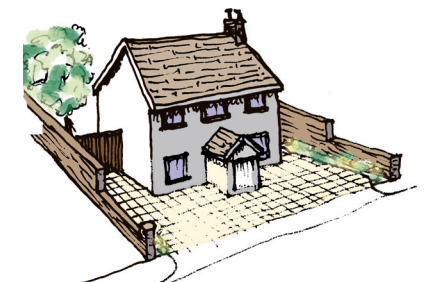
Typical High Wall and Metal Gate  
Boundary



Soft, Rural Boundary Treatment



Typical Urban Boundary  
Treatment High Brick Wall  
According to Area Character  
and Property Concerned



Typical Hard Landscaped Front Garden

# The Built Environment - Garages 3

## Garages D1 H4 S1 T1 T2

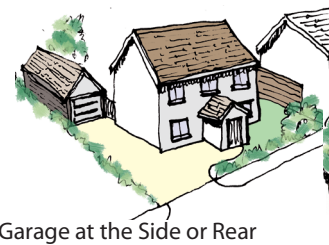
A high level of questionnaire response considered speeding traffic and indiscriminate vehicle parking in the Village to be dangerous and a major concern. Particular reference was made to The Street and the narrow village lanes. The inclusion of off-street parking to the very minimum of the local authority standard where possible in all new development, including alterations and extensions, will reduce the danger from parked vehicles.

Woodham Walter is a rural area with a noted lack of public transport, cars are therefore essential but they need not deter from the countryside environment. Domination of a site by the provision of off-street garaging is undesirable as are exposed composite garage roofs all of which diminish the street scene.

Large expanses of hard driveway in front of dwellings can be visually intrusive (see Boundary Treatment on the previous page) and exacerbate surface water run-off in rainy weather. Garage provision and off-street parking are ideally located to the side or rear of the main building or form part of the main structure but not in front of it detracting from the dwelling. Garage size should be fit for purpose and follow local authority and national guidelines as a minimum and be a design-led solution.

Although not a planning matter, parking on grass verges visually destroys the Village ambiance and character and results in deep, muddy ruts that are both unattractive and potentially dangerous. Comment was also made in response returns about vehicles parking on the whole or part of the pavement restricting passage for prams, wheelchairs and elderly with walking sticks or frames.

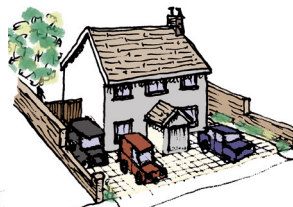
### What is a ... ..?



Garage at the Side or Rear



Typical Garage in Front of Dwelling



Parking on Front Paved Area



Obstructing Pavements



Damage to Verges



Typical Multiple roof garage

## Guidance

### Parking

3.61 *Garage and off-street parking should be to the local authority standard.*

D1  
H4  
T1  
T2

3.62 *Garages should not dominate the site but be set to one side rather than in front of the dwelling.*

S1  
D1

3.63 *Garages sited in front of the main dwelling should be avoided.*

D1

3.64 *Sufficient off-street parking outside of garages should be provided on driveways.*

D1  
T2

## Preferred Options

3.65 *Integral garages could be considered on restricted sites.*

3.66 *Driveways and vehicle hard standing treatments should reflect the Woodham Walter character.*

3.67 *Parking on grass verges and on pavements should be discouraged.*

3.68 *Garages should have pitched roofs, not flat or combinations of pitch and flat.*

## 3 The Built Environment - Roads

### Preferred Options

#### Roads

- 3.69 *Avoid the introduction of new roads, widening road carriageways and junctions.*
- 3.70 *Access points should be designed to reduce vehicle speeds.*
- 3.71 *Private drives should be designed for any new multiple unit developments.*
- 3.72 *Straight roads with formal hammerheads should be avoided in favour of serpentine routes with formally shaped turning heads.*
- 3.73 *Where pavements are required, incorporate grassed verges.*
- 3.74 *Use 'soft' varying materials using a local palette to designate pedestrian areas from vehicular transit zones.*
- 3.75 *Vary surface treatments in accordance with Highway requirements.*
- 3.76 *Avoid the proliferation of road traffic signs. Highway safety is paramount.*

### Roads

Roads are intrinsically a matter for the Highway Authority and it is essential to work with them to secure a safe and design conscious solution.

A majority of respondents commented that speeding vehicles in The Street and Rectory Road was the second most important issue (after the lack of a village shop) causing the greatest disgruntlement. A significant majority considered that adding new roads, widening existing carriageways and road junctions would add to the existing traffic volume and speed issues. A very large percentage of respondents were advocating that the Village should have HGV and load restriction limitations applied although a significant majority considered that physical methods of speed control by way of speed bumps and similar measures were inappropriate for a rural community as were a proliferation of traffic signs. These issues fall outside of the Village Design Statement but were important to the residents so that it is necessary to work closely with Highways to ensure that the roads are up to standard and safe.

Housing layouts tend to be dominated by the car. In any new development where roads are necessary, a large percentage of respondents considered that such roads should be of a rural character but not to the extent of marginalising pedestrians. Small developments could have a 'private drive' approach for which a precedent is set off Rectory Road. Where pavements are required, these may be softened by the use of additional grass verges. Straight roads with formal hammerheads are discouraged in favour of serpentine routes within formally shaped turning areas. Variety in surface materials, not solely tarmac, and footpath denotation will also create more attractive areas, define spaces and reduce traffic speed. Sizes and types of turning area are determined by the highway authority as are materials.

### What is a ... .. ?



Private Drive Style Development



Straight Access Road with Turning

# The Built Environment - Lighting 3

## Lighting **D1 D2**

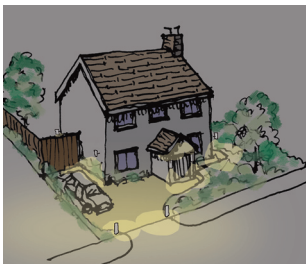
A majority of respondents (3.8%) considered that street lighting should be increased beyond its current level although a significant majority (19%) expressed an opinion that a 'dark sky policy' of no street lighting would contribute to the tranquillity of the Village. Street lights add to road safety and household security although currently they are turned off by the Council between midnight and 05:00 each night.

Community (street) lighting is a matter for the Highways Authority but Residents considered that lamp posts should be positioned so as not to cause interference to householders such as shining directly into bedroom windows. In 'private drive' style developments design-led discreet location of community lighting to effect the necessary coverage for safety and security would be appropriate.

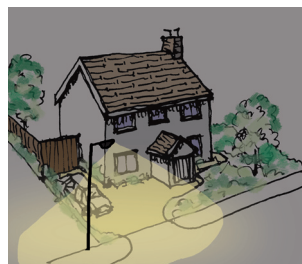
Domestic building, garden and security lighting was considered by a majority of questionnaire respondents to be intrusive. Carefully located security lighting taking advantage of movement detectors for intermittent use rather than full on during the hours of darkness is preferred. Discouraging the positioning of floodlights at high level together with eaves lighting is appropriate so as not to be an inconvenience to neighbours or be intrusive in the street scene.

Glaring lights can be both a safety and a security risk so expert design of lighting schemes and careful selection of luminaires is necessary. Criminals need light too! Lights being on does not assure that crime will go away especially if there is no one around to stand guard watching the area concerned. External lighting also has an environmental impact that in turn increases energy demand.

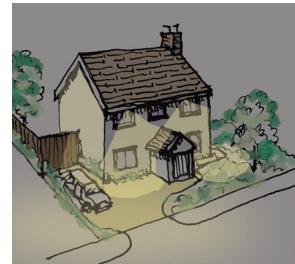
### What is a ... .. ?



Typical Low Key, Local Illumination



Typical Directional Street



Typical Floodlight Illumination

## Guidance

### Lighting

3.77 **D1** Work with Highways to review the level and type of community lighting.

3.78 **D2** Use smaller, low key, local and directional lights fitted to movement detectors where possible.

3.79 **D2** Floodlighting the whole house is undesirable and may be dangerous to occupants and passers by causing glare.

## 3 The Built Environment - Street Furniture

### Objectives

#### Roads

- 3.80 **S3** Continue to work with Highways to instigate traffic calming measures and speed restrictions that are sympathetic to the character of the area.
- 3.81 **S3** Continue to work with Highways to improve the road conditions and existing pavements.

### Guidance

#### Street Furniture

- 3.82 Avoid the proliferation of road traffic signs by combining symbols.
- 3.83 Position street signs where they can be clearly seen, easily read, limit exposure to graffiti and ensure that they cannot become overgrown.

### Preferred Options

- 3.84 Locate salt bins discreetly and where possible group with other street furniture such as seating and litter bins.
- 3.85 Retain iconic and vintage street furniture such as telephone kiosks and more modern post boxes.

### Street Furniture **S3**

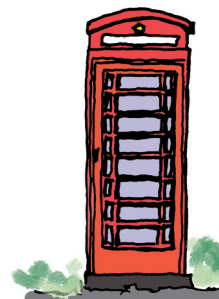
A substantial majority of respondents agreed that in a rural community street furniture needs to be at a minimal level but must satisfy road safety provisions. Street furniture which is not in keeping with the scale and character of the village detracts from the overall visual amenity. This point has been made elsewhere in this document. Woodham Walter is very fortunate in retaining a telephone kiosk after the iconic design of Sir Giles Gilbert Scott, together with three pedestal mounted letter boxes that add to the street scene. Of importance also are the remaining Maldon Ironworks street finger posts.

The replication of street names of a standard size in any new development is an ideal. Where road traffic signs can be combined, they ideally should be to decrease the number of standing poles and to avoid confusion. Signs should be positioned at a suitable height to avoid vandalism, subsection to graffiti and can be easily read. They should be free from obstructions such as street greenery, simple and straightforward, with clear lettering and colour contrast with the background.

Whilst not a specific questionnaire question, the prospect of a traditional Village Sign has been raised to be positioned in the core village.

A salt bin has been provided in recent years and there are still demands for more away from the core Village. Where these are provided, in conjunction with Highways, they should be as discreet as possible and fit in with the adjacent area.

### Street Furniture Examples



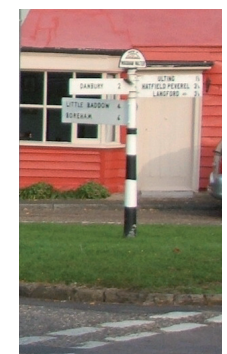
Iconic Telephone Kiosk Adds Character



Combined Street Sign Reduces Clutter



Discreetly Locate Salt Bin with other Street Furniture



Maldon Ironworks Finger Post

# The Built Environment - Landscape Design 3

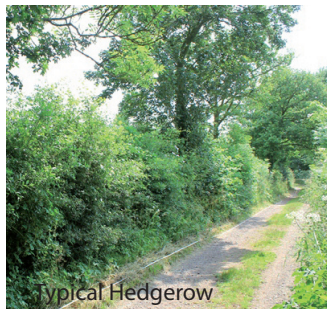
## Landscape Design N1

Area landscape character is described in detail by the individual area character appraisals but the impact of landscaping on the built environment cannot be over-emphasised. The questionnaire returns support this over several questions.

There is a very large palette of local materials and indigenous species that can be used in the rural environment of Woodham Walter. The use of hard, nonporous materials for drives etc. over 5m<sup>2</sup> currently require planning permission and as previously discussed are to be avoided. Non-permeable finishes are considered as permitted development. Ballast, pebbles and permeable setts/pavers/gravel mix make a surface that is crunchy when walked upon and are a good security warning to the householder; soft earth allows clear reproduction of footprints and are deterrents to criminals. If a gravel retention system is used then the surface is compacted enough for wheelchair and baby buggy users and prevents overspill of material onto the carriageway which becomes a Highways issue. A combination of these elements are a productive way of landscaping the front of properties whilst providing a pleasant visual appearance to the passerby.

Low height planting to front gardens maintains the open rural feel and character of the Village and to avoid providing cover for unauthorised trespass and entry. Spiky plants and shrubs such as berberis and pyracantha (firethorn), when planted near to the building and windows, provide a further deterrent to the criminal whilst having colour shape and texture. The planting of indigenous trees and hedgerow species such as blackthorn, hawthorn, hazel, dogwood, holly, field maple and beech interspersed with oak, ash, hornbeam, rowan and birch are to be encouraged as are roses, hypericum, hebe, senecio, berberis and many others. These will support the area's character and the overall appearance of the Village by enhancing the natural and historic environment.

## What is ... .. ?



Typical Hedgerow



Pyracantha



Berberis



Holly

## Guidance

### Soft Landscaping

3.86 N1 *Wherever possible apply soft landscaping to front gardens rather than hard paving.*

N1 *Use combinations of gravels, setts and pavings to provide attractive walking and parking areas.*

N1 *Use native tree and shrub species wherever possible.*

## Preferred Options

3.89 *Residents are encouraged to maintain front garden landscaping to retain colour, shape and form as part of the street scene.*

## 3 The Built Environment - Leisure

### Guidance

#### Open Space, Sport, Leisure and Tourism

3.90 *Development that would result in loss of or have a negative impact on any sport, leisure, tourist facility, heritage asset or public footpath or bridleway will not be supported. Alternative provisions must be provided.*

3.91 *Encroachments and constrictions to existing public open space facilities and footpaths will not be supported.*

3.92 *To maintain the extensive footpath network and address the safety of the cycle network.*

#### Open Space, Sport, Leisure and Tourism **E4 E5 N1 N2 N3 T1**

People choose to live in Woodham Walter so that they can experience the unique benefits of living in a small rural community – fresh air, peace and tranquillity, space and fine views in addition to the many social and recreational facilities:

- St Michaels Church
- Village hall
- Woodham Walter Women's Club
- Mobile library
- The Bell PH
- The Queen Victoria PH
- The Cats PH
- The Warren Golf and Country Club
- The Warren Active Health Club
- Bunsay Downs Golf Club
- The Retreat Holistic Centre
- The Chelmer and Blackwater Navigation – boating and angling
- Allotments
- The Bell Meadow
- Woodham Walter Common (SSSI)
- Elwy Lodge NGS Garden
- Public Footpaths
- Other activities (weekly or fortnightly) – Village Supper Club, Village Lunch Club (monthly), whist drives, yoga and zumba classes, mobile library





## 4 Bibliography



The School from Church Hill

### Key Evidence Base Documents

Green Infrastructure Study (MDC EB041a)  
 National Planning Policy Framework (NPPF)  
 Emerging Local Development Plan (MDC)  
 Maldon District Characterisation Assessment (EB053)  
 Essex Design Guide 2006  
 PPG3 Housing (ODPP)  
 PPS1 Delivering Sustainable Development (ODPP)  
 Scheduled Ancient Monuments (MDC)  
 Rural-Urban Classification for Output Areas in England (DEFRA)  
 Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (Chris Blandford Associates) [EB46]  
 National Character Area profile: 111 Northern Thames Basin  
 Maldon District Design Guide

### Other Documents

"A Village History, Woodham Walter" by Patricia M Ryan  
 "London, An Illustrated History" by Cathy Ross and John Clark

### Web Based Research

Planning Portal (UK Government)  
 Historic England (Building Listings)  
 Superfast Essex Broadband - <http://www.superfastessex.org>

### Village Design Statement Committee

Keith Amato  
 David Beattie (Chairman)  
 James Bunn  
 James Nolan  
 Ken Rennie  
 John Tompkins

\* \* \*

Cover Image (Bell Meadow Day Photography Competition Winner)  
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 Proof Reading, Peter Warren and Jacky Bannerman

\* \* \*

The Committee would like to express their thanks to

Ann and Sean at The Bell  
 for accommodating Committee Meetings.

The Maldon District Council for their help and advice.

\* \* \*

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\* \* \*

Cover Image, Church Corner.  
 Back Cover, The Bell PH and a View towards the Village from the river



Village Design Statement 2016





## **REPORT of CHIEF EXECUTIVE**

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**to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 This report seeks approval for the confirmation of the Woodham Walter Conservation Area Article 4(1) Direction.

#### **2. RECOMMENDATION**

That the Article 4(1) Direction in respect of the Woodham Walter Conservation Area is confirmed without modification.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1.1 On 2 March 2017, the Planning and Licensing Committee authorised the designation of the Woodham Walter Conservation Area and the making of an Article 4(1) Direction relating to selected historic houses within the Area. The Conservation Area came into immediate effect on that date.
- 3.1.2 On 28 March 2017, a letter including information on the conservation area, a copy of the Character Statement, and notice of the Article 4(1) Direction was hand delivered to all residents of the conservation area. This is the date from which the Article 4(1) Direction provisionally came into effect.
- 3.1.3 The Direction affects the following properties within the conservation area: Church Cottage, Church Hill, CM9 6RJ; Ash Cottage, The Maples, and 1&2 Almshouses all on Rectory Road, CM9 6RE; Lynton House, Severn House, Redbrick Cottage, Wendover Cottage, Ferndale and Fort Cottage all on The Street, CM9 6RF.
- 3.1.4 The effect of the Article 4(1) Direction is the withdrawal from these properties of certain permitted development rights granted under article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The following works now require planning permission:

*Class A of Part 1 of Schedule 2 –*

- *The alteration of the front elevation of a dwellinghouse affecting windows, doors or other openings including the formation of new openings;*

*Class A of Part 1 of Schedule 2 –*

- *The application of paint to unpainted brick or stonework of any part of a dwellinghouse fronting the highway.*

*Class C of Part 1 of Schedule 2 -*

- *Works involving the roof that would consist of or include an alteration to any part of the front roof slope, including the insertion of dormer or other windows in the roofs and the change of roof material or the installation of a microgeneration unit;*

*Class G of Part 1 of Schedule 2 -*

- *The alteration or removal of a chimney on a dwellinghouse.*

3.1.5 In order for the Article 4(1) Direction to have permanent effect, the Council must confirm it, having taken into account any representation received.

3.1.6 The only representation received in response to the Article 4(1) Direction following its service was from Woodham Walter Parish Council. An email from the Parish Clerk stated that the Parish Council support the Article 4(1) Direction. Taking into account this representation, and considering the unanimous support for the measure received during the consultation process prior to the designation of the conservation area, it is recommended that the Direction is confirmed.

3.1.7 In order to give effect to confirmation of the Direction a further notice will be published and distributed in the same manner as the original notice.

#### **4. CONCLUSION**

4.1 Maldon District Council has a commitment to protect and enhance the natural and built heritage of the district now and for the enjoyment of future generations. By confirming the Article 4(1) Direction – which will help preserve and enhance the special character of the Woodham Walter Conservation Area – the Council is conveying its commitment to this.

#### **5. IMPACT ON CORPORATE GOALS**

5.1 The recommendations of this report will support Corporate Goals by protecting and shaping the District through the protection and enhancement of the District's distinctive character, natural environment and heritage assets, achieving high quality design in development.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – Residents included within the new conservation area will be required to obtain planning permission to make certain alterations which are currently permitted development. This burden is, however, necessary in order for the conservation area designation to be meaningful. The duty to preserve or enhance the conservation area's special character and

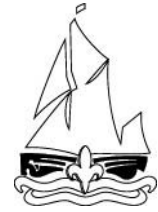
appearance will protect one of the District's most attractive villages for current and future customers to enjoy.

- (ii) **Impact on Risk** –The withdrawal of permitted development rights by an Article 4(1) Direction may give rise to a claim for compensation if a planning application is refused or granted subject to conditions. Compensation may be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of the permitted development rights (Section 108 of the Town and Country Planning Act 1990). This is considered to be a low risk. Maldon District Council has never received any successful claims for compensation in relation to any of its existing Article 4 Directions. A survey of 72 local authorities carried out in 2008 on behalf of the English Historic Towns Forum revealed no successful cases of compensation claims in relation to Article 4(1) Directions. All of the residents that would be affected by the Article 4(1) direction were consulted on the proposal and no objections to it were made.
- (iii) **Impact on Resources (financial)** – Cost of the publication of notices and printing will be met from the relevant budget.
- (iv) **Impact on Resources (human)** – Preparation and service of notices and letters by the Conservation Officer.
- (v) **Impact on the Environment** – Positive, due to the enhancement and safeguarding of both the natural and built heritage which will ensure its existence for the District now and generations to come.

Background Papers: Article 4 Direction and associated documents and response from Woodham Walter Parish Council.

Enquiries to: Tim Howson, Conservation Officer (Tel: 01621 875725).

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**REPORT of  
CHIEF EXECUTIVE**

**to  
PLANNING AND LICENSING COMMITTEE**

**UPDATE ON APPEAL DECISIONS (JANUARY – MARCH 2017)**

**1. PURPOSE OF THE REPORT**

1.1 The purpose of this report is to inform the Committee of planning appeal performance on appeal decisions from January 2017 to March 2017.

**2. RECOMMENDATION**

That the contents of this report be noted.

**3. SUMMARY OF KEY ISSUES**

3.1 This report is for Members’ information only but particular attention is drawn to the Council’s current performance of all appeals.

3.2 This report provides information by the relevant committee or officer delegated decision, overall performance and performance measured against the Department of Communities and Local Government (DCLG) performance figure for major application appeals.

3.3 Appeal results by application decision type: Quarter 4 2016 /17 are as follows:

<b>Application decision type</b>	<b>Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)</b>	<b>Dismissed by PINS (i.e. the Council was successful)</b>
1. Appeals against <b>Officer Delegated</b> decisions	6	10
2a. Appeals against <b>Central Area Planning</b> Committee decisions as per report recommendation	0	0

<b>Application decision type</b>	<b>Allowed by the Planning Inspectorate (PINS)</b> (i.e. the applicant was successful)	<b>Dismissed by PINS</b> (i.e. the Council was successful)
2b. Appeals against <b>Central Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	2	1
3a. Appeals against <b>South Eastern Area</b> Planning Committee decisions as per report recommendation	2	0
3b. Appeals against <b>South Eastern Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	2
4a. Appeals against <b>North Western Area</b> Planning Committee decisions as per report recommendation	1	2
4b. Appeals against <b>North Western Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	1	0
5. Appeals against <b>non-determination</b> i.e. where the Council did not make a decision within the statutory time period and the applicant exercised the right of appeal	0	0
6. Appeals against <b>Full Council</b> decisions as per report recommendation	0	0
7. Appeals against <b>Full Council</b> decisions where decision made contrary to the report recommendation i.e. member overturn	1	0
<b>Numbers Total</b>	<b>13</b>	<b>15</b>
<b>Decisions as a %</b>	<b>46.43</b>	<b>53.57</b>

### 3.4 Appeal by type of appeal

<b>1. Appeal type (Planning applications)</b>	
Householder appeals	5
Written Representation	17
Hearing	6
Public Inquiry	0
<b>Total appeals</b>	<b>28</b>

<b>2. Appeal type (Appeals against Enforcement Notices )</b>	
Written Representation	0
Hearing	0
Public Inquiry	2
Appeals withdrawn	0
<b>Total enforcement appeals</b>	<b>2</b>

<b>3. Appeal type (Appeals against Enforcement Notices )</b>	
Written Representation	1
Hearing	1
Public Inquiry	0
Appeals withdrawn	1
<b>Total enforcement appeals</b>	<b>3</b>

### 3.5 Costs awarded against the Council in January – March 2017

<b>Site address</b>	<b>Partial or full award allowed of costs</b>	<b>Delegated/Committee decision in accordance with recommendation/Committee decision overturn</b>
32 Wembley Avenue, Mayland, Chelmsford	Full award of costs	Committee decision in accordance with recommendation
Glen Loy, Latchingdon Road, Cold Norton	Partial award of costs	Delegated

### 3.6 Costs paid out by the Council in July – December 2016

<b>Site address</b>	<b>Date of award of cost</b>	<b>Figure paid out</b>	<b>Delegated/Committee decision in accordance with recommendation/ Committee decision overturn recommendation</b>
Barn Hayes 29 Beacon Hill Wickham Bishops	1/08/2016	£772	Committee decision in accordance with recommendation
Rose Stables Land South of Captains Wood Road, Great Totham	14/12/2016	£24,730	Committee decision overturn
32 Wembley Avenue, Mayland, Chelmsford	9/02/2017	£1,075	Committee decision in accordance with recommendation

3.7 Members will also be aware that since 2012 Councils that do not reach specific performance targets on major applications and major appeals may be considered as a 'designated authority' by the Secretary of State. In terms of major planning appeals this is measured over a two year period and the target threshold was 20%. However, in the Spending Review and Autumn Statement 2015 Government announced the strengthening of the performance regime for major appeals, by lowering the threshold for the quality of decisions to 10% of all major decisions overturned on appeal.

- 3.8 The new criteria for designating local planning authorities for poor performance in determining planning applications came into force on the 19 January 2017.
- 3.9 The Council’s performance against the government target is 8.33%. However, there are four major appeals still in progress so worst case scenario performance would be 11.36% if all these were allowed by the Planning Inspectorate.
- 3.10 There are currently 38 outstanding appeals where decisions are yet to be made by the Planning Inspectorate. However, it must be noted that 12 of these will be dealt with at one public inquiry. These are as follows:

Appeal Type	Number
Public Inquiry	1
Hearing	3
Written Representation	17
Householder Appeal Process	5
	26

#### 4. CONCLUSION

- 4.1 Resourcing appeals will continue to be an issue if the level of the appeals received remain high and/or and nature of appeal type changes, including an expected increase in enforcement appeals and public inquiries.

#### 5. IMPACT ON CORPORATE GOALS

- 5.1 Having an effective and planning service contributes to two Corporate Goals i.e. ‘Protecting and shaping the district’ and, ‘Delivering good quality, cost effective and valued services’.

#### 6. IMPLICATIONS

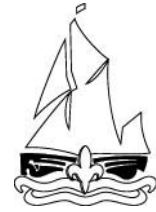
- (i) **Impacts on Customers** – The Council’s resources are being used effectively within the democratic process.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – In the context of the increasing tendency to challenge Council decisions, it is necessary to maintain flexibility in how the authority responds to planning appeals. The Council is committed to embedding sound operational, financial and legislative internal controls and to ensuring that good corporate governance arrangements are in place to assist the Council with meeting its aims and objectives. In the light of the change in government’s threshold on performance for major planning appeals from 20% allowed to 10% this presents an increased risk to the Council and will be reflected as part corporate risk management particularly as the likelihood of exceeding the 10% is high.

- (iv) **Impact on Resources (financial)** – Decisions with regard to potential awards of costs can incur the Council in extra expenditure and need to be considered carefully. This has been covered in previous reports to Members. The resourcing levels required to manage appeals requires further review.
- (v) **Impact on Resources (human)** – The number of appeals have doubled in the past two years and the resourcing appeals at this level will need reviewing. Temporary arrangements have been made to deal with the increase in appeals, but very recently the number of hearings and public inquiries has increased which has required additional external support being provided. Public Inquiries also require the assistance of barristers which add to the cost of defending appeals. This matter will need monitoring and reviewing. Much will also depend on a final decision from the DCLG on the Councils Local Development Plan.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Matt Leigh, Group Manager - Planning Services, (Tel: 01621 875870).

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## **REPORT of CHIEF EXECUTIVE**

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to  
**PLANNING & LICENSING COMMITTEE**  
**13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to supply Members with details of performance against targets set for 2016/17 and to ensure that progress is being achieved towards the corporate goals and the objectives detailed in the Corporate Plan 2015-19 adopted by Council in February 2015 (Minute 828).
- 1.2 Members should challenge performance or allocation of resources where the Committee feels that the Council's corporate goals have not or may not be achieved.
- 1.3 Where performance or progress is behind schedule or at risk, the reasons why need to be fully understood and decisions taken on what, if any, action is required to bring performance back on track.
- 1.4 Quarterly reviews of performance are undertaken by the Overview & Scrutiny Committee and the position as at the year-end was reviewed at the meeting on 7 June. An annual performance report will also be submitted to Council on 13 July.
- 1.5 All of the performance information contained within this report is recorded on the Council's Performance and Risk Management system (TEN) to which all Members have access.

#### **2. RECOMMENDATION**

Members' views, comments and questions on the information as set out in this report and **APPENDIX 1** are sought.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The format of the performance reports to this Committee are on an "exception" basis i.e. only those activities and indicators that are behind schedule, at risk or not on target will be included. This will ensure the focus is on those areas requiring attention and assisting Members to challenge performance or allocation of resources where the Council's corporate goals may not be achieved.
- 3.2 **APPENDIX 1** to this report details for each of the corporate goals:

- The key corporate activities which are assessed as being “behind schedule” or “at risk of not being achieved”
- Indicators which have not achieved the end of year target.

The activities/indicators aligned with this Committee have been marked  to provide easy identification by Members.

### 3.3 Successes and achievements during the year include:

- Completion, in January 2017, of the second LDP Examination Hearings and the publication of the Post-Examination Modifications (March to April 2017), the responses to which have been sent to the Inspector. This followed the publication of Main Modifications in September 2016, and a year-long programme of reports and evidence updates in response to the Inspector’s queries, including a new travellers’ policy.
- Publication for consultation of the Maldon and Heybridge Central Area Master Plan which sets out how this key economic zone can be regenerated to improve its public realm and profile as a strategic business location; improve connectivity; and maintain its intrinsic heritage and tourism value.
- Completion for public consultation of the Maldon Design Guide, which will provide guidance on the layout and standards of new development throughout the District and will be adopted as a Supplementary Planning Document.
- An up to date 5-Year Housing Land Supply, which shows that the Council is maintaining supply in excess of 5 years. The original assessment in August 2016 concluded that supply was 6.04 years, and a review as part of the Post Examination modifications concluded that the supply was holding steady at 6.20 years.
- Burnham-on-Crouch Neighbourhood Plan completion its Examination stage (March 2017) and will now be subject to a local referendum. Two new Neighbourhood Plan areas were designation (Great Totham and Wickham Bishops).
- The Woodham Walter Conservation Area has successfully been designated.
- Planning permission granted or resolved to grant on all but 1 of the Garden Suburbs and Strategic Sites allocated in the Local Development Plan. For both Garden Suburbs, Deign Codes have been prepared which will control the quality of the development as they progress through the next planning stages.
- Significant improvement in the performance of the Planning Services team in determining planning applications with all target being exceeded.
- The formal launch of the Sense of Place project took place in May with approximately 200 delegates attending and 45 exhibitors from across the District.
- A business engagement framework has been established and the Economic Development Team has been involved in the successful delivery of events to engage businesses such as Maldon District Council’s Chairman’s Business Awards, ECC Employment and Skills Care Board, an Apprenticeship Event for Employers and the Burnham-on-Crouch Chamber of Commerce relaunch.

### 3.4 Complaints and Compliments Received

Complaints and compliments about services that report to this Committee were received by the Council between 1 April 2016 and 31 March 2017:

Service Area	Total complaints 15/16	Total complaints 16/17	Total compliments 15/16	Total compliments 16/17
Environment Services	3	7	1	2
Housing	8	1	7	7
Planning	37	25	2	6
<b>Total</b>	<b>48</b>	<b>33</b>	<b>10</b>	<b>15</b>

All complaints received are investigated and action taken to improve service delivery where learnings are identified.

## 4. CONCLUSIONS

- 4.1 Good progress has been made on a number of activities and successes achieved which will contribute to the Council's corporate goals and objectives. However, there are key corporate activities at risk or behind schedule and performance indicators which failed to achieve the end of year target.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 The Council stated its corporate goals and objectives in the Corporate Plan for 2015-19.
- 5.2 In turn, the services agreed actions (Key Corporate Activities) that they would take forward in 2016-17 to contribute to the achievement of these objectives. Performance indicators and measures were established to monitor the impact of these actions and to provide evidence of achievements.
- 5.3 To ensure that Maldon District Council (MDC) progresses towards or achieves the goals stated in the Corporate Plan, it is important that performance is monitored and managed against targets and milestones.
- 5.4 It is also important as the Council is accountable to the community that it is able to demonstrate it is monitoring and managing performance effectively.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Performance Management is about agreeing and achieving objectives and priorities, monitoring our performance against agreed targets and timescales, identifying opportunities for improvement, making necessary changes and ultimately delivering quality public services.

- (ii) **Impact on Equalities** – For the Council “Equalities” means understanding our staff and customers and making sure that our policies and services are designed to meet their needs and implemented appropriately.

MDC is committed to providing equal opportunity of access to services, and level of service provided, and developing communities that are free from discrimination.

- (iii) **Impact on Risk** – If performance is not managed effectively by the Council at both Committee and management level, there is a risk that the Council will not achieve its stated priorities and outcomes.

- (iv) **Impact on Resources (financial and human)** – If action is needed to bring key activities or indicators back on track to meet the targets set, a reallocation of resources may be required to ensure that objectives and priorities are achieved.

- (v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 8758710)

Review of Performance 2016-17

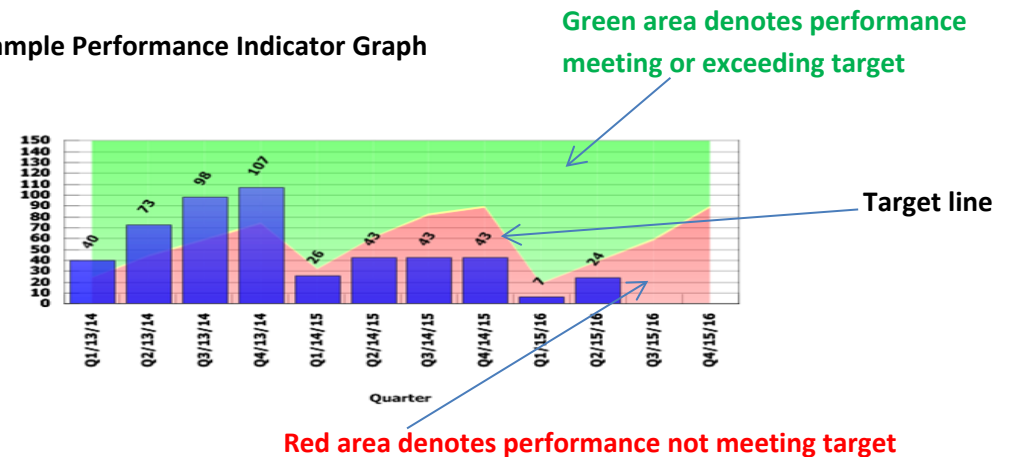


PLANNING & LICENSING COMMITTEE  
 REVIEW OF 2016/17 PERFORMANCE

Page 169

\*The performance reports are produced on an “exception” basis; full details will only be included for those activities and indicators which are behind schedule, at risk or not on target.

Example Performance Indicator Graph



Status Definitions for Key Corporate Activities

At Risk	There are issues which could impact the completion/ achievement of the Key Corporate Activity in the future
Behind Schedule	Target date for completion of the Key Corporate Activity , or milestones upon which activity depends, have not been met
On Track	Work progressing satisfactorily, milestones upon which the activity depends are being met and overall target for completion should be achieved
Completed	Key Corporate Activity completed – no further work required

Review of Performance 2016-17

**CORPORATE GOAL - HELPING COMMUNITIES TO BE SAFE, ACTIVE AND HEALTHY**

Key Corporate Activities contributing to this goal - 4			
At Risk	Behind Schedule	On Track	Completed
	1	3	

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
Develop the Strengthening Communities Strategy	March 2017	Behind schedule	Officers continue to work with Members to develop a strategy for the Council through the Member Task and Finish Working Group. Officers have been tasked with undertaking an audit of community groups to identify any shortfall in provision within the district for consideration by the working group when it next meets.

Review of Performance 2016-17

Indicators

Indicator	15/16 Actual	16/17 Target	Q3	Q4	Cumulative For the Year	Annual target achieved
Level of reported crime	2,341 Incidents of all crime	Fewer reported incidents than in previous year	624 Incidents of all crime	500 Incidents of all crime	2,422 Incidents of all crime	No
	1,087 Anti-Social Behaviour (ASB) incidents		249 ASB incidents	200 ASB incidents	1,00 ASB incidents	Yes
	Sanctioned detection rate 11.7%				Sanctioned detection rate 12.5%	

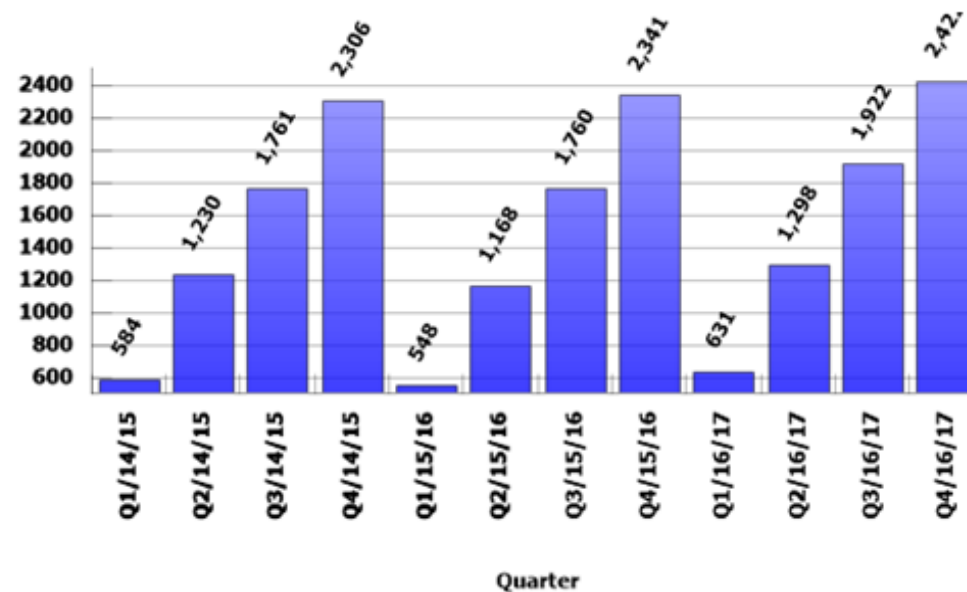
Comment on current performance

Sub groups of the Community Safety Partnership continue to meet on a regular basis and work streams for each individual group are effectively impacting on various areas of community safety. Rural crime remains a concern for local people so there will be a stronger focus on this for 2017/18 with the adoption of the new priority "Tackling rural crime and strengthening communities".

Team members meet with partners on a frequent basis and receive regular information to ensure that the partnership remains responsive to emerging crime trends such as monitoring of the offender cohort, community cohesion issues and children at risk of exploitation.

It is not unusual for the level of crime to reduce in Q4, but often peaks again in Spring particularly for offences such as burglary.

There was some very proactive work undertaken in the area by CID which resulted in an arrest and effectively halted a burglary/vehicle interference series.



Review of Performance 2016-17

**CORPORATE GOAL - PROTECTING AND SHAPING THE DISTRICT**

Key Corporate Activities contributing to this goal – 6			
At Risk	Behind Schedule	On Track	Completed
	4	2	

Key Corporate Activities designated as “At Risk” or “Behind Schedule”	Target Date	Status	Comments
<p>➔ <b>Adopt the Local Development Plan for the District</b></p>	September 2017	Behind schedule	<p>The Examination-in-Public (EiP) Hearing sessions were held in January 2017. The sessions were based on the Inspector's Matters, Issues and Questions (MIQs) published on 16 November 2016. The Inspector worked with the Council during each of the hearing sessions to consider modifications that would assist in making the Plan and individual policies within it, sound.</p> <p>The Post-Examination modifications, after sign off from the Inspector, were published for public consultation on 17 March. The consultation runs until 28 April.</p> <p>The responses to the public consultation will be sent to the Planning Inspector, who will then complete his Report for the Secretary of State with recommendations on whether the Plan is sound. On receipt of the Planning Inspector's report, the Secretary of State will then consider the Planning Inspector's recommendation and in due course, will issue a report to Council on his decision on the Plan.</p>
<p><b>Work in partnership to develop community consultation groups re management/maintenance of existing open spaces</b></p>	December 2016	Behind schedule	Update awaited
<p>➔ <b>Adopt the Maldon District Design Guide</b></p>	May 2017	Behind schedule	<p>The Maldon District Design Guide was approved by the Planning and Licensing Committee on 2 March 2017 for public consultation. The public consultation will start in Spring 2017 for six weeks, at the end of which the representations will be collated and fed into final revisions to be presented to the Council in</p>

Review of Performance 2016-17

<p>➔ <b>Work with partners to seek funding/bring forward flood relief projects for identified surface flooding risk areas in District</b></p>	<p><b>March 2018</b></p>	<p><b>Behind schedule</b></p>	<p>the Summer 2017.</p> <p>Progress continues to be made on the major flood relief schemes with the majority on track, some successful funding bids and further funding being sought.</p> <p>The following schemes are considered to be behind schedule:</p> <p><b>The North Heybridge Flood Relief Scheme (Funding application)</b> - Work is continuing with consultants Capita and the Environment Agency to finalise the business case. This work will continue into 2017-18, but with a view to achieving final submission for grant aid in early summer 2017.</p> <p><b>Maldon, Brickhouse Farm</b> - This project is being led by ECC and is progressing through the detailed design stage. It is understood that ECC are in discussion with their asset team regarding displacement of the allotments into another suitable area. Once available the detailed designs will be reported to Members before progressing to the planning application stage.</p>
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Review of Performance 2016-17

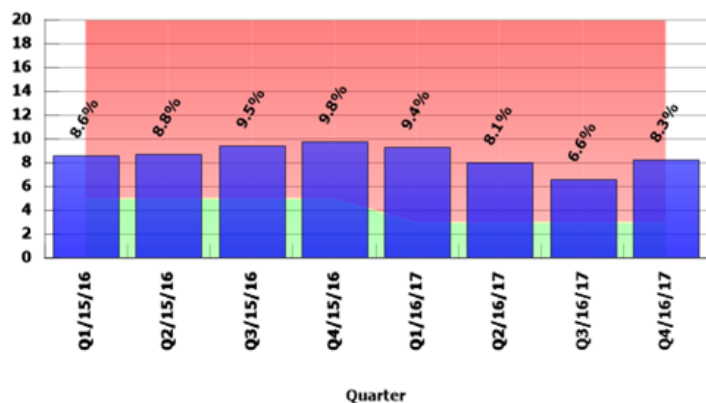
Indicators

Indicator	15/16 Actual	16/17 Target	Q3	Q4	Cumulative For the Year	On track to achieve annual target
➔ Percentage of major planning appeals allowed	9.8% *(for the 2 year minus 9 months period as per DCLG assessment re quality of decisions)	3%	6.6% (for the 2 year minus 9 months period as per DCLG assessment re quality of decisions)	8.33% (for the 2 year minus 9 months period as per DCLG assessment re quality of decisions)	N/A	No
➔ Percentage of all planning appeal decisions allowed	33%	33%	51.85%	46.43%	44.44%	No

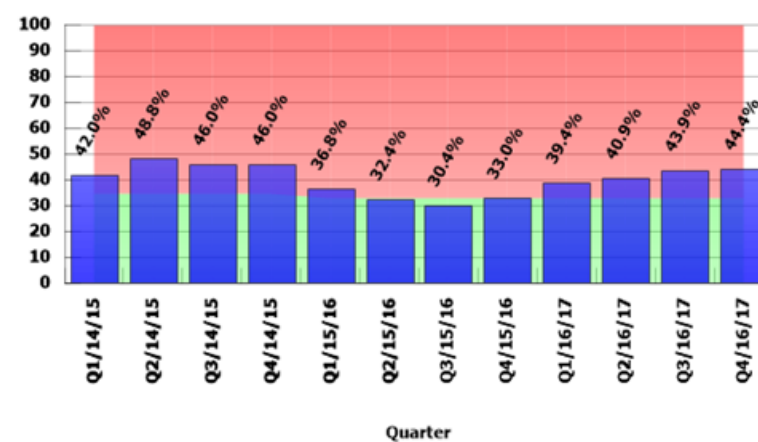
[Comment on current performance](#)

This is continually monitored using a rolling period of 2 years minus 9 months, to indicate performance leading up to the annual assessment undertaken by DCLG in January. Local authorities have been advised that the threshold for appeal decisions allowed will reduce to 10% for the 2018 assessment of whether an authority is under performing.

Percentage of major planning appeals allowed over the assessment period for the quality of decisions



Percentage of all planning appeals allowed

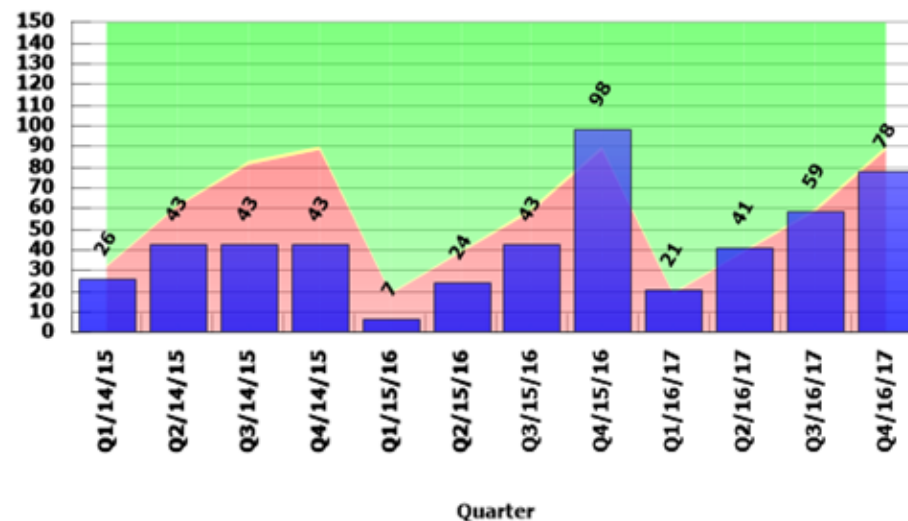


Review of Performance 2016-17

Indicator	15/16 Actual	16/17 Target	Q3	Q4	Cumulative For the Year	Annual target achieved
Total number of long term (i.e. longer than 6 months) empty homes in the District	195 as at 31/03/16 (of which 41 have been empty in excess of 5 years)	N/A	216 as at 31/12/16 (of which 44 have been empty in excess of 5 years)	219 as at 31/03/17 (of which 39 have been empty in excess of 5 years)	N/A	No
Number of long empty homes returned to use	98	90	18	19	78	

**Comment on current performance**

Having successfully tackled a backlog of empty homes in recent years, it has always been acknowledged that numbers of empty homes that could be returned to use in the future would reduce. For this reason the target of 90 for 2016/17, which was challenging has been reduced to 80 for 2017/18.



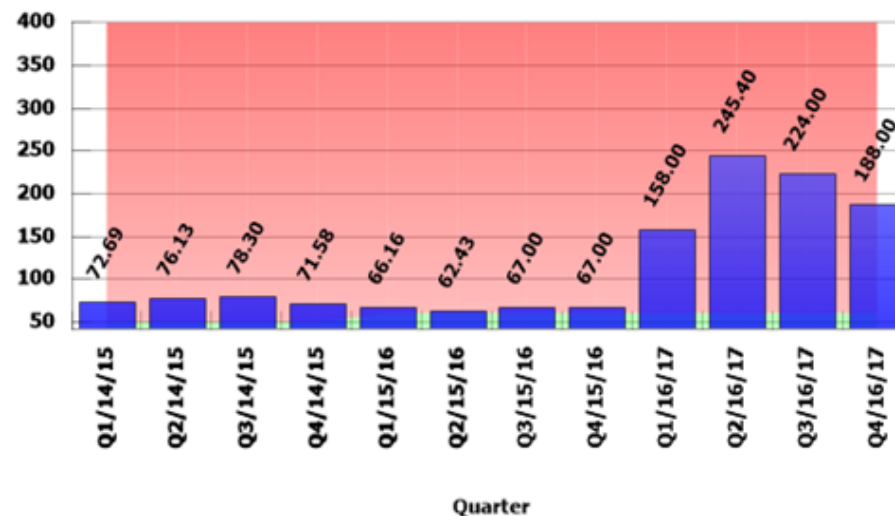
Review of Performance 2016-17

Indicator	15/16 Actual	16/17 Target	Q3	Q4	Cumulative For the Year	Annual target achieved
Number of missed collections per 100,000 collections	67/100,000*  2,337 actual missed Collections*  *As at end of December 2015	60/100,000	101/100,000  858 actual missed Collections	69.4/100,000  589 actual missed Collections	188/100,000  5,602 actual missed Collections  Figures relate to period from 6 <sup>th</sup> June – 31 <sup>st</sup> March	No

[Comment on current performance](#)

There were 589 justified missed bins recorded in Q4. This figure has reduced by 269 compared to the previous quarter, continuing the downward trend and should be viewed against over 16,000 collections per collection day

Page 176



Review of Performance 2016-17

**CORPORATE GOAL - CREATING OPPORTUNITIES FOR ECONOMIC GROWTH AND PROSPERITY**

<b>At Risk</b>	<b>Behind Schedule</b>	<b>On Track</b>	<b>Completed</b>
		<b>8</b>	

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
<b>None</b>			

Review of Performance 2016-17

Indicators

Indicator	15/16 Actual	16/17 Target	Q3	Q4	Cumulative For the Year	Annual target achieved
None						

Review of Performance 2016-17

**CORPORATE GOAL - DELIVERING GOOD QUALITY, COST EFFECTIVE AND VALUED SERVICES**

Key Corporate Activities contributing to this goal - 4				
Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
1		2	1	

Key Corporate Activities designated as “At Risk”, “Behind Schedule” or “Activity not being taken forward”	Target Date	Status	Comments	
<b>Implement Workforce Development Plan projects for 16/17:</b> - Implement Performance Review System - Implement HRIS and self service - Develop recruitment strategy - Review online jobs portal experience Introduce Total Reward Policy.	<b>March 2017</b>	<b>Performance Review System Complete</b>	Major projects implemented include the Performance Review process and the Core element of the HR Information System (HRIS). All key workforce data has been recorded on HRIS enabling more efficient day-to-day operational working within the HR team. In addition, it provides statistical analysis and reports.  These projects will continue to be a focus to ensure they are embedded within the Council.  Work has started on the recruitment strategy and the Total Reward Policy, but these have not been completed within the timescales originally stated in the Workforce Development Strategy due to factors such as changes in legislation and the Apprentice Levy. These activities are therefore being carried over to 17/18 and need to be worked on in parallel with the other factors.  The self-service end of HRIS is stalled for technical	
		<b>HRIS Core Complete</b>		<b>HRIS self service</b>  <b>Behind schedule</b>
		<b>Recruitment Strategy</b>  <b>Behind schedule</b>		
		<b>Online jobs portal experience</b>  <b>Complete</b>		

Review of Performance 2016-17

		<p><b>Total Reward Policy Behind schedule</b></p>	<p>reasons. We must be confident that the end user experience will be positive before this can be rolled out.</p>
<p><b>Implement the ICT Strategy projects for 16/17:</b></p> <ul style="list-style-type: none"> <li>- <b>implement the initial Customer Relationship Management (CRM) system</b></li> </ul>	<p><b>March 2017</b></p>	<p><b>Activity not being taken forward</b></p>	<p>The work to evaluate whether a CRM system is appropriate for MDC has been completed by the IT Manager and presented to CLT.</p> <p>A review of systems is being undertaken as part of the Transformation programme, following which the ICT Strategy will be reviewed. Any decision to purchase and implement a CRM system will be part of the wider transformation discussions so this project is now closed and the capital resources set aside for this has been rolled into the transformation budget.</p>
<p><b>Implement the Customer Strategy projects for 16/17:</b></p> <ul style="list-style-type: none"> <li>- <b>Approval of final Customer Strategy</b></li> <li>- <b>Implementation of new Automated 24 hour telephone payment service</b></li> <li>- <b>New Website</b></li> <li>- <b>Procurement of Customer Portal commenced</b></li> <li>- <b>New Self Service PCs installed in reception</b></li> <li>- <b>Public Access Wi-Fi in reception</b></li> <li>- <b>Reception design, incorporating Sense of Place Branding</b></li> <li>- <b>Corporate Feedback system approved</b></li> <li>- <b>Restructure of Customers Team</b></li> </ul>	<p><b>March 2017</b></p>	<p><b>Completed</b></p>	<p>A number of the 16/17 projects have been completed as follows:</p> <ul style="list-style-type: none"> <li>• Automated Telephone payment system fully embedded.</li> <li>• New website implemented.</li> <li>• Self-service PCs and public access Wi-Fi installed in reception.</li> <li>• Reception redesign completed to incorporate Sense of Place Branding.</li> </ul> <p>However, other projects originally scheduled to be completed in 16/17, which are being carried over to 17/18 (mainly due to decisions outside of the service's control), are as follows:</p> <ul style="list-style-type: none"> <li>• Customer Strategy - Internal Audit conclusions on Customer Strategy awaited (May 2017) before</li> </ul>

Review of Performance 2016-17

		<p><b>Behind schedule</b></p>	<p>final version going being submitted to Finance &amp; Corporate Services Committee for approval and adoption.</p> <ul style="list-style-type: none"> <li>• Project for procurement of Customer Portal paused by CLT and this will now be considered as part of a wider systems review through the Transformation Programme.</li> <li>• The Corporate Feedback system will be reviewed as part of the Customer Strategy.</li> <li>• The business case for the restructure of the Customers Team approved by CLT May 2017.</li> </ul>
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Review of Performance 2016-17

Indicator	15/16 Actual	15/16 Target	Q3	Q4	Cumulative For the Year	Annual target achieved
➔ of major planning applications acknowledged within 10 working days	New indicator 16/17	100%	76.47%	100%	89.47%	No
➔ of minor planning applications acknowledged within 5 working days	New indicator 16/17	100%	55.67%	87.65%	54.57%	No
➔ of other planning applications acknowledged within 5 working days	New indicator 16/17	100%	58.39%	75.52%	55.75%	No

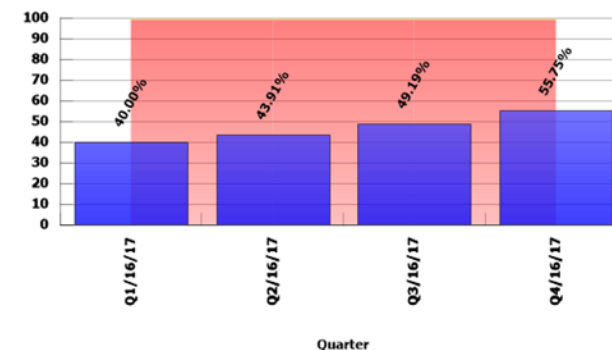
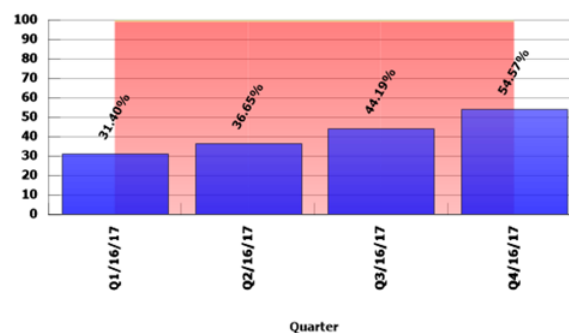
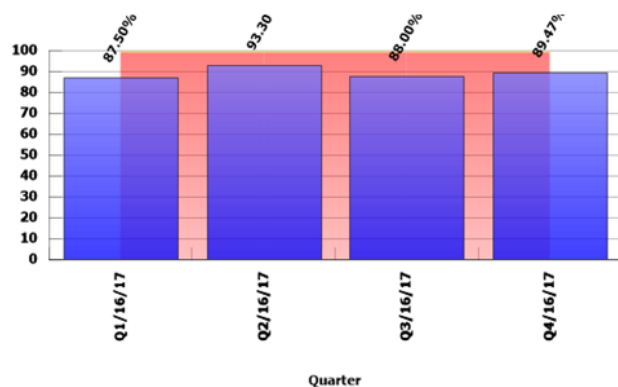
Comment on current performance

Work is being undertaken by an external consultant to review a number of aspects of the Planning Service, which includes looking at improving this area of performance.

% of major planning applications acknowledged within 10 working days

% of minor planning applications acknowledged within 5 working days

% of other planning applications acknowledged within 5 working days



Indicator	15/16 Actual	15/16 Target	Q3	Q4	Cumulative For the Year	Annual target achieved

Review of Performance 2016-17

Average number of days lost per (Full Time Equivalent) FTE due to sickness	12.42 days per FTE	7 days per FTE	<p>3.3 days per FTE</p> <ul style="list-style-type: none"> <li>• 1.31 days short term absence</li> <li>• 1.99 days long term absence</li> </ul>	<p>3.23 days per FTE</p> <ul style="list-style-type: none"> <li>• 1.55 days short term absence</li> <li>• 1.69 days long term absence</li> </ul>	<p>12.4 days per FTE</p> <ul style="list-style-type: none"> <li>• 5.32 days short term absence</li> <li>• 7.08 days long term absence</li> </ul>	No
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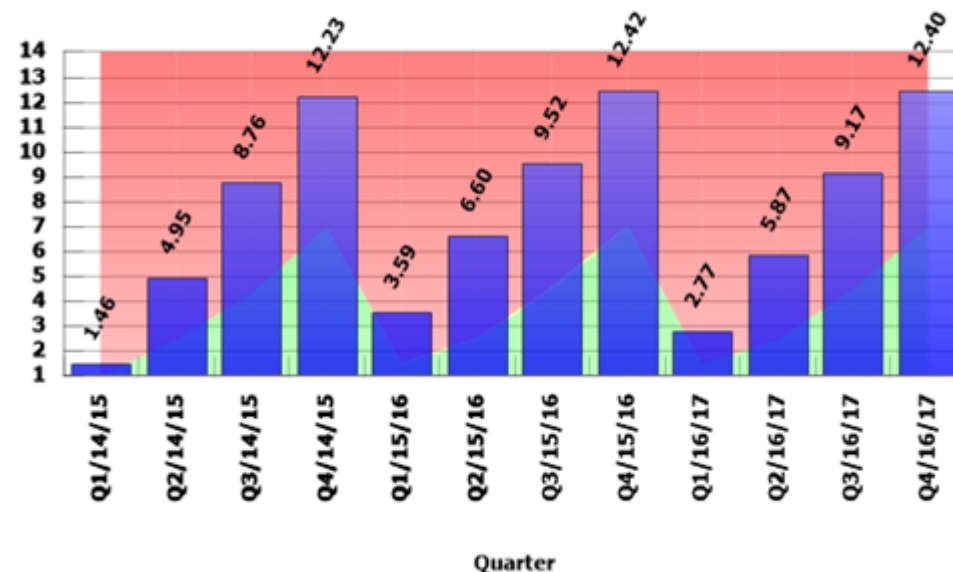
Comment on current performance

A slight increase in short term absence is usual during the winter months - 40% of short term absences in Q4 were due to "cold, flu and infectious diseases".

44% of long term absences for the year were due to stress, depression, anxiety or mental health related conditions (50% mainly work related, 50% mainly home related).

We are continuing to take proactive steps to help focus on wellbeing and manage stress and mental health issues in the workplace. A new Managing Work Related Stress policy was launched at the start of the year and all managers have received training on the new policy. In addition a Manager's Good Practice Guide to Managing Stress has also been produced and promoted. General stress management training was delivered last year and compulsory stress management training for managers is planned for Summer 2017. In November 2016 the People, Performance and Policy team collaborated with the Mind Body and Soul Group on national Stress Awareness Day where the support and resources available to staff were promoted. A stress and mental health resources area has also been set up on the intranet and is regularly promoted to staff.

For the year, the total number of days lost per FTE is 12.4 (5.32 short term and 7.08 long term).



Review of Performance 2016-17

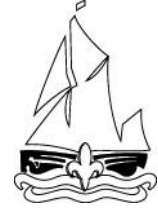
<p>The new MDC Managing Attendance Policy was approved by full Council in October. All line managers will receive sickness absence management training early in 2017. It is hoped that this will facilitate a reduction in average sickness absence levels.</p>	
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**Review of Performance 2016-17**  
**CORPORATE GOAL - FOCUSING ON KEY PROJECTS**

Key Projects contributing to this goal – 9					
Not started	Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
1	1	0	2	4	1

Key Corporate Activities designated as “At Risk”, “Behind Schedule”, “Activity not being taken forward” or “Not started”	Target Date	Status	Comments
Implement the agreed devolution agenda (subject to further agreement by Council)	March 2017	Activity not being taken forward	No further progress has been made in preparation and submission of a Greater Essex devolution bid to Government. This item has now been removed from our KCAs.
→ Explore options for provision of the future Building Control Service	March 2017	Behind schedule	The Building Control Manager was working with other adjacent local authorities to explore opportunities and to look at how resilience can be built into the service. Unfortunately, sick leave has delayed the process.  Also an external consultant has been brought in to review a number of aspects of the Planning Service; a comprehensive review of the options available to progress the BC service is part of this work.
Generate income through housing investment	Ongoing	Behind schedule	Detailed questions being drafted across services (Housing, Planning, Finance and Legal) to assist with assessing most appropriate options for exploring in more detail. Opportunity to link with plans for Community Led Housing and DCLG guidance that suggests legacy of grant funding could be a sustainable local vehicle for delivery of homes that meet local needs.
→ Maximise the benefits from the development of a new nuclear power station at Bradwell	Ongoing	Not started	The Council has recently been informed by EDF and CGN that the Department of Business, Energy & Industrial Strategy (BEIS) has confirmed that the nuclear regulators have been asked to begin the Generic Design Assessment (GDA) for the UK HPR1000 nuclear technology. This marks a first step in the process to seek permission to build a nuclear power station at Bradwell in Essex.

**Review of Performance 2016-17**



## **REPORT of CHIEF EXECUTIVE**

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to  
**PLANNING AND LICENSING COMMITTEE**  
**13 JUNE 2017**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 To seek endorsement of the above document for recommendation to the Council for adoption as part of its Constitution.

#### **2. RECOMMENDATIONS**

- (i) that this document is endorsed and the Council is recommended to adopt it as an annexe to the Constitution.
- (ii) that the Committee considers whether to recommend to the Council further action in respect of the last three bullet points in paragraph 3.4 of this report.

#### **3. AREA FOR DECISION / ACTION**

- 3.1 It is common practice now for local authorities to establish and publish as part of their constitutional documentation guidance on the conduct of planning matters. Alongside the need to ensure greater consistency and understanding of the various Planning processes, there is good reason to demonstrate to the public how the Council goes about fulfilling this role.
- 3.2 The intention of a Code of Good Practice/Guidance document is not only to set the scene but also to provide a framework for drawing together all relevant guidance, advice and adopted protocols relative to the Planning function. It is a reference document for both Members and Officers and will sit above the Manual / Toolkit being developed as an internal service document, the concept for which was established in the previous Planning Services Improvement Plan.
- 3.3 The proposed document is now attached as **APPENDIX 1** and is presented to the Committee for endorsement and recommendation to Council. The various appendices referred to in it already exist and will be added for publication purposes.
- 3.4 While for the most part the document draws on a range of advice issued centrally or by the Monitoring Officer, particularly on probity, and cross-references to the adopted

Local Code of Conduct for Councillors, there a few provisions that are worthy of emphasis or may require additional action -

- The overriding duty of Members to all the people of the District and to ensure that planning decisions reflect the interests of the District community as a whole.
- The issues of pre-determination and pre-disposition – the former to reflect the position as clarified in the Localism Act 2011.
- The need to confine declarations of interests to only those covered by the Local Code of Conduct.
- Clarity of the process to be followed where Members are minded to overturn an Officer recommendation.
- A provision that unless a Member has been present for the entire debate he/she should not vote on the matter. The Committee, if endorsing this, may wish to recommend to the Council that this provision is strengthened by a reference in Procedure Rules.
- Clarity of process around finalisation of the terms of reasons for refusal or conditions of approval after the meeting. It has been highlighted that there can be the need to review the precision of conditions in the event of the passage of time between a Committee decision and the issue of a decision notice consequent upon the completion of a Section 106 agreement (planning obligation). A suitable provision to cover these circumstances ought to be included in the Scheme of Delegation.
- The need to treat the Council’s own planning applications or applications affecting Council-owned land as any other and without any regard to any other interest the Council may have. In the light of this, the requirement that such applications be determined by the Council in the event of a proposed refusal seems to have little foundation and should be recommended for change in the Scheme of Delegation.

#### **4. IMPACT ON CORPORATE GOALS**

- 4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

#### **5. IMPLICATIONS**

- Impact on Customers** – This documentation will help demonstrate how the Council’s planning processes operate and how decisions are taken.
- Impact on Equalities** – None identified.
- Impact on Risk** – None identified.
- Impact on Resources (financial)** – None identified.

- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel.01621 875745).

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# **ANNEXE TO CONSTITUTION**

Part \_\_\_\_

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

**Draft February 2017**

**CONTENTS**

	<u>PAGE</u>
1. Background and Introduction	2
2. Councillors and Officers – Roles, Relationships and Conduct	2
3. Councillors’ Training	4
4. Probity in the Planning Process	4
5. Pre-Discussion and Lobbying	7
6. Planning Decision-Making and Related Processes	10
7. Development Proposals by the Council, Councillors and Officers	13
8. Planning Appeals	13
9. Committee Site Visits	14
10. Planning Obligations	14
11. Administration	15
12. Interpretation	15

## **1 BACKGROUND AND INTRODUCTION**

- 1.1 This document sets out the way in which the Maldon District Council (“the Council”) will discharge its planning functions and responsibilities, in particular the determination of planning applications and related matters. In this document, the term “Planning Committees” means the Area Planning Committees and/or the Planning and Licensing Committee. It will also apply to extraordinary meetings of the Council called to deal with defined strategic planning applications.
- 1.2 This document applies to Members and Officers at all times when involved in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers, the public and consultative meetings). It applies as equally to planning enforcement matters as it does to planning applications.
- 1.3 This Guidance supplements the Members’ Code of Conduct. It is unlikely that there will be any conflict between the two documents but, if there is, the provisions of the Members’ Code of Conduct will take precedence.
- 1.4 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the local planning authority, both planning officers and the planning committee, make, planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.
- 1.5 An important reference document is Probity in Planning for Councillors and Officers (April 2013) issued jointly by the Local Government Association and the Planning Advisory Service.

## **2 COUNCILLORS AND OFFICERS – ROLES, RELATIONSHIPS AND CONDUCT**

- 2.1 The successful operation of the planning system relies on mutual trust between Members and Officers, and an understanding of each other’s roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so. Councillors and Officers have different but complementary roles. While both serve the public in different ways, Councillors are elected and therefore have a responsibility towards the electorate. Officers are employed by and therefore responsible to the Council as a whole. It follows that although Officers will advise Councillors, both individually and collectively, they may only take instructions from the Council or a Committee. Officers are responsible for the implementation of decisions of the Council and its Committees.

- 2.2 Both Councillors and Officers are guided by codes of conduct. Councillors have signed up to the Council's own Local Code of Conduct and must have regard to and follow this in all their official actions. Breaches of the Code may result in complaints to the Council's Monitoring Officer who may decide to refer the matter to the Standards Committee. Should a breach of the Code be found, sanctions may be imposed on the Councillor concerned. Breaches of the code may also result in complaints of maladministration to the Local Government Ombudsman.
- 2.3 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of this Code may result in disciplinary action by the Institute. The Council also has in place a Code of Conduct for its staff. In addition to these Codes, its Council and Committee Procedural Rules govern the conduct of Council business, and the Protocol on Member/Officer Relations sets out in greater detail and provides guidance on how the working relationship between Councillors and Officers should operate.
- 2.4 Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view. Under the Local Government and Housing Act 1989 the Council is able to place restrictions on the outside activities of senior and other designated Officers, particularly in relation to membership of political parties and other Councils.
- 2.5 The Council's Local Development Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those of individuals or organisations. Councillors and Officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not doing so.
- 2.6 In dealing with planning applications, Councillors will be acting both as representatives of the people and also as decision makers, objectively considering all relevant issues and deciding upon them. Councillors will justifiably take into account matters of public concern, representations they have received and an assessment of what may or may not be appropriate for the area.
- 2.7 Not all planning decisions are a matter of planning law or policy. Many decisions required an element of judgment, and therefore Councillors need to retain a fair and open-minded approach to the decision making process. So too will Officers in determining applications under delegated powers. In addition, Officers through their professional responsibilities will be involved in the processing of planning applications including negotiating with and

providing assistance to applicants and their agents and also members of the public.

- 2.8 While Councillors may sense a particular responsibility to serve their Ward electors, they have an overriding duty to people of the Maldon District as a whole. It follows that since planning decisions are being taken on behalf of the Maldon District Council they must be reflective of the interests of the District community as a whole. The decision making process is covered in greater detail in section 6 of this document.

### **3 COUNCILLORS' TRAINING**

- 3.1 Planning is a complex area, and planning decisions are open to challenge both on appeal and in the courts. It has long been a constant theme of national advice, that all Councillors regardless of their experience should receive adequate training to assist them in the performance of their duties.
- 3.2 Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, mainly through briefing presentations by Officers at committee meetings. Officers will also arrange training on more specialised planning issues and all members of the Council will be encouraged to attend.

### **4 PROBITY IN THE PLANNING PROCESS**

- 4.1 Involvement in the planning process creates considerable potential for conflicts of interest, whether it is through an issue directly affecting a Councillor or an Officer, or indirectly in terms of family, friends or possibly an organisation with which he or she is associated. It is a fundamental principle that decisions should not be made by those who have a pecuniary interest in the outcome. This is vital to avoid public confidence in the planning system being eroded.
- 4.2 The general rule is that a Councillor or Officer should not use his or her position to further a private or personal interest, rather than the general public interest, or give grounds for any suspicion. The key issue is whether a member of the public would reasonably think that they might be influenced by their interest.
- 4.3 Councillors engaged in the determination of planning applications must ensure that they do not use their position improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

Pre-determination/Pre-disposition

- 4.4 Councillors taking planning decisions are required to have an ‘open mind’ and listen to all the evidence before taking a decision. The Localism Act 2011 (S25) provides Members with a degree of assurance should they wish to indicate their views in advance without fear of being regarded as having pre-determined the issue and subsequently excluded from the decision making. To do so may still indicate pre-judgment of the application and expose the Council to the possibility of legal challenge.
- 4.5 The intended effect of the Localism Act provision has still to be determined in the courts, but even if it were held to reduce the prospect of or prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Local Code of Conduct. Members should not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that Members hear all the evidence and representations prior to reaching a decision.
- 4.6 The concept of pre-determination is different to that of pre-disposition. While carefully wishing to avoid any show of bias of view, it is acceptable for a Member to indicate a view, even campaign, on planning issues in a general way. This is relevant where Members of a Planning Committee are also Parish/Town Councillors and where they may wish to contribute to a particular discussion at a more local level. Members must still avoid specific statements on how they will vote on individual planning applications or types of planning application prior to the relevant District Council Planning Committee meeting to avoid any impression of bias and pre-determination. If such statements have been made, they should declare an interest, withdraw and not take part in the debate or vote.
- 4.7 Councillors on a Planning Committee who are also members of Town or Parish Councils may speak and vote at Town or Parish and District levels if they are genuinely willing to listen to the later debate and weigh the considerations material to the later decision.

Interests and the Local Code of Conduct

- 4.8 Membership of another body would constitute a non-pecuniary interest, particularly if it is an organisation whose primary purpose is to lobby to promote or oppose planning proposals. Depending on the degree of involvement there is the prospect of fettering a Councillor’s discretion and limiting the ability to participate in the consideration and determination of a planning application.
- 4.9 Members of Planning Committees who are also Parish/Town Councillors should be aware of the potential repercussions of their involvement in the consideration of planning proposals at Parish/Town Council level. They should make it clear at that time that any views they may express, including the exercise of a vote, on the comments to be made to the District Council, can

only be based on the information available to the Parish/Town Council at the time.

- 4.10 Members of Planning Committees not affected by an interest through being Parish/Town Councillors are equally advised to take great care about responding to local opinion and publicly declaring a firm view on a proposal at an early stage. It is important that they do not ‘fetter their discretion’, but rather leave themselves free to reach a view at District Council level based on all the facts and information.
- 4.11 The Local Code of Conduct sets out requirements and guidance for Councillors, for the registration and declaration of interests. These must be followed scrupulously and Councillors should review the situation regularly. It must be borne in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct.
- 4.12 It is for the individual Councillor to decide whether he or she has an interest in any matter considered by a Planning Committee, and if so whether that interest is a pecuniary or non-pecuniary or other one. Councillors with a pecuniary interest must not speak or vote in the decision making process. The Local Code of Conduct explains the effect of interests on participation.
- 4.13 When declaring an interest at a committee meeting this should be done at the relevant point in the meeting or as soon during the consideration of the matter that the interest becomes apparent. Councillors should be clear and specific in identifying the item on the agenda in which they have an interest and if so the nature of that interest. Councillors do not need to declare interests that are not covered by the Code of Conduct, e.g. that they know the applicant, agent or an objector, or that they use the premises the subject of the application. If they feel that such an interest is material they should explain the nature and relevance of it.
- 4.14 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to Councillors or other Officers on them. An Officer with a personal or financial interest in a planning matter must withdraw from any relevant committee meeting whilst that matter is discussed. Planning Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

#### Gifts and Hospitality

- 4.15 Councillors and Officers should be very cautious about accepting gifts and hospitality and must follow their respective Codes of Conduct.

## 5 PRE-DISCUSSION AND LOBBYING

- 5.1 This theme is closely linked to issues covered in the previous Probity section. It is inevitable that Councillors will be subject to lobbying, particularly on planning applications. Again, it is emphasised that great care needs to be taken to maintain the integrity of the planning process, the Council, and the Councillor concerned. Lobbying can lead to the impartiality of a Councillor being called into question and could even cause public mistrust of the Council.

### Lobbying

- 5.2 Lobbying is an attempt to influence Councillors' views in order to achieve a particular decision. It can be by applicants, agents or objectors or by other Councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a Councillor being called into question.
- 5.3 Notwithstanding the provisions of s.25 of the Localism Act 2011 (as mentioned in 4.2 above) when being lobbied, Councillors, and members of a Planning Committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant Officer in order that their opinions can be included in the Officer's report to the Committee. If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at the Committee meeting.
- 5.4 A Committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a Member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that Member to argue convincingly when the Committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a disclosable or other pecuniary interest according to the Code of Conduct the proper course of action for such a Member would be to make an open declaration not to vote. However, this is a severe restriction on the Member's wish - duty, even – to represent the views of the electorate. Councillors should therefore generally avoid organising support for or opposition to a planning application and avoid lobbying other Councillors. Such actions can easily be misunderstood by parties to the application and by the public.
- 5.5 Councillors should not excessively lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how

to vote in advance of the meeting at which any planning decision is to be taken.

- 5.6 Councillors may often be asked by both applicants and objectors to visit application sites. Such visits may be valuable in gaining an understanding of the implications of proposals. It is important however that the parties are clear in the understanding that the reason for Councillors' involvement in this way is purely to gather information. An approved protocol for site visits organised by a Planning Committee is at Appendix 1.

Pre-application discussion

- 5.7 It is likely that in certain cases discussions will take place between potential applicants and Officers prior to the submission of a planning application. Such discussions may be beneficial in terms of applications being prepared for submission which can then proceed without delay to determination. Potential appeals may be avoided by good communication at an early stage of the process. Advice given should be consistent and based on the development plan and material considerations. An approved protocol for Pre-Application Discussions is at Appendix 2.
- 5.8 If Councillors receive information that is relevant to a prospective planning decision they must declare that information to the relevant planning officers and to the committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting. Where information has been provided to Councillors or Officers on a confidential basis, it shall not be disclosed to third parties.
- 5.9 Where Councillors are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job, they should make it clear to their clients that they cannot and will not use their position as a Councillor to influence the outcome of an application.
- 5.10 Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. If Councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay, Councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a Councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the Committee for determination.

Planning Enforcement

- 5.11 Councillors may also become involved in matters the subject of complaint or investigation, and on which enforcement or other legal action may be under consideration. In these circumstances Councillors are strongly advised to ensure that any action on their part does not prejudice the Council's position, that any enquiries on specific issues are restricted to matters of fact or general case progress, and acknowledge that enforcement cases will be dealt with in accordance with the Council's Planning Enforcement Policy (see Appendix 3).

Contact with Application Case Officer

- 5.12 Councillors will often need to contact the Planning Case Officer on development proposals. Contact should however be limited to requests for factual information and the seeking of advice on progress and the nature of consultation responses received. While Councillors are encouraged to discuss their concerns with Officers, they should not attempt to influence or pressure Officers in the making of particular recommendations. If a Councillor is unhappy with the way in which a case is progressing, the matter should be discussed with a senior officer of at least Team Leader level.
- 5.13 Officers should remain free of any outside influence to make recommendations on planning matters based on their own professional judgements and having regard to all material and other considerations. Councillors should not put improper pressure on Officers for a particular recommendation and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

Availability and Veracity of Information

- 5.14 Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if Councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if Councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the Committee meeting.

### Committee Decisions

- 6.1 All planning applications to be determined by a Committee will be the subject of comprehensive, written reports from Officers. These reports will describe the site and the proposal, relevant planning history, development plan policies and other material considerations including, where appropriate, national or local guidance, and also representations made by statutory consultees, local residents and other interested parties. They will also contain an assessment of the proposal against those considerations and a reasoned recommendation. Reports will contain all the relevant material known at the time when produced and published as part of the Agenda for a particular meeting. Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferment to obtain further information.
- 6.2 Sometimes applicants and objectors write directly to Committee Members, after the report has been published, commenting on the report or providing further material. If Planning Services have not been copied into the correspondence, Committee Members should forward any correspondence to the Case Officer.
- 6.3 Any information material to the decision-making process that is received subsequent to the publication of the Committee Agenda and no later than noon on the last working day prior to the meeting will be reported to the Committee at its meeting. At the meeting the Planning Officer will advise if the late material raises any matters which should be taken into account by the Committee. The Officer report and last-minute papers should be read and plans/photographs seen before decisions are made. Councillors will also have an opportunity to put questions to Officers and hear the views of their fellow Councillors, the Applicants and other third parties during the course of the debate.
- 6.4 The law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise (s54A, Town and Country Planning Act, 1990). The Development Plan is therefore the starting point of the decision making process. Proposals having been identified as amounting to a departure from the Development Plan need to be advertised as such. An Officer recommendation to approve contrary to the Development Plan would need to be justified in the most careful terms, and if the Committee is mindful to approve then the application may then need to be referred to the Secretary of State.
- 6.5 Planning decisions will not always be dictated by planning law or policy. They will sometimes be matters of fine judgment where the balancing of considerations may be difficult. The Officer's report and recommendation will be founded on adopted planning policy and guidance. Planning Committee Members should take care, if expressing any opinion on the planning applications before them, that they confine their comments to matters which are material planning considerations. Regardless of any political group

discussion prior to the Committee meeting, Committee Members must consider applications on their merits and not simply feel bound by decisions made at group meetings. Committee Members cannot be “whipped” to vote in a particular way; this advice is supported by the Local Government Ombudsman. Any decisions taken in this way may be viewed as maladministration and could be subject to legal challenge.

- 6.6 Where Councillors disagree with the Officer recommendation a proposition can be made to overturn that recommendation. The Committee remains bound by law to make decisions in accordance with the Development Plan and all other material planning considerations. It will therefore need to demonstrate that this requirement has been met in its deliberations making clear what material considerations are leading it to a decision contrary to professional advice. Failure to do so could result in an appeal against the decision with potential for an award of costs against the Council in the event that unreasonable behavior on its part is found. It could also render a decision subject to legal challenge (judicial review).
- 6.7 A proposition contrary to an Officer recommendation, together with the reasoning behind it, needs to be clearly presented and will be recorded in the Minutes. It must then be seconded. Before any debate, the Chairman shall afford the Officers an opportunity to respond to the proposition by way of advice on the implications in terms of risk. Depending on the circumstances and complexity of the case it may be that Officers will need to consider those implications in greater detail and report back. Any proposal for deferment must be disposed of ahead of any conclusion being reached on the decision itself. The Chairman will summarise, or cause to be summarised, the salient points of the debate and will seek to ensure the terms of the proposition are clearly understood before putting the matter to the vote.
- 6.8 Whilst the Committee must clearly set out the reasons for its decisions contrary to Officer recommendations the final drafting of conditions and reasons will normally be carried out by Officers. Reasons for refusal must be clear, unambiguous and justified by the evidence of the case. Conditions attached to permissions should be necessary, relevant to planning and the proposed development, enforceable, precise and reasonable in all other respects. The text of non-standard conditions and reasons will be determined by the Director of Planning and Regulatory Services in consultation with the Committee Chairman (or Vice Chairman in his/her absence) following the meeting. The same mechanism will be used for the updating of any conditions required through the passage of time between a Committee decision and the issue of a decision notice consequent upon completion of a S106 agreement/planning obligation.
- 6.9 During Committee Meetings, everything said may be scrutinised by Applicants, objectors, legal advisers and the Press, so Councillors and Officers should be circumspect. Councillors who serve on a Planning Committee should ensure they do not speak to members of the public, or pass or accept notes from them, during the course of a meeting. Councillors who leave the room during the Meeting should avoid speaking to any Applicants or

objectors/supporters who may be waiting outside the room. Councillors who leave the room during debate or whilst an application is before the Committee will not take part in the debate or vote on that application.

- 6.10 Given the nature of the decisions to be taken it is vital that means by which decisions are reached are clear and understood by everyone present. The role of the Chairman is therefore important. Although the Council's Procedure Rules allow decisions to be reached through general assent of the Councillors present at a meeting, best practice with regard to decisions on Planning Applications suggests that a show of hands is far preferable.

#### Decisions delegated to Officers

- 6.11 Not all decisions on planning applications and related matters will be taken by a Committee. The Council has agreed, and will keep under review, a Scheme of Delegation (alongside the Terms of Reference of Committees) which enables decisions to be taken by responsible Officers. Decisions taken under delegated powers will be subject to the same process and analysis of the facts and all material considerations as if they were referred to a Committee for determination. A statement to support each delegated decision will be produced and placed on the case file as a matter of record and also for the benefit of interested Councillors and the public.
- 6.12 Officers take instructions from Councillors only through a decision of the Council or one of its Committees. In the exercise of delegated powers, Officers may in certain cases be required to consult with individual Councillors, and take the views of those individual Councillors into consideration. Officers must always act impartially and advise the Council according to their own professional opinion.

#### Deferments

- 6.13 A decision on an application should not be deferred without proper justification. For example, the justification might be to ensure that all the proper information is to hand and this might include a site visit. The reason for requesting a deferment must be clearly set out by the proposer and recorded in the Minutes.

#### Public Attendance at Committee Meetings

- 6.14 All planning applications referred to a Committee for determination will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for not disclosing or publishing 'exempt information' in accordance with the Local Government Act 1972. Applicants, agents and members of the public, representatives of Parish/Town Councils may speak on planning applications being considered at the meeting. The Council's public participation scheme is at Appendix 5.

## **7 DEVELOPMENT PROPOSALS BY THE COUNCIL, COUNCILLORS AND OFFICERS**

- 7.1 Committee Terms of Reference provide for the determination of planning applications for the District Council's own development or affecting Council land and applications submitted by Council Members or Officers, by a Planning Committee rather than under delegated powers.
- 7.2 Such applications will be treated no differently to any other application and the requirements of the Town and Country Planning legislation and ministerial guidance will be followed in the usual way. Officer recommendations and Committee decisions will be made strictly on planning merits without regard to any financial or other gain which might accrue to the Council if the development is permitted, or to other issues which may need more properly to be considered by another Committee of the Council. It is important that the Council not only treats, but is seen to treat such applications the same as any other.
- 7.3 Councillors or Officers proposing to submit a planning application should notify the Monitoring Officer. If a Councillor or Officer submits a planning application, they should take no part in its processing by the authority at any point. It is important that neither Councillors nor Officers take any part in the preparation of Local Development Plan policy or supplementary planning guidance they may influence, or be seen as influencing, with a view to future planning proposals they may wish to submit.

## **8 PLANNING APPEALS**

- 8.1 A Planning Appeals Protocol has been approved and is at Appendix 6. In the event of a decision taken to refuse contrary to the recommendation of the Director of Planning and Regulatory Services, the Committee may nominate a Member to assist in agreeing the precise reasons for refusal and with the preparation and presentation of the Council's case should the decision be appealed.
- 8.2 As referred to earlier, Officers must always act impartially and advise the Council of their professional opinion. Chartered Town Planners are obliged to follow the Royal Town Planning Institute's Code of Professional Conduct. Whilst Chartered Town Planners appearing as the Council's expert witnesses at planning inquiries and hearings have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with that Code.
- 8.3 The Council is at risk of an award of costs against it if the Planning Inspector finds that there has been unreasonable behaviour. Common examples of unreasonable behaviour are failure to comply with procedural requirements for inquiries or hearings, failure to provide planning evidence to support reasons for refusal, and failure to take into account relevant policy statements in departmental guidance.

## **9 COMMITTEE SITE VISITS**

- 9.1 Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to assess from the plans and any supporting material, including any photographs taken by Officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed guidelines set out in Appendix 1 to this document.
- 9.2 Site visits are not part of the formal committee proceedings and are not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

## **10 PLANNING OBLIGATIONS**

- 10.1 Under section 106 of the Town and Country Planning Act 1990, the Council as local planning authority may seek planning obligations in connection with grant of planning permission. Planning Obligations may be given by way of unilateral undertaking or agreement, and for the most part will regulate the use or development of land as distinct from the controls that may be available through the imposition of planning conditions. In addition, they may be used to secure off-site improvements or financial contributions towards local infrastructure provision.
- 10.2 To avoid any public mistrust or suspicion, it is important that arrangements in connection with planning obligations are operated in accordance with the principle that planning permission may not be bought or sold. The Council must conduct any negotiations and arrangements in a way which is seen to be fair, open and reasonable.
- 10.3 If a planning obligation is created in isolation or before a planning application is determined, a copy will be placed as required in Part 1 of the statutory Planning Register and therefore made available for public inspection. Similarly, if a planning obligation is created following determination of an application, a copy will be placed in Part 2 of the Register.

## **11 ADMINISTRATION**

Monitoring of Decisions

- 11.1 The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, Councillors will visit a sample of implemented planning permissions to assess the quality of the decisions. The committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where Officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to Councillors along with any recommendations to improve quality, consistency or performance.

Records management

- 11.2 The planning application files should be complete and accurate containing sufficient information and a record of events so that the decision and the process leading to it can be easily understood. Only "background papers" as defined in the Local Government Act 1972 (and listed in committee reports) are automatically available to the public. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under Officers' delegated powers. Such decisions should be as well documented and recorded in the same way as those taken by Committees. These principles apply equally to enforcement and development plan and associated policy matters.

Complaints

- 11.3 Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedures. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation, although Officers will explain the reasons for the Council's decision in such a case.

**12 INTERPRETATION**

- 12.1 The Chief Executive, Legal and Democratic Services Manager and Director of Planning and Regulatory Services, as appropriate, will provide advice or clarification on any matters of a planning nature contained within this document or otherwise. Issues of probity or otherwise requiring interpretation should be referred to the Monitoring Officer.

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## REPORT of CHIEF EXECUTIVE

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to  
PLANNING AND LICENSING COMMITTEE  
13 JUNE 2017

### COUNCIL CONSTITUTION – PLANNING APPLICATIONS FOR DEVELOPMENT OF STRATEGIC INTEREST AND VARIATIONS TO PLANNING OBLIGATIONS

#### 1. PURPOSE OF THE REPORT

- 1.1 To consider and recommend to the Council a revision to the terms of reference of the Area Planning Committees in relation to the above categories of development. Although principally for clarity, if agreed this will put beyond any doubt any issues of interpretation of the existing provisions. The Committee is also asked to consider and recommend the introduction of a provision within the Scheme of Delegation that deals with variations to Planning Obligations

#### 2. RECOMMENDATION

- (i) That the Council is recommended to agree that the following wording is 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 the Council is recommended to agree 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 S106 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.*

#### 3. AREA FOR DECISION / ACTION

- 3.1 The Provisos to the Terms of Reference of the Area Planning Committees include arrangements for the convening of extraordinary meetings of the Council to consider and determine planning applications for ‘Development of Strategic Interest’. The effect of this Proviso is to create a ‘by exception’ category of planning application

which in normal circumstances would be determined by an Area Committee.

- 3.2 The question has arisen whether, subsequent to the principle of the development having been dealt with, the consideration of reserved matters and applications for the variation of conditions should follow the same route and be referred to an extraordinary meeting of the Council. In the Scheme of Delegation, provision is made at paragraph 10 that where an application has been determined by a Committee, and unless otherwise required by the determining Committee, the approval of reserved matters and matters the subject of conditions to be dealt with by Officers. There is no qualification here in relation to type or scale, and the only constraint on the exercise of delegated powers would be the Ward Member Call-In or the 'Parish Trigger'.
- 3.3 Officers share the view that logic suggests that the same provisions would apply to the category of Development of Strategic Interest, and therefore for the avoidance of any doubt over interpretation it is proposed that the following wording be added to Proviso 5 to the Terms of Reference of the Area Planning Committees:
- For the purposes of this Proviso "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.*
- 3.4 It must be noted that this inclusion is only for clarity and does not alter the existing level of delegation or requirements for an application to go before an extraordinary meetings of the Council.
- 3.5 It has come to the attention of Officers that there is no clear provision with the Constitutional arrangements for how to deal with variations to Planning Obligations (S106 Agreements and Unilateral Undertakings). The requirement for a Planning Obligation in the first place will normally be linked to the determination of a planning application and this will be dealt with at the level at which the relevant application is determined. The one exception to this is where proposals require a Planning Obligation, or a variation of a Planning Obligation, to secure the payment of monies to the Council. Such proposals will then be referred to an Area Planning Committee.
- 3.6 The Constitution is however silent on the determination of requests for the variation of Planning Obligations that are received independent of a planning application. In many respects the matters to be considered here are akin to variations to conditions, and have no direct bearing on the principle of development whether strategic, major or minor. It is therefore considered appropriate for these matters to be dealt with by Officers under delegated powers, subject to the usual constraints that exist. The existing exception where Planning Obligations require the securing of the payment of monies to the Council can be extended to variations of Planning Obligations received without a linked planning application to consider.

- 3.7 The current silence on this matter has resulted in a number of very minor amendments to existing legal agreements having to go before various planning committees recently. This has included, for example, the relocation of a one way sign required by the Highway Authority.

#### **4. IMPACT ON CORPORATE GOALS**

- 3.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

#### **5. IMPLICATIONS**

- (i) **Impact on Customers** – This helps demonstrate how the Council’s planning processes operate and how decisions are taken.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel.01621 875745).

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