



**MINUTES of
COUNCIL (EXTRAORDINARY)
17 MAY 2018**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	Mrs B F Acevedo, E L Bamford, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, R P F Dewick, M F L Durham, CC, A S Fluker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, M R Pearlman, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson

66. CHAIRMAN'S NOTICES

The Chairman referred to the notices shown on the agenda.

67. APOLOGIES FOR ABSENCE.

Apologies of absence had been received from Councillors J P F Archer, A T Cain, Mrs H E Elliott, P G L Elliott, Mrs B D Harker, B E Harker, R Pratt, D M Sismey and Miss S White.

68. DISCLOSURE OF INTERESTS

Councillor N R Pudney declared a non-pecuniary interest in Agenda Item 10 – Llys Helig Update as he was a member of the Crouch Harbour Authority and on advice would leave the chamber for consideration of this item.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council on matters associated with planning applications, highways etc. She also advised that she would be leaving the chamber in respect of Agenda Item 10 – Llys Helig Update as she was on the Crouch Harbour Advisory Committee.

Councillor J V Keyes disclosed a non-pecuniary interest in Agenda Item 4 MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham, Essex as he sat on Great Totham Parish Council and knew some of the objectors.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, relating to any items pertaining to that Authority.

69. MLA/MAL/17/00582 - LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM, ESSEX

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update.

Application Number	MLA/MAL/17/00582
Location	Land Opposite 34 Hall Road Great Totham Essex
Proposal	Application to the part relinquishing of Section 52 Agreement (MAL/408/84) dated 10/10/1984 relating to land at the rear of Seagers and Millways
Applicant	Mr M Payne - J & M Developers
Agent	Miss A Lai - Smart Planning Ltd
Target Decision Date	08 February 2018
Case Officer	Mark Woodger, TEL: 01621 875851
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	No scheme of delegation applies.

It was noted from the Members' Update that an email had been circulated to all Councillors by Great Totham Parish Council and two further letters of representation had been received.

Following the Officers' presentation, an objector, Mr Garood, Councillor F A Delderfield on behalf of Great Totham Parish Council and the Agent, Mr Forde of Smart Planning addressed the Committee.

The Leader of the Council referred Members to a number of legal points which he felt the Council needed to be fully appraised of before it considered and made a decision in respect of this planning application. He therefore proposed that the Council go into private session to consider the information detailed in Appendix 1 to the report. This proposal was duly seconded and agreed.

70. EXCLUSION OF PUBLIC AND PRESS

It was proposed, seconded and duly **RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the specific purpose of the consideration of Appendix 1 to the report associated with consideration of planning application MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham, Essex (Agenda Item 4) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

71. ADJOURNMENT OF THE MEETING

The Chairman declared that the meeting be adjourned.

RESOLVED that the meeting be adjourned to allow the public and press to leave the Chamber.

72. RESUMPTION OF BUSINESS IN CLOSED SESSION

The Chairman called the meeting back to order.

RESOLVED that the extraordinary meeting of the Council resumes at 7:51pm in closed session.

73. MLA/MAL/17/00582 - LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM

The Council considered Appendix 1 to the report of the Director of Planning and Regulatory Services relating to planning application MLA/FUL/17/00582 – Land Opposite 34 Hall Road, Great Totham.

A lengthy debate ensued, during which advice was provided by the Senior Solicitor in response to a number of queries / comments raised by Members.

The Chairman then proposed that prior to resuming the meeting in open session that the meeting be adjourned for five minutes and reconvene at 9:10pm. This was duly agreed.

74. ADJOURNMENT OF THE MEETING

The Chairman declared that the meeting be adjourned.

RESOLVED that the meeting be adjourned until 9:10pm.

75. RESUMPTION OF BUSINESS IN CLOSED SESSION

The Chairman called the meeting back to order.

RESOLVED that the extraordinary meeting of the Council resumes at 9:10pm in closed session.

76. RESUMPTION IN OPEN SESSION

RESOLVED that the extraordinary meeting of the Council continues in open session for further consideration of Agenda Item 4 – MLA/MAL/17/00582 Land Opposite 34 Hall Road, Great Totham, Essex.

77. ADJOURNMENT OF THE MEETING

The Chairman declared that the meeting be adjourned.

RESOLVED that the extraordinary meeting of the Council be adjourned at 9:11pm to allow the members of the public and press in attendance to rejoin the meeting.

78. RESUMPTION OF BUSINESS IN OPEN SESSION

The Chairman called the meeting back to order.

RESOLVED that the extraordinary meeting of the Council be resumed at 9:13pm in open session.

79. MLA/MAL/17/00582 - LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM (CONTINUED)

The Development Management Team Leader provided a brief resume of the planning application and the recommendations of Officers.

The Senior Solicitor reminded Members at this point of Section 84 of the Law of Property Act and in particular ‘upper chamber’ which can formally / legally remove a restriction if they consider the restriction impedes some reasonable user of land. He advised that this should be considered by the Council.

The Chairman then proposed recommendation (i) be agreed as set out in the report to the Council. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor S J Savage requested a recorded vote. This was duly seconded by Councillor M W Helm.

The Council then voted on recommendation (i) as set out in the report as follows:

For the recommendation:

Councillors Mrs B F Acevedo, E L Bamford, B S Beale, R G Boyce, R P F Dewick, M F L Durham, A S Fluker, M S Heard, H M Helm, J V Keyes, Miss M R Lewis, M R Pearlman, N R Pudney, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson.

Against the recommendation:

None

Abstention:

Councillors H M Bass, Mrs P A Channer and S J Savage.

Recommendation (i) was therefore agreed.

Councillor Miss M R Lewis proposed that recommendation (ii) as set out in the report not be accepted. This was duly seconded and the voting was as follows:

For the recommendation:

Councillors Mrs B F Acevedo, E L Bamford, B S Beale, R G Boyce, Mrs P A Channer, R P F Dewick, M S Heard, H M Helm, J V Keyes,

Miss M R Lewis, M R Pearlman, N R Pudney, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson.

Against the recommendation:

None

Abstention:

Councillors H M Bass, M F L Durham and A S Fluker.

Recommendation (ii) was therefore not agreed along with the variation to the Section 52 Agreement.

RESOLVED

- (i) the Local Planning Authority resolves to refuse to determine the application for the variation of a legal agreement pursuant to Section 106A of the Town and Country Planning Act 1990;
- (ii) the Local Planning Authority resolves not to voluntarily vary the existing Section 52 Agreement because the covenant about non-development still had a planning purpose on the grounds that the land was outside the development boundary.

80. RESTRUCTURE OF PLANNING COMMITTEES

The Council considered the report of the Director of Planning and Regulatory Services providing feedback on changes to the demand on the three Area Planning Committees as the Local Development Plan (LDP) was embedded and provided options for consideration regarding the future operation of these Area Planning Committees.

The report provided background information following the decision by the Council in November 2017 for a Member led review of the current arrangements. It was agreed that the results of this would be reported back to the Council no later than May 2018.

An analysis of data provided within the report was set out in Appendix 1 and Members were advised how this demonstrated that Council processes and Committees relating to planning decision had become more efficient in light of the adoption of the LDP and the changes recommended as part of the recent Committee structure review.

Members were advised that it would be necessary to consider the trends over a longer period to enable further analysis of the data to assist Members in making a fully informed decision. If agreed, it was proposed that a further report on this matter would therefore be brought to the September meeting of the Council.

RESOLVED

- (i) that Members note the data showing the changes to the demands on the three Area Planning Committees since November 2017;

- (ii) that Members undertake a further review of data in September 2018, and agree at that time, either:
 - a. continuation of the three Area Planning Committees
 - b. change to a single Planning Committee for the Maldon District. This would include:
 - proposed options for structure of single planning committee for all Members to take part in the planning process in their wards;
 - schedule for implementation.

81. COMMUNITY LED HOUSING - PROGRESS AND GRANT FUNDING

Prior to consideration of the report the following Members disclosed non-pecuniary interests in this item of business as a member of an Almshouse Trust

- Councillor R G Boyce
- Councillor Mrs P A Channer (as a member of the Henry Guilden Drake Trust)
- Councillor M W Helm
- Councillor S J Savage (as a member of two Almshouse Trusts)

The Council considered the report of the Director of Customers and Community providing Members with a progress update on the implementation of the Council's Community Led Housing programme. Members' approval was also sought for allocation of the capital funding in relation to this programme.

The report provided detailed background information regarding the Community Led Housing Programme. It was noted that the programme was beginning to gain interest beyond the initial community groups which helped to highlight the Council's commitment to meeting the District's need for affordable housing and its ability to innovate in order to achieve this and make best use of resources, including the engagement of local community groups.

The report set out a number of criteria which it was proposed should apply in respect of capital funding and would be useful to use as a head of terms for both Officers and partners as and when funds became available. It was noted that such heads of terms would not bind the Council in any way but would demonstrate its commitment to the government's plans to encourage Community Led Housing as a way to support local communities and diversify the way that homes are delivered.

RESOLVED

- (i) that Members note the progress and positive contribution that Community Led Housing contributes towards the reputation of the Council and local housing need; and
- (ii) that capital funding is set to a maximum of £30,000 per unit subject to meeting the criteria outlined in this report, availability of funds and the approval of the Council.

82. EXCLUSION OF PUBLIC AND PRESS

Councillor Mrs P A Channer reiterated her non-pecuniary interest in the following item of business and advised that in light of consistency she would be leaving the chamber.

It was proposed, seconded and duly **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 Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

In accordance with their earlier declarations, Councillors Mrs P A Channer and N R Pudney left the chamber at this point and did not return.

83. LLYS HELIG UPDATE

The Council considered the report of the Director of Customers and Community providing an update on progress in resolving the capsized vessel known as Llys Helig berthed on the foreshore in Burnham-on-Crouch and seeking Members' consideration of the future use of the mud berth.

Councillor A S Fluker proposed a revision to recommendation (iv) to include the Chairman of the Finance and Corporate Services Committee or Leader and Deputy Leader of the Council as he felt this decision should involve Members. This amendment was duly agreed.

The Director of Customers and Community provided the Council with further update on matters relating to the Llys Helig and responded to questions raised by Members.

RESOLVED

- (i) that authority is given to the Director of Customers and Community to seek planning consent to use the foreshore for the purpose of residential houseboats;
- (ii) that expressions of interest are to be sought from the market for the use of the foreshore for residential houseboat use;
- (iii) that the necessary procurement documentation is to be finalised as required (and as detailed within section 5.7.2 of the report) ready for issue;
- (iv) that Authority is given to the Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee or Leader and Deputy Leader of the Council to enter negotiations and agree the outcomes as detailed in section 5.4 of the report;
- (v) that Officer's report to Members at the next meeting or sooner (via extraordinary meeting) progress of the work streams identified within the report.

There being no further items of business the Chairman closed the meeting at 9.40 pm.

H M BASS
CHAIRMAN