



**MINUTES of
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016**

PRESENT

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

765. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda and requested that Members keep comment succinct due to the lengthy agenda to be dealt with.

766. APOLOGIES FOR ABSENCE

There were none.

767. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 12 November 2015, be received.

Minute 556 – Disclosure of Interests

Councillor S J Savage advised that his declaration should refer to Housing *Trust*.

Minute 561 - Rentplus

It was noted that the penultimate line of the first paragraph should read "... a proportion of *affordable* housing ...".

Minute 562 – Review of the Template Provided to a Parish or Town Council to Provide Comments on a Planning Application

It was noted that the third paragraph should read "...*was being looked at and ...*";

It was noted that reference to Appendix 2 in this Minute related to the Appendix to the report, which was not attached to the Minutes.

Minute 568 – Maldon District Council Response to the Local Plans Expert Panel Call for Evidence

It was noted that Appendix 1 referred to related to the Appendix to the report and was not attached to the Minutes.

RESOLVED

- (ii) that subject to the above amendments and clarification, the Minutes of the meeting of the Committee held on 12 November 2015 be approved and confirmed.

768. DISCLOSURE OF INTEREST

Councillor R G Boyce disclosed a non-pecuniary interest as a Member of Essex County Council, specifically in relation to Agenda Item 10 – Strengthening Communities. He also declared a non-pecuniary interest in Agenda Item 18 – Changes to National Planning Policy Consultation as he was a Member of an Almshouse Trust.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council in relation to any matters relating to the County Council but specifically in relation to Agenda Item 10 – Strengthening Communities and Agenda Item 13 – Heybridge Parish Council Neighbourhood Plan Area Application. She also declared the following non-pecuniary interests:

- Agenda Item 8 – River Blackwater Task and Finish Working Group Update – Member of the Kent and Essex Inshore Fisheries and Conservation Authority;
- Agenda Item 18 - Changes to National Planning Policy Consultation – Member of an Almshouse Trust.

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 18 – Changes to National Planning Policy Consultation as he was a Member of an Almshouse Trust.

769. PUBLIC PARTICIPATION

There was none.

770. REVIEW OF THE TEMPLATE PROVIDED TO A PARISH OR TOWN COUNCIL TO PROVIDE COMMENTS ON A PLANNING APPLICATION

The Committee considered the report of the Director of Planning and Regulatory Services to review the template to be completed by Town or Parish Councils to provide comments on a planning application. The Chairman advised Members that this item was about Town and Parish Councils using the standard template to help ensure that the Parish Trigger was accurately invoked. A review of this, and of the Parish Trigger itself, as part of the scheme of delegation and dealt with at Agenda Item 7, had been referred back to the Committee from the Council on 17 December 2015.

Members suggested that points 3i and 3ii should be transposed and renumbered 3 and 4. The Director of Planning and Regulatory Services would contact the Town and Parish Councils regarding the new template.

It was noted that the template could be returned electronically or as a hard copy, although the aim was that Town and Parish Councils used the new Public Access system once they have been provided appropriate training.

RESOLVED

- (i) that the template used for the consultation of the Parish and Town Councils (Appendix 2 to the report) be amended to reflect the above changes suggested by Members;
- (ii) that the contents of the report be noted.

RECOMMENDED

- (i) that the Parish Trigger will not be invoked if comments made by a Parish / Town Council are not received on the standard template.

771. REVIEW OF DELEGATION ARRANGEMENTS

The Committee considered the report of the Director of Planning and Regulatory Services on proposed changes to the existing planning delegation arrangements in terms of their impact on performance, in particular where the view of a Parish or Town Council is at variance with the Officer recommendation (known as the Parish Trigger), 'major' planning applications and where a planning application has previously been refused at an Area Planning Committee.

The Chairman reminded Members that following the previous Planning and Licensing Committee meeting there had been some issues raised on this matter which had been referred back by the Council 17 December 2015 for further review. The Director of Planning and Regulatory Services requested that rather than debate this matter he would welcome comments from Members and then he would be in a position to prepare a more comprehensive report for the next meeting of the Planning and Licensing Committee.

The Chairman advised the Committee that the Planning Services Improvement Plan (PSIP) group would discuss these matters and indicated that a meeting of the Chairman of the Planning Committees would then be convened to give Members an opportunity to express their views.

RESOLVED that Members give their comments on the review of delegation arrangements to the Director of Planning and Regulatory Services with a view to him preparing a comprehensive report to a future meeting of the Committee.

772. RIVER BLACKWATER TASK AND FINISH WORKING GROUP UPDATE

The Committee considered the report of the River Blackwater Task and Finish Working group which provided an overview of the discussions that have taken place at the most recent River Blackwater Task and Finish Working Group.

Members requested that a more specific timescale for reporting back to the Planning and Licensing Committee on matters that the Blackwater Task and Finish Working Group were working on was needed and this was requested for the next meeting. The Committee would then be in able to report back to the Maldon Harbour Commissioners to keep them informed in relation to Heybridge Creek.

In response to questions the Group Manager (Leisure, Tourism and Countryside) confirmed that he would report back to the Committee on:

- the estimate of the overall economic income generated by the river to be reported to the Committee within two working days;
- the contribution made by Colchester Borough Council to Maldon District Council for work carried out on its behalf by this Council's River Bailiff and how this was calculated to be reported to the Committee within two working days;
- changes in fishing legislation and whether enforcement would be by Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA) or by the Council's River Bailiff to be reported back to the next meeting of the Committee.

A question was asked about the omission of three public launch sites in Maldon from the map at Appendix 3 to the report showing Formal Launch Sites for personal water craft (PWCs) within the River Blackwater. The Group Manager (Leisure, Countryside and Tourism) advised that the launch sites shown were those that were formally authorised to launch power boats. However, he would check this point and revert to the Committee.

RESOLVED

- (i) that the update provided by the Blackwater Task and Finish Working Group on the management of Leases, Licences and Moorings (Appendix 1 to the report), be noted;
- (ii) that the Blackwater Task and Finish Working Group explores the impact of potential changes in fishing legislation on the upper Blackwater reporting back to this Committee at a later date;
- (iii) that a further report on Heybridge Creek be brought back to the Planning and Licensing Committee at a later date;
- (iv) that the report on River Enforcement (Appendix 2 to the report), be noted and that enforcement capability be increased through the purchase of two Personal Water Crafts and that external contributions are sought;

- (v) that a revised river enforcement policy is brought back to the Blackwater Task and Finish Working Group and the Planning and Licensing Committee for further consideration.

773. PROVISION OF TOURIST INFORMATION SERVICES - BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Customers and Community on the Provision of Tourist Information Services at Burnham-on Crouch which sought Member approval to enter into a short term agreement to allow Visitor information to be provided at premises within Burnham-on-Crouch.

The Group Manager (Leisure, Countryside and Tourism) advised the Committee that agreement was not being sought for a period longer than two years.

In response to a question regarding opening times of the Tourist Information Centre (TIC), Members were advised that it is perceived that Maldon is quieter than Burnham-on-Crouch on Sundays, but rotas would be looked at to see if it is feasible to open the Maldon TIC on Sundays.

Councillor P G L Elliott, a Ward Member for Burnham-on-Crouch endorsed the report and expressed his pleasure that the Committee recognises the importance of tourism to Burnham-on-Crouch. However, he said he would like Burnham Town Council's opinion to be taken into consideration on the provision of Tourist Information Services.

A comment was made that although Burnham-on-Crouch was the gateway to this area, tourism was wider ranging and extends to the whole of the Dengie.

RESOLVED:

- (i) that the Director of Customers and Community be authorised to enter into short term arrangements to provide a visitors information centre in Burnham-on-Crouch, in consultation with the Chairman of the Planning and Licensing Committee, the Director of Planning and Regulatory Services and Burnham-on-Crouch Town Council;
- (ii) that this Committee receives a further update detailing any arrangements that have been made and how the service will be monitored.

774. STRENGTHENING COMMUNITIES

The Committee considered the report of the Director of Customers and Community to appoint two Members from each of the Planning and Licensing Committee, the Community Services Committee and the Finance and Corporate Services Committee to the Strengthening Communities Task and Finish Working Group.

The Chairman asked if Members would like to volunteer to sit on this Group and Councillors H M Bass and E L Bamford put themselves forward. This was agreed by the Committee.

In response to a request for confirmation/clarification that there is no conflict with other groups involved in this area the Director of Customers and Community confirmed that that this must not happen and that he would liaise with the Strategic Housing Manager to ensure this.

RESOLVED

- (i) that Members note the content of this report and in particular the existing contribution made by this Council to the community through services provided;
- (ii) that Councillors H M Bass and E L Bamford be nominated as the two Members from the Planning and Licensing Committee to sit upon the Strengthening Communities Task and Finish Working Group.

775. EXTENSION OF SERVICE LEVEL AGREEMENT OF LICENSING SERVICES

The Committee considered the report of the Director of Planning and Regulatory Services to consider the extension of the service level agreement with Chelmsford City Council for the provision of licensing services from April 2016 for a further three years.

The Environmental Health and Licensing Manager advised Members that the current contract expired in March 2016, although it contained a provision to extend the contract for a further three years. A good value for money extension had been negotiated and it was preferred that this extension be entered into. In response to a question it was confirmed that this extension was permitted under Maldon District Council's procurement rules.

RESOLVED that the Service Level Agreement with Chelmsford City Council for the provision of licensing services be extended for three years from April 2016.

776. REVISED MALDON DISTRICT COUNCIL COMMUNITY LED PLANNING PROTOCOL

The Committee considered the report of the Director of Planning and Regulatory Services the purpose of which was to update the Maldon District Council Community Led Planning Protocol which was adopted by the Planning and Licensing Committee in January 2013 (Minute No. 738 refers). The updated Protocol was set out at Appendix 1 to the report.

Members were advised that the report was purely a revision to make it work more effectively. The revised parts were concerning the neighbourhood plan.

RESOLVED that the revised Community Led Planning Protocol (Appendix 1 to the report) be approved.

777. HEYBRIDGE PARISH COUNCIL NEIGHBOURHOOD PLAN AREA APPLICATION

The Committee considered the report of the Director of Planning and Regulatory Services the purpose of which was to make a decision on the appropriateness of the proposed Heybridge Neighbourhood Plan area boundary application in accordance with Section 61G(6) of the Localism Act 2011.

The Officer advised the Committee that there were a number of options to take this forward to Heybridge and Great Totham and these were explained in the report, however Option F was considered to be the best way forward. Heybridge and Great Totham Parish Councils were in agreement with Appendix 3 to the report which showed the preferred plan area excluding the garden suburb urban extension.

Concern was raised regarding the consultation of Ward Members when neighbourhood plans were being discussed. The Options had been circulated to the Parish Councils for consideration, however, the Ward Members were not aware of this. There was a general request that Ward Members be kept informed regarding any issues that would potentially affect their wards. The Director of Planning and Regulatory Services apologised for this oversight and it was agreed that members of staff would be updated on member/officer protocol to avoid this occurring in future.

In response to a question regarding the Parish Boundary, the Officer confirmed that there were currently no proposals to review the Parish Boundary.

A further question was asked regarding the boundaries of the neighbourhood plan and the fact that Goldhanger Sailing Club may be affected by the neighbourhood plan. The Officer confirmed that the matter had been advertised in accordance with statutory guidelines.

RESOLVED that the Heybridge Neighbourhood Planning Boundary is amended to exclude the area of the North Heybridge Garden Suburb as shown on the plan at Appendix 3 to the report, in accordance with Section 61G(6) of the Localism Act 2011.

778. RESPONSE TO THE REVIEW OF THE COMMUNITY INFRASTRUCTURE LEVY

The Committee received the report of the Director of Planning and Regulatory Services which included the drafted response to the consultation issued by the Department for Communities and Local Government (DCLG) in respect of a review of the Community Infrastructure Levy (CIL). The consultation commenced on 19 November 2015 and although responses were to be received by 24 December, the DCLG would continue to accept them up to 15 January 2016.

This was important, as it was the first comprehensive review since the start of CIL, and the particular issues the subject of the consultation and on which the review group was anticipated as being in a position to report by the end of April 2016 were set out in the report. The propose response to the consultation was set out in Appendix 1 to the report.

RESOLVED that the draft response to the Community Infrastructure Levy Review be approved and submitted to the Department for Communities and Local Government on Friday 15 January 2016.

779. MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN PROJECT BRIEF

The Committee considered the report of the Director of Planning and Regulatory Services presenting a project brief for the Maldon and Heybridge Central Area Masterplan. The Officer advised the Committee that the purpose of the project brief was to produce a masterplan framework and if this was agreed, then the project brief would go through the normal procurement process. The brief was set out at Appendix 1 to the report.

Councillor Mrs Channer declared a non-pecuniary interest in this Item, as a Member of Essex County Council which had given some funding for this project.

Concern was raised that similar work had previously been done with consultants on this area. The Director of Planning and Regulatory Services responded by advising Members that the purpose of the existing work would not be wasted and would be utilised to form a masterplan which can then be shaped into an action plan for the delivery of key projects. The Officer explained that the Project Brief in Appendix 1 outlined how the selected consultant will be required to building upon existing work and use this to inform the production of a spatial framework and an action plan for the Central Area.

RESOLVED that the Maldon and Heybridge Central Area Masterplan project brief be agreed.

780. MALDON DISTRICT DESIGN GUIDE PROJECT BRIEF

The Committee considered the report of the Director of Planning and Regulatory Services presenting a project brief for the production of a Maldon District Design Guide.

The Council had been using the Essex Design Guide to dated and the report set out the specific elements to be included the Maldon-specific Design Guide and where it would depart from the Essex Design Guide. The Project Brief at Appendix 1 to the report would be published with a view to the appointment of a suitable consultant to produce the new Guide.

In response to a question, the Officer confirmed that there will be a definable indication that this is a Maldon-specific Design Guide.

RESOLVED that the Maldon District Design Guide project brief be agreed.

781. MALDON DISTRICT COUNCIL RESPONSE TO THE CHELMSFORD LOCAL PLAN ISSUES AND OPTIONS CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services in response to the Chelmsford Local Plan Issues and Options Consultation. Chelmsford City Council (CCC) published the Chelmsford Local Plan Issues and Options consultation document in November 2015. The proposed response to the consultation was set out at Appendix 1 to the report.

The Officer summarised the keys issues of the Plan and advised the Committee that proposals for growth in areas close to the Maldon District were being carefully monitored to determine the potential impact of any such growth.

Members were greatly concerned about the impact that any growth, in particular in South Woodham Ferrers, would have upon the Maldon District.

The Committee highlighted the following concerns regarding the consultation document;

- The impact of retail expansion at South Woodham Ferrers on settlements in Maldon District, where any increase in retail provision in South Woodham Ferrers could inhibit the ability to locate new retail facilities in Maldon District.
- The impact of proposals for growth at South Woodham Ferrers and Rettendon Place on the local highways network, and in particular the impact on journey times for Maldon District residents travelling west towards the A130 and beyond. Concern was also raised regarding the impact of growth being proposed in the Danbury area on the local highway network.
- The impact of proposals for growth at South Woodham Ferrers and Rettendon Place on services and facilities such as education, healthcare, community facilities, recreation and leisure facilities, located in both districts and used by residents of both districts.
- The number of Traveller pitches which are proposed to be allocated in the new Local Plan. There is concern that this may not be a sufficient allocation to meet the need for traveller pitches in the CCC area.

Members were requested to let the Officer have any additional comments by Tuesday 19 January 2016 to enable a co-ordinated response to be prepared. These comments would be circulated to The Director of Planning and Regulatory Services, The Chairman and Vice-Chairman of the Planning and Licensing Committee, The Leader and the Leader of the Opposition to be agreed prior to submission to Chelmsford City Council.

RESOLVED that the proposed response to the Chelmsford Local Plan Issues and Options consultation document be approved subject to agreement of the final version by The Director of Planning and Regulatory Services in consultation with the Chairman and Vice-Chairman of this Committee, The Leader of the Council and the Leader of the Opposition prior to submission to Chelmsford City Council.

782. CHANGES TO NATIONAL PLANNING POLICY CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services the purpose of which was to seek the Committee's endorsement of the response to the Department for Communities and Local Government's (DCLG's) consultation on changes to national planning policy. The proposed response was set out at Appendix 1 to the report.

The Officer gave a brief summary of the changes to national planning policy and advised the Committee that the definition of affordable housing would change and this would in turn change the very nature of how affordable housing was provided. There was concern that starter homes would penalise our most vulnerable residents. There was concern that the proposed changes will leave a shortfall in the socially rented housing sector.

Concern was also raised regarding sheltered housing. The Maldon District had one of the highest percentages of retirees which will have a significant effect in the future. A point was made that it is the operators of sheltered housing that there is a shortage of, as any scheme could be turned into sheltered housing.

In response to a question regarding brownfield sites, the Officer advised that there were concerns that this had not been specified in the consultation and may not necessarily be the most sustainable locations.

Members were requested to let the Officer have any comments on the consultation and these comments would be circulated to The Director of Planning and Regulatory Services, The Chairman and Vice-Chairman of the Planning and Licensing Committee, the Leader and the Leader of the Opposition to be agreed prior to submission to the DCLG.

RESOLVED that the proposed response be approved subject to agreement of the final version by The Director of Planning and Regulatory Services in consultation with the Chairman and Vice-Chairman of this Committee, The Leader of the Council and the Leader of the Opposition prior to submission to the DCLG.

783. CHARGING FOR PREPARING, NEGOTIATING AND COMPLETING LEGAL AGREEMENTS RELATING TO PLANNING APPLICATIONS

The Committee considered the report of the Director of Planning and Regulatory Services, the purpose of which was to obtain agreement from Members in respect of the fees and charges made relating to the preparation, negotiation and completion of legal agreements which may be necessary in respect of approved planning applications.

The Officer advised the Committee that this was standard practice in other Local Authorities and the purpose of the report was to bring Maldon District Council in line with those other Local Authorities. If the Committee agreed to the principle, the report would then go to the Finance Committee for approval.

RESOLVED that the principle of charging for time taken in the preparation, negotiation and completion of legal agreements where such work is undertaken ‘in house’ be agreed.

784. UPDATE - ALLOCATION OF GRANTS FOR PRESERVATION, PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

The Committee considered the update report of the Director of Planning and Regulatory Services on the allocation of the 2015 – 2016 budget for historic building and historic area conservation work. This report provided a six month update from April 2015 to November 2015. Members were requested to agree the implementation of a recommendation made in an internal audit report that one of the standard conditions placed on all grant offers is no longer used.

RESOLVED

- (i) that the six month update of allocation of the Building Conservation Grant Schemes in the Environmental Initiatives Budget 2015 / 16 be noted;
- (ii) that the recommendation of an internal audit report; that future grant offer letters omit the reference to reclaiming the grant if the property is sold within three years, be agreed.

785. VALUE OF TOURISM TO THE LOCAL ECONOMY

The Committee considered the report of the Director of Customers and Community as the Council has set the corporate objective of ‘Making the Maldon District a destination of choice’ and through a variety of initiatives it supports the local tourism sector.

The report detailed the findings of the annual Value of Tourism to the Local Economy report and provides a brief overview of some of the work undertaken by the Tourist Information Centre (TIC) over last 12 months.

In response to a question, the Group Manager (Leisure, Countryside and Tourism) confirmed that the report for next year would highlight jobs and employment in more detail.

Members commented that the report stated that there was no impact on the environment. However, Members considered that the amount of visitors to the area had a significant impact on the environment in terms of increased footfall which would naturally create an impact. There was also natural erosion to footpaths etc. that would impact on the environment. Officers noted these comments.

In response to a question, as to whether Tourist Information Figures had been included in the report, the Group Manager (Leisure, Countryside and Tourism) would respond to the Committee with this information.

RESOLVED that the contents of this report be noted.

786. UPDATE ON APPEAL DECISIONS

The Committee received the report of the Director of Planning and Regulatory Services, the purpose of which was to inform the Committee of planning appeal performance on appeal decisions from April 2015 to October 2015.

It was brought to Members' attention that the success of defending appeals was 67% which was a reversal for Maldon District Council. Members congratulated the department on this good news. The Director of Planning and Regulatory Services advised that there were an unprecedented number of appeals.

There was some concern expressed as to planning inspectors starting appeals and then changing them to an informal inquiry. The Director of Planning and Regulatory Services advised that the process has recently changed and would email Members regarding analysis that the department had undertaken regarding planning appeals.

RESOLVED that the contents of this report be noted particularly in respect of the changes to Governments' threshold on performance from major planning appeals being lowered from 20% to 10%.

787. ECONOMIC DEVELOPMENT UPDATE

The Committee received the report of the Director of Planning and Regulatory Services on Economic Development. 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 and provide an opportunity for feedback and input.

Councillor Mrs P A Channer reminded Members that there was a workshop on Monday 18 January and hoped that Members would be able to attend.

Councillor P G L Elliott, Chairman of Maldon District Council, advised the Committee that the Business Awards have now been postponed until next year.

In response to a question regarding the amount spent on the Saltmarsh 75 route, the Director of Planning and Regulatory Services would look into this and revert to the Committee with details of the expenditure.

Councillor Bass requested that the various groups related to Bradwell Power Station be looked into as information was not being passed on to all Members. The Bradwell Legacy Partnership (BLP) and Bradwell Working Group (BWG) are still in existence. The BWG membership was agreed to be those members who could attend the BLP meetings. Councillor Mrs Channer advised that a report on the Bradwell Partnership would be presented to the next meeting of the Planning and Licensing Committee.

A question was asked regarding Chelmsford and Blackwater Navigation. This is an asset that is not being used. They do need some help and the landowner is willing to

get involved. The Leader advised that there was a recent meeting, however, the landowner was currently abroad for an extended period and this was temporarily on hold. Essex Waterways, the landowner, Members and Officers recently attended a very positive meeting at MDCs offices and there is ongoing dialogue with the landowner.

RESOLVED that the contents of the report be noted.

There being no further items of business the Chairman closed the meeting at 9.35 pm

MRS P A CHANNER, CC
CHAIRMAN